

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:13p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on July 12, 2005. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Councilwoman Danile led the Invocation.

The Township Clerk called the roll.

Present: Mr. Chivukula, Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie.

Absent: Ms. Ashley-Williams; Mr. Sumter

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

COMMENDATIONS

Assemblyman/Councilman Upendra Chivukula

Ms. Eberle read a Citation from Senator Frank Lautenberg commending Assemblyman/Councilman Chivukula for his service to Franklin Township. Mayor Levine and Ms. Eberle presented Assemblyman/Councilman Chivukula will the following proclamation:

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

WHEREAS, UPENDRA CHIVUKULA has served the community of Franklin Township, Somerset County as Councilman from June 10, 1997 to July 15, 2005; and

WHEREAS, during his tenure as a member of the Township Council, Upendra Chivukula served as Deputy Mayor from January 1, 1998 to December 31, 1998 and Mayor from January 1, 2000 to December 31, 2000; and

WHEREAS, in addition to his duties on the Township Council, he has served in many capacities on many boards and commissions, including: Bicentennial Committee; Board of Education Liaison; Community Foundation, Inc.; Cross Acceptance Committee; Economic Development Committee; Emergency Life Support Committee; Emergency Management Council; Financial Oversight Subcommittee; Fire Prevention Board; Planning Board; Public Affairs Committee; Public Relations & Cable TV Standing Committee; Public Safety Standing Committee; Redevelopment Plan Committee; Route 287 Task Force; Senior Affordable Housing Advisory Committee; Senior Citizen Advisory Committee; Sewerage Authority; Somerset County Council on Affordable Housing; Traffic Management Subcommittee; Veterans Memorial Committee; and Youth Center Task Force.

WHEREAS, the time and talent dedicated to these various boards and commissions are merely a small indication of Upendra's dedication to this community and its residents and his desires and efforts to keep Franklin Township a home in which all can be proud;

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

Mayor Levine presented Assemblyman/Councilman Chivukula with a plaque in recognition and sincere appreciation for his dedicated service to the Township of Franklin.

Rabbi David Wise

Mayor Levine and Ms. Eberle presented Rabbi Wise with the following commendation:

WHEREAS, RABBI DAVID WISE is in his ninth year as Rabbi of Temple Beth El in Franklin Township; and

WHEREAS, during his tenure **RABBI WISE** has focused his energies on sharing Torah with all segments of this congregation; and

WHEREAS, RABBI WISE as principal of the religious school, supervised the curriculum, the school assistant principal and staff, and personally taught the Hebrew High School students; and

WHEREAS, RABBI WISE served as a personal mentor to members of the community who sought to deepen their Jewish learning and commitment; trained several members to read Torah, haftarah, and increased their skills as prayer leaders,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby thank **RABBI DAVID WISE** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts and do hereby extend to **RABBI DAVID WISE** and his family, best wishes for success and happiness in their future endeavors.

Don Schilke (ETTV-25)

Mayor Levine and Ms. Eberle presented Mr. Schilke with the following commendation:

THE MAYOR AND TOWNSHIP COUNCIL of the Township of Franklin in the County of Somerset, State of New Jersey do hereby commend and thank **DONALD SCHILKE** for his commitment and service to the Township of Franklin through his work with the Township's Government Access Channel by

- Working on the guidelines for the channel
- Encouraging and bringing in several new volunteers
- Using his own camera and equipment
- Conducting research on equipment to provide input when the Township was purchasing its own equipment
- Producing several programs for the station
- Attending seminars at his own expense that provided information on operating a successful government access channel
- Setting up and videotaping the Council meetings since April 2004.

Edward Thompson

Mayor Levine and Ms. Eberle presented the following commendation to Mr. Thompson:

WHEREAS, EDWARD THOMPSON has served the residents of the Township of Franklin for 39 years, working in the Department of Public Works since July 20, 1966; and

WHEREAS, EDWARD THOMPSON is retiring from the Franklin Township Department of Public Works,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby thank and commend **EDWARD THOMPSON** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts and do hereby extend to **EDWARD THOMPSON** and his family, best wishes for success and happiness in their future endeavors.

Richard Sliwka

Mayor Levine and Ms. Eberle presented the following commendation to Mr. Sliwka:

WHEREAS, RICHARD SLIWKA has served the residents of the Township of Franklin for 35 years, working in the Department of Public Works since October 12, 1970; and

WHEREAS, RICHARD SLIWKA is retiring from the Franklin Township Department of Public Works,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby thank and commend **RICHARD SLIWKA** for his dedication and service to our community and for the benefits reaped by the Township of Franklin through his efforts and do hereby extend to **RICHARD SLIWKA** and his family, best wishes for success and happiness in their future endeavors.

MAYOR'S REPORT

Mayor Levine made the following report:

- Welcome to those attending and TV viewers.
- Thanked the FTTV-25 volunteers.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Reported his has heard from many about the sound system and announced that starting this evening, the Township has their new sound system and cameras in place.
- Announced that there are only one meeting in July and August, which is the second Tuesday. He announced the following budget hearing schedule: Wednesday, July 20, 2005; Tuesday, July 26, 2005 and Monday, August 1, 2005.
- Reported that the fireworks were rained out for their Independence Day celebrations. They were originally scheduled for July 1 with a rain date of July 8. They did not have the fireworks later in the weekend because these events are booked a year in advance and there was no availability. He stated that even though there was no rain on July 8th, the rain and other conditions did not allow for safely having fireworks on that evening. He announced that the fireworks have been rescheduled to be held the night of Cop Op – August 2.

DEPUTY MAYOR REPORT

Deputy Mayor McKenzie thanked Mr. Thompson and Mr. Sliwka, retirees from the Department of Public Works, for their service to the Township and wished them a happy retirement.

Deputy Mayor McKenzie commended and thanked Mr. Chivukula for his dedication and commitment to Franklin Township. He wished Mr. Chivukula well and noted he would be looking for help from him in Trenton.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ordinance #3554 Amend Development Ordinance, Chapter 112, Section 112-32.02 – Development Fees for Affordable Housing

Mr. Daly explained that the ordinance in Council's packet has been amended as per recommendations by the NJ COAH. He reported that the Township Attorney has reviewed them and determined they are not substantial in nature and the ordinance does not need to be re-advertised. He explained that a motion would be needed to amend the ordinance and it would be adopted as amended.

Ms. Ritchie reported these amendments were discussed at the last Planning Board meeting and the Planning Board endorses the ordinance with the amendments.

Mr. Rainone further explained he has determined the amendments are not substantial and recommended the ordinance be amended for the public hearing so that the public hearing would include the amendments.

Mr. Regan requested clarification on several sections of the ordinance, all of which were answered adequately by Mr. Daly, Mr. Rainone, Ms. Danile and Ms. Ritchie.

Ordinance #3562 Authorizing the Lease of Certain Capital Equipment from the Somerset County Improvement Authority and the Execution of a Lease and Agreement relating thereto,

Mr. Daly explained this ordinance is for the purchase of police cars that were included in last year's capital budget. He noted that the County had requested this ordinance be introduced tonight so that the ordinance could proceed in a timely manner.

Resolution #05-319 Reject Animal Shelter Bid

Mr. Daly gave a brief history of the animal shelter bond ordinance and bidding process. He reported they have gone out four times and each time the bids came in over the estimate and budget. Mr. Daly spoke of the upcoming budget and its unique situation with one time revenues from the sale of liquor licenses and that the revenue from the Code Department has exceeded the budget over \$1 million. He suggested taking some of the money from the liquor licenses and put it toward the animal shelter. Mr. Daly stated that Council would have to adopt an temporary capital budget and amend the bond ordinance that appropriated funds for the animal shelter. He stated that the Township is preparing to go out to bid one more time.

Resolution #05-322 Authorize Purchase of Over \$8500 – Credit Card Service in Municipal Court – July 1, 2005 to June 30, 2006 – Bank of America.

Ms. Danile clarified that the costs are the \$36.50 per month. Mr. Daly further explained that a resolution is needed because it is a concession and the revenue exceeds \$8500.

Resolution #05-333 Reject Bids – Bascom Park Pavilion – Exceeded Estimate and Budget

Ms. Ritchie asked how the Township would proceed with this project. Mr. Daly replied they are re-bidding the project.

Resolution #05-334 Award Purchase over \$8500 – Somerset County – Demolition of Kingston Trailer – \$10,000

Mr. Chivukula asked if the Township tried to sell the trailers. Mr. Daly replied the Township put it to auction and there was no one interested. He stated that it is old and it would cost more to move it.

APPROVAL OF MINUTES

Mayor Levine asked for a motion to approve the June 30, 2005 Work Session minutes. Ms. Danile moved for the approval of the June 30, 2005 Work Session minutes. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

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

Mr. Regan expressed his concern of the library closing for three weeks when they move from the old building to the new building. He asked if there was an alternative to closing the library. Mr. Daly replied the library needs to close to move the computers and equipment from the old building to the new building. The newsletter and website will provide nearby libraries residents can use during this time.

ORDINANCE – PUBLIC HEARING

Ordinance No. 3554

Amend Ordinance No. 3554

A motion was made by Mr. Regan to amend the ordinance with the following changes:

- In subsection D(3) under Residential Development Fees, the payment in lieu amount where the payment is negotiated based upon a proportionate share of the total project cost.
- In subsection F(4) under Eligible Exaction, Ineligible Exaction and Exemptions, pursuant to 5:64-6.8(c), the following clause is put back into the ordinance: “Developers that have received preliminary or final approval prior to the effective date of this ordinance shall be exempt from paying a development fee unless the developers seeks a substantial change in the approval.”
- The following text is added to the ordinance in a subsection to itself: “Contested fees – Pursuant to N.J.A.C. 5:94-6.10, imposed and collected development fees that are challenged shall be placed in an interest bearing account by the municipality. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.”
- In subsection I(2) under Use of Funds, the phrase “rendering existing” is deleted.

Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

Public Hearing on Ordinance No. 3554 As Amended

Mayor Levine offered the following ordinance as amended:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MOR PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-32.02, DEVELOPMENT FEES FOR AFFORDABLE HOUSING.

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

Mr. Chivukula moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no comments by the public, Mr. Chivukula moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Adoption of Ordinance No. 3554 As Amended

Mr. Chivukula moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

RESOLUTION – PUBLIC HEARING & CONSIDERATION

Mayor Levine presented the following resolution for public hearing and consideration:

Resolution #05-318 Authorize Release of Deed Restriction (Block 275, Lot 17 – Daniel Condon Homes)

Mayor Levine stated the Township Attorney has approved the Affidavits of Publication and a public hearing is in order.

Mr. Chivukula made a motion to open the meeting for a public hearing on Resolution #05-318. Said motion was seconded by Ms. Danile and carried upon voice vote.

Mayor Levine announced the meeting is open for public discussion on this resolution. He stated that anyone interested in speaking to please raise their hand and when recognized, state your name and address.

Mr. Chivukula made a motion to close the public hearing on Resolution #05-318. Said motion was seconded by Ms. Danile and carried upon voice vote.

Mr. Chivukula made a motion for final passage of the following resolution in accordance with law. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

WHEREAS, on December 2, 1986 by resolution, the Franklin Township Council imposed as a condition on the conveyance of property known as Block 275, Lot17 that “No dwelling or similar structure shall be erected on the described premises unless said premises are combined with adjoining premises to form a parcel conforming in all respects to the Municipal Zoning Ordinance. This covenant shall run with the land and be binding upon the grantee, his heirs, executors, administrators and assigns.”; and

WHEREAS, application has been made by Daniel Condon Homes, LLC, on behalf of the property owner for a release of said deed restriction based upon the following:

1. The subject lots are located in the R-10 Residential Zone and;
2. The owner also owns Block 275, Lot 18 and proposes to combine both properties and build a single family dwelling on lots 17 and 18 which structure would conform in all respects to the zoning requirements; and.
3. In order to receive variance relief from the Zoning Board of Adjustment, the release of said deed restriction is necessary.

WHEREAS, pursuant to N.J.S.A. 40:60-51.2, “Any municipality is authorized and empowered, by resolution of the governing body thereof, to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land heretofore imposed by said municipality to accomplish the purposes for which such lands were sold and conveyed either at public or private sale made prior to January 1, 1990, but only after public hearing held before such governing body, of the holding of which notice describing the lands in question, and the terms, covenants, conditions, limitations or reverters to be waived, released, modified or subordinated, and, if to be modified or subordinated, describing the manner in which the same shall be modified or subordinated, shall first have been given by advertisement published once each week for two weeks in a newspaper published in said municipality or, if no newspaper be published therein, then in a newspaper circulating in such municipality, provided, however, that the power herein granted shall not be exercised to impair any vested or contractual rights of third parties.”

WHEREAS, notice in accordance with N.J.S.A. 40:60-51.1 has been duly given; and

WHEREAS, the Township Council held a public hearing on July 12, 2005 and no person appeared in opposition thereto;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of July, 2005 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Mayor and Clerk be and the same are hereby authorized and directed to execute a deed releasing the aforesaid premises from the provisions of said covenant subject to the following conditions:

1. Block 275, lots 17-18 are combined into one building lot;
2. Only one single-family dwelling can be built on the property.

BE IT RESOLVED that further subdivision of these consolidated lots is not allowed.

PUBLIC DISCUSSION

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

Mayor Levine announced that this meeting is open for public discussion on any item of interest which does not have a public hearing of its own. He stated that if anyone was interested in speaking to raise their hand and when recognized, state their name and address.

Carol Prevoznak, 93 Emerson Road, Vice President of Second Chance for Animals, expressed their concerns regarding the lack of progress regarding the bids for the Animal Shelter being over budget each of the four times. She stated the project appears to be under funded and asked that additional funds be allocated immediately to get the project moving. She stated that the State has been conducting inspections on the current Animal Shelter and there may be summonses and fines as a result of the violations.

Ainsley A. Reynolds, 321 Ralph Street, expressed his concerns regarding the potential build up of gangs in the community. He asked if the Police Department was aware of this and was an intervention was being considered.

Mr. Regan replied the Public Safety Committee has addressed this problem with the Police Department and there are plans to address this matter more aggressively. Mr. Daly added the Police Department is very aware of this problem and are concerned. He stated there is a Crime Suppression Unit to work against gangs. He noted the problem is that the police force is less 20 members that what is needed. He stated one budget initiative is to add ten (10) new police officers to the force. He recommended Mr. Reynolds contact Captain Roberts with any concerns. Mayor Levine added there are community groups that are working against gangs.

Russell Warner, 26 Bloomfield Avenue, asked why the selection of the Ward 5 Councilman was taken off the agenda. Mr. Rainone replied that a vacancy cannot be filled until the vacancy exists. Mr. Chivukula's last day is July 15th. The vacancy would be filled at a meeting after July 15th.

Philip Kramer, 429 Canal Road, TUF, commended the Township for the minimum delays caused by the closing of Cedar Grove Road. He stated that TUF was never against the Animal Shelter. He stated they were against the amount of the appropriation. He stated TUF was evidently incorrect since it has gone out to bid four times and came in over budget every time. He asked why supervision of the skateboard park has not been addressed. He stated it should be supervised and a user fee be charged for safety reasons. Mr. Kramer expressed his hope that candidate debates be held and aired on the Township's access channel prior to the election in November. He suggested that maybe the part chairs could work together to conduct an impartial debate. He asked the Council members who are running for re-election if they would support a debate.

Ms. Ritchie replied that this is her first election and plans to go door to door in Ward 3. She stated she feels this would be more effective.

Mr. Rainone stated that Channel 25 is a government access channel and it cannot have partisan political debates aired on it. He stated that FCC rules do not allow debates on access channels.

Mr. Kramer stated that Piscataway gives three minutes to each candidate on its access channel.

Mr. Rainone stated that airtime would be considered an in-kind contribution and candidates would have to declare this contribution. He stated that municipalities can not make contributions to political candidates.

Grace Evans, 38 Crown Road, asked if the Ward 5 Council Appointment could be done at the July 20th meeting. Mr. Rainone replied it could if the notice was amended to reflect that action would take place at that meeting. Ms. Evans requested the budget meeting be amended to include the appointment of the Ward 5 Council seat. Deputy Mayor McKenzie replied it is being considered.

Joseph Melick, 199 Pierce Street #1116, thanked Mr. Chivukula for his service to the community. He stated he accepted an invitation by Canal Walk to participate in a debate on September 9th.

Sheila Murph, 4 Debra Lane, thanked Council, the Police Department and the Fire Department for their efforts and support to the community. She stated that the parking issues on Westminster Drive have been resolved and the construction trailer has been removed. She also thanked Ms. Ashley-Williams, Ms. Danile, Mr. Daly and Township staff.

She asked who is responsible for the maintenance of open space lands. She stated that there are still some dead trees and tree stumps in the area. She stated there are still two construction trailers at the rear of the building which are empty and a safety hazard. She asked for additional signage for speeding in the area and an update on the construction of the detention basins.

Don Schilke, Amwell Road, thanked Council for their support of the Township's government access channel. He noted that is information on the NJ League of Municipalities' website regarding how the FCC controls municipal access channels and recommends anyone to look at the site. He stated that the station cannot run alone and stated more volunteers are needed. He suggested that anyone who knows a senior should get their stories on film because they are rich in history.

Jim Kieran, 8K Reler Lane, spoke of the Township's government access channel and steps that can be incorporated in future years.

Harold Leventhal, 360 DeMott Lane, reported is a lack of communication with senior citizens regarding programs for them. He stated that the channel could be used to inform seniors of programs such as the food voucher program so that all seniors get a fair chance.

Doris Bennett, 62 Bennetts Lane, thanked Mr. Chivukula for his service to the Township. She agreed it is time to move forward with the animal shelter. She stated that as a candidate for Council she would be happy to participate in a debate. She agreed with Ms. Ritchie that going door to door is also useful.

Robert Mettler, 2303 Amwell Road, congratulated Mr. Chivukula for his service to the community. He stated that he would be amenable to participating in a debate anytime and anywhere. He spoke of a matter regarding the widening of Weston Road where property owners would be assessed for the improvements. He stated that most of the road is owned by the Township, County and Girl Scouts, all who would not be assessed as well as the D&R Canal Commission. He stated that the Canal Commission is opposed to the widening of the road. He stated it is unfortunate that the few residents who live on Weston Road would be assessed.

Joyce Zaborowski, 4 Pucillo Lane, thanked Mr. Chivukula for his service to the community. She stated she would be amenable to working with Mr. Grippo on conducting a debate. She stated that it is too bad there is not a non-partisan group in the Township to conduct a debate.

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

In response to Mr. Kramer's question regarding the management and supervision of the skateboard park, Mr. Daly stated that the Recreation Council is reviewing how to manage and supervise the skateboard park and would be making its recommendations to Council.

In response to Ms. Murph's question regarding who maintains open space, he replied the Department of Public Works and he would look into the matter. He stated that he would contact Schoor DePalma to look at the developer's agreement to address the dead trees. He stated that both the Zoning Inspector and Schoor DePalma are pressing to have the construction trailers removed. He would refer the speed signs to the Traffic Bureau. He would refer the request for the status of the construction of the detention basins to the Engineering Department.

In response to comments regarding the Township's government access channel, Mr. Daly thanked the volunteers for all of their work and stated the primary mission for the channel is government access. He stated that the channel has not even begun to televise other board meetings. He stated this would require staff to supplement the volunteers.

In response to Mr. Leventhal's request to use the channel for senior program information, Mr. Daly stated that many government programs have videos and would look into airing some of these videos on the channel.

Mr. Regan requested that if a special Council meeting is held on a Tuesday, they meeting should be held in the Council Chambers and not in the large conference room.

Mr. Regan moved to amend the July 20th Budget Hearing to be a Special Meeting to include the appointment of the Ward 5 Council Seat. Said motion was seconded by Ms. Ritchie and carried unanimously upon voice vote.

Ms. Ritchie moved to amend the July 26th Budget Hearing to be a Special Meeting to include the Adoption of a Temporary Capital Budget and the Introduction of a Bond Ordinance amending the Bond Ordinance in connection with the Animal Shelter Improvements and Expansion. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

Mr. Chivukula suggested having the special meeting portion in Council Chambers and the budget hearings in the large conference room.

COUNCIL COMMENTS

Ms. Eberle stated she is glad the Kingston trailer is being demolished. She stated they need to move quickly on the animal shelter because it has gone on too long. She thanked Mr. Chivukula for his service to the community and wished him well.

Mr. Regan thanked Mr. Chivukula for his service and stated he is a great public servant who cares for the Township.

Ms. Danile expressed her gratitude for working with Mr. Chivukula and wished him well. She noted that they may be calling upon him in Trenton. She thanked all the FTTV-25 volunteers and congratulated Mr. Schilke for his commendation. She thanked Mr. Thompson and Mr. Sliwka for their service to the Township.

Ms. Danile stated that Council is aware of the gang problems and is working with the Police funds to address this issue. She stated that additional funds for the animal shelter are overdue and that they are working in substandard conditions. She stated Middlebush Park will be benefiting the entire township and the skateboard board is only one part of the entire park.

Ms. Danile stated the debate issue is worth considering, however it is inappropriate to use Channel 25 to convey political messages. She stated that she does not use Council meetings as free advertisement for her campaign and urged candidates not to utilize the Council meetings

as a venue for political campaigns. She stated that the Council meeting should be used for Township matters and business.

Mr. Regan announced he would be on vacation from July 31st through August 11th and would not be in attendance of the August 1st and 9th meetings.

Mr. Chivukula expressed his pride of serving the Township and that 32% of the Township is preserved open space. He spoke of the grants the Township is receiving for the preservation of open space. He reported that the Township has a representative on the Canal Commission – John Loos. He agreed the animal shelter needs to be addressed immediately. He stated the Township has applied for grants for the Heritage Trail. He congratulated the Department of Public Works retirees. He reported there is legislation banning the use of MTBEs. He thanked the community in allowing him to serve them.

Ms. Ritchie thanked Ms. Prevoznak for her concerns and support of the animal shelter. She thanked Mr. Murph for her comments and for Mr. Daly's work on this matter. She agreed that non-profit videos regarding government programs would be helpful to the community. She stated that the Township is aware of gang violence in the Township and it is being addressed. She announced that Operation Cooperation is August 2nd and invited all to attend. She thanked Mr. Chivukula for his service on Council.

Deputy Mayor McKenzie supported efforts to address gang violence in the Township. He supported to what can be done to get the animal shelter project completed. He congratulated and thanked Mr. Chivukula for his service and noted they would be looking to contact him in Trenton for aid for the Township.

Mayor Levine thanked Mr. Chivukula for his efforts and service to the Township. He agreed that gangs in the Township need to be addressed. He thanked Mr. Leventhal for his comments and suggested they be addressed to the Senior Citizen Advisory Board.

Mayor Levine noted the passing of Earl "Rich" Fericy who was the founder of Franklin First, the first online newspaper of its kind. He extended his condolences to his family.

Mayor Levine agreed that the animal shelter needs to be resolved sooner and not later.

ORDINANCE INTRODUCTIONS

Ordinance No. 3560

Mayor Levine presented the following ordinance as amended:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - ADD NEW SECTION 112-38 D - TAX MAP AND GEOGRAPHIC INFORMATION SYSTEM (GIS) MAINTENANCE FEES.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 9, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 9, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Mr. Regan and carried as follows upon call of the roll:

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

McKenzie Regan
Ritchie

Ordinance No. 3561

Mayor Levine presented the following ordinance as amended:

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 (DELETE 63 HOME STREET))

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 9, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 9, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

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

Ordinance No. 3562

Mayor Levine presented the following ordinance as amended:

ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, NEW JERSEY FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 9, 2005.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 9, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

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

CONSENT AGENDA ITEMS

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

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

Resolution #05-319 Reject Animal Shelter Bid

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WHEREAS, ONE (1) bid was received and it exceeded the estimate and proposed budget for the project; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for Animal Shelter be and they are hereby rejected.

Resolution #05-320 Authorize Tax Title Lien Redemptions – Outside Buyers.

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

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

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

Date of Sale: June 9, 2005
Block/Lot: 328/9
Name & Address: Zamore, Pattie-Joye
51 Appleman Road
Somerset, NJ 08873
Amount: \$504.69
Make Check Payable To: James C. Older
87 East Mountain Road
Hillsborough, NJ 08844
Certificate No.: 05-079
Payment Received: June 28, 2005

Date of Sale: June 8, 2004
Block/Lot: 34.09/59.02 C0281
Name & Address: Newton, Johari
32 Topaz Drive
Franklin Park, NJ 08823
Amount: \$1,766.22
Make Check Payable To: James C. Older
87 East Mountain Road
Hillsborough, NJ 08844
Certificate No.: 040016
Payment Received: June 28, 2005

Date of Sale: June 9, 2005
Block/Lot: 227/11
Name & Address: Lafond, Ronald

444 Ralph Street
Somerset, NJ 08873
Amount: \$586.73
Make Check Payable To: James C. Older
87 East Mountain Road
Hillsborough, NJ 08844
Certificate No.: 05-061
Payment Received: June 29, 2005

Date of Sale: June 9, 2005
Block/Lot: 37.02/3.01 C0064
Name & Address: House, Leonard J.
49 Talbot Street
Somerset, NJ 08873
Amount: \$849.17
Make Check Payable To: James C. Older
87 East Mountain Road
Hillsborough, NJ 08844
Certificate No.: 05-017
Payment Received: June 24, 2005

Resolution #05-321 Authorize Change Order #1 – Spatial Data Logic – Town Management Software to include additional training and data integration – Not to Exceed \$7,000.00.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on March 22, 2005, authorized the awarding of a contract to

SPATIAL DATA LOGIC
270 Davidson Avenue
Somerset, NJ 08873

An amount not to exceed \$54,500.00; and

WHEREAS, during the course of the contract, the need for additional training and data integration was found, resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1:

Town Management Software to include additional training and data integration - \$7,000.00

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;

WHEREAS, that continuation of the terms of this contract beyond June 30, 2005 is contingent upon availability of funds in the 2006 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 by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order N. 1 to the contract with Spatial Data Logic; and

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

Resolution #05-322 Authorize Purchase of \$8500 - Credit Card Service in Municipal Court – July 1, 2005 – June 30, 2006 – Bank of America.

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: Bank of America
Map Stop NGEH4750B
208 Harristown Road
Glen Rock, NJ 07452

ITEMS: Credit Card Service for Municipal Court
July 1, 2005 to June 30, 2006

COST: \$30 per month for the terminal/printer and \$6.50 per month as a service fee.

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, 2005 is contingent upon availability of funds in the 2006 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.

Resolution #05-323 Award Professional Services Agreement – Hodulik & Morrison - Audit Services FY2006 – Not to Exceed \$57,000 (General Fund) and \$22,500 (Water Utility).

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 certificate is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL 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 a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (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 Professional 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 Professional Service Agreement authorized herein.

VENDOR NAME: ANDREW HODULIK, R.M.A.
HODULIK & MORRISON, P.A.

ADDRESS: 1102 RARITAN AVENUE
POB 1450
HIGHLAND PARK NJ 08904

CONTRACT AMOUNT: An amount not to exceed \$57,000.00 (Current Fund) and \$22,500.00 (Water Utility)

SERVICE: Auditing Services for the Township of Franklin, Somerset County as Township Auditor for the period July 1, 2005 to June 30, 2006 as per engagement letter on file with the Township Clerk.

BE IT FURTHER RESOLVED that this agreement is subject to adoption of the FY2006 Temporary and Fiscal Year Budgets, and in the event of unavailability of such funding the Township reserves the right to cancel this agreement.

Resolution #05-324 Authorize Release Street Opening Surety and Deposit – Kajima Construction – 28 Worlds Fair Drive - \$900.00.

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>
Kajima Construction	6064	\$300.00/\$300.00
395 West Passaic Street	6065	\$300.00/\$300.00
Rochelle Park, NJ 07662	6066	\$300.00/\$300.00

Location: 28 Worlds Fair Drive

Resolution #05-325 Authorize Grant Application – NJ Department of Transportation – Transportation Enhancements Program Grant Application – Hamilton Street Streetscape Improvements.

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 NJ Department of Transportation – Transportation Enhancements Program Grant for a grant up to \$600,000 for Hamilton Street Streetscape Improvements.

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

Resolution #05-326 Authorize Grant Application – Somerset County Municipal Planning Partnership Grant - \$25,000 – Transportation Study to increase public transportation and decrease congestion.

WHEREAS, the Township of Franklin has entered into an Inter-municipal Policy Agreement with the Somerset County Planning Board and various other governing bodies in Somerset County setting forth a Memorandum of Understanding Regarding Projects of Regional Significance on

WHEREAS, Somerset County has created and funded the Municipal Planning Partnership Grant program to provide funds to municipalities seeking to conduct new planning projects designed to promote inter-municipal planning and cooperation, smart growth and regional planning initiatives and to promote senior and special needs housing; and

WHEREAS, the Township of Franklin is seeking funding from the County of Somerset to undertake a Transportation Planning Study; and

WHEREAS, this project will advance smart growth; and

WHEREAS, it has been determined that the cost of completing this project will be \$25,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin that the Mayor is hereby authorized to file an application to the Somerset County Municipal Planning Grant Program for the Fiscal Year 2005 for a grant in the amount of \$25,000.00 for the purpose of completing the Transportation Planning Study;

BE IT FURTHER RESOLVED that the Franklin Township Council hereby directs the Clerk to forward a copy of this resolution to the Somerset County Planning Board.

Resolution #05-327 Authorize Grant Agreement – NJ Statewide Livable Communities Grant - \$20,000 – Municipal Library carpeting.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Grant Agreement with the NJ Statewide Livable Communities Grant providing to the Township a grant of \$20,000.00 for the Municipal Library Carpeting.

Resolution #05-328 Authorize Grant Agreement – NJ Statewide Livable Communities Grant - \$190,000 – Franklin Park Water System Extension.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Grant Agreement with the NJ Statewide Livable Communities Grant providing to the Township a grant of \$190,000.00 for the Franklin Park Water System Extension.

Resolution #05-329 Authorize Discharge of CDBG Mortgage – Gibson – 18 Holly Street – Block 289/Lot 12.

WHEREAS, the Township of Franklin holds a mortgage for Lee Gibson for premises known as Block 289, Lot 12 located at 18 Holly Street, Somerset NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on the mortgage dated March 31, 1998 in Book 2964, Page 530 with the County Recording Officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Block 289, Lot 12 and to have same filed with the County Recording Officer.

Resolution #05-330 Authorize Release of Planning/Building Review Escrow.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

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

APPLICANT:	Vivian & Arthur McDoughal	
ADDRESS:	459 Franklin Blvd. Somerset, NJ 08873	
DOCKET NO.	PLN2003-0003	
BLOCK/LOT:	101/70-73	
LOCATION:	Churchill & Annapolis	
AMOUNT DEPOSITED:	\$1,600.00 <Heyer>	\$2,400.00 <In-Hse>
AMOUNT CHARGED:	<u>815.00</u>	<u>360.00</u>
AMOUNT TO BE REFUNDED:	\$ 785.00	\$2,040.00

APPLICANT:	Jersey Auto Group Inc.	
ADDRESS:	6 Culver Road Livingston, NJ 07039	
DOCKET NO.	ZBA2004-1578	
BLOCK/LOT:	468.1/6	
LOCATION:	12 World's Fair Drive	
AMOUNT DEPOSITED:	\$1,500.00	
AMOUNT CHARGED:	<u>330.00</u>	
AMOUNT TO BE REFUNDED:	\$1,170.00	

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

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

Resolution #05-331 Authorize Reduction of Performance Guarantee – Canal Walk Associates – Docket #P99050SP – Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 – From \$1,193,497.68 to \$358,049.30.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Canal Walk Associates, LLC
ADDRESS OF APPLICANT:	812 Central Avenue, Westfield, NJ 07090
SITE PLAN DOCKET:	P99050SP
NUMBER:	0366007

INSURANCE CO./BANK: International Fidelity Insurance Company
IN THE AMOUNT OF: \$1,193,497.68
FOR: Site Improvements – Block 513/Lots 1-2, 4, 10-11, 12.01, 13.01
& 15 – Weston Canal Road & Mettlers Lane

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Bond;

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 Bond be reduced to \$358,049.30 to the above named applicant.

Resolution #05-332 Award Contract – Spatial Data Logic – Support for the Geologic Government Automation Software – July 1, 2005 – June 30, 2006 - \$22,150.

WHEREAS, N.J.S.A. 40A:11-5 provides that contracts which exceed the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding if it meets certain exceptions; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 (dd), an exception to the bidding law is the provision of performance of goods and services for the support of maintenance of proprietary computer hardware and software; and

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

WHEREAS, the below noted goods and services meet the criteria of N.J.S.A. 40A:11-5 (dd); and

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

WHEREAS, that continuation of the terms of this contract beyond June 30, 2005 is contingent upon availability of funds in the 2006 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

WHEREAS, 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. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts 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 purchase is awarded without competitive bidding under the provisions of the Local Public Contracts Law because it is listed as an exception to competitive bidding as per N.J.S.A. 40A:11-5 (dd).
- (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.

VENDOR NAME: Spatial Data Logic
ADDRESS: 270 Davidson Avenue
Somerset, NJ 08873
CONTRACT AMOUNT: \$22,150.00
SERVICE: Support for the Geologic Government Automation Software

Resolution #05-333 Reject Bids – Bascom Park Pavilion – Exceeded Estimate and Budget.

WHEREAS, four (4) bids was received and it exceeded the estimate and proposed budget for the project; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for Bascom Park Pavilion be and they are hereby rejected.

Resolution #05-334 Award Purchase Over \$8500 – Somerset County – Demolition of Kingston Trailer - \$10,000.

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: Somerset County
PO Box 3000
Somerville, NJ 08876
ITEMS: Demolition of Kingston Trailer
COST: Not to exceed \$10,000.00

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

WHEREAS, that continuation of the terms of this contract beyond June 30, 2005 is contingent upon availability of funds in the 2006 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.

Resolution #05-335 Authorize Discharge of CDBG Mortgage – McCaskill – 345 Ralph Street – Block 222/Lot 10.

WHEREAS, the Township of Franklin holds a mortgage for Darlee McCaskill for premises known as Block 222, Lot 10 located at 345 Ralph Street, Somerset NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on the mortgage dated July 20, 1999 in Book 152, Page 019 with the County Recording Officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Block 222, Lot 10 and to have same filed with the County Recording Officer.

Resolution #05-336 Authorize Issuance of Special Events Permit – Mount Moriah Christian Worship Center – Outreach in Williams Park – July 22-24, 2005; September 9-11, 2005.

WHEREAS, a request has been received from Mount Mariah Christian Worship Center for permission to have Outreach Services on July 22, 2005 from 6:30 p.m. - dusk; July 23, 2005 from 6:30 – dusk; July 24, 2005 from 4:00 pm - dusk; September 9, 2005 from 6:30 pm – dusk; September 10, 2005 from 12:00 pm – 4:00 pm; September 11, 2005 from 4:00 pm – dusk, to be conducted at Naaman Williams Park; and,

WHEREAS, **Mount Mariah Christian Worship Center** 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 Mount Mariah Worship Center to conduct Outreach Programs on the above stated dates and times at Williams Park, to be conducted 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; and

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

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

BE IT FURTHER RESOLVED that, pursuant to Code Chapter 97-8, Liability Insurance, the applicant shall furnish evidence of a public liability insurance policy, in an amount not less than five hundred thousand dollars (\$500,000.) for one (1) person and one million dollars (\$1,000,000.) for any one accident, which shall be in force and effect at the time such structure is to be occupied or during which the carnival, circus, traveling show or special event will be operating.

Resolution #05-337 Award Professional Service Agreement – Rohini Jobanputra, MD – Child Health/Family Planning/Immunization & Influenza Clinics – July 1, 2005 to June 30, 2006 - \$150 per clinic – Not to Exceed \$12,300.00.

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

WHEREAS, that continuation of the terms of this contract beyond June 30, 2005 is contingent upon availability of funds in the 2006 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

WHEREAS, 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. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL 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 a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (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 Professional 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 Professional Service Agreement authorized herein.

VENDOR NAME: ROHINI JOBANPUTRA, MD
ADDRESS: 1981 Holland Drive
Somerville NJ 08876
CONTRACT AMOUNT: \$150.00 per Clinic/An amount not to exceed \$12,300.00
SERVICE: Child Health; Family Planning; Pap & Flu Clinics (82 Clinics)
– July 1, 2005 to June 30, 2006

Resolution #05-338 Award Professional Service Agreement – Daniel Mensah – Financial Services – Not to Exceed \$18,773.75.

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

WHEREAS, that continuation of the terms of this contract beyond June 30, 2005 is contingent upon availability of funds in the 2006 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

WHEREAS, 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. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL 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 a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (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 Professional 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 Professional Service Agreement authorized herein.

VENDOR NAME: DANIEL MENSAH
ADDRESS: 23 Magnet Lane
Willingboro, NJ 08046
CONTRACT AMOUNT: Additional \$4,773.73 – FY05 and An amount not to exceed \$14,000.00 for FY06
SERVICE: Financial Services

Resolution #05-339 Award Purchase Over \$8500 – Precision Analytical Services, Inc. – Water Sample Testing – Not to Exceed \$13,00.00.

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: Precision Analytical Services Inc.
726 Bernice Court
Toms River, NJ 08753
ITEMS: Water Sample Testing
COST: Not to exceed \$13,000.00

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

WHEREAS, that continuation of the terms of this contract beyond June 30, 2005 is contingent upon availability of funds in the 2006 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.

Resolution #05-340 Authorize Issuance of 2005-2006 Liquor Licenses (#1808-33-002-002 – WE B Inc. and #1808-31-030-001 – New Brunswick Aerie 1329Eagles).

WHEREAS, applications have been received for one (1) Plenary Retail Consumption License and one (1) Club License; 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 the Club License:

- (1) The submitted application is 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 12th day of July, 2005 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:

1808-33-002-002 WE B Inc.

t/a Chauncey's Pub & Restaurant
3059 Route 27, Franklin Park, NJ 08823

BE IT FURTHER RESOLVED that the Clerk be instructed to issue one (1) Club License to the following:

1808-31-030-001 New Brunswick Aerie
1329/Eagles

t/a New Brunswick Eagles
873 Hamilton Street, Somerset NJ 08873

Resolution #05-341 Approving Form and Authorizing the Lease Agreement with the Somerset County Improvement Authority to finance the Acquisition of certain capital equipment which will be leased by the Somerset County Improvement Authority to the Township; Approving the Form and Authorizing the Execution of a Letter Representation and Continuing Disclosure Agreement; and Authorizing an Authorized Participant Representative.

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”);

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 2005 (the “Bonds”) payable from rentals by governmental entities including rentals 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 an Agreement in the form attached hereto as Exhibit A, a Letter of Representation in the form attached hereto as Exhibit B and a Continuing Disclosure Agreement in the form attached hereto as Exhibit C.

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 to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to 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.

ADJOURNMENT

Mr. Regan moved to adjourn the meeting at 9:45 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk