

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:06 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on February 26, 2008. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Mayor Levine led the Invocation.

The Township Clerk called the roll.

Present: Ms. Eberle, Ms. Francois, Mayor Levine, Mr. Mettler, Mr. Sumter, Deputy Mayor Vassanella

Absent: Ms. Danile, Mr. Glicklich, Mr. Prasad

Also present: Leslie G. London, Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PROCLAMATION/COMMENDATION

Read Across America

Ms. Eberle read the following proclamation:

WHEREAS, the citizens of the Township of Franklin stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Franklin Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's **Read Across America**, a national celebration of reading, will be conducted on March 3, 2008, which would have been the 104th birthday of Theodore Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT RESOLVED that the Township Council calls on the citizens of Franklin Township to assure that every child is in a safe place reading together with a caring adult on March 3, 2008;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA's **Read Across America** and **Read Across America-NJ**, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

2007 Municipal Partnership Awards

Pam Ely, Executive Director, Raritan Valley Habitat for Humanity, presented 2007 Municipal Partnership Awards to Franklin Township and Vince Dominach. Ms. Ely made the following presentation:

“Since 1998, the staff and elected leaders of Franklin Township have partnered with our Habitat affiliate accomplishing the difficult but worthwhile task of building affordable homes. Franklin Township was the first municipality to have a developer’s agreement with our affiliate and to draw upon their trust fund monies for our projects.

To date, we have built 7 homes in Franklin, have 4 under construction, 4 awaiting building approvals and permits, and 5 additional lots targeted for approvals. We are hopeful that additional municipal properties will be reviewed for future Habitat projects to assist this community with their obligation to COAH and to further Raritan Valley habitat’s mission goals.

We would like to thank Franklin Township for providing an atmosphere of support and guidance, for taking action on our behalf, for offering assistance whenever we needed and for the friendship that has made our work here so rewarding.

Our sincere thanks to: Mayor Levine; Deputy Mayor Vassanella; Councilwomen Danile, Eberle, and Francois, Councilmen Glicklich, Mettler, Prasad and Sumter; the Zoning Board of Adjustment; the Planning Board; Kenneth W. Daly, Township Manager; Thomas Zilinek; Scott Thomas; Maureen Sturgeon; Carl Hauck; Karen Buckley, all from Engineering; Mark Healey, Township Planner; Vincent Lupo, Director of Community Development; Harrier Hems Wright, Assistant Zoning Officer; George Lesko, Permit Expediter; Olga Burke, Planning and Zoning Board Secretary and Administrative Officer for the Planning and Zoning Boards; and Janie Dong, Officer Coordinator for the Township Manager.

For service above and beyond the call of duty, Raritan Valley Habitat for Humanity would like to give Vince Dominach, Senior Officer, special recognition. Vince has been an exceptional liaison for Raritan Valley Habitat for Humanity, his tireless dedication to Habitat for Humanity has truly redefined community partnership.”

MAYOR’S REPORT

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2nd and 4th Tuesdays of the month. Public is invited and encouraged to attend.
- One can see listings on FTTV-25 and the Township website. On the Township’s website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- Announced he has a Mayor’s Blog through the Home News. He would be periodically list happenings and opinions on the Home News blog. He invited comments, answers and suggestions. Also announced there would be a Mayor’s column in *The Spectator*.
- Charged the Task Force on Open Space and Parks in Southern Portion of Township to look at the Gunther-Dunn and Catalpa properties; to include all constituencies (farmers,

recreation, historic preservation, neighbors, etc.); and recommendation to promote all of these – be specific.

- Reported on Federal Economic Stimulus payments from IRS and noted if not filing a tax return, file one to get “economic stimulus” payment.
- Provided explanation of snowplowing that one will not see “black top” right away after plowing and complimented Public works for good job.
- Reported Township held many Black History Month events throughout February that were very successful.
- Recommended if the School Board Budget fails to authorize the Township Manager to prepare an RFP for an outside consultant to review the school budget and to authorize the Township Clerk to sunshine as special meetings regarding the school budget the dates of April 29 and May 6, both at 7:00 p.m. Both recommendations were of the consensus of Council and approved by acclamation.
- Wished everyone a Happy Sadie Hawkins Day!

DEPUTY MAYOR’S REPORT

Deputy Mayor Vassanella made the following report:

Fair and Open Committee Report

“The Township Council Fair and Open Committee met on February 19, 2008 at 7:15 p.m. Present were Mayor Levine, Deputy Mayor Vassanella, and Councilwoman Francois. Also present was Township manager Kenneth Day.

After discussion about its scope and purpose, the Committee recommended to the Township Council that (1) Council adopt a written policy on the use of fair and open processes for the selection of contractors; (2) Council discuss and develop a policy and plan to implement that policy to convert the following appointed positions from employee status to contractors without employment benefits: attorneys; judges; prosecutors; and public defender; and (3) Council adopt a policy on review of appointed positions every 2-3 years to analyze cost-effectiveness of employment versus contractor status.”

Deputy Mayor Vassanella reported that the General Assembly approved a bill that would permit a designated municipal official, in a municipality which has adopted an ordinance for such purposes, to post a sign on the property which is the subject matter of a development application, for those applications for which a public notice of a hearing is required to be given pursuant to subsection a. of section 7.1 of P.L.1975, c.291 (C.40:55D-12). The notice would contain information as to the board with which the application was filed, an application reference number, and a designated contact person and telephone number in the municipality. The bill is awaiting Senate approval. Deputy Mayor Vassanella expressed his hope that Franklin Township would adopt such ordinance.

PUBLIC DISCUSSION

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

Michael Gilliam, 14 Hawthorne Drive, Fire District #3 Commissioner, alleged that Deputy Mayor Vassanella violated election laws and impeded voters from their right to vote at the Fire District Elections last weekend.

Catherine Townes, 151 Victor Street, expressed her concerns and questions regarding Zoning Ordinance No. 3740 which has to do with the rebuilding of Parkside. She especially expressed her concerns of rodents and insects when the housing projects are being demolished.

Rozalyn Sherman, 529 Rosecliff Court, spoke of her concerns with the increased development on Elizabeth Avenue resulting in 18-wheelers diverting on New Brunswick Road. She requested the police to study what traffic vehicles are appropriate for that road. Deputy Mayor Vassanella asked the Township Manager to place this matter on the next public safety committee meeting.

Phillip Kramer, 429 Canal Road, appealed to the Council regarding his concerns with the Board of Education and how they review their budget. He stated the school portion is 63% of one's taxes, the budget is unreadable and it is reviewed by the Finance subcommittee in Executive Session, which is opposite of how Council reviews their budget.

Mr. Kramer reminded Council that the Board of Education stressed last year that a cut of one cent would hurt the children in the school system. He stated that TUF found the following: \$300,000 was paid to those in administrative leave; \$600,000 was paid out in health benefits to employees not working for the school system; \$6 million was not spent because it was placed in the wrong part of the budget and unable to be spent. He reminded everyone that they would not spend \$300,000 for an outside consultant to review and audit their budget unless they received 1,000 responses back to their survey. He stated that the environmental survey received 76 responses over a two month period. He stated it is imperative that the Board of Education to have their budget reviewed by an outside consultant.

Richard Bajatta, 16 Lake Avenue, spoke of an ordinance prohibiting vehicles parked on front lawns which is an eyesore in the neighborhood. He spoke of an incident where he reported several bags of garbage out and was told by an employee of the Health Department that it would take five days to react to the complaint and then another ten days the homeowner has to respond to the complaint. He stated it takes two weeks to alleviate a simple problem.

In response to Ms. Townes' comments, he stated there is a public hearing on Ordinance No. 3740 later in the meeting. He stated he would meet with Ms. Townes to clarify any questions and concerns she may have. He stated the Housing Authority is renovating the Parkside area and the changes in zoning are needed to facilitate these projects.

In response to Ms. Sherman's comments, Mr. Daly would have the Traffic Bureau to update the statistics on New Brunswick Road.

In response to Mr. Bajatta's comments, Mr. Daly reported there would be a public hearing on the proposed property maintenance ordinance recommended by the Land Use Committee. He stated if the same thing occurred as when he called to complain about the garbage bags to call him at 732-873-2500 ext. 201. He explained that reasonable time has to be given to remedy a notice of violation.

Mr. Daly announced that today is his ninth anniversary as Township Manager. He stated it is unusual for a Township Manager to stay in one municipality for this long and it is a tribute to the community and Council of how they respect the Manager-Council form of government.

Mr. Sumter moved to close the meeting for public discussion. Said motion was seconded by Mr. Mettler and carried unanimously upon voice vote.

COUNCIL COMMENTS

Ms. Francois thanked everyone for his or her condolences for the passing of her father on February. In response to Ms. Townes, she stated the ordinance changes the bulk requirements for low income housing. There will be 146 units instead of 100 units. 72 units will

be senior units and 72 units will be non-age restricted. Ms. Francois reported on the February 4th Franklin Youth Initiative meeting where many gave great reports. She noted there were great articles in the Star Ledger and Courier News. She stated things are progressing forward. She reported that Safe Night would be held on April 5th where youth activities and workshops will be held.

Ms. Eberle reported there is a Parental Skills Workshop to be held on February 29th at 6:00 p.m. in Council Chambers. There will a meeting regarding the aspects of Route 518 at 6:30p.m. at the Little Rocky Hill Fire House. There is a Governors' Conference on Women on March 5th in Atlantic City.

In response to Ms. Townes' concerns regarding rodents during the demolition phase, Mr. Mettler stated there is state law that exterminators have to be called in two weeks prior to demolition and thinks the Housing Authority would be held to the same standards.

Mr. Sumter agreed with Mr. Mettler. He acknowledged Oprah Winfrey and her success as a testament to Black History Month.

Deputy Mayor Vassanella responded to Mr. Gilliam's allegations, stating they are ridiculous and would welcome that these allegations be looked into.

Deputy Mayor Vassanella made a motion that all traffic issues come under the purview of the Public Safety Committee and the Traffic Subcommittee's name be changed to Transportation subcommittee. Said motion was seconded by Ms. Francois and carried unanimously upon voice vote.

Mayor Levine announced he performed 10 weddings in 7 days.

COUNCIL DISCUSSION ITEMS

Set a Date for Public Hearing for Proposed Property Maintenance Ordinance

The date of April 1, 2008 at 7:00 p.m. was set for the public hearing for the proposed property maintenance ordinance. Mr. Mettler urged other Council members to attend the meeting because of the significant changes in the ordinance.

Administration Committee Report

Ms. Francois presented the following report:

"The Township Council Administration Committee met on February 19, 2008 at 6:30 p.m. Present were Mayor Levine, Councilwomen Eberle and Francois. Also present were Township Manager Daly and Assistant Manager Vierio. A summary of the results of committee deliberations as follows:

1. Review of all township boards, commissions and committees. The Administration Committee recommends that Township Council direct the Municipal Clerk to send a letter to all township boards, commission and committees requesting a statement of the group's goals and objectives for 2008. These responses will be distributed to all Council members who should forward their comments to all Council members. The Administration Committee will review the response of the boards, commissions, and committees, as well as Council comments, and make recommendations to the full Council about options to improve the structure of these groups.
2. Enforcement of policy on poor attendance. The Administration Committee recommends that Township Council direct the Municipal Clerk to write to all current board members with attendance below 50% in 2007 asking them if they want to continue to serve. If they do, the letter will request an explanation for their poor attendance. Absent a valid

excuse for low attendance, the Committee recommends that Council request the resignation of such members or institute remove proceedings per the ordinance, if no resignation is forthcoming.

3. Evaluations of the Township Manager and the Township Clerk. Councilwoman Francois will take the lead in organizing the process for the Committee's performance evaluation, which will then be brought to the full Council.
4. Little League. The Little League requested use of the Council Chambers on March 15th for a full day safety training session. The Administration Committee was concerned about the precedent that might be set by granting this request and recommended that the Little League look to another venue, such as the Library or the Senior/Community Center. (When this recommendation was communicated to the requestor, he indicated that the Little League had used the Council Chambers 2007. The Committee was not aware of this precedent, and the Manager has no recollection of it.
5. Art Work Policy – Process where the Manager reviews the artwork and makes recommendation to Council. Council adopts resolution.
6. Health Insurance Broker – four proposals received under fair and open process – recommendation to Council after interviews. Interview meeting will be sunshined."

Financial Oversight Committee Report

Mayor Levine acknowledged the submission of the following report:

"The Township Council Finance Oversight Committee met on February 19, 2008 at 8:00 p.m. Present were Mayor Levine and Deputy Mayor Vassanella. (Councilwoman Danile called to say that she had an conflict that had just emerged.) Also present were Township Manager Daly, Assistant Township Manager Vieiro, Director of Revenue and Finance Bobal, CFO Khurana and Tax Assessor Belenky.

1. Tax Assessor. The Committee recommends that Township Council approve the resolution requested by the Somerset County Tax Board authorizing the Assessor and the Attorney to file appeals to correct problems on the tax rolls. The Committee recommends that Council authorize the Assessor and Attorney to file these corrections up to \$150,000.00 without seeking prior approval from Council. The Assessor also reported that the Somerset County Tax Board approved his request to do an annual reassessment this year. Because of the lag in 2007, the Board is requiring 50% inspections. The Assessor is moving expeditiously to fill vacancies and to reorganize staff to get these inspections done, including work on evenings and weekends.
2. Fire Prevention Fees. The Committee reviewed the recommendations from the Director of Fire Prevention for increases in inspection fees for the first time in many years. The Committee requested that he refine his recommended fee structure for churches to set fee levels based on size. The memo and proposed ordinance also need to be expanded to show all the proposed increases. (This ordinance with the background memo will be presented to Township Council for introduction at its March 11th meeting.)
3. Bond Insurance. The Director of Revenue and Finance briefed the committee on the problems that have arisen in the bond insurance industry because companies started guaranteeing financial instruments backed by subprime mortgages. These problems will not affect outstanding township debt, of which all but one issue is insured."

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,091,710.84 for February 26, 2008 to the Township Council for payment:

1	Current	993,572.44
5	Water Operating	11,855.25
4	General Capital	14,430.45
15	Trust Others	9,553.73
19	Self Insurance Trust	4,465.61
11	Recreation Trust	1,627.12
2	Grant	14,612.97
3	Collector Trust	37,899.87
17	Animal Control	3,693.40
	Subtotal	1,091,710.84
	Grand Total	1,091,710.84

Ms. Francois moved that warrants in the amount of \$1,091,710.84 for February 26, 2008 to be paid. 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>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Sumter	Vassanella			Prasad

ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION

Ordinance No. 3738

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS – LAKESIDE ROAD.

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

Mr. Mettler moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

There being no public discussion, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Sumter				Prasad
				Vassanella

Ordinance No. 3739

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 151, HOUSING STANDARDS, SECTION 151-7 – FEES, BY INCREASING RE-OCCUPANCY INSPECTIONS TO \$75.00 AND \$50.00 PER BUILDING FOR COMMON AREAS.

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

Mr. Sumter moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

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

There being no public discussion, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Sumter				Prasad
				Vassanella

Ordinance No. 3740

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, REGARDING THE INSTITUTIONAL/ PUBLIC ZONING DISTRICT.

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

Mr. Mettler moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

There being no public discussion, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Sumter				Prasad
				Vassanella

INTRODUCTION OF ORDINANCE ON FIRST READING

Ordinance No. 3748

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 138, FOOD ESTABLISHMENTS, SECTION 138-1, ADOPTION OF STANDARDS; CHAPTER 201, SEWERS & SEWAGE DISPOSAL, ARTICLE III, SEWAGE DISPOSAL SYSTEMS, SECTION 201-14, ADOPTION OF STANDARDS; AND CHAPTER 384, WATER, ARTICLE III, APPLICATION FOR WATER SERVICE, SECTION 384-7, CONTENTS OF APPLICATIONS; INSPECTIONS AND TESTS; FEES.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 25, 2008 at 7:00 p.m. in the Municipal Complex.

Mr. Sumter moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 25, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Francois and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Sumter				Prasad
				Vassanella

CONSENT AGENDA ITEMS

Mayor Levine asked that Consent Agenda Item #151 be removed and voted upon separately.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Sumter	Vassanella			Prasad

Resolution #08-088 Authorize Release of Planning/Building Review Escrows.

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

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

APPLICANT:	Franklin Park Properties, LLC		
ADDRESS:	24 Franklin Drive Plainsboro, NJ 08536		
DOCKET NO.	PLN2004-0011		
BLOCK/LOT:	468.09/47		
LOCATION:	42 World's Fair Drive		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$6,875.00 (CME)	\$3,150.00 (Heyer)	\$1,475.00 (In-Hse)
AMOUNT CHARGED:	<u>6,146.75</u>	<u>3,150.00</u>	<u>100.00</u>
AMOUNT TO BE REFUNDED:	\$728.25	\$0.00	\$1,375.00

APPLICANT:	Richard Donaldson		
ADDRESS:	14 Irvington Avenue Somerset, NJ 08873		
DOCKET NO.	PLN-06-00008		
BLOCK/LOT:	321/15-18		
LOCATION:	14 Irvington Avenue		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$412.50 (Kemmm)	\$1,587.50 (In-Hse)	
AMOUNT CHARGED:	<u>412.50</u>	<u>1,014.42</u>	
AMOUNT TO BE REFUNDED:	\$0.00	\$ 573.08	

APPLICANT:	JSM @ Veronica Avenue LLC		
ADDRESS:	1260 Stelton Road Piscataway, NJ 08854		
DOCKET NO.	ZBA2006-0010		
BLOCK/LOT:	88.02/90		
LOCATION:	1227 Route 27		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$13,625.00 (CME)	\$2,787.50 (Kemmm)	\$3,813.75 (Heyer)
AMOUNT CHARGED:	<u>13,575.75</u>	<u>2,787.50</u>	<u>3,813.75</u>
AMOUNT TO BE REFUNDED:	\$ 49.25	\$ 0.00	\$ 0.00
AMOUNT DEPOSITED:	\$2,273.75 (In-Hse)		
AMOUNT CHARGED:	<u>1,912.27</u>		
AMOUNT TO BE REFUNDED:	\$ 361.48		

APPLICANT:	Bor-John LLC		
ADDRESS:	31 Inverness Lane Jackson, NJ 08527		
DOCKET NO.	PLN-07-00017		
BLOCK/LOT:	227/51.01 & 53.01		
LOCATION:	449-455 Lewis Street		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$537.50 (Kemmm)	\$1,462.50 (In-Hse)	
AMOUNT CHARGED:	<u>537.50</u>	<u>583.24</u>	
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 879.26	

APPLICANT:	ABC Bus, Inc.		
ADDRESS:	1506 30 th St., NW Faribault, MN 55021		
DOCKET NO.	PLN2002-0007		
BLOCK/LOT:	528.04/130		
LOCATION:	Howard Ave		

TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1,740.00 (Keller)	\$737.50 (Keller)	\$10,022.50 (In-Hse)
AMOUNT CHARGED:	<u>1,740.00</u>	<u>737.50</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$10,022.50

Resolution #08-089 Authorize Issuance of Raffles Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Franklin Woman's Club 232 Treptow Road, Somerset On-Premise 50/50 – RL#1686 On-Premise Raffle – RL#1687 Drawings: Sampson G. Smith School	April 18, 2008 6:00 pm – 10:00 pm
New Jersey Amusement Association Scholarship Fund P.O. Box 178 Seaside Heights, New Jersey Off-Premise 50/50 – RL#1688 Casino Night – RL#1695 Drawings: Garden State Exhibit Center	March 18, 2008 7:30 pm
The People Care Center, Inc. 120 Finderne Avenue, Bridgewater, NJ On-Premise 50/50 – RL#1689 Drawing: The Palace at Somerset Park	April 28, 2008 6:00 pm – 9:00 pm
Assoc. for Hunterdon Developmental Ctr., Inc. 275 Shepherd Avenue, Bound Brook, NJ On-Premise Raffle – RL#1690 Instant Pull-Tabs – RL#1691 On-Premise 50/50 – RL#1692 Off-Premise 50/50 – RL#1693 Drawings: Garden State Exhibit Center	October 26, 2008 1:00 pm – 7:00 pm

Resolution #08-090 Authorize Tax Title Lien Redemptions – Outside Buyer.

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

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

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together will all the charges due the said individuals at the time of redemption be and the

same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

Date of Sale: 6/08/07
Block/Lot: 424.10/303c0088
Name & Address: Maria Biondo, 88 Wycombe Pl., Somerset
Amount: 120.25
Make Check Payable To: Chun T. Li
Certificate No.: 070236
Payment Received: 1/18/08

Date of Sale: 6/11/98
Block/Lot: 468.02/7
Name & Address: Portilla, Luis&Andrea, 738 New Brunswick Rd., Somerset
Amount: 1,907.87
Make Check Payable To: James C. Older
Certificate No.: 98-162
Payment Received: 1/22/08

Date of Sale: 6/8/07
Block/Lot: 507.15/2.01
Name & Address: Albani Realty, 785 Old New Brunswick Rd., Somerset
Amount: 25,412.90
Make Check Payable To: Daxuan Wang
Certificate No.: 070251
Payment Received: 1/24/08

Date of Sale: 6/8/08
Block/Lot: 107/16
Name & Address: Mayfield, John &D. & Pierce, S., 57 Blair Ave., Somerset
Amount: 670.30
Make Check Payable To: JNH Funding Corp.
Certificate No.: 06-062
Payment Received: 1/29/08

Date of Sale: 6/8/08
Block/Lot: 565/8
Name & Address: Fernandez,Joseph&Gelenie,220 Howard Ave., Somerset
Amount: 213.34
Make Check Payable To: Natu Patel
Certificate No.: 07-258
Payment Received: 2/1/08

Date of Sale: 6/7/01
Block/Lot: 194/122
Name & Address: Bailey,Marc S & Smith,Linda,14 Hawthorne Drive, Somerset
Amount: 3,385.08
Make Check Payable To: James Pilewski
Certificate No.: 01-161

Payment Received: 2/1/08
Date of Sale: 04/28/94
Block/Lot: 321/11.01
Name & Address: Allan, Agnes P., 10 Irvington Ave., Somerset
Amount: 269.81
Make Check Payable To: Nickolai Brandt
Certificate No.: 7090

Payment Received: 2/5/08

Date of Sale: 6/8/06
Block/Lot: 212/20
Name & Address: Scott Meister, 655 Hamilton St., Somerset
Amount: 1,034.98
Make Check Payable to: Almar
Certificate No.: 06-115
Payment Received: 2/15/08

Date of Sale: 6/08/08
Block/Lot: 212/20
Name & Address: Scott Meister, 655 Hamilton St., Somerset
Amount: 1,509.87
Make Check Payable To: Almar
Certificate No.: 07-132
Payment Received: 2/15/08

Resolution #08-091 Authorize Purchase over \$8500 – Temporary Payroll Services – Accountemps – Not to Exceed \$12,000.00.

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: Accountemps
ITEMS: Temporary Services, Payroll – Finance Department
COST: Not to Exceed \$12,000.00

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

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 #08-092 Authorize Discharge of Mortgage and Affordable Housing Agreement – 17 Caitlyn Way, 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 Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 17 Caitlin Court, Franklin Park, Block 34.07, Lot 16.07.913 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 #08-093 Authorize Place-to-Place Transfer – Franklin Park Liquors, Inc. – From Pocket License to 789 Old New Brunswick Road, Unit 9.

WHEREAS, an application has been filed for a Place to Place transfer of Plenary Retail Distribution License No. 1808-44-040-001 issued to Franklin Park Liquors, Inc. heretofore being an Inactive/Pocket License with a mailing address of 45 Ocean Avenue, Monmouth Beach, New Jersey; and

WHEREAS, the submitted application form is complete in all respect, the transfer fees have been paid, and the license has been properly renewed for the current license term; 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 approve, effective February 26, 2008, the place to place transfer of the aforesaid Plenary Retail Distribution License from its former location as an inactive/pocket license with a mailing address of 45 Ocean Avenue, Monmouth Beach, New Jersey, to its new location at 789 Old New Brunswick Road, Unit #9, Somerset, New Jersey 08873, and does hereby direct the Township Clerk to endorse the license certificate as follows: **"This license, subject to all its terms and conditions, is hereby transferred to premises located at 789 Old New Brunswick Road, Unit #9, Somerset, New Jersey 08873"**.

Resolution #08-094 Award Lease of Township-Owned Farmland – 399 South Middlebush Road (Gunther Farm) – March 1, 2008 to February 28, 2009 – George Manioudakis - \$16.50 per acre or \$810.00 per year.

WHEREAS, a notice to bidders for the receipt of bids for the lease of Township Owned Farmland was published in the *Courier News* and posted on the Township's website on January 24, 2008 and January 31, 2008, for receipt on February 7, 2008;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid for the leasing of Township Owned Farmland be awarded to:

VENDOR: George Manioudakis
ADDRESS: 399 South Middlebush Road, Somerset, New Jersey
ITEMS: 77.76 acres (only 50 acres tillable)
AMOUNT: Amount: \$16.50 per acre/\$810.00 per year

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a lease agreement for a period of one-year beginning March 1, 2008 with the above listed vendor.

Resolution #08-095 Award Bid – Reconstruction of Pine Street – DeFino Contracting Company – Amount Not to Exceed \$175,000.00.

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

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

WHEREAS, continuation of the terms of this contract beyond June 30, 2008 is contingent upon availability of funds in the 2009 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

WHEREAS, DeFino Contracting Company has submitted a proposal indicating they will provide the Reconstruction of Pine Street for an amount not to exceed \$175,000.00; and

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.

- (2) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (3) 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.
- (4) 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: DeFino Contracting Company
ADDRESS: 28 Industrial Drive
 Cliffwood Beach, New Jersey 07735
CONTRACT AMOUNT: \$175,000.00
SERVICE: Reconstruction of Pine Street

Resolution #08-096 Appoint Bonnie von Ohlen and Donna Vieiro to Somerset County Economic Development Incentive Program.

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey Bonnie von Ohlen, Grants Coordinator and Donna Vieiro, Assistant Township Manager, are hereby appointed Representative and Alternate, respectively, to the Somerset County Economic Development Incentive Program.

Resolution #08-097 Confirm Appointment of Konstantin Belenky as Tax Assessor.

WHEREAS, pursuant to N.J.S.A. 40A:9-146, the governing body or chief executive, as shall be appropriate to the form of government of the municipality shall provide for the appointment of a tax assessor; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal tax assessor shall hold his office for a term of four years from the first day of July next following his appointment and vacancies other than due to expiration of term shall be filled by appointment for the unexpired term; and

WHEREAS, the Township Manager has appointed Konstantin Belenky as Tax Assessor for an unexpired four-year term ending June 30, 2008;

BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby confirms the appointment of Konstantin Belenky as Tax Assessor of the Township of Franklin for an unexpired four-year term ending June 30, 2008.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Somerset County Board of Taxation.

Resolution #08-098 Authorize Tax Assessor and Township Attorney to correct assessments up to \$150,000.00.

BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey, that the Township Tax Assessor and the Township Attorney be

and they are hereby authorized to initiate Municipal appeals to correct assessments of the Township of Franklin up to the amount of \$150,000.00;

BE IT FURTHER RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that any tax appeals over \$150,000.00 are subject to prior approval of the Township Council.

Resolution #08-099 Award Fair and Open Professional Services Agreement – Consultant Services for Preparing a Comprehensive Water Distribution System Master Plan – CMX – Amount Not to Exceed \$37,400.00. – *Removed from Consent Agenda to be voted on separately.*

Resolution #08-100 Authorize Grant Application – 2008 Green Communities - \$3,000.00 with a local match of \$1,500.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the 2008 Green Communities Grant Program in the amount of \$3,000.00 with a matching contribution of \$1,500.00 and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #08-101 Award State Contract – Purchase of Portable Radios for New Police Officers – Motorola, Inc. – Amount Not to Exceed \$67,969.00.

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

VENDORS:	<i>Motorola, Inc.</i>
	P.O. Box 29, Chester, New Jersey 07930-0029
ITEMS:	Portable Radios for New Police Officers
COST:	Not to Exceed \$67,969.00

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 #08-102 Authorize Refund of Tax Overpayments.

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
178/7.01	Phil Vespia Tire Center, Inc.	4/07	327.59
	14 Old Bridge Tpke.	4/06	322.49
	South River, NJ 08882-2451		

468.12/5.02	Merrill Lynch Real Estate	4/04	91,224.67
	C/o Frank E. Ferruggia, Esq.	4/05	70,732.90
	4 Gateway Center		
	100 Mulberry Street		
	Newark, NJ 07102		

Resolution #08-103 Accept Resignation of Anthony Mazzola from Advisory Board of Health, effective immediately.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Anthony Mazzola as Advisory Board of Health Regular Member, effective immediately.

Resolution #08-104 Authorize Extension of Lease with Middlebush Farms, Inc. for Memorial Forest/Scott Farm for a three-year period from March 1, 2008 to February 28, 2011.

WHEREAS, it is the desire of the Township of Franklin (Lessor) and Middlebush Farms, Inc. (Lessee) to extend the lease for certain property located in the Township of Franklin, specifically Block 508.02, Lot 48.01, also known as Memorial Forest and Block 74.0, Lot 7, also known as Scott Farm for agricultural and horticultural uses; and

WHEREAS, the term of the lease would be for a period of three (3) years commencing March 1, 2008 and ending February 28, 2011, subject to terms and conditions stated in the attached lease; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, Somerset County, State of New Jersey that the lease between the Township of Franklin and Middlebush Farms, Inc. for certain property located in the Township of Franklin, specifically Block 508.02, Lot 48.01, also known as Memorial Forest and Block 74.0, Lot 7, also known as Scott Farm for agricultural and horticultural uses is hereby extended for a period of three (3) years commencing March 1, 2008 and ending February 28, 2011, subject to terms and conditions stated in the attached lease.

Resolution #08-099 Award Fair and Open Professional Services Agreement – Consultant Services for Preparing a Comprehensive Water Distribution System Master Plan – CMX – Amount Not to Exceed \$37,400.00.

Upon motion by Deputy Mayor Vassanella, seconded by Ms. Francois, Resolution #08-099 was tabled for further clarification by the Public Works Committee and to answer questions raised by Mayor Levine. Said motion carried unanimously upon call of the roll.

APPOINTMENTS

Upon motion by Ms. Francois, seconded by Mr. Mettler, the following appointments were made to the Task Force on Open Space and Parks in Southern Portion of the Township by acclamation:

Township Council:	Councilman Daniel Glicklich
	Councilwoman Shirley Eberle
Township Historian:	Councilman Robert Mettler
Agricultural Advisory Committee:	Emanuel Manioudakis
Historic Preservation Commission:	Barbara Lawrence
Open Space Advisory Committee:	Randy Jones
Environmental Comm./Planning Bd:	Dr. Theodore Chase (Chair)
Recreation Advisory Council:	Tom Malone
Trails Advisory Committee:	Jack Connolly

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

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

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

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

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
- 2 The general nature of the subject matter to be discussed is as follows: *Litigation – FRAID, Janho and Kings Row lawsuits.*
- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The aforesaid resolution was moved by Deputy Mayor Vassanella, seconded by Mr. Mettler and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois			Danile
Levine	Mettler			Glicklich
Sumter	Vassanella			Prasad

The meeting adjourned into Executive Session at 8:45 p.m.

Upon motion by Ms. Francois, seconded by Deputy Mayor Vassanella, the meeting reconvened at 9:45 p.m. Said motion carried unanimously upon call of the roll.

Mayor Levine announced that the Township Council discussed litigation matters involving the following lawsuits: FRAID, Janho and Kings Row. The minutes of these discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

ADJOURNMENT

Deputy Mayor Vassanella moved to adjourn the meeting at 9:45 p.m. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *March 11, 2008*

Ann Marie McCarthy, Township Clerk