

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 7:00 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 25, 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 Councilman Prasad led the Invocation.

The Deputy Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Ms. Francois (arrived 7:16 p.m.), Mr. Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter, Deputy Mayor Vassanella

Absent: None

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

#### PROCLAMATION/COMMENDATION

##### Safe Night

Mr. Glicklich read the following proclamation:

**WHEREAS**, millions of American youth are looking for something to do and the temptations and risks are everywhere; and

**WHEREAS**, residents age 12 or older experienced an estimated 25 million crimes of violence and theft and over 2.1 million youth in the United States needed treatment for illicit drug or alcohol use problems in 2006; and

**WHEREAS**, **SAFE NIGHT USA** is a national youth violence and substance abuse prevention program proven successful in urban, suburban and rural communities; and

**WHEREAS**, on April 5, 2008 Somerset County, Somerset County Department of Human Services, Somerset County Youth Council, Franklin Township Municipal Alliance, Franklin Township Youth Services Commission, Franklin Youth Initiative, Franklin Township Police Department, Franklin Township Youth Council, Franklin Middle School, Franklin Middle School REBEL2, Franklin High School REBEL, Somerset County REBEL Coalition, Somerset Council on Alcoholism & Drug Dependency, Somerset County 4-H Senior Council, Middle Earth, and XINOS/KUDOS will join community teens in a countywide **SAFE NIGHT** celebration by providing a safe place where youth can have fun and learn to resolve conflict peacefully,

**NOW, THEREFORE, BE IT RESOLVED THAT 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 **SATURDAY, APRIL 5, 2008 AS SAFE NIGHT IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY.**

### MAYOR'S REPORT

Mayor Levine presented the following report:

- Welcomed the Deputy Clerk.
- 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 2<sup>nd</sup> and 4<sup>th</sup> 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*.
- Reminded that the Board of Education Election will be held on April 15, 2008 and encouraged all to learn of candidates and budget. He further encouraged everyone to vote.
- Reminded that the start of the Little League season as well as the parade will be on April 5, 2008.
- Mentioned the passing of police officer Detective Furmick. Most Council Members were at the wake. Mr. Daly, Deputy Mayor Vassanella and I were at the funeral. Condolences went out to family and friends.
- Gave a brief recap of what was discussed at the Council Retreat held on March 16, 2008. Briefly mentioned the following:
  - Did strategic planning and overview for the coming year.
  - Strong examination of the structural deficit in the Municipality
  - Economic Development Plan, Affordable Housing Plan, Franklin Youth Initiative (FYI), invitation and interaction with State Legislators, and Green Initiatives

### DEPUTY MAYOR'S REPORT

Deputy Mayor Vassanella made the following report:

- Mentioned that the Council on Affordable Housing changed its maximum income requirements and encouraged anyone interested to take a look at the new income limits
- Mentioned that the Franklin Township Environmental Commission along with the Stoneybrook/Millstone Watershed Association will be having their annual Stream Clean-up on April 12, 2008 between the hours of 9:00 a.m. and Noon at Hawthorne Park Mile Run. The event will be advertised on FTTV 25 and the Township website. The previous year's event was a great success but volunteers are still being requested.
- Mentioned that March is Women's History Month and pointed out that there are more women legislators in Trenton than there were ten years ago.

- Pointed out that the Fifth Anniversary of the Invasion of Iraq has passed and that the war still continues. He stated that while New Jersey has not lost many soldiers to the war, and Franklin Township has not lost any, the war still affects many lives.

### 2008 CDBG APPLICATIONS

Bonnie von Ohlen, Franklin Township Grants Coordinator, gave a brief explanation of the procedures involving the Community Development Block Grant Program. She explained that the program is designed to provide opportunities for non-profit organizations to present their community development proposals, and further explained that a large number of public service projects have been presented. Once each proposal has been presented at the public hearing the Council Finance Committee will review the projects and make recommendations. These recommendations will be posted for thirty days, after which the Township Council will review each proposal and make decisions.

<u>AGENCY</u>	<u>PROJECT</u> <u>PUBLIC SERVICE CATEGORY</u>	<u>AMOUNT</u> <u>REQUESTED</u>
Major Group Foundation*	Youth Connection After School Program	\$43,250
Wilentz Senior Res.*	Games for Seniors	\$8,000
HomeSharing Inc.*	Homesharing Program	\$8,500
SCCOAH*	Housing Counseling	\$13,076
Family & Comm. Ser.*	ARISE! After School Program	\$19,700
S.W.S Organization	Youth Mentoring Program	\$25,000
Franklin Twp.-Dept. of Health	Health Care Healthy Kids Program	\$4,700
Franklin Twp.-Dept. of CRS	After School Program	\$29,700
New Jersey Orators Inc.	Public Speaking Program	\$15,191
Zarepath Health Center	Diabetic Medicines & Supplies	\$25,000
SCAP	After School Program & Computer Lab	\$65,000
<b>TOTAL</b>		<b>\$257,117</b>
 <u>PUBLIC FACILITY CATEGORY</u>		
Wilentz Senior Res.	Shower Stall Conversions	\$25,000
Franklin Twp.-Food Bank	Generator	\$65,000
Arc of Somerset County	Handicapped Ramps	\$6,000
<b>TOTAL</b>		<b>\$96,000</b>
 <u>HOUSING REHABILITATION</u>		
First Baptist CDC	Scattered Site Housing Initiative	\$100,000
Franklin Township	Housing Rehabilitation	TBD

\*Indicates previously funded applicant

The Township of Franklin's 2008 CDBG HUD Entitlement Grant will be allocated as follows:

<b>Total Entitlement</b>	\$323,526
<b>Planning/Adm. (20%)</b>	\$64,705
<b>Available for All Projects</b>	\$258,821
<b>CAP on Public Service Projects (15%)</b>	\$48,529

Below is a short summary of the 2008 CDBG applications received by the Office of the Grants Coordinator:

***Public Service Category (Total Requested \$257,117); Public Service Projects are limited to 15% of the grant or \$48,529)***

***Franklin Twp. Department of Community Resources & Services\* - After School Program (\$29,700)*** – Funds are requested to continue operation of the after school program via an inter-local agreement with the Franklin Township Board of Education. The program serves youth of low-income families between the ages of 6-12. Children whose parents work will be provided

with a safe environment until their parents return from work. Funds will be used for registration, fees and tuition.

***Franklin Twp. Department of Health – Healthy Care Healthy Kids Program (\$4,700)*** – Funds are requested to develop the Healthy Care Healthy Kids Program, an interactive training seminar for child care employees to help them prevent disease outbreaks among children in their care. The training will consist of three main areas: health hygiene and immunizations, childcare environments and health codes and recordkeeping.

***HomeSharing Inc.\* - Homesharing Matching Program (\$8,500)*** – Funds are requested to provide services to older adults to match homesharing residents. Their goal is to prevent homelessness by providing affordable housing to older adults. They want to increase their recruitment of older adults both as providers and as seekers. The funds will pay for a discussion group and facilitator, skills directory and resource directory.

**Major Group Foundation\* - Youth Connection After School Program (\$43,250)**

Funds are requested to provide after school activities at the Franklin Middle School for at-risk children in grades 6-8. Services provided include tutoring, nutrition, math and computer literacy and choices workshop. Their total budget is \$116,113.

**New Jersey Orators Inc. – Public Speaking Program (\$15,191)**

NJ Orators is a volunteer community organization that teaches the art of public speaking to youth between the ages of 7-18. Teen and adult orators meet with the youth weekly and develop communication skills that are demonstrated in four yearly competitions. Funds will be used for their nutritional and education program at the Sampson G. Smith Elementary School. The total project budget is \$172,383.

***Somerset County Coalition On Affordable Housing (SCCOAH\*) – Housing Counseling (\$13,076)*** – SCCOAH provides affordable housing information and referrals to low income persons looking for affordable housing. Funds are requested to continue providing services to Franklin Township residents. With full funding they provide one hour of counseling to 350 very low, low or moderate income individuals who live or work in Franklin Township. More than 23% of their clients last year lived or worked in Franklin.

***S.W.S Organization – Youth Mentoring Program (\$25,000)*** – SWS was established by Natasha Rodriguez, granddaughter of the Rev. Samuel W. Simpson, founder and pastor of the Humanity Baptist Church, Newark, NJ. This program will fund a mentoring program for 10 boys between the ages of 14-16. Funds will be used for life skills classes, mentor salaries and transportation of the youth to different activities.

**Family and Community Services\* - ARISE! Program (\$19,700)** – The program provides counseling for at least 45 at risk youth, ages 12-19, in Franklin Township who are experiencing problems at home, at school or in the community. Services provided include initial assessment and family outreach, case management, life skills education, crisis intervention, community service, GED preparation and substance abuse prevention. Funds are requested to cover the salary and fringe benefits for a part-time Assistant/Youth Counselor. This project has received CDBG funding for the past three years.

***Zarepath Health Center – Diabetic Medicines and Supplies (\$25,000)*** – The Zarepath Health Center provides free medical care to the poor, uninsured and underinsured and serves between 150-200 patients per month. The funds would be used to purchase diabetic medicines and supplies for 25 poor and uninsured diabetic patients.

***Wilentz Senior Residence – Games for Seniors (\$5,000)*** – Wilentz Senior Residence is a federally funded low-income housing facility for seniors and disabled persons. Funds are being requested to purchase Brain Games for their existing computer lab. The games are used to exercise the brain and thereby improve memory in seniors. The lab serves tenants as well residents of the Township who take classes at Wilentz.

***Somerset Community Action Program (SCAP)\* - After School Program and Computer Lab (\$65,000)*** – The funds will be used to hire teachers for an after school enrichment program for children ages 6 to 13. The program currently serves 40 children and the goal is to serve 60 by the 2008-2009 school year. SCAP also seeks funding to purchase equipment for a computer resource lab.

***Public Facility Category (Total Requested \$96,000)***

***Wilentz Senior Residence\* (\$25,000) – Shower Stall Conversions*** – Funds are requested to convert bath tubs to shower stalls so that seniors can continue to live independently. With the help of past CDBG funds, Wilentz has completed 15 shower stall conversions.

***Franklin Township Food Bank – Generator (\$65,000)*** – The Food Bank is requesting funds for a generator for their facility located at 60 Millstone Road. Approximately 30,000 pounds of food on an average day are stored at this location and last year the Food Bank provided 4,424 food packages to area residents. The generator would allow the Food Bank to maintain operations, prevent food spoilage and serve residents in the event of a power outage or other emergency in Franklin Township.

***ARC of Somerset County – Handicapped Access Ramps for Group Homes (\$6,000)*** – The Arc of Somerset is requesting funding for construction of handicapped access ramps at two group homes located at 75 Claremont Road and 37 Buffa Drive. Each houses six individuals with developmental disabilities, 4 of whom have mobility issues.

***Housing***

***First Baptist Community Development Corporation (\$120,000) – Scattered Site Housing Initiative*** – First Baptist CDC is a non-profit organization whose mission is to improve the social, economic and education conditions in Central New Jersey. Funds will be used to create homeownership opportunities for low/moderate income families in Franklin Township. First Baptist will provide homeowners who are in danger of foreclosure with financial literacy and budgeting classes and also use CDBG funds to help write down the cost of homes purchased by First Baptist.

***Franklin Township – Housing Rehabilitation Program (To Be Determined)*** – The most pressing community development need for the entire Township continues to be the need to keep housing affordable and safe. Homeowner rehabilitation benefits low and moderate income households throughout the Township. Code deficiencies are corrected and occupants are enabled to remain in their homes. To date, the Township has rehabilitated 40 homes occupied by low and moderate-income persons.

The Township of Franklin's 2007 Entitlement Grant will be \$323,526 with 20% reserved for Planning and Administration (\$64,705) the amount available for all projects is \$258,821.

Mr. Sumter moved to open the meeting for public hearing on 2008 CDBG applications. Said motion was seconded by Mr. Mettler and carried unanimously upon voice vote.

The following organizations presented their proposals to the Council:

- Major Group Foundation – Eloise Samuels, Advisory Board Member
- New Jersey Orators Inc. – Eloise Samuels, Co-Founder and James Hunter, Co-Founder
- Wilentz Senior Residence – Marlene Galliado
- HomeSharing Inc. – Renee Drell, Executive Director
- Franklin Township Health Department – Michéle Samarya-Timm
- Franklin Township Food Bank – Frank Hasner, Executive Director
- S.W.S Organization – Natasha Rodgers, CEO-Founder
- First Baptist CDC – Randall Austin

Mr. Glicklich moved to close the meeting for public hearing on 2008 CDBG applications. Said motion was seconded by Mr. Mettler and carried unanimously upon voice vote.

### PUBLIC DISCUSSION

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

Lt. Michael Rothberg, 27 Heather Drive, Somerset spoke on behalf of the Kendall Park First Aid Squad to request more consideration in township funding. He stated that 60% of the Kendall Park First Aid Squad's calls come from Franklin Township and that the squad serves a large portion of the Franklin Township area. Currently, Franklin Township provides for less than 20% of operating expenses and would like the Township to provide \$45,000 a year to cover those costs. He expressed that the First Aid Squad is more than willing to discuss options for meeting these expenses.

Gary Lewis, 9 Stump Road, Princeton came before the council as a representative of the Parkside Community to discuss a recurring problem with the Naaman-Williams Park. Cricket is played at the park in the summer, monopolizing the park's facilities from 8:00 a.m. to 8:00 p.m. on Saturdays and Sundays. Mr. Lewis expressed concern that the neighborhood children do not have access to the park during these hours and states that the local residents want access to the park.

John Tibbs, 107 Mark Street also spoke in regards to access to Naaman-Williams Park, reiterating the local residents' desire to have access to the park grounds on the weekends.

Nan Mennon, 152 Cedar Grove Lane spoke on behalf of her school on Cedar Grove Lane and requested the opportunity to put up a sign advertising courses available through the school to the general public. Mr. Daly responded that she should speak to him and Vincent Dominach, the Township Zoning Officer, during the Township's regular business hours.

John McConville, 5 Stone Leigh Way recommended the use of two park fields, located on Weston Road between Elizabeth Avenue and Cedar Grove Lane, for the cricket team. He stated that the fields were accessible by vehicles and that there were no local children competing for use of those park fields. Mr. Daly responded that those fields are not yet ready for use by the general public and that the grass still needs more time to establish. Mr. McConville proceeded to ask questions regarding items on the Consent Agenda, specifically regarding Sign Blanks requested by the Department of Public Works, an Energy Audit for the Municipal Building, and an explanation for a waiver of water connection fees regarding a building expansion for the Center for Great Expectations. He further asked about a resolution outlining carpeting for the Public Safety building but was informed that that specific resolution had been withdrawn.

John Walker, Claremont Road, Franklin Park congratulated the Township on appointing five new Police Officers, all with college degrees, and expressed approval of the Council's decision to adopt the ordinance that requires new police officers to have a college education. He went on to state that the Board of Education is going to do a system wide review and thanked Mr. Phil Cramer for getting that review approved. He made the suggestion that the review determine and remove students who live in other communities but go to school in Franklin Township. Mr. Walker mentioned the large number of foreclosures in town. He stated that 30 out of the 78 posted foreclosures in the County came from Franklin Township. He further mentioned that the First Baptist Church was hosting a seminar on Saturday, March 29, 2008 regarding foreclosures and their prevention and intervention. Finally, Mr. Walker expressed his approval of Mr. Stan Belenky, the new Township Tax Assessor.

Rich Goselin, 20 Dundee Road, Kendall Park, Treasurer of the Kendall Park First Aid Squad stated that the Kendall Park First Aid Squad has served Franklin Township for 48 years,

primarily working in the Franklin Park, Griggstown, Little Rocky Hill and portions of the Somerset areas. He stated that the squad is staffed by volunteers and services are free and they are not funded through taxes, relying mostly on programs and fundraisers. He stated that the squad needs to replace ambulances and needs help covering other operational costs. Ms. Eberle complimented and praised the efforts of the Kendall Park Rescue Squad.

Christian Barrantes, 3<sup>rd</sup> Street, Bridgewater asked for clarification regarding the rescinding of janitorial services from Trujillo Cleaning Services. He specifically requested clarification on the issue of non-compliance and stated that the Township had not specified any issues the Township had with their services. He further expressed that Trujillo Cleaning Services has gone through several employees in an effort to provide the Township with the best possible service and was under the impression that the Township had noted their improvements.

Stating a desire for more information, the Township Council determined that they would table Resolution #08-141, a resolution rescinding the contract between Trujillo Cleaning Services and the Township of Franklin for Janitorial services in the municipal buildings between October 1, 2007 and September 30, 2008 on grounds of non-compliance, when it appeared before them on the Consent Agenda. Mr. Daly stated that he would provide a list of complaints from the Township employees. There was some question regarding the resolution's requirement that the company not bid for further janitorial contracts with the Township for a period of five years if their contract were rescinded.

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

At this time Mr. Daly responded to Mr. Walker's concerns over non-residential students in the Franklin Township Public School System by stating that the issue would be addressed in a proposed Property Maintenance Ordinance that is scheduled for Public Hearing at a Special Meeting to be held on April 1, 2008. In that Ordinance the Township would try to collect tuition from landlords who are renting out illegally converted apartments and sending students into the Franklin Township School System.

#### COUNCIL COMMENTS

Mr. Prasad commented that there was a dearth of cricket fields in the Township and that it would be beneficial to create more fields. He stated that the Weston Road field would be a good site for a cricket field. He expressed concern over the idea of the school system searching for illegal immigrants and stated that the Attorney General has guidelines and procedures that have to be followed. Mr. Daly and Mayor Levine clarified that the concern was not over illegal immigrants but legal citizens who live in other communities but send their children to Franklin Township schools. Mr. Prasad stated that he supports the Energy Audit and would like to search for alternative energy programs. He further stated that the Peace and Non-Violence Memorial project is still underway and that various vendors have been considered. Before fund-raising for the project can be started, a vendor must be chosen and the cost to proceed must be determined.

Ms. Francois gave several reminders of upcoming events. She mentioned that there would be a Party for Youth in a Safe Place on April 5<sup>th</sup>, a Job Training workshop on April 12<sup>th</sup>, a Franklin Youth Initiative meeting on April 7<sup>th</sup>, and an employment exposition in the Community Center on May 8<sup>th</sup>. She went on to further say that the Township is in support of the SCAP initiative for "Week of the People" and that rumors to the contrary were false.

Ms. Eberle repeated her compliments and praise of the Kendall Park First Aid Squad and stated that the original intent of the Naaman-Williams Park was to provide a place for the local children to go for entertainment and recreation. She further stated that the Kingston Fire Company will be having a breakfast on the 30<sup>th</sup> and recommended that everyone attend.

Mr. Mettler thanked Mr. Daly for mentioning the April 1<sup>st</sup> meeting regarding the proposed Property Maintenance Ordinance. He stated that this ordinance was one of the most far-reaching ordinances the Council was likely to pass this year and that the council desires a good representation from the public. Mr. Mettler stated that the heating in the Municipal Building has been a problem since the building's construction in 1971, a situation he understands from personal experience. Mr. Mettler recommended asking the County to set aside some of their parkland for cricket games.

Ms. Danile also commented on the Kendal Park First Aid Squad and said that a representative should come to the Financial Oversight Committee Meeting where time would be set aside for a discussion. She stated that she was the council liaison to Parks and Recreation when the cricket team petitioned for use of Naaman-Williams Park and that there are few suitable locations in the Township for cricket games. With Naaman-Williams Park being one of those locations the cricket team worked hard to have access to the park but it was not intended to exclude the local residents.

Mr. Sumter stated that the cricket team has taken over Naaman-Williams Park for years and that the local children have no place to go and nothing to do. He went on to state his support for First Baptist CDC in regards to the CDBG Grant applications, stating that people are losing their homes and don't know what to do about it. He also stated that he shares Mr. Mettler's experience with the heating system from the beginning and that the system has never been fixed correctly.

Mr. Glicklich stated that he, Mayor Levine, Ms. Danile, and Ms. Francois are the council liaisons to the Board of Education and that he will recommend that the Board of Education look into its policies regarding enrollment procedures for new students. He went on to express his support of Mr. Mettler's suggestion to ask the County to set aside land for use by the cricket team. He further went on to state that the Township is acquiring farmlands and that they are being evaluated for possible uses. Mr. Glicklich stated that there would be a Governing Officials meeting on April 9<sup>th</sup> regarding the Somerset County Green Buildings Project. He went on to state that there has been steady interest in the Franklin Youth Initiative including interest from Freeholder Peter Palmer and Judge Tom Dilts. Research has gone into discovering why Franklin Township youths are getting into trouble with law enforcement.

Deputy Mayor Vassanella stated that he believes the cricket team would be willing to go to any available field and that it is not their intention to monopolize Naaman-Williams Park to the exclusion of the local residents. He stated that priority use for the park should go to the local residents. He went on to ask Mr. Daly to supply the Financial Oversight Committee with a comparison of Township funding to its rescue squads, including Kendall Park First Aid Squad. He responded to Mr. McConville that it is his hope that the Energy Audit will pay for itself in long-term benefits. He responded to Mr. Walker that the education requirements for police officers has not yet gone into effect and that the five new officers have been hired due to the recruitment efforts of the Police Chief and Deputy Police Chief. He stated that there are legal ways to keep track of and remove out of community students and that the Franklin Township School System must implement these procedures.

Mayor Levine reiterated that the council will have a public hearing on April 1<sup>st</sup> regarding a new property maintenance ordinance and that the council wants public input.

### **COUNCIL DISCUSSION ITEMS**

#### **Cultural Committee/Cable Committee/Technical Committee**

Deputy Mayor Vassanella expressed interest in expanding the function/mission of the Cable Advisory Board to include more technology in the Township. As the Board stands now it's main driving purpose is to review the Township's options when Cable franchise renewals are up. As there has not been need for the Board to meet recently there are four positions on the Board that have not yet been filled. Possible expansion moves to include technologies currently

being provided by most cable providers, such as wireless Internet and telephone services. Deputy Mayor Vassanella expressed that while he supports this idea in theory, he doesn't want to put much effort into it if it seems like something that would not be feasible in the long run.

Deputy Mayor Vassanella also expressed interest in forming a cultural committee but questioned whether or not such would be feasible with the current fiscal situation in Franklin Township specifically, and the State of New Jersey in general. While he would like to form a cultural committee he questioned whether or not such a committee would be best handled in the private sector rather than getting direct funding from the Franklin Township government.

Mr. Prasad stated that while the entire State of New Jersey has been affected by the budget cuts on the State level he felt that the cultural arts should not suffer for it and that it is the Council's responsibility to find creative ways to promote the cultural arts. Mr. Prasad recommended an increase in the utilization of the Village Theater. He further said that he was in favor of the formation of a cultural arts committee as the purpose of such a committee would be to find creative ways to promote the arts and support itself fiscally. A cultural arts committee would be responsible for working with the public in the private sector to promote the arts and improve the quality of life. Mr. Prasad stated that expanding the current Cable Committee into a Technology Committee makes sense as this committee can then be used as a way to evaluate technologies and energy plans as a way to save the Township money.

Mr. Glicklich stated that the Township might not have to spend a lot of tax dollars on a cultural arts committee. He cited that towns much smaller than Franklin Township have very successful cultural arts committees. He further mentioned that artists often bring in their own contacts to further expand resources. Mr. Glicklich stated that, upon further research, he would be interested in a resolution supporting the creation of a cultural arts committee.

Mr. Mettler stated that Franklin Township once had the Franklin Arts Council in the 1970's and 1980's but has since disappeared. The Franklin Arts Council was a private organization and consisted of volunteers. Mr. Mettler stated that he would like to see any kind of arts committee handled as a private effort and not as a committee directly funded by Franklin Township. Mr. Mettler expressed a reluctance to commit to another committee, as the financial situation of the Township is as yet uncertain. He also stated that the Village Theater is a privately owned and operated organization and the Township would require their permission to use the theater.

Ms. Francois requested that those interested in the formation of either a cultural arts committee or the expansion of the Cable Advisory Board, should submit a proposal to the Council with the necessary research before continuing further discussion on this matter.

#### **APPROVAL OF WARRANTS**

Mayor Levine presented the following warrants in the amount of \$853,795.04 for March 25, 2008 to the Township Council for payment:

1	Current	272,679.99
2	Grants	54,753.92
3	Tax Lien	18,973.47
4	General Capital	27,866.65
5	Water	424,663.08
11	Recreation Trust	3,178.79
12	Trust Others	450.00
15	Redevelopment	45.00
19	Self Insurance	43,661.60
40	Open Space	7,522.54
	Subtotal	853,795.04
	Grand Total	853,795.04

Ms. Danile moved that warrants in the amount of \$853,795.04 for March 25, 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>
Danile	Eberle			
Francois	Glicklich			
Levine	Mettler			
Prasad	Sumter			
Vassanella				

**ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION**

**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 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. 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. 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. 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				

**INTRODUCTION OF ORDINANCE ON FIRST READING**

**Ordinance No. 3749**

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**

**132, FIRE PREVENTION FEES, ARTICLE III, PERMITS AND FEES, SECTION 132-11, ADDITIONAL REQUIRED PERMITS, INSPECTIONS AND 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 April 22, 2008 at 7:00 p.m. in the Municipal Complex.

Mr. Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 22, 2008 at 7:00 p.m. at the Municipal Complex. 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				

**CONSENT AGENDA ITEMS**

Mayor Levine asked that Consent Agenda Items #16e, #16k, #16m and #16n be removed.

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

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

**Resolution #08-129** Accept Resignation – Robert Thomas – Open Space Advisory Committee

**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 Robert Thomas as Open Space Advisory Committee Citizen Member, effective immediately.

**Resolution #08-130** Special Event Permit – Franklin Township Food Bank – Tour de Franklin (Bicycle Tours) – April 27, 2008 – 6:00 AM to 4:00 PM.

**WHEREAS**, a request has been received from the Franklin Township Food Bank for permission to conduct Tour de Franklin (Bicycle Tours) on April 27, 2007 from 6:00 a.m. to 4:00 p.m.; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Franklin Township Food Bank to conduct Tour de Franklin (Bicycle Tours) on April 27, 2008 from 6:00 a.m. to 4:00 p.m., subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

**Resolution #08-131** Authorizing the Execution of 2008 Grant Application with NJ Department of Community Affairs for Recreation Opportunities for Individuals with Disabilities.

**WHEREAS**, the Township of Franklin, Somerset County desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$5,000 to carry out a project to run P.E.E.R. Camp for regular and special education children, ages 8-14;

**BE IT THEREFORE RESOLVED,**

1. that the Township of Franklin, Somerset County does hereby authorize the application for such a grant;

2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between the Township of Franklin and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED** that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

**Resolution #08-132** Authorizing Submission of the Year 2008 Municipal Alliance Grant Update

**WHEREAS**, the County of Somerset has prepared a contract which would provide \$43,616.00 to Franklin Township for the provision of municipal alliance activities for prevention of alcoholism and drug abuse, and the Township would provide a 75% match of \$32,712.00 in in-kind services and a 25% cash match of \$10,904.00 will be raised by the Municipal Alliance Committee or provided by the municipality, and a copy of the proposed agreement is on file in the office of the Township Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Franklin Township Council that it hereby authorizes the Mayor and Clerk to sign the original of this agreement.

**Resolution #08-133** Authorize Purchase Under State Contract – Carpet Showcase Inc. – Carpeting for Police Department – Amount Not to Exceed \$105,910.18.  
*Deleted – 03/25/08*

**Resolution #08-134** Amending Alternative Professional Services Contract to Leslie G. London, Esq. – McManimon & Scotland, LLC – Township Attorney Services – Amount Not to Exceed \$375,000.00 – January 1, 2008 to December 31, 2008

**WHEREAS**, the Township Council adopted Resolution #08-044 on January 22, 2008 appointing Leslie G. London, Esq., of McManimon & Scotland, LLC as Township Attorney in an amount of \$350,000.00; and

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

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

**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**, McManimon & Scotland, LLC has submitted a proposal indicating they will provide Township Attorney services in a amount not to exceed \$350,000.00; and

**WHEREAS**, Leslie G. London, Esq., would have been paid as an employee of the Township in the amount of \$25,000.00 as payment for attendance at Council meetings; and

**WHEREAS**, McManimon & Scotland, LLC has completed and submitted a Business Entity Disclosure Certification which certified that McManimon & Scotland, LLC has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit McManimon & Scotland, LLC from making any reportable contributions through the term of the contract;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

<b>VENDOR NAME:</b>	McManimon & Scotland, LLC Leslie G. London, Esq.
<b>ADDRESS:</b>	One Riverfront Plaza, Fourth Floor Newark, NJ 07102
<b>CONTRACT AMOUNT:</b>	Amount not to exceed \$375,000.00.
<b>SERVICE:</b>	Township Attorney Services (including attendance at Council Meetings) January 1, 2008 to December 31, 2008

**Resolution #08-135** Authorize Purchase Under Morris County Coop Contract – Sign Blanks for Use by Public Works – April 1, 2008 to December 31, 2008 – Atlas Flasher & Supply Co., Inc./Custom Products, Inc./Garden State Highway Products, Inc.

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

**VENDOR: Atlas Flasher & Supply Co., Inc.**

430 Swedesboro Avenue

P.O. Box 488

Mickleton, NJ 08056-0488

**VENDOR: Custom Products, Inc.**

P.O. Box 54091

Jackson, MS 39288-4091

**VENDOR: Garden State Highway Products, Inc.**

1740 East Oak Road

Vineland, NJ 08361

**MC Co-Op Contract #28****ITEMS:** Sign Blanks for Use by Public Works (April 1, 2008 to December 31, 2008)**COST:** \$30,000.00

**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 Morris County Coop Contract.

**Resolution #08-136** Authorize Purchase Under State Contract – Weapons for Police – Lawmen Supply Company – Amount Not to Exceed \$9,873.81.

**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: Lawmen Supply Company**

5521 White Horse Pike

Egg Harbor City, NJ 08215

**SC No. 67872****ITEMS:** Weapons for Police**COST:** Not to Exceed \$9,873.81

**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 #08-137** Reject Bids – Compactor (Roller) with Trailer and Trade In of 1988 and 1977 Rollers

**BE IT RESOLVED** by the Mayor and Council of the Township of Franklin that the bids for Compactor (Roller) with Trailer and Trade in of 1988 and 1977 Rollers be and are hereby rejected.

**Resolution #08-138** Award Bid – Fire Hydrants and Replacement Parts – Brent Material Company – April 1, 2008 to March 31, 2009 – An Amount Not to Exceed \$60,000.00

**WHEREAS**, a notice to bidders for the receipt of bids for Fire Hydrant and Replacement Parts was published in the *Courier News* and posted on the Township's website on February 7, 2008 for receipt on February 21, 2008;

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for Fire Hydrants and Replacement Parts for the period of April 1, 2008 to March 31, 2009:

**VENDOR:** BRENT MATERIAL COMPANY  
**ADDRESS:** 741 Northfield Avenue  
 West Orange, NJ 07052  
**ITEMS:** Fire Hydrants and Replacement Parts  
**PERIOD:** April 1, 2008 to March 31, 2009  
**AMOUNT:** Amount Not to Exceed \$60,000.00

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

**BE IT FUTHER RESOLVED** that the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

**WHEREAS**, 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.

**Resolution #08-139** Authorize Purchase Under State Contract – Furniture Purchasing Office – Trendway – Amount Not to Exceed \$3,114.00. *Deleted – 03/25/08*

**Resolution #08-140** Award Fair and Open Professional Services Contract – PMK Group Inc. – Consultant Services for Preparing an Energy Audit on the Township Municipal Building Electric and HVAC Systems – Amount Not to Exceed \$9,000.00

**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**, PMK Group, Inc. has submitted a proposal indicating they will provide consultant services for the preparation of an energy audit on the Township Municipal Building Electric and HVAC Systems for an amount not to exceed \$9,000.00; 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:** PMK Group Inc.  
**ADDRESS:** 65 Jackson Drive  
Cranford, NJ 07016  
**CONTRACT AMOUNT:** \$9,000.00  
**SERVICE:** Consultant Services for the preparation an energy audit on the Township Municipal Building electric and HVAC systems

**Resolution #08-141** Rescind Contract – Trujillo Cleaning Services – Janitorial Services – Municipal Buildings – October 1, 2007 to September 30, 2008. ***Withdrawn – 03/25/08***

**Resolution #08-142** Award Contract – Janitorial Services, Municipal Buildings – Oriental Pacific – Amount Not to Exceed \$16,000.00. ***Withdrawn – 03/25/08***

**Resolution #08-143** Winter Bond Release – Kenneth Corsun – Block 24/Lots 7-8 – 328 Ridge Blvd. - \$500.00.

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

**ITEM:** Winter Bond  
**NAME OF APPLICANT:** Kenneth Corsun  
**ADDRESS OF APPLICANT:** 328 Ridge Blvd.  
Princeton, NJ 08540  
**NUMBER:** N/A  
**INSURANCE CO./BANK:** N/A  
**DOCKET:** N/A  
**IN THE AMOUNT OF:** \$500.00  
**FOR:** Block 24/Lots 7-8 – 328 Ridge Blvd.  
Install Concrete Apron

**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;

**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 \$500.00 be released to the above named applicant.

**Resolution #08-144** Authorizing Refund of Water Overpayments.

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

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

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

<b><u>BLOCK/LOT</u></b>	<b><u>NAME/ADDRESS</u></b>	<b><u>QTR/YR</u></b>	<b><u>AMOUNT</u></b>
424.01/39.09	Center for Great Expectations c/o Peg Wright 1 Eastern Avenue Somerville, NJ 08876	Meters Installed & Inspection Connections	3,884.00 100.00  23,441.22

**Resolution #08-145** Authorizing Tax Title Lien Redemption – Outside Buyer

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

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

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

**Date of Sale:** 06/08/07  
**Block/Lot:** 424.08/188  
**Name & Address:** Chin, Yolada Lien, 188 Matlook Pl., Somerset  
**Amount:** 16,635.11  
**Make Check Payable To:** American Tax Funding  
**Certificate No.:** 07-233  
**Payment Received:** 2/19/08

**Date of Sale:** 06/08/06  
**Block/Lot:** 85/56.02 C0199  
**Name & Address:** Helen & Adriane Dickerson, 199 Kingsberry Dr., Somerset  
**Amount:** 715.34  
**Make Check Payable To:** James Pilewski  
**Certificate No.:** 06-052  
**Payment Received:** 2/25/08

**Date of Sale:** 6/08/07  
**Block/Lot:** 119/47  
**Name & Address:** Rolmar LLC, 12 Blair Ave., Somerset  
**Amount:** 225.28

**Make Check Payable To:** Chun T. Li  
**Certificate No.:** 07-081  
**Payment Received:** 2/29/08

**Date of Sale:** 6/07/01  
**Block/Lot:** 34.08/54.01C4511  
**Name & Address:** Francesca M. Downey, 99 Rachel Ct., Franklin Park  
**Amount:** 4,605.61  
**Make Check Payable To:** James Pilewski  
**Certificate No.:** 01-151  
**Payment Received:** 3/4/08

**Date of Sale:** 6/08/07  
**Block/Lot:** 191/11  
**Name & Address:** Gates, David & Barbara, 15 Cooper Ave., Somerset  
**Amount:** 12,275,76  
**Make Check Payable To:** SFS, LLC  
**Certificate Mail:** 07-124  
**Payment Received:** 3/11/08

**Date of Sale:** 6/08/07  
**Block/Lot:** 200/33  
**Name & Address:** Hughes, Donnie, 57 Miller Ave., Somerset  
**Amount:** 481.58  
**Make Check Payable To:** America Tax Funding  
**Certificate No.:** 07/130  
**Payment Received:** 3/12/08

**Date of Sale:** 6/08/08  
**Block/Lot:** 94/27  
**Name & Address:** Juana Cerda, 195 Churchill Ave., Somerset  
**Amount:** 1,366.39  
**Make Check Payable To:** Fernwood Funding  
**Certificate No.:** 07-075  
**Payment Received:** 3/14/08

**Date of Sale:** 6/08/07  
**Block/Lot:** 85/56.03C0012  
**Name & Address:** James A. Duru, 12 Kingsberry Drive, Somerset  
**Amount:** 244.13  
**Make Check Payable To:** Natu Patel  
**Certificate No.:** 07-060  
**Payment Received:** 3/14/08

**Resolution #08-146** 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:** 07-00018  
**Opening Location:** 32 & 34 Valleywood Drive

**Applicant's Name & Address:** S.F. Lutzky Contracting Inc.  
332 Longhill Road  
Hillsborough, NJ 08844

**Deposit/Surety:** \$750.00

**Permit Number:** 6618

**Opening Location:** 13 Marion Avenue

**Applicant's Name & Address:** Ardmaer Construction Inc.  
103 Griggs Drive  
Bridgewater, NJ 08807

**Deposit/Surety:** \$300/\$300

**Resolution #08-147** Discharge of Affordable Housing Agreement & Discharge of Second Repayment Mortgage – Block 34.09/Lot 59.02 C0047 – 8 Opal Court, 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 8 Opal Court, Franklin Park, Block 34.09, Lot 59.02 C0047 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 #08-148** Discharge of Affordable Housing Agreement & Discharge of Second Repayment Mortgage – 16 Fisher Drive, Franklin Park

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 16 Fisher Drive, Franklin Park, 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 #08-149** Authorizing the Execution of Various Documents in Connection with the Somerset County Improvement Authority's Somerset Municipal Banc Program.

**WHEREAS**, under the Somerset Municipal Banc Program (as defined herein), various municipalities, an educational services commission and school districts within the County of Somerset (the "County") and the County (each a "Participant") submit a request (the "Application") to the Somerset County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Somerset Municipal Banc Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Somerset Municipal Banc Program may be referred to herein as the "Project");

**WHEREAS**, under the Somerset Municipal Banc Program, the Authority intends to enter into the hereinafter defined Authority Lease with Commerce Commercial Leasing, LLC (the "Lessor");

**WHEREAS**, under the Somerset Municipal Banc Program, the Lessor intends to provide funds to acquire the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease");

**WHEREAS**, under the Authority Lease, the Authority shall make rental payments that are subject to annual appropriation of the Authority solely from amounts received by the Participant under the hereinafter defined Participant Lease;

**WHEREAS**, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participant Lease"), under which Participant Lease the Participant will make rental payments that are subject to annual appropriation of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Somerset Municipal Banc Program;

**WHEREAS**, pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

**WHEREAS**, in order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient;

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

**Section 1.** That the Participant Lease, in the form presented to this meeting, be and the same is hereby approved, and the Mayor, Chief Financial Officer or Business Administrator of the Township of Franklin (each, an "Authorized Participant Representative") is hereby authorized to, and one of such officers shall execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 2.** That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution.

**Section 3.** This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township of Franklin reasonably expects to pay expenditures with respect to the Equipment prior to the date that Township of Franklin incurs obligations under the Participant Lease. The Township of Franklin reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township of Franklin under the Participant Lease. The maximum principal amount of obligations expected to be issued for payment of the costs of the Equipment is \$507,400.00.

**Section 4.** This resolution shall become effective immediately.

**Resolution #08-150** Tax Appeal Settlement – Pram/South Realty LLC – Block 347, Lot 7 – 1135 Hamilton Street.

**WHEREAS**, Pram/South Realty LLC is the owner of certain property located at 1135 Hamilton Street, which is identified as Block 347, Lot 7 on the tax maps of Franklin Township; and

**WHEREAS**, Pram/South Realty LLC 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:	\$ 263,500.00	\$ 263,500.00
Improvements:	\$2,797,400.00	\$1,111,500.00
<b>Total:</b>	<b>\$3,060,900.00</b>	<b>\$1,375,000.00</b>

**WHEREAS**, the parties further agree that the 2008 assessment will be settled at a total agreed upon assessment of \$813,500.00; and

**WHEREAS**, all refunds as a result of the settlement set forth herein are to be made payable to “PRAM/SOUTH REALTY LLC” and forwarded to c/o Skoloff & Wolfe, P.C., 293 Eisenhower Parkway, Livingston, NJ 07039; and

**WHEREAS**, the taxpayer agrees to waive prejudgment interest as long as all refunds as a result of the settlement set forth herein are made payable to “PRAM/SOUTH REALTY LLC” and forwarded to c/o Skoloff & Wolfe, P.C., 293 Eisenhower Parkway, Livingston, NJ 07039, within sixty (60) days of the date of entry of judgment.

**WHEREAS**, the Township Attorney, the 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 25<sup>th</sup> 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 #08-151** Squeo/Tartamella Wedding Celebration – The Palace – 333 Davidson Avenue – Fireworks Display – April 5, 2008

**WHEREAS**, The Palace has made application for permission to hold a fireworks display on Saturday, April 5, 2008 in conjunction with the Squeo/Tartamella Wedding Celebration to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m.; and

**WHEREAS**, the Uniform Fire Code (NJAC 5:18 et seq.) and the New Jersey Fireworks Act (NJSA 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by organizations or groups of individuals;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to The Palace has made application for permission to hold a fireworks display on Saturday, April 5, 2008 in conjunction with the Squeo/Tartamella Wedding Celebration to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m. subject to the following conditions:

- (1) Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;
- (2) Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;
- (3) Submission of Certificate of Insurance by The Palace covering the fireworks; and
- (4) Submission of Surety as per N.J.S.A. 21:3-5.

**Resolution #08-152** Amend Purchase Under Bid Threshold/Over \$8,500.00 – Towing of Township-Owned Vehicles – March 12, 2008 to March 11, 2009

**WHEREAS**, the Township Council adopted Resolution #08-113 on March 11, 2008 awarding a contract for the Towing of Township-Owned Vehicles for the period of March 12, 2008 to March 11, 2009; and

**WHEREAS**, the award amount for vehicles weighing 12,000 pounds or more was incorrectly listed in the resolution;

**BE IT RESOLVED** by the Township Council of the Township of Franklin that the following purchase is amended as follows:

**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:**         \$185.00 per hour

**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 vendor to purchase the specified items.

**Resolution #08-153** Authorizing an Agreement Between the County of Somerset and the Township of Franklin for the Installation of a Traffic Signal at the Intersection of South Middlebush Road (CR. 615) and Amwell Road (CR. 514), Township of Franklin, Somerset County, State of New Jersey.

**WHEREAS**, a traffic condition exists at the intersection of South Middlebush Road (CR. 615) and Amwell Road (CR. 514) in the Township of Franklin, County of Somerset, which requires the installation of a traffic signal in order to minimize accidents; and

**WHEREAS**, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

**WHEREAS**, the County of Somerset has indicated its willingness to maintain a traffic signal at said location; and

**WHEREAS**, the agreement indicates that the Township of Franklin will provide through the utility company for the necessary electric current and pay all bills for electric current; and

**WHEREAS**, the County of Somerset has proposed a form of agreement pertaining to the maintenance of said traffic control signal;

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

1. That the Township Mayor and Clerk are hereby authorized to enter into an agreement with the County of Somerset for the purpose aforesaid, a copy of said agreement being attached hereto and made part hereof.
2. That certified copies of this resolution shall be transmitted to the County of Somerset together with the original and three (3) copies of the agreement.

**Resolution #08-154** Awarding Non-Fair Professional Services Agreement to Wilentz, Goldman & Spitzer for Bond Counsel Services in an Amount Not to Exceed \$30,000.00.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

**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**, Wilentz, Goldman & Spitzer has submitted a proposal indicating they will provide Bond Attorney services in a amount not to exceed \$30,000.00 for the period March 1, 2008 to March 31, 2009; and

**WHEREAS**, Wilentz, Goldman & Spitzer has completed and submitted a Business Entity Disclosure Certification which certified that Wilentz, Goldman & Spitzer has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Wilentz, Goldman & Spitzer from making any reportable contributions through the term of the contract;

**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) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

- (3) A notice of this action shall be printed in the LEGAL NEWSPAPER OF THE TOWNSHIP as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME:** Wilentz, Goldman & Spitzer  
**ADDRESS:** 900 Woodbridge Center Drive  
 Suite 900 Box 10  
 Woodbridge, NJ 07095-0958  
**CONTRACT AMOUNT:** Amount not to exceed \$30,000.00.  
**SERVICE:** Bond Counsel Services

**Resolution #08-155** Reject Bids – Operational Audit of Department of Community Development

**WHEREAS**, notice to bidders was posted on the Township website and published in the Courier News on February 19, 2008 for receipt of bids on March 5, 2008; there was one clarification sent on March 3, 2008 postponing the bid opening until March 18, 2008; and

**WHEREAS**, ten companies received copies of the RFPs; three companies submitted proposals and both proposals exceeded the estimate and budget; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for the Operational Audit of the Department of Community Development be and are hereby rejected.

**Resolution #08-156** Award of CDBG Grant Rehabilitation to J&A Renovations for 51 Henry Street – Amount Not to Exceed \$14,730.00

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf the following CDBG Grant for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

**CONTRACTOR:** J&A Renovations  
 P.O. Box 1518  
 New Brunswick, NJ 08903-1518  
**AMOUNT:** \$14,730.00  
**PROJECT:** 51 Henry Street

**Resolution #08-157** Special Event Permit – Annual Carnival – Church of St. Matthias – May 13-16, 2008 – 6:00 PM – 10:00 PM/May 17, 2008 – 2:00 PM – 10:00 PM/May 18, 2008 – 2:00 PM – 9:00 PM

**WHEREAS**, a request has been received from the Church of St. Matthias, 168 JFK Boulevard, Somerset, for permission to conduct a carnival on church grounds on the above-mentioned dates at the above-mentioned times; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to the Church of St. Matthias to conduct a carnival on church grounds on May 13-16, 2008 from 6:00 p.m. to 10:00 p.m.; May 17, 2008 from 2:00 pm to 10:00 pm and May 18, 2008 from 2:00 pm to 9:00 pm subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

**Resolution #08-159** 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

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

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

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

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
Easter Seals New Jersey 1 Kimberly Road, East Brunswick, NJ On-Premise 50/50 – RL#1696 Drawing: March 27, 2008	March 27, 2008 6:00 pm – 10:00 pm (Permission to hand-deliver application granted by LGCCC)

**RESOLUTION, VOTED ON SEPARATELY**

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

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

**Resolution #08-158** Authorize Release of Winter Bond – Canal Walk Associates LLC – Block 513.29, Lot 8 – 12 Delaware Crossing - \$500.00

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

ITEM:	Winter Bond
NAME OF APPLICANT:	Canal Walk Associates LLC
ADDRESS OF APPLICANT:	112 Schoolhouse Road Somerset, NJ 08873
NUMBER:	N/A
INSURANCE CO./BANK:	N/A
DOCKET:	N/A
IN THE AMOUNT OF:	\$500.00
FOR:	Block 513.09/Lot 8 – 12 Delaware Crossing

**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;

**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 \$500.00 be released to the above named applicant.

**APPOINTMENTS**

Mr. Mettler nominated Charlotte English as member of the Agricultural Advisory Committee to fill an unexpired term terminating December 31, 2008. The aforesaid appointment was made by acclamation by Council.

**ADJOURNMENT**

Ms. Francois moved to adjourn the meeting at 9:56 p.m. Said motion was seconded by Mr. Glicklich and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Date: *May 13, 2008*

Brian D. Levine, Mayor

Virginia M. Woodbury,  
Deputy Township Clerk