

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
JULY 13, 2004**

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:12 p.m.

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

Everyone present participated in the Salute to the Flag and an invocation led by Mayor Levine.

CALL TO ORDER

The Deputy Township Clerk called the roll.

Present: Mr. Chivukula, Ms. Danile, Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Sumter, Mr. Unger.

Absent: Ms. Ashley-Williams, Mr. Regan

Also Present: Louis N. Rainone, Esq., Township Attorney; Kenneth W. Daly, Township Manager; LaVern Staten-Sanders, Deputy Township Clerk

COMMENDATION

Michael Vitiello

Mayor Levine read the following commendation, which was presented to Michael Vitiello by Deputy Mayor McKenzie.

WHEREAS, the **EAGLE SCOUT GOLD AWARD** is the highest honor which can be attained within the ranks of the Boy Scouts; and

WHEREAS, Michael's Eagle Scout Gold Award Project led Scouts and Adults in a Service Project to set up a low ropes COPE course at the Environmental Center to be used in local school programs; and

WHEREAS, **MICHAEL VITIELLO of Boy Scout Troop No. 113** has attained such Award which was presented on the 24th day of April 2004;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, do hereby commend

**MICHAEL VITIELLO
BOY SCOUT TROOP NO. 113
"EAGLE SCOUT AWARD"**

for the honor he has bestowed upon his community, Boy Scout Troop No. 113, family and friends as a recipient of the Eagle Scout Award.

COMMENDATION

Billy Cullen

Deputy Mayor McKenzie read the following commendation, which was presented to Billy Cullen by Mayor Levine

WHEREAS, the **EAGLE SCOUT GOLD AWARD** is the highest honor which can be attained within the ranks of the Boy Scouts; and

WHEREAS, Billy's Eagle Scout Gold Award Project was to correct a drainage and flooding problem at Somerset Presbyterian Church which involved replacing leaders and gutters, digging a drainage ditch and laying pipe to redirect the flow of rain run-off; and

WHEREAS, **BILLY CULLEN of Boy Scout Troop No. 113** has attained such Award which was presented on the 5th day of June 2004;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, do hereby commend

BILLY CULLEN
BOY SCOUT TROOP NO. 113
"EAGLE SCOUT AWARD"

for the honor he has bestowed upon his community, Boy Scout Troop No. 113, family and friends as a recipient of the Eagle Scout Award.

COMMENDATION
Stephen Dalton

Mayor Levine read the following commendation, which was presented to Stephen Dalton by Deputy Mayor McKenzie.

WHEREAS, the **EAGLE SCOUT GOLD AWARD** is the highest honor which can be attained within the ranks of the Boy Scouts; and

WHEREAS, Stephen's Eagle Scout Gold Award Project was to erect a flagpole and 9/11 Memorial at a Church in Franklin Township; and

WHEREAS, **STEPHEN DALTON of Boy Scout Troop No. 113** has attained such Award which was presented on the 15th day of May 2004;

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, do hereby commend

STEPHEN DALTON
BOY SCOUT TROOP NO. 113
"EAGLE SCOUT AWARD"

for the honor he has bestowed upon his community, Boy Scout Troop No. 113, family and friends as a recipient of the Eagle Scout Award.

RESOLUTION

Resolution #307A: Rescinding Resolution #04-272 entitled, "Resolution directing Planning Board to determine whether properties in Route 27 from Bennetts Lane to Veronica Avenue are in need to redevelopment and/or rehabilitation and to evaluate said area in terms of redevelopment and/or rehabilitation criteria."

WHEREAS, the Township Council of the Township of Franklin, Somerset County adopted Resolution #04-272 entitled, "Resolution directing Planning Board to determine whether properties

in the Route 27 from Bennetts Lane to Veronica Avenue are in need of redevelopment and/or rehabilitation and to evaluate said area in terms of redevelopment and/or rehabilitation criteria" at a meeting held on June 10, 2004; and

WHEREAS, the Township Council of the Township of Franklin, Somerset County has decided not to proceed with said investigation and study of the area along Route 27 from Bennetts Lane to Veronica Avenue in terms of redevelopment and/or rehabilitation criteria;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that Resolution #04-272 entitled, "Resolution directing Planning Board to determine whether properties in the Route 27 from Bennetts Lane to Veronica Avenue are in need of redevelopment and/or rehabilitation and to evaluate said area in terms of redevelopment and/or rehabilitation criteria" is hereby rescinded.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Planning Board.

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

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

ORDINANCES, ADOPTION

Ordinance No. 3465

Mayor Levine offered the following ordinance:

AMEND CHAPTER 112, DEVELOPMENT, SECTION 32,04, RENAISSANCE 2000 REDEVELOPMENT PLAN BY CHANGING THE ZONE OF BLOCK 123 FROM RESIDENTIAL INFILL TO GATEWAY COMMERCIAL

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

Mr. Chivukula, stated that when the Redevelopment Agency was formed only four Council-members (Chivukula, Eberle, Levine and Sumter) were involved, now there are five new members who need to educate themselves with ordinance.

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following ordinance was Tabled to August 10, 2004 upon call of the roll:

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

ORDINANCES, PUBLIC HEARING

Ordinance No. 3474

Mayor Levine offered the following ordinance:

**BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION &
INSTALLATION OF VETERANS MEMORIAL IN THE AMOUNT OF
\$209,000.**

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

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

Ms. Joyce Zaborowski, 4 Pucillo Lane, commended Mr. Unger and his daughter for the work, time and donations they have put into the Veterans Memorial. She also thanked the Committee and Veterans.

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

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

Ordinance No. 3475

Mayor Levine offered the following ordinance:

**AMEND ORDINANCE NO. 3402 AND AUTHORIZING ACCEPTANCE
FROM PULTE COMMUNITIES NJ – 3 WATER MAIN EASEMENTS AND 1
SIGHT TRIANGLE EASEMENT**

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

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

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

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

Ordinance No. 3476

Mayor Levine offered the following ordinance:

AMEND CABLE FRANCHISE ORDINANCE FACILITATING THE DONATION OF EQUIPMENT AND IN-KIND SERVICES IN THE AMOUNT OF \$53,000 FROM PATRIOT MEDIA FOR A NEW CABLE STATION (CHANNEL 25) AND STUDIO FOR THE TOWNSHIP OF FRANKLIN TO RECORD AND BROADCAST TOWNSHIP COUNCIL MEETINGS, MAINTAIN A COMMUNITY BULLETIN BOARD, AND BROADCAST OTHER TOWNSHIP EVENTS AND PROGRAMMING. THIS DONATION IS IN LIEU OF THE \$5,000 PER YEAR STIPEND FOR THE PURCHASE OF MISCELLANEOUS STUDIO/STATION EQUIPMENT OVER THE LIFE OF THE 15-YEAR FRANCHISE AGREEMENT.

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

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

Mr. James Vassanella, Austin Avenue, questioned the donation of equipment and in-kind services in the amount of \$53,000 in lieu of the \$5,000 per year stipend. He asked what the total value would be.

Mr. Daly replied the donation of equipment and in-kind services from Patriot Media in the amount of \$53,000 would be used for a new cable station (Channel 25) and studio for the Township of Franklin to record and broadcast Township Council meetings, maintain a community bulletin board, and broadcast other Township events and programming. He continued that this donation is in lieu of the \$5,000 per year stipend for the purchase of miscellaneous studio/station equipment over the life of the 15-year franchise agreement. He stated the overall total value is \$53,000.00.

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

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

Ordinance No. 3477

Mayor Levine offered the following ordinance:

AMEND CODE CHAPTER 226, VEHICLES & TRAFFIC, SECTION 226-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS TO INCLUDE DEKALB STREET

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

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

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

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

PUBLIC DISCUSSION

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

Mayor Levine announced the meeting is opened for public discussion on any item of interest, which does have a public hearing of its own. He asked anyone who was interested to speak through the chair and when recognized to give his or her name and address to the Deputy Clerk. Mayor Levine instructed that each speaker would be allowed five minutes.

Mr. Percy Sanders, 2 Evergreen Road, invited Council to the Return Week of the People Festival and asked Mr. Fair to give information on event. This Festival will take place August 21-29, 2004 at various locations. Mr. Daly replied the Festival would be schedule for the August 10th Agenda as a Special Event Resolution for Council approval.

Mr. Shamshair Ali, 58 Gurley Street, thanked Mayor Levine and Councilman Unger for their vote and support on Ordinance No. 3465. He invited other Council members to visit the neighborhood. Deputy Mayor McKenzie replied he visited the neighborhood yesterday.

Carol Peterson, 12 Lake Avenue, complained that Molecu Wire Corporation on Shirley Avenue is still not in compliance. Mr. Daly replied there is a Court Order in place and complaints are currently being investigated.

Janet Bowling, 142 Winslow Avenue, represented her grandmother, regarding Ordinance No. 3465, stated her grandmother would be greatly affected by the rezoning of Block 123 and asked that the Township Council reconsider before making any decisions on this ordinance.

Mark Greco, 21 Cooper Avenue, spoke on crime in Franklin Township and the fact there are not enough Police Officers.

Cindy Santangelo (Frank's Building Supply), 619 Somerset Street, spoke on Ordinance No. 3483. She stated eminent domain is the way of the developer. She further stated it is the robbing of one's property and peace of mind. She stated they are at risk of losing their businesses, homes, and investments. She opined that eminent domain should not be put in the hands of a group of citizens, because it is a legal vehicle to be used by the government in

extreme necessity for roads and bridges. She asked Council members to rise to the occasion and be the ethical caring people that brought them to public service.

Richard Hemingway, 246 Park Street, thanked the Mayor for walking through the neighborhood. He took offense to the Mayor's statement regarding there is nothing wrong with this area. He stated the Route 27 Corridor has always been the most neglected section of the Township. He reminded everyone the Redevelopment Agency came into being so that something could be done for this area. He charged Council with the responsibility of improving the neighborhood.

Mabel Arinzeh, 108 Drake Road, Owner of Franklin Plaza located at 257 Franklin Boulevard, stated when this project was brought to our attention as homeowners in the area of the project, it was a revitalization project. She stated homeowners were promised low interest loans, training and some grants if they would be part of revitalizing the area. She stated she went to the Board and received approval and her project had taken more than three years to complete. She appealed to the Council members to save their homes and not use eminent domain for this project.

William Howard, 27 Davis Avenue, former Mayor/Councilperson, spoke on behalf of Ordinance No. 3483 and opposed the adoption this ordinance. He appreciated the support Mayor Levine and Councilman Unger.

Frank Simpson, New Brunswick, stated he would be moving to Frank Street in near future and opposed the adoption of Ordinance 3483. He stated something should and could be done to revitalize this area.

Theresa Canales, 103 South Lawrence Avenue, spoke on crime in that area and lack of Police Officers. Ms. Canales questioned whether there could be civil service candidates used. Mr. Daly replied Franklin Township is not a civil service town.

Sharon Tucker-Brown, Executive Director FBCDC, 630 Franklin Boulevard, expressed her concerns for the needs of community. She stated the Family Resource Center has been in operation for the past seven years, focusing on empowerment of the family and promoting health, well being and economic stability. She stated Council should be looking at the needs of the community, and recognizes that the Renaissance community is not the same as the rest of Franklin Township. She requested consideration of rezoning Block 123 and consideration of what has been trusted in the past, which is to continue to maintain the integrity in and through this process.

Stephanie Ferrier, Executive Director, Renaissance EDC, spoke to the rezoning of Block 123 from its current zoning under the Renaissance 2000 Redevelopment Plan of Residential Infill to Gateway Commercial. She stated that on February 9th, they presented their proposal to rezone Block 123 to the Franklin Township Redevelopment Agency. The Redevelopment Agency voted to recommend to the Township Council their approval of the rezoning recommendation. On May 4 they came before the Council and gave a full presentation. She stated if this rezoning were not granted by the Council, the viability of the entire Gateway project would be in question. She further stated, without this new development, the Township would lose out on over \$3,000,000 in new tax revenue per year.

Isaac Brigs, 6 Oak Place, spoke in opposition to Ordinance No. 3483 and asked Council to look at revitalizing the community for quality of life as well as economic needs.

Gail Culver-King, 38 Booker Street, there is no crime in area because it is a close knit community and neighbors look out for each other. She stated what is needed is grants and funding for revitalization.

Mary Berry, 31 Camner Avenue, asked why the Township allowed First Baptist Church to build such a large church with not enough parking. She stated members are parking

everywhere. She further stated they are here fighting for what's rightfully ours and 31 Camner Avenue is not for sale. She invited Council members to come out, walk through and look at area.

Michael Orsini, 24 Nepote Place, stated Council should not attempt to plan and should not attempt to intimidate the Planning Board. He stated the people in the Gateway area don't want it, at least in its present form.

Julius Arinzeh, 108 Drake Road, asked why Council feels justified in using eminent domain to take properties to help developers make money. He asked Council to reconsider Ordinance No. 3483.

Thomas Canales, 103-105 South Lawrence Avenue, commended the community for standing strong against Ordinance No. 3483. He spoke on crime in area and the changing criteria of police hiring and the reconsideration of use of civil service candidates.

Chip Hover, 68 Veronica, Suite 4, stated this issue is about people's rights and human rights. He suggested that Council, instead of taking homes, try utilizing the empty Shop Rite on Veronica Avenue.

Phil Cramer, 429 Canal Road, questioned censorship of video camera. He read a statement regarding basic civil rights; freedom of speech, censorship and eminent domain. He stated the video camera should not be censored as to where directed and asked when they are going to be on Channel 25. He stated the meetings should be shown right a way so that the people can see what is going on. If the quality is not up to speed, then place a banner underneath stating that this will improve in time, but the people need to see what is going on. If the camera is not pointed at everyone, that is censorship. Mayor Levine replied he wanted to get the videos on now as is. Deputy Mayor McKenzie stated the quality is not so good, and may turn residents off.

Scott Blow, Renaissance Economic Development Corp., 630 Franklin Boulevard, stated development is profit motivated. RADC, a non-profit organization was created to bring about change and benefit in our community. In general our community tended to be one that didn't receive a lot of support and benefit to become redeveloped or prosperous. He asked for the consideration of rezoning of Block 123.

Kimberly Francois, 14 Norris Road, former Mayor and one of the first people back in 1990 on the Renaissance Redevelopment, stated she has more history than anyone on the whole concept. She stated that everyone seems to agree that redevelopment needs to be done. She stated she thinks the issue has become Block 123, which was never part of the original plan and now this concept of a Supermarket has been put in. She stated that as elected leaders, one of the things you have to be concerned about is taxes in this Township. She asked the Council and community not to focus on eminent domain, but what's best for the Township.

Kirkman Frost, 58 People Line Road, questioned if the division of vote begin party driven and spoke on crime and lack of enough Police Officers in Township. Mayor Levine replied that both happened to agree.

Courtney Throckmorton, 591 Somerset Street, thanked Council for their wisdom on Bennetts Lane Ordinance. He asked Council to resolve the Redevelopment Agency.

Catherine Barrier, 13 Oliver Street, thankful to see citizens coming out and participating in their government meetings and standing up for their rights. She hoped that they would continue to do that with other issues and not those issues that affect them directly. She stated that as a former Councilwoman at Large here in Franklin Township, she would like to see the Redevelopment Agency abolished.

Linda Haboush, 21 Cooper Avenue, stated the RADC left out the fact that there is an Aldi's down the street. She stated there is a Supermarket 6/10 of a mile where the old Shop Rite was located. She feels that is sufficient for a supermarket in that area.

Janet Bowling, 142 Winslow Avenue, in regards to eminent domain, quoted a letter to the Mayor, written by Reverend Buster Soaries, FBC, "If the Council and Redevelopment Agency are not willing to commit themselves in improving the community, but would rather use it as a political football, I will be forced to re-think our partnership and advise our church related non-profit's to consider withdrawing our efforts to assist the Township." She stated this sounded like a threat.

David Dixon, 137 Drake Road, stated he was personally affected by eminent domain and condemnation in another town. He stated a long history of property rights is one of the things that helped to build this country; allowed people to work and save to invest in their future and should remain in the minds of the Council as they decide to resolved this particular issue.

Alex Mansaray, 821 Hamilton Street, opposed Ordinance No. 3483. He stated he called a meeting with Rev. Soaries and residents to help save homes.

James Vassanella, 39 Austin Avenue, spoke on the increase hiring of Police Officers; eminent domain; and the return of power back to Township Council from Redevelopment Agency.

Harry Weber, 543 Somerset Street, spoke that the power of eminent domain belongs with Council and requested Council take it back.

Kassim Mohammed, 17 Kuhn Street, asked when the Redevelopment Agency was formed. Mayor Levine replied in 1992. Mr. Mohammed stated that was 12 years ago. He asked why his parents were allowed to buy a home and now because of eminent domain have a chance of losing it because of a supermarket.

Francine Certo-Bowers, 73 Berry Street, asked Deputy Mayor McKenzie how he can make a decision with meeting only once with the Bennetts Lane people. He stated Council could do the same thing for them as they did for the Bennetts Lane people. He supported the disbanding of the Redevelopment Agency and eminent domain. He stated the area should be turned into a revitalization area.

Shirley Pietrucha, 49 9th Street, quoted the NJ Statutes on Open Public Meetings, "public comments on any governmental issue that a member of public feels may be of concern to the residents of the municipality." She stated the Statute says of concern to the residents of municipality, not just the Council. She further stated that one of the biggest issues she sees is the inappropriate use of Executive Session. She questioned when the June 1st Executive Session Minutes would be released. Township Attorney, Mr. Rainone, stated that as soon as the Township Clerk forwards a list of Executive Sessions for release to be approved, they will be.

James Mohammad, 5 Davis Avenue, stated the CDC should work along with community and get area revitalized. He stated residents should not have to sacrifice their homes for a supermarket. He stated this is an ethical issue because how can we at one represent the cloth of God and on the other hand represent the political part of destroying peoples lives. He asked for the return eminent domain to Township Council.

Doris Bennett, 62 Bennetts Lane, thanked Council for passing Resolution No. 04-307a, which rescinded the redevelopment of Bennetts Lane. She announced that Bennetts Lane residents marched with Block 123 residents on Sunday. She asked for the abolishment of the Redevelopment Agency and that eminent domain is not the solution. She suggested Council find a way to use the former Shop Rite on Veronica Avenue. She stated that Council needs to make Block 123 area a better place but not destroy the community in doing it.

Carl Wright, 139 Fuller Street, opposed the supermarket in his neighborhood and opposed eminent domain.

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

COUNCIL COMMENTS

Mayor Levine announced that due to the lateness of the hour, Council Comments be deferred. Deputy Mayor McKenzie agreed.

INTRODUCTION OF ORDINANCES

Ordinance No. 3479

Mayor Levine presented the following ordinance:

AMEND DEVELOPMENT ORDINANCE, CHAPTER 112, SECTION 9B, SUBSECTION 25, WIRELESS COMMUNICATIONS ANTENNA – DELETE #9 VLIET ROAD WATER TOWER FROM FIRST PRIORITY LOCATIONS which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 10, 1004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. McKenzie. Said motion carried as follows upon call of the roll:

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

Ordinance No. 3480

Mayor Levine presented the following ordinance:

AMEND CHAPTER 127, SECTION 127-6, FEES TO INCLUDE \$10 FEE FOR CERTIFICATE OF DOMESTIC PARTNERSHIP EFFECTIVE JULY 12, 2004 which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 10, 1004.

The aforesaid ordinance was moved by Mr. McKenzie and seconded by Mr. Chivukula. Said motion carried as follows upon call of the roll:

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

Ordinance No. 3481

Mayor Levine presented the following ordinance:

AMEND BOND ORDINANCE 3364 (PROVIDE FOR THE ACQUISITION OF VARIOUS UTILITY VEHICLES, EQUIPMENT AND TOOLS AND THE ACQUISITION OF GIS UTILITY SOFTWARE TO IMPLEMENT GIS MAPPING SERVICES FOR THE WATER UTILITY IN THE AMOUNT OF \$347,500) BY INCREASING THE APPROPRIATION BY \$130,000 which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 10, 1004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

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

Ordinance No. 3482

Mayor Levine presented the following ordinance:

ORDINANCE AMENDING CODE CHAPTER 112, DEVELOPMENT – SECTION 112-9G, SIGN REGULATIONS which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 10, 1004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

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

Mayor Levine stated he is not in favor of passing the sign regulations ordinance as presented. Deputy Mayor McKenzie stated that non-profit organizations can still place signs of private property.

Township Attorney Rainone stated that signs can still be placed on the corner. They will be required to be placed ten (10) feet back from the road, which is the Township right of way. She stated this is the same regulation that applies to every sign. He clarified that Green Acres Regulations prohibit placing signs on property that are listed on the Township’s list of publicly owned property and open space property. This rule is not an expansion, but a confirmation of what is already State Law. He stated that the end of JFK Blvd. is a State right of way and signs are prohibited in the State right of way.

Ordinance No. 3483

Mayor Levine presented the following ordinance:

ORDINANCE AMENDING ORDINANCE NO. 3073 ENTITLED, “AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET & STATE OF NEW JERSEY, CREATING THE REDEVELOPMENT AGENCY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW (NJSA 40A:12A-1 ET SEQ.) (REMOVE POWER FROM THE REDEVELOPMENT AGENCY AND TRANSFER IT BACK TO THE TOWNSHIP COUNCIL) which is presented to

the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 10, 2004.

Mayor Levine, stated that in discussing this ordinance with the Township Attorney, there may be a few technical and legal changes that need to be made to be in compliance with the law.

Mr. Rainone stated the ordinance, as presented, provides that the Agency shall not condemn any land or buildings without the prior consent of the Township Council. He stated that he was his understanding that it was Council's intent to essentially give the power to make the decision to exercise the eminent domain back to the Council. He stated it was his understanding that Council's intent was to essentially give the power to make the decision and exercise eminent domain to the Council, which is provided for by this ordinance. The ordinance doesn't require the Township to actually file a condemnation in the case. He advised Council that if the Agency is going to be the Redevelopment Entity that they limit their power by stating they cannot condemn without your consent. Mayor Levine accepted the ordinance as presented.

Mr. Daly recommended that if Council is going to take away eminent domain from the Redevelopment Agency, Council should disband the Redevelopment Agency.

Ms. Danile stated that she needed time to take in the facts.

Upon motion by Mr. McKenzie, seconded by Ms. Danile, the following ordinance was tabled to August 10, 2004 upon call of the roll:

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

RESOLUTION & PUBLIC HEARING

Resolution #04-308: Authorizing Release of Deed Restriction – 416 West Pointe Avenue, Block 349.02, Lots 78.01 & 79 (Trevor and Rose Williams)

WHEREAS, by resolution dated November 15, 1979, the Franklin Township Council imposed as a condition on the conveyance of property known as Block 349.02, Lots 78.01 and 79 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; and

WHEREAS, application has been made by Trevor and Rose Williams, current owners for a release of said deed restriction based upon the following:

1. The subject lots are located in the R-15 Residential Zone;
2. A home existed on Block 349.02, Lots 78.01, 79 & 80 and was destroyed by fire on January 18, 2001.
3. As a condition of a hardship variance for insufficient frontage granted by the Board of Adjustment on March 4, 2004, for the construction of a single-family dwelling, the lots will be merged to create a new lot 78.02 when the applicant files a deed of merger with the Somerset County Clerk's Office.
4. If the deed restriction is not released, the owners will be deprived of all beneficial use of the property.

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 13, 2004 and no person appeared in opposition thereto;

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of July, 2004 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.

Public Hearing

A motion was made by Mr. Chivukula and seconded by Mr. Sumter to open the meeting to the public. Said motion carried unanimously upon voice vote.

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

Adoption of Resolution

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

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

RESOLUTION

Resolution #308A: Authorizing Process for Public Viewing of Township Council Meetings on Cable Channel

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, State of New Jersey that it hereby authorizes the public viewing of Township Council meetings on a Township cable channel during the week after the scheduled meeting.

Mr. Chivukula, asked if there was a proposed process and recommended that the Public Relations come up with said process.

Mayor Levine stated that he wanted the meeting tapes to be immediately shown on cable.

Mr. McKenzie stated this has been discussed by the Public Relations Committee in regards to the quality of the tapes for the public and presently the quality is not good.

Mr. Chivukula stated that last meeting tape was missing the last five minutes. He is concerned that someone may accuse Council of censoring the meeting. He stated there needs to be some type of quality control and consistency across the board.

Mayor Levine, stated that something is better than nothing and he doesn't think the Township will suffer as a municipality in any way by putting them on. He stated he doesn't think that we are going to turn people off. Mr. Unger agreed.

There was no motion made to adopt the aforesaid resolution, therefore, the resolution was not acted upon.

CONSENT AGENDA

Mr. Unger questioned Items 14c & d and asked that they be removed from Consent Agenda and voted upon separately.

Mayor Levine recommended that items x-ee be tabled to the August 10th Meeting.

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following Consent Agenda Items (remove l & m; c & d (vote on separately; x-ee) 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	McKenzie			Ashley-Williams
Danile	Sumter			Regan
Eberle	Unger			
Levine				

Resolution #04-309: Authorizing Stormwater Detention Maintenance Agreement with House Foods Holding USA Inc., Docket No. 2004-0008 for Block 516, Lot 6.05 (Randolph Road)

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 Stormwater Detention Maintenance Agreement with House Foods Holding USA Inc. with offices located at 7351 Orangewood Avenue, Garden Grove, California 92841 for property known as Block 516, Lot 6.05 as shown on the Tax Map of the Township of Franklin located at Randolph Road pursuant to the resolution approval dated March 24, 2004, a copy of which is on file in the office of the Township Clerk and available for public inspection.

Resolution #04-310: Awarding Bid to Cipollini Roofing for 12 Berry Street Roof Replacement in an amount not to exceed \$68,900.00

WHEREAS, a notice to bidders for the receipt of bids for 12 Berry Street Roof Replacement was published in the Courier News on June 7, 2004 for receipt on June 29, 2004; and

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

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

CIPOLLINI ROOFING
203 E. Blackwell Street
Dover, NJ 07801

Amount not to exceed \$68,900.00; 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.

Resolution #04-313: Authorizing Irrevocable Letter of Credit Release for Jay Construction Co./aka Hamilton Square in the amount of \$13,603.68 – Docket No. P2000021S (Block 97, Lots 27-38 and Block 98, Lots 23.01-36.01 – Codington Avenue)

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

ITEM:	IRREVOCABLE LETTER OF CREDIT
NAME OF APPLICANT:	JAY CONSTRUCTION CO./AKA HAMILTON SQUARE
ADDRESS OF APPLICANT:	3086 HWY. 27, SUITE 12 KENDALL PARK, NJ 08824
NUMBER:	3
INSURANCE CO./BANK:	MAGYAR SAVINGS BANK KENDALL PARK, NJ 08824
IN THE AMOUNT OF:	\$13,603.68
FOR:	SITE IMPROVEMENTS DEPICTED ON BONDING SHEET FOR BLOCK/LOT 97/27-38 AND 98/23.01-36.01 (CODINGTON AVENUE) – DOCKET NO. P2000021S

WHEREAS, the aforesaid applicant has requested release of the aforesaid Irrevocable Letter of Credit; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Irrevocable Letter of Credit subject to receipt of a two (2) year Maintenance Bond in the amount of \$6,801.75; 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 Irrevocable Letter of Credit be released to the above named applicant.

Resolution #04-314: Authorize Purchase - Central Jersey Joint Insurance Fund – Insurance Policies – Second Installment for 2004 in an amount not to exceed \$313,085.00

WHEREAS, the Township of Franklin desires to purchase items as follows which are exempt from the bidding requirements of the Local Public Contracts Law and meeting the requirements for an Extraordinary Unspecifiable Service:

VENDOR: CENTRAL JERSEY JOINT INSURANCE FUND

ITEMS: Workers' Compensation including Employer's Liability, USL&H and Harbor Marine/Jones Act.

General Liability including Police Professional Liability, Employee Benefits Liability, Quasi-Municipal Organization Liability, Garage Keeper's Liability, Failure to Supply (gas, water and electricity), Riot, Civil Commotion or Mob Action, Good Samaritan, disinfecting release hazard and skateboard facility.

Automobile Liability including PIP and Uninsured/Underinsured Motorists' Coverage.

Blanket Public Employees Bond including employee dishonesty and public faithful performance; forgery or alteration; theft, disappearance and destruction; robbery and safe burglary; and computer fraud with funds transfer.

Property including Boiler and Machinery.

Excess Workers' Compensation

Excess General Liability

Non-Owned Aircraft Liability

Excess Auto Liability

Public Officials Liability/Employment Practices Liability

Optional Excess POL/EPL

Directors and Officers Liability

Optional Excess Liability

Excess Public Employees Bond

Excess Public Officials Bond

Annual Aggregate Insurance

COST: Not to exceed \$313,085.00 for the period July 1 to December 31, 2004

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:

- (1) Authorizes the Mayor and Township Clerk to execute a contract with the above named vendor to purchase the specified items, which contract shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This contract is awarded without competitive bidding and in accordance with the requirements for Extraordinary Unspecifiable Services in accordance with NJSA 40A:11-5(1) (M) 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.

Resolution #04-315: Tax Title Lien Redemption – Outside Buyers

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

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

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

Date of Sale:	June 10, 2003	
Block/Lot:	11.06/14	
Name & Address:	McGriff, Reginald & Debra 6 Brookside Drive Princeton NJ 08540	
Amount:	\$2,922.32	
Make Check Payable To:	JN Properties 175 Market Street, Suite 301	Paterson NJ 07505
Certificate No.:	03-004	
Payment Received:	June 15, 2004	
Date of Sale:	June 8, 2004	
Block/Lot:	11.10/13	
Name & Address:	Middleton, Steven D. 6 Princeton Highlands Boulevard Princeton NJ 08540	
Amount:	\$231.63	
Make Check Payable To:	Mooring Tax Asset Group, LLC PO Box 281856	Atlanta GA 30384-1856
Certificate No.:	040006	
Payment Received:	June 17, 2004	
Date of Sale:	June 8, 2004	
Block/Lot:	20.10/11.02	
Name & Address:	Ramos, Jacqueline 49 De Leon Circle Franklin Park NJ 08823	
Amount:	\$120.44	
Make Check Payable To:	American Tax Funding PO Box 862658	Orlando FL 32886-2658
Certificate No.:	040011	
Payment Received:	June 10, 2004	
Date of Sale:	June 8, 2004	
Block/Lot:	34.02/16.03 C2615	

Name & Address: James, Donette
 71 Fisher Drive
 Franklin Park NJ 08823

Amount: \$221.75

Make Check Payable To: Sequoia Investment
 PO Box 5600
 Woodbridge NJ 07095

Certificate No.: 040012

Payment Received: June 23, 2004

Date of Sale: June 10, 2003

Block/Lot: 34.03/16.01 C0303

Name & Address: Rexach, Maribel
 98 Crabapple Lane
 Franklin Park NJ 08823

Amount: \$1,181.80

Make Check Payable To: James C. Older
 87 East Mountain Road
 Hillsborough NJ 08844

Certificate No.: 03-023

Payment Received: June 17, 2004

Date of Sale: June 8, 2004

Block/Lot: 34.09/59.02 C0397

Name & Address: Pemberton, Kathy R.
 4 Sapphire Lane
 Franklin Park NJ 08823

Amount: \$444.91

Make Check Payable To: Waverly Strategic Advisors LLC
 721 Weaverly Road
 Bridgewater NJ 07450

Certificate No.: 040017

Payment Received: June 18, 2004

Date of Sale: June 8, 2004

Block/Lot: 102/23

Name & Address: Cancel, Francisco
 84 Churchill Avenue
 Somerset NJ 08873

Amount: \$471.31

Make Check Payable To: Elliot Loeb Keogh Plan
 1 Lakeview Road
 Saratoga Springs NY 12866

Certificate No.: 040037

Payment Received: June 14, 2004

Date of Sale: June 8, 2004

Block/Lot: 171.01/92.01

Name & Address: Conboy, Mary
 98 Syndey Place
 Somerset NJ 08873

Amount: \$543.65

Make Check Payable To: Staple Sewing Aids Pension
 90 Dayton Avenue, Bldg. 6C
 Passaic NJ 07055

Certificate No.: 040052

Payment Received: June 21, 2004

Date of Sale: June 13, 2002

Block/Lot: 252/46

Name & Address: Kearse, Charlie & Dorothy
 76 Runyon Avenue
 Somerset NJ 08873

Amount: \$524.55
Make Check Payable To: A & L Real Estate Holdings, LLC
 307 Stirling Road Watchung NJ 07069
Certificate No.: 020125
Payment Received: June 23, 2004

Date of Sale: June 8, 2004
Block/Lot: 275/24
Name & Address: Donaldson, Dianna C.
 37 Sumner Avenue
 Somerset NJ 08873

Amount: \$279.74
Make Check Payable To: James C. Older
 87 East Mountain Road Hillsborough NJ 08844
Certificate No.: 040071
Payment Received: June 18, 2004

Date of Sale: June 8, 2004
Block/Lot: 339/11
Name & Address: Lewis, Martin & Rebecca
 37 LeBed Drive
 Somerset NJ 08873

Amount: \$377.75
Make Check Payable To: Waverly Strategic Advisors, LLC
 721 Weaverly Road Ridgewood NJ 07450
Certificate No.: 040085
Payment Received: June 14, 2004

Date of Sale: June 13, 2002
Block/Lot: 507/65.01
Name & Address: Kraft, Jennifer
 471 Elizabeth Avenue
 Somerset NJ 08873

Amount: \$43,003.98
Make Check Payable To: American Tax Funding
 PO Box 862658 Orlando FL 32886-2658
Certificate No.: 020184
Payment Received: June 23, 2004

Date of Sale: June 8, 2004
Block/Lot: 508.02/62
Name & Address: Cheke, James E. Jr.
 583 Elizabeth Avenue
 Somerset NJ 08873

Amount: \$22,403.78
Make Check Payable To: Wachovia as Cust. for Phoenix
 PA1328P 123 South Broad Street Philadelphia PA 19109
Certificate No.: 040116
Payment Received: June 14, 2004

Date of Sale: June 7, 2001
Block/Lot: 529/14-15
Name & Address: Regos, Raphael
 605 Madison Avenue
 Somerset NJ 08873

Amount: \$447.94
Make Check Payable To: James C. Older
 87 East Mountain Road Hillsborough NJ 08844

Certificate No.:	01-132	
Payment Received:	June 29, 2004	
Date of Sale:	June 8, 2004	
Block/Lot:	547/7	
Name & Address:	Soper, Robert & Jean 127 6 th Street Middlesex NJ 08846 (535 Madison Avenue)	
Amount:	\$135.29	
Make Check Payable To:	Herbert Sehgel PO Box 284	Kingston NJ 08528
Certificate No.:	040120	
Payment Received:	June 17, 2004	
Date of Sale:	June 8, 2004	
Block/Lot:	63/1	
Name & Address:	Hague, Michael & Sharon PO Box 32 29 Market Street Somerset, NJ 08873	
Amount:	\$386.29	
Make Check Payable To:	James Pilewski 3 Devon Lane	Warren NJ 07059
Certificate No.:	040024	
Payment Received:	June 22, 2004	
Date of Sale:	June 8, 2004	
Block/Lot:	45/9	
Name & Address:	Washington, Dennis & C. 20 Bennington Parkway Franklin Park, NJ 08875	
Amount:	\$294.83	
Make Check Payable To:	Staple Sewing Aids Pension 90 Dayton Avenue, Bldg. 6C	Passaic NJ 07055
Certificate No.:	040023	
Payment Received:	June 24, 2004	
Date of Sale:	June 8, 2004	
Block/Lot:	441/18	
Name & Address:	Bullock, Diane E. 109 Hollywood Avenue Somerset, NJ 08873	
Amount:	\$1,771.50	
Make Check Payable To:	Wachovia Ct/Phoenix 123 South Broad Street, PA1328P	Philadelphia PA 1909
Certificate No.:	040107	
Payment Received:	June 24 2004	
Date of Sale:	June 7, 2004	
Block/Lot:	441/18	
Name & Address:	Bullock, Diane E. 109 Hollywood Avenue Somerset, NJ 08873	
Amount:	\$34,094.94	
Make Check Payable To:	Wachovia Ct/Phoenix 123 South Broad Street, PA1328P	Philadelphia PA 1909
Certificate No.:	01-141	

Payment Received: June 24 2004
Date of Sale: June 8, 2004
Block/Lot: 386.10/187
Name & Address: Weigert, Daniel L.
 57 Bayberry Drive
 Somerset, NJ 08873
Amount: \$3,748.44
Make Check Payable To: Malden Associates
 PO Box 5600 Woodbridge NJ 07095
Certificate No.: 20-141
Payment Received: June 24 2004

Resolution #04-316: Issue a Plenary Retail Consumption Liquor License (Hotel/Motel Exception) to Inter Continental Hotels Group Resources, Inc., t/a Staybridge Suites by Holiday Inn at 260 Davidson Avenue.

WHEREAS, application has been filed by InterContinental Hotels Group Resources, Inc. for Plenary Retail Consumption License under the provisions of **NJSA 33:1-12.20 and Section 75-11 of the Township Code** which permits a Municipality to issue a new license outside of the population cap for a hotel or motel containing at least one hundred (100) guest sleeping rooms; and

WHEREAS, InterContinental Hotels Group Resources, Inc. proposes to operate this facility within and in conjunction with the Staybridge Suites by Holiday Inn, 260 Davidson Avenue, which Hotel has in excess one hundred (100) guest sleeping rooms; and

WHEREAS, the application has been made with 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 them as per letters filed with the 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 applicants are qualified to be licensed according to all Statutory, Regulatory and Local Government ABC Laws and Regulations; and
- (3) The applicants have disclosed, and the issuing authority has reviewed, the source of all funds used in the purchase of the license and the licensed business;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, 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 under the Hotel/Motel provisions of **Title 33** to InterContinental Hotels Group Resources, Inc.

Resolution #04-317: Authorizing Acceptance of Stormwater Detention Basins – Glen Eyre at Somerset, Tract B – Block 424.12, Lot 2.02.

WHEREAS, Pizzo & Pizzo, Inc. has satisfactorily completed the storm water detention basin on the project known as Glen Eyre at Somerset Tract B; and

WHEREAS, the Performance Guarantee was previously released and the applicant has posted a two-year maintenance bond for the storm water detention basins to guarantee the public improvement for the project; and

WHEREAS, the Township Engineer recommends the acceptance of the storm water detention basin by the Township located on Block 424.12, Lot 2,02, said detention basin being further described as follows:

“Detention Basin” as designated on the Subdivision Plan entitled, “Grading and Utility Plan for Lot 2.02, Block 424.12, Tax Map Sheet No. 76, Situated in Franklin Township, Somerset County, New Jersey”, Sheet B3 of 21, dated 9/30/97 and revised to 10/23/01, Prepared by Lynch, Giuliano & Associates, Inc.”

Said detention basin being situated in Block 424.12, Lot 2.32 as shown on a certain map entitled, “Final Map, Glen Eyre at Somerset, Lot 2.02, Block 424.12, Tax Map Sheet No. 76, Situated in Franklin Township, Somerset County, New Jersey,” dated 09/30/97 revised to 11/21/01, , Prepared by Lynch, Giuliano & Associates, Inc., and filed in the Somerset County Clerk’s Office on December 7, 2001 as Map No, 2001381217.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin County of Somerset do hereby accepted the above described public improvement pursuant to the requirements of the residential site improvement standards.

Resolution #04-318: Authorizing Performance Guarantee Release and Accept Streets – Pizzo and Pizzo, Glen Eyre Tract B – Docket No. P97057SP in the amount of \$51,006.92.

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

ITEM:	PERFORMANCE BOND
NAME OF APPLICANT:	PIZZO & PIZZO, GLEN EYRE TRACT B
ADDRESS OF APPLICANT:	1065 Route 22 West Bridgewater NJ 08807
NUMBER:	UB-1004333
INSURANCE CO./BANK:	Universal Bonding Insurance Company 518 Stuyvesant Avenue, PO Box 615 Lyndhurst NJ 07071
IN THE AMOUNT OF:	\$51,006.96
FOR:	Site Improvements for Docket No. P97057SP; and

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

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$7,651.04; and

WHEREAS, in connection with the improvements required by said Performance Guarantee, the following described road or portion of roads have been dedicated to the Township:

RUE CEZANNE

A 50 feet wide road beginning at its intersection with Treptow Road and extending northeasterly, along its various courses, a distance of approximately 1,283 feet to its intersection with Monet Court.

MONET COURT

A 50 feet wide road beginning with its intersection with Cedar Grove Lane (Somerset County Route 619) and extending southeasterly a distance of approximately 837 feet to its terminous in a cul-de-sac.

RENOIR WAY

A 50 feet wide road beginning with its intersection with Rue Cezanne and extending southeasterly and northeasterly a distance of approximately 998 feet to its intersection with Monet Court.

RUE MATISSE

A 50 feet wide road beginning with its intersection with Rue Cezanne and extending southeasterly a distance of approximately 525 feet to its terminous in a cul-de-sac.

The above named roads as laid out on a certain map entitled, "Final Plat, Glen Eyre at Somerset, Lot 2.02 in Block 424.12, Tax Map Sheet No. 76, Situated in Franklin Township, Somerset County, New Jersey," prepared by Lynch, Giuliano & Associates, Incorporated, dated September 30, 1997, revised to November 21, 2001 and filed in the Somerset County Clerk's Office on December 7, 2001 as Map No. 2001381217; and

WHEREAS, said roads or portion of roads have been duly inspected by the Township Engineer and the Director of Public Works and determined to be in conformity with applicable Township standards, and said persons have recommended acceptance of such roads or portion of roads as municipal roads;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant upon receipt of the aforesaid Maintenance Bond;

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby accepts the dedication of the above listed roads or portion of roads as municipal roads open to the public as of the date of this resolution.

Resolution #04-319: Authorizing Discharge of Second Repayment Mortgage – Alisa Davis-Albert – Block 20.10/Lot 11.02 1914 – 243 Columbus Drive, Franklin Park.

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 a Discharge of Second Repayment Mortgage for the premises known as 243 Columbus Drive, Block 20.10, Lot 11.02 1914 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #04-322: Authorize Release of Monument Escrow Monies to JAMM Realty, Corp. aka KF Schoolhouse, LLC in the amount of \$1,000.00 – docket #P2000069MSD – Block 514, Lot 6 – Schoolhouse Road.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of guaranteeing the setting of monuments as noted below; and

WHEREAS, the Township Engineer has certified that the monuments have been set and has recommended that the monument escrow as set forth be returned to the applicant:

NAME OF APPLICANT:	JAMM REALTY CORP. aka KF SCHOOLHOUSE, LLC
ADDRESS OF APPLICANT:	520 US Hwy. 22 – PO Box 6872 Bridgewater, NJ 08807
DOCKET #:	P2000069MSD
BLOCK/LOT:	514/6

LOCATION:	Schoolhouse Road
AMOUNT DEPOSITED:	\$1,000.00
AMOUNT CHARGED:	-0-
AMOUNT TO BE REFUNDED:	\$1,000.00

FOR: Installation of 4 Monuments

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

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

Resolution #04-323: Providing Affirmative Action Requirement for Renovations and Additions to Township Library Project.

WHEREAS, N.J.A.C. provides when the total cost of a construction contract entered into by a municipality is equal to or greater than \$2,500,000, the municipality shall allocate one half of one percent of the value of that construction contract to the financing of minority and women worker outreach and training programs; and

WHEREAS, if the contractor is found in violation of Affirmative Action requirements at any time during the contract, the State can direct the Township to pay from the allocation for training programs; and

WHEREAS, if the contractor is in compliance of Affirmative Action requirements throughout the contract period, the unused money will revert to the Township at the time the project is complete; and

WHEREAS, on January 13, 2004, the Township Council awarded the Renovations and Additions to the Township Library Project to Fuscon Enterprises, Inc. in the amount of \$6,397,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that an amount equal to one half (1/2) of one percent (1%) of the contract, namely \$31,985.00 is appropriated to be set aside for minority and female worker outreach and training programs, pursuant to N.J.A.C. 17:27-7.5.

Resolution #04-324: Awarding Professional Service Agreement to Family & Community Services of Somerset County – Wholelife Component of the Teen Rec. Program and Counseling Support for Gang Affiliated At-Risk Youth attending ARISE Program in an amount not to exceed \$9,000.00.

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: FAMILY & COMMUNITY SERVICES OF SOMERSET COUNTY
ADDRESS: 222 West 2nd Street Bound Brook NJ 08805
CONTRACT AMOUNT: Not to exceed \$9,000.00
SERVICE: Wholelife Component of the Teen Rec Program and for Counseling Support for Gang Affiliated At-Risk Youth attending the ARISE Program.

Resolution #04-325: Authorize State Contract Purchase – Mobile-Vision, Inc. for ten (10) mobile video cameras for police vehicles in an amount not to exceed \$37,640.00.

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

VENDOR: MOBILE-VISION, INC.
 90 Fanny Road
 Boonton, NJ 07005
State Contract No. A44254

ITEMS: Ten (10) Mobile Video Cameras for Ten (10) new Police Vehicles.

COST: \$37,640.00

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.

Resolution #04-326: Authorize State Contract Purchase – Ikon Office Solutions for photocopiers for Municipal Building for the period of August 1, 2004 to June 30, 2007 in an amount not to exceed \$42,000.00.

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

VENDOR: **IKON OFFICE SOLUTIONS**
 4301 Route 1 South
 Monmouth Junction, NJ 08852
 State Contract No. A46631

ITEMS: Photocopiers for Municipal Building for the period of 8/1/04 to 6/30/07.

COST: \$42,000.00

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.

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

Resolution #04-327: Authorize Person to Person Liquor License Transfer of License #1808-44-005-003 from Jay Mahararaj & DMB Corp. t/a Buy Rite Liquors, 900 Easton Avenue to Hiren, Inc., t/a Buy Rite Liquors.

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Distribution License No. 1808-44-005-003, heretofore issued to Jay Mahararaj & DMB Corp.t/a Buy Rite Liquors; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **July 15, 2004** the transfer of the aforesaid Plenary Retail Distribution License to Hiren, Inc. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "**This license, subject to all its terms and conditions, is hereby transferred to Hiren, Inc., t/a Buy Rite Liquors, effective July 15, 2004.**"

Resolution #04-328: Award Professional Services Agreement to Andrew Hodulik, RMA for Township Auditor – Auditing Services for the period of July 1, 2004 to June 30, 2005 in an amount not to exceed \$55,600.00 from the Current Fund and \$21,675.00 from the Water Utility Fund.

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 \$55,600.00 (Current Fund) and \$21,675.00 (Water Utility)

SERVICE: Auditing Services for the Township of Franklin, Somerset County as Township Auditor for the period July 1, 2004 to June 30, 2005 as per engagement letter on file with the Township Clerk.

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.

Resolution #04-329: Award Purchase of eight (8) radar units for police vehicles to R&R Electronics in an amount not to exceed \$9,200.00.

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: R&R Electronics
920 Mays Landing Road
Hammonton, NJ 08037

ITEMS: Eight (8) radar units for new Police Vehicles

COST: Not to exceed \$9,200.00

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.

Resolution #04-330: Budget Transfers

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

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
Township Manager Salaries & Wages	2,800.00	2,800.00
Collector of Revenue Salaries & Wages	265.00	265.00
Emergency Management Salaries & Wages	500.00	500.00
Health Inspections Salaries & Wages	500.00	500.00
Board of Education Transportation Salaries & Wages	2,800.00	2,800.00
Sanitation Election – Other Expense	7,000.00	7,000.00
Zoning Board Planning Board – Other Expense	6,000.00	6,000.00

Resolution #04-331: Authorize Reduction in Recreation Center Fees for Franklin Township Lions Club for fundraising event.

WHEREAS, the Franklin Township Lions Club is planning a fund raising event at the Franklin Community/Senior Center on Friday, October 1, 2004 with the proceeds going to fund their Scholarship Program for the Franklin High School Seniors; and

WHEREAS, the Franklin Township Lions Club has requested the waiver of fees for use of the Community/Senior Center;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that it hereby authorizes the reduction of fees for the use of the Community/Senior Center for the Franklin Township Lions Club for a fundraising

event to be held on October 1, 2004 by waiving all fees in connection with said use except costs associated with Township staff during said event.

Resolution #04-332: Authorize Grant Application to the NJ Department of Transportation Bikeways Program for funding to install bike lanes on Elizabeth Avenue, Cedar Grove Lane and New Brunswick Road.

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvements of: *Bikeway Master Plan Implementation from Elizabeth Avenue from Amwell Road to South Bound Brook Border (Stripe and Sign); Cedar Grove Lane from Easton Avenue to New Brunswick (Stripe and Sign); New Brunswick Road from JFK to Cedar Grove Lane (Stripe and Sign)* in the Municipality of Franklin Township, County of Somerset, 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 \$30,411. The Sponsor requests \$30,411 in State funds and anticipated contributing _____.

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

Type of Improvement (Check only major type of work)

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

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

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 to Cedar Grove Lane. SEE ATTACHED NARRATIVE.

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

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

Construction Cost (From attached estimate)	\$30,411.00
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Construction Inspection and Material Testing if requesting (10% of the finale allowable construction cost maximum)	
Total Estimated Cost	\$30,411.00

Project Information

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

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

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

Roadway Project – Attach a copy of "Appendix RD"

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

Bikeway Project – Attach a copy of "Appendix BW"

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

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

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

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

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

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

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

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

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

Resolution #04-333: Authorize Grant Application to the NJ Department of Transportation Safe Streets to Schools Program for funding in the amount of \$200,000 to construct sidewalks on Cedar Grove Lane.

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvements of: *Cedar Grove Lane Sidewalks* from *New Brunswick Road to Easton Avenue* in the Municipality of Franklin Township, County of Somerset, State of New Jersey for a distance of 13,260 linear feet or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$200,000. The Sponsor requests \$200,000 in State funds and anticipated contributing \$0.00.

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

Type of Improvement (Check only major type of work)

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

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

Funds are requested to install sidewalks on this major access route to reduce potential pedestrian-vehicle conflict. Presently there are no sidewalks along this road, which contains two shopping centers, an elementary school and a firehouse where community events are held are nearby. Access to the roadways and access to personal conveniences are good in this area and provide opportunities to serve such a quasi-residential use. A US Department of HUD senior citizen complex of 86 apartments for low income residents has been built within the project area. More than 1,000 additional single and multi-family units have been approved to be built within a one mile radius of the project area. An attractive safety and pedestrian network offers residents an alternative to the automobile and may reduce vehicular trips. This area in close proximity to Interstate 287 provides access for substantial office, hotel and industrial development and accompanying traffic generated by these land uses.

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

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

Construction Cost (From attached estimate)	\$200,000.00
Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)	
Construction Inspection and Material Testing if requesting (10% of the finale allowable construction cost maximum)	
Total Estimated Cost	\$200,000.00

Project Information

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

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

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

Roadway Project – Attach a copy of "Appendix RD"

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

Bikeway Project – Attach a copy of "Appendix BW"

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

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

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

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

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

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

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

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

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

Resolution #04-334: Authorize Grant Application to the Somerset County Municipal Planning Partnership Grant for funding in the amount of \$15,000 to update the Open Space Plan to include an ecotourism element.

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 Somerset County Municipal Planning Partnership Grant to apply for funds for the following:

1. \$15,000 to Update the Open Space Plan to include an Ecotourism Element.

and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #04-335: Authorize Grant Application to Somerset County Municipal Planning Partnership Senior/Special Needs Housing Pilot Program for funding in the amount of \$50,000 to assess the feasibility of senior housing in the redevelopment area.

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 Somerset County Municipal Planning Partnership Senior/Special Needs Housing Pilot Program to apply for funds for the following:

2. \$50,000 to assess the feasibility of senior housing in the redevelopment area.

and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #04-336: Award Bids for the Demolition of Open Space and Redevelopment Area Properties to Mazzocchi Wrecking, Inc. in the amount of \$23,000 for Memorial Forest and to Gordon Construction, Inc. in the amount of \$30,000 for the Scott Farm and \$17,000 for 732 Franklin Blvd. And 104 Frank Street.

WHEREAS, a notice to bidders for the receipt of bids for Demolition of Open Space and Redevelopment Area Properties was published in the Courier News on April 30, 2004 and appeared on the Township website with two (2) addendums, May 19 and June 6, 2004 for receipt on June 22, 2004; and

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

WHEREAS, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 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:

MAZZOCCHI WRECKING INC.

32 Williams Parkway

East Hanover, NJ 07936

Property: Memorial Forest in the amount of \$23,000; and

GORDON CONSTRUCTION INC.

1210 Main Street, Suite 10

Asbury Park, NJ 07712

Property: Scott Farm in the amount of \$30,000

Property: 732 Franklin Blvd. & 104 Frank Street in the amount of \$17,000

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.

Resolution #04-337: Authorizing use of Affordable Housing Trust in the amount of \$5,000 for an Affordable Housing Feasibility Study

WHEREAS, the Somerset County Board of Chosen Freeholders is offering a \$50,000 Senior/Special Needs Housing Pilot Program Grant to be used to conduct an affordable housing feasibility study in the redevelopment area and throughout Franklin Township; and

WHEREAS, up to ten percent (10%) of the Affordable Housing Trust may be used towards conducting feasibility studies for affordable housing;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that it hereby authorizes the use of the Affordable Housing Trust in the amount of \$5,000 to conduct an affordable housing feasibility study in the redevelopment area and throughout Franklin Township.

Resolution #04-338: Award Professional Service Agreement to Lenz Enterprises Ltd. In the amount of \$5,000 for affordable housing consultant services in connection with the preparing of the Somerset County Municipal Planning Partnership Senior/Special Needs Housing Pilot Program Grant.

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, a copy of which certification is attached hereto, that funds are available; and

WHEREAS, that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 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 attached certificate 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 vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because they are 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: LENZ ENTERPRISES LTD.
ADDRESS: 42 Edgehill Avenue
 Chatham, NJ 07928
SERVICE: Affordable Housing Consultant Services in connection
 with the Somerset County Municipal Planning
 Partnership Senior/Special Needs Housing Pilot
 Program Grant.
CONTRACT AMOUNT: \$5,000

Resolution #04-339: Approving the Somerset County Planning Board – Cross-Acceptance III – Municipal Plan Comparison Questionnaire for Franklin Township

WHEREAS, the attached Somerset County Planning Board – Cross-Acceptance III Municipal Plan Comparison Questionnaire focuses on the State Planning Commission’s Proposed Changes to the State Development and Redevelopment Plan contained in the Preliminary Plan and associated State Plan Policy Map released on April 28, 2004, which marks the formal commencement of the 2004 State Plan Cross-Acceptance Process; and

WHEREAS, said Questionnaire accomplishes the required comparison of municipal plans and policies to that of the State Plan, and will serve to document the degree of consistency among these plans, in accordance with the State Planning Act of 1985 (NJSA 52:18A-196 et. seq.); and

WHEREAS, the Franklin Township Municipal Cross-Acceptance Committee met on July 7, 2004 and reviewed said Questionnaire;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, and State of New Jersey that it hereby approves the submission of the Somerset County Planning Board – Cross-Acceptance III Municipal Plan Comparison Questionnaire to the Somerset County Planning Board.

RESOLUTIONS, CONSIDERED SEPARATELY

Resolution #04-311: Amending Professional Service Agreement with Louis N. Rainone, Esq. for legal services – Township Attorney for the period of July 1, 2003 to June 30, 2004 in an amount not to exceed an additional \$20,000.00

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

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

Mayor Levine questioned whether this represents any changes. Mr. Daly explained that when the budget was done last year there was a separate line item for Labor Attorney and that was not included in Mr. Rainone's original contract in January. Most of last year and since January, Mr. Rainone has been doing all the Labor Attorney work. This moves what was for appropriated for the Labor Attorney to the contract.

WHEREAS, by resolution adopted May 27, 2003, Professional Service Agreement was authorized with Louis N. Rainone, Esquire to provide Legal Services in an amount not to exceed \$294,000.00; and

WHEREAS, a need exists to amend said agreement to provide an additional \$20,000.00; and

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

WHEREAS, the Municipal Attorney has reviewed the attached certificate 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 amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- 2) This amended 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 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 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: LOUIS N. RAINONE, ESQUIRE
DeCOTIIS, FITZPATRICK & COLE & WISLER, LLP

ADDRESS: Glen Pointe Center West
500 Frank W. Burr Blvd. Teaneck NJ 07666

CONTRACT AMOUNT: An amount not to exceed an additional \$20,000.00 in addition to the retainer provided in the Salary Ordinance for Meeting Attendance.

SERVICE: Legal Services for the Township of Franklin, in the County of Somerset as Township Attorney for the period July 1, 2003 to June 30, 2004.

Resolution #04-312: Awarding Professional Service Agreement with Louis N. Rainone, Esq. for legal services – Township Attorney for the period of July 1, 2004 to June 30, 2005 in an amount not to exceed \$320,000.00

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

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

Mr. Daly stated this contract is for Fiscal Year 2005. Mr. Unger feels that this amount is excessive. Ms. Danile questioned amount of hours spent on Township matters. Mr. Rainone stated that his hourly rate is \$125.00 per hour, which is below the market and is what is was in 1999 when he first started. He stated the number of hours depend on Township's need of legal services required. Mr. Daly stated that this is not just for Mr. Rainone's services. Mr. Rainone stated there are seven other Attorneys involved.

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 hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the attached certificate 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 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 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: LOUIS N. RAINONE, ESQUIRE
DeCOTIIS, FITZPATRICK & COLE & WISLER, LLP

ADDRESS: Glen Pointe Center West
 500 Frank W. Burr Blvd. Teaneck NJ 07666

CONTRACT AMOUNT: An amount not to exceed \$320,000.00 in addition to the retainer provided in the Salary Ordinance for Meeting Attendance.

SERVICE: Legal Services for the Township of Franklin, in the County of Somerset as Township Attorney for the period July 1, 2004 to June 30, 2005.

BE IT FURTHER RESOLVED that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget and Reappointment, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

ADJOURNMENT

Mr. Chivukula moved to adjourn the meeting at 12:30 a.m. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

 Brian D. Levine, Mayor

 LaVern Staten-Sanders, Deputy Township Clerk

Approved:

Date: