

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 7:10 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 March 11, 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 Mr. Mettler led the Invocation.

The Deputy Township Clerk called the roll.

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

Absent: No One

Also present: Kenneth W. Daly, Township Manager, Leslie G. London, Township Attorney, Virginia M. Woodbury, Deputy Township Clerk

PROCLAMATION/COMMENDATION

Girl Scout Week

The following proclamation was read by Ms. Danile:

WHEREAS, GIRL SCOUTS OF THE U.S.A. will observe the 96th Anniversary of its founding on March 12, 2008; and

WHEREAS, Juliette Low founded Girl Scouting in 1912 in Savannah, Georgia with one troop of 18 girls, and since then more than 50 million girls have built leadership skills through Girl Scouting; and

WHEREAS, there are 100's of girls and adult volunteers involved in Girl Scouting in the Township of Franklin; and

WHEREAS, some illustrious alumnae include Sandra Day O'Connor, the first female Supreme Court Justice; Madeleine Albright, the first female Secretary of State; Eileen Collins, the first woman Space Shuttle Commander; Dr. Drew Gilpin Faust, the first female President of Harvard University; and Katie Couric, the first woman to anchor a network evening newscast; and

WHEREAS, the Franklin Township Girl Scouts held a Valentine Food Drive and collected 3,848 pounds of food which was donated to the Franklin Township Food Bank and also held a Blood Drive to earn their "Blood Buddies" patch where 61 donations were made, potentially saving 183 lives;

NOW, THEREFORE, BE IT RESOLVED THAT I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim March 9-15, 2008 as "**GIRL SCOUT WEEK**" in the Township of Franklin, and call upon all Citizens of the Township of Franklin to recognize and support the contributions made by Girl Scouts and adult volunteers toward improving the quality of life in our Community.

National Women's History Month

The following proclamation was read by Ms. Danile:

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history;

NOW, THEREFORE, I, Brian D. Levine, Mayor of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Franklin Township Council, do hereby proclaim the month of March as "**NATIONAL WOMEN'S HISTORY MONTH**" in the Township of Franklin and urge the citizens to take this special opportunity to recognize and reflect on the progress made to advance women's equality, to take stock of the challenges facing women today, and celebrate the gains made by women in our society.

MAYOR'S REPORT

Mayor Levine presented the following report:

- Reported the New Jersey State League of Municipalities magazine presented two (2) articles from Franklin Township in this past issue, one from Joyce Miller and the other from John Loos. He congratulated both and thanked them for portraying Franklin in a good light
- 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 *The Home News*. He would be periodically list happenings and opinions on *The Home News* blog. He invited comments, answers and suggestions. Mayor Levine also announced there would be a Mayor's column in *The Spectator*.
- Announced that the Council Retreat would take place on Sunday, March 16th at the Community/Senior Center from 2:00 pm – 5:00 pm.
- Reported New Jersey has decreased aid to most municipalities. The Township's aid has decreased \$520,000 that has to be made up either by increased taxes, cuts in spending or a combination of both. Mayor Levine noted that, because of the requirements implemented by the State, the Township will be voting on hiring a consultant for \$56,000, in addition to the \$60,000 paid only a few years ago to a consultant, who will figure out the state formula on how many units New Jersey requires the Township to build.

DEPUTY MAYOR'S REPORT

Deputy Mayor Vassanella made the following report:

Board of Education Budget

Deputy Mayor Vassanella expressed his hope that residents would go to Board of Education meetings, meet the candidates and review the budget in order to make an informed decision that would benefit Franklin.

Cable Advisory Board Meetings

Deputy Mayor Vassanella spoke on the future of the Cable Television Advisory Board, noting that Township Manager Daly is looking into cable with respect to wireless set up for the Township. Deputy Mayor Vassanella suggested that the Cable Television Advisory Board should be expanded into Communication Technologies and the residents who have expressed interest in joining the Committee should be patient and wait for the revision of the committee when hopefully more members will be added. Deputy Mayor Vassanella asked that the subject of the expansion of the Communication Technologies Committee be put on the agenda for discussion for the next Council meeting.

Deputy Mayor Vassanella noted that Mr. Phil Beachem, the Executive Director of a private business that brings together State government, private business and municipalities, has been appointed to the State Commission on Economic Development.

Deputy Mayor Vassanella made a proposal that the Public Relations Standing Committee review an idea that one meeting per month of committees and boards, other than Township Council, Board of Adjustment and Planning Board, be televised for the information of residents who are not aware of the purpose of other committees and boards.

PUBLIC DISCUSSION

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

Barbara Fosset, 18 Gregory Lane, Franklin Park, stated that the residents of Society Hill VI have concerns about the safety of their neighborhood because they have had incidents of slashed tires, thefts, graffiti, and the destruction of property. Ms. Fosset noted that the Police Department has been notified of each incident but that police presence should be further increased. Mr. Daly asked Ms. Fosset to give him her name and telephone number so that he could inform the Police Department of her request.

Morris Barthwaite, 5 Dahlia Road, distributed a proposal to the Council explaining steps that can be taken to increase energy conservation. Mr. Barthwaite noted that the Federal Government gives subsidies to municipal governments to assist in conservation programs and encouraged the Council to initiate a feasibility study.

Phillip Kramer, 429 Canal Road, TUF, noted that the Board of Education had made the decision to have an outside review of their budget and the budget was passed under cap - raised by only 4%. Mr. Kramer applauded the Board of Education and stated that the “war” over the Board of Education budget should be ended.

Herbert Fishman, 25 Dalton Drive, asked Council to explain the procedure for identifying prospective occupants within a shopping mall, particularly the new mall at Elizabeth Avenue where the new Shop Rite is located.

Mr. Mettler explained that the Commercial Overlay designation permits certain types of businesses; some businesses are permitted but would need a variance from the Board of Adjustment. Mr. Mettler further explained that until a business owner requests space in a shopping mall, the Township does not know what businesses would ultimately be located in the mall.

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

COUNCIL COMMENTS

Mr. Daly noted there is a major solar power facility on Randolph Road used by North American New Jersey Water Company. Deputy Mayor Vassanella added that the NANJ Water Company received the only Environmental Stewardship Award given to a water company.

Mr. Glicklich reported that the Franklin Youth Initiative was enjoying good public response to their programs and also that cooperation from Somerset County Freeholder Palmer and Judge Dilts was contributing to good results.

Mr. Glicklich noted that, with regard to the Board of Education budget, all citizens should take advantage of Board of Education meetings so that they can make an informed decision about voting for or against the budget.

With regard to the resolution concerning Verizon and their proposal to cancel Channel 14 and 25, Mr. Glicklich noted that the resolution should be adopted and legislators should be asked to require Verizon to keep public TV as part of their service.

Mr. Sumter stated that the Board of Education budget process in the past has been such that the Board of Education would pack extra expenses into the proposed budget and that the Council would reduce the budget by an amount of money that the Board of Education could reduce the budget without losing what they actually wanted.

Ms. Danile related details of the Board of Education meetings on the budget and noted that the Board of Education and the new superintendent have initiated six new pivotal issues and have presented impressive numbers in the budget.

Ms. Danile noted that Mayor Levine, Ms. Francois, Mr. Glicklich and she attended the Board of Education budget meeting and were most impressed by the six initiatives that the new Superintendent and Eva Nagy, President of the Board of Education, presented.

Ms. Danile spoke about Women’s History Month.

Mr. Mettler requested a resolution inviting members of the State Legislature to attend a regular Council meeting or a special meeting to discuss issues that concern their constituents.

Ms. Eberle noted her attendance at the Women's History Month meeting at which Governor Corzine spoke regarding the state budget. Joan London and Suze Orman also spoke on women's financial matters. Ms. Eberle added that there was also a Health Fair and a presentation of works by women artists.

Ms. Francois stated that she also attended the Women's History Month meeting and the International Woman's Day Conference sponsored by the Central New Jersey Chapter of the United Nation Association. Ms. Francois noted that human rights, including women's rights, have a long way to go to improve on the conditions existing today, even in America. Ms. Francois gave her support to the Board of Education budget and noted her optimism about Superintendent Seto and the accountability and initiatives that will help pass the budget.

Mr. Prasad noted that Assemblyman Upendra Chivukula's father had passed away in India. Mr. Prasad offered congratulations to the Board of Education and Superintendent Seto on the budget and encouraged residents to get out and vote.

With regard to "Green" issues, Mr. Prasad thanked Mr. Barthwaite for coming to the meeting and added that Township Attorney Leslie London, because of her involvement with wireless, should be most helpful regarding technology issues.

Regarding Franklin Youth Initiative, Mr. Prasad noted that the program is presenting a job fair on May 8, 2008.

Mr. Prasad noted that the proposal for Community Development Operations Audit should help to improve service to residents and others who deal with the Township on construction matters.

Mr. Prasad suggested that the Council look into establishing a Cultural Arts Commission that could promote Franklin Township as an arts center.

Deputy Mayor Vassanella asked that the Council schedule as a discussion item on a future agenda, the possibility of establishing a Cultural Arts Commission and also the expansion of the Cable TV Advisory Commission.

Deputy Mayor Vassanella noted that the State has gone out to bid for offshore wind fields and also that Hillsborough has established wind fields in their community.

Regarding the remarks made by Ms. Fosset from Society Hill VI in Franklin Park, Deputy Mayor Vassanella noted that there is a disproportionate amount of criminal activity in that area – non-violent but affecting the quality of life.

Mayor Levine added his congratulations to the Board of Education and noted that the Board is moving in a new direction.

COUNCIL DISCUSSION ITEMS

A discussion ensued with regard to the Retreat Agenda. It was determined that the original agenda will be amended to reflect that the Franklin Youth Initiative was already discussed within this meeting and fifteen minutes of time would be devoted to a discussion regarding inviting State legislators to a special or regular Council meeting.

Motion to amend the agenda was made by Mr. Glicklich. Said motion was seconded by Mr. Mettler and carried unanimously upon voice vote.

APPROVAL OF MINUTES

Motion was made by Ms. Danile and seconded by Mr. Metter to approve the following minutes:

January 8 – Work Session/Regular Meeting & Executive Session

Ayes: Danile, Eberle, Francois, Glicklich, Levine, Mettler, Prasad, Sumter, Vassanella

January 22, 2008 – Work Session/Regular Meeting & Executive Session

Ayes: Danile, Eberle, Francois, Glicklich, Levine, Mettler, Prasad, Sumter
Abstain: Vassanella

February 12, 2008 – Work Session/Regular Meeting & Executive Session

Ayes: Danile, Eberle, Glicklich, Levine, Mettler, Prasad, Sumter, Vassanella
Abstain: Francois

February 26, 2008 – Work Session/Regular Meeting & Executive Session

Ayes: Danile, Eberle, Levine, Mettler, Sumter, Vassanella
Abstain: Danile, Glicklich, Prasad

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,924,397.36 for March 11, 2008 to the Township Council for payment:

1	Current	2,541,081.77
5	Water Operating	41,375.98
4	General Capital	69,978.16
12	Trust Others	400.00
19	Self Insurance Trust	0
11	Recreation Trust	1,256.88
40	Open Space Trust	26,367.15
2	Grant	18,462.49
3	Collector Trust	17,575.73
17	Animal Control	2,864.89
15	Redevelopment	13,759.55
30	Payroll Agency	72,059.96
	Subtotal	2,872,157.51
	Grand Total	2,924,397.36

Mr. Sumter moved that warrants in the amount of \$2,924,397.36 for March 11, 2008 be paid. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION

Ordinance No. 3741

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 226-30 (ON STREET HANDICAPPED PARKING SPACE (ADD 31 PARKSIDE STREET))

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. Prasad 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 should raise their hand and when recognized, states their 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. Prasad and carried unanimously upon call of the roll.

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

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

Ordinance No. 3742

Mayor Levine presented the following ordinance:

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 384, WATER, SECTION 384-19 – CURB CONNECTION CAPITAL FEE TO DECREASE FEES FOR FY2008.

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.

Ms. Francois moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Prasad 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 should raise their hand and when recognized, state their 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. Prasad 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 Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3744

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 384, WATER, ARTICLE XII, OTHER REGULATIONS, SECTION 384-62, WAIVER OF FEES – ADDITION OF PROVISION THAT FEES ARE WAIVED ON PROJECTS THAT ARE TOWNSHIP SUPPORTED THROUGH GRANT FUNDING.

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.

Ms. Francois moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Prasad 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 should raise their hand and when recognized, state their 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. Prasad 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 Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3744

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 384, WATER , ARTICLE XII, OTHER REGULATIONS, SECTION 384-62, WAIVER OF FEES – ADDITION OF PROVISION THAT FEES ARE WAIVED ON PROJECTS THAT ARE TOWNSHIP SUPPORTED THROUGH GRANT FUNDING.

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. Prasad 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 should raise their hand and when recognized, state their 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. Prasad 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>
Danile	Eberle			
Francois	Glicklich			
Levine	Mettler			
Prasad	Sumter			
Vassanella				

Ordinance No. 3745

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, CHAPTER 166, DRUG-FREE ZONES, ARTICLE I, SCHOOL ZONES, SECTION 166-1, MAPS ADOPTED WITH THE ADDITION OF THE ETERNAL LIFE CHRISTIAN CENTER.

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. Prasad 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 should raise their hand and when recognized, state their name and address.

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

Ms. Danile moved the final passage of the ordinance 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>
Danile	Eberle			
Francois	Glicklich			
Levine	Mettler			
Prasad	Sumter			
Vassanella				

Ordinance No. 3746

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 354, TELECOMMUNICATIONS SERVICES – NEW APPENDIX ARTICLE VI, CABLEVISION LIGHTPATH – NJ, INC.

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. Prasad moved to open the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

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

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

Mr. Prasad 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>
Danile	Eberle			
Francois	Glicklich			
Levine	Mettler			
Prasad	Sumter			
Vassanella				

Ordinance No. 3747

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 5, ADMINISTRATION OF GOVERNMENT – SECTION 5-4, MEETINGS OF THE TOWNSHIP COUNCIL, ADDITION OF SUBSECTION (G) – MEETING DATES AND TIMES.

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. Prasad 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 should raise their hand and when recognized, state their name and address.

Phil Kramer, 429 Canal Road, asked Council if the ordinance had any impact on previously scheduled meetings. Mr. Daly answered that it did not and noted that any emergency meeting would be scheduled and no previously schedule meeting would be cancelled.

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

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

INTRODUCTION OF ORDINANCE ON FIRST READING

Ordinance No. 3750

Mayor Levine presented the following ordinance:

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO NEW JERSEY AMERICAN WATER COMPANY, INC. TO PERMIT THE CONSTRUCTION, EXPANSION AND MAINTENANCE OF WATER FACILITIES ON PUBLIC PROPERTY IN THE TOWNSHIP OF FRANKLIN IN ORDER TO FURNISH WATER SERVICE TO BLOCK 516, LOTS 7.01 AND 11.01

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 Tuesday, April 8, 2008 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 8, 2008 at 7:00 p.m. at the Municipal Complex. 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>
Danile	Eberle			
Francois	Glicklich			
Levine	Mettler			
Prasad	Sumter			
Vassanella				

RESOLUTION WITH PUBLIC HEARING

Resolution #08-105 Amend Deed Restriction – Sherylee Rubin – Block 200, Lot 26.02 – 55 Miller Avenue/193 A&B Winslow Avenue

Mayor Levine presented the following resolution:

WHEREAS, in 1995 by resolution, the Franklin Township Council imposed as a condition on the conveyance of property known as Block 200, Lots 26.02 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 with the area and yard requirements of the Development Ordinance. This covenant shall run with the land and be binding upon the grantee, his/her heirs, executors, administrators and assigns.”; and

WHEREAS, application has been made by Sherylee Rubin, current owner for an amendment to the deed restriction based upon the following:

- a) In 2005, the lot was the subject of a subdivision (lot line adjustment) that rendered the lot conforming and a conforming two-family house was then constructed upon the lot;

- b) In 2006, the Township Council vacated a portion of Winslow Avenue (Ordinance No. 3598) and said vacation caused the subject lot to be in technical violation of the deed restriction in that the minimum frontage requirement is 100 feet and the frontage after the vacation is 91.79 feet.
- c) If the deed restriction were not amended, there would be future title issues with the property being in violation of the deed restriction.
- d) It is the recommendation by the Township Planner and Zoning Officer that the deed restriction be amended to allow for the 91.79 feet of frontage on Winslow Avenue.

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. 40:51.2 has been duly given; and

WHEREAS, the Township Council held a public hearing on March 11, 2008 and no person appeared in opposition thereto;

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of March, 2008 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 with the amended deed restriction allowing for the 91.79 feet of frontage on Winslow Avenue for the aforesaid premises from the provisions of said covenant.

Motion was made by Ms. Danile and seconded by Mr. Mettler to open the meeting for a public hearing on the resolution. Motion was carried by a unanimous voice vote.

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

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

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

CONSENT AGENDA ITEMS

Mayor Levine noted that Item I refers to the date for the Fourth of July Fireworks. It had been determined that the fireworks would be held one week before the Fourth of July to facilitate Police Department and Fire Department personnel.

Mr. Glicklich noted that Verizon does not carry government access channels such as Channel 14 (Board of Education) or Channel 25 (Township of Franklin). Deputy Mayor Vassanella added that BPU is in litigation with other municipalities and the League of Municipalities but, because legislators granted Verizon the franchise, it will be difficult to change the situation.

Township Manager Daly referred to the memorandum attached to the resolution that cited the litigation by a couple of municipalities and the League of Municipalities.

On motion by Mr. Glicklich, seconded by Mr. Prasad, 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>
Danile	Eberle			
Francois	Glicklich			
Levine	Mettler			
Prasad	Sumter			
Vassanella				

Resolution #08-106 Release of Plan/Building Review Escrows & Inspections Fees

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:	Sherylee Rubin
ADDRESS:	679 Easton Avenue Somerset, NJ 08873
DOCKET NO.	ZBA-07-00009
BLOCK/LOT:	200/29.02
LOCATION:	55 Miller Avenue
TYPE:	Planning Review
AMOUNT DEPOSITED:	\$2,000.00 (In-hse)
AMOUNT CHARGED:	<u>758.20</u>
AMOUNT TO BE REFUNDED:	\$1,241.80

APPLICANT:	Alfred Schnug
ADDRESS:	387 Spring Street Union, NJ 07083
DOCKET NO.	PLN2002-0016
BLOCK/LOT:	286/36-75; 286/31-35; 304/4
LOCATION:	Viking Avenue
TYPE:	Monument Escrow
AMOUNT DEPOSITED:	\$1,750.00
AMOUNT CHARGED:	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$1,750.00

Resolution #08-107 Authorizing Issuance of Raffle/Bingo Licenses

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
507.36/24	Pulte Communities 101 Stone Manor Drive Somerset, NJ 08873	3-4/07 Common Elements	3.89
57.01/33.19	Countryside & Franklin	FY07	551.73
57.02/7	PO Box 5564	FY08	585.93
57.03/7	Somerset, NJ 08875	Common Elements Cert. #06-036 Cert. #06-038 Cert. #06-039	 260.77 260.77 260.77

Resolution #08-110 Release of Street Opening Escrow Deposit

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

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

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

Permit Number: 6549
Opening Location: Viking Avenue
Applicant's Name & Address: Al SanGuiliano, Inc.
 2398 Beryllium Road
 Scotch Plains, NJ 07076
Deposit/Surety: \$350/4350

Permit Number: 6550
Opening Location: Viking Avenue/Irvington
Applicant's Name & Address: Al SanGuiliano, Inc.
 2398 Beryllium Road
 Scotch Plains, NJ 07076
Deposit/Surety: \$300/\$300

Resolution #08-111 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

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, CMX has submitted a proposal indicating they will provide a Comprehensive Water Distribution System Master Plan for an amount not to exceed \$37,400.00; 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: CMX
ADDRESS: 200 Highway 9, POB 900
Manalapan, NJ 07726-0900
CONTRACT AMOUNT: \$37,400.00
SERVICE: Comprehensive Water Distribution System Master Plan

Resolution #08-112 Authorize Sale of Municipally Owned Personal Property at Somerset County Auction

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 sale and/or disposal of municipally owned personal property no longer needed for Township use as attached at the Somerset County Auction to be held on May 13-15, 2008.

BE IT FURTHER RESOLVED that all items shall be sold by sealed bid submitted prior to the date and time specified above through the Somerset County Equipment Auction.

Resolution #08-113 Authorize Purchase Under Bid Threshold/Over \$8,500.00 – Towing of Township-Owned Vehicles – March 12, 2008 to March 11, 2009

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: **Guaranteed Motors Towing Services, Inc.**
PO Box 1/607 Somerset Street
New Brunswick, NJ 08903
ITEMS: Towing of Township-Owned Vehicles
Automobiles, light trucks and small buses

March 12, 2008 to March 11, 2009
COST: \$39.99 per incident

VENDOR: **Anthony Motors**
 22 Arlington Street
 Somerset, NJ 08873

ITEMS: Towing of Township-Owned Vehicles
 Vehicles weighing 12,000 pounds or more
 March 12, 2008 to March 11, 2009

COST: \$75.00 per hour

Total Cost Combined for Both Vendors: Not to Exceed \$15,000.00

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

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 vendors to purchase the specified items.

Resolution #08-114 Resolution to Authorize Purchase Under Bid Threshold/Over \$8,500.00 = Schaefer Pyrotechnics – Fireworks Display in an Amount Not to Exceed \$15,000.00

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: Schaefer Pyrotechnics
 376 Harman Bridge Road, Ronks, PA 17572

ITEMS: Fireworks Display – June 27, 2008 (Raindate: July 11, 2008)

COST: Not to exceed \$15,000.00

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed 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 #08-115 Extend Contract – Supreme Computer (Container for Electronics & Container for Light Iron & Freon Removal) Amount Not to Exceed \$30,000.00 & Midco Waste Systems (Compactor Rental and Recycling Containers & Containers throughout Township Needed) Amount Not to Exceed \$145,000.00 – March 1, 2008 to February 28, 2009

WHEREAS, the Township Council awarded a contract for the recycling center on March 28, 2006 for a period of two years; and

WHEREAS, the bid specifications state the contract can be extended annually at the existing terms and conditions for up to an additional two years; and

WHEREAS, the Department of Public Works recommended the extension of said contract for an additional one-year and both vendors agreed; and

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

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

SUPREME COMPUTER

1955 Swarthmore Avenue
Lakewood, NJ 08701-4557

Container for electronics

Container for light iron and freon removal

An amount not to exceed \$30,000.00 annually; and

MIDCO WASTE SYSTEM

5 Industrial Drive
New Brunswick NJ 08901

Compactor rental recycling containers

Containers throughout Township as needed

An amount not to exceed \$145,000.00 annually; and

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

Resolution #08-116 Authorize Purchase Under State Contract – Office Supplies for All Departments – Amount Not to Exceed \$70,000.00 – State of NJ Distribution and Support & W.B. Mason

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:

VENDOR: **State of NJ Distribution and Support**

PO Box 234
Trenton, NJ 08625

VENDOR: **W.B. Mason**

210 Meadowlands Parkway
Secaucus, NJ 07094-49010

State Contract 59767

SC Co-Op Bid CC-02-08

ITEMS: Purchase of Office Supplies for All Departments

COST: \$70,000.00

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

WHEREAS, that continuation of the terms of this contract beyond June 30, 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;

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 #08-117 Resolution Authorizing Performance Guarantee – Princeton Highlands Developers – Phase I – Docket #P980095f – Block 11.01/Lot 13 – Route 27 – Water Main Extension - \$208,000.00

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

NAME OF APPLICANT:	Princeton Highlands Developers – Phase I
ADDRESS OF APPLICANT:	3546 State Highway #27 Kendall Park, NJ 08824
ITEM:	Performance Bond
NUMBER:	45024535
INSURANCE CO./BANK:	Greenwich Insurance Co.
DOCKET:	P980095F
IN THE AMOUNT OF:	\$208,000.00
FOR:	Block 11.01/Lot 13 – Water Main Extension – Route 27

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

WHEREAS, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee in the amount of \$208,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$208,000.00 be released to the above named applicant.

Resolution #08-118 Performance Guarantee Reduction – Muslim Foundation, Inc. – Docket #PLN2006-0003 – Block 468.09/Lot 38 – 47 Cedar Grove Lane – from \$1,349,154.00 to \$404,746.20

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

NAME OF APPLICANT:	Muslim Foundation Inc.
ADDRESS OF APPLICANT:	47 Cedar Grove Lane Somerset, NJ 08873
SITE PLAN DOCKET:	PLN2006-0003
ITEM:	Performance Bond
NUMBER:	#5022285
INSURANCE CO./BANK:	Bond Safeguard Insurance Co.
IN THE AMOUNT OF:	\$1,349,154.00
FOR:	Site Improvements for Block 468.09/Lot 38 – 47 Cedar Grove Lane

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Bond from \$1,349,154.00 to \$404,746.20 to the above named applicant.

Resolution #18-119 Adopting Policy on Acceptance of Artwork Donated to the Township

BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey, hereby adopts the following *Policy on Acceptance of Artwork Donated to the Township*:

1. The Township will accept donations of works of art if there is a suitable space to display the work.
2. The Township retains all rights to decide on acceptance and the placement of any accepted works of art.
3. All works of art accepted by the Township for donation become the exclusive property of Franklin Township.
4. Residency by the artist will not be a deciding factor.
5. The Township Manager will consult with the Township Council Administration Committee on accepting the work and will notify the Mayor and members of the Township Council of any acceptance or rejection.

Resolution #08-120 Authorize Purchase Under State Contract – Carpet Showcase Inc. – Carpenter For Police Department – Amount Not To Exceed \$105,910.18 – *Deleted from Agenda*

Resolution #08-121 Awarding Fair And Open Profession Service Agreement – Group Melvin Design, LLC. - Professional Planning Services – COAH Fair Share Compliance Plan – Amount Not To Exceed \$56,000

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, 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 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" 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) 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: *Group Melvin Design, LLC*
ADDRESS: 3 South Broad Street, Woodbury, NJ 08096
CONTRACT AMOUNT: Amount Not to Exceed \$ 56,000
SERVICE: Professional Planning Services – COAH Fair Share Compliance Plan

Resolution #08-122 Tax Appeal Settlement – Maurice Weill Trustee – Block 86.01/Lot 4.03 – 120 Clyde Road

WHEREAS, Maurice Weill, Trustee is the owner of certain property located at 120 Clyde Road, which is identified as Block 86.01, Lot 4.03 on the tax maps of Franklin Township; and

WHEREAS, Maurice Weill, Trustee filed an appeal to the Tax Court of New Jersey for said premises for the years 2005 and 2006; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, the following reduced assessments have been proposed:

<u>2005 Assessment</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
Land:	\$ 526,300.00	\$ 526,300.00
Improvements:	\$1,732,700.00	\$1,532,700.00
Total:	\$2,259,000.00	\$2,059,000.00

<u>2006 Assessment</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
Land:	\$ 556,300.00	\$ 556,300.00
Improvements:	\$2,328,700.00	\$2,028,700.00
Total:	\$2,885,000.00	\$2,585,000.00

WHEREAS, the parties agree that the 2007 and 2008 assessments for the subject property will be \$2,585,000 (Land: \$556,300; Improvements: \$2,028,700.00); and

WHEREAS, the parties further agree that Franklin Township and the taxpayer, its heirs, assigns and successors in interest, hereby expressly waive the right to appeal the stipulated 2008 assessment provided that there is no physical alteration to the subject property that would warrant a change in the subject property’s assessment under New Jersey law:

WHEREAS, as a component of this settlement, the taxpayer agrees to withdraw the following appeals for the parcels designated:

- A. Franklin Joint Venture v. Township of Franklin, Docket No. 1674-04 – Block 86.01, Lot 4.01

- B. Maurice Weill Trustee v. Township of Franklin, Docket Nos. 1661-04; 2967-05; 0267-06 – Block 86.02, Lot 2.02
- C. Maurice Weill Trustee v. Township of Franklin, Docket Nos.1671-04; 2966-05; 0259-06 – Block 86.01, Lot 4.04
- D. Maurice Weill Trustee v. Township of Franklin, Docket Nos.2961-05; 0269-06 – Block 86.01, Lot 10.29

WHEREAS, the owner has agreed to waive all interest due on any refund provided same is paid within sixty (60) days from the date the Tax Court issues a judgment; and

WHEREAS, the Township Attorney, the Acting Tax Assessor and Franklin Township's Appraisal Consultant have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 11th day of March 2008 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #08-123 - Tax Appeal Settlement – Zinsser Co. Inc. – Block 523.04, Lot 1.02 – 173 Belmont Drive

WHEREAS, Zinsser Co., Inc. is the owner of certain property located at 173 Belmont Drive, which is identified as Block 523.04, Lot 1.02 on the tax maps of Franklin Township; and

WHEREAS, Zinsser Co., Inc. filed an appeal to the Tax Court of New Jersey for said premises for the years 2006 and 2007; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached whereby the 2006 and 2007 appeals will be withdrawn; and

WHEREAS, the owner has agreed to waive all interest due on any refund provided same is paid within sixty (60) days from the date the Tax Court issues a judgment; and

WHEREAS, the parties further agree that the 2008 assessment shall be set at \$4,512,000 on-the-books; and

WHEREAS, the Township Attorney, the Acting Tax Assessor and Franklin Township's Appraisal Consultant have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 11th day of March 2008 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #08-124 Tax Appeal Settlement – P&R Fasteners – Block 517.06, Lot 17.03 – 325 Pierce Street

WHEREAS, P&R Fasteners is the owner of certain property located at 325 Pierce Street, which is identified as Block 517.06, Lot 17.03 on the tax maps of Franklin Township; and

WHEREAS, P&R Fasteners filed an appeal to the Tax Court of New Jersey for said premises for the years 2006 and 2007; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached whereby the 2006 appeal will be withdrawn; and

WHEREAS, the following settlement is proposed for 2007:

<u>2007 Assessment</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
Land:	\$ 928,500.00	\$ 928,500.00
Improvements:	\$1,951,500.00	\$4,027,800.00
Total:	\$2,880,000.00	\$4,956,300.00*

*In lieu of 2007 added/omitted assessment of \$2,265,000.

WHEREAS, the owner has agreed to waive all interest due on any refund provided same is paid within sixty (60) days from the date the Tax Court issues a judgment; and

WHEREAS, the parties further agree that the 2008 assessment shall be set at \$4,800,000.00 on-the books; and

WHEREAS, the Township Attorney, the Acting Tax Assessor and Franklin Township's Appraisal Consultant have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 11th day of March 2008 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #08-125 Authorize Purchase Under Bid Threshold/Over \$8,500.00 – Purchase of Zero-Turn Mower – K.C. Service – Amount Not to Exceed \$9,039.00

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: **K.C. Service**
 212 Fresh Ponds Road
 Jamesburg, NJ 08831
ITEMS: Purchase of Zero-Turn Mower
COST: Not to Exceed \$9,039.00

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

WHEREAS, 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.

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 vendors to purchase the specified items.

Resolution #08-126 Authorize Purchase Under Bid Threshold/Over \$8,500.00 – Purchase of Generator/Compressor and Parts – Amount Not to Exceed \$16,417.96

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: Sunbelt Rentals
600 Route 440 Connection
Perth Amboy, NJ 08861
ITEMS: Purchase of Generator/Compressor and Parts
COST: Not to Exceed \$16,417.96

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

WHEREAS, 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.

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 vendors to purchase the specified items.

Resolution #08-127 Regarding Verizon Not Carrying Local Access Channels

WHEREAS, the Township of Franklin is concerned about local access channels not being carried on the new Verizon cable system which means local alerts and local event scheduling, among other PEG programs, can not be seen by those on the Verizon system; and

WHEREAS, local access channel carriage should be possible via an interconnection between the Township's existing cable franchise (Comcast, formerly Patriot Media) and the Verizon system; and

WHEREAS, as negotiations between Verizon and incumbent cable providers had been ongoing, they have resulted in disputes surrounding PEG interconnection with incumbent cable providers which has resulted in Verizon seeking assistance from the Board of Public Utilities, Office of Cable Television in resolving these disputes; and

WHEREAS, the Board of Public Utilities, Office of Cable Television continues to work with aggressive deadlines to expedite the process of negotiating these interconnections and has given notice to both parties of the need to negotiate settlement before the Office of Cable Television; and

WHEREAS, as a result of many municipalities having expressed their dissatisfaction about this matter, Verizon has stated they would be creating public access channels of their own, but they would not be public access channels like Franklin Township's channels 14 and 25, they would be regional hub channels which would take months or maybe even years to create; and

WHEREAS, the Township of Franklin, to no avail, has been in frequent contact with Verizon to get this issue resolved and has made itself available for whatever is needed from the Township to get its public access channels carried on Verizon;

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

1. Urge the Board of Public Utilities, Office of Cable Television to continue to work aggressively to settle the disputes surround PEG interconnection with Verizon and incumbent cable providers;
2. Demand Verizon to start carrying existing local public access channels such as Franklin Township's Channels 14 and 25, even if it means that Verizon has to pay the incumbent cable franchises to interconnect with their system which already carries these channels;
3. Advocate to our State Legislators that they assist the Board of Public Utilities, Office of Cable Television in settling this dispute and urge Verizon to start carrying existing local public access channels such as Franklin Township's Channels 14 and 25 as soon as possible.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Board of Public Utilities Commissioner Joseph Fiodaliso; State Senator Bob Smith; Assemblymen Upendra Chivukula and Joseph Egan; and Verizon of New Jersey.

Resolution #08-128 Authorize Township Tax Assessor and Township Attorney to Initiate Municipal Appeals in Response to Such Appeals as Part of the Process to Correct Assessments

WHEREAS, numerous commercial property owners have filed or may file tax appeals;
and

WHEREAS, some of the above mentioned commercial properties are under assessed;
and

WHEREAS, several other property owners property owners intend to file tax appeals for the Tax Year 2008; and

WHEREAS, assessments for the above mentioned properties are not indicative of the market value;

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 in response to such appeals as part of the process to correct assessments of the Township of Franklin.

Mr. Metter noted in regard to item "f" that CMX is a different division of Schoor/DePalma who Mayor Levine does not want to approve as Consultant. Ms. Danile and Deputy Mayor Vassanella voiced some concern but also noted that the company has made changes in their business practices. Mayor Levine stated that he was not pleased that the company did not offer any apologies to the Township.

BOARD AND COMMISSION APPOINTMENTS

Deputy Mayor Vassanella made a correction to the Youth Services Committee/Municipal Alliance Committee list of nominees; Orville Wilson is no longer principal of Franklin High School, he is now the Student Advocate.

Regarding the Agricultural Advisory Committee, Mr. Mettler has a nomination but he will make the resume available before next meeting.

Deputy Mayor Vassanella stated that he would nomination Russell Warner for the Cable Television Advisory Committee, but that that nomination should be postponed until the decision is made whether or not to expand the Committee.

Human Relations Commission – Mr. Prasad nominated Alvin Levine as a Regular Member of the Human Relations Commission, for an unexpired three-year term ending December 31, 2008. The aforesaid appointment was made by acclamation by Council.

Deputy Mayor Vassanella nominated Jack Connolly to the Open Space Advisory Committee as a member of the Trails Advisory Committee, term to run concurrently with Mr. Connolly's term with the Trails Advisory Committee. The aforesaid appointment was made by acclamation by Council.

Deputy Mayor Vassanella nominated Mark Grieco as Regular Member of the Advisory Board of Health for an unexpired three-year term ending December 31, 2009. The aforesaid appointment was made by acclamation by Council.

ADJOURNMENT

Mr. Glicklich moved to adjourn the meeting at 9:15 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Virginia M. Woodbury
Deputy Township Clerk

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: *May 13, 2008*

Virginia M. Woodbury, Deputy Township Clerk