

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
JUNE 24, 2004**

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 545 DeMott Lane, Somerset, was called to order by the Mayor at 9:13 A.m.

Mayor Levine read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meetings Act) had been met.

Everyone present participated in the Salute to the Flag and an invocation led by Councilwoman Eberle.

CALL TO ORDER

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula, Ms. Danile, Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Regan, Mr. Sumter, Mr. Unger.

Absent: No one.

Also Present: Louis N. Rainone, Esq., Township Attorney; Kenneth W. Daly, Township Manager; Ann Marie McCarthy, RMC, CMC, Township Clerk

MAYOR'S REPORT

Mayor Levine welcomed everyone to the Council meeting.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie welcomed everyone to the Council meeting and wished all a happy and safe Fourth of July.

REVIEW OF PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Mr. Regan asked Council to defer the voting on Ordinance No. 3462 as a result of the Planning Board's request for more time to complete their review and report and many emails and letters received from the public.

Mr. Chivukula requested the addition of a consent agenda item – the appointment of a general citizen member to the Veterans Memorial Committee. Ms. McCarthy replied that item is presently on the consent agenda.

Mr. Unger recommended the appointments listed on the consent agenda be deferred to the July 13th meeting.

Mr. Chivukula recognized and welcomed State Senator Robert Smith.

COUNCIL DISCUSSION ITEMS

Elizabethtown Water Company

Jim McManimon, Director of Government Affairs, New Jersey American Water Company, announced that Elizabethtown Water Company has formally merged with New Jersey American Water Company (NJAWC). New Jersey American Water Company presently has customers in 16 counties; 176 municipalities and approximately 2 million people.

Mr. McManimon reported the flushing of the Township's 52 hydrants has been completed. He reported NJAWC will take over North Brunswick's water effective July 1, 2004. He distributed their annual water quality report. He announced that NJAWC would like to make an annual visit to Council to answer any questions or concerns regarding the Township's water.

Early July Special Events

Sergeant Vornlocker reviewed the following special events to take place in early July in the Township:

Shree Swaminarayan Temple Opening (Amwell Rd.) – July 4, 2004 through July 11, 2004
 Indian Cultural Festival (Memorial Drive) – July 9, 2004 through July 11, 2004
 Township Fireworks (DeMott Lane) – July 2, 2004 (Raindate – July 9, 2004)

Shree Swaminarayan Temple Opening

Sergeant Vornlocker reported that the Temple has applied for a special events permit as well as a parade permit. Approximately 4000 people would be attending on July 10th and 11th. He stated there is insufficient parking for this event and off-site parking is needed.

Sergeant Vornlocker reported the parade needs to be limited to 500. The Temple is looking into alternative site plans with shuttle buses. There are only approximately 730 parking spaces in the Temple area from the Temple, Municipal Complex, Sampson School and the Post Office.

Sergeant Vornlocker reported most activities do not occur until 4 p.m. and will not exceed 500 people. The Temple will be required to hire police for the events. He reported the Temple is actively pursuing interim locations since at this time the Temple does not have a temporary certificate of occupancy.

Mr. Daly reported all the Departments are working with the Temple to ensure compliance, such as the Police in regards to parking and the noise ordinance; Code Office in regards to tents and temporary certificate of occupancy and the Health Department in regards to food and adequate toilet facilities.

Indian Cultural Festival

Sergeant Vornlocker reported that an Indian Cultural Festival is scheduled at the Indoor Soccer Facility on Memorial Drive from July 9th through July 11th. The event is sponsored by the United Culture, Inc., Maryland. After submitting a special events permit, it was found that one was not required. It was found that this use is not permitted on the property, therefore a temporary use variance is required through the Zoning Board of Adjustment. The matter was referred to the Zoning Office.

Sergeant Vornlocker asked Council to consider the possibility of three large events happening on July 9th: the Temple opening, the Indian Cultural Festival and the Township's

Fireworks if they are rained out on July 2nd. There is not enough parking or police for all three events.

Sergeant Vornlocker asked Council to consider revising the timeframe for a special events permit. The timeframe is seven (7) days prior to the event, which is too short, especially when multiple events are on the same day.

Sergeant Vornlocker recommended the following conditions be placed on the Temple's special events permit and parade permit:

- Off-site parking mandated.
- Local parking limited to important religious people.
- Adequate area parking from July 4-9 – Municipal Complex after 5 p.m.
- Limit number of people on site to 500.
- Parade limited to 500 people.

A motion was made by Ms. Danile to amend the consent agenda to include the approval of a special events permit and parade permit for the Shree Swaminarayan Temple for events occurring from July 4, 2004 through July 11, 2004 with the aforesaid conditions. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

Amendment of Agenda

Mr. Regan apologized that he had to leave the meeting at 10:30 a.m. due to work commitments. Mr. Regan requested to defer voting on Ordinance No. 3462 to allow the Planning Board to complete their review and report.

A motion was made by Mr. Regan to amend the agenda discuss Ordinance No. 3462 at this part of the meeting. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

A motion was made by Mr. Regan to delay the vote of Ordinance No. 3462 to after the July 28th Planning Board meeting. Ms. Ashley-Williams stated she was not aware of any information or notice to make the decision to defer the voting on Ordinance No. 3462. There was no second to the motion, therefore the motion died.

ORDINANCE NO. 3462, PUBLIC HEARING

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, BY ADDING PLANNED ADULT COMMUNITY (PAC) DISTRICT.

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

Charles Seigel, Franklin Greens, Senior Affordable Housing Committee Member, stated the Township would be getting 50 units tax free with no school costs. He supported the passage of the ordinance.

Joseph Danielson, 49 Marcy Street, stated he is in favor of the 50 units and affordable housing, however there is a problem with the process of Council approving ordinances without

Planning Board approval or concurrence. He asked Council as a Planning Board Member for more time to review the ordinance and complete the process. He stated a vote today refuses the Planning Board access to contribute to the ordinance. He stated the ordinance does not address all items and is confusing in some parts.

Mr. Rainone stated the ordinance subject has been a Township subject for many years. He stated the ordinance is part of an agreement to move House Foods from Cedar Grove Lane to Randolph Road. The ordinance was referred to the Planning Board on April 28th. The Planning Board's time to consider the ordinance has now expired. All site plan issues can be addressed by the Planning Board and listed as conditions in their site plan approval.

Edna Stone, 22 Benjamin Street, respected Mr. Danielson's statements. She agreed voting should wait until the Planning Board has completed its study. Ms. Stone asked if the Township has met its COAH requirements. Mayor Levine replied this is part of meeting its COAH requirements as well as future requirements.

Harold Leventhal, 360 DeMott Lane, stated senior citizens are desperate for more senior housing, especially affordable senior housing. He stated the 50 units would not impact traffic nor affect school taxes. Mr. Leventhal stated the ordinance is needed and is the right thing to do.

Steve Rubin, 93 Sunnyvale Court, opposed the tofu factory when it was to be located on Cedar Grove Lane. He thanked Council for their hardwork in relocating the tofu factory. He supported the passage of Ordinance No. 3462.

Marvin Corwick, 43 Tallman Lane, stated he has seen what warehouses have done to the area off of Exit 8A on the NJ Turnpike. He stated he would rather see housing than manufacturing in the area. He stated housing is beneficial to the community and a first aid squad is needed in this area. He stated senior developments are needed and he did not agree with Mr. Danielson's statements. He supported the ordinance.

Sidney Toby, 42 Tallman Lane, asked Council to consider giving the Planning Board more time.

Linda Bark, 214 Bridge Street, asked if the 50 units are an addition to the units at Canal Walk. Mayor Levine replied the 50 units are part of a different development. Ms. Bark asked Council to slow development.

Mr. Regan left the meeting at 10:30 a.m.

Florence Van Pelt, 31 Hillview Avenue, member of the Affordable Housing Board, supported the ordinance.

John Close, 31 Stryker Road, stated he attended the Planning Board meetings and heard the various arguments for and against the ordinance regarding traffic impact. He stated the roads are not built for large truck traffic or for the new high school being built in the area. He noted the development would not be built for years. He supported the passage of the ordinance.

Liz Palius, Chairman of the Millstone Valley Preservation Coalition, stated it is difficult to discuss an ordinance that the public has not seen. Mr. Rainone replied the ordinance was properly notices and was available to the public in the Clerk's Office. She expressed her concerns of the impact the development may have on the historic district located on Canal Road. She asked that the development be aware of the historic district and Canal Road. Mayor Levine stated the ordinance prohibits access to Canal Road. Ms. Palius recommended copies of ordinances to be considered at Council meetings be available to the public at the meetings.

Frina Toby, 42 Tallman Lane, asked how many housing units will be built to get 50 free units. She stated that Canal Walk has underground streams and sub pumps and a high water table. It was replied the development would have 850 units.

Norm Fisher, Elizabeth Avenue, commended Mr. Danielson's stance and asked Council to wait to vote on the ordinance. He stated Council is taking the Cedar Grove Lane problem and moving it to Canal Road. He suggested alternative locations for the housing.

Ms. Ashley-Williams left the meeting at 10:40 a.m.

Reverend Raymond Crawford, Pillar of Fire, stated there are three issues involved: Franklin Township, demographics and Pillar Fire. He stated Franklin Township is receiving good ratables. Demographics – senior citizens need housing. The Pillar of Fire will stop losses from farming. He stated Zarephath does not count people, it counts generations.

Barbara Ten Broeke, 2346 Amwell Road, asked Council to delay the voting on the ordinance. She stated there is confusion with the definitions of dedicated housing; affordable versus dedicated, mixed uses; and density. She stated there are no guarantees of mixed uses and no retail requirements. She questioned the issue of buffers. She stated no traffic study has been conducted and the seniors are far from services. She objected to Council voting without proper input of the Planning Board.

Joann Kaiser, 134 Skipton Place, reiterated Ms. Palius' comments and asked Council to consider historic district impact.

Jean Gierlich, 42 Como Drive, opposed the ordinance and asked Council to postpone decision until the Planning Board completes its work and findings.

Norm Fisher, 88 Schoolhouse Road, asked Council to delay their voting of the ordinance.

Muriel Seigel, Franklin Greens, stated the Planning Board approved 900 homes in the area without considering the water problems. She stated 50 more units would not impact the area more. She stated that the builders are giving something to the Township. The Township needs the 50 units for senior affordable housing.

John McConville, 5 Stone Leigh Way, stated it is not 50 more homes, it is 850 units in addition to the 900 units already approved. He stated it is wrong and he is not against senior housing.

Mr. Daly announced there is \$900,000 in the fund to be used for affordable housing and the plans for its use has been discussed with the Financial Oversight Committee.

Shirley Pietrucha, 49 9th Street, asked if the 50 units can be restricted to Franklin Township residents. Mr. Rainone stated that Mount Laurel Housing cannot be restricted. He stated part of the agreement transfers ownership of the 50 units to Franklin Township who can restrict the housing to Franklin residents. Ms. Pietrucha asked why more than 50 units can't be asked for. Mr. Daly replied 50 units are what were negotiated.

Ms. Pietrucha asked what 850 units are worth when 50 units are worth \$5 million. Mr. Daly stated these units will provide additional taxes without an impact to school taxes. It will create a nine percent (9%) shift impact to taxes on other taxpayers.

Robert Barth, Kingston, D&R Canal Trustee, expressed his concern with the impact to the D&R Corridor. He stated he is not opposed to the zoning, but is concerned with the historic district preservation. He stated Council should wait for a complete Planning Board report.

Barbara Beringer, 122 Mettlers Road, spoke of flooding problems in the Canal Walk area. She asked if impervious surfaces were considered.

Jan Broeke, 2346 Amwell Road, stated he is in favor of cluster development and the preservation of open space, however, not in this area. He suggested the affordable housing be

located on Bennetts Lane. He opposed the ordinance and requested to postpone vote until everyone is heard. He expressed his concerns with the impact to Canal Road.

Ken Selody, 545 Canal Road, stated he attended all the Planning Board meetings where the ordinance was reviewed and stated they had their chance to discuss and review the ordinance. He stated the ordinance is part of a good plan and it is what needs to be done. He supported the ordinance.

There being no further comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter.

Deputy Mayor McKenzie appreciated all the comments and concerns involving the ordinance. He stated the density in the ordinance is 4.9 and the density for Canal Walk is 4.2. He stated the 50 units are deeded to the Township. The Planning Board will be able to address all their concerns when the developer submits their application for site plan approval. He stated that the tax base will increase with no additional school costs and there will be a nine percent (9%) shift in taxes.

Mr. Unger stated he has looked at the area and spent time reviewing it. The ordinance provides a benefit to the Pillar of Fire so they can maintain their mission as well as benefit Township senior citizens.

Mr. Chivukula thanked everyone for their comments and concerns. This ordinance benefits senior citizens, House Foods and affordable housing.

Mr. Sumter supported the ordinance and hopes they can do something for the Route 27 area as well.

Mayor Levine stated he respects both sides and stated the ordinance is best for the township.

Said motion carried as follows upon call of the roll:

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

Resolution #04-277: Adoption of Ordinance #3462 although inconsistent with Master Plan

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

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

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

1. The Municipal Land Use Law Section NJSA 40:55D-6 states: The governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon. Such ordinance shall be adopted after the planning board has adopted the land use plan element and the housing plan element of a master plan and all of the provisions of such zoning ordinance or any amendment or revisions thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements. Provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance; this resolution sets forth the facts, conditions and extent of deviation from the adopted land use plan housing element.
2. Land Use Plan Element. The land use plan element of the Master Plan as supplemented and amended, contains twenty one (21) land use designations reflected in the Zoning Code of Franklin Township. Designation for block 516, lots 4.01, 6.04 and 15 is Light Industrial.

Block 516, lots 4.01, 6.04 and 15 is located in sector 5 of the Land Use Plan of Franklin Township. The plan recommends senior citizen village for the current canal walk project. The plan also recommends the senior citizens village overlay for the site reference as the Atrium South project in the master plan. These locations as well as others in the M-1 zone have been zoned for Senior Citizen Housing.

3. Since the adoption of the master plan (December, 1999) several amendments focusing upon provision for age restricted housing and the need for affordable housing to senior households have been adopted. Proposed ordinance 3462 is consistent with the general objective of providing diverse and affordable housing resources for adult households.
4. Block 516, lots 4.01, 6.04 and 15 as identified in proposed ordinance 3462 does advance the goals and objectives set forth in the Township's comprehensive plan in the following manner:
 - a. ***Consistent with Land Use Pattern.*** The proposal is consistent with the evolving land use pattern of this sector of the Township and is recognition of changes of land use. The M-1 zone west of Randolph Road hosts the Canal Walk project, Pillar of Fire facilities including PDA Soccer Complex and Alma White College and the Elizabethtown water treatment facility. These uses are in sharp contrast to warehouse distribution and light manufacturing uses east of Randolph Road.
 - b. ***Affordability.*** Proposed ordinance 3462 requires a range of affordability including the construction of 50 units to be titled to the Township and an additional 50 COAH equivalent units restricted to occupancy by low and moderate incomes senior households. This requirement of proposed ordinance 3462 advances both the land use plan and housing element goal of diversity and affordability.
 - c. ***Substantial Traffic Reduction.*** The traffic generation of active adult development is substantially less than that generated from the wide range of uses permitted within the current M-1 industrial zone. Office uses developed in accordance with zone standards would generate, at peak hour, conservatively 6 to 7 times the number of trips per acre compared to Active Adult projects. The M-1 district generates a high volume of commercial truck traffic. The proposed PAC use generates negligible to none.

- d. *Substantial Decrease in Impervious Coverage.* Industrial development is permitted to cover 60 percent of land. The PAC proposal will result in approximately half the impervious coverage (building and pavement) compared to permitted industrial development.

Each of the above statements of fact and/or comparison of impact identifies the extent and scope of the deviations from the adopted land use plan designation by ordinance 3462.

5. Except as set forth hereinabove, the land use plan and housing plan elements of the master plan are substantially consistent with ordinance no. 3462.
6. The Township Clerk is directed to forward a certified copy of this Resolution to the Somerset County Planning Board upon its adoption by the Township Council.

The meeting recessed from 11:45 a.m. to 12:05 p.m.

Mr. Chivukula and Mr. Sumter left the meeting at 12:05 p.m.

Ms. Ashley-Williams returned to the meeting at 12:05 p.m.

The meeting returned to Council Discussion items.

Request – Release of Deed Restriction – Block 193, Lots 69-72 – 117 Alcorne Street

Thomas Walsh, Esq., attorney for Mr. Latanzio Jr., requested the release of deed restriction for Block 193, Lots 69-72 (117 Alcorne Street). The property was assessed for \$80,000, which is the amount it would be if the deed restriction was lifted. The surrounding properties do not have deed restrictions. Mr. Daly summarized the reported filed from the various departments and recommended the deed restriction not be lifted. Mr. Daly stated it has been the policy of Council not to release deed restrictions set by former Councils. He stated it has been Council's policy not to promote development on land.

Mr. Latanzio, Jr. expressed his confusion as to why this last lot in the area cannot be built on. Mr. Walsh reiterated that the property is assessed as if the property had the deed restriction lifted. He stated lots with deed restrictions value is greatly reduced. If the deed restriction is released, the value of the land would increase. Mr. Latanzio, Sr. stated he paid the same price for these lots as he did for other lots without deed restrictions.

Mr. Unger stated water and sewer are available to these lots. He stated he does not understand why the deed restriction cannot be released since it would improve the value of the property and become a better ratable.

Mr. Rainone stated if Council releases this deed restriction, there will be many more requests to follow. It has been found that there is no net benefit to the town in releasing deed restrictions on properties.

Mr. Walsh stated Council should vote on the merits of each individual case. Mr. Rainone replied there are many with the same case and this would set a precedent.

Ms. Ashley-Williams expressed her confusion of why if the Township does not release deed restrictions, why they entertain these requests in the first place. Deputy Mayor McKenzie suggested further review of why the policy has been not to release deed restrictions. Mr. Daly stated the following reasons why Councils have denied release of deed restrictions:

1. Present Councils have respected the decisions of prior Councils.
2. It would cause a windfall of many more requests for release of deed restrictions.
3. It is a tax loser to the Township.

A brief discussion ensued regarding Council’s policy of releasing deed restriction requests. As a result, it was the consensus of Council to place this request on the July 6th Work Session.

Mr. Walsh noted he would send a complete copy of the deed for the property to Council through the Clerk’s Office.

Request of Release of Deed Restriction for Block 349.02, Lots 78.01, 79-80 – 416 West Pointe Avenue.

Mr. & Mrs. Trevor Williams requested the deed restriction on Lot 78.01 be lifted to allow them to build a single family home. Mr. Rainone stated a house was previously on the property until it burned down. If a single-family home is not rebuilt on the property, the Williams’ will lose the value of their property. Mr. Rainone also stated the Williams’ were granted a hardship variance. This matter will be scheduled for the July 6th Work Session with a resolution being scheduled for the July 13th Regular Meeting. The Township Clerk was directed to notice the public hearing on the resolution authorizing the release of deed restriction for the aforesaid property.

WARRANTS

Read by Mayor Levine:

1	Current	529,065.19
5	Water Operating	110,000.00
	Water Capital	104,214.30
4	General Capital	305,072.78
15	General Trust	4,461.30
18	Self Insurance Trust	1,075.00
21	Recreation Trust	3,069.45
12	Open Space Trust	9,255.17
2	Grant	15,138.13
3	Collector Trust	47,895.3
	SUB-TOTAL	1,129,246.63
	Escrow Account	50,977.60
	GRAND TOTAL	1,180,224.23

Motion was made by Ms. Ashley-Williams and seconded by Ms. Eberle to approve the Warrants.

Township Clerk McCarthy polled the Mayor and Council, the vote being as follows:

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

Motion was carried.

Ordinance No. 3463

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6B(1), OFFICIAL ZONING MAP.

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Ms. Ashley-Williams seconded said motion.

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

Resolution #04-278: Adoption of Ordinance #3463 although inconsistent with Master Plan

Upon motion by Deputy Mayor McKenzie, seconded by Mr. Unger, the following resolution was adopted 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			Chivukula
Eberle	Levine			Regan
McKenzie	Unger			Sumter

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

1. The Municipal Land Use Law Section NJSA 40:55D-6 states: The governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon. Such ordinance shall be adopted after the planning board has adopted the land use plan element and the housing plan element of a master plan and all of the provisions of such zoning ordinance or any amendment or revisions thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements. Provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance; this resolution sets forth the facts, conditions and extent of deviation from the adopted land use plan housing element.
2. Land Use Plan Element. The land use plan element of the Master Plan as supplemented and amended, contains twenty one (21) land use designations reflected in the Zoning Code of Franklin Township. Designation for block 468.08, lot 1 is OP and block 468.08, lot 2.01 is M-2.
3. Block 468.08, lots 1 and 2.01 are located in sector 5 of the Land Use Plan of Franklin Township. The site abuts the CR and R-10 zones. The Master Plan also recommends the senior citizens village overlay for the site reference as the Atrium South project in the master plan. A subsequent Master Plan amendment extended the residential overlay to

large tracts in the M-1 zone.

4. The site abuts the Lakewood Townhomes. The industrial development would result in uses and building bulk completely dissimilar to the Lakewood Townhome neighborhood.
5. Proposed ordinance 3463 is consistent with the general objective of providing diverse and affordable housing resources for this community and its region.
6. Block 468.08, lots 1 and 2.01 as identified in proposed ordinance 3463 does advance the goals and objectives set forth in the Township's comprehensive plan in the following manner:
 - a. *Consistent with Land Use Pattern.* The proposal is consistent with the existing and evolving land use pattern of this sector of the Township and is recognition of this condition.
 - b. *Affordability.* Proposed ordinance 3463 requires a range of affordability as a part of the CR zone requirements.
 - c. *Substantial Traffic Reduction.* The traffic generation of townhome development is substantially less than that generated from the wide range of uses permitted within the current M-1 industrial zone. Office and manufacturing uses developed in accordance with zone standards would generate, at peak hour, conservatively 2 to 3 times the number of trips per acre compared to townhome projects. The M-1 district generates a high volume of commercial truck traffic. The proposed CR use generates negligible to none.
 - d. *Substantial Decrease in Impervious Coverage.* Industrial development is permitted to cover 60 percent of land. The CR proposal will result in approximately half the impervious coverage (building and pavement) compared to permitted industrial development.
7. Each of the above statements of fact and/or comparison of impact identifies the extent and scope of the deviations from the adopted land use plan designation by ordinance 3463.
8. Except as set forth hereinabove, the land use plan and housing plan elements of the master plan are substantially consistent with ordinance no. 3463.
9. The Township Clerk is directed to forward a certified copy of this Resolution to the Somerset County Planning Board upon its adoption by the Township Council.

Ordinance No. 3468

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE KEVIN AND KATHERINE SCHOFIELD OF A RIGHT-OF-WAY EASEMENT FOR LOT 12.01 IN BLOCK 512.

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Ms. Ashley-Williams 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			Chivukula
Eberle	Levine			Regan
McKenzie	Unger			Sumter

Ordinance No. 3469

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM TEN MILE RUN DEVELOPERS, LLC OF THREE (3) DRAINAGE EASEMENTS AND ONE (1) DEED DEDICATION FOR BLOCK 20.12, LOTS 44.01, 45 AND 46.

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Ms. Ashley-Williams 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			Chivukula
Eberle	Levine			Regan
McKenzie	Unger			Sumter

Ordinance No. 3470

Mayor Levine offered the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING QUITCLAIM DEED – CONVEYANCE OF PROPERTY KNOWN AS BLOCK 468.07, LOT 44.10 FROM TOWNSHIP OF FRANKLIN TO THE CORELLA A. AND BERTRAM F. BONNER FOUNDATION (BONNER PROPERTIES, INC.)

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Deputy Mayor McKenzie to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon voice vote.

A motion was made by Deputy Mayor McKenzie to adopt the ordinance on final passage and publication in accordance with law. 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>
Ashley-Williams	Danile			Chivukula
Eberle	Levine			Regan
McKenzie	Unger			Sumter

Ordinance No. 3471

Mayor Levine offered the following ordinance:

AN ORDINANCE TO REPEAL ORDINANCE NO. 3431 ENTITLED "AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, 0.703 ACRE PORTION OF BLOCK 34.09, LOT 59.02 – VLIET ROAD FOR PURCHASE OF LAND UNDER WATER TANK" AND ORDINANCE NO. 3432 ENTITLED "CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF A UTILITY EASEMENT ON BLOCK 34.09, LOT 59.02, IN AND BY THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$65,000 THEREFOR FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP TO PAY THE COST THEREOF"

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Ms. Danile to open the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

Grace Evans, 38 Crown Road, asked several questions regarding the ordinances, opposition to the cellular tower and health issues regarding cellular towers. Mr. Rainone advised that it was not appropriate for Ms. Evans to be questioning this matter since she is a member of the Zoning Board of Adjustment. He advised Ms. Evans to direct her questions to the Zoning Board of Adjustment Attorney.

Mark Fleming, 4 Topaz Drive, stated the issue regarding the cellular antennas was not a health issue, it was an issue of eminent domain.

There being no further comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

A motion was made by Ms. Eberle to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by MR. Unger 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	Chivukula
Levine	McKenzie			Regan
Unger				Sumter

INTRODUCTION OF ORDINANCES

Ordinance No. 3476

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE RENEWAL OF A FRANCHISE TO RCN OF NEW JERSEY, INCORPORATED, FORMERLY KNOWN AS C-TEC CABLE SYSTEMS, TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION AND CABLE COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID FRANCHISE AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM" which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on July 13, 2004.

The aforesaid ordinance was moved by Deputy Mayor McKenzie and seconded by Ms. Eberle. Said motion 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			Chivukula
Eberle	Levine			Regan
McKenzie	Unger			Sumter

At this time, Ms. Ashley-Williams left the meeting.

Ordinance No. 3477

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS (DeKALB STREET) which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on July 13, 2004.

The aforesaid ordinance was moved by Deputy Mayor McKenzie and seconded by Mr. Unger. Said motion 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			Chivukula
Unger				Regan
				Sumter

CONSENT AGENDA

Upon motion by Deputy Mayor McKenzie, seconded by Mr. Unger, the following Consent Agenda Items (a – bb, remove cc-ll and add nn & oo) 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			Chivukula
Unger				Regan
				Sumter

Resolution #04-279 Award State Contract to Winner Ford for ten marked and one unmarked 2004 Ford Crown Victoria Interceptor police vehicles in the amount of \$236,130.06.

WHEREAS, the Township of Franklin desires to purchase items as follows through State Contract, which items exceed the prevailing bid threshold:

VENDOR: **CHARLES S. WINNER**
 C/O WINNER FORD
 240 HADDONFIELD BERLIN ROAD
 CHERRY HILL, NJ 08034-3409
 State Contract No. A45069

ITEMS: **POLICE VEHICLES – 10 marked and 1 unmarked 2004 Ford Crown Victoria Police Interceptor Police Vehicles**

COST: **\$236,130.03**

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 that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above named vendor to purchase the specified items under State Contract.

Resolution #04-280 Amend Existing Contract (Somerset County Cooperative Bid) with South Jersey Energy (October 1, 2002 to September 30, 2004) for natural gas to cover increased cost of energy for an additional amount of \$8,000.

WHEREAS, by resolution adopted September 9, 2002, a contract under the Somerset County Cooperative Bid CC-49-02 was authorized with South Jersey Energy for natural gas in the amount not to exceed \$50,000.00 annually; and

WHEREAS, a need exists to amend said contract to provide an additional \$8,000.00 to cover the increased cost of energy; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended contract with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) A notice of this action shall be printed in the LEGAL NEWSPAPER OF THE TOWNSHIP as required by law within ten (10) days of its passage.

VENDOR NAME: SOUTH JERSEY ENERGY
ADDRESS: 1 South Jersey Plaza Folsom, NJ 08037

CONTRACT AMOUNT: Not to exceed an additional \$8,000.00

SERVICE: Provide natural gas.

Resolution #04-281 Authorize Renewal of 2004-05 Liquor Licenses.

WHEREAS, applications have been received for thirteen (13) Plenary Retail Consumption Licenses, seven (7) Plenary Retail Consumption Licenses issued under the Hotel-Motel Exception, five (5) Plenary Retail Distribution Licenses, and four (4) Club Licenses; and

WHEREAS, these applications have been made to the Township Clerk and filing fees have been paid to the Township and to the State of New Jersey, Division of Alcoholic Beverages; and

WHEREAS, the Health Officer, the Chief of Police and Fire Inspector have inspected the applicants' property and have approved them as per letters filed with the Township Clerk; and

WHEREAS, no objections have been filed with the Township Clerk; and

WHEREAS, said applications have been examined by the Township Council and the Township Council finds that:

- (1) The submitted application forms are complete in all respects:
- (2) The applicants are qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;
- (3) The applicants have disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

with respect to Club Licenses:

- (1) The submitted applications are complete in all respects, including submission of the Club Member List;
- (2) The Officers and Directors of the Club are qualified according to all statutory, regulatory and Local Government Alcoholic Beverage Control Law and Regulations; and
- (3) The Clubs maintain all records required by NJAC 13:2-8.8 (Special Events Open to Non-Club Members) and NJAC 13:2-8.12 (true books of accounts for receipts and disbursements);

NOW, THEREFORE, BE IT RESOLVED this 24th day of June, 2004 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue thirteen (13) Plenary Retail Consumption License to the following:

1808-33-001-004	CAREFREE ENTERTAINMENT, INC. Inactive c/o 1260 Stelton Road Piscataway NJ 08854
1808-33-002-002	WE B, INCORPORATED t/a CHAUNCEY'S 3059 Route 27 Franklin Park NJ 08823
1808-33-003-002	CRETAN BULL RESTAURANT CORP. t/a McATEER'S RESTAURANT 1714 Easton Avenue Somerset NJ 08873
1808-33-004-003	FIRESIDE CORPORATION t/a HIDDEN LAKE LIQUORS 2011 Route 27 Somerset NJ 08873
1808-33-006-001	GOOD TIME CHARLEY'S SOUTH, INC. 3591 Route 27 Kingston NJ 08528
1808-33-009-002	NELSON'S BAR & LIQUORS, INC. 1135 Easton Avenue Somerset NJ 08873
1808-33-010-002	O'BRIEN TAVERN, INC. 310 Elizabeth Avenue Somerset NJ 08873
1808-33-011-002	O'CONNOR'S COLONIAL FARMS, INC. t/a O'CONNOR'S BEEF & CHOWDER HOUSE, 1719 Amwell Road , Somerset NJ 08873
1808-33-014-003	DR SOMERSET INN, INC. t/a SOMERSET INN 507 Hamilton Street Somerset NJ 08873
1808-33-015-005	ONE ELEVEN WINES & LIQUORS t/a THE DEN/SOPHIE'S BISTRO 700 Hamilton Street Somerset NJ 08873
1808-33-016-006	DECKER, JEROME E. Inactive PO Box 445 Quakertown NJ 08864
1808-33-017-007	PRINCIPESSA, LLC t/a LA PRINCIPESSA RISTORANTE 4437 Route 27, Suite 6 Princeton NJ
08540	
1808-33-033-004	WEL/WH CONVENTION MANAGERS, LLC t/a GARDEN STATE CONVENTION CENTER 50 Atrium Drive Somerset NJ 08873

BE IT FURTHER RESOLVED the Clerk is instructed to issue six (7) Plenary Retail Consumption Licenses under the Hotel/Motel exception as follows:

1808-36-002-003 EQUISTAR SOMERSET LLC
t/a Somerset Marriot Hotel
110 Davidson Avenue Somerset NJ 08873

1808-36-025-003 WESTON CANAL REALTY LP
t/a RAMADA INN
60 Cottontail Lane Somerset NJ 08873

1808-36-026-005 DT MANAGEMENT INC.
t/a DOUBLETREE HOTEL
200 Atrium Drive Somerset NJ 08873

1808-36-027-001 SWISS PROPERTIES SOMERSET HOTEL
CORPORATION t/a HOLIDAY INN/JERSEY
SPORTS BAR
195 Davidson Avenue Somerset NJ 08873

1808-36-034-002 MADISON HOSPITALITY, LLC
t/a CLARION SUITES
11 Cedar Grove Road Somerset NJ 08873

1808-36-036-001 WNC SOMERSET CO.
t/a SOMERSET COURTYARD AT MARRIOT
250 Davison Avenue Somerset NJ 08873

1808-36-037-001 TOUCAN-SOMERSET LLC
1850 Easton Avenue Somerset NJ 08873

BE IT FURTHER RESOLVED that the Clerk is instructed to issue five (5) Plenary Retail Distribution Licenses to the following:

1808-44-005-005 JAY MAHARA & DMB CORP.
t/a BUY RITE LIQUORS
900 Easton Ave., Suite 42 Somerset NJ 08873

1808-44-008-004 UJAL, INC.
t/a FRANKLIN LIQUORS
1199 Route 27 Kingston NJ 08528

1808-44-012-003 SCARLET KNIGHT LIQUORS SALES, INC.
t/a SCARLET KNIGHT LIQUORS
874 Hamilton Street Somerset NJ 08873

1808-44-013-010 FRANKLIN BOTTLE KING, INC.
t/a FRANKLIN BOTTLE KING
3391 Highway 27 Franklin Park NJ 08823

1808-44-032-007 A TO Z DISCOUNT AUTO PARTS
t/a CEDAR GROVE WINE & LIQUORS
120 Cedar Grove Road, Suites T19-21
Somerset NJ 08873

BE IT FURTHER RESOLVED that the Clerk be instructed to issue four (4) Club Licenses to the following:

1808-31-020-001 FRANKLIN EAGLES ATHLETIC CLUB, INC.
95 Ray Street Somerset NJ 08873

1808-31-023-002	LOYAL ORDER OF MOOSE LODGE NO. 1803 1300 Hamilton Street Somerset NJ 08873
1808-31-030-001	FRATERNAL ORDER OF EAGLES/NEW BRUNSWICK AERIE 1329 873 Hamilton Street Somerset NJ 08873
1808-31-031-001	TEN'S ENOUGH, INC. 37 Pine Street Somerset NJ 08873

Resolution #04-282 Authorize Person to Person Liquor License Transfer for License 1808-44-13-007 from Franklin Bottle King, Inc. to Liquor King, LLC. (3391 Rt. 27)

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1808-44-013-010, heretofore issued to Franklin Bottle King, Inc.; 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 **June 28, 2004** the transfer of the aforesaid Plenary Retail Consumption License to Liquor King, LLC 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 Liquor King, LLC effective June 28, 2004.**

Resolution #04-283 Amend Total Amount of Purchase with Benecard – FY2004 Prescription Insurance Policy in an additional amount of \$15,454.68.

WHEREAS, the Township of Franklin authorized a resolution to purchase items as follows which are exempt from the bidding requirements of the Local Public Contracts Law and meeting the requirement of an Extraordinary Unspecifiable Service (**NJSA 40A:11-5(m)**):

VENDOR: BENECARD
ITEM: Prescription Insurance - Township Employees
COST: \$1,195,110.00 for the period July 1, 2003 to June 30, 2004

WHEREAS, there is a need to amend the contract to cover the increased amount of \$15,454.68; and

WHEREAS, the Chief Financial Officer has certified 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, County of Somerset that the above purchase be authorized subject to the following provisions:

- (1) This contract is amended without competitive bidding as a exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m) to increase the amount by an amount not to exceed \$15,454.68.
- (2) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.

Resolution #04-284 Authorize Interlocal Agreement with Somerset County for Senior Transportation from July 1, 2004 to June 30, 2005 in an amount not to exceed \$43,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Council interlocal service agreements with the Somerset County Transportation as permitted by NJSA 40:8A-1 et. seq. for Senior Transportation Services for the period July 1, 2004 to June 30, 2004.

Resolution #04-285 Award Contract to Tri-Form Construction for Police Department Communications Center Expansion, Alternate 2 in an amount not to exceed \$128,300.00.

WHEREAS, a notice to bidders for the receipt of bids for Police Department Communications Center Expansion was published in the Courier News and on the Township's website on April 15, 2004; one addendum dated May 13, 2004 and received on May 21, 2004; 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 RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

TRI-FORM CONSTRUCTION
 119 Liberty Street Metuchen NJ 08840

for the Police Department Communications Center Expansion, Alternate 2

Amount not to exceed \$128,300.00; and

Resolution #04-286 Authorize Refund of Water Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue water monies to be refunded as follows:

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
263.01/5	EMMANUEL GBOGI c/o Carl Gensib, Esquire 850 Route 1 North North Brunswick NJ 08902	Overpayment	\$132.10
263.01/5	TOWNSHIP OF FRANKLIN 475 DeMott Lane Somerset NJ 08873	Fee Transfer	\$ 25.00

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer of the Township of Franklin, County of Somerset and State of New Jersey be instructed to draw checks in the amounts covering the overpayments and to deliver such checks to the proper person.

Resolution #04-287 Award Competitive Contract to Patrice Loehle, PP/AICP for CDBG Administration Services from July 1, 2004 to June 30, 2005 in an amount not to exceed \$17,250.00.

WHEREAS, the Township of Franklin is desirous of contracting for Community Development Block Grant (CDBG) Administration Services for the period July 1, 2004 to June 30, 2005; and

WHEREAS, N.J.S.A. 40A:11-4 et. seq. provides that the provision of specialized goods and services requires sealed bids, and that price and other factors can be considered when awarding a contract; and

WHEREAS, quotations for the provision of CDBG Administration Services was publicized;

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

**Patrice Loehle, PP/AICP
17 Hunters Ridge Drive
Pennington, NJ 08534**

Amount not to exceed \$17,250.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Council be and the same are hereby authorized to enter into a contract with the above listed provider; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

Resolution #04-288 Approve Stormwater Detention Maintenance Agreement with Gates Realty Corp./Site Plan with Variances, Docket #PLN 2002-0054 (Belmont Drive – Block 528.04, Lots 19.29 & 19.30).

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Developer's Agreement with Gates Realty Corp. with offices located at 211 Gates Road, Little Ferry, NJ 07643 for property known as Block 428.04, Lots 19.29 and 19.30 as shown on the Tax Map of the Township of Franklin located at Belmont Drive pursuant to the resolution approval dated June 4, 2003, a copy of which is on file in the office of the Township Clerk and available for public inspection.

Resolution #04-289 Authorize Execution of Temporary License for Ingress and Egress and to Use and Occupy with Karen Dutt for property known as Block 207, Lots 1-8. (234 Ralph Street)

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute a temporary license for ingress and egress and to use and occupy with Karun Dutt to permit right to enter and reenter and use and occupy Township owned land located at Block 207, Lots 1-8 for the period ending July 1, 2014; and

BE IT FURTHER RESOLVED that said license agreement shall provide that it may be terminated by the Township at any time upon ninety (90) days notice and furthermore, said

agreement shall provide that the Karun Dutt will indemnify defend and hold harmless the Township of Franklin from any and all claims arising out of the use of the temporary licensed area.

Resolution #04-290 Authorize Cancellation of Capital Ordinance Balances.

WHEREAS, balances exist in the Improvement Authorization accounts of the General Capital Fund balance sheet of the Township of Franklin, Somerset County, and

WHEREAS, the projects and acquisitions for which these Improvement Authorizations were originally established by action of the governing body of the Township of Franklin, Somerset County have been deemed complete and the unspent and uncommitted balances no longer needed for the purpose defined within the body of the given ordinance, and

WHEREAS, it is required that balances which remain unspent and uncommitted in completed ordinances be cancelled by resolution of the Governing Body of a municipality,

NOW, THEREFORE, BE IT RESOLVED through an affirmative vote of not less than two thirds of all the members of the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the balances and ordinances listed below are hereby cancelled with the funded total being cancelled to the Capital Surplus account and the unfunded total being a reduction from the total of Bonds and Notes Authorized but not Issued.

<u>Ord. #</u>	<u>Description</u>	<u>Funded</u>	<u>Unfunded</u>	<u>Balance</u>
1995	Vehicles/Repair of Roadway/Park Imps.	\$46,055.63		\$46,055.63
3074/3157	Amwell & DeMott Lane – Land Purchase	\$15,500.29		\$12,374.83
3179	Road & Drainage Improvements – 2001		\$53,095.83	\$53,095.83
3216	Traffic Study – Middlebush	\$9,506.10	\$40,000.00	\$49,506.34
3279	Road and Drainage Projects	\$35,229.83		\$35,229.83

Resolution #04-291 Authorize Release of Plan/Building Review/Inspection 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 112-29 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: **MARK (EAST), INCORPORATED**
 ADDRESS: 144 Gould Street, Suite 205
 Needham MA 02494
 DOCKET NO: PLN2002-0028 Plan Review
 BLOCK/LOT: 126.01/1
 LOCATION: 920 Hamilton Street
 AMOUNT DEPOSITED: \$7,500.00 CME \$2,500.00 E. Ritchie
 AMOUNT CHARGED: 4,474.25 900.00
 AMOUNT TO BE REFUNDED: \$3,025.75 \$1,600.00

APPLICANT: **REGENCY HOLDINGS-SPRING LAKE LLC**
aka MEKKWAY
 ADDRESS: 41 Elm Street, Suite 1C
 Morristown NJ 07960
 DOCKET NO: P98042T
 BLOCK/LOT: 85/54
 LOCATION: 1527 Route 27

AMOUNT DEPOSITED: \$1,000.00 Inspection Escrow
 AMOUNT CHARGED: Project Never Started
 AMOUNT TO BE REFUNDED: \$1,000.00

APPLICANT: **SECURITY NATIONAL SERVICING/SN-ALASKA**
 ADDRESS: 235 Old New Brunswick Road
 Piscataway NJ 08859
 DOCKET NO: P2000-072P Inspection Escrow/Plan Review
 BLOCK/LOT: 88.02/74
 LOCATION: 51 Veronica Avenue
 AMOUNT DEPOSITED: \$19,500.00 \$10,000.00
 AMOUNT CHARGED: 12,564.00 4,242.38
 AMOUNT TO BE REFUNDED: \$ 6,936.00 \$ 5,757.62

APPLICANT: **DANIEL SOLASKY**
 ADDRESS: 83 Lake Avenue
 Metuchen NJ 08840
 DOCKET NO: ZBA2001-0010
 BLOCK/LOT: 562.02/45-57
 LOCATION: 521 Jerome Avenue
 AMOUNT DEPOSITED: \$2,000.00 Plan Review
 AMOUNT CHARGED: 1,292.50
 AMOUNT TO BE REFUNDED: \$ 797.50

APPLICANT: **RMR PARTNERS, INC. (KAIDER)**
 ADDRESS: 222 Wilson Road
 Somerset, NJ 08873
 DOCKET NO: ZBA2002-0435
 BLOCK/LOT: 5.02/73
 LOCATION: 4271 Route 27
 AMOUNT DEPOSITED: \$2,400.00 (In-Hse) \$3,600.00 (Heyer)
 AMOUNT CHARGED: 200.00 2,196.40
 AMOUNT TO BE REFUNDED: \$2,200.00 \$1,403.60

APPLICANT: **TOWN & COUNTRY ALUMINUM**
 ADDRESS: 3048 South Broad Street
 Trenton, NJ 08610
 DOCKET NO: PLN2003-0060
 BLOCK/LOT: 34.01/38
 LOCATION: 3081 Route 27
 AMOUNT DEPOSITED: \$500.00 (In-Hse) \$500.00 (Heyer)
 AMOUNT CHARGED: 187.50 450.00
 AMOUNT TO BE REFUNDED: \$312.50 \$ 50.00

APPLICANT: **JAMES B. HARRISON**
 ADDRESS: 1 Fox Chase Drive
 Watchung, NJ 07060
 DOCKET NO: PLN2001-0003
 BLOCK/LOT: 86.01/9.39
 LOCATION: Dahmer Road & Bennetts Lane
 AMOUNT DEPOSITED: \$12,200.00 Planning Review
 AMOUNT CHARGED: 12,028.50
 AMOUNT TO BE REFUNDED: \$ 171.50

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

Resolution #04-292 Reject Bids for Franklin Blvd. Sidewalks. (All bids exceeded estimate and budget.)

WHEREAS, notice to bidders for the Renovations to the Municipal Building appeared in the Courier News on April 12, 2004 and the Township's website and were opened on May 11, 2004; and

WHEREAS, six (6) bids were received and all six (6) bids exceeded the cost estimate and budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids received on May 11, 2004 for the Franklin Boulevard Sidewalks be and they are hereby rejected.

Resolution #04-293 Authorize FY2005 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

GENERAL GOVERNMENT

Manager (Township Manager's Office)	Salaries & Wages	47,359
	Other Expenses	3,604
Manager (Grant Coordinator's Office)	Salaries & Wages	15,929
	Other Expenses	522
Manager (Purchasing&General Services)	Salaries & Wages	12,637
	Other Expenses	40,715
Human Resources (Personnel)	Salaries & Wages	12,828
	Other Expenses	10,764
Township Council	Salaries & Wages	19,921
	Other Expenses	3,311
Municipal Clerk	Salaries & Wages	56,194
	Other Expenses	12,957
Elections	Salaries & Wages	
	Other Expenses	2,915
Treasury	Salaries & Wages	74,296
	Other Expenses	28,468
Audit Services	Salaries & Wages	
	Other Expenses	8,480

Data Processing	Salaries & Wages	34,721
	Other Expenses	25,127
Tax Collection	Salaries & Wages	30,716
	Other Expenses	6,310
Tax Assessor	Salaries & Wages	73,004
	Other Expenses	14,420
Legal Services	Salaries & Wages	5,565
	Other Expenses	95,400
Engineering Services	Salaries & Wages	101,271
	Other Expenses	2,465
Economic Development	Salaries & Wages	25,423
	Other Expenses	7,036
<u>LAND USE ADMINISTRATION</u>		
Planning Board	Salaries & Wages	55,383
	Other Expenses	25,000
Zoning Board Of Adjustment	Salaries & Wages	3,710
	Other Expenses	15,000
Affordable Housing Agency	Salaries & Wages	
	Other Expenses	18,550
<u>CODE ENFORCEMENT:</u>		
Code Enforcement	Salaries & Wages	241,572
	Other Expenses	75,525
Zoning Enforcement	Salaries & Wages	20,273
	Other Expenses	265
<u>PUBLIC SAFETY FUNCTIONS</u>		
Police Department – Uniform	Salaries & Wages	2,171,673
	Other Expenses	66,383
Police Department – Clerical	Salaries & Wages	97,154
	Other Expenses	
Police Department – 911/Dispatch	Salaries & Wages	117,328
	Other Expenses	26,103
Police Department – Crossing Guards	Salaries & Wages	49,195
	Other Expenses	
Office of Emergency Management	Salaries & Wages	3,373
	Other Expenses	530
Aid to Volunteer Fire Companies	Salaries & Wages	
	Other Expenses	15,041

Aid to Volunteer Ambulance Companies		
	Salaries & Wages	
	Other Expenses	28,686
Fire Prevention		
	Salaries & Wages	101,277
	Other Expenses	3,518
Prosecutor's Office		
	Salaries & Wages	10,812
	Other Expenses	172
PUBLIC WORKS FUNCTIONS		
Street & Road Maintenance		
	Salaries & Wages	306,320
	Other Expenses	49,025
Snow Removal		
	Salaries & Wages	
	Other Expenses	
Public Works Administration		
	Salaries & Wages	21,766
	Other Expenses	278
Recycling (Mini Dump)		
	Salaries & Wages	32,196
	Other Expenses	257,494
Building and Grounds		
	Salaries & Wages	45,151
	Other Expenses	44,653
Vehicle Maintenance		
	Salaries & Wages	36,984
	Other Expenses	38,591
Community Services Act		
	Salaries & Wages	
	Other Expenses	13,250
Shade Tree Commission		
	Salaries & Wages	265
	Other Expenses	
HEALTH & HUMAN RESOURCES		
Health Services (Administration)		
	Salaries & Wages	55,130
	Other Expenses	4,135
Health Services (Clinic)		
	Salaries & Wages	10,115
	Other Expenses	9,439
Environmental Health Services (Inspection)		
	Salaries & Wages	41,791
	Other Expenses	2,796
Animal Control Services		
	Salaries & Wages	44,348
	Other Expenses	5,320
Community Resources (Welfare)		
	Salaries & Wages	31,297
	Other Expenses	10,259
Contributions to Social Services Agencies		
	Salaries & Wages	
	Other Expenses	

PARKS & RECREATION

Recreation Services & Programs

Salaries & Wages	99,554
Other Expenses	29,373

Maintenance of Parks

Salaries & Wages	115,808
Other Expenses	17,848

OTHER COMMON OPERATING FUNCTIONS

Prior Years Bills

Salaries & Wages	
Other Expenses	

Accumulated Leave Compensation

Salaries & Wages	
Other Expenses	

Celebration of Public Events

Salaries & Wages	
Other Expenses	9,938

Tax Appeals Refunds

Salaries & Wages	
Other Expenses	

Salary Adjustment

Salaries & Wages	
Other Expenses	

Tax Title Lien & Foreclosure

Salaries & Wages	
Other Expenses	

Purchase of Vehicles

Salaries & Wages	
Other Expenses	

Environmental Commission

Salaries & Wages	
Other Expenses	318

Historic Commission

Salaries & Wages	
Other Expenses	954

UTILITY EXPENSES & BULK PURCHASES

Electricity

Salaries & Wages	
Other Expenses	115,143

Street Lighting

Salaries & Wages	
Other Expenses	231,743

Telephone

Salaries & Wages	
Other Expenses	67,337

Water

Salaries & Wages	
Other Expenses	3,975

Gas & Fuel

Salaries & Wages	
Other Expenses	59,685

Fire Hydrant

Salaries & Wages	
Other Expenses	6,095

CONTINGENT

Liability Insurance	Salaries & Wages	
	Other Expenses	350,000
Workers Compensation Insurance	Salaries & Wages	
	Other Expenses	26,500
Employee Group Insurance	Salaries & Wages	
	Other Expenses	1,036,548
Unemployment Insurance	Salaries & Wages	
	Other Expenses	
Public Employees Retirement System	Other Expenses	
Police and Fireman Retirement System	Other Expenses	

EDUCATION FUNCTIONS

Municipal Library	Salaries & Wages	
	Other Expenses	446,214

FEDERAL, STATE & COUNTY GRANTS

Grants & Matching	198,630
Matching Funds for Grants	2,536

INTERLOCAL SERVICE AGREEMENTS

Board of Education Transportation	Salaries & Wages	33,321
	Other Expenses	33,229
Somerset County Shared Services	Salaries & Wages	
	Other Expenses	1,723
Senior Transportation	Salaries & Wages	
	Other Expenses	10,600
Zoning Inspection (Millstone)	Salaries & Wages	914
	Other Expenses	
Middlesex County Sexually Transmitted Disease	Salaries & Wages	
	Other Expenses	1,723

MUNICIPAL COURT

Municipal Court	Salaries & Wages	82,173
	Other Expenses	33,536
Public Defender	Salaries & Wages	3,975
	Other Expenses	

CAPITAL IMPROVEMENTS

Capital Improvements – Down Payments	Salaries & Wages	
	Other Expenses	
Capital Improvements – Specific Projects	Salaries & Wages	

	Other Expenses	
<u>MUNICIPAL DEBT SERVICE</u>		
Debt Service		
	Salaries & Wages	
	Other Expenses	500,000
Payment of Notes – Principal		
	Salaries & Wages	
	Other Expenses	
Bond Interest		
	Salaries & Wages	
	Other Expenses	523,668
Note Interest		
	Salaries & Wages	
	Other Expenses	
Green Acres Loan Payments		
	Salaries & Wages	
	Other Expenses	30,000
SCIA Lease Payments		
	Salaries & Wages	
	Other Expenses	500,000
<u>DEFERRED CHARGES</u>		
Deferred Charges		
	Salaries & Wages	
	Other Expenses	
Emergency Appropriations		
	Salaries & Wages	
	Other Expenses	
Deferred Charges to Future Taxation Unfunded		
	Salaries & Wages	
	Other Expenses	
Community Resource Summer Child Care		
	Salaries & Wages	
	Other Expenses	
Public Assistance – State Aid		
	Salaries & Wages	
	Other Expenses	525
LOSAP (Other Expenses)		
	Salaries & Wages	
	Other Expenses	
TOTAL TEMPORARY BUDGET		\$9,842,804

WATER UTILITY

Operating		
	Salaries & Wages	309,876.30
	Other Expenses	1,581,997.00
	Health Benefits	60,401.00
	Insurance Other	
Capital Improvements		
	Down Payments on Improvements	
	Capital Improvement Fund	
	Capital Outlay	
	Deferred Charges to Future	
	Taxation	
Debt Service		

	Other Expenses	62,360.00
Statutory Expenses		
	Social Security	23,452.90
	Disability Insurance	1,313.00
	Prior Year Bill	
TOTAL WATER UTILITY		\$1,976,363.93

OPEN SPACE

Maintenance of Lands		
	Salaries and Wages	30,312.00
	Other Expenses	96,989.72
Debt Service		400,338.75
	Salaries and Wages	
	Other Expenses	
Down Payments on Improvements		
	Other Expenses	

Resolution #04-294 Authorize FY2004 Budget Transfers

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2004 Municipal Budget Appropriations:

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
<i>Current Fund</i>		
Police Uniform		\$ 55,000.00
Purchase of Vehicles	\$ 55,000.00	
Tax Assessor		\$ 20,000.00
Purchase of Vehicles	\$ 20,000.00	
Economic Development		\$ 7,500.00
Purchase of Vehicles	\$ 7,500.00	
Tax Collector		\$ 4,000.00
Purchase of Vehicles	\$ 4,000.00	
Mini Dump		\$ 17,500.00
Purchase of Vehicles	\$ 17,500.00	
Health Clinic		\$ 9,000.00
Purchase of Vehicles	\$ 9,000.00	
Building and Grounds		\$ 6,000.00
Purchase of Vehicles	\$ 6,000.00	
Animal Control		\$ 5,000.00
Municipal Clerk	\$ 5,000.00	
Roads		\$ 33,000.00
Purchase of Vehicles	\$ 33,000.00	
<u>Water Utility Budget</u>		
Loan Repayment Principal		\$ 61,266.92
Payment	\$ 61,266.92	
Bond Interest Payment		

Resolution #04-295 Authorize Execution of Grant Application with NJ Department of Transportation Municipal Aid Program in the amount of \$293,190 for Improvements to Cortelyou Lane.

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvements of: *Road Reclamation and Overlay from Cortelyous Lane entire length, from Middlebush Road to Route 27.* in the Municipality of Franklin Township, County of Somerset, State of New Jersey for a distance of 1.8 miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$293,190. The Sponsor requests \$293,190 in State funds and anticipated contributing \$22,025.

AND BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement (Check only major type of work)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Resurfacing | <input type="checkbox"/> Culvert (Less than 20 foot span) |
| <input checked="" type="checkbox"/> Roadway Reconstruction | <input type="checkbox"/> Bridge (20 foot span or greater) |
| <input type="checkbox"/> Surface Treatment | <input type="checkbox"/> Safety Improvement |
| <input type="checkbox"/> Traffic Signal Installation | <input type="checkbox"/> Safe Streets to Schools |
| <input type="checkbox"/> Intersection Improvement | <input type="checkbox"/> Other (Describe Below) |
| <input type="checkbox"/> Bikeway | <input type="checkbox"/> |

Scope of Work (Provide a detailed written description of the project - use additional sheets if necessary)

Funds are requested for road reclamation and overlay for a the entire length of Cortelyous Lane (entire length). The road is an east-west connectors to the heavily traveled north-south routes of South Middlebush Road and NJ State Highway Route 27. High volumes of traffic travel from South Middlebush Road to and from Interstate 287 and the nearby employment centers along Davidson Avenue and World Fair Drive in the Township. Substantial commercial and residential development in the Township within the past two decades have contributed to these heavily used roads deteriorating rapidly.

[SUBMIT 3 ORIGINALS OF THIS FORM ALONG WITH 3 LOCATION MAPS AND FOR CENTERS OF PLACE SUBMIT 6 ORIGINALS OF THIS FORM ALONG WITH 6 LOCATION MAPS TO THE DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT]

Total Estimated Cost of Improvement (Attach a detailed cost estimate)

Construction Cost (From attached estimate)	\$293,190.00
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Construction Inspection and Material Testing if requesting (10% of the finale allowable construction cost maximum)	
Total Estimated Cost	\$293,190.00

Project Information

- Is utility work planned within the project limits over the next five (5) years? No
- Is the purchase of right-of-way required before the start of project construction? – No
- Does the project intersect a State Highway? – Yes
 - If yes, which highway? _____
 - If Yes, is the intersection signalized? – Yes
- Is there a railroad crossing within the project limits? – No
- Is there a railroad crossing 100 feet outside of the project limits? - No
- Will the construction impact traffic across a railroad crossing outside the project limits? – No

ADDITIONAL FORMS OR DOCUMENTS REQUIRED - ATTACH ONLY THOSE FORMS APPLICABLE TO THE PROJECT

Traffic Signal and/or Channelization - Attach a copy of the "Authorization to Design or Install"

Roadway Project – Attach a copy of "Appendix RD"

Bridge Project – Attach a copy of "Appendix BR" and Appendix RD"

Bikeway Project – Attach a copy of "Appendix BW"

Safe Streets to Schools Project – Attach a copy of "Appendix SS"

Location map - 8 ½" x 11" only, showing project limits (all information must be clear and legible with street names labeled)

NOTE For projects located within right-of-way or on property owned by other jurisdictions, proof of permission to construct this project must be attached to this form or the project will not be considered for possible funding.

AND BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation ("the Department"), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within sixty (60) days of its receipt of notification of the amount allotted by the Department.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 89-19, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
 1. Preparation of contract drawings and supplementary specifications.
 2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
 3. Construction of the above referenced improvement.
 4. Monitoring and supervising compliance with all provisions of this Agreement.
- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.

- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual On Uniform Traffic Control Devices" published by Federal Highway Administration.
- l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
 2. Other documents as required.
- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development.
 1. Two (2) copies of the summary of construction bids.
 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
 - a. It shall award a construction contract for the project within twelve (12) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may grant an extension of this twelve (12) month period after receiving an adopted resolution containing the request from the Sponsor. The Department may cancel the funds allotted to the project if the Sponsor does not award the construction contract by the specified time.
- u. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- v. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for

purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.

- w. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 10 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.
- x. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
 - 1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department or the full amount of the allotment shall be paid upon approval of this Agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project completion.
 - 2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement.
 - 3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.
- y. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
- z. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
- aa. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
- bb. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
- cc. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
- dd. It shall maintain the completed project in a manner satisfactory to the Department.
- ee. It will comply with Title VI of the 1964 Civil Rights Act.
- ff. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
- gg. Approval as to Form by Certification Process.

AND BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

Resolution #04-296 Authorize Execution of Grant Application with NJ Department of Community Affairs for Recreation Opportunities for Individuals with Disabilities in the amount of \$10,000 with a cash match of \$2,400 for Inclusive Summer Camp.

WHEREAS, the Township of Franklin, Somerset County desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$10,000 State with \$ 2,000 local share for a total contract of \$12,000 in 2005 to continue to run the Inclusive Summer Camp, for regular and special education students.

BE IT THEREFORE RESOLVED, that the Township of Franklin, Somerset County does hereby authorize the application for such a grant; and upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement Franklin Township and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Resolution #04-297 Discharge of Mortgage – CDBG Housing Rehabilitation Program – Linda Maggio – 4222 Route 27 (Block 6, Lot 29) – Recorded in Book 3125, Page 654.

WHEREAS, the Township of Franklin holds a mortgage for David & Linda Ramey (Linda Maggio) for premises known as Block 6, Lot 29 located at 4222 Route 27, Somerset NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on the mortgage dated May 26, 1999 in Book 3125, Page 654 with the County Recording Officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Lot 29/Block 6 and to have same filed with the County Recording Officer.

Resolution #04-298 Discharge of Mortgage – CDBG Housing Rehabilitation Program – Gonzales – 435 Hillcrest Avenue (Block 294, Lot 19).

WHEREAS, the Township of Franklin holds a mortgage for Ana C. Gonzalez for premises known as Block 294, Lots 19-21 located at 435 Hillcrest Avenue, Somerset NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on the mortgage dated March 29, 1993 in Book 5537, Page 1448 with the County Recording Officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Lots 19-21/Block 294 and to have same filed with the County Recording Officer.

Resolution #04-299 Tax Title Lien Redemptions.

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: 34.05/48.08
Name & Address: Nagy, Valeria
 5 Decaire Lane
 Franklin Park NJ 08823
Amount: \$23,662.92
Make Check Payable To: Fidelity Tax LLC
 #302/237 3371 Brunswick Pike Lawrenceville NJ 08648
Certificate No.: 020018
Payment Received: June 2, 2004

Date of Sale: June 13, 2002
Block/Lot: 226/39
Name & Address: Lewis, Evanell O.
 61 Martin Street
 Somerset NJ 08873
Amount: \$170.74
Make Check Payable To: Mabel M. Arinzeh
 108 Drake Road Somerset NJ 08873
Certificate No.: 020116
Payment Received: June 1, 2004

Date of Sale: June 10, 2003
Block/Lot: 226/39
Name & Address: Lewis, Evanell O.
 61 Martin Street
 Somerset NJ 08873
Amount: \$324.84
Make Check Payable To: James Pilewski
 3 Devon Lane Warren NJ 07059
Certificate No.: 03-140
Payment Received: June 1, 2004

Date of Sale: June 13, 2002
Block/Lot: 228/33
Name & Address: Mansaray, Mustapha
 4 Curtis Place
 New Brunswick NJ 08901
 (93 Martin Street)
Amount: \$1,855.42
Make Check Payable To: A & L Real Estate Holdings, LLC
 307 Stirling Road Watchung NJ 07069
Certificate No.: 020119
Payment Received: June 2, 2004

Date of Sale: June 10, 1999
Block/Lot: 388/3
Name & Address: Shamy, Edward

44 De Mott Lane
 Somerset NJ08873
Amount: \$5,801.94
Make Check Payable To: Wachovia CT/M.D.SASS
 123 South Broad Street, PA 1328 Philadelphia PA 19109
Certificate No.: 99-77
Payment Received: June 1, 2004

Date of Sale: June 8, 2000
Block/Lot: 388/3
Name & Address: Shamy, Edward
 44 De Mott Lane
 Somerset NJ08873

Amount: \$382.32
Make Check Payable To: Wachovia CT/M.D.SASS
 123 South Broad Street, PA 1328 Philadelphia PA 19109
Certificate No.: 20-63
Payment Received: June 1, 2004

Date of Sale: June 10, 2003
Block/Lot: 425.03/15.03
Name & Address: Indri, Nancy
 157 Walnut Avenue
 Somerset NJ 08873

Amount: \$610.19
Make Check Payable To: James C. Older
 87 East Mountain Road Hillsborough NJ 08844
Certificate No.: 03-224
Payment Received: June 1, 2004

Date of Sale: June 10, 2003
Block/Lot: 425.04/6
Name & Address: Holmes, Camille
 122 Twelfth Street
 Somerset NJ 08873

Amount: \$14,713.24
Make Check Payable To: Elliot Loeb Keogh Plan
 1 Lakeview Road Saratoga Springs NY 12866
Certificate No.: 03-225
Payment Received: June 1, 2004

Date of Sale: June 10, 2003
Block/Lot: 557/24
Name & Address: Popik, Jeffrey
 60 Sunbright Road
 Watchung NJ 07060
 (533 Equator Avenue)

Amount: \$328.03
Make Check Payable To: BDG Realty LLC
 1828 Holly Road North Brunswick NJ 08902
Certificate No.: 03-243
Payment Received: June 7, 2004

Date of Sale: June 10, 2003
Block/Lot: 557/24
Name & Address: Popik, Jeffrey
 60 Sunbright Road
 Watchung NJ 07060

(533 Equator Avenue)
Amount: \$45.67
Make Check Payable To: BDG Realty LLC
 1828 Holly Road North Brunswick NJ 08902
Certificate No.: 03-244
Payment Received: June 7, 2004

Resolution #04-300 Authorize Release of Performance Guarantee – SN Alaska – Docket No. P2000-072P (Block 88.02, Lot 74 – 51 Veronica Avenue) in the amount of \$213,121.00.

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

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: SN ALASKA
 ADDRESS OF APPLICANT: 235 Old New Brunswick Road Piscataway NJ 08854
 NUMBER: 3SE 008 414 00
 INSURANCE CO./BANK: Security National Servicing Corporation
 IN THE AMOUNT OF: \$213,121.00

FOR: Completed Site Improvements for Docket No. P2000-072P – Block 88.02/Lot 74; and

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

WHEREAS, the Township Engineer, after inspection, recommends 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 be released to the above named applicant.

Resolution #04-301 Authorize Release of Performance Guarantee – Lanfrit Holding Company, LLC – Docket No. P97043PD (Block 523.03, Lots 13-28 – 428 Elizabeth Avenue) in the amount of \$81,120.00.

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

ITEM: PERFORMANCE GUARANTEE/CASH
 NAME OF APPLICANT: LANFRIT HOLDING COMPANY, LLC
 ADDRESS OF APPLICANT: 29 Longfield Drive Neshanic Station NJ 08853-1107
 NUMBER: Check No. 144
 INSURANCE CO./BANK: Merrill Lynch Bank One Columbus OH
 IN THE AMOUNT OF: \$81,120.00

FOR: Completed Site Improvements for Docket No. P97043PD – Block 523.03/Lot 13-28; and

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

WHEREAS, the Township Engineer, after inspection, recommends 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 be released to the above named applicant.

Resolution #04-302 Issue Special Event Permit to United Culture, Incorporated for Indian Cultural Festival to be held from Friday, July 9 through July 11, 2004 to be conducted at the Soccer Center located at 300 Memorial Drive, Somerset. – **Tabled.**

Resolution #04-303 Authorize Release of Performance Guarantee for MidState Equity Development – Docket No. SP3278 in the amount of \$26,258.00 (Block 276/Lots 9-14; Block 279, Lots 1-5 – Lander Street).

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

ITEM:	PERFORMANCE BOND
NAME OF APPLICANT:	MIDSTATE EQUITY DEVELOPMENT
ADDRESS OF APPLICANT:	11 Springfield Avenue Somerset, NJ 08873
NUMBER:	SP3278
INSURANCE CO./BANK:	United Trust Somerset, NJ 08873
IN THE AMOUNT OF:	\$26,258.00

FOR: Site Improvements for Docket No. SP3278 – Block 276/Lot 9-14; 279/1-5;

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

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$13,129.05; and

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 be released to the above named applicant.

Resolution #04-304 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.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
VARIOUS MOVE TAX OVERPAYMENT FROM 2004 TO 2005 FOR 287 TAX ACCOUNTS	TOWNSHIP OF FRANKLIN 475 DeMott Lane Somerset NJ 08873	2/04	93,198.20
11.01/13.36 REFUND TO HOMEOWNERS ESCROW ACCOUNT WASHINGTON	WASHINGTON MUTUAL 2210 Enterprise Drive Florence SC 29501	2/03	2,349.99

MUTUAL PAID ON INCORRECT PARCEL 70/1 MOVE 600.00 TO LOT 8 PER HOMEOWNERS REQUEST	TOWNSHIP OF FRAKLIN 475 DeMott Lane Somerset NJ 08873	3/04	600.00
5.02/15 PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	TRAP ROCK INDUSTRIES INC Laurel Avenue Kingston NJ 08528	2/04	1,701.43
20.12/23 PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	TEN MILE RUN DEVELOPERS LLC 812 Central Avenue Westfield NJ 07090	2/04	323.75
54/3 2004 TAX APPEAL	CZUPAK, JAN, OLGA, ZBIGNIEW & BEATA 43 Vermont Avenue Franklin Park NJ 08823	2/04 '3/04	537.44 .66
88.02/26QFARM PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	R.D.L. ASSOCIATES C/O H. RIEDER PO Box 41 Edison NJ 08818	2/04	4,480.69
88.02/71-72 2004 TAX APPEAL	NASH, J.P. L.L.C. 210 North Center Drive North Brunswick NJ 08902	2/04 2/04	1,401.56 1,401.56
90/9 PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	ARANY LLC 8 Veronica Avenue Somerset NJ 08873	2/04	4,601.70
150/128 PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	KIM, DO SOO & MIJA 1 Deer Cross Lane North Brunswick NJ 08902	2/04	868.14
227/62 PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	JAMES PILEWSKI 3 Devon Lane Warren NJ 07059	2/04	667.66
299/31 2004 TAX APPEAL	WELLS, RAF M. & PATRICIA 228 Hillcrest Avenue Somerset NJ 08873	4/02	250.00
417.01/18 2004 TAX APPEAL	MERRIS, MARK & LAURIE E. 179 Wilson Road Somerset NJ 08873	2/04	239.73
424.08/19 PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	ANTONOFF, PAUL & BETSY 19 Avebury Place Somerset NJ 08873	2/04	1,122.67
463/15.01 2004 TAX APPEAL	WEIDLING, JAME 29 First Street Somerset NJ 08873	2/04	443.05
507.17/39QFARM PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	PULTE COMMUNITIES NJ LP 100 Davidson Avenue/Suite 205 Somerset NJ 08873	2/04	104.07
508.02/4QFARM PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	LAKE, FRANK & JANE, TRUSTEES 281 Cedar Grove Lane Somerset NJ 08873	2/04	149.79

514/6.02 PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	T A T PARTNERSHIP LLC 60 Leonard Street Metuchen NJ 08840	2/04	105.21
517.04/2.13QFARM PROPERTY OVERBILLED FOR 2004 HOME OWNER OVERPAID	FRANKLIN INDUSTRIAL PARTNERS LLC 33 Cotters Lane East Brunswick NJ 08816	2/04	8,086.71

Appointment *Hodulik & Morrison* as Township Auditor for the period of July 1, 2004 through June 30, 2005.

Appointment *Hector Rodriguez* as Associate Municipal Prosecutor for the period of July 1, 2004 through June 30, 2005.

Appointment Open Space Advisory Committee Citizen Member – 3 year unexpired term expiring 12/31/06. – **Tabled to the July 13, 2004 Meeting.**

Appointment Council Liaison to Historic Preservation Commission for an unexpired one-year term expiring 12/31/04. – **Tabled to the July 13, 2004 Meeting.**

Appointment Member of the Senior Affordable Housing Advisory Committee for an unexpired 3-year term expiring 12/31/05. – **Tabled to the July 13, 2004 Meeting.**

Appointment Senior Affordable Housing Advisory Committee Alternate #2 for an unexpired 3-year term expiring 12/31/05. – **Tabled to the July 13, 2004 Meeting.**

Appointment Member of the Traffic Management Subcommittee for an unexpired one-year term expiring 12/31/04. – **Tabled to the July 13, 2004 Meeting.**

Appointment Sewerage Authority Alternate #2 for an unexpired 5-year term expiring 01/31/07. – **Tabled to the July 13, 2004 Meeting.**

Appointment Sewerage Authority Council Liaison for an unexpired one-year term expiring 12/31/04. – **Tabled to the July 13, 2004 Meeting.**

Appointment Township Staff Member of the Veteran’s Memorial Committee. – **Tabled to the July 13, 2004 Meeting.**

Appointment General Public Member of the Veteran’s Memorial Committee. – **Tabled to the July 13, 2004 Meeting.**

Appointment Historic Preservation Commission Designation Study Committee Council Liaison. – **Tabled to the July 13, 2004 Meeting.**

Resolution #04-305 Award competitive contract to Meadows Foundation for Historic Preservation Grant for Tulipwood in the amount of \$40,320 and for Wyckoff-Garretson Barn in the amount of \$99,380.

WHEREAS, the Township of Franklin is desirous of contracting for historic preservation grants for Tulipwood and the Wyckoff-Garretson Barn; and

WHEREAS, N.J.S.A. 40A:11-4 et. seq. provides that the provision of specialized goods and services requires sealed bids, and that price and other factors can be considered when awarding a contract; and

WHEREAS, quotations for the provision of historic preservation grants was publicized;

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

MEADOWS FOUNDATION

1289 Easton Avenue
Somerset NJ 08873

Tulipwood - Amount not to exceed \$40,320

Garretson-Garretson Barn – Amount not to exceed \$99,380; and

BE IT FURTHER RESOLVED that the Mayor and Township Council be and the same are hereby authorized to enter into a contract with the above listed provider; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

Resolution #04-306 Issue Special Events Permit to Shree Swamisayanan Satsag Mandel for grand opening events occurring from July 4, 2004 to July 11, 2004 at the Temple located at 1667 Amwell Road.

WHEREAS, a request has been received from the Shree Swaminarayan Satsag Mandal for permission to have Grand Opening Events from July 4, 2004 through July 11, 2004 at 1667 Amwell Road, Somerset; and,

WHEREAS, Shree Swaminarayan Satsag Mandal has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; 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 Shree Swaminarayan Satsag Mandal to conduct Grand Opening Events from July 4, 2004 through July 11, 2004 at 1667 Amwell Road, 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 following conditions:

- **Off-site parking mandated.**
- **Local parking limited to important religious people.**
- **Adequate area parking from July 4-9 – Municipal Complex after 5 p.m.**
- **Limit number of people on site to 500.**
- **Parade limited to 500 people.**

; and,

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

BE IT FURTHER RESOLVED should the conduct of this special event requires the closing of DeMott Lane, a public roadway of the Township of Franklin, said closing is subject to the following conditions:

- (1) Said public roadway shall be closed to traffic between the hours when the Event commences and the time the event will be totally finished;

- (2) The closing of said public roadway in conjunction with said Event shall be accomplished in a manner whereby access by emergency vehicles is easily maintained at all times;
- (3) The Applicant shall notify all persons and businesses affected by said road closing. Said notice shall be in writing and served upon the person/business in person or by certified mail at least ten (10) days prior to the event. Affidavit of Service to said affected persons/businesses shall be prepared by the Applicant and filed with the Township Clerk at least five (5) days prior to the event;
- (4) Applicant shall provide an Insurance Policy to cover the Event and the closing of the aforesaid public roadway in conjunction therewith in the amount of \$1,000,000. Said policy shall name the Township of Franklin as additionally insured and a Certification of same shall be filed with the Township Clerk at least 5 day prior to the event;

BE IT FURTHER RESOLVED that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event and;

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

BE IT FURTHER RESOLVED that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

Resolution #04-307 Issue Parade Permit to Shree Swamisayaran Satsag Mandel for a parade to be held on July 10, 2004 from the Municipal Complex to the Temple located at 1667 Amwell Road.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that it hereby approves the issuance of a Parade Permit to the following:

Name of Organization: Shree Swaminarayan Satsag Mandal
Location: 1667 Amwell Road
 Somerset, NJ 08873
Person(s)-In-Charge: Mukesh Patel & Paresh Patel

Date of Parade: July 10, 2004
Time: 3 PM to 5 PM
Assemble Location: Franklin Municipal Complex Parking Lot
Route: Municipal Complex, 475 DeMott Lane to
 Temple, 1667 Amwell Road (Cross over DeMott Lane)
Number of Participants: 500

PUBLIC DISCUSSION

A motion was made by Deputy Mayor McKenzie and seconded by Mr. Unger to open the meeting to the public. Said motion carried unanimously upon voice vote.

Bob Jensen, 26 Bennington Parkway, distributed the Groundwater Sampling Results from the Raceway Service Station located at 2893 Route 27, Franklin Park taken on March 19, 2004. The report indicated that there are elevated VOC's in nine (9) of the ten (10) March 18, 2004 groundwater samples; targeted and non-targeted VOC's were not detected in sample DW-1) deep vertical delineation well). Mr. Jensen asked when something was going to be done. He stated this has been going on for a year and a half. He stated the Township indicated they were going to make those responsible pay for the water hookups. He stated he feels that he should not have to pay. He further stated there are two gas stations that are responsible and should pay.

Mr. Daly stated Council has directed the Health Department to conduct testing on the wells in the area which will be conducted in the summer. He stated money may be appropriated in the capital budget for water hook ups from this area. Mr. Daly reminded Council Mr. Jensen had the opportunity to hook up into the system two years ago and he chose not to. Mr. Jensen concurred.

John McConville, 5 Stone Leigh Way, expressed confusion as to why Council was in a rush to vote on items that did not concur with the Township's Master Plan since it was his understanding the Master Plan contains important guidelines for the Township. Mayor Levine replied the Township is in the process of revising the Master Plan which can be changed.

Ms. Eberle asked that ordinance regarding cellular antennas be amended to delete the Vliet Road Water Tower as a first priority location for cellular antennas. This item will be scheduled as a discussion item at the July 6th work session.

During the public discussion, Deputy Mayor McKenzie and Ms. Ashley-Williams left the meeting, resulting in the absence of a quorum. At this point, the meeting was adjourned.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved:
 Date: