

**WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**JUNE 26, 2003**

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at the Community/Senior Center, 505 DeMott Lane, Somerset, was called to order by the Mayor at 8:02 A.M.

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

The Mayor led the entire assembly in the Pledge of Allegiance.

The invocation was given by Councilman Brian Levine.

The Acting Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Mettler.

Absent: Mr. Mazzola

Also Present: Louis N. Rainone, Esq., Township Attorney, Marc D. Dashield, Assistant Township Manager/Acting Township Clerk

**6. REVIEW PREPARED AGENDA:**

**21., 22., 23.** Deputy Mayor Grippo requested that the appointments for the Municipal Court Judge, Associate Prosecutor and Auditor be moved to a position on the agenda before the public discussion. Mr. Mettler requested that item NN, Accept the Resignation of Julie Marino, on the consent agenda also be moved. The Council concurred with above recommendations.

**10. Renewal of 2003-2004 Liquor Licenses – With Restriction – Half Time Pub**

Mr. McKenzie asked the Clerk to explain item 10 - Renewal of 2003-2004 Liquor Licenses – With Restriction – Half Time Pub. The Acting Township Clerk made the following comments:

- Since the Half Time Pub has been recommended with restriction a separate public hearing is required
- In Council packet they would find the reports from the police department that recommend the continuation of the same restrictions as last year
- The resolution for renewal will then be voted on after the public hearing

**15. Ordinance Introduction – Accept Deeds and Easements – Ten Mile Run Developers, LLC – Docket # PLN 2002-025 Amended Preliminary & Final Major Subdivision – Block 20.02 Lots 12.02, 12.004 & 13.01**

A member of council inquired about item 15 an ordinance to accept deeds. The Township Manager responded by indicating that this ordinance is to accept deeds for easement as result of the subdivision approved by the Planning Board.

**20X. Authorization to Set Minimum Bids - Lease Township Property - Block 508.2.Lot 49.01 and Block 509, Lot 22 (Gerlich Property)- Block 508.2, Lot 48 ( Toto Property) – Block 20.02 Lot 8 (Catalpa Property) – Minimum Bid \$8 per Tillable acre per year**

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Ms Barrier questioned how the minimum bid price of \$8 per tillable acre was determined. The Township Manager indicated that the minimum price is the amount received for the last lease the Township entered into for a similar purpose.

**20N. FRANCHISE TELECOMMUNICATION SERVICES IN THE PUBLIC RIGHT OF WAY – ADELPHIA BUSINESS SOLUTIONS INVESTMENT, LLC D/B/A/ TELCOVE**

Mr. Mettler questioned if the franchise agreement was an exclusive agreement. The Township Manager responded by indicating the agreement was not exclusive and only for the purpose of running cable under a portion of the Township right of way.

**7. COUNCIL DISCUSSION ITEMS**

**A. Water Fees – Senior Citizens; Bulk; Economic Development**

**Senior Citizens Water Fees:**

Township Manager referred council to the materials they have received concerning the senior discount program in South Brunswick. The program in South Brunswick provided discounts to senior based on age and income. The Township Manager then indicated that if the Council would like implement such a program the Tax Collector has recommended the following

- That 15% reduction off the minimum charge
- The reduction be available to senior citizens and permanently and total disabled as indicated in State Statue 40A-26A-10.1
- The Township uses the same guidelines as those used by the State of New Jersey for senior discount.

The Township Manager then requested Council direction. After a short discussion the Council recommended the preparation of an ordinance for introduction as recommended.

**Bulk Rate Water Fees:**

Township Manager referred council to the material they had received from the Director of Public Works concerning the a new rate for bulk water users. Director of Public Works recommended the establishment of a new rate for users who exceeded 250,000.00 gallons per day. Director of Public Works indicated that based on economies of scale a rate of \$2.88 per thousand gallons would be appropriate.

Mr. Mettler inquired if the new rate would impact the systems capacity. The Township Manager responded that any new user would still have to obtain a Department of Environmental Protection Permit which will flag any capacity issues.

Mr. Levine inquired if the rate would impact commercial users. The Township Manager indicated that to draw the amount of water necessary to eligible for this rate would could only be done by an industrial users.

Council authorized the drafting of an ordinance for introduction.

**Economic Development – Special rate in the Redevelopment Area/Hamilton Street Area**

The Township Manager indicated that he wanted to bring to the Council attention for discussion the possibility of providing special rates for the redevelopment area/Hamilton Street to assist with economic development. The Township

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Manager noted that additional research is needed to determine if and how this can be done.

**A. Schedule Public Meetings – Water Connection Proposal**

Township Manager referred council to a calendar they had received with the proposed dates for water system hearings.

Water Hearing – July 15, 2003 – 7:30 PM

Water Hearing – September 16, 2003 – 7:30 PM

Water Hearing – September 30, 2003 – 7:30 PM

The Township Manager asked the Council to review a draft letter that was prepared to be sent out to the residents concerning the water hearing and give him comments by July 1, 2003 worksession.

**B. September 11<sup>th</sup> Commemoration**

Deputy Mayor Grippo reported that the Board of Education is planning a one hour service at the Franklin Township High School to commemorate the events of September 11, 2001. Deputy Mayor requested Township Council's participation in this annual event.

**C. Report Township Attorney – Countryside Development**

The Township Attorney reported that he and Jim Anderson, the Construction Official, met with the developer of Countryside concerning their violation of the consent order. The Township Attorney indicated that he requested that this item be discussed during the July 1, 2003 executive session because it is the subject of possible litigation.

**D. Holland Drive**

The Township Manager presented council a request from Whitehall Manor Association to accept Holland Drive as a public street. The Township Manager referred council to the recommendation of both the Director of Public Works and Township Engineer who did not recommend the accepting the road. Council concurred with the recommendation of the Township Engineer and the Director of Public Works.

**E. M-2 Buffer Ordinance & House of Worship Ordinance**

The Township Manager inform Council that the above ordinances had been tabled pending a zone change as recommended by the planning board. The Township Manager indicated that the ordinance to change the zone is being introduced today and requested that the other ordinances be removed from the table

Motion was made by Deputy Mayor Grippo and seconded by Mr. McKenzie to remove the M-2 Buffer Ordinance from the table. The Township Clerk poll the Council with the following results:

**AYES**

Ms. Barrier  
Mr. Chivukula  
Ms. Eberle  
Mr. Grippo

**AYES**

Mr. Levine  
Mr. McKenzie  
Mr. Mettler  
Mayor Sumter

**NAYS**

No One

**ABSTAIN**

No One

**ABSENT**

Mr. Mazzola

Motion was carried.

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Motion was made by Deputy Mayor Grippo and seconded by Mr. Levine to remove the House of Worship Ordinance from the table. The Township Clerk poll the Council with the following results:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler		<b><u>ABSENT</u></b>
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**8. APPROVAL OF MINUTES – REGULAR MEETING – 05/13/03**

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie to approve the Minutes of the Regular Meeting of May 13, 2003. Motion was carried unanimously by those Councilmembers present at that meeting.

**9. WARRANTS – JUNE 26, 2003**

**Read by Acting Township Clerk Dashield**

1	Current Fund	387,908.94
5	Water Operating	849,689.94
6	Water Capital	321,096.10
4	General Capital	583,411.79
15	General Trust	98,986.73
18	Self Insurance Trust Fund	6,351.42
21	Recreation Trust	5,148.39
12	Open Space Trust	3,326.00
2	Grant Fund	26,213.41
17	Workers' Compensation	1,010.04
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	92,951.31
14	Dog Revenue	577.94
	Community Foundation	0
22	General Ledger: Current	0
13	Redevelopment Agency	1,573.30
23	Agency	0
	<b>SUB-TOTAL</b>	<b>2,378,245.31</b>
25	Escrow Account	17,948.75
19	Voided Checks	0
20	Adjustments	0
	<b>GRAND TOTAL</b>	<b><u>\$2,396,194.06</u></b>

Motion was made by Mr. Chivukula and seconded by Mr. McKenzie to approve the Warrants. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler		<b><u>ABSENT</u></b>

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Mr. Grippo

Mayor Sumter

Mr. Mazzola

Motion was carried.

**10. RENEWAL OF 2003-2004 LIQUOR LICENSE – WITH RESTRICTION – HALFTIME PUB**

**A. HEARING**

Motion was made by Ms. Barrier and seconded by Mr. Mettler to open the public hearing.

Mayor Sumter asked that persons who desired to speak give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Mr. Chivukula and seconded by Ms. Barrier to close the public hearing.

**B. 03-285 RESOLUTION - RENEWAL OF LIQUOR LICENSE 2003-2004 - BMBE, INCORPORATED t/a HALFTIME PUB - 1808-33-007-005**

**Read by Acting Township Clerk Dashield**

**WHEREAS**, an application has been received for renewal of Plenary Retail Consumption License from BMBE, Incorporated t/a Halftime Pub; and

**WHEREAS**, this application has 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, Chief of Police and Fire Inspector have inspected the applicant's property and have approved same as per letters filed with the Township Clerk, except as to the Chief of Police who has recommended that certain conditions placed upon this license in 1999-2000 be amended and continued; and

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

**WHEREAS**, said application has been examined by the Township Council and the Township Council finds that:

- (1) The submitted application forms are complete in all respects;
- (2) The applicant is qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;
- (3) The applicant has 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

**NOW, THEREFORE, BE IT RESOLVED** this 26<sup>th</sup> day of June, 2003 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 one (1) Plenary Retail Consumption License to the following:

**1808-33-007-005**

**BMBE, INCORPORATED  
t/a HALFTIME PUB  
628 Hamilton Street**

**Somerset NJ 08873**

subject to the following conditions:

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1. Licensee shall maintain improved lighting to the exterior of the premises surrounding the rear door and the front of the building as required by 1998-99 renewal.
2. The rear door to the premises shall be locked from the outside, with a fire door. The Licensee shall exert reasonable efforts to maintain the security of the rear door.
3. When Bruce Schor, President of the Corporate License, is not on the premises after 9:00 pm until closing time, an employee over the age of 21 shall be stationed at the entrance to the premises for the purpose of verifying proper identification and general security.

Motion was made by Mr. Chivukula and seconded by Mr. Mettler. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**11. ORDINANCE HEARING – ACCEPT DEED OF DEDICATION – CHANG SIK PARK – MINOR SUBDIVISION – DOCKET #PLN 2002-0069**

Acting Township Clerk Dashield read by title:

“AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF DEED OF DEDICATION - ADDITIONAL RIGHT OF WAY WIDTH - WILSON ROAD - CHANG SIK PARK & HOO SOON PARK, H/W - BLOCK 417.01/LOTS 20 & 21”. Acting Township Clerk Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Grippo and seconded by Mr. Chivukula to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke

Motion was made by Mr. Chivukula and seconded by Mr. Levine to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Grippo and seconded by Mr. McKenzie to adopt and publish notice of final passage in accordance with law.

The Acting Township Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	

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Mr. Grippo

Mayor Sumter

Mr. Mazzola

Motion was carried.

**12. ORDINANCE HEARING – AMEND BOND ORDINANCE #3247 – LIBRARY RENOVATION TO INCREASE APPROPRIATION BY \$850,000.00**

Acting Township Clerk Dashield read by title:

**"BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3247 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"), ON OCTOBER 23, 2001, ENTITLED, "BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO THE FRANKLIN TOWNSHIP PUBLIC LIBRARY, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, IN THE STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,795,000 BONDS AND/OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3311 FINALLY ADOPTED ON AUGUST 13, 2002, TO INCREASE THE APPROPRIATION THEREIN BY \$850,000 AND TO INCREASE THE AUTHORIZATION OF BONDS AND NOTES THEREIN BY \$807,500, TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF".** Acting Township Clerk Dashield noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Grippo and seconded by Mr. Chivukula to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

Lawrence Laskin, 383 South Middlebush Road, spoke as a member of Friends of the Library and asked Council to support the passage of this ordinance.

John P Grosso, 61 Hollywood Avenue, indicated that he supported the expansion of the library, however, the public should know about the cost of the library. Mr. Grosso was concerned about the \$850,000 increase in the cost of the library, particularly because the renovation cost did not include furniture. Mr. Grosso asked if this would mean additional cost in the future.

Tracey Costanza, 15 Westley Court, explained that the original cost estimate was based on preliminary information early on in the project. As the project matured and more details were developed, the cost increased as is the case in most projects. Ms. Costanza further indicated the interior improvements will be funded through alternative sources.

John McConville, 5 Stone Leigh Way, indicated that he was also concerned with the increased cost of the project, particularly since the additional cost seems to be mostly cosmetic.

Motion was made by Mr. Mettler and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

\*\*Council members made comments on the proposed ordinance. Mr. Levine made a motion to decrease the expenditure on the library by \$450,000.00 and apply a small portion of the funds to a number of projects including the skate park and the senior center. The motion did not receive a second and failed

Motion was made by Mr. Grippo and seconded by Mr. Chivukula to adopt and publish notice of final passage in accordance with law.

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The Acting Township Clerk polled the Board, the vote being as follows:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. McKenzie	Mr. Levine	No One
Mr. Chivukula	Mr. Mettler		
Ms. Eberle	Mayor Sumter	<b><u>ABSENT</u></b>	
Mr. Grippo		Mr. Mazzola	

Motion was carried.

**13. PUBLIC DISCUSSION**

Motion was made by Mr. Chivukula and seconded by Ms. Barrier by to open the meeting for public discussion; motion was carried unanimously.

The Mayor recognized the Township Manager who presented to the Council and public a sign would replace the current sign naming the picnic grove behind the senior center "Grosso Grove" in honor of John P. Grosso.

John Grosso, Chairperson of the Senior Advisory Council and Charlie Seigel, Co-Chairperson made a presentation honoring Ms. Florence Van Pelt for her dedication and service to the Township. Mr. Seigel read the inscription on the plaque. Ms. Van Pelt accepted the plaque and thanked everyone.

Mr. Seigel thanked the Council for taking time to have the Council meeting in the Senior Center.

All members of Council heaped praise on Ms. Van Pelt for dedication and service to the Township.

Virginia Dolye, 127 Winchester Way, questioned Council on its decision to restore question number 2 from the School Board Election which would raise \$950,000.00 to purchase land on Claremont Road for the purpose of a future elementary school despite the fact the citizens had defeated the question. Ms. Dolye expressed her concerned that the council had negated her vote.

Ms. Eberle responded by explaining that in her opinion the purchase of the property on Claremont Road would save taxpayers money in the long run. She noted that if the property is not purchased by the Township and held in open space, a developer will purchase the property and build houses. Additional housing units will create more demand on the school system, which will in the end cost more than the purchase price of the property.

Ms. Barrier responded by indicating that she agreed with Ms. Doyle that the Council negated the voice of the people. Ms. Barrier further stated that although she believe that the purchase would be beneficial as indicated by Ms. Eberle, she believed she had to follow the voice of the people

Mr. Chivukula responded to Ms. Dolye by indicating that as elected officials the Council has a responsibility as leaders to look for what is best for the future of the entire Township. Mr. Chivukula indicated that this property is the last site available for future school site and, as leaders, the Council has the responsibility to ensure the future expansion of the schools.

Mr. Mettler indicated that Council had to wrestle with a very difficult question. The voters of Franklin Township voted no to question two (Purchase the Property on Claremont Road) and the Council then had a responsibility to vote no, as Mr. Mettler

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indicated he did.. However, Mr. Mettler noted that, as elected officials, if we believed that it was in the best interest of the people to purchase the property then the council had a responsibility to educate the community.

John P. Grosso, 61 Hollywood Avenue, spoke and made the following points:

- The Council needs to do something to control the growth in the Township and one of the things that can be done is to increase the size of building lots. Mr. Grosso indicated that this method of controlling growth has been used in other communities.
- Mr. Grosso also pointed out the Council has the responsibility to appoint members of the Planning Board and they should ensure its appointees will control growth.
- Requested a progress report on his suggested solution to solve the problem created on Easton Avenue near Rutgers Prep School when traffic is forced to one lane to allow people to exit the school.
- Mr. Grosso also voiced his dismay over the approval to build apartments along Bunkerhill Road

Township Manager Daly responded to Mr. Grosso's inquiry by indicating that Mr. Grosso's suggested use of a road that ran adjacent to the Rutgers Prep parking lot would not be feasible because of the restriction near the canal. Consequently, Department of Transportation is looking into a connection into the jug handle at Willow Avenue. Currently, a considerable amount of engineering work has to be done because of wetlands and streams.

- Mr. Grosso complimented Mr. Mettler for selling a portion of his property to the Somerset County Parks.
- Mr. Grosso suggested that the expansion of the water system in Easton Farms should be funded through bonding thereby sharing the cost of the project between all residents.

Harold Leventhal, 360 DeMott Lane, spoke and made the following points:

- Mr. Leventhal praised Flo Van Pelt for the outstanding work she has done for the Township.
- Questioned why the recreation department has to pay the school district for the use of schools.
- Indicated that he believes the point raised earlier in the meeting concerning the Council's decision to reinstate the purchase of the property on Claremont Road is an important issue to consider.

John McConville, 5 Stone Leigh Way:

- Indicated that he also had concerns that the Township Council reinstated the purchase of the property on Claremont Road despite the vote of the people.
- On the issue of the traffic situation near Rutgers Preparatory School, Mr. McConville suggested that the Township provide the school with some incentives to move the resolution of this issue along by not placing an officer on Easton Avenue to direct traffic.
- Questioned if number 18 on the agenda, Change of Zoning District, will make it harder or easier to place a supermarket on the corner of Cedar Grove and New Brunswick Road.

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- Questioned if the minimum bids in item X on the agenda is market rate or Township historic rate.

Shawn Lipani, Central Jersey Nurseries, spoke in protest of a bid award by the Department of Public Works for the purchase of seven Zero Turn Radius Mowers.

- Mr. Lipani indicated that he was protesting the bid because he believed that his product should have been selected as low bid since it had only a minor deviation from the bid specifications.
- Mr. Lipani indicated that the only exception to the bid specification was the horsepower; the specifications required 29 horsepower and his product has 27 horsepower.
- Requested the mowers to be rebid or awarded to Central Jersey Nurseries.

Motion was made by Mr. McKenzie and seconded by Mr. Chivukula to close the public portion of the meeting; motion was carried unanimously.

The mayor recognized Township Manager Daly who made the following points:

1. Mr. Daly indicated that, in return for the approval of the apartments on Bunkerhill Road and Route 27, the Township received 88 acres of open space and saved the woods in that location. Further, the woods being preserved as a result of this transaction were zoned for an intense development years ago. As a result the cost to preserve these woods would have required expending the entire open space budget. Consequently, the Township had to negotiate some development to allow preservation of the woods.
2. On the issue of controlling development, Mr. Daly indicated that the zoning regulations were established years before this Council took office. He further indicated he knows Councils before this also struggled with this issue. Fundamentally, the Township's power to zone cannot be used to deprive someone's right to use their land and it is a constant struggle to balance these interests.
3. Mr. Daly informed the public that the Township will be holding three water hearings to discuss the extension of the water system. Further, the expansion of the water system assumes the Township would have to bond to finance the expansion. Mr. Daly also explained that because the water system is a utility, the cost is only shared by the rate payers.
4. On the use of school buildings, Mr. Daly indicted that he assumes that the reason there is a minimum time someone is paid is because that arrangement is a standard contract provision that indicates a minimum amount of overtime an employee must be paid to return to work after hours. Mr. Daly indicated he will look into it further.
5. Mr. Daly indicated he wanted to clarify the process for awarding a bid to the lowest responsive bidder. Mr. Daly indicated that Central Jersey Nurseries did not meet the bid specifications, consequently they are not responsive.
6. On the issue of the bulk water rate, Mr. Daly explained the proposal does not provide subsidies or rebates, rather the rates for users over 350,000 gallons per day will be different from other users.
7. Mr. Daly indicated that the cost of the services of the police officer is incurred by Rutgers Prep School; in fact the cost of hiring that officer is pushing the school to move faster to a solution to this issue.

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- 8. The zone change on Cedar Grove Lane is not related to the Janho property to which he believes Mr. McConville was referring. Consequently, there will be no impact on a supermarket.

Township Attorney Lou Rainone spoke concerning the bid protest and indicated that the company protesting is not the low bidder and has no basis on which to protest.

**14. COUNCIL COMMENTS**

Councilwoman Barrier:

- Commend Mr. Chivukula for work on assisting to ensuring the NJ Shuttle program
- Health Center at Zarapath is being established resource center on the Campus of Zarapath will be a resource to local churches
- Item U was glad to see the improvement of recreation of the parks
- Item W Senior Transportation was glad to see this item on the agenda
- Road to Monmouth commend the temporary museum (Thomas Kane)

Councilwoman Eberle:

- Inquired as to the progress of the Kingston School. Mr. Daly responded that that item will be discussed next week in a closed session

**15. ORDINANCE INTRODUCTION - ACCEPT DEEDS AND EASEMENTS – TEN MILE RUN DEVELOPERS, LLC – DOCKET #PLN 2002-025 AMENDED PRELIMINARY & FINAL MAJOR SUBDIVISION – BLOCK 20.02 LOTS 12.02, 12.04 & 13.01**

Acting Township Clerk Dashield read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM TEN MILE RUN DEVELOPERS, LLC OF SECTION 1 - DRAINAGE EASEMENT; SECTION 2 - THREE (3) DRAINAGE EASEMENTS & DEED OF DEDICATION; SECTION 3 - DEED OF DEDICATION, DRAINAGE & ACCESS EASEMENT; SECTION 5 - DEED OF DEDICATION; THREE (3) DRAINAGE EASEMENTS; SECTION 6 - EMERGENCY ACCESS, UTILITY & ACCESS EASEMENT, EMERGENCY ACCESS EASEMENT, ACCESS & UTILITY EASEMENT & TOT LOT EASEMENT" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on August 12 2003.

Mr. Chivukula so moved. Mr. McKenzie seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler		<b><u>ABSENT</u></b>
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

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**16. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-30, ON-STREET HANDICAPPED PARKING – (ADD 224 HILLCREST AVENUE)**

Acting Township Clerk Dashield read by title:

“AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (ADD 224 HILLCREST AVENUE))” which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on August 12, 2003.

Mr. Chivukula so moved. Mr. Levine seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**17. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226-13, VEHICLE & TRAFFIC – SECTION 226-13, PARKING PROHIBITED AT ALL TIMES (EAST SIDE OF SEELY’S RUN)**

Acting Township Clerk Dashield read by title:

"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 – (ADD EAST SIDE OF SEELY’S RUN)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on August 12, 2003.

Mr. Chivukula so moved. Mr. Levine seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**18. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112 DEVELOPMENT – ARTICLE II, SECTION 112-6B, ZONING DISTRICTS, ZONING MAP – PARAGRAPH (2) AMENDMENTS – CHANGE THE ZONING DESIGNATION OF BLOCK 468.07 LOTS 44.03, 44.04 & 44.05 FROM CR TO M-2**

Acting Township Clerk Dashield read by title:

**WORK SESSION/REGULAR MEETING**  
**JUNE 26, 2003**

“AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE II, SECTION 112-6B(1), OFFICIAL ZONING MAP - CHANGE ZONING DISTRICTS FROM CR TO M-2 (BLOCK 468.07/LOTS 44.03, 44.04, & 44.05)” which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on August 12, 2003.

Mr. Mettler so moved. Mr. McKenzie seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<b><u>ABSENT</u></b>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**19. ORDINANCE INTRODUCTION - ACCEPT DEEDS AND EASEMENTS – PADDOCK ESTATES – DOCKET #PLN2001-0023 PRELIMINARY & FINAL MAJOR SUBDIVISION – BLOCK 423.01 / LOT 17.01**

Acting Township Clerk Dashield read by title:

“AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM PADDOCK ESTATES LLC OF ONE (1) SIGHT TRIANGLE EASEMENT; ONE (1) CONSERVATION EASEMENT; TWO (2) DRAINAGE EASEMENTS; ONE (1) DEED OF DEDICATION & DEED” which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on August 12, 2003.

Mr. Chivukula so moved. Ms. Barrier seconded the motion. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<b><u>ABSENT</u></b>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**20. RESOLUTION - CONSENT AGENDA**

**Read by Acting Township Clerk Dashield**

The items listed within the Consent Agenda portion of this meeting have been referred to the Township Council for reading and study, are considered routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by request of a Township Council member and placed on the regular agenda.

**WORK SESSION/REGULAR MEETING**  
**JUNE 26, 2003**

- A. Tax Overpayments
- B. FY 2003 Budget Transfers
- C. FY 2004 Temporary Budget
- D. FY 2003 Change of Title or Text – New Jersey State Police Fully Integrated Fingerprint Identification System Live Scan - \$5,156.64
- E. Dedication of Fees – Weddings Performed By Mayor & Deputy Mayor- July 3, 2003 to July 3, 2004 – War Memorial Fund
- F. Release Street Opening Escrow Deposit – G & G Unlimited Incorporated – Permit # 5886 & 5887- \$1,200.00
- G. Bid Award – Debranello Contracting, LLC – Schoolhouse Road Improvements – Mettler to Randolph Road - \$554,657.00
- H. Bid Award – Trujillo Clean Services – Janitorial Services Public Safety Building & Community Senior Center – July 1, 2003 to June 30, 2004 - \$34,000.00
- I. Bid Award – Automated Building Control, Inc. – HVAC Maintenance Public Safety Building and Repairs as needed all Township Buildings – July 1, 2003 to June 30, 2004 - \$30,000.00
- J. Bid Award – Sprint Spectrum, L.P. – Co-Location on Cellular Tower and Equipment Building – Co-Location Fee To be charged by the Township \$2,000.00 per Month
- K. Bid Award – Powerco, Inc. – Rubber Track Crawler Dozer with Hydraulic Winch - \$59,250 dozer / \$19,440.00 Winch
- L. Bid Award – Cammps Hardware and Lawn Products – Diesel Worksite Utility Vehicle - \$10,460.00
- M. Bid Award – Cherry Valley Tractor Sales – Portable Cutter Mill Ginder with Cutter Teeth and Spare Tire and Wheel – Grinder \$237,928.00/Cutter Teeth \$585.00/ Spare Tire and Wheel \$700.00
- N. Bid Award – Conduit Truck Center – Two Dump Trucks – Department of Public Works/Open Space - \$98,300.00
- O. Bid Award – Cammps Hardware and Lawn Products –Zero Turn Radius Mowers – Four (4) Department of Pubic Works / Two (2) Open Space - \$63,480.00
- P. Purchase Over \$8,500.00 - Neopost – Folding/Inserting Machine - \$10,284.00/ annual maintenance \$1,186.00
- Q. Purchase Under State Contract – Expanets – Expansion of 935 Merlin Phone System Health Building and upgrade phone lines to T-1 in Municipal Building- \$19,900.00
- R. Purchase Under State Contract – Expanets - Maintenance of Municipal Phones System –Municipal Building - \$12,036.00 Monthly Maintenance/\$2,964.00 incidental Expenses
- S. Extension of Award of Contract – ATM Machine Public Safety Building
- T. Auction – Abandon Motor Vehicles – Police Department
- U. Purchase Over \$8,500.00 – Whirl Construction – Installation of Park Equipment (East Millstone, Bascom and Dunham Lebed Park) - \$24, 799.00

**WORK SESSION/REGULAR MEETING**  
**JUNE 26, 2003**

- V. Franchise Telecommunication Services in the Public Right of Way – Adelphia Business Solutions Investment, LLC d/b/a/ TelCove. -
- W. Interlocal Services Agreement – Somerset County Transportation – Senior Transportation – July 1, 2003 to June 30, 2004 - \$40,000.00
- X. Authorization to set Minimum Bids - Lease Township Property - Block 508.2 Lot 49.01 and Block 509, Lot 22 (Gerlich Property)- Block 508.2, Lot 48 (Toto Property) – Block 20.02 Lot 8 (Catalpa Property) – Minimum Bid \$8 per Tillable acre per year
- Y. Change Order – Somerset County Engineering – Design and Construction on Elizabeth Avenue Watermain– Contract \$ 225,174.00 - additional \$3,124.00
- Z. Agreement Storm Water Detention Maintenance – Somerset Run Docket # PLN 2003-0006 Block 468.12 Lot 1.01 and Block 507 Lots 23-5, 7, 21 38-43, 67 & 68
- AA. Contract – Somerset Community Action Program (SCAP) –Operation of Community Shuttle Program
- BB. Extraordinary Unspecifiable Service (EUS) – Value Research Group, LLC.- Consultant Services Senior Housing Development Proposal - \$50,000.00
- CC. Amend Contract – Extraordinary Unspecifiable Service -GIS Utility Mapping – Civil Solutions - Additional \$25,000.00
- DD. Grant Application –NJ Department of Transportation Municipal Aid Program – Improvements the entire Length of Berger Street - \$262,621.20.
- EE. Grant Application – NJ Department of Transportation – Sign and Stripe bike lanes Elizabeth Ave from Amwell to South Bound Brook border – Cedar Grove Lane to Easton to New Brunswick- New Brunswick Road from JFK to Cedar Grove Lane - \$21,466.00
- FF. Grant Application – NJ Juvenile Justice Delinquency Prevention (JJDP) Grant – Youth Engaged in Service Program - \$52,000.00
- GG. Grant Application – NJ Department of Environmental Protection 2002 Recycling Tonnage Grant Program
- HH. Grant Agreement – Somerset County – Youth Athletic & Recreation Facility Grant Program - \$15,000.00
- II. Reduction of Performance Guarantee – Eternal Life Christian Center – Docket No. Z200008UP – from \$131,816.00 to \$39,544.92
- JJ. Approval of Use of Franklin Township Community Senior Center – Farmers Market Program -July 9, 2003 and July 30, 2003
- KK. Reappointment of Grace Hobbs, Accounting Clerk, Code Enforcement – Compliance with New Jersey Department of Personnel Rules Regarding Mandatory Retirement
- LL. Renewal of 2003-2004 Liquor Licenses
- MM. Franchise Telecommunication Services in Public Right of Way- Metromedia Fiber Networks Services, Inc. Campus and Belmont Drive
- NN. Accept Resignation – Julie Marino – Associate Municipal Prosecutor
- OO. Tax Title Liens Redemptions:

**WORK SESSION/REGULAR MEETING**  
**JUNE 26, 2003**

Malik, Muhamad M. Block 34.02/16.03 C2621 69 Fisher Drive - \$1084.49  
 Fisher, Sharon – Block 85 Lot 56.03 – 155 Kingsberry Drive - \$386.51  
 Bob-Grey, Adonis & Turay, H. – Block 238 Lot 15 – 30 Winthrop Road - \$836.08  
 Baptist, Roger & Gwen – Block 287.02 Lot 33.11 - 4 Tall Oaks Road - \$32,096.48  
 Pusjas, William, Jr. – Block 324 Lot 22 – 30 Winthrop Road - \$21,170.24  
 Bhavnani, Sunil D. – Block 424.08 Lot 209 – 209 Learnington Way - \$908.45

PP. Authorize Bingo/Raffle

QQ. Authorize Somerset County Improvement Authority to Issue Sale and Deliver Bonds for the Purpose of Financing Capital Equipment Authorized by Franklin Township

**A. 03-286 RESOLUTION - 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.

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>QTR/YR</b>	<b>AMOUNT</b>
Tax Sale Overpayment	Addison, Martha 67 Winston Drive Somerset NJ 08873	Wire Transfer	50.00
2/5	GMAC Mortgage Attention Tax Refunds 3451 Hammond Avenue Waterloo IA 50702	2/03 3/03	1349.46 .01
9/47.10	Brown, Malcolm & Elizabeth 5 E Brookline Court Princeton NJ 08540	3/03	4,647.29
14/4	Alexander F. McGimpsey, Jr. 285 Davidson Avenue, Suite 404 Somerset NJ 08873	4/02	573.69
34.09/59.02 C0588 for C0558	Collector of Revenue 475 DeMott Lane Somerset NJ 08873	3/03	1,447.91
37.02/5.04 C2022	Washington Mutual C/o Lereta Corporation 19321 US 19N Suite 602 Clearwater FL 33764	1/03 3/03	1,011.26 1,011.26
88.02/95	Thomas M. Monahan, Esquire 216 Highway 18 East Brunswick NJ 08816	4/01 4/02	1,580.70 1,495.56
253/2	Chase PO Box 569763 Dallas TX 75356	3/03	1,045.80
424.10/303 0079	Amrill Salcedo-Alonzo & Roberto D. Vitale 1075 Easton Avenue, Tower 2, Suite 6 Somerset NJ 08873	1/03	1,849.82
514/10.10	Schoolhouse Somerset PO Box 6872 Bridgewater NJ 08807	3/03	42,675.99
517.01/8.08	701 Cottontail Lane Associates Attn: Jeff Rauchbach 520 US Route 22 Bridgewater NJ 08807	3/03	21,338.00
11.06/2	Angelo R. Angeles 3 Summerfield Drive Princeton NJ 08540	3/03	919.62

**WORK SESSION/REGULAR MEETING**  
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8/24.02	Collector of Revenue	3/03	84.63
QFARM	475 DeMott Lane	2/03	39.75
	Somerset NJ 08873		

**B. 03-287 RESOLUTION - TRANSFERS FISCAL YEAR – FY2003 BUDGET**

**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 2003 Municipal Budget Appropriations:

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
Clerk		
Salaries & Wages	6,000.00	
Human Resources		
Salaries & Wages		6,000.00
Engineering		
Salaries & Wages	2,200.00	
Revenue Administration		
Salaries & Wages	3,000.00	
Other Expenses		5,000.00
Prosecutor's Office		
Salaries & Wages		200.00
Planning Board		
Salaries & Wages	6,500.00	
Zoning Enforcement		
Salaries & Wages		6,500.00
Board Of Health		
Salaries & Wages	13,500.00	
Animal Control		
Salaries & Wages		13,500.00
Tax Liens & Foreclosure		
Other Expenses	11,000.00	
General Administration		
Other Expenses		11,000.00
Data Processing		
Salaries & Wages	12,000.00	
Data Processing		
Other Expenses		12,000.00

**C. 03-288 RESOLUTION – TEMPORARY BUDGET – FISCAL YEAR 2004**

**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

**WORK SESSION/REGULAR MEETING**  
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**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**

General Administration		
	Salaries & Wages	79,665
	Other Expenses	43,105
Human Resources		
	Salaries & Wages	12,273
	Other Expenses	20,000
Mayor & Council		
	Salaries & Wages	18,218
	Other Expenses	2,820
Municipal Clerk		
	Salaries & Wages	61,790
	Other Expenses	5,566
Financial Administration		
	Salaries & Wages	67,136
	Other Expenses	16,905
Audit Services		
	Other Expenses	31,000
Computerized Data Processing		
	Salaries & Wages	34,166
	Other Expenses	17,882
Revenue Administration		
	Salaries & Wages	29,035
	Other Expenses	6,880
Tax Assessment Administration		
	Salaries & Wages	69,658
	Other Expenses	17,073
Legal Services		
	Salaries & Wages	5,513
	Other Expenses	94,500
Engineering Services		
	Salaries & Wages	65,013
	Other Expenses	2,263
Economic Development		
	Salaries & Wages	30,000
	Other Expenses	12,219

**LAND USE ADMINISTRATION**

Planning Board		
	Salaries & Wages	44,963
	Other Expenses	32,839
Zoning Board Of Adjustments		
	Salaries & Wages	3,675
	Other Expenses	15,750
Affordable Housing Agency		
	Other Expenses	70,000

**Code Enforcement:**

Code Enforcement		
	Salaries & Wages	204,053
	Other Expenses	63,513
Zoning Enforcement		
	Salaries & Wages	18,340

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Other Expenses                      617

**INSURANCE**

Liability Insurance		
	Other Expenses	266,253
Workers Compensation Insurance		
	Other Expenses	6,750
Employee Group Insurance		
	Other Expenses	1,055,221
Unemployment Insurance		
	Other Expenses	-

**PUBLIC SAFETY FUNCTIONS**

Police		
	Salaries & Wages	2,246,557
	Other Expenses	84,901
Aid to Volunteer Fire Companies		
	Other Expenses	14,900
Aid to Volunteer Ambulance Companies		
	Other Expenses	50,000
Fire Prevention		
	Salaries & Wages	92,762
	Other Expenses	3,485
Prosecutor's Office		
	Salaries & Wages	10,500
	Other Expenses	328

**PUBLIC WORKS  
FUNCTIONS**

Street & Road Maintenance		
	Salaries & Wages	298,602
	Other Expenses	54,049
Public Works Administration		
	Salaries & Wages	20,307
	Other Expenses	276
Recycling (Mini Dump)		
	Salaries & Wages	20,352
	Other Expenses	254,906
Building & Grounds		
	Salaries & Wages	43,634
	Other Expenses	44,625
Vehicle Maintenance		
	Salaries & Wages	48,564
	Other Expenses	41,114
Community Services Act		
	Other Expenses	19,688
Shade Tree Commission		
	Other Expenses	263

**HEALTH & HUMAN SERVICES**

Health		
	Salaries & Wages	59,733
	Other Expenses	14,890
Environmental Health Services (Inspection)		

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	Salaries & Wages	46,722
	Other Expenses	2,927
Animal Control Services		
	Salaries & Wages	43,325
	Other Expenses	5,007
Community Resources		
	Salaries & Wages	44,644
	Other Expenses	8,653
Contribution to Social Service Agencies		
	Other Expenses	2,179

**PARKS & RECREATION**

Recreation Services & Programs		
	Salaries & Wages	96,450
	Other Expenses	32,771
Maintenance of Parks (Landscape)		
	Salaries & Wages	108,878
	Other Expenses	16,367

**OTHER COMMON OPERATING FUNCTIONS**

Prior Year Bills		
	Other Expenses	-
Accumulated Leave Compensation		
	Salaries & Wages	-
	Other Expenses	-
Celebration of Public Events		
	Other	12,469
Expenses		
Tax Appeals Refunds		
	Other Expenses	-
Salary Adjustment		
	Other Expenses	-
Tax Title Lien & Foreclosure		
	Other Expenses	-
Purchase of Vehicles		
	Other Expenses	40,189
Environmental Commission		
	Other Expenses	315
Historic Commission		

**UTILITY EXPENSES & BULK PURCHASES**

Electricity		
	Other Expenses	103,688
Street Lighting		
	Other Expenses	208,688
Telephone		
	Other Expenses	63,525
Water		
	Other Expenses	6,563
Gas & Fuel Oil		
	Other	56,306
Expenses		
Fire Hydrant		

\*\* Corrected 10/24/03

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	Other	5,381
Expenses		

	<b>TOTAL OPERATIONS WITHIN CAPS</b>	<b>6,857,929</b>
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**CONTINGENT**

	Other	-
Contingent Expenses		

**STATUTORY EXPENDITURES**

	Other	-
Public Employees Retirement System Expenses		

	Other	292,688
Social Security Expenses		

	Other	
Police & Firemen's Retirement System Expenses		

	<b>TOTAL GENERAL OPERATIONS WITHIN CAPS</b>	<b>7,150,617</b>
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	Other	
Salaries Expenses		
	(not including contingent statutory)	

**EDUCATION FUNCTIONS**

	Other Expenses	399,050
Municipal Library		

**FEDERAL, STATE & COUNTY  
GRANTS**

Alcohol Education & Rehab Fund  
Municipal Alliance on Drug Abuse  
Somerset Youth Services Commission -  
Annual  
Clean Communities Grant  
Local Law Enforcement Block Grant  
Environmental Services Grant  
Body Armor Grant  
CDBG Grant  
Youth Services Commission  
Somerset County Hamilton St Façade  
Program  
Somerset Co. Youth Athletic &  
Recreation Facility  
Recreation Opportunities Grant  
NJ Law & Public Safety - Flood  
Mitigation Assistance Planning

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Family Planning Grant  
 DOT Trust - Old Bennet  
 DOT Trust - Discretionary Bike Path  
 NJ Body Armor  
 Jersey Fresh  
 Somerset County: Court Video  
 Conferencing  
 Somerset County: New Initiative Grant  
 Juvenile Accountability Incentive  
 Block Grant  
 Occupant Protection Project  
 Public Health Priority Funding  
 Somerset County GIS  
 COPS  
 Tennis Program  
 Summer Food Service  
 JDDP - Juvenile Community Service  
 Aggressive Driving  
 Somerset Co. Economic Development  
 Dept of State - V- Free Diversity  
 Somerset Co. Planning Partnership  
 NACO - Wetland Restoration  
 Somerset County - Traffic Enforcement  
 Safe & Secure Grant  
 Recycling Tonnage Grant  
 Child Passenger Safety  
 Donation - Police Harley Davidson  
 Lease 3,000

Municipal Alliance on Drug Abuse  
 Local Law Enforcement Block  
 Grant  
 COPS  
 NJ Law & Public Safety--Flood  
 Mitigation Planning Assistance Grant  
 Recreation Opportunities Grant  
 Juvenile Accountability Incentive Block  
 Grant  
 Juvenile Accountability Incentive Block  
 Grant

Matching Funds For Grants -  
1,018,812.79

**INTERLOCAL SERVICE**  
**AGREEMENTS**

Board of Education Transportation		
Salaries & Wages		32,561
Other		31,022
Expenses		
SOMERSET COUNTY SHARED		
SERVICES		
Senior Transportation		
Other		40,000
Expenses		
Zoning Inspection (Millstone)		
Salaries & Wages		-
MIDDLESEX COUNTY SEXUAL		
TRANSMITTED		

**WORK SESSION/REGULAR MEETING**  
**JUNE 26, 2003**

**MUNICIPAL COURT**

Municipal Court		
	Salaries & Wages	75,153
	Other	34,680
Expenses		
Public Defender		
	Salaries & Wages	3,938

**CAPITAL IMPROVEMENTS**

Capital Improvements - Down Payments		
	Other	-
Expenses		
Capital Improvements - Specific Projects		
	Other	-
Expenses		

**MUNICIPAL DEBT SERVICE**

Bond Principal		
	Other	-
Expenses		
Payment of Notes - Principal		
	Other	-
Expenses		
Bond Interest		
	Other	-
Expenses		
Note Interest		
	Other	-
Expenses		
Green Acres Loan Payments		
	Other	-
Expenses		
SCIA Lease Payments		

**DEFERRED CHARGES**

Deferred Charges		
	Other	
Expenses		
Emergency Appropriations		
	Other	
Expenses		
Deferred Charges to Future Taxation Unfunded		
	Other	
Expenses		
Community Resource Summer Child Care		5,000
	Public Assistance - State Aid	
	Other	
Expenses		
LOSAP (Other Expenses)		

**TOTAL GENERAL OPERATIONS**

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<b>EXCLUDED FROM CAPS</b>	<b>624,404</b>
<b>SUBTOTAL - GENERAL OPERATIONS</b>	<b>7,775,021</b>
Reserve for Uncollected Taxes Other Expenses	
<b>TOTAL</b>	<b>7,775,021</b>

**WATER UTILITY**

**Operating**

Salaries & Wages	320,156
Other Expenses	1,467,673
Health Benefits	60,401
Insurance - Other	23,100

**Capital Improvements**

Down Payments on Improvements  
Capital Improvement Fund  
Capital Outlay  
Deferred Charges to Future  
Taxation

**Debt Service**

Bond Principal  
Interest on Bond  
Interest on Notes  
Loan Repayments for Principal &  
Interest

**Statutory Expenses**

Social Security	24,492
Disability Insurance	1,313
Prior Year Bill	

**1,897,134.65**

**D. 03-289 RESOLUTION - CORRECTION TO FY03 BUDGET – NEW JERSEY STATE POLICE FULLY INTEGRATED FINGERPRINT IDENTIFICATION SYSTEM LIVE-SCAN - \$5,156.64**

**WHEREAS, NJS 40A:4-85** provides that the Director of the Division of Local Finance may, at the request of, or with the consent of the Governing Body of the County or Municipality, make such correction of the title, text or amount of an appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose of purposes required for the needs of any such County or Municipality;

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the provisions of **NJS 40A:4-85**, the Township of Franklin in the County of Somerset, State of New Jersey hereby request the Director of the Division of Local Finance to make the following corrections in the budget of the year FY03:

<b>From: Matching Funds for Grants</b>	<b>\$5,156.64</b>
<b>To: New Jersey State Police</b>	<b>\$5,156.64</b>
<b>Fingerprint Identification System Live Scan</b>	

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**BE IT FURTHER RESOLVED** that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Franklin, Somerset County for the reasons hereinafter set forth: matching funds required for NJSP Fully Integrated Fingerprint Identification System Live-Scan.

**E. 03-290 RESOLUTION - DEDICATION OF FEES - WEDDINGS PERFORMED BY MAYOR & DEPUTY MAYOR - JULY 4, 2003 TO DECEMBER 31, 2003 - VETERANS MEMORIAL FUND**

**WHEREAS, Section 127-10 of the Code** provides any person that seeks to have the Mayor or Deputy Mayor of Franklin Township perform a marriage ceremony shall be required to tender to the Township Clerk the sum of fifty (\$50.00) dollars payable to a non-profit organization to be selected by the applicant from a list of designated non-profit organizations maintained by the Township Clerk of the Township of Franklin. Said list of non-profit organizations shall be designated by resolution of the Township Council and shall remain in effect until amended by subsequent resolution thereof; and

**WHEREAS,** the Township of Franklin, in conjunction with local veteran organizations, is endeavoring to plan and construct a Veterans Memorial within the Municipal Complex and is embarking upon a major fundraising campaign to provide for the funding of the Memorial;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby amend the list of designated non-profit organization to receive donations from wedding ceremonies performed by the Mayor and Deputy Mayor during the one-year period beginning July 4, 2003 and ending December 31, 2003, to provide that all such donations shall be made to the Veterans Memorial Fund.

**F. 03-291 RESOLUTION - RELEASE OF STREET OPENING ESCROW DEPOSIT**

**WHEREAS,** the following have deposited Escrow Funds for Street Opening Permits; and

**WHEREAS,** notification has been received from the Department of Public Works stating that all work has been completed in accordance with Standards of Ordinance No. 599;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that the Finance Officer is hereby authorized to release Street Opening Escrow Funds to the following:

<u>NAME/ADDRESS</u>	<u>PERMIT#</u>	<u>DEPOSIT/SURETY</u>
G & G Unlimited, Incorporated 35 Annapolis Street Somerset NJ 08873	5886 (Sewer) 5887 (Water)	\$300.00/\$300.00 \$300.00/\$300.00

**G. 03-292 RESOLUTION - AWARD BID - DEBRANELLO CONTRACTING, LLC - SCHOOLHOUSE ROAD IMPROVEMENTS, METTLERS ROAD TO RANDOLPH ROAD - TOTAL AMOUNT NOT TO EXCEED \$554,657.00**

**WHEREAS,** a notice to bidders for the receipt of bids for Schoolhouse Road Improvements, Mettlers Road to Randolph Road was publish in the Courier News on April 28, 2003 with two addenda, dated May 20 and May 21, 2003 for receipt on June 2, 2003; 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:

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**DEBRANELLO CONTRACTING, LLC**  
**25 Old Champlain Road**  
**Hillsborough NJ 08844**

**Total amount not to exceed \$554,657.00**

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

**H. 03-293 RESOLUTION - AWARD BID - TRUJILLO CLEAN SERVICES - JANITORIAL SERVICES - PUBLIC SAFETY BUILDING & COMMUNITY/SENIOR CENTER - JULY 1, 2003 TO JUNE 30, 2004 - TOTAL AMOUNT NOT TO EXCEED \$34,000.00**

**WHEREAS**, a notice to bidders for the receipt of bids for Janitorial Services for Public Safety Building and Community/Senior Citizen Center was publish in the Courier News on March 20, 2003 for receipt on April 10, 2003; 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; and

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2003 is contingent upon availability of funds in the 2004 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

**TRUJILLO CLEAN SERVICES**  
**646a Third Street**  
**Bridgewater NJ 08807**

**Total amount not to exceed \$34,000.00**

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

**I. 03-294 RESOLUTION - AWARD BID - AUTOMATED BUILDING CONTROLS, INCORPORATED - HVAC MAINTENANCE - JULY 1, 2003 TO JUNE 30, 2004 - TOTAL AMOUNT NOT TO EXCEED \$30,000.00**

**WHEREAS**, a notice to bidders for the receipt of bids for HVAC Maintenance of Public Safety Building and Repairs as needed for all Township Buildings was publish in the Courier News on April 10, 2003, two addenda were issued on April 15 and April 21, 2003 for receipt on May 1, 2003; 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; and

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2003 is contingent upon availability of funds in the 2004 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

**AUTOMATED BUILDING CONTROLS,**  
**INCORPORATED**  
**3320 Route 66**  
**Neptune NJ 07753**

**Total amount not to exceed \$30,000.00**

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

**J. 03-295 RESOLUTION - AWARD BID - SPRINT SPECTRM, L.P. - CO-LOCATION ON CELLULAR TOWER & EQUIPMENT BUILDING - FEE TO BE CHARGED BY THE TOWNSHIP \$2,000.00 PER MONTH**

**WHEREAS**, a notice to bidders for the receipt of bids for Co-Location on Cellular Tower and in Equipment Building was publish in the Courier News on April 17, 2003 with an addendum published May 15, 2003 for receipt on June 12, 2003; 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:

**SPRINT SPECTRUM, L.P.**

**One International Boulevard, Suite 800  
Mahwah NJ 07495**

**\$2,000.00 per month - Fee to be charged by the Township**

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

**K. 03-296 RESOLUTION - AWARD BID - POWERCO, INCORPORATED - RUBBERTRACK CRAWLER DOZER WITH ONE PTO OPERATED HYDRAULIC WINCH - TOTAL AMOUNT NOT TO EXCEED \$78,690.00**

**WHEREAS**, a notice to bidders for the receipt of bids for Rubber Track Crawler Dozer w/one PTO operated Hydraulic Winch was publish in the Courier News on May 8, 2003 for receipt on May 29, 2003; 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:

**POWERCO, INCORPORATED**

**12 Route 173 PO Box 4995  
Clinton NJ 08809**

<b>Dozer</b>	<b>\$59,250.00</b>
<b>Optional Winch</b>	<b><u>19,440.00</u></b>
<b>Total amount not to exceed</b>	<b><u>\$78,690.00</u></b>

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

**L. 03-297 RESOLUTION - AWARD BID - CAMMPS HARDWARE & LAWN PRODUCTS - DIESEL WORKSITE UTILITY VEHICLE - TOTAL AMOUNT NOT TO EXCEED \$10,460.00**

**WHEREAS**, a notice to bidders for the receipt of bids for Diesel Worksite Utility Vehicle was published in the Courier News on May 8, 2003 for receipt on May 29, 2003; and

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**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:

**CAMMPS HARDWARE & LAWN PRODUCTS**  
**2145 Route 206**  
**Belle Mead NJ 08502**

**Total amount not to exceed \$10,460.00; and**

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

**M. 03-298 RESOLUTION - AWARD BID - CHERRY VALLEY TRACTOR SALES - PORTABLE CUTTER MILL GRINDER WITH CUTTER TEETH & SPARE TIRE & WHEEL - TOTAL AMOUNT NOT TO EXCEED \$239,213.00**

**WHEREAS**, a notice to bidders for the receipt of bids Portable Cutter Mill Grinder w/Cutter Teeth and Spare Tire and Wheel was published in the Courier News on May 8, 2003 for receipt on May 29, 2003; 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:

**CHERRY VALLEY TRACTOR SALES**  
**35 Route 70 West**  
**Marlton NJ 08053**

**Total amount not to exceed \$239,213.00; and**

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

**N. 03-299 RESOLUTION - AWARD BID - CONDIT TRUCK CENTER - TWO (2) DUMP TRUCKS - TOTAL AMOUNT NOT TO EXCEED \$98,300.00**

**WHEREAS**, a notice to bidders for the receipt of bids for six (6) Zero-Turn Radius Mowers was published in the Courier News on May 8, 2003 for receipt on May 29, 2003; 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:

**CONDIT TRUCK CENTER**  
**66 Route 206 North**  
**Newton NJ 07860**

**Total amount not to exceed \$98,300.00; and**

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

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**Q. 03-300 RESOLUTION - AWARD BID - CAMMPS HARDWARE & LAWN PRODUCTS - SIX (6) ZERO-TURN RADIUS MOWERS - TOTAL AMOUNT NOT TO EXCEED \$63,480.00**

**WHEREAS**, a notice to bidders for the receipt of bids for six (6) Zero-Turn Radius Mowers was published in the Courier News on May 8, 2003 for receipt on May 29, 2003; 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:

**CAMMPS HARDWARE & LAWN PRODUCTS**  
**2145 Route 206**  
**Belle Mead NJ 08502**

**Total amount not to exceed \$63,480.00; and**

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

**P. 03-301 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 - NEOPOST - FOLDING/INSERTING MACHINE - AN AMOUNT NOT TO EXCEED \$10,284.00/PURCHASE & \$1,186.00/ANNUAL MAINTENANCE**

**WHEREAS**, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

**WHEREAS**, quotations as required by NJSA 40A:11-1 et seq. have been received;

**VENDOR: NEOPOST**  
**10 Woodbridge Center Drive, Suite 150**  
**Woodbridge NJ 07095**

**ITEMS: Folding/Inserting Machine**

**COST: \$10,284.00/Purchase & \$1,186.00/Annual Maintenance**

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

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2003 is contingent upon availability of funds in the 2004 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**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.

**Q. 03-302 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - EXPANETS, INCORPORATED - EXPANSION OF 935 HAMILTON STREET/MERLIN PHONE SYSTEM & CHANGE FROM COPPER LINES TO PRI-T1 LINES AT MUNICIPAL BUILDING - TOTAL AMOUNT NOT TO EXCEED \$19,900.00**

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**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract, which items, when combined with other purchases, exceed the prevailing bid threshold:

**VENDOR:**    **EXPANETS, INCORPORATED**  
                  **Route 22, East & Chimney Rock Road**  
                  **Building E**  
                  **Bound Brook NJ 08805**  
                          **State Contract No. A42285**

**ITEMS:**       **Expansion of 935 Hamilton Street/Merlin Phone System & Change**  
                          **from Copper Lines to PRI-T1 Lines at Municipal Building**

**COST:**         **\$1,900.00/935 Hamilton Street & \$18,00.00/Municipal Building**  
  **Total amount not to exceed \$19,900.00**

**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.

**R. 03-303    RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT**  
**– EXPANETS, INCORPORATED – MAINTENANCE FOR TOWNSHIP**  
**TELEPHONE SYSTEM - TOTAL AMOUNT NOT TO EXCEED**  
**\$15,000.00**

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract, which items, when combined with other purchases, exceed the prevailing bid threshold:

**VENDOR:**    **EXPANETS, INCORPORATED**  
                  **Route 22, East & Chimney Rock Road**  
                  **Building E**  
                  **Bound Brook NJ 08805**  
                          **State Contract No. A42285**

**ITEMS:**       **Maintenance of Municipal Phone System for Township of Franklin,**  
                          **Somerset County**

**COST:**         **\$12,036.00 for twelve (12) months for maintenance, \$2,964.00 for**  
                                  **incidental expenses.         Total amount not to exceed \$15,000.00**

**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; and

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2003 is contingent upon availability of funds in the 2004 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**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.

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**S. 03-304 RESOLUTION - AWARD BID - EXTENSION OF BID - ATM MACHINE IN PUBLIC SAFETY BUILDING**

WHEREAS, a notice to bidders for the receipt of bids for Extension of Contract for ATM Machine in the Public Safety Building was published in the Courier News on March 24, 2003 for receipt on April 24, 2003; and

WHEREAS, State Statute requires that the bid be awarded within sixty (60) days; and

WHEREAS, the Township is not in a position to award the contract at this time; and

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the award for the bid is extended beyond the 60 days until such time as the Township can take action on this contract.

**T. 03-305 RESOLUTION - AUTHORIZE AUCTION OF ABANDONED VEHICLES - TUESDAY, JULY 8, 2003 @ 10:00 AM**

BE IT RESOLVED That the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize a Public Auction of automobiles which came into the possession of the Franklin Township Police Department through abandonment or failure of owners to claim in accordance with N.J.S.A. 39:10A-1 (Laws of the State of New Jersey) as follows:

**TOWNSHIP YARD**

Date: Tuesday, July 8, 2003  
Time: 10:00 am  
Place: Township Impound Yard  
40 Churchill Avenue  
Somerset NJ 08873

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE/COLOR</u>	<u>VIN. NUMBER</u>
1986	Isuzu/Trooper	2 door/BI/SI	JAACH15LXG5457434
1992	Geo Metro	4 door/Blue	2C1MR6468N6772329
1987	Honda Accord	4 door/Gray	1HGCA5634HA172547
1991	Toyota Corolla	4 door/White	2T1AE94A8MC085050
1979	Cadillac Fleetwood	4 door/White	6B69S99204672
1988	AUDI 5000	4 door/Silver	WAVDC0445JN004391
1985	Chevrolet Monte Carlo	2 door/Silver	1G1GZ37Z4FR174404
1985	Dodge Daytona	2 door/Silver	1B3BA44D2FG233745
1989	Volks Wagon Jetta	4 door/Black	WVWTC01G0KW247762
1987	Nissan 200SX	2 door/White	JN1PS26S5HW039370
1995	Ford Escort	4 door	3FASP13J8SR188919
1990	Honda Civic	4 door/Gray	1HGED3545L000846
1988	Honda Accord	2 door/Red	1HGCA6184JA053234
1993	Ford Taurus	4 door/Green	1FACP52U6PA165602
1986	Mazda RX7	2 door/Red	JM1FC3318G0140265
1995	Ford Taurus	4 door/Tan	1FALP52U4SA255131
1988	Chevy Cavalier	4 door/Gray	1G1JE5115JJ167419
1983	Oldsmobile Cutlass	2 door/Black	2G3AR47A4D2335587
1988	Lincoln Continental	4 door/Black	1LNBM9841JY871383
1989	Pontiac Grand Prix	2 door/White	1G2WJ14W8KF275437
1990	Honda Accord	2 door/Gray	1HGCB7258LA010073

Vehicles may be viewed at the location noted above for the one (1) hour period preceding the auction.

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**BE IT FURTHER RESOLVED** that Notice of Auction pursuant to Statute shall be published in the official newspaper of the Township on **July 10, 2003**.

**U. 03-306 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 - WHIRL CONSTRUCTION - INSTALLATION OF PARK EQUIPMENT - TOTAL AMOUNT NOT TO EXCEED \$24,799.00**

**WHEREAS**, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

**WHEREAS**, quotations as required by NJSA 40A:11-1 et seq. have been received;

**VENDOR: WHIRL CONSTRUCTION**  
**PO Box 110 187 Main Street**  
**Port Monmouth NJ 07758**

**ITEMS: Installation of Park Equipment: East Millstone Park, Bascom Park and Dunham Lebed Park**

**COST: East Millstone - \$ 6,324.00**  
**Bascom Park - \$ 1,800.00**  
**Dunham Lebed Park- \$16,675.00**  
**Total Amount \$24,799.00**

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

**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.

**V. 03-307 RESOLUTION - FRANCHISE – ADELPHIA BUSINESS SOLUTIONS INVESTMENT, LLC, DIP, D/B/A TELCOVE**

**WHEREAS**, the Township has received a request from Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove requesting use of the municipality's public road rights-of-way and feels that it is in the best interest of the residents of Franklin Township to grant said request; and

**WHEREAS**, the Township Council of the Township of Franklin hereby consents to the non-exclusive use of its rights-of-way for a period of five (5) years. The conditions for the parameters of said use are set forth in the Code of the Township of Franklin, Chapter 246-1, Article 1 Telecommunication Services. Said period shall begin on July 1, 2003 and shall expire five (5) years from said date on June 30, 2008. This consent shall permit Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove to place and maintain in, upon, along, across, above, over and under the public highways and streets in Franklin Township, poles, wires, cable, underground conduits, manholes and fiber optic cables and fixtures necessary for the maintenance and operation of the proposed use. The consent, however, is subject to the provisions of Chapter 246-1, Telecommunication Services. In the event that Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove violates any provision of Chapter 246-1 Telecommunication Services, the Township will give notice of such violation and allow Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove thirty (30) days to cure the violation unless additional time is granted by the Township Council. In the event that Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove does not cure the violation in the prescribed time, appropriate action will be taken on behalf of the Township which may include, but is not limited to, court intervention and the voidance and the termination of any and all relationships between the Township and Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove; and .

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**WHEREAS**, the grant of the above public street rights-of-way shall be for the purpose of providing Telecommunications Service; and

**WHEREAS**, the needs of the Township and the public to minimize interruption in street and sidewalk traffic and public and private business, to avoid congestion, environmental degradation, undue cost, inconvenience, reduction in property values, private interests and the like, frustration or burdening of Township planning for future utility installations and operations, maintenance of current utilities and general planning for development by the Township, shall be respected by Metromedia Fiber Networks Services will notify the Township of the location of any cable or other fixtures permitted to be installed pursuant to this resolution prior to such installation; and

**WHEREAS**, the consent granted by this resolution shall apply to the entirety of Franklin Township. All questions of municipal boundary location, rights and interest in property, federal, state, county and/or other governmental or quasi-governmental rights, privileges and /or interests in real estate shall be investigated and researched at Adelphia Business Solutions Investment, LLC, DIP, d/b/a TelCove own cost and expense; procedures necessary to gather relevant information and to resolve every such question shall be pursued in Adelphia Business Solutions Investment, LLC, DIP, d/b/a TelCove's own name and the Township shall never be under any obligation to perform investigations or research, conduct or prosecute proceedings, expend legal fees or pay the charge of engineers, surveyors, title searchers or others, or otherwise take any steps to define, delineate, establish or clarify the boundaries or rights of the Township; and

**WHEREAS**, the foregoing consent is and at all times shall be subject to full and complete compliance with the Township Development Ordinance, Chapter 112 of the Code of the Township of Franklin, all other Township Ordinances and regulations, and all rules, regulations and laws of the applicable jurisdictions as to all aspects of location, operation, and maintenance of the fiber optic cables and fixtures necessary thereto. Any fixture other than wires, cable, underground conduits, terminating equipment and electronics and fiber optic cables shall be subject to the Township's prior written approval before their installation; and

**WHEREAS**, no easement, title in fee, leasehold or other interest in real estate, nor any other interest in property of the Township, is hereby granted to Adelphia Business Solutions Investment, LLC, DIP, d/b/a TelCove; and

**WHEREAS** the following Conditions of Construction shall be set forth.

- A. Restoration. In the event Adelphia Business Solutions Investment, LLC, DIP, d/b/a TelCove shall from time to time disturb any public or private pavement, street surfaces, curbs, gutters, sidewalks, driveways, above or below ground utilities, lines, fixtures, equipment or other facilities or trees, shrubs or other landscaping or surfaces in the natural topography or any other matter whatsoever, Adelphia Business Solutions Investment, LLC, DIP, d/b/a TelCove shall, at its sole expense, reasonably restore and replace such places and things so disturbed to and in not less than as good condition as existed prior to each disturbance. In doing so, Adelphia Business Solutions Investment, LLC, DIP, d/b/a TelCove shall comply with all applicable ordinances, resolutions, laws, rulings and regulations. All restorations shall be completed within thirty (30) working days of the work requiring the same.
- B. Relocation. If at any time during the period of this consent, the Township shall alter or change the grade of any public street or highway, or alter or change the location of grade of any public water or sewer facility or other utility facility, Adelphia Business Solutions Investment, LLC, DIP, d/b/a TelCove, upon reasonable notice by the Township, shall at its own expense, remove, relay and relocate its cables, equipment and other facilities.

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- C. Temporary Removal of Cables. Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove shall for the purpose of and upon request of the Township, at Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove's expense temporarily raise, lower or remove its cables and associated facilities in order to facilitate the moving of buildings, equipment, vehicles and machinery and to accommodate other like circumstances. Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove may suggest alternatives to the temporary removal of cables where such temporary removal may cause a disruption of services or otherwise interfere with the expectations of its customers. However, the Township retains the right to make the final decision regarding said cable removal.

**Underground Lines.**

Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, Inc. shall respond when requested to mark out underground lines, within forty-eight (48) hours of the request.

**Performance Bonds.**

To secure the faithful performance by Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, of all of its obligations to the Township, Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, shall deliver to the Township and maintain in force throughout the duration of the use of the Township's said rights-of-way a surety bond in the penal sum of not less than Fifty Thousand (\$50,000.00) Dollars, conditioned on the faithful performance by Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, of all of its undertakings pursuant to this Ordinance. Said bond must be acceptable in form and content to the Township Attorney. The bonding company shall be authorized to do business in the State of New Jersey.

**Liability Insurance.**

During the term of the use of the Township's said rights-of-way, Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, shall deliver to the Township and maintain in force, at its sole expense, sufficient combined automobile and comprehensive general liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of:

- A. \$1,000,000.00 for bodily injury or death to one person.
- B. \$1,000,000.00 for bodily injury or death from any one accident.
- C. \$1,000,000.00 for property damage resulting from any one accident.
- D. \$5,000,000.00 "umbrella" excess liability coverage for both bodily injury and property damage for each occurrence and in the aggregate.

The insurance carrier must be acceptable to the Township Attorney and shall be authorized to do business in the State of New Jersey. Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, shall assure that no such policy of insurance shall be canceled without a minimum of thirty (30) days notice to the Township or greater notice if required by regulations of the New Jersey Department of Insurance.

**Indemnity.**

Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, shall hold and save the Township harmless from and indemnify and defend the Township against every claim, loss and liability of every kind, arising in any and every way directly or indirectly, immediately or consequentially from:

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- A. The grant or use of this municipal consent;
- B. The acquisition of, or negotiation for the acquisition of, any interest in real estate, rights or privileges within or without the Township;
- C. The making, prosecuting or processing of any application for any governmental approval, permits or license, including all appeals;
- D. All proceedings of every kind by or against Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove,
- E. Any act or omission of Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, or any of its officers, directors, employees, agents, contractors, suppliers, materialmen or affiliated companies;
- F. The exercise or implementation, whether or not proper or lawful, of any right of privilege expressed or implied hereunder, by law or otherwise arising out of this municipal consent; or

**G. Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove's action, inaction, franchise, operation, maintenance, construction or installation of the lines, cables and fixtures described herein.**

"Loss" shall include all actual legal fees and court costs.

**THEREFORE LET IT BE RESOVLED** that in consideration of the rights and privileges granted to Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove agrees to pay the Township on an annual basis the following fees:

- A. Two Hundred (\$200) Dollars per mile of Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, fiber optic cable located in the public road rights-of-way within the Township with a minimum annual fee of Five Hundred (\$500) Dollars.
- B. All payments due to the Township hereunder by Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, shall be made on or before October 1 of each year in which access to the Township's public road rights-of-way is in effect. Any failure to accurately make the payment called for on or before October 1 of each said year will result in the automatic revocation of the non-exclusive franchise granted to such Adelpia Business Solutions Investment, LLC, DIP, d/b/a TelCove, by the applicable Authorizing Action.

**LET IT FURTHER BE RESOLVED**, that this resolution shall take effect immediately upon written acceptance of the terms hereof and faithful performance of conditions set forth. If such acceptance is not received by the Township Clerk within thirty (30) days, the same will automatically expire and be of no further effect.

**W. 03-308 RESOLUTION - AGREEMENT - INTERLOCAL SERVICES - SOMERSET COUNTY - ACCESSIBLE TRANSPORTATION TO COMMUNITY/SENIOR CENTER - AN AMOUNT NOT TO EXCEED \$40,000.00**

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute on behalf of the Township and Interlocal Services Agreement with the County of Somerset for Accessible Transportation to the Community/Senior Center for the period July 1, 2003 to June 30, 2004 at a cost not to exceed \$40,000.00; and

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**BE IT FURTHER RESOLVED** that this agreement is subject to adoption of the FY2004 Temporary and Fiscal Year Budgets, and in the event of unavailability of such funding the Township reserves the right to cancel this agreement.

**X. 03-309 RESOLUTION – AUTHORIZED LEASE & SET MINIMUM BID - TOWNSHIP PROPERTY**

**WHEREAS**, N.J.A.S. 40A 12-14 Leasing Of Municipal Real Property provides that the governing body may by resolution, fix minimum rental for bids for the leasing of municipal property with the reservation of the right to reject all bids where the highest is not accepted; and

**WHEREAS**, the Township has acquired the following parcels:

Block 508.2 Lot 49.01 and Block 509, Lot 22  
 Block 508.2 Lot 48  
 Block 20.02 Lot 8 and;

**WHEREAS**, the Township intends to lease such properties through public bidding process

**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 authorized the lease of said properties and the setting of a minimum rental in the amount of \$8.00 per tillable acre per year for parcels listed herein.

**Y. 03-310 RESOLUTION - CHANGE ORDER NO. 1 - SOMERSET COUNTY ENGINEERING - DESIGN & CONSTRUCTION OF ELIZABETH AVENUE WATERMAIN - NOT TO EXCEED AN ADDITIONAL \$3,124.00**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey has on December 11, 2001 authorized the awarding of a contract to Somerset County Engineering, 20 Grove Street, Somerville NJ 08876 in the amount of \$225,174.00 for the Design and Construction of a Water Main on Elizabeth Avenue; and

**WHEREAS**, during the course of the contract term the need for additional funding has been determined, resulting in an increase in the contract as follows:

**CHANGE ORDER NO. 1:**

<b>Additional Charges</b>	<b>\$3,124.00</b>	
		<b>Total Contract - \$228,298.00</b>

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

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

**Z. 03-311 RESOLUTION - DETENTION MAINTENANCE AGREEMENT - SOMERSET RUN (PULTE) - FINAL MAJOR SUBDIVISION DOCKET #PLN 2003-0006 - STORMWATER DETENTION FACILITY**

**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 Detention Maintenance Agreement with Somerset Run (Pulte Communities, NJ, Limited Partnership), with offices located at 100 Davidson Avenue, Somerset NJ for property known as Block 468.12, Lot 1.01 and Block 507, Lots 3-5, 7, 21, 38-43, 67 and 68 consisting of 288.3 acres located on New Brunswick Road between Cedar Grove Land and Elizabeth Avenue in the M-1 Zone as shown on the Tax Map of the Township of Franklin pursuant to the resolution approval dated April 2, 2003, a copy of which is on file in the office of the Township Clerk and available for public inspection.

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**AA. 03-312 RESOLUTION - CONTRACT – SOMERSET COMMUNITY ACTION PROGRAM - OPERATION OF COMMUNITY SHUTTLE PROGRAM**

**BE IT RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the execution of a Contract with Somerset Community Action Program for the Operation of Community Shuttle Motor Bus Passenger Service; and

**BE IT FURTHER RESOLVED** that the appropriate officials be and they are authorized to sign the agreement.

**BB. 03-313 RESOLUTION - EXTRAORDINARY UNSPECIFIABLE SERVICES - VALUE RESEARCH GROUP, LLC - CONSULTING SERVICES - SENIOR HOUSING - AN AMOUNT NOT TO EXCEED \$50,000.00**

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; 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; and

**WHEREAS**, the Local Public Contracts Law (**N.J.S.A. 40A:11-5(m)**) requires that the resolution authorizing the award of contracts for "EXTRAORDINARY UNSPECIFIABLE SERVICES" without competitive bids must be publicly advertised;

**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 agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as an "EXTRAORDINARY UNSPECIFIABLE SERVICE" under the provisions of the Local Public Contracts Law.
- (3) 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.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.

**VENDOR NAME: VALUE RESEARCH GROUP, LLC**  
**ADDRESS: 301 South Livingston Avenue, Ste. 104 Livingston NJ 07039**  
**CONTRACT AMOUNT: Not to exceed \$50,000.00**  
**SERVICE: Professional Consulting Services for Senior Housing**

**CC. 03-314 RESOLUTION - EXTRAORDINARY UNSPECIFIABLE SERVICES - CIVIL SOLUTIONS – GIS CONSULTING SERVICES FOR UTILITY MAPPING - AN AMOUNT NOT TO EXCEED \$25,000.00**

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**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; 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; and

**WHEREAS**, the Local Public Contracts Law (**N.J.S.A. 40A:11-5(m)**) requires that the resolution authorizing the award of contracts for "EXTRAORDINARY UNSPECIFIABLE SERVICES" without competitive bids must be publicly advertised;

**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 agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as an "EXTRAORDINARY UNSPECIFIABLE SERVICE" under the provisions of the Local Public Contracts Law.
- (3) 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.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.

**VENDOR NAME:** CIVIL SOLUTIONS  
**ADDRESS:** 1030 Route 28 Branchburg NJ 08876  
**CONTRACT AMOUNT:** Not to exceed \$25,000.00  
**SERVICE:** Provide GIS Consulting Services for Geographic Information System (GIS) Utility Mapping.

**DD. 03-315 RESOLUTION - GRANT APPLICATION - NJDOT TRANSPORTATION MUNICIPAL AID PROGRAM - IMPROVEMENTS TO BERGER STREET; JFK BOULEVARD TO VANDERBILT AVENUE - \$262,621.20**

**BE IT AND IT IS HEREBY RESOLVED** That the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the filing of a Grant application for NJDOT Transportation Municipal Aid Program for:

**Improvements to Berger Street; JFK Boulevard to Vanderbilt Avenue - \$262,621.20**

**BE IT FURTHER RESOLVED** that the appropriate Township officials are authorized to execute this Grant Application on behalf of the Township.

**EE. 03-316 RESOLUTION - AUTHORIZE GRANT APPLICATION & AGREEMENT FOR STATE AID TO COUNTIES & MUNICIPALITIES UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT & LOCAL BRIDGE BOND ACT - STRIPE & SIGN BIKE LANES - ELIZABETH AVENUE FROM AMWELL ROAD TO SOUTH BOUND BROOK BORDER; CEDAR GROVE LANE FROM EASTON AVENUE**

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**TO NEW BRUNSWICK ROAD; NEW BRUNSWICK ROAD FROM JFK  
TO CEDAR GROVE LANE**

**BE IT RESOLVED** that application is hereby made to the Commissioner of Transportation for an allotment of aid under the New Jersey Transportation Trust Fund Authority Act, the Bridge Bond Act, or a combined allotment for Stripe and Sign Bike Lanes for Elizabeth Avenue from Amwell Road to South Bound Brook Border; Cedar Grove Lane from Easton Avenue to New Brunswick Road; New Brunswick Road from JFK to Cedar Grove Lane in the Municipality of Franklin Township in the County of Somerset and State of New Jersey for a distance of 5.13 miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$21,466.00. The Sponsor requests \$21,466.00 in State funds and anticipates contributing \$-0-; and

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

**Type of Improvement:**

Bikeway

**Scope of Work:**

Funds are requested for implementation of Bikeway Master Plan. Bike Lanes for Elizabeth Avenue (South Bound Brook to Amwell Road), Cedar Grove Lane (Easton avenue to New Brunswick) and New Brunswick Road from JFK Boulevard to Cedar Grove Lane.

**Total Estimated Cost of Improvement: (Detailed Cost Estimate Attached)**

Construction Cost	\$21,466.00
Design Engineering	\$ -0-
Right-of-Way Costs	\$ -0-
Construction Inspection and Material Testing if requesting (10% of final allowable construction cost maximum)	\$ -0-
<b>Total Estimated Cost</b>	<b>\$21,466.00</b>

**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 construction	No
Does the project intersect a State Highway	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

**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 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 Revenue 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 funding appropriation.

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- (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 revised Resolution, Application, and Agreement for Department 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 rescision 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) Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding as defined and enumerated in the Office of Management & Budget's Circular 89-19.
- (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 or 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 costs of investigations, hiring of expert witnesses, court costs of investigations, hiring of expert witnesses, court costs, counsel fees, settlements and judgements.
- (i) It will engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreements 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 provision of public liability insurance and every such policy shall include the Sponsor and the State as additional named insured.
- (k) All design work shall conform to 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 designs shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration.

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- (l) It shall provide all 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 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 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 Government Services 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, NJSA 40A: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 Government Services 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.
- (u) 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 a fully documented request from the Sponsor. The Department may cancel the funds allotted to the project if the Sponsor does not award the construction contract within the specified time.
- (v) 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.
- (w) Neither design costs, the cost 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 allocation of State Aid funds under this application except in special hardship cases as approved by the Department.
- (x) State participation in the cost of the project shall not exceed the lesser of either one hundred (100%) percent of the cost of the complete construction work including eligible construction supervision, inspection and material testing or the original

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- allotment. State participation in inspection and material testing costs shall be limited to ten (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.
- (y) 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 Municipal Aid, Centers of Place, Bikeways, Pedestrian Safety and Discretionary Aid Programs, a specified percentage as determined by the Commissioner, of the lesser of the eligible award amount or allotted amount shall be paid at the time of concurrence in the award of contract by the Department. 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, the full amount of the annual allotment amount shall be paid upon approval of the Capital Transportation Plan (CTP) and the execution of this Agreement
  - (3) If the Sponsor requests, project funding can be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department. Progress payment of not less than \$50,000.00 may be made. The final voucher, with supporting information as required by the department, is to be submitted within six (6) months of project completion.
- (z) 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.
- (aa) In the event allotted funds remain after completion of the work, the remaining funds shall revert to the Transportation Trust Fund and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
  - (bb) 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 Department and agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
  - (cc) It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with **NJAC 16:20A or 16:20B**, as applicable, and comply with State of New Jersey audit requirements specified therein
  - (dd) It will maintain complete documentation of the project for the period of three (3) years after receiving final reimbursement or payment by the State.
  - (ee) It shall maintain the complete project in a manner satisfactory to the Department; and

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

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**FF. 03-317 RESOLUTION - GRANT APPLICATION – NEW JERSEY JUVENILE DELINQUENCY PREVENTION GRANT - \$52,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Juvenile Justice Commission for a Juvenile Delinquency Prevention Block Grant in the amount of \$52,000.00 and does authorize the appropriate Township official to execute this grant application on its behalf.

**GG. 03-318 RESOLUTION - TONNAGE GRANT APPLICATION - 2002**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Franklin in the County of Somerset and State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Andrew Twiford, Director of DPW to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**HH. 03-319 RESOLUTION - GRANT AGREEMENT - SOMERSET COUNTY - YOUTH ATHLETIC & RECREATION FACILITY GRANT PROGRAM - \$15,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council does hereby authorize the Mayor and Township Clerk to execute on its behalf a Grant Agreement with Somerset County for the Youth Athletic & Recreation Facility Grant Program for Engineering and Design Services for the Skate Park in Middlebush in the amount of \$15,000.00 for 2002.

**II. 03-320 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION – ETERNAL LIFE CHRISTIAN CENTER - DOCKET NO. Z200008UP - \$131,816.40**

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

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ITEM: PERFORMANCE BOND

NAME OF APPLICANT: ETERNAL LIFE CHRISTIAN CENTER  
 ADDRESS OF APPLICANT: 322 Franklin Boulevard  
 Somerset, NJ 08873

NUMBER: Bank Check No. 389340746  
 INSURANCE COMPANY: Fleet Bank  
 Franklin Boulevard Somerset NJ 08873

IN THE AMOUNT OF: \$131,816.40

FOR: Site Improvements for Docket No. Z200008UP - Block 284/1-14; and

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

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee by the amount of \$92,271.48; 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 reduced to \$39,544.92 and that the Township Treasurer be directed to issue a check to the aforesaid applicant in the amount of \$92,271.48 representing the reduction of this performance guarantee.

**JJ. 03-321 RESOLUTION - SPECIAL EVENT PERMIT - SOMERSET COUNTY OFFICE ON AGING - COUNTY SENIOR NUTRITION PROGRAM WITH THE MIDLAND ADVANCED PROGRAM - FRESH FRUIT & VEGETABLES TO COMMUNITY/SENIOR CENTER - JULY 9 & JULY 30, 2003**

**WHEREAS**, a request has been received from Somerset County Office on Aging for permission to have Midland Advance Program deliver farm fresh produce to the Community / Senior Center to be purchased by Seniors on Wednesdays from July 9 and July 30, 2003; and

**WHEREAS**, the Somerset County Office on Aging 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 conduct County Senior Nutrition Program with the Midland Advanced Program on July 9 and July 30, 2003 at the Community/Senior Center subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

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

**KK. 03-322 RESOLUTION - REAPPOINTMENT OF GRACE HOBBS, ACCOUNTING CLERK - CONSTRUCTION CODE ENFORCEMENT**

**WHEREAS**, under N.J.P.E.R.S. RULES, an employee must be retired when they attain the age of seventy (70) years unless the employing agency files a written notice certifying approval for an extension of employment for full year and thereafter on a yearly basis for one (1) year; and

**WHEREAS**, GRACE HOBBS, who has been an Accounting Clerk in the Department of Construction Code Enforcement since July, 1986 will attain the age of eighty-one (81) in September, 2003 and has requested that she not be required to retire at this time; and

**WHEREAS**, the Construction Official of the Township of Franklin, Somerset County has recommended that she be permitted to continue her employment with the Township of Franklin for the period June 26, 2003 and continuing until August 25, 2004;

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**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey does hereby recommend that **GRACE HOBBS** be retained as an Accounting Clerk in the Department of Construction Code Enforcement for the period June 26, 2003 and continuing until August 25, 2004.

**LL. 03-323 RESOLUTION - RENEWAL OF 2003-2004 LIQUOR LICENSES - WITHOUT CONDITIONS**

**WHEREAS**, applications have been received for twelve (12) Plenary Retail Consumption Licenses, six (6) 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 13<sup>th</sup> day of June, 2002 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 twelve (12) 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**

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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.**  
**4591 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**

1808-33-017-007                   **PRINCIPESSA, LLC**  
t/a **LA PRINCIPESSA RISTORANTE**  
**4437 Route 27, Suite 6   Franklin Park NJ 08823**

1808-33-033-004                   **WEL/WH CONVENTION MANAGERS, LLC**  
t/a **GARDEN STATE EXHIBIT CENTER**  
**50 Atrium Drive                       Somerset NJ 08873**

**BE IT FURTHER RESOLVED** the Clerk is instructed to issue six (6) Plenary Retail Consumption Licenses under the Hotel/Motel exception as follows:

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

1808-36-022-003                   **EQUISTAR SOMERSET CO. LLC**  
t/a **SOMERSET MARRIOTT**  
**110 Davidson Avenue                 Somerset NJ 08873**

1808-36-025-003                   **WESTON CANAL REALTY LP**  
t/a **RAMADA INN OF SOMERSET**  
**60 Cottontail Lane                   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**

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**1808-36-029-003**                      **SFMB INC.**  
**t/a SUMMERFIELD SUITES BY**  
**WYNDHAM-SOMERSET**  
**260 Davidson Avenue              Somerset NJ 08873**

**1808-36-034-002**                      **MADISON HOSPITALITY, LLC**  
**t/a CLARION SUITES**  
**11 Cedar Grove Road              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 FRANKLIN SOMERSET LIQUORS**  
**900 Easton Avenue, Suite 42**  
**Somerset NJ 08873**

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

**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**

**1808-44-013-007**                      **FRANKLIN BOTTLE KING, INC.**  
**t/a FRANKLIN BOTTLE KING**  
**3391 Highway 27              Franklin Park NJ 08823**

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

**1808-31-031-001**                      **TEN'S ENOUGH, INC.**  
**37 Pine Street              Somerset NJ 08873**

**1808-31-030-001**                      **FRATERNAL ORDER OF EAGLES/NEW**  
**BRUNSWICK AERIE 1329**  
**873 Hamilton Street              Somerset NJ 08873**

**MM. 03-324      RESOLUTION - FRANCHISE – METROMEDIA FIBER NETWORKS SERVICES, INC**

**WHEREAS**, the Township has reviewed all documentation regarding Metromedia Fiber Networks Services, Inc request for use of the municipality's public road rights-of-way and feels that it is in the best interest of the residents of Franklin Township to grant said request; and

**WHEREAS**, the Township Council of the Township of Franklin hereby consents to the non-exclusive use of its rights-of-way for a period of five (5) years. The conditions for the parameters of said use are set forth in the Code of the Township of Franklin, Chapter 246-1, Article 1 Telecommunication Services. Said period shall begin on July 1, 2003 and shall expire

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five (5) years from said date on June 30, 2008. This consent shall permit Metromedia Fiber Networks Services, Inc to place and maintain in, upon, along, across, above, over and under the public highways and streets in Franklin Township, poles, wires, cable, underground conduits, manholes and fiber optic cables and fixtures necessary for the maintenance and operation of the proposed use. The consent, however, is subject to the provisions of Chapter 246-1, Telecommunication Services. In the event that Metromedia Fiber Networks Services, Inc violates any provision of Chapter 246-1 Telecommunication Services, the Township will give notice of such violation and allow Metromedia Fiber Networks Services, Inc thirty (30) days to cure the violation unless additional time is granted by the Township Council. In the event that Metromedia Fiber Networks Services, Inc does not cure the violation in the prescribed time, appropriate action will be taken on behalf of the Township which may include, but is not limited to, court intervention and the voidance and the termination of any and all relationships between the Township and Metromedia Fiber Networks Services, Inc; and

**WHEREAS**, the grant of the above public street rights-of-way shall be for the purpose of providing Telecommunications Service; and

**WHEREAS**, the needs of the Township and the public to minimize interruption in street and sidewalk traffic and public and private business, to avoid congestion, environmental degradation, undue cost, inconvenience, reduction in property values, private interests and the like, frustration or burdening of Township planning for future utility installations and operations, maintenance of current utilities and general planning for development by the Township, shall be respected by Metromedia Fiber Networks Services will notify the Township of the location of any cable or other fixtures permitted to be installed pursuant to this resolution prior to such installation; and

**WHEREAS**, the consent granted by this resolution shall apply to the entirety of Franklin Township. All questions of municipal boundary location, rights and interest in property, federal, state, county and/or other governmental or quasi-governmental rights, privileges and /or interests in real estate shall be investigated and researched at Metromedia Fiber Networks Services, Inc own cost and expense; procedures necessary to gather relevant information and to resolve every such question shall be pursued in Metromedia Fiber Networks Services, Inc.'s own name and the Township shall never be under any obligation to perform investigations or research, conduct or prosecute proceedings, expend legal fees or pay the charge of engineers, surveyors, title searchers or others, or otherwise take any steps to define, delineate, establish or clarify the boundaries or rights of the Township; and.

**WHEREAS**, the foregoing consent is and at all times shall be subject to full and complete compliance with the Township Development Ordinance, Chapter 112 of the Code of the Township of Franklin, all other Township Ordinances and regulations, and all rules, regulations and laws of the applicable jurisdictions as to all aspects of location, operation, and maintenance of the fiber optic cables and fixtures necessary thereto. Any fixture other than wires, cable, underground conduits, terminating equipment and electronics and fiber optic cables shall be subject to the Township's prior written approval before their installation; and

**WHEREAS**, no easement, title in fee, leasehold or other interest in real estate, nor any other interest in property of the Township, is hereby granted to Metromedia Fiber Networks Services, Inc; and

**WHEREAS**, the following Conditions of Construction shall be set forth.

- A. Restoration. In the event Metromedia Fiber Networks Services, Inc shall from time to time disturb any public or private pavement, street surfaces, curbs, gutters, sidewalks, driveways, above or below ground utilities, lines, fixtures, equipment or other facilities or trees, shrubs or other landscaping or surfaces in the natural topography or any other matter whatsoever, Metromedia Fiber Networks Services, Inc shall, at its sole expense, reasonably restore and replace such places and things so disturbed to and in not less than as good condition as existed prior to each disturbance. In doing so, Metromedia Fiber Networks Services, Inc shall comply with all applicable ordinances, resolutions, laws, rulings and

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regulations. All restorations shall be completed within thirty (30) working days of the work requiring the same.

- B. Relocation. If at any time during the period of this consent, the Township shall alter or change the grade of any public street or highway, or alter or change the location of grade of any public water or sewer facility or other utility facility, Metromedia Fiber Networks Services, Inc, upon reasonable notice by the Township, shall at its own expense, remove, relay and relocate its cables, equipment and other facilities.
  
- C. Temporary Removal of Cables. Metromedia Fiber Networks Services, Inc shall for the purpose of and upon request of the Township, at Metromedia Fiber Networks Services, Inc 's expense temporarily raise, lower or remove its cables and associated facilities in order to facilitate the moving of buildings, equipment, vehicles and machinery and to accommodate other like circumstances. Metromedia Fiber Networks Services, Inc may suggest alternatives to the temporary removal of cables where such temporary removal may cause a disruption of services or otherwise interfere with the expectations of its customers. However, the Township retains the right to make the final decision regarding said cable removal.

**Underground Lines.**

Metromedia Fiber Networks Services, Inc, Inc. shall respond when requested to mark out underground lines, within forty-eight (48) hours of the request.

**Performance Bonds.**

To secure the faithful performance by Metromedia Fiber Networks Services, Inc, of all of its obligations to the Township, Metromedia Fiber Networks Services, Inc, shall deliver to the Township and maintain in force throughout the duration of the use of the Township's said rights-of-way a surety bond in the penal sum of not less than Fifty Thousand (\$50,000.00) Dollars, conditioned on the faithful performance by Metromedia Fiber Networks Services, Inc. of all of its undertakings pursuant to this Ordinance. Said bond must be acceptable in form and content to the Township Attorney. The bonding company shall be authorized to do business in the State of New Jersey.

**Liability Insurance.**

During the term of the use of the Township's said rights-of-way, Metromedia Fiber Networks Services, Inc, shall deliver to the Township and maintain in force, at its sole expense, sufficient combined automobile and comprehensive general liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of:

- A. \$1,000,000.00 for bodily injury or death to one person.
- B. \$1,000,000.00 for bodily injury or death from any one accident.
- C. \$1,000,000.00 for property damage resulting from any one accident.
- D. \$5,000,000.00 "umbrella" excess liability coverage for both bodily injury and property damage for each occurrence and in the aggregate.

The insurance carrier must be acceptable to the Township Attorney and shall be authorized to do business in the State of New Jersey. Metromedia Fiber Networks Services, Inc, shall assure that no such policy of insurance shall be canceled without a minimum of thirty (30) days notice to the Township or greater notice if required by regulations of the New Jersey Department of Insurance.

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**Indemnity.**

Metromedia Fiber Networks Services, Inc, shall hold and save the Township harmless from and indemnify and defend the Township against every claim, loss and liability of every kind, arising in any and every way directly or indirectly, immediately or consequently from:

- A. The grant or use of this municipal consent;
- B. The acquisition of, or negotiation for the acquisition of, any interest in real estate, rights or privileges within or without the Township;
- C. The making, prosecuting or processing of any application for any governmental approval, permits or license, including all appeals;
- D. All proceedings of every kind by or against Metromedia Fiber Networks Services, Inc,
- E. Any act or omission of Metromedia Fiber Networks Services, Inc, or any of its officers, directors, employees, agents, contractors, suppliers, materialmen or affiliated companies;
- F. The exercise or implementation, whether or not proper or lawful, of any right of privilege expressed or implied hereunder, by law or otherwise arising out of this municipal consent; or

**G. Metromedia Fiber Networks Services, Inc.'s action, inaction, franchise, operation, maintenance, construction or installation of the lines, cables and fixtures described herein.**

"Loss" shall include all actual legal fees and court costs.

**THEREFORE LET IT BE RESOVLED** that in consideration of the rights and privileges granted to Metromedia Fiber Networks Services, Inc, Metromedia Fiber Networks Services, Inc agrees to pay the Township on an annual basis the following fees:

- A. Two Hundred (\$200) Dollars per mile of Metromedia Fiber Networks Services, Inc, fiber optic cable located in the public road rights-of-way within the Township with a minimum annual fee of Five Hundred (\$500) Dollars.
- B. All payments due to the Township hereunder by Metromedia Fiber Networks Services, Inc, shall be made on or before October 1 of each year in which access to the Township's public road rights-of-way is in effect. Any failure to accurately make the payment called for on or before October 1 of each said year will result in the automatic revocation of the non-exclusive franchise granted to such Metromedia Fiber Networks Services, Inc, by the applicable Authorizing Action.

**LET IT FURTHER BE RESOLVED**, that the effective date of this resolution shall take effect immediately upon written acceptance of the terms hereof. If such acceptance is not received by the Township Clerk within thirty (30) days, the same will automatically expire and be of no further effect.

**NN. 03-325 RESOLUTION - ACCEPT RESIGNATION – JULIE MARINO, ESQ., – ASSOCIATE MUNICIPAL PROSECUTOR**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Julie Marino, Associate Municipal Prosecutor, effective June 26, 2003; and

**BE IT FURTHER RESOLVED** that the Township Council does hereby thank and

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commend the said Julie Marino, Esq., for services performed on behalf of said Township.

**OO. 03-326 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER**

**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:

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 13, 2002	34.02/16.03 C2621	MALIK, MUHAMAD M. 69 Fisher Drive Franklin Park NJ 08823	1,084.49
<b>PAID:</b>	<b>June 11, 2003</b>	<b>CERT #02-0015</b>	
<b>LIENHOLDER:</b>	<b>Mooring Tax Asset Group, Incorporated</b>		
	<b>8614 Westwood Center Drive, Suite 650</b>	<b>Vienna VA 22182</b>	
April 10, 1997	85/56.03 C0155	FISHER, SHARON 155 Kingsberry Drive Somerset NJ 08873	386.51
<b>PAID:</b>	<b>May 27, 2003</b>	<b>CERT #97-178</b>	
<b>LIENHOLDER:</b>	<b>Herbert Sehgel</b>		
	<b>PO Box 284</b>	<b>Kingston NJ 08528</b>	
June 13, 2003	238/15	BOB-GREY, ADONIS & TURAY, H. 30 Winthrop Road Somerset NJ 08873	836.08
<b>PAID:</b>	<b>May 30, 2003</b>	<b>CERT #02-0121</b>	
<b>LIENHOLDER:</b>	<b>Mooring Tax Asset Group, Incorporated</b>		
	<b>8614 Westwood Center Drive, Suite 650</b>	<b>Vienna VA 22182</b>	
June 8, 2000	287.02/3311	BAPTIST, ROGER & GWEN 4 Tall Oaks Road Somerset NJ 08873	32,096.48
<b>PAID:</b>	<b>May 28, 2003</b>	<b>CERT #20-44</b>	
<b>LIENHOLDER:</b>	<b>Fidelity Tax Corporation</b>		
	<b>302/237 3371 Brunswick Pike</b>	<b>Lawrenceville NJ 08648</b>	
June 7, 2001	324/22	PUSKAS, WILLIAM, JR. 30 Winthrop Road Somerset NJ 08873	21,170.24
<b>PAID:</b>	<b>May 30, 2003</b>	<b>CERT #01-08</b>	
<b>LIENHOLDER:</b>	<b>America Tax Funding</b>		
	<b>PO Box 862658</b>	<b>Orlando FL 32886-2658</b>	
June 11, 1998	424.08/209	BHAVNANI, SUNIL D. 209 Learnington Way Somerset NJ 08873	908.45
<b>PAID:</b>	<b>May 27, 2003</b>	<b>CERT #98-160</b>	
<b>LIENHOLDER:</b>	<b>James C. Older</b>		
	<b>87 East Mountain Road</b>	<b>Hillsborough NJ 08844</b>	

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**PP. 03-327 RESOLUTION - AUTHORIZE RAFFLE/BINGO**

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

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

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

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

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
Franklin Township Pop Warner, Inc. P.O. Box 6644, Somerset, NJ Off-Premise Raffle – RL#1393 Drawing: Franklin High Football Field	September 28, 2003 2:00 p.m.

**QQ. 03-328 RESOLUTION - AUTHORIZE SOMERSET COUNTY IMPROVEMENT AUTHORITY TO ISSUE SALE AND DELIVER BONDS FOR THE PURPOSE OF FINANCING CAPITAL EQUIPMENT AUTHORIZED BY FRANKLIN TOWNSHIP**

**WHEREAS**, the Township of Franklin (the "Participant") desires to lease and permanently finance the cost of acquisition of certain capital equipment from the Somerset County Improvement Authority (the "Authority"); and

**WHEREAS**, the Authority will provide for the financing of the cost of the acquisition of the equipment by the issuance of its County Guaranteed Capital Equipment Lease Revenue Bonds, Series 2003A (the "Bonds") payable from rentals by governmental entities including rental by the Participant pursuant to a Lease and agreement by and between the Participant and the Authority (the "Agreement"); and

**WHEREAS**, in order to induce the Authority to issue and deliver the Bonds, there has been prepared and submitted to the Participant a Letter of Representation in the form attached hereto as Exhibit A and a Continuing Disclosure Agreement in the form attached hereto as Exhibit B;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Franklin, as follows:

**Section 1.** That the Agreement, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Participant Representative (as defined in the Agreement) is hereby authorized to, and one of such officers shall execute the Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the address designated on such Agreement, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 2.** That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Participant Representative is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 3.** That the Continuing Disclosure Agreement, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Participant Representative is hereby authorized ton, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to

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deliver the same to the addresses designated on such Continuing Disclosure Agreement, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 4.** That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Agreement and for carrying out the sale, issuance and delivery of the Bonds, and all related transactions contemplated by this resolution.

**Section 5.** All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

**Section 6.** This resolution shall become effective immediately.

Motion was made by and seconded by to approve the items of the Consent Agenda. Acting Township Clerk Dashield polled the Board, the vote being as follows:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. McKenzie		
Ms. Eberle	Mr. Mettler	<b><u>ABSENT</u></b>	
Mr. Grippo	Mayor Sumter		Mr. Mazzola

Motion was carried.

**APPOINTMENT – MUNICIPAL COURT JUDGE – THREE (3) YEAR TERM – 7/01/03 TO 06/30/06**

Mayor Sumter called for nominations for Municipal Court Judge for a three (3) year term commencing July 1, 2003 and expiring June 30, 2006.

Mr. Grippo nominated Jeffrey C. Green, Esq.; Mr. Chivukula seconded the nomination.

Mr. Barrier nominated Drew Hurley, Esq.; Mr. Mettler seconded the nomination.

Upon a motion made, seconded and unanimously agreed, the nominations were closed.

Township Clerk Pellicane polled the board, the vote being as follows:

<b><u>Jeffrey C.Green</u></b>	<b><u>Drew Hurley</u></b>
Mr. Chivukula	Ms. Barrier
Ms. Eberle	Mr. Mettler
Mr. Grippo	
Mr. McKenzie	
Mayor Sumter	
Mr. Levine	

Township Clerk declared Jeffrey C. Green, Esq., appointed Municipal Court Judge.

**APPOINTMENT – ASSOCIATE MUNICIPAL PROSECUTOR – ONE (1) YEAR TERM – 7/01/03 TO 6/30/04**

Mayor Sumter called for nominations for Associate Municipal Prosecutor for a one (1) year term commencing July 1, 2003 to June 30, 2004.

Deputy Mayor Grippo nominated Hector Rodriguez, Esq. Mr. Chivukula seconded the nomination.

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There being only one nomination for this position, upon a motion made, seconded and agreed, Hector Rodriguez was appointed Associate Municipal Prosecutor by unanimous acclamation.

**APPOINTMENT – HODULIK & MORRISON – AUDITOR – ONE (1) YEAR TERM – 7/01/03 TO 6/30/04**

Mayor Sumter called for nominations for auditor for a one (1) year term commencing July 1, 2003 to June 30, 2004.

Deputy Mayor Grippo nominated Hodulik & Morrison; Mr. Chivukula seconded the nomination.

There being only one nomination for this position, upon a motion made, seconded and agreed, Hodulik and Morrison was appointed Auditor by unanimous acclamation.

Upon a motion made, seconded and unanimously agreed, the meeting was adjourned at 10:45 a.m.

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**WILLIS 'RICKEY' SUMTER, MAYOR**

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**MARC D. DASHIELD, ACTING TOWNSHIP CLERK**