

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

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on April 8, 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 Sumter led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Ms. Francois (arrived at 7:17 p.m.), Mr. Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter

Absent: Deputy Mayor Vassanella

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

PROCLAMATION/COMMENDATION

Jazz Appreciation Month

Ms. Danile read the following proclamation:

WHEREAS, JAZZ is an original American art form that affirms the noblest aspirations of our national character, individual discipline, perseverance and innovation; and

WHEREAS, JAZZ has produced some of America's leading creative artists and ranks as one of America's greatest exports to the world; and

WHEREAS, JAZZ has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music; and

WHEREAS, arts education and an appreciation for the contributions of all American art forms is fundamental to the people of the Township of Franklin; and

WHEREAS, America's jazz heritage deserves to be appreciated as broadly as possible and should be part of education for both America's children and adults; and

WHEREAS, JAZZ has spoken eloquently of freedom for people in the United States and abroad, and has become an international language that bridges differences and brings people of all races, ages and backgrounds together; and

WHEREAS, we honor and recognize the outstanding work that all jazz artists, educators and enthusiasts in the Township of Franklin present,

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 April 2008 as JAZZ APPRECIATION MONTH throughout the Township of Franklin.

Franklin Women's Club Month

Ms. Danile read the following proclamation:

WHEREAS, THE FRANKLIN WOMAN'S CLUB is a non-profit, non-partisan and non-sectarian service organization that has been rendering service to Franklin Township since 1922; and

WHEREAS, Since 1928 the Club has been a member of the New Jersey State Federation of Women's Clubs, the largest volunteer organization in New Jersey, and the General Federation of Women's Clubs, the oldest and largest organization of women in the world; and

WHEREAS, The Franklin Woman's Club has promoted education, conservation and service to the community in the following areas:

- Repair of the footbridge between East Millstone and Millstone;
- A Town Christmas Tree;
- Christmas dinners for needy children;
- Support of the preservation of the Delaware and Raritan Canal, Mettler's Woods and the Township's oldest Dutch House;
- Construction of a nature trail in Colonial Park;
- Scholarships for local high school girls;
- Sponsoring a high school student for Girls' Career Institute at Douglas College;
- Support of the Food Bank, Animal Shelter and Library through volunteer hours and donations.

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 April 2008 as Franklin Woman's Club Month in honor of the 80th Anniversary of the club's becoming part of the larger federations.

MAYOR'S REPORT

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2nd and 4th Tuesdays of the month. Public is invited and encouraged to attend.
- One can see listings on FTTV-25 and the Township website. On the Township's website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- Announced he has a Mayor's Blog through the Home News. He would be periodically list happenings and opinions on the Home News blog. He invited comments, answers and suggestions. Also announced there would be a Mayor's column in *The Spectator*.
- Announced and Explained to Senior Citizens about the Economic Stimulus Rebate and that they need to file their tax returns to qualify.
- Announced the School Board and Budget is April 15 from 2-9 p.m.

PUBLIC DISCUSSION

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

There being no comments from the public, Mr. Sumter moved to close the meeting for public discussion. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Glicklich reported on the Franklin Youth Initiative's progress. He reported that Safe Night was held at the Middle School and was very successful.

Ms. Danile reported that she and Ms. Eberle attended the Harvest of Hope on April 4th at the First Baptist Church where the objective to make aware of the 1000s of children that need to be adopted.

Mr. Mettler spoke of the history of the Franklin Women's Club. He also spoke of the chain of events that occur with the closing of various state agencies.

Ms. Eberle also spoke of the children that need to be adopted. He reported the Kingston annual breakfast was successful. She announced there would be a candlelight ceremony in memory of fallen firefighter, Kevin Appuzio on April 11th at East Franklin Fire House.

Ms. Francois spoke of the success of Safe Night. She announced the Career Fair would be held on April 12th and the Job Fair would be held on May 8th.

Mr. Prasad spoke of the Franklin Youth Initiative. He reported on the fundraising to start for the Peace and Non-Violence Memorial. He asked voters to come out to vote for the school board election. Mr. Prasad promoted the Township's TIPPS hotline. He spoke of the Little League Parade held the past Saturday.

COUNCIL DISCUSSION ITEMS

Change Composition of Business & Industry Advisory Board Members

A discussion ensued amongst Council members regarding changing the composition of the Business & Industry Advisory Board. As a result, the following ordinance was introduced by Council:

ORDINANCE NO. 3751

AN ORDINANCE AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 13, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE V, BUSINESS AND INDUSTRY ADVISORY BOARD, SECTION 13-11, MEMBERSHIP (ADD THE FOLLOWING TO ITS MEMBERSHIP: ADDITIONAL COUNCILMEMBER; SCHOOL SUPERINTENDENT OR DESIGNEE; RESIDENT AT-LARGE.)

SUMMARY

An Ordinance amending Chapter 13, Boards, Commissions and Committee to change the membership of the Business and Industry Advisory Board to add an additional Councilmember (increasing number to 3); add School Superintendent or Designee Member and a Resident At-Large Member.

BE IT ORDAINED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey as follows:

SECTION I.

The Municipal Code of the Township of Franklin, County of Somerset, New Jersey is hereby amended as follows:

ARTICLE V, Business and Industry Advisory Board

§ 13-11 Membership

The Board created shall consist of ~~13~~ 18 members and shall have the powers hereinafter enumerated. The composition of the Board shall be as follows:

- A. Township Manager.
- B. Economic Development Director.
- C. Township Director of Planning.
- D. ~~Two~~ **Three** members of the Township Council. (*As per Councilman Glicklich's recommendation*)
- E. One member of the Planning Board.
- F. One member of Board of Adjustment.
- G. President of the Franklin Township Chamber of Commerce.
- H. Two members of the Franklin Township Chamber of Commerce.
- I. One business over 50 employees (not affiliated with Chamber).
- J. One owner of retail center over 25,000 square feet (not affiliated with Chamber).
- K. One small business owner, 10 employees or fewer (not affiliated with Chamber).
- L. One member of hotel industry.
- M. One commercial developer.
- N. **School Superintendent or Designee** (*As per BIAB recommendation*)
- O. **Resident At-Large** (*As per BIAB recommendation*)

SECTION II.

Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION III.

Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION IV.

Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

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 May 13, 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 May 13, 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 | | | Vassanella |
| Francois | Glicklich | | | |
| Levine | Mettler | | | |
| Prasad | Sumter | | | |

Elected Officials Training – April 22, 2008 – 5:45 p.m. to 6:45 p.m.

It was the consensus of Council to hold their Elected Officials Training on April 22, 2008 prior to the meeting from 5:45 p.m. to 6:45 p.m.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$12,843,603.47 for April 8, 2008 to the Township Council for payment:

| | | |
|----|----------------------|---------------|
| 1 | Current | 12,618,624.77 |
| 5 | Water Operating | 30,671.85 |
| 4 | General Capital | 53,378.58 |
| 15 | Trust Others | 1,150.00 |
| 19 | Self Insurance Trust | 25,905.60 |
| 11 | Recreation Trust | 355.65 |
| 40 | Open Space Trust | 2,574.00 |
| 2 | Grant | 32,751.57 |
| 3 | Collector Trust | 77,169.05 |
| 15 | Redevelopment | 756.50 |
| | Subtotal | 12,843,603.47 |
| | Grand Total | 12,843,603.47 |

Ms. Danile moved that warrants in the amount of \$12,843,603.47 for April 8, 2008 to be paid. Said motion was seconded by Mr. Glicklich 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 | | | Vassanella |
| Francois | Glicklich | | | |
| Levine | Mettler | | | |
| Prasad | Sumter | | | |

ORDINANCE – PUBLIC HEARING & FURTHER CONSIDERATION

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 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 to raise their hand and when recognized, state your name and address.

John McConville, 5 Stone Leigh Way, questioned area and clarification of zoning of area.

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

Mr. Sumter moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by 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 | | | Vassanella |
| Francois | Glicklich | | | |
| Levine | Mettler | | | |
| Prasad | Sumter | | | |

CONSENT AGENDA ITEMS

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 | | | Vassanella |
| Francois | Glicklich | | | |
| Levine | Mettler | | | |
| Prasad | Sumter | | | |

Resolution #08-160 Authorize Refund of Tax Overpayments.

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

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

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

| <u>BLOCK/LOT</u> | <u>NAME/ADDRESS</u> | <u>QTR/YR</u> | <u>AMOUNT</u> |
|------------------|---|--|---------------|
| 34.02/16.03C0035 | Shilpa & Rudraksh Sharan 1 Wexford Way Somerset, NJ 08873 | 2/07 Attorney & Mortgage Co. Paid | 1,212.53 |
| 11.09/45 | Collector of Revenue | 3/08 Move Credit to Water | 39.12 |
| 36.01/73 | Bhartiya, Vijay | 4/07 | 290.25 |

| | | | |
|--------------|---|------------|-----------|
| | 60 Suydam Road Somerset, NJ 08873 | Tax Appeal | |
| 86.01/4.03 | Weill, Maurice | 4/06 | 5,628.00 |
| | c/o Schoolhouse Plaza | 4/07 | 5,739.00 |
| | 374 Millburn Ave. 4 th Fl. Millburn, NJ 07041 | Tax Appeal | |
| 347/7 | Pram/South Realty LLC | 4/07 | 17,872.23 |
| | c/o Skoloff & Wolfe PC | Tax Appeal | |
| | 293 Eisenhower Pkwy Livingston, NJ 07039 | | |
| 468.01/14.01 | 270 Davidson LLC | 4/07 | 10,138.90 |
| | 1481 47 th Street | Tax Appeal | |
| | Brooklyn, NY 11219 | | |
| 531/1.01 | 580 Howard Holdings LLC | 4/07 | 4,017.30 |
| | 1481 47 th Street | Tax Appeal | |
| | Brooklyn, NY 11219 | | |

Resolution #08-162 Authorize Release of Planning Review and Inspection Fee Escrows.

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

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

APPLICANT: SEMA, LLC
 ADDRESS: 524 Union Avenue
 Bridgewater, NJ 08807
 DOCKET NO. PLN2005-0051
 BLOCK/LOT: 233/15-19
 LOCATION: Norma Avenue and Lewis Street
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$2,637.66 (In-hse)
 AMOUNT CHARGED: 833.50
 AMOUNT TO BE REFUNDED: \$1,804.16

APPLICANT: The Bank of New York Mellon
 Daniel Gaffney
 ADDRESS: 101 Barclay Street
 New York, NY 10286
 DOCKET NO. PLN2003-0029
 BLOCK/LOT: 517.04/2.10
 LOCATION: 636 Pierce Street
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$10,275.53 (in-hse)
 AMOUNT CHARGED: 6,222.50
 AMOUNT TO BE REFUNDED: \$ 4,053.03

APPLICANT: SEMA LLC
 ADDRESS: 524 Union Avenue
 Bridgewater, NJ 08807

| | | | |
|------------------------|-------------------------------|--------------------|-------------------|
| DOCKET NO. | PLN2005-0051 | | |
| BLOCK/LOT: | 233/15-19 | | |
| LOCATION: | Norma Avenue and Lewis Street | | |
| TYPE: | Planning Review | | |
| AMOUNT DEPOSITED: | \$3,800.00 (CME) | \$1,237.50 (Heyer) | \$777.50 (In-hse) |
| AMOUNT CHARGED: | 3,282.00 | <u>1,237.50</u> | <u>120.00</u> |
| | Attorney | <u>125.00</u> | |
| AMOUNT TO BE REFUNDED: | \$ 393.00 | \$ 0.00 | \$657.50 |

APPLICANT: JSM at Veronica, LLC
 ADDRESS: 1260 Stelton Road
 Piscataway, NJ 08854

| | |
|------------------------|---------------------|
| DOCKET NO. | ZBA-07-00055 |
| BLOCK/LOT: | 88.02/90.01 |
| LOCATION: | 1229 Route 27 |
| TYPE: | Planning Review |
| AMOUNT DEPOSITED: | \$2,500.00 (In-hse) |
| AMOUNT CHARGED: | <u>1,232.90</u> |
| AMOUNT TO BE REFUNDED: | \$1,267.10 |

APPLICANT: New Cingular Wireless
 Judith Babinski, Esq.
 ADDRESS: Day Pitney, LLP
 PO Box 1945
 Morristown, NJ 07962

| | | |
|------------------------|--------------------|------------------|
| DOCKET NO. | ZBA2005-0004 | |
| BLOCK/LOT: | 12/3 | |
| LOCATION: | 1037 Canal Road | |
| TYPE: | Planning Review | |
| AMOUNT DEPOSITED: | \$1,357.50 (Stern) | \$4,642.50 (CME) |
| AMOUNT CHARGED: | <u>1,357.50</u> | <u>649.00</u> |
| AMOUNT TO BE REFUNDED: | \$ 0.00 | \$3,993.50 |

APPLICANT: APL Development Corp.
 ADDRESS: 89-18 239th Street
 Bellrose, NY 11426

| | | |
|------------------------|-------------------|-------------------|
| DOCKET NO. | Z2000049H | |
| BLOCK/LOT: | 171.02/17.01 | |
| LOCATION: | 81 Douglas Avenue | |
| TYPE: | Planning Review | |
| AMOUNT DEPOSITED: | \$1,527.50 (K&K) | \$472.50 (In-hse) |
| AMOUNT CHARGED: | <u>1,527.50</u> | <u>0.00</u> |
| AMOUNT TO BE REFUNDED: | \$ 0.00 | \$472.50 |

APPLICANT: Clinton Barnaby
 ADDRESS: 11 Carmen Street
 Somerset, NJ 08873

| | | | |
|------------------------|------------------|------------------|---------------------|
| DOCKET NO. | PLN2005-0023 | | |
| BLOCK/LOT: | 275/15-16 | | |
| LOCATION: | 11 Carmen Street | | |
| TYPE: | Planning Review | | |
| AMOUNT DEPOSITED: | \$475.00 (Attny) | \$1,723.50 (CME) | \$1,561.50 (In-hse) |
| AMOUNT CHARGED: | <u>475.00</u> | <u>1,723.50</u> | <u>335.81</u> |
| AMOUNT TO BE REFUNDED: | \$ 0.00 | \$ 0.00 | \$1,225.60 |

| | |
|-------------------|------------------|
| AMOUNT DEPOSITED: | \$740.00 (Heyer) |
| AMOUNT CHARGED: | <u>740.00</u> |

AMOUNT TO BE REFUNDED: \$ 0.00

Resolution #08-163 Authorize Release of Irrevocable Letter of Credit – The Bank of New York (Mellon, Daniel Gaffney) – PLN2003-0029 – Block 517.04/Lot 2.10 – 636 Pierce Street - \$822,042.00 – Site Improvements.

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

NAME OF APPLICANT: The Bank of New York Mellon (Daniel Gaffney)
 ADDRESS OF APPLICANT: 101 Barclay Street – 8th Floor East
 NY, NY 10286-1238
 ITEM: Irrevocable Letter of Credit
 NUMBER: S00048702
 INSURANCE CO./BANK: The Bank of New York
 DOCKET: PLN2002-0029
 IN THE AMOUNT OF: \$822,042.00
 FOR: Block 517.04/Lot 2.10 – 636 Pierce Street – Site Improvements

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 \$822,042.00

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 \$822,042.00 be released to the above named applicant.

Resolution #08-164 Authorize Release of Maintenance Bond – SKN Builders Inc. – P99014SPF – Block 286/Lots 1-6 – Belmar Street - \$13,940.10 – Roadway – Water Supply-Storm Drain.

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

NAME OF APPLICANT: SKN Builders Inc.
 ADDRESS OF APPLICANT: PO Box 98
 Somerset, NJ 08873
 ITEM: Maintenance Bond
 NUMBER: S05166
 INSURANCE CO./BANK: First Indemnity of America Ins. Co.
 DOCKET: P99014SPF
 IN THE AMOUNT OF: \$13,940.10
 FOR: Block 286/Lots 1-6 – 2-yr Maintenance – Roadway – Water Supply – Storm Drain

WHEREAS, the aforesaid applicant has requested release of the aforesaid Maintenance Bond; and

WHEREAS, the Township Engineer, after inspection, recommended release of the aforesaid Maintenance Bond in the amount of \$13,940.10

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 Maintenance Bond in the amount of \$13,940.10 be released to the above named applicant.

Resolution #08-165 Authorize Release of SEMA, LLC – PLN2005-0051 – Block 233/Lots 15-19 – 30 Norma Avenue - \$52,753.2 – Site Improvements.

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

| | |
|-----------------------|---|
| NAME OF APPLICANT: | SEMA, LLC |
| ADDRESS OF APPLICANT: | 524 Union Avenue Bridgewater, NJ 08807 |
| ITEM: | Performance Bond |
| NUMBER: | 70106713 |
| INSURANCE CO./BANK: | Western Surety Company |
| DOCKET: | PLN2005-0051 |
| IN THE AMOUNT OF: | \$52,753.20 |
| FOR: | Block 233/Lots 15-19 – 30 Norma Avenue – Site Improvements |

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 \$52,753.20;

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 \$52,753.20 be released to the above named applicant.

Resolution #08-166 Award Bid – Appraisal Services – May 1, 2008 to April 30, 2009 – Appraisal Consultants Corp. & Martin Appraisal Associates Inc. – Amount Not to Exceed \$124,000.00.

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, Appraisal Consultants Corp. and Martin Appraisal Associates, Inc. both submitted proposals indicating they would provide appraisal services for the period from May 1, 2008 to April 30, 2009 for an amount not to exceed \$124,000.00 for one-year; 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: Appraisal Consultants Corp.
ADDRESS: 2893 Eisenhower Parkway, Suite 200
 Livingston, NJ 07039-1711

VENDOR NAME: Martin Appraisal Associates Inc.
ADDRESS: 123 Franklin Corner Road, Suite 203
 Lawrenceville, NJ 08648

CONTRACT AMOUNT: \$124,000.00

SERVICE: Appraisal Services (May 1, 2008 to April 30, 2009)

Resolution #08-167 Authorize Issuance of Raffles Licenses.

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

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

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

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

| <u>NAME OF ORGANIZATION</u> | <u>DATE OF RAFFLE/BINGO</u> |
|--|---|
| New Brunswick Education Foundation 225 Comstock Street, New Brunswick, NJ On-Premise 50/50 Drawing: The Imperia | June 18, 2008 6:00 pm – 10:00 pm |
| Temple Beth El of Somerset 1489 Hamilton Street, Somerset, NJ Bingo – BL#1699 Off-Premise 50/50 – RL#1700 Drawings: Temple Beth El | May 12, 2008 September 15, 2008 November 17, 2008 October 25, 2008 |

Resolution #08-168 Authorize Tax Title Lien Redemption – Outside Buyers.

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

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

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

Date of Sale: 06/08/06
Block/Lot: 166/11
Name & Address: Scott R. Meister, 2 S. Dover Ave., Somerset
Amount: 45,091.55
Make Check Payable To: American Tax Funding
Certificate No.: 06-088
Payment Received: 03/17/08

Date of Sale: 06/08/00
Block/Lot: 196/19
Name & Address: Ramos, Juan & Xiomara, 575 Hamilton St., Somerset
Amount: 3,255.97
Make Check Payable To: James C. Older
Certificate No.: 20-162
Payment Received: 03/31/08

Date of Sale: 06/08/07
Block/Lot: 394/4
Name & Address: Averell, John, 5 Vince Road, Somerset
Amount: 28,821.53
Make Check Payable To: Elliot Loeb Keogh Plan
Certificate No.: 07-210
Payment Received: 03/31/08

Resolution #08-169 Authorize Execution of Grant Agreement – Somerset County – Canal Homes Mothballing - \$50,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize execution of a grant agreement with Somerset County for the 2007 Somerset County Historic Preservation Grant Program for a grant for the Canal Houses in the amount of \$50,000.00 and does authorize the appropriate Township officials to execute these grant agreements on its behalf.

Resolution #08-170 Authorize Submission of Grant Application – Safe and Secure Communities Program – NJ Office of Attorney General – Division of Law and Public Justice - \$54,576.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Office of the Attorney General, Department of Law and Public Justice, Division of Criminal Justice for the Safe and Secure Communities Program in the amount of \$54,576.00 and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #08-171 Authorize Submission of Grant Application – NJDOT – Safe Routes to Schools – Proposed Sidewalks in the total amount of \$442,855.00 One side of Kossuth Street between Hamilton Street and Somerset Street in the

amount of \$250,000.00 and Cedar Grove Lane between New Brunswick Road and Easton Avenue on the amount of \$192,855.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJDOT for the Safe Routes to School for proposed sidewalks in the total amount of \$442,855.00 for one-side of Kossuth Street between Hamilton and Somerset Streets (2\$250,000.00) and Cedar Grove Lane between New Brunswick Road and Easton Avenue (\$192,855.00) and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #08-172 Authorize Insertion in FY08 Municipal Budget (Chapter 159) – NJDEP 2008 Clean Communities in the amount of \$62,333.29 for anti-litter collection fees.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2008 in the sum of \$62,333.29 which is now available from the NJDEP 2008 CLEAN COMMUNITIES - ANTI-LITTER COLLECTION FEES in the amount of \$62,333.29;

BE IT FURTHER RESOLVED that the like sum of \$62,333.29 is hereby appropriated under the caption of 2008 CLEAN COMMUNITIES - ANTI-LITTER COLLECTION FEES; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJDEP 2008 CLEAN COMMUNITIES - ANTI-LITTER COLLECTION FEES in the amount of \$62,333.29.

Resolution #08-173 Authorize Insertion in FY08 Municipal Budget (Chapter 159) – NJ Office of Attorney General, Department of Law & Public Safety, Division of Highway Safety – Child Safety Passenger and Child Booster Seat Incentive in the amount of \$5,100.00.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2008 in the sum of \$5,100.00 which is now available from the NJ OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY, CHILD SAFETY PASSENGER AND CHILD BOOSTER SEAT INCENTIVE in the amount of \$5,100.00;

BE IT FURTHER RESOLVED that the like sum of \$5,100.00 is hereby appropriated under the caption of CHILD SAFETY PASSENGER AND CHILD BOOSTER SEAT INCENTIVE; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJ OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY, CHILD SAFETY PASSENGER AND CHILD BOOSTER SEAT INCENTIVE in the amount of \$5,100.00.

Resolution #08-174 Authorize Insertion in FY08 Municipal Budget (Chapter 159) – NJ Office of the Attorney General, Department of Law & Public Safety, Division of Highway Safety – “Click It or Ticket” in the amount of \$4,000.00.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2008 in the sum of \$4,000.00 which is now available from the NJ OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY, CLICK IT OR TICKET in the amount of \$4,000.00;

BE IT FURTHER RESOLVED that the like sum of \$4,000.00 is hereby appropriated under the caption of CLICK IT OR TICKET; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJ OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY, CLICK IT OR TICKET in the amount of \$4,000.00.

Resolution #08-175 Authorize Insertion in FY08 Municipal Budget (Chapter 159) – NJ Office of the Attorney General, Department of Law & Public Safety, Division of Highway Safety – “You Drink, You Drive, You Lose” in the amount of \$9,000.00.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or

municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2008 in the sum of \$9,000.00 which is now available from the NJ OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY, YOU DRINK, YOU DRIVE, YOUR LOSE in the amount of \$9,000.00;

BE IT FURTHER RESOLVED that the like sum of \$9,000.00 is hereby appropriated under the caption of YOU DRINK, YOU DRIVE, YOUR LOSE; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJ OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY, YOU DRINK, YOU DRIVE, YOUR LOSE in the amount of \$9,000.00.

Resolution #08-176 Authorize Insertion in FY08 Municipal Budget (Chapter 159) – NJ Department of Health and Senior Services – Public Health Priority Funding in the amount of \$9,944.00.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2008 in the sum of \$9,944.00 which is now available from the NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – PUBLIC HEALTH PRIORITY FUNDING in the amount of \$9,944.00;

BE IT FURTHER RESOLVED that the like sum of \$9,944.00 is hereby appropriated under the caption of PUBLIC HEALTH PRIORITY FUNDING; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – PUBLIC HEALTH PRIORITY FUNDING in the amount of \$9,944.00.

Resolution #08-177 Award State Contract – Police Vehicle Emergency Equipment – Major Police Supply – Amount Not to Exceed \$110,000.00.

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

| | |
|-----------------|---|
| VENDORS: | Major Police Supply 47 N. Dell Avenue Kenvil, NJ 08034 SC No. A60538 |
| ITEMS: | Police Vehicle Emergency Equipment |
| COST: | Not to Exceed \$110,000.00 |

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

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

Resolution #08-178 Award Morris County Co-Op Contract – Police 4x4 – Warnock Fleet – Amount Not to Exceed \$25,675.54.

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

| | |
|-----------------|---|
| VENDORS: | Warnock Automotive 175 Route 10, PO Box 524 East Hanover, NJ 07936 MCCC #15-C, Item #3 |
| ITEMS: | Police 4x4 |
| COST: | Not to Exceed \$25,675.54 |

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 Morris County Co-Op Contract.

Resolution #08-179 Award State Contract – Police Vehicles – Winner Ford of Cherry Hill – Amount Not to Exceed \$256,053.40.

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: | Winner Ford of Cherry Hill 250 Haddonfield-Berlin Road Cherry Hill, NJ 08034 SC No. A70462 |
| ITEMS: | Police Vehicles |
| COST: | Not to Exceed \$256,053.40 |

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 #08-180 Award Bid – In-Car Digital Video – L3 Communications Mobile-Vision Inc.) – Amount Not to Exceed \$244,400.00.

WHEREAS, a notice to bidders for the receipt of bids for In-Car Digital Video was published in the *Courier News* and posted on the Township’s website on March 6, 2008 for receipt on March 20, 2008;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for In-Car Digital Video:

VENDOR: L3 Communications – Mobile Vision Inc.
ADDRESS: 90 Fanny Road
 Boonton, NJ 07005
ITEMS: In-Car Digital Video Equipment+
AMOUNT: Amount Not to Exceed \$244,400.00

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 FURTHER 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.

APPOINTMENTS

Business & Industry Advisory Board

Upon motion by Ms. Francois, seconded by Mr. Prasad, **Robert Stark** was appointed by acclamation as the Small Business Owner with Less than 10 Employees Member to the Business & Industry Advisory Board, for a four-year term ending December 31, 2011.

Trails Advisory Committee

Upon motion by Mr. Glicklich, seconded by Mr. Prasad, **Frank McLaughlin and Pat Leonard** were appointed by acclamation as Regular Members of the Trails Advisory Committee, each for a four-year term ending December 31, 2011.

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

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

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

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

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
- 2 The general nature of the subject matter to be discussed is as follows:

- a) Personnel (Reduction in Force)
 - b) Personnel/Labor Negotiations (SOA Negotiations)
 - c) Litigation Update
 - d) Litigation – Tax Settlements
- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The aforesaid resolution was moved by Ms. Francois, 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 | | | Vassanella |
| Francois | Glicklich | | | |
| Levine | Mettler | | | |
| Prasad | Sumter | | | |

The meeting adjourned into Executive Session at 8:12.m.

Upon motion by Mr. Glicklich and seconded by Mr. Prasad, the meeting reconvened at 9:33 p.m. Said motion carried unanimously upon call of the roll.

Mayor Levine announced that the Township Council discussed the following:

- a) Personnel (Reduction in Force)
- b) Personnel/Labor Negotiations (SOA Negotiations)
- c) Litigation Update
- d) Litigation – Tax Settlements

The minutes of these discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

ADJOURNMENT

Mr. Glicklich moved to adjourn the meeting at 9:33 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *July 8, 2008*

Ann Marie McCarthy, Township Clerk