

Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 6:30 p.m. on October 10, 2006. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Mr. Sumter led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile (Arrived at 6:50 p.m.), Ms. Eberle, Mr. Levine, Mr. McKenzie, Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Deputy Mayor Ashley-Williams; Mr. Regan

Also present: Louis N. Rainone, Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

EXECUTIVE SESSION

Upon motion by Mr. McKenzie, seconded by Mr. Sumter, the following resolution was adopted as follows upon call of the roll:

WHEREAS, Section 8 of the Open Public Meetings Act, (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, as follows:

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
- 2 The general nature of the subject matter to be discussed is as follows:

Collective Bargaining & Litigation

- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The meeting resumed at 8:00 p.m.

Everyone present participated in the Pledge of Allegiance and Mr. Sumter led the Invocation.

The Township Clerk called the roll.

Present: Deputy Mayor Ashley-Williams (Left at 9:30 p.m.), Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Mr. Regan

Also present: Louis N. Rainone, Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PROCLAMATIONS/COMMENDATIONS

Honoring Corporal Phillip Rizzo (Office of Anti-Terrorism Training)

Mayor Levine and Mr. Vassanella presented the following commendation to Corporal Phillip Rizzo:

WHEREAS, The Community Anti-terrorism Training Institute has recognized **Corporal Phillip Rizzo** as an exceptional community volunteer anti-terrorism instructor for training over 300 other citizens in how to detect terrorism without using race or religion as indicators; and

WHEREAS, **Corporal Phillip Rizzo** was a leader in the citizens CAT Eyes anti-terrorism training project which empowers the average citizen to be more effective “eyes and ears” for law enforcement and help reduce racial biases; and

WHEREAS, **Corporal Phillip Rizzo** has taken a pro-active stand against terrorism and racism by teaching his fellow citizens how to detect the actual tools and techniques of terrorists,

NOW, THEREFORE, BE IT RESOLVED, that, I **Brian D. Levine, Mayor**, of the Township Of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and all of its residents congratulate and thank **CORPORAL PHILLIP RIZZO** for his superior achievements in the Township of Franklin through demonstrating true leadership among his fellow CAT Eyes Instructors, neighbors, family, and co-workers.

Retired Colonel Michael Licata, President of C.A.T. Eyes Program, presented Corporal Rizzo with a Master Instructor Certificate, Congratulations Letter from Congressman Holt and the Exceptional Volunteer Award.

Safe and Healthy Franklin Week

Mayor Levine and Ms. Eberle presented the following proclamation:

Whereas, fifty-five percent of New Jersey residents are obese or overweight, and

Whereas, Medical expenses for treating problems related to obesity in our state total billions annually, and

Whereas, New Jersey has reported the highest incidence in the nation in obesity among low-income kids aged 2-5 years, and

Whereas, The current generation of children in America may have shorter life expectancies than their parents, and

Whereas, The Township of Franklin will promote a Community Wellness Campaign, and

Whereas, This Community Wellness Campaign will be known as “Franklin Township – A Safe and Healthy Community”

Whereas, the goal of the campaign is to improve health, reduce health care costs related to obesity, and make Franklin Township a leader in community-based health and safety interventions, and

Whereas, the *Franklin Township – A Safe and Health Community* campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity, and inactivity issues for the Township of Franklin, and

Whereas, The Township of Franklin cares deeply about all of its citizens and the future health of its children,

Be It Resolved that I, Mayor Brian Levine, ask that all residents of this community join me in supporting the *Franklin Township – A Safe and Healthy Community* campaign; and

Be It Further Resolved that I encourage the residents of the Township of Franklin to participate in Franklin Township – A Safe and Healthy Community campaign activities to promote exercise, eating properly and living healthier and better lives and

Be It Further Resolved that I, Mayor Brian Levine, declare the Week of October 8th-14th, 2006 **Safe and Healthy Franklin Week**.

Crop Walk Day

Mayor Levine and Ms. Eberle presented the following proclamation:

WHEREAS, at the end of World War II many Christians wanted to share America's abundance with European war victims, and CROP and Church Service's first purpose was to gather wheat and other crops from American farms for shipment to Europe; and

WHEREAS, over the years Church World Service/CROP has increased its urban appeals while remaining in contact with its rural constituents and has moved from primarily providing resources for emergency relief to supporting long-range self-help programs emphasizing agricultural development, appropriate technology, water resource development, and primary health care; and

WHEREAS, the Annual Somerset Fall CROP WALK will be held on Sunday, October 15, 2006 in support of this organization to help our Community become aware of and concerned about hunger and its causes and its effects on all of us; and

WHEREAS, the Somerset Community CROP WALK for Hunger is in its 33rd year of an annual WALK for Hunger Awareness; and

WHEREAS, Somerset Presbyterian Church and St. Matthias Roman Catholic Church have been the long-time organizers of this WALK for Hunger Awareness, along with other participating houses of worship, and have raised over \$120,000.00; and

WHEREAS, the CROP WALK will raise funds to help stop hunger both locally through the Franklin Township Food Bank and globally;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR, on behalf of the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, do hereby proclaim Sunday, October 15, 2006 as "**CROP WALK DAY**" in Franklin Township, Somerset County and do urge the citizens to participate with Church World Service to support this WALK.

Deputy Mayor Wandra Ashley-Williams

Mayor Levine and Mr. McKenzie presented a plaque and the following commendation to Deputy Mayor Ashley-Williams:

WHEREAS, the Township of Franklin is benefited by citizens who contribute their time, talent and skills for the betterment of our community; and

WHEREAS, WANDRA L. ASHLEY-WILLIAMS has served the community of Franklin Township, Somerset County as Councilwoman-At-Large from January 1, 2004 to October 15, 2006; and

WHEREAS, during her tenure as a member of the Township Council, **WANDRA L. ASHLEY-WILLIAMS** served as Deputy Mayor from January 1, 2006 to October 15, 2006; and

WHEREAS, in addition to her duties on the Township Council, she has served in many capacities on boards and commissions, including: Board of Education Council Liaison; Library Board Council Liaison; Community Foundation, Inc. Committee; Public Relations & Cable TV Committee; Redevelopment Agency Council Representative; Administration Standing Committee; Human Relations Committee; Business & Industry Advisory Committee; and

WHEREAS, the time and talent dedicated to these various boards and commissions are merely a small indication of Wandra's dedication to this community and its residents and her desire and effort to keep Franklin Township a home in which all can be proud,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council, do hereby thank and commend **WANDRA L. ASHLEY-WILLIAMS** for her devotion and dedication to our community and its residents.

MAYOR'S REPORT

Mayor Levine made the following report:

- Welcome to those attending and TV viewers.
- Thanked the FTTV-25 volunteers.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Reminded that most all of their meetings are public. Council meetings are generally the 2nd and 4th Tuesday of the month. The public is invited and encouraged to attend. See listings on FTTV-25 and the Township website. In regards to the Township's website – one can sign up for updates of meetings, minutes, etc. and view the agenda and all ordinances and resolutions pending. If you would like to volunteer for any boards, commissions, etc., one can call or write to them.
- Announced that the Mayor's Blog offered by the Home News Tribune on Thnt.com. He stated he would periodically list happenings and opinions on the Home News Tribune blog. He invited comments, answers and suggestions.
- On a personal note, he announced that he was wearing his Rutgers pin in honor of the great start to the football season accompanied with the great academics at Rutgers University.
- Announced Judge Green, Chief Judge in Franklin, is in the hospital and wished him a speedy recovery.

- Announced the tofu factory run by House Foods America had their ribbon cutting on October 4th. He stated that it brings “clean” (non-smokestack) manufacturing to Franklin.
- Announced that the Sisters Network held their annual walk last Saturday for Breast Cancer Awareness and Survivors. Stated it was the first year on Franklin and wished Bebe Major and other organizers well.
- Announced the Resource Center for Women held a vigil on Thursday, October 5th at the Somerset County Court House in Somerville to bring attention to domestic violence. Stated the Reverend Soaries was a speaker. Stated that he was asked to give the address from a government official. It was touching and emotional to see the standing silhouettes of women bearing their name that had dies as victims of domestic violence. Urges anyone in need or if they knew of someone who may be in need to contact the Resource Center for Women.
- Noted on Franklin’s diversity by announcing that in the last month, Franklin has had the following events: Many Church Denomination Services; Groundbreaking at the Moslem Mosque; Ribbon Cutting for the Jewish Temple Expansion; Navratri Festival; and Shinto ceremony at the House Foods Opening.

DEPUTY MAYOR’S REPORT

Deputy Mayor Ashley-Williams read the following proclamation for Breast Cancer Awareness Month:

WHEREAS, National Breast Cancer Awareness Month (NBCAM) educates women about the importance of early detection for breast cancer; and

WHEREAS, since NBCAM’s inception, mammography use has doubled, and breast cancer death rates have declined and still, many women do not utilize mammography at regular intervals; and

WHEREAS, in recognition of the fact that mammography is the best available method of detecting breast changes that may be cancer, long before physical symptoms can be seen or felt, and that breast cancer deaths could decline further if all women age 40 and older received mammograms at regular intervals,

I, **Wandra Ashley-Williams** on behalf of Mayor Levine and the Township Council of the **Township of Franklin**, do hereby proclaim October as National Breast Cancer Awareness Month and urge all women and their families in **Franklin Township** to get the facts about mammography.

Deputy Mayor Ashley-Williams expressed her concern regarding a memorandum from the Zoning Board regarding cellular antennas on the water tower. She stated that this issue needs to be addressed and she would like to see their explanation.

Deputy Mayor Ashley-Williams expressed her concerns regarding the open space tax and the burden it places on the taxpayers. She asked that residents look at the open space tax to determine if it needs to continue.

Mr. McKenzie announced there would be a Veterans Day Program held by the Township Council and the American Legion on November 11, 2006 at 10:00 a.m. at the Veteran’s Memorial. He reminded everyone that voter registration deadline is October 17, 2006. He announced that the State is preparing for a Flu Pandemic and that the supply of flu shots is low.

Ms. Danile announced that the Canal Walk Women's Club is holding their 1st Annual Fundraiser. She reported that former First Lady May Jo Cody will be the speaker. She announced that Office Depot's ribbon cutting ceremony is November 2nd.

COMMITTEE REPORTS

Deputy Mayor Ashley-Williams asked for a status report of the SCAP situation. Mr. Rainone advised that this matter is on-going litigation and should not be discussed.

Hamilton Street Business Community Committee

Mr. Vassanella reported that the Hamilton Street Business Community Committee met today and re-evaluated the proposed \$250,000 physical improvements to Hamilton Street. It was decided by a unanimous vote to install light posts on the west side from Hawthorne to Franklin Blvd. He reported that he would be serving on the Physical Improvements Sub-Committee.

Mr. Vassanella announced Costume Parade is October 28th and more information is on the website or at the Recreation Department.

Mr. Vassanella reported the HSBCC joined the Franklin Township Chamber of Commerce and is working on street speed signs that would be solar powered to slow speeding and calm traffic on Hamilton Street.

Public Safety Committee

Mr. Vassanella reported that the Public Safety Committee met last week with School Superintendent Westfield and Principal Wade. The meeting focused on how to deal with gang violence. Initiatives were discussed and they would reconvene the meeting in January.

Ms. Eberle announced that the memorandum from the Zoning Board regarding the cell tower was discussed by the Planning Board and was tabled.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ordinance #3647 – Provide for Municipal Housing Liaison

Ms. Ritchie asked for clarification of the ordinance. Mr. Daly replied that April Harbstreet has already been selected as the Municipal Housing Liaison. The Council on Affordable Housing requires that an ordinance be adopted and then a resolution be adopted appointing the Municipal Housing Liaison.

Resolution #06-456 – Support of Short and Long Term Roadway Improvements at the I-287/Easton Avenue Road Interchange Complex in Franklin and Piscataway Townships.

Mr. Sumter asked for clarification of the resolution. Mr. Daly replied that this resolution is follow-up to the Route 287 Committee and another endorsement of recommendations of the Committee.

Resolution #06-457 – Award Bid – Baker Chrysler Jeep Dodge – 2006 4SD Jeep Liberty – Amount Not to Exceed \$18,9160.00.

Ms. Ritchie requested that the aforesaid be removed from the consent agenda and be voted on separately.

Resolution #06-461 – Amend Contract – MSP Construction Corp. – Franklin Park Water Main Extension – Additional \$45,000.00 to include work as per Interlocal Services Agreement with North Brunswick.

Mr. Daly reported the aforesaid resolution is in conjunction the resolution authorizing the interlocal services agreement with North Brunswick. This resolution amends the contract to include the work for North Brunswick and is at no additional cost to the Township.

Appointments

Mr. Daly recommended that the reappointment of the Municipal Prosecutor be held until January to be included with other annual appointments. He stated that the appointment for the Alternate #1 for the Board of Adjustment is tabled until the next meeting.

APPROVAL OF MINUTES

Mayor Levine presented the following minutes for approval:

- Regular Meetings: September 12, 2006 and September 26, 2006
- Executive Sessions: August 8, 2006 Amended

Mr. McKenzie moved approval of the following minutes:

- Regular Meetings: September 12, 2006 and September 26, 2006
- Executive Sessions: August 8, 2006 Amended

Said motion was seconded by Mr. Sumter carried as follows upon call of the roll:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	09/12/06 WS/RM		09/26/06 WS/RM 08/08/06 ES (A)	
Danile	09/12/06 WS/RM 09/26/06 WS/RM		08/08/06 ES (A)	
Eberle	09/12/06 WS/RM 09/26/06 WS/RM 08/08/06 ES (A)			
Levine	09/12/06 WS/RM 09/26/06 WS/RM 08/08/06 ES (A)			
McKenzie	09/12/06 WS/RM 09/26/06 WS/RM 08/08/06 ES (A)			
Regan				Absent
Ritchie	09/12/06 WS/RM 09/26/06 WS/RM 08/08/06 ES (A)			
Sumter	09/12/06 WS/RM 09/26/06 WS/RM 08/08/06 ES (A)			
Vassanella	09/12/06 WS/RM		09/26/06 WS/RM 08/08/06 ES (A)	

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,368,522.62 for October 10, 2006 to the Township Council for payment:

5	Water Operating	5,443.31
6	Water Capital	152,334.88
4	General Capital	286,463.20
15	Trust Others	112,449.50
18	Self Insurance Trust	4,000.00
12	Open Space Trust	7,580.75
2	Grant	23,948.76
3	Collector Trust	40,481.59
30	Payroll Agency	2,000.00
	Subtotal	1,215,485.96
25	Escrow Account	153,036.66
	Grand Total	1,368,522.62

Deputy Mayor Ashley-Williams moved that warrants in the amount of \$1,358,522.62 for October 10, 2006 to be paid. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

PUBLIC DISCUSSION

Ms. Ritchie moved to open the meeting for public discussion. Said motion was seconded by Mr. McKenzie and carried unanimously upon voice vote.

Sam Nelson, 5 Lynwood Avenue, Library Board President, spoke on information from Council proposing that Library surplus be transferred to the Township's debt service. He stated that recent changes to the law have been made that this would not be legally possible. He stated that the Library Board will try to do what it can with the Township.

Mr. Nelson congratulated Mr. Daly for the exceptional job the contractors have done with the Franklin Park water lines. He wished Deputy Mayor Ashley-Williams well.

Kimberly Francois, 102 Holland Drive, thanked Deputy Mayor Ashley-Williams for her time and talent given to the Township. She thanked the entire Mayor and Council for giving their time to a difficult job. She expressed best wishes to Deputy Mayor Ashley-Williams. She asked if the \$30,605.78 was the original contract amount for the Road Overlay. Mr. Daly replied it is additional funds for the change order.

Rose Berkowitz, 26 Johnson Road, Township merchant, asked for changes in the sign ordinance regarding sandwich boards. She asked that it be placed on the next agenda as a discussion item. She questioned why some areas are allowed sandwich board signs and others are not. Mr. Daly replied that the reason certain areas can have them and others cannot is a decision made by the Planning Board since the sign ordinance is part of the land use ordinance. He stated that one could apply to the Zoning Board of Adjustment for a variance. Mr. Rainone stated that he would look at the Municipal Code and noted that the sandwich boards may be a site plan violation because they were not included on the original site plan.

John Sterberg, 1075 Easton Avenue, owner of Village Plaza, stated sandwich boards are not a site plan violation. Mr. Rainone replied that unlike a sign on private property, the number of signs on a property is subject to site plan approval. He stated that if the signs are not shown on the site plan, they are in violation and administrative relief can be given.

Phillip Kramer, 429 Canal Road, TUF, Democratic Committeeman, not representing the Democratic Party, complimented Ms. Ritchie in regards to her taking fiscal responsibility at the last meeting during the budget discussion. He stated that one needs to consider inflation and population growth in connection with increases in the municipal budget. He stated it is a problem of the Faulkner Act, which restricts Council from contacting employees because it is the employees who really know where the waste in the budget is. He suggested that using the pressure of layoffs to the employees may encourage them to help find ways of reducing the waste. He commended both Mr. Vassanella and Mr. Sumter for working together with the 4th and 5th Wards regarding the bathroom and lights.

Deputy Mayor Ashley-Williams left the meeting at 9:30 p.m.

Al Donnenberg, 33 Daulton Drive, expressed his concerns with the budget process. He expressed his confusion regarding the payments made for the Chief Financial Officer, a Financial Consultant and the Township Auditor. He stated there appears to be duplication of services. He asked what the need for the consultant was when the CFO has attained his license and received a salary increase. He asked if the Township is still continuing with the Consultants and if so why and is he working on unrelated projects. He asked where he is paid from and from what other sources. Mr. Daly replied the Consultant does not work on CFO work and that he is working on specific special projects. He stated in addition to the audit, the Township Auditor also completes the audits for the water utility and the Redevelopment Agency, calculates the capital connection fee and work involving bond ordinances. Mr. Daly stated he would get Mr. Donnenberg more specific information as well as the fees paid to the Consultant this past year.

Mike Carnese, 14 Summerall Road, addressed sign ordinance problems and concerns. He asked for clarification of the definition of where and when signs can be placed. He stated that the policing of signs is inconsistent. He addressed weekend signs and Open House signs. Mr. Rainone stated that there are specific provisions for Open House signs in the Development Ordinance which is available on-line. Mr. Daly stated the Township considers the right-of-way when there is no sidewalk to be four (4) feet from the roadway and when there is a sidewalk, it is the area inside the sidewalk. A brief discussion ensued regarding right-of-ways. Mr. Vassanella stated the signs can be placed on private property with permission by the property owner.

Tom Gale, 14 Ford Avenue, Historic Preservation Commission, stated that Middlebush Village's nomination for be classified as a state historic district was on the agenda in June and is awaiting signature. He expressed his concerns resulting from attending the Somerset County meeting regarding Road Improvements to Amwell Road/South Middlebush Road/Cedar Grove Lane. He questioned the status of the Middlebush by-pass and Mr. Daly replied most of the land along the route has been preserved and there is no longer a route for the by-pass. Mr. Gale indicated Somerset County stated it may still be done. He noted that the Trails Advisory Committee is proposing a bike path along the same route.

John Walker, 63 Claremont Road, updated Council on the Franklin Park water project and commended the contractor for an outstanding job. He spoke about the interlocal services agreement with North Brunswick and noted the amount should be \$25,000 not \$45,000. In regards to the Budget Notice published in this week's Courier News, he commended the budget process. He asked how many of the increase in employees were Police Officers and he asked if a hiring freeze was in place. Mr. Daly replied that 15 Police Officers were added. He stated each vacant position is evaluated before it is filled. He asked that Ghassan Sudah's position be reconsidered. If not, he recommended that the new position require a surveyor's license in order to catch up with updating the tax maps.

Mr. McKenzie moved to close the public discussion. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

COUNCIL COMMENTS

Mr. Sumter announced he was in the hospital over the weekend and he is doing fine. He wished Deputy Mayor Ashley-Williams best wishes and good luck.

Ms. Danile thanked Mr. Nelson for his comments and suggested the Township consider legislation that permits relief to taxpayers. In reference to Mr. Donnenberg's comments, Ms. Danile questioned the possibility of the need of an operational audit of the Township. She wished Deputy Mayor Ashley-Williams well in her future endeavors.

Ms. Ritchie had questions regarding Mr. Nelson's comments. Mr. Daly responded that there was consideration of taking part of the library tax and transferring it to the debt service. He noted there is new legislation that prohibits it. She announced she had been having problems with her email and found she has over 650 emails and she would try to respond to them all. She noted that a resident stated he left 16 messages for her that she has not received. She asked that her voicemail be checked. She apologized to everyone who sent her email and left her voicemail.

Ms. Eberle announced the Fall Foliage Walk in Griggstown is scheduled for Saturday, October 21 at 10 a.m. She wished Deputy Mayor Ashley-Williams luck and a wonderful future.

Mr. McKenzie wished Deputy Mayor Ashley-Williams well and thanked her for her service to the community.

Mr. Vassanella stated it was great to hear good comments about the Franklin Park Water contractor. He stated that the Middlebush Road Improvements need to be addressed and measures need to be taken. He thanked residents for coming up with ideas and doing research about Township matters.

Mayor Levine wished Deputy Mayor Ashley-Williams well.

INTRODUCTION OF ORDINANCES

Ordinance No. 3646

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (ADD 2805 HOLLAND DRIVE, SOMERSET, NEW JERSEY) AND SECTION 226-31 – CONTROL MOVEMENT AND PARKING WITHIN MUNICIPAL COMPLEX (RESERVING SIX (6) SPACES FOR THE ENGINEERING AND COMMUNITY DEVELOPMENT VEHICLES ON ROAD D)

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

Ordinance No. 3647

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING CODE CHAPTER 81, AFFORDABLE HOUSING, BY ADDING NEW ARTICLE III, MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING FRANKLIN TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

CONSENT AGENDA ITEMS

Upon motion by Ms. Danile, seconded by Mr. Sumter, the following consent agenda items were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

Resolution #06-441 Authorize Issuance of Raffle Licenses.

WHEREAS, the following have made application to the Township of Franklin, Somerset County, for a Raffle/Bingo License; and

WHEREAS, said applications have been presented to the Mayor and the Chief of Police for Findings and Determinations; and

WHEREAS, the Clerk has reported that the proper fees have been paid;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be instructed to issue a **RAFFLE/BINGO LICENSE** to the following:

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
New Jersey Assoc. of Twins' Mothers' Clubs, Inc. 1277 Woodside Road, Scotch Plains, NJ	
On-Premise 50/50 - RL#1590	November 3, 2006 3:00 pm - 11:30 pm
On-Premise Raffle - RL#1591	November 3, 2006 3:00 pm – 11:30 pm
On-Premise 50/50 - RL#1592	November 4, 2006 7:00 am – 7:00 pm

On-Premise Raffle – RL#1593

November 4, 2006

7:00 am – 7:00 pm

Drawings: Somerset Marriott

St. Thomas Syro-Malabar Catholic Church

February 17, 2007

46 Livingston Avenue, East Millstone, NJ

6:00 pm – 9:00 pm

Off-Premise Raffle – RL#1596

Drawing: 46 Livingston Avenue, E. Millstone

Immaculata High School Spartan Club

April 21, 2007

240 Mountain Avenue, Somerville, NJ

10:00 am – 4:00 pm

Off-Premise 50/50 – RL#1597

Drawing: DoubleTree Hotel, Somerset

Sts. Peter & Paul Byzantine Catholic Church

2007 Schedule – Bingo & 50/50

285 Hamilton Street, Somerset, NJ 08873

5:00 pm – 11:00 pm

BL# 1598 – BL#1599

Jan. 4,11,18,25

Drawings: Auditorium

Feb. 1,8,15,22

March 1,8,15,22,29

April 12,19,26

May 3,10,17,24,31

June 7,14,21,28

July 5,12,19,27

Aug. 2,9,16,23,30

Sept. 6,13,20,27

Oct. 4,11,18,25

Nov. 1,8,15,29

Dec. 6,13,27

BL#1600 – Drawings - Auditorium

Jan. 2, 2007 –

11:00 am – 5:00 pm

Sts. Peter & Paul Byzantine Catholic Church

2007 Schedule - Bingo

Rosary Altar Society

11:00 am – 5:00 pm

285 Hamilton Street, Somerset, NJ 08873

Jan. 6,13,20,27

BL#1601

Feb. 3,10,17,24

Drawings: Auditorium

Mar. 3,10,17,24,31

April 14,21,28

May 5,12,19,26

June 2,9,16,23,30

July 7,14,21,28

Aug. 4,11,18,25

Sept. 1,8,15,22,29

Oct. 6,13,20,27

Nov. 3,10,17,24

Dec. 1,8,15,29

BL#1602 - Drawings: Auditorium

May 28 & Sept. 3, 2007

Resolution #06-442

Authorize Release of Special Event Escrow – The Party Gems – Vendors Party Picnic - Naaman Williams Park – September 23, 2006.

WHEREAS, by resolution of the Township Council permission was granted for Lisa Sanders-Ali, President of The Party Gems, to conduct the Vendor Party Picnic, a Special Event, on September 23, 2006 at Naaman Williams Park from 8:00 am to 7:00 pm; and

WHEREAS, the organization deposited with the Township Clerk the amounts required by Ordinance No. 526 guaranteeing maintenance of the grounds on which Special Events were conducted; and

WHEREAS, approval has been received from the Franklin Township Health Department that the grounds on which the events were held has been inspected and restored to the original condition;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, Somerset County does hereby authorized the Township Treasurer to issue a check to the subject organizations representing return of escrow monies being held as maintenance guarantees for the Special Event.

Resolution #06-443 Authorize Person-to-Person Transfer of Plenary Retail Consumption License #1808-33-007-0066 – From Franklin Town Pub & Liquor to Donald Sweeney.

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1808-33-007-006 , heretofore issued to Franklin Town Pub,, t/a Half Time Pub; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **October 10, 2006** the transfer of the aforesaid Plenary Retail Consumption License to Donald T. Sweeney and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "**This license, subject to all its terms and conditions, is hereby transferred to Donald T. Sweeney, effective October 10, 2006.**"

Resolution #06-444 Authorize Change Order #1 – Road Overlay 2006 – Schifano Construction – Amount: \$30,605.78 – New Contract Amount: \$492,070.78.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on June 29, 2006, authorized the awarding of a contract to

Schifano Construction
One Smalley Avenue/PO Box 288
Middlesex, NJ 08846

An amount not to exceed \$461,465.00 and

WHEREAS, during further course of the contract, it was discovered after work began the need for modifications were needed to complete the project to the Township's specifications resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1: Road Overlay 2006 – Amount not to exceed \$30,605.78 - **New Contract Total not to exceed \$492,070.78;** and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Schifano Construction; and

BE IT FURTHER RESOLVED that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

Resolution #06-445 Authorize Transfer of Municipal Court Violations Bail Monies to General Fund - \$91.90.

WHEREAS, there exists on the books of the general account of the Municipal Court Violations Bureau overpayments that were not able to be refunded for the year;

NOW, THEREFORE, BE IT RESOLVED that the following bails in the amount of \$91.90 hereby be turned over to the township Treasurer:

<u>Issued</u>	<u>Check No.</u>	<u>Amount</u>
11/05/05	21837	1.00
11/30/05	21859	11.00
12/08/05	21906	1.00
03/03/06	22055	1.00
Unidentified Funds from many years ago		77.90
	Total	\$91.90

Resolution #06-446 Authorize Release of Performance Guarantee – WNC-Somerset Marriot Courtyard – Block 468.01/Lot 17.01 – 250 Davidson Avenue - \$990,000.00.

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM:	Contract Bond
NAME OF APPLICANT:	WNC – Somerset Marriott Courtyard
ADDRESS OF APPLICANT:	The Widewaters Group – 5786 Widewaters Pkwy. DeWitt, NY 13214-0003
DOCKET NO.	P99071P
NUMBER:	KG0237
INSURANCE CO./BANK:	United States Fidelity & Guarantee Company
IN THE AMOUNT OF:	\$990,000.00
FOR:	Site Improvements Depicted on Bonding Estimate– Block 468.01/Lot 17.01 – 250 Davidson Avenue

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$990,000.00 be released to the above named applicant.

Resolution #06-447 Authorize Reduction of Performance Guarantee – Ten Mile Run Developers, LLC – Block 20.02/Lots 12.02, 12.04 and 13.01 – Section 4 – From \$210,305.94 to \$148,692.98.

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM:	Letter of Credit
NAME OF APPLICANT:	Ten Mile Run Developers
ADDRESS OF APPLICANT:	812 Central Avenue, Westfield, NJ 07090
DOCKET NO.	N/A
NUMBER:	759-SB
INSURANCE CO./BANK:	Union Center National Bank
IN THE AMOUNT OF:	\$210,305.94
FOR:	Site Improvements – Block 20.02/Lots 12.02, 12.04, & 13.01 – Section 4

WHEREAS, the aforesaid applicant has requested reduction of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommended reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$210,305.94 be reduced to \$148,692.98 for the above named applicant.

Resolution #06-448 Authorize Release of Building/Planning Review Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-214 of the Code of the Township of Franklin; and

WHEREAS, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT:	Grace Massone	
ADDRESS:	84 Charles Street Somerset, NJ 08873	
DOCKET NO.	PLN2005-0049	
BLOCK/LOT:	418/10-12	
LOCATION:	French, Wade & Charles Streets	
TYPE:	Planning Review	
AMOUNT DEPOSITED:	\$1,000.00 (Heyer)	\$1,500.00 (In-Hse)
AMOUNT CHARGED:	<u>632.50</u>	<u>310.00</u>
AMOUNT TO BE REFUNDED:	\$ 367.50	\$1,190.00

APPLICANT:	John and Lang Walker		
ADDRESS:	63 Claremont Drive Franklin Park, NJ 08823		
DOCKET NO.	ZBA2005-0329		
BLOCK/LOT:	154/72-75		
LOCATION:	69-71 Ray Street		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1,950.00 (CME)	\$880.00 (Heyer)	\$300.00 (In-Hse)
AMOUNT CHARGED:	<u>555.00</u>	<u>880.00</u>	<u>0.00</u>

AMOUNT TO BE REFUNDED:	\$1,395.00	\$ 0.00	\$300.00
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APPLICANT:	Sherylee Rubin		
ADDRESS:	679 Easton Avenue Somerset, NJ 08873		
DOCKET NO.	PLN2005-0028		
BLOCK/LOT:	200/26-32		
LOCATION:	55 Miller Avenue		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1,500.00 (Heyer)	\$1,500.00 (In-Hse)	
AMOUNT CHARGED:	<u>727.50</u>	<u>680.00</u>	
AMOUNT TO BE REFUNDED:	\$ 772.50	\$ 820.00	

APPLICANT:	Pizzo & Pizzo		
ADDRESS:	1065 Route 22 West Bridgewater, NJ 08807		
DOCKET NO.	P97056P		
BLOCK/LOT:	417.01/4.04 & 22		
LOCATION:	Tract A Charles Street		
TYPE:	Inspection Fees		
AMOUNT DEPOSITED:	\$30,200.00		
AMOUNT CHARGED:	<u>29,286.50</u>		
AMOUNT TO BE REFUNDED:	\$ 913.50		

APPLICANT:	Weston Canal Center LLC		
ADDRESS:	30 Technology Drive Warren, NJ 07059		
DOCKET NO.	PLN2006-0010		
BLOCK/LOT:	517.03/3.3		
LOCATION:	1 Riverview Drive		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$2,450.00 (CME)	\$750.00 (Heyer)	\$300.00 (In-Hse)
AMOUNT CHARGED:	<u>1,966.00</u>	<u>562.50</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 484.00	\$187.50	\$300.00

APPLICANT:	Nicolas Emanuel		
ADDRESS:	1806 Holland Drive Somerset, NJ 08873		
DOCKET NO.	PLN2004-0035		
BLOCK/LOT:	159/21-27 & 31-36		
LOCATION:	36 South Dover Avenue		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$2,800.00 (CME)	\$2,510.00 (Heyer)	\$200.00 (In-Hse)
AMOUNT CHARGED:	<u>2,619.00</u>	<u>1,895.00</u>	<u>200.00</u>
AMOUNT TO BE REFUNDED:	\$ 181.00	\$ 615.00	\$ 0.00

Resolution #06-449 Authorize Waiver of \$250 Delinquency – Widow of Veteran Deduction - Heflin.

BE IT RESOLVED that the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the waiver of the \$250 delinquency in connection with a 2004 Veterans Deduction for Helfin at Block 424.02/Lot 11.107 – 191 Driscoll Court.

Resolution #06-450 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue refunds due resulting from Tax Overpayments; and

WHEREAS, refunds are to be made to the persons who have made these overpayments;

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
94/27	Township of Franklin	1/05 Move from Water Credit to Tax	10.34
Various Water	Township of Franklin	2/06 Move to Next Fiscal Year	4.80 1,303.76

Resolution #06-451 Authorize Tax Remittals.

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted as follows:

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>QTR/YR</u> <u>REASON</u>	<u>AMOUNT</u>
507.12/35	Hinchy, Frank & Nancy 14 Esplanade Drive Somerset, NJ 08873	4/06 Tax Exempt	\$2,488.10

Resolution #06-452 Authorize Tax Title Lien Redemptions – Outside Buyers.

WHEREAS, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Franklin Township, Somerset County, various blocks and lots were sold to the following persons; and

WHEREAS, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount;

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

Date of Sale: June 13, 2002
Block/Lot: 156/47
Name & Address: Draugh, Norman & Dorothy
 97 Newport Avenue
 Somerset, NJ 08873
Amount: \$4,956.79
Make Check Payable To: JNH Funding Corp.
 90 Dayton Avenue, Bldg. 6C
 Passaic, New Jersey 07055
Certificate No.: 02-081
Payment Received: September 25, 2006

Date of Sale: June 8, 2006
Block/Lot: 37.04/13
Name & Address: Obawaeck, Emuata
 1 Julie Court

Somerset, New Jersey 08873
Amount: \$615.84
Make Check Payable To: Natu Patel
 505 Hoagland Court
 Hillsborough, New Jersey 08844
Certificate No.: 06-033
Payment Received: September 26, 2006

Date of Sale: June 8, 2006
Block/Lot: 241.01/7
Name & Address: Aboagye, Alfred
 217 Highland Avenue
 Somerset NJ 08873

Amount: \$20,607.21
Make Check Payable To: JHN Funding Corp.
 90 Dayton Avenue, Bldg. 6C
 Passaic, New Jersey 07055
Certificate No.: 06-124
Payment Received: September 27, 2006

Date of Sale: June 8, 2006
Block/Lot: 148/38
Name & Address: Garvin, George
 101 Mark Street
 Somerset, New Jersey 08873

Amount: \$231.67
Make Check Payable To: Chun T. Li
 9 Maljim Court
 Wayne, New Jersey 07470
Certificate No.: 06-075
Payment Received: September 29, 2006

Date of Sale: June 8, 2006
Block/Lot: 386.17/183
Name & Address: Alston, Renee
 183 Scobee Lane
 Somerset, New Jersey 08873

Amount: \$686.142
Make Check Payable To: Sequoia Investments
 P.O. Box 5600
 Woodbridge, New Jersey 07095
Certificate No.: 06-180
Payment Received: September 29, 2006

Date of Sale: June 9, 2005
Block/Lot: 386.17/183
Name & Address: Alston, Renee
 183 Scobee Lane
 Somerset, New Jersey 08873

Amount: \$1,283.44
Make Check Payable To: Sanjoy LLC
 11 Stone Leigh Drive
 Scotch Plains, New Jersey 07076

Certificate No.: 05-088
Payment Received: September 29, 2006

Date of Sale: June 8, 2006
Block/Lot: 424.13/30 C0034

Name & Address: Austin, Valerie
 138-22 229th Street
 Queens, NY 11413
 (For 34 Beaconfield Place)

Amount: \$415.06

Make Check Payable To: Sequoia Investments
 P.O. Box 5600
 Woodbridge, NJ 07095

Certificate No.: 06-195

Payment Received: October 2, 2006

Date of Sale: June 8, 2006

Block/Lot: 206/10

Name & Address: Headley, P. & B. & R.
 44 Miller Avenue
 Somerset, NJ 08873

Amount: \$3,320.52

Make Check Payable To: Daxuan Wang
 11 Walnut Street
 Livingston, NJ 07039

Certificate No.: 06-112

Payment Received: September 20, 2006

Date of Sale: June 8, 2006

Block/Lot: 184/11

Name & Address: Ski Automotive Inc.
 383 Somerset Street
 Somerset, NJ 08873
 (For 385 Somerset Street)

Amount: \$925.81

Make Check Payable To: Michael Fabrikant
 62 E. Main Street
 Freehold, NJ 07728

Certificate No.: 06-100

Payment Received: September 18, 2006

Date of Sale: June 7, 2005

Block/Lot: 184/11

Name & Address: Ski Automotive Inc.
 383 Somerset Street
 Somerset, NJ 08873
 (For 385 Somerset Street)

Amount: \$1,5225.75

Make Check Payable To: Michael Fabrikant Associates
 P.O. Box 487
 Morganville, NJ 07751

Certificate No.: 01-106

Payment Received: September 18, 2006

Date of Sale: April 10, 1997

Block/Lot: 184/11

Name & Address: Ski Automotive Inc.
 383 Somerset Street
 Somerset, NJ 08873
 (For 385 Somerset Street)

Amount: \$1,444.04

Make Check Payable To: Mabel Arinzeh
 108 Drake Road
 Somerset, NJ 08873

Certificate No.: 97-06
Payment Received: September 18, 2006

Date of Sale: June 8, 2006
Block/Lot: 184/8
Name & Address: Levinski, Ed. & Janovsky, G.
1160 Aaron Road
North Brunswick, NJ 08902
(For 383 Somerset Street)
Amount: \$3,356.13
Make Check Payable To: Staple Sewing Aids Pension
90 Dayton Avenue, Bldg. 6C
Passaic, NJ 07055

Certificate No.: 06-099
Payment Received: September 18, 2006

Date of Sale: June 10, 1999
Block/Lot: 184/8
Name & Address: Levinski, Ed. & Janovsky, G.
1160 Aaron Road
North Brunswick, NJ 08902
(For 383 Somerset Street)
Amount: \$503.55
Make Check Payable To: Wachovia Cust. Fundco
3960 RCA Blvd., Ste. 6002
Palm Beach Gardens, FL 33410

Certificate No.: 990059
Payment Received: September 18, 2006

Date of Sale: April 10, 1997
Block/Lot: 184/8
Name & Address: Levinski, Ed. & Janovsky, G.
1160 Aaron Road
North Brunswick, NJ 08902
(For 383 Somerset Street)
Amount: \$321.80
Make Check Payable To: Mabel Arinzeh
108 Drake Road
Somerset, NJ 08873

Certificate No.: 97-05
Payment Received: September 18, 2006

Date of Sale: June 8, 2006
Block/Lot: 507.18/3.02
Name & Address: Feldhun, Ronald B.
2305 Conrad Way
Somerset, NJ 08873
Amount: \$287.84
Make Check Payable To: James Pilewski
346 South Avenue
Fanwood, NJ 07023

Certificate No.: 06-206
Payment Received: September 18, 2006

Date of Sale: June 8, 2006
Block/Lot: 34.10/59.01 C0315
Name & Address: Yang, Ruitao
29 Kingwood Court

Belle Meade, NJ 08502
 (For 52 Edward Drive)
Amount: \$114.75
Make Check Payable To: Martyrson Imbert
 10 Garden Hills Drive
 Somerset, NJ 08873
Certificate No.: 06-028
Payment Received: September 29, 2006

Resolution #06-453 Authorize transfer of Snow Balance to Snow Reserve.

WHEREAS, the Township of Franklin has established a snow removal reserve that would be held for the purpose of supplementing snow removal charges in years where these charges exceed snow budgets; and

WHEREAS, said reserve would allow the Township to more effectively budget snow removal by lessening the impact of large variations in snow removal cost from year to year;

NOW, THEREFORE, BE IT RESOLVED by the Township of Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby authorizes the transfer to unexpended snow removal funds from the FY2006 budget to the reserve for snow removal in the amount of \$74,129.51

Resolution #06-454 Amend FY2007 Emergency Temporary Budget.

WHEREAS, **RS 40A:4-19** of the Local Budget Act provides that temporary appropriations should be made for the purpose and amounts required;

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be made; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Finance Officer of the Township of Franklin, County of Somerset, New Jersey:

TEMPORARY BUDGET

BOE TRANSPORTATION

Interlocal BOE Transportation

Salaries and Wages

Other Expenses \$35,000.00

Employee Group Insurance

Other Expenses 2,200,000.00

Federal & State Grants

Other Expenses Public Health Priority Funding 9,419.00

Total Amended FY2007 Emergency Temporary Budget \$2,,244,419.00

Resolution #06-455 Authorize Snow and Ice Reimbursement with Canal Walk Homeowners Association as per N.J.S.A. 40:67-23.2 to 23.8 and Municipal Code Chapter 236.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the Mayor and Township Clerk are hereby authorized to execute agreements with the Canal Walk Homeowners Association to provide Municipal Services as per Code Chapter 236 for the removal of snow and ice.

Resolution #06-456 Support of Short and Long Term Roadway Improvements at the I-287/Easton Avenue Road Interchange Complex in Franklin and Piscataway Townships.

WHEREAS, the Township of Franklin, the Township of Piscataway, the Somerset County Board of Chosen Freeholders, the Somerset County Planning Board, the Middlesex County Board of Chosen Freeholders and the Middlesex County Planning Board and numerous other organizations have an on-going interest in improving safety and reducing congestion within Central New Jersey; and

WHEREAS, the I-287/Easton Avenue/River Road Interchange complex suffers from extreme congestion during peak travel times and contains numerous traffic accident hotspots, which experience crash rates higher than the statewide average for similar roadway facilities; and

WHEREAS, the New Jersey Department of Transportation had previously developed improvement plans that were not supported by Somerset and Middlesex Counties and the Townships of Franklin and Piscataway; and

WHEREAS, the Township of Franklin, the Township of Piscataway, the Somerset County Board of Chosen Freeholders, the Somerset County Planning Board, the Middlesex County Board of Chosen Freeholders and the Middlesex County Planning Board, working with the New Jersey Department of Transportation, took the lead in developing a package of short and long term roadway improvements; and

WHEREAS, an inclusive and open planning process was utilized to engage local stakeholders and the general public to identify congestion and safety problems, develop potential improvements and reach consensus on a package of roadway improvements; and

WHEREAS, the final package of roadway improvements are listed in the Fostering Public Involvement in the Development of Alternatives for the I-287 at Easton Avenue and River Road Interchanges Planning Study Final Report; and

WHEREAS, there is overwhelming municipal, county and public support for this package of improvements; and

WHEREAS, the NJ Department of Transportation has recently completed an analysis of the recommended roadway improvements and have assigned the improvements to the various New Jersey Department of Transportation Project Delivery Pipelines; and

WHEREAS, the construction of a roadway improvements will greatly reduce delay and congestion at the I-287/Easton Avenue/River Road Interchange complex; and

WHEREAS, the construction of these roadway improvements will support and are consistent with the State Development and Redevelopment Plan and the North Jersey Transportation Planning Authority's Regional Transportation Plan, "Access and Mobility, 2030"; and

NOW, THEREFORE, BE IT RESOLVED, that the (local agency) endorses the package of improvements listed in the Fostering Public Involvement in the Development of Alternatives for the I-287 at Easton Avenue and River Road Interchanges Planning Study Final Report and urges the immediate design and construction of these improvements; and

BE IT FURTHER RESOLVED, that this project proceed immediately to the preliminary engineering phase of the NJDOT Project Development Process due to the exhaustive review of alternative designs and extensive public consensus building effort that has already taken place; and

BE IT FURTHER RESOLVED, that this resolution be transmitted to the New Jersey Department of Transportation Commissioner Kris Kolluri, the North Jersey Transportation Planning Authority, Township of Franklin, the Township of Piscataway, the Somerset County Board of Chosen Freeholders, the Somerset County Planning Board, the Middlesex County Board of Chosen Freeholders and the Middlesex County Planning Board.

Resolution #06-458 Authorize Issuance of Special Event Permit – Citizens Club of Franklin Township – October 14, 2006 – 9:00 am to 3:00 pm – 55 Fuller Street – Octoberfest.

WHEREAS, a request has been received from the Citizens Club of Franklin Township for a special event permit for an Octoberfest to be conducted on October 14, 2006 at 55 Fuller Street, Somerset, from 9:00 am to 3:00pm; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Citizens Club of Franklin Township for a special event permit for an Octoberfest to be conducted on October 14, 2006 at 55 Fuller Street, Somerset, from 9:00 am to 3:00pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention and the Health Department.

Resolution #06-459 Authorize Issuance of Special Event Permit – Meadows Foundation – Living History Program on October 14, 2006 from 10:00 am to 5:00 pm and October 15, 2006 from 11:00 am to 4:00 pm at Wyckoff-Garretson House and a Colonial Banquet on October 14, 2006 at 6:00 pm at 215 South Middlebush Road.

WHEREAS, a request has been received from Mark Else, Executive Director of the Meadows Foundation, for a special event permit for the Living History Program and the Colonial Banquet to be conducted on October 14, 2006 at the Wyckoff-Garretson House, 215 South Middlebush Road, Somerset, from 10:00 am to 5:00pm (Colonial Banquet at 6:00 pm); and on October 15th from 11:00 am to 4:00 pm; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for the Meadows Foundation for a special event permit for the Living History Program and Colonial Banquet to be conducted on October 14 & 15, 2006 at the Wyckoff-Garretson House, 215 South Middlebush Road, Somerset, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention and the Health Department.

Resolution #06-460 Authorize Interlocal Services Agreement – North Brunswick – 24-inch Water Transmission Main – Disconnection and Termination of Individual Water Service within Franklin Township.

WHEREAS, pursuant to the Municipal Interlocal Services Act, N.J.S.A. 40:8A-1 municipalities within the State of New Jersey are permitted to enter into Agreements for the joint provision of services; and

WHEREAS, the Township of North Brunswick owns a 24-inch water transmission main which extends through Franklin Township, Somerset County and a limited number of Franklin Township residents have water services connected to the transmission main; and

WHEREAS, the Township of Franklin has determined the installation of new water mains in the same service area and has engaged a private contractor to move individual water services from North Brunswick's main to new mains being installed by Franklin Township; and

WHEREAS, it is in the best interest of both Townships to insure adequate steps are taken to safeguard the reliability of the 24-inch transmission main and to prevent possible

disruption in service by taking additional precautionary steps to terminate the disconnected service lines and it has been concluded that capping the services properly will cost approximately \$45,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey hereby authorizes:

1. Mayor and Township Clerk execute an Interlocal Services Agreement with North Brunswick Township to provide for capping of the water services connected to North Brunswick Township's 24-inch transmission main.
2. Said services to be provided at a cost to North Brunswick in an amount not to exceed \$45,000.00.
3. Prior to the execution of the Interlocal Services Agreement, the Township Attorney is authorized to review the agreement and make non-substantive corrections as needed.
4. Said Agreement shall commence October 23, 2006 and continue until June 30, 2007.

Resolution #06-461 Amend Contract – Franklin Park Water Connections Phase II – MSP Construction Corporation – Include Capping of the Water Services to North Brunswick's 24-inch Water Transmission Main – Additional Amount Not to Exceed \$45,000 to be Paid by North Brunswick.

WHEREAS, the Township of Franklin awarded a contract for Franklin Park Water Connection Phase II to MSP Construction Corporation on August 8, 2006 for an amount not to exceed \$489,200.00; and

WHEREAS, the Township of Franklin is entering into an Interlocal Services Agreement with North Brunswick Township to provide for capping of the water services connected to North Brunswick Township's 24-inch transmission main; and

WHEREAS, said services to be provided at a cost to North Brunswick in an amount not to exceed \$45,000.00; and

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following contract be amended:

MSP CONSTRUCTION CORPORATION

126 Walnut Street
Newark, NJ 07105

Original Contract Amount:	\$489,200.00
Additional Amount:	\$ 45,000.00
Total Contract Amount:	\$534,200.00

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to amend the contract with the above listed company.

RESOLUTION, VOTED ON SEPARATELY

Resolution #06-457 Award Bid – Baker Chrysler Jeep Dodge – 2006 4WD Jeep Liberty – Amount Not to Exceed \$18,916.00.

Mayor Levine presented the following resolution:

WHEREAS, a Notice to Bidders was published in the Courier News and posted on the Township website on August 4, 2006 and there was one (1) addendum issued August 14, 2006 changing the original bid opening date from August 17, 2006 to August 29, 2006; and

WHEREAS, the Chief Financial Officer has certified in writing, hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

BE IT FURTHER RESOLVED that continuation of the terms of this contract beyond June 30, 2006 is contingent upon availability of funds in the 2007 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following contract be awarded:

Baker Chrysler Jeep Dodge	2006 4WD Jeep Liberty
1045 State Road	
Princeton, NJ 08540	Not to Exceed \$18,916.00

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.

The aforesaid resolution was moved by Ms. Danile, seconded by Ms. Eberle and was adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle	Levine		Ashley-Williams
McKenzie	Sumter	Ritchie		Regan
Vassanella				

ADJOURNMENT

Ms. Ritchie moved to adjourn the meeting at 10:20 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk