

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 7:13 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 May 13, 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 Councilwoman Danile led the Invocation.

Mayor Levine introduced the following resolution:

Resolution #08-244 Appointing Acting Deputy Municipal Clerk

WHEREAS, as the result of the emergency absence of the Municipal Clerk and the Deputy Municipal Clerk, there is an emergency need for Municipal Clerk services;

WHEREAS, the Township Council believes that Christine J. Burke would be the best auxiliary signatory as Acting Deputy Municipal Clerk due to her availability at meetings and her knowledge of the Office of the Municipal Clerk.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that Christine J. Burke, is hereby appointed as the Acting Deputy Municipal Clerk, the term of which shall expire on May 14, 2008.

Upon motion by Mr. Glicklich, seconded by Mr. Mettler, Resolution #08-244 was adopted as follows upon the Township Manager's 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				

The Acting Deputy Township Clerk called the roll.

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

Absent: None

Also present: Leslie G. London, Township Attorney, Kenneth W. Daly, Township Manager, Christine Burke, Acting Deputy Township Clerk

PROCLAMATION/COMMENDATION

National Preservation Month

Mr. Mettler invited Robert LaCorte, Vice Chairman of the Historic Preservation Commission, to stand with him as he read the following proclamation:

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, Franklin Township has recognized the importance of preserving its rich history and heritage and has forwarded the goals of historic preservation by establishing local historic districts, a historic preservation commission, a Historic Preservation Trust Fund and an Open Space, Farmland and Historic Preservation and Recreation Trust Fund, by seeking grants and other assistance, by acquiring properties and easements of important historic resources, by implementing redevelopment plans for historic areas, by including a Historic Preservation Element in the Township Master Plan, by successfully nominating districts to the State and National Register of Historic Places, by developing a Eco-Heritage Tourism program, and by working with various organizations to help preserve important elements of its heritage; and

WHEREAS, “This Place Matters” is the theme for National Preservation Month 2008, sponsored by the National Trust for Historic Preservation,

NOW, THEREFORE I, Brian D. Levine, together with my fellow Council members, do proclaim the month of May as National Preservation Month and call upon the people of Franklin Township to join their fellow citizens across the United States in recognizing and participating in this special observance.

Children’s Mental Health Awareness Week (May 4-8, 2008) – Postponed

Mental Health Awareness Month – May 2008 – Postponed

Eagle Scout Award – Sean B. Sklios

Deputy Mayor Vassanella read the following commendation:

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

WHEREAS, SEAN B. SKLIOS of Boy Scout Troop No. 154 has attained such Award;

WHEREAS, SEAN’S project involved moving an outdoor train set from the former Robin’s Nest School at 12 World’s Fair Drive to St. Matthias School located at 168 JFK Boulevard, Somerset. The landlord of the former Robin’s Nest School donated the train set to St. Matthias School,

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

**SEAN B. SKLIOS
BOY SCOUT TROOP NO. 154**

for the honor he has bestowed upon his community, Boy Scout Troop No. 154, family and friends as a recipient of the Eagle Scout Award.

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.
- Mentioned that Black History Month awards for volunteer work done for Franklin Township was presented on April 24 and thanked Diane Leach-Thompson for presenting the awards as well as for her work on organizing Franklin's Black History Month events. He stated that he and Councilwoman Francois both attended the event.
- Mentioned that on May 1, Franklin Youth Initiative (FYI) held a student career forum. He stated that Councilwoman Francois organized the event with the help of Councilman Glicklich. Mayor Brian Levine, Councilman Prasad and Mr. Daly were all in attendance. He further stated that the next Franklin Youth Initiative is scheduled for June 2nd at 7:00 p.m. at the Senior Center.
- Mentioned that on Saturday, May 10, Reverend Lester of Somerset Baptist Church on Pershing Street held a "Law and You" seminar. He stated that the seminar was very helpful in regards to gangs and crime. He presented a red band handed out at the event for NOBLE (National Organization for Black Law Enforcement Executives). He commended Township Attorney Leslie London, Esq. for her attendance at the event and mentioned that Eva Nagy, President of the Board of Education, was also in attendance.
- Reminded everyone that the Memorial Day Parade and Picnic will be taking place on May 26 at 11:00 a.m. at the Municipal Complex, more specifically at the Veteran's Memorial. He invited everyone to come and stated that the event is run by the American Legion and VFW.

DEPUTY MAYOR'S REPORT

Deputy Mayor Vassanella made the following report:

- Mentioned that Operation Shoebox, a non-profit organization benefiting soldiers in the Middle East will be hosting a "Bocce Ball" event on Saturday, May 17th, in Colonial Park.
- Mentioned that Michael Ricketts, a long-standing member of the Environmental Commission, has moved to Hunterdon County. He mentioned Mr. Ricketts' involvement with the First Annual Green Summit and thanked him for his service.

PUBLIC DISCUSSION

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

Jidesh, representing the New Jersey Softball Cricket League, requested permission to use more open space to play cricket in the Township of Franklin, citing that there are many

residents in Franklin Township who love and play cricket. He further stated that the only thing his team requires is open space upon which to play the game. The team would bring in all other materials. They would predominantly play Saturdays and Sundays from 8:30 in the morning to 12:30 in the afternoon.

Mehul Shah, 36 Garden Hills Drive, Somerset, also requested permission to use Township Open Space to play cricket. He stated that his team plays cricket every weekend starting from 8:00 in the morning until about Noon between April and October. Currently they play in Princeton but will soon lose access to that location. He stated that approximately 15 to 20 percent of Franklin Township's taxpaying residents play cricket and feel neglected, as there are no facilities available within the Township for them to play their sport. He further expressed his team's willingness to work with the Township in any attempt to provide open space for cricket games.

Tom Malone, 68 Lindsey Court, Franklin Park, a member of the Parks and Recreation Advisory Board and representative of the soccer players of Franklin Township, spoke in response to the request for open space availability for cricket games. He stated that the Recreation Advisory Board is meeting the next day, May 14th, at 7:00 p.m. to discuss the issue. He expressed his hope to see members of the cricket team there. He further stated that resources are limited and that two cricket fields are located on Weston Road and there used to be one in Naaman-Williams Park. He stated that any questions should be brought up at the Recreation Advisory Board meeting.

Eva Nagy, 231 Berger Street, Board of Education President and Representative of the Franklin Township School District, spoke in regards to the Board of Education Budget and the Financial Oversight Committee's proposed cuts. She stated that she represents 7,966 students and that number is scheduled to increase another 206 students next year. She stated that the Financial Oversight Committee and School Board Finance Committee met the previous Tuesday to discuss the 2008-09 Board of Education Budget. At that meeting they discussed the School District's six initiatives set by the new Superintendent of Schools, Mr. Seto.

Mrs. Nagy listed the six district initiatives:

1. Create a culture of learning in Franklin Township public schools by strengthening and expanding professional learning opportunities for all staff,
2. Improve student achievement through curricular revision and instructional materials,
3. Design and implement strategies that improve community relations and instill confidence in the school district through increased accountability, transparency and awareness of district activities,
4. Expand the scope and impact of outreach efforts through community relations and public information,
5. Design and implement programs and system improvements that promote safety and security in all district facilities and functions and wherever district students are the responsibility of the Board of Education, and
6. Safety and security.

She stated that the School Board Finance Committee was shocked by the magnitude of cuts proposed by the Financial Oversight Committee and stated that these cuts do not support the six district initiatives. She stated that the Board of Education's original proposed budget already included self-imposed cuts of over \$4.7 million and this resulted in a budget that was \$1.6 million under Cap. This has been the first time the district proposed an under Cap budget in fifteen years. In addition, the district did not pursue \$766,000 in New Jersey State permitted waivers to increase the budget. Therefore the district had already identified and taken \$5.4 million in reductions before the budget was even proposed. On May 8, 2008 the Township Financial Oversight Committee recommended \$1,155,373.00 in cuts to the 2008-09 proposed school budget. In response the Board of Education Finance Committee has reluctantly identified potential cuts totaling \$700,879.00. The gap between the two figures would be made

up with staff reductions. The members of the Board of Education unanimously support both the six initiatives and the proposed budget. The purpose of the Board of Education is to increase student achievement.

Karen Alifano, 9-F Reler Lane, a social studies teacher from Franklin High School, thanked the Council for allowing her to speak. She stated that she holds a unique position because she lives and works within Franklin Township and has a first-hand look at where her property taxes go. She further stated that she has served as a teacher in Franklin Township for two years and has seen many good things come from the school system. She pointed out that Franklin Township has many beneficial clubs and programs. She stated that she is currently the advisor to the Key Club, a club that does a great deal of community outreach and teaches leadership to its students. She further stated that cuts to the budget would result in the cutting of clubs, professional certified staff and, fine and performing arts programs. She questioned what the future of the community would be if the students and their educators are not supported.

Susanne Pierre, 171 Cedar Grove Lane, a junior of Franklin High School, stated that Franklin Township is sending a negative message to the student body. She stated that the student body feels that it is not adequately recognized or supported by their community. She further stated that sports, staff and clubs in the school system would suffer from the budget cuts and that she is a member of the Model United Nations Club, a club that focuses on international affairs.

Donald Neal, 54 Sherborne Street, stated that he was born and raised in New Brunswick, lived in East Brunswick for a time, but now lives in Franklin Township, a decision made in part because of the impressive school system. He stated that he has worked in the Franklin School system for over 30 years and is in support of the budget presented by the Board of Education.

Doreen Healy, 19 Margaret Drive, stated that she approves of the budget as it was presented to the voters and that she supports the new Superintendent of Schools. She stated that she is a volunteer at several schools in the township.

Wendy Kessler, 68 Avebury Place, Somerset, spoke as a parent and a PTSO officer, and stated that Franklin Township has a great school system, teachers and after school activities. She stated that the Township needs to put children first.

Courtney Jackson, 500 Elizabeth Avenue, Franklin High School, stated that she is a cheerleader in the High School as well as a senior that is on her way to college. She mentioned the importance of clubs in the students' education and stated that children need to be put first. She further stated that the Township can't afford to cut from their children's education.

Shannon Collins, 3 Cartier Drive, Franklin Park, a Junior of Franklin High School, stated that the Township can't afford to take any more money out of the school budget.

Diana Mancebo, 73 Sapphire Lane, Franklin Park requested that the Council not cut \$1.1 plus million from the 2008-09 School Budget. She stated that those cuts are cutting children's dreams. She stated that they cut from the music, sports and academic programs and has a strong negative impact on the entire community.

Kim Thorne, 8 Barker Road, resident and parent, stated that it is a shame that the children in the Township feel that they are not worth consideration and asked if the Council could do a better job on the budget than the Board of Education.

Ryck Suydam, 1803 Route 27, stated that he graduated from Franklin Township in the Class of 1978. He stated that the Council has a tough job and that it is one that he wouldn't want. He further stated that he supports the new Board of Education administration under Mr. Seto and commended their hard work. He stated that the Board of Education has done a good job and that he supports the budget.

Jess Pathwit, 9 Sapphire Road, a Junior at Franklin High School, read a letter on behalf of Varshel Patel, a Sophomore at Franklin High School. Varshel Patel wrote that he could not attend because he is being honored at a dinner for the Wallenburg Honors Program, a program that selects a few students from New Jersey who exhibit the courage, passion and persistence of Raoul Wallenburg, who helped to save the lives of many Jews during World War 2. That program is one of the many programs and opportunities provided by Franklin High School. He urged the Council not to reduce the budget. He further mentioned that the programs provided by Franklin High School serve to keep kids off of the streets.

Bernard Siegel, 18 Hunt Road, Somerset, Board of Education retiree, urged the Council to show restraint when altering the School Budget. He mentioned his support for Mr. Ed Seto, the new superintendent, and that the community has to meet certain obligations. He stated that parents are obligated to giving their children the best education they can, the Council is obligated to provide for the Township's schools and their funding and the Board of Education is obligated to provide the supplies for the schools. He stated that if the budget is cut then building maintenance will be lost.

Nancy Rapeto, Grier Road, Somerset, came before the Council as a teacher, resident and the parent of a student who graduated from the Franklin Township School System. She questioned how much the average tax-payer would save a year with the proposed cuts. Mr. Daly responded to her that it was about \$50 a year. She stated that that was about 12 cents a day and that the taxpayers of Franklin Township could afford that. She further stated that she was tired of hearing negative comments about Franklin Township.

Sharon Posti, Franklin High School student, spoke in support of both the Township school programs and school budget.

Phillip Kramer, 429 Canal Road, representing Taxpayers United in Franklin, spoke in support of the new members of the Board of Education, stating that the Board is listening and making an effort, even going so far as to submitting to review from an outside party. He said that he usually speaks against the budget but strongly urges the Council to not cut beyond the \$740,000 submitted by the Board of Education.

Nancy LaCorte, 265 South Middlebush Road, member of the Board of Education, stated that the Board of Education put a lot of time into hiring Superintendent Seto and that the Council needs to give Mr. Seto the tools to do what he needs to do. The Board of Education is spending considerable time looking into performance review and is finding ways to work smarter and with more efficiency and cost-effectiveness. She further stated that schools bring communities together and urged that the Council listens to its educational experts.

Eddie Webb, 26 Tamarack Road, Somerset, stated that he has been a resident of Somerset for 30 years and spent nine years on the Board of Education and that there were over 7,000 students when he retired. He stated that he is against the budget because nothing should have been cut from it. He further stated that the schools in Franklin Township need too much to warrant cuts in the budget and that the children in the Township are considered second-class citizens. He stated that the public school should be the centerpiece of a community and that if the budget gets cut it will hurt the children.

Natalio Brooks, 5 Henry Street, Junior attending Franklin High School, stated that his brother is an alumni of the Franklin Township public school system who graduated in 2007 and now attends Yale University as a Sophomore. He stated that cutting the budget undermines the work of the alumni.

Brittany Burgess, 105 Prestbury Lane, Junior of Franklin High School, stated that she is currently enrolled in dance classes and intends to enroll as a fine art major in college. She stated that all her hard work would be undermined if the budget were cut. She also stated that the student body is receiving a message that the community does not care about them.

Nadia Shaikh, 463 Somerset Street, Junior of Franklin High School, commented on the importance of extracurricular activities and the experience it provides students. She stated that in past budget defeats cuts were made to clubs and activities, after-school activities and transportation. She pointed out that she is the president of the Model United Nations Club, a club focusing on experience in world issues, and spends considerable time organizing field trips and activities. She stated that the budget cuts endanger this club and many others like it. She also pointed out that colleges are no longer impressed with mere academic achievement and that extra-curricular activities play an important factor in higher education.

Charlene Laud, 22 Spring Street, Junior at Franklin High School, asked that more information be provided to the students of Franklin Township and that the Council seek out student perspective when making budget plans. She further thanked the Council for all of their hard work and asked them to take a closer look at clubs and take into account how important these programs are to the students.

Jay Adebo, 9 Newkirk Road, Somerset, Senior of Franklin High School, stated that too much is being cut from the budget and that teachers are being cut. She stated her concern is for her four younger brothers and sisters who are still enrolled in the Franklin Township School System.

Collin Dougher, 229 Howard Avenue, stated that he was part of a lot of extracurricular activities and that these activities have had a profound impact on his education. He also remarked on the declining economy, stating that it is because of the extracurricular activities that he is aware of the economy and the effect politics has on it. As a member of the Model United Nations Club he has competed with various students around the world and has become increasingly aware of world issues. He further questioned how many adults in the room even knew the location Myanmar, a current international concern.

Kapin Yabut, 2 Meadowlark Lane, Franklin Park, a Franklin High School Sophomore, stated that she had attended a private school until last year and was impressed with the diversity of extracurricular activities she found when she enrolled in the Franklin Township Public School System. She expressed concern over what the proposed budget cuts would do to the programs offered by the school.

Shirley Pietrucha, 49 9th Street, Chair of the Board of Education Finance Committee, stated that she has been a Certified Public Accountant for 26 years, is a licensed Public School Accountant, has a Masters in Business Administration and has spent a large part of her career specializing in budgets for institutions for public education in New Jersey. She spoke of misinformation in regards to the Board of Education and that the Board is working to correct the resultant issues. She stated that the Board of Education Finance Committee consists of three members; Mr. Eugene Unger, Mr. Andrew Holzheimer and herself. She has taken a great interest in two particular issues since she was elected to the board, the selection of the new Superintendent of Schools, Mr. Seto, and the examination of financial records. She stated that the Township's Financial Oversight Committee recommended cutting areas that they were told were non-negotiable by the Board of Education Finance Committee. She further stated that the Township's Consultant failed to recognize and inform the Financial Oversight Committee of new State laws and policies that will affect the budget. She recognized that rising property taxes was a concern but expressed her support of Superintendent Seto and his six District Initiatives. She stated that she was in support of the School Budget.

Bill Clark, 47 DeMott Lane, spoke as a father of two daughters in the Franklin Township Public School System. He stated that his daughters are student athletes in the Township. He stated that athletic programs keep children off the streets and that budget cuts whittle away at athletic programs. He proclaimed his support of the budget and the new superintendent and urged the Council to help him, and his staff, do what they need to do to assist the children.

Andy Holzheimer, 16 Gunther Loop, Board of Education member, stated that his daughter was inducted into the Junior National Honors Society that evening and that he had just come from attending that event. He stated that there are good things in Franklin Township and its school systems. He urged the Council to consider that there is a new team with new goals serving the Board of Education. He stated that there has been a lack of communication and misinformation regarding the Board of Education and its budget, and that the current Board of Education did a lot to bring the budget under cap. He stated that focus should be on Trenton where policy is set and made and that the Council and the Board of Education should work together.

Phyllis Beals, 6 Alma Court, member of the Franklin Township Youth Services Commission and resident for 21 years, stated that she has been newly elected to the Board of Education and she urged the Council to consider the fact that nearly \$5 million of needed programs and services were cut from the School Budget before it was presented to the voters. She pointed out the importance of leadership in the administration and that further cuts to the budget would be unwise, as important prevention programs would be affected. She urged the Council to preserve the budget as much as possible and make only minimal cuts.

Natalie Spencer, 5 Henry Street, stated that she is a parent that has had 3 students in Franklin Township, one has since graduated but two still currently attend the High School. She stated that the teachers and staff care and that the students need extracurricular activities to compete. She stated that cutting the budget limits children and what they can do. She further stated that other schools in the district study the Franklin Township Arts Program.

Fran Varga, 4 Grace Road, stated that she is a parent of a special education student in Franklin and is a newly certified special education teacher. She read a letter of a student who could not attend the meeting. Jason Canderman, 11th grade student, wrote that he is an active member of the community and participates in several clubs. He wrote that he is against the budget cut. He wrote that the college application process has become extremely competitive and that more weight has been placed on extracurricular activities. He wrote that colleges and employers are looking for leadership skills and experience, and that these experiences can be found in the extracurricular activities and programs provided by the school system. He further wrote that cutting the budget even by one cent, would compromise these programs and activities and therefore a student's ability to succeed. Ms. Varga expressed her agreement with Mr. Canderman and closed by saying that the arts and dancing have an influence on children and that music is an integral part of our society.

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

COUNCIL COMMENTS

Deputy Mayor Vassanella moved to remove Council Comments as most comments were regarding the Defeated School Board Budget already scheduled for discussion later in the meeting. Said motion was seconded by Ms. Francois and carried unanimously upon voice vote.

COUNCIL DISCUSSION ITEMS

Financial Oversight Committee Report – Defeated 2008-09 School Budget Discussion/Resolution #08-206 – Certification of 2008-09 School Budget

Mr. Mettler gave a brief response to residents' questions as to the Council's knowledge of the location of the country, Myanmar. He stated that he remembered when the country was known as Burma and was part of the British Empire. He further stated that the country is east of India, west of Thailand and south of China.

Mr. Mettler then recused himself from the Council Discussion and vote regarding the School Budget, citing a conflict of interest. His wife is a member of the Board of Education.

Mayor Levine then took this time to explain the procedure that would be taking place in regards to the presentation and resolution of the School Budget. Deputy Mayor Vassanella made a motion to open council discussion of the 2008-09 School Budget and adopt the resolution as presented by the Financial Oversight Committee. Mayor Levine seconded the motion and invited Mr. Hodulik, the Township Auditor, and Dr. Marlow, consultant and former superintendent of schools, to present their findings and explanations.

Mr. Hodulik presented the following:

Township of Franklin, County of Somerset, NJ
Township Council Finance Oversight Committee
Review of Board of Education Defeated School Board Budget – 2008-2009

List of line items for reductions:

<u>Account Number</u>		<u>2007-08 Projected Expenditures</u>	<u>2008-2009 Budgeted Amount</u>	<u>2008-2009 Budgeted Adjusted Amount</u>
	<u>Regular Program- Instruction</u>			
11-190-100-320	Purch. Prof. Educ. Serv.	75,031.57	184,610.00	134,610.00
11-190-100-890	Other Objects	139,209.81	283,911.00	183,911.00
	<u>Learning Language Disabilities</u>			
11-204-100-610	General Supplies	4,156.00	40,025.00	10,025.00
	<u>Resource Room</u>			
11-213-100-101	Salaries of Teachers	4,472,643.00	5,114,385.00	5,089,340.00
11-213-100-610	General Supplies	19,048.01	32,016.00	24,516.00
	<u>Preschool Disabilities – Part-Time</u>			
11-215-100-101	Salaries of Teachers	452,547.00	568,005.00	473,138.00
	<u>Basic Skills/Remedial - Instruction</u>			
11-230-100-610	General Supplies	20,372.12	31,179.00	22,479.00
11-000-100-561	Tuition – All Categories Combined	13,256,974.02	13,505,803.00	13,365,803.00
	<u>Other Support Serv. Students – Extra Serv.</u>			
11-000-217-320	Purch. Prof. Educ. Serv.	4800,000.00	528,000.00	448,000.00
	<u>Other Supp. Serv. Students - Regular</u>			
11-000-218-104	Salaries of Other Professional Staff	1,556,952.00	1,857,224.00	1,802,230.00
11-000-218-600	Supplies and Materials	37,193.04	65,396.00	55,396.00
	<u>Other Supp. Serv. Students - Special</u>			
11-000-219-104	Salaries of Other Professional Staff	2,385,130.00	2,751,848.00	2,670,281.00
	<u>Instructional Staff Training Services</u>			

11-000-223-104	Salaries of Other Professional Staff	30,044.10	180,747.00	105,747.00
11-000-223-320	Purch. Prof. Educ. Serv.	133,015.00	420,625.00	308,625.00
	<u>Operation of Plant</u>			
11-000-262-100	Salaries	6,866,571.19	7,201,991.00	7,167,591.00
	<u>Employee Benefits</u>			
11-000-291-270	Health Benefits	12,856,444.33	14,907,350.00	14,707,350.00
			0	0
11-000-291-280	Tuition Reimbursements	71,682.35	227,496.00	177,496.00
	<u>Account Number</u>	<u>Reduction Amount</u>	<u>BoE Amount May 12</u>	<u>BoE Amount-FOC Amount</u>
	<u>Regular Program- Instruction</u>			
11-190-100-320	Purch. Prof. Educ. Serv.	50,000.00	15,000.00	-35,000.00
11-190-100-890	Other Objects	100,000.00		-100,000.00
	<u>Learning Language Disabilities</u>			
11-204-100-610	General Supplies	30,000.00		-30,000.00
	<u>Resource Room</u>			
11-213-100-101	Salaries of Teachers	25,045.00	25,045.00	0.00
11-213-100-610	General Supplies	7,500.00		-7,500.00
	<u>Preschool Disabilities – Part-Time</u>			
11-215-100-101	Salaries of Teachers	94,867.00	94,867.00	0.00
	<u>Basic Skills/Remedial - Instruction</u>			
11-230-100-610	General Supplies	10,000.00	10,000.00	0.00
11-000-100-561	Tuition – All Categories Combined	140,000.00	140,000.00	0.00
	<u>Other Support Serv. Students – Extra Serv.</u>			
11-000-217-320	Purch. Prof. Educ. Serv.	80,000.00	40,000.00	-40,000.00
	<u>Other Supp. Serv. Students - Regular</u>			
11-000-218-104	Salaries of Other Professional Staff	54,994.00		-54,994.00
11-000-218-600	Supplies and Materials	10,000.00	10,000.00	0.00
	<u>Other Supp. Serv. Students - Special</u>			
11-000-219-104	Salaries of Other Professional Staff	81,567.00	81,567.00	0.00
	<u>Instructional Staff Training Services</u>			
11-000-223-104	Salaries of Other Professional Staff	75,000.00		-75,000.00

11-000-223-320	Purch. Prof. Educ. Serv.	112,000.00		-112,000.00
	<u>Operation of Plant</u>			
11-000-262-100	Salaries	34,400.00	34,400.00	0.00
	<u>Employee Benefits</u>			
11-000-291-270	Health Benefits	200,000.00	200,000.00	0.00
11-000-291-280	Tuition Reimbursements	50,000.00	50,000.00	0.00
Total Reductions		\$1,155,373.00	\$700,879.00	-\$454,494.00

<u>Account Number</u>		<u>Consideration</u>
	<u>Regular Program- Instruction</u>	
11-190-100-320	Purch. Prof. Educ. Serv.	Reduce based upon previous and current year projected spending
11-190-100-890	Other Objects	Reduce based upon previous and current year projected spending
	<u>Learning Language Disabilities</u>	
11-204-100-610	General Supplies	Reduce based upon previous and current year projected spending
	<u>Resource Room</u>	
11-213-100-101	Salaries of Teachers	Budgeted incremental salary & wage component reduced
11-213-100-610	General Supplies	Reduce based upon previous and current year projected spending
	<u>Preschool Disabilities – Part-Time</u>	
11-215-100-101	Salaries of Teachers	Based upon current year projected spending
	<u>Basic Skills/Remedial - Instruction</u>	
11-230-100-610	General Supplies	Agreed upon reduction
11-000-100-561	Tuition – All Categories Combined	Reduce based upon previous and current year projected spending
	<u>Other Support Serv. Students – Extra Serv.</u>	
11-000-217-320	Purch. Prof. Educ. Serv.	Reduce based upon previous and current year projected spending
	<u>Other Supp. Serv. Students - Regular</u>	
11-000-218-104	Salaries of Other Professional Staff	Reduce to agree with staffing levels in current year budget and as indicated as FTE's in budget document
11-000-218-600	Supplies and Materials	Reduce based upon previous and current year projected spending
	<u>Other Supp. Serv. Students - Special</u>	
11-000-219-104	Salaries of Other Professional Staff	Current year four vacant positions – three filled or to be filled reduce one.
	<u>Instructional Staff Training Services</u>	
11-000-223-104	Salaries of Other Professional Staff	Reduce based upon current spending and phase-in of new programs

11-000-223-320	Purch. Prof. Educ. Serv.	Reduce based upon current spending and phase-in of new programs
	<u><i>Operation of Plant</i></u>	
11-000-262-100	Salaries	Reduce one of four vacant positions
	<u><i>Employee Benefits</i></u>	
11-000-291-270	Health Benefits	Reduce based upon likelihood of available balances
11-000-291-280	Tuition Reimbursements	Agreed-upon reduction

Mr. Hodulik pointed out that the Financial Oversight Committee's findings are largely based on the spending trends of past years and that over budgeting has historically been a problem. Upon Mr. Glicklich's request, Mr. Calavano, the Board of Education secretary and School Business Administrator, provided further input regarding the Board of Education's budget requests. Mr. Glicklich asked whether additional money could be taken out of surplus to assist in reducing the budget, citing an amount of \$227,247.00. Mr. Hodulik and Mr. Daly stated that such an action was possible. The Council took this time to ask further questions clarifying the proposed school Budget and thanked the Board of Education, Mr. Hodulik and Dr. Marlow for their diligence and assistance.

Mr. Glicklich made a motion to amend Resolution #08-206 by changing the amount of reduction, as presented by the Financial Oversight Committee, from \$1,155,373.00 to \$0.00, effectively passing the 2008-09 School Budget as it was presented to the voters on April 15, 2008 at the School Board Election. Said amendment was seconded by Ms. Francois and failed as follows upon call of the roll:

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

Upon further discussion, Mr. Glicklich made a motion to amend the Resolution #08-206 by changing the amount of reduction, as presented by the Financial Oversight Committee, from \$1,155,373.00 to \$700,879.00, accepting the reduction amount submitted by the Board of Education. Said amendment was seconded by Mr. Prasad and passed 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	Mettler	
Glicklich	Levine			
Prasad	Sumter			
Vassanella				

Upon further discussion, Mayor Levine made a motion to amend the Resolution #08-206 by changing the amount of reduction, as submitted by the Board of Education, from \$700,879.00 to \$928,126.00 by taking an additional amount of \$227,247.00 out of surplus. Said amendment was seconded by Ms. Danile and failed as follows upon call of the roll:

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

Councilman Prasad made a motion to amend the Resolution #08-206 by changing the amount of reduction from \$700,879.00 to \$700,880.00. Upon hearing no second the amendment was not voted upon and did not pass.

As there was no further discussion or amendments the following resolution was adopted as follows upon call of the roll:

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

Resolution #08-206 Board of Education 2008-09 School Budget

WHEREAS, the legal voters of the School District of the Township of Franklin, in the County of Somerset and State of New Jersey, at an Annual District Election Meeting conducted by the Board of Education on April 15, 2008, defeated, disapproved and rejected the Budget of the said Board of Education for the School Year 2008-09 of those voting; and

WHEREAS, as a result of such rejection of said Budget, the legal obligation devolved upon the Governing Body of the Township of Franklin pursuant to Revised Statute 18:22-37 to certify to the Somerset County Board of Taxation the amount or amounts which it determines necessary to provide a thorough and efficient system of schools of said district for the school year beginning July 1, 2008 and ending June 30, 2009; and

WHEREAS, the voters rejected the following:

- 1. General Fund Tax Levy \$104,411,084.00

WHEREAS, the Township Council of the Township of Franklin, Somerset County, after considering and reviewing the budget of the Board of Education as originally proposed is of the opinion that said budget, item 1 above, should be reduced by \$700,879.00 of various General Fund appropriations, and that the amount included in this section in the resolution is deemed to provide a thorough and efficient system of school and education in said district for the school year 2008-09;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the Franklin Township Board of Education Budget Tax for the 2008-09 School Year be reduced to the amounts, as follows:

- A. General Fund Tax Levy \$103,710,205.00

BE IT FURTHER RESOLVED that the following amounts are required to provide a thorough and efficient system of school and education in the district for School Fiscal Year 2008-09 and that the following total sums are to be raised by taxes to support the 2008-09 Budget:

GENERAL FUND	\$103,710,205.00
DEBT SERVICE	\$ 5,555,972.00

BE IT FURTHER RESOLVED by the Township Council of the Township of Franklin that the attached detailed sheet of taxes for the 2008-09 Board of Education Budget and the 2008 Tax Levy are presented as necessary; and

BE IT FURTHER RESOLVED that certified copies of this resolution be delivered to the Somerset County Board of Taxation and the Franklin Township Board of Education; and

BE IT FURTHER RESOLVED that attached hereto is a list of accounts and proposed reduction in said accounts, which list is incorporated herein and made part hereof:

SCHEDULE OF PROPOSED REVENUE INCREASES
AND APPROPRIATION DECREASES

APPROPRIATION DECREASES:

Account Name: Regular Program - Instruction
 Account Number: 11-190-100-320
 Item(s) Adjusted: Purch. Prof. Educ. Serv.
 Total Amount: \$15,000.00

Account Name: Resource Room
 Account Number: 11-213-100-101
 Item(s) Adjusted: Salaries of Teachers
 Total Amount: \$25,045.00

Account Name: Preschool Disabilities – Part-time
 Account Number: 11-215-100-101
 Item(s) Adjusted: Salaries of Teachers
 Total Amount: \$94,867.00

Account Name: Basic Skills/Remedial - Instruction
 Account Number: 11-230-100-610
 Item(s) Adjusted: General Supplies
 Total Amount: \$10,000.00

Account Name: Instruction
 Account Number: 11-000-100-566
 Item(s) Adjusted: Tuition to Special Ed. Private Schools
 Total Amount: \$140,000.00

Account Name: Other Support Serv. Students – Extra Serv.
 Account Number: 11-000-217-320
 Item(s) Adjusted: Purch. Prof. Educ. Serv.
 Total Amount: \$40,000.00

Account Name: Other Supp. Serv. Students – Regular
 Account Number: 11-000-218-600
 Item(s) Adjusted: Supplies and Materials
 Total Amount: \$10,000.00

Account Name: Other Supp. Serv. Students – Special
 Account Number: 11-000-219-104
 Item(s) Adjusted: Salaries of Other Professional Staff
 Total Amount: \$81,567.00

Account Name: Operation of Plant
 Account Number: 11-000-262-100
 Item(s) Adjusted: Salaries
 Total Amount: \$34,400.00

Account Name: Employee Benefits
 Account Number: 11-000-291-270
 Item(s) Adjusted: Health Benefits
 Total Amount: \$200,000.00

Account Name: Employee Benefits
 Account Number: 11-000-291-280
 Item(s) Adjusted: Tuition Reimbursements
 Total Amount: \$50,000.00

TOTAL APPROPRIATION DECREASE: \$700,879.00

REVENUE INCREASES: *None*

TOTAL REVENUE INCREASE: \$0.00

TOTAL GENERAL FUND LEVY DECREASE: \$700,879.00

SCHEDULE OF TAX REQUIREMENTS

	AMOUNT REQUIRED FOR FISCAL YEAR <u>2008-2009</u>	AMOUNT TO BE INCLUDED IN <u>2008 TAX LEVY</u>
1. General Fund	\$103,710,205.00	\$102,101,052.50
2. Debt Service Fund	\$ 5,555,972.00	\$5,548,295.00
3. Total Approved by Township Council	\$109,266,177.00	\$107,649,347.50
4. Local District School Levy for 2008-2009	\$109,266,177.00	

APPROVAL OF MINUTES

Mayor Levine presented the following minutes: March 11, 2008 Work Session/Regular Meeting; March 25, 2008 Work Session/Regular Meeting.

Upon motion by Mr. Mettler, seconded by Ms. Francois, the following minutes: March 11, 2008 Work Session/Regular Meeting; March 25, 2008 Work Session/Regular Meeting were approved as follows upon call of the roll:

March 11, 2008 Work Session/Regular Meeting

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

March 25, 2008 Work Session/Regular Meeting

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

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$34,365,013.38 for May 13, 2008 to the Township Council for payment:

1	Current	30,864,435.01
5	Water Operating	396,427.18
4	General Capital	47,081.11
12	Trust Others	1,182,754.95
19	Self Insurance Trust	793.08
11	Recreation Trust	2,455.60
40	Open Space Trust	1,502,095.00
2	Grant	15,711.77
3	Collector Trust	122,316.79
15	Redevelopment	97.50
30	Payroll Agency	230,845.39

Subtotal	34,365,013.38
Grand Total	34,365,013.38

Mr. Mettler moved that warrants in the amount of \$34,365,013.38 for May 13, 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			Prasad
Francois	Glicklich			
Levine	Mettler			
Sumter	Vassanella			

ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION

Ordinance No. 3751

Mayor Levine presented the following ordinance:

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.)

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

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

Mayor Levine stated that the meeting is open for public discussion on this ordinance. He stated that anyone interested in speaking 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.

Deputy Mayor Vassanella questioned the need for more staff members on the Business and Industry Advisory Board and expressed a desire for more citizens as an alternative. He further expressed a desire for further discussion with the Administration Committee.

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

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

Ms. Danile nominated Mr. Glicklich as Councilmember to the Business and Industry Advisory Board to fill a term terminating December 31, 2008. The aforesaid appointment was made by acclamation by Council.

Ordinance No. 3752

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (DELETE 198 PHILLIPS ROAD, APT. 159))

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

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

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

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

Mr. Mettler moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. 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. 3753**

Mayor Levine presented the following ordinance:

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED ON FEBRUARY 8, 2005, AS AMENDED BY BOND ORDINANCE NUMBER 3601 FINALLY ADOPTED ON MARCH 28, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3619 FINALLY ADOPTED ON JUNE 29, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3666 FINALLY ADOPTED ON MARCH 13, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3693 FINALLY ADOPTED ON

MAY 8, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3703 FINALLY ADOPTED ON JUNE 28, 2007 TO AMEND THE DESCRIPTION THEREOF.

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 June 10, 2008 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 10, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Francois and carried as follows upon call of the roll:

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

Ordinance No. 3754

Mayor Levine presented the following ordinance:

AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR OPEN SPACE AND/OR FARMLAND PURPOSES (PAGANO PROPERTY – 193 BENNETTS LAND – BLOCK 85/LOT 27)

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 June 10, 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 June 10, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3755

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS (NEW BRUNSWICK ROAD – DAVIDSON AVENUE)

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 June 10, 2008 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 10, 2008 at 7:00 p.m. at the Municipal Complex. 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			
Francois	Glicklich			
Levine	Mettler			
Prasad	Sumter			
Vassanella				

Ordinance No. 3756

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF DEED OF WATER EASEMENTS - JEREMY COURT, LLC – 304 BENNETTS LANE – BLOCK 86.01, LOT 9.68– DOCKET #PLN2005-0039

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 June 10, 2008 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 10, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Francois and carried as follows upon call of the roll:

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

Ordinance No. 3757

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF WATER LINE EASEMENTS AND STORWATER EASEMENTS – SOMERSET DOUGLAS – DOCKET #PLN2004-0064 – BLOCK 171.02, LOTS 1-4, 237.02 & 238.02.

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 June 10, 2008 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 10, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Francois and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			
Francois	Glicklich			

Levine Mettler
Prasad Sumter
Vassanella

CONSENT AGENDA ITEMS

Mayor Levine asked that Consent Agenda Items #15l, and #15q be removed and Consent Agenda Item #15mm be added, by the request of Mr. Mettler.

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

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

Resolution #08-207 Accept Resignation – Michael Ricketts – Environmental Commission Alternate #1

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 Michael Ricketts as Environmental Commission Alternate #1 Member, effective immediately.

Resolution #08-208 Tax Remittals

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted as result of Common Elements; and

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
57.03/1	Furlong, Bonita & Matthew 1 Rolling Hills Drive Somerset, NJ 008873	1-2008 100% Disabled Veteran	2,831.32

Resolution #08-209 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>
86.01/4.03	Weill, Maurice c/o Schoolhouse Plaza 374 Millburn Ave. 4 th Fl. Millburn, NJ 07041	4/05 Tax Appeal	3,952.00
507.12/35	Hinchy, Frank & Nancy 14 Esplanade Drive Somerset, NJ 08873	2/08 Tax Exempt	818.58

57.03/1	Furlong, Bonita & Matthew	1-2008	2,831.31
	1 Rolling Hills Drive	Tax	
	Somerset, NJ 08873	Exempt	

Resolution #08-210 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: 06/08/06
Block/Lot: 82/7
Name & Address: Williams, Edward, 34 S. Middlebush Road, Somerset
Amount: 863.33
Make Check Payable To: Daxuan Wang, 11 Walnut Street, Livingston, NJ 07039
Certificate No.: 06-047
Payment Received: 04/15/08

Date of Sale: 06/08/07
Block/Lot: 386.08/86.01
Name & Address: Gonzalez, Lisa & E., 33 Gates Road, Somerset
Amount: 378.64
Make Check Payable To: Daxuan Wang, 11 Walnut Street, Livingston, NJ 07039
Certificate No.: 07-205
Payment Received: 04/18/08

Date of Sale: 06/08/07
Block/Lot: 266/9
Name & Address: McDonald, James, 145 Dayton Ave., Somerset
Amount: 29,311.97
Make Check Payable To: US Bank Cust. For Phoenix, 2 Liberty Place-TLGS,
50 So. W. 6th St. Ste 1950, Phil. PA
Certificate No.: 07-146
Payment Received: 04/21/08

Date of Sale: 06/08/07
Block/Lot: 386.11/93
Name & Address: Owens, Randolph, 93 Driftwood Drive, Somerset
Amount: 168.78
Make Check Payable To: Chun T. Li, 9 Maljim Ct, Wayne, NJ
Certificate No.: 07-207
Payment Received: 04/25/08

Date of Sale: 06/08/07
Block/Lot: 237/2
Name & Address: US Bank NA Assoc., Trustee, 10790 Rancho Bernardo Rd.
San Diego, CA 92127 (For 227 Phillips Road)

Amount: 1937.03
Make Check Payable To: Mary Twadros, 889 Old Bridge Tpk., East Brunswick, NJ
Certificate No.: 07-137
Payment Received: 04/25/08

Date of Sale: June 8, 2007
Block/Lot: 34.02/16.03 C2822
Name & Address: Syverstsen, Marc, 4 Fisher Drive, Franklin Park, NJ 08823
Amount: 157.26
Make Check Payable To: Natu Patel, 505 Hoagland Ct., Hillsborough, NJ 08844
Certificate No.: 07-014
Payment Received: 04/28/08

Date of Sale: June 8, 2006
Block/Lot: 117/1
Name & Address: Drecolias, Spyridon, 27 Weston Road, Somerset, NJ 08873
 For 873 Somerset Street
Amount: 20,499.23
Make Check Payable To: Plymouth Financial Co., PO Box 228, Morristown, NJ 07962-2288
Certificate No.: 06-064
Payment Received: 05/01/08

Date of Sale: June 13, 2002
 June 10, 2003
Block/Lot: 117/11
Name & Address: Drecolias, Spyridon, 27 Weston Road, Somerset, NJ 08873
 For 9 School Avenue
Amount: 1,360.44
 12,846.84
Make Check Payable To: Mooring Tax Asset Group, LLC, PO Box 281856, Atlanta, GA
 30384-1856
Certificate No.: 020068, 03-075
Payment Received: 05/01/08

Date of Sale: June 10, 2003
Block/Lot: 363/18
Name & Address: Goetz, B
Amount: 80,718.39
Make Check Payable To: American Tax Funding, PO Box 862658, Orlando, FL 32866-2658
Certificate No.: 03-188
Payment Received: 05/02/08

Date of Sale: June 8, 2006
Block/Lot: 183/87

Resolution #08-211 2008 Tax Rate District No. 1

WHEREAS, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2008 within Fire District No. 1 amounts to \$4,642,201,276; and

WHEREAS, the voters of Fire District No. 1 have approved a Budget of \$2,393,672 for the Calendar Year 2008; and

NOW, THEREFORE, BE IT RESOLVED that the sum of \$2,413,945 be allotted to Fire District No. 1 for the Calendar Year 2008 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 1 in the year 2008, in May, 2008 and the balance of the remaining portion of the Fire District No. 1 Budget as approved by the voter, in August, 2008; and

BE IT FURTHER RESOLVED that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 1 of the Township of Franklin at a rate of .052 per hundred dollars valuation to realize the sum of \$2,413,945.

May 2008 - \$1,206,972.50
August 2008 - \$1,206,972.50

Resolution #08-212 2008 Tax Rate District No. 2

WHEREAS, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2008 within Fire District No. 2 amounts to \$2,362,820,717; and

WHEREAS, the voters of Fire District No. 2 have approved a Budget of \$1,717,796 for the Calendar Year 2008; and

NOW, THEREFORE, BE IT RESOLVED that the sum of \$1,724,859 be allotted to Fire District No. 2 for the Calendar Year 2008 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 2 in the year 2008, in May, 2008 and the balance of the remaining portion of the Fire District No. 2 Budget as approved by the voter, in August, 2008; and

BE IT FURTHER RESOLVED that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 2 of the Township of Franklin at a rate of .073 per hundred dollars valuation to realize the sum of \$1,724,859

May 2008 - \$862,429.50
August 2008 - \$862,429.50

Resolution #08-213 2008 Tax Rate District No. 3

WHEREAS, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2008 within Fire District No. 3 amounts to \$1,790,731,518; and

WHEREAS, the voters of Fire District No. 3 have approved a Budget of \$1,329,158 for the Calendar Year 2008; and

NOW, THEREFORE, BE IT RESOLVED that the sum of \$1,343,049 be allotted to Fire District No. 3 for the Calendar Year 2008 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 3 in the year 2008, in May, 2008 and the balance of the remaining portion of the Fire District No. 3 Budget as approved by the voter, in August, 2008; and

BE IT FURTHER RESOLVED that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 3 of the Township of Franklin at a rate of .075 per hundred dollars valuation to realize the sum of \$1,343,049.

May 2008 - \$671,524.50
August 2008 - \$671,524.50

Resolution #08-214 2008 Tax Rate District No. 4

WHEREAS, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2008 within Fire District No. 4 amounts to \$56,228,679; and

WHEREAS, the voters of Fire District No. 4 have approved a Budget of \$27,925 for the Calendar Year 2008; and

NOW, THEREFORE, BE IT RESOLVED that the sum of \$28,114 be allotted to Fire District No. 4 for the Calendar Year 2008 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 4 in the year 2008, in May, 2008 and the balance of the remaining portion of the Fire District No. 4 Budget as approved by the voter, in August, 2008; and

BE IT FURTHER RESOLVED that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 4 of the Township of Franklin at a rate of .050 per hundred dollars valuation to realize the sum of \$28,114.

May 2008 - \$14,057
 August 2008 - \$14,057

Resolution #08-215 Authorizing Tax Appeal Settlement – AAT Technologies Corporation – Block 10, Lot 10.03 – 17 County Road 518

WHEREAS, AAT Technologies Corporation was the owner of certain property located at 17 County Road 518 known as Block 10, Lot 10.03 (hereinafter “the Subject Property”) in 2005;

WHEREAS, the Subject Property was assessed under the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1 et seq.) for tax years 2000 through 2005; and

WHEREAS, in 2005, the former Franklin Township Tax Assessor imposed rollback taxes on the Subject Property for 2005, 2004 and 2003, and because the former Tax Assessor believed the Subject Property was no longer actively devoted to agricultural and horticultural use as required by the Farmland Assessment Act of 1964; and

WHEREAS, the additional rollback taxes imposed are:

<u>Tax Year</u>	<u>Farmland Assessment</u>	<u>Assessment if not Farm Qualified</u>	<u>Rollback Assessment</u>	<u>Additional Rollback Taxes Paid</u>
2005	\$25,800.00	\$1,130,700.00	\$1,105,900.00	\$22,153.25
2004	\$26,500.00	\$ 989,300.00	\$ 962,800.00	\$20,603.92
2003	\$26,500.00	\$ 565,300.00	\$ 538,800.00	\$12,230.76
			Total:	\$54,987.93

WHEREAS, AAT Technologies Corporation filed an appeal seeking to vacate Franklin Township’s Farmland Rollback Assessment for 2003-2005; and

WHEREAS, the documents disclosed during discovery indicate that the Subject Property may have been actively devoted to agricultural and horticultural use in 2005 and therefore, may have continued to meet the statutory requirements for farmland assessment; and

WHEREAS, parties have engaged in settlement negotiations; and

WHEREAS, a settlement has been proposed whereby the 2005 increased assessment will be affirmed but the 2004 and 2003 increased assessments of \$989,300.00 and \$565,300.00, respectively, will be vacated; and

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

WHEREAS, the Township Attorney and the Tax Assessor have recommended 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; and

NOW, THEREFORE, BE IT RESOLVED this 13th day of May, 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 above, be and the same is hereby approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #08-216 2008-2009 Junkyard License – Somerset Recycling Center, Incorporated

WHEREAS, Somerset Recycling Center, Incorporated has applied for renewal of their Junkyard License for the year 2008-2009 and has paid the required fee of \$1,000.00; and

WHEREAS, approval of issuance of 2008-2009 Junkyard License has been received from the Township Health Officer, Director of Fire Prevention, Zoning Officer, Township Engineer and Police Department; and

WHEREAS, Somerset Recycling Center, Incorporated has been found in compliance with Section 156-6 of the Township Code regarding Standards for Approval;

NOW, THEREFORE, BE IT RESOLVED that a Junkyard License be issued to Somerset Recycling Center, Incorporated, said license to commence April 1, 2008 and expire March 31, 2009 in compliance with Chapter 156 of the Township Code.

Resolution #08-217 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:

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
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Elizabeth Avenue School P.T.O. 363 Elizabeth Avenue, Somerset, NJ On-Premise Raffle – RL#1702 Drawing: Franklin High School	June 7, 2008 6:00 pm – 9:00 pm
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Elijah's Promise 211 Livingston Avenue, New Brunswick, NJ On-Premise 50/50 – RL#1703 Drawing: DoubleTree Hotel	June 2, 2008 6:00 pm – 9:00 pm
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Resolution #08-218 Authorize Release of Performance Bond – House Foods – PLN-06-00017.
Deleted 5/13/2008.

Resolution #08-219 Authorizing Release of Performance Guarantee – A. Beverly Built Homes, Inc. – Docket #ZBA2005-0170 – Block 188, Lots 8-9 – 13 Berkeley Place – Site Improvements - \$15,039.60.

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

NAME OF APPLICANT: A. Beverly Built Homes, Inc.
ADDRESS OF APPLICANT: 20 Walnut Street
Somerset, NJ 08873
ITEM: Irrevocable Letter of Credit
NUMBER: #06-002
INSURANCE CO./BANK: New Millennium Bank.
DOCKET: ZBA2005-0170
IN THE AMOUNT OF: \$15,039.60
FOR: Block 188/Lots 8-9 – 13 Beverly Place – 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 \$15,039.60;

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 \$15,039.60 be released to the above named applicant.

Resolution #08-220 Authorizing Release of Monument Bond – Keith Stensland – Docket #PLN2006-0018 – Block 35/Lot 3 – 27 Pleasant Plains Road – Installation of Two (2) Monuments - \$700.00

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

NAME OF APPLICANT: Keith Stensland
ADDRESS OF APPLICANT: 13 Conerly Road
Somerset, NJ 08873
ITEM: Monument Bond
NUMBER: #1780
INSURANCE CO./BANK: Bank of America
DOCKET: PLN2006-0018
IN THE AMOUNT OF: \$700.00
FOR: Block 35/Lot 3 – 27 Pleasant Plains Road – Installation of two (2) Monuments

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 \$700.00;

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 \$700.00 be released to the above named applicant.

Resolution #08-221 Release of Plan/Building Review Escrows & Inspection Fees

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

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

APPLICANT:	Hari Polavarapu			
ADDRESS:	712 Stonybrook Way, North Brunswick, NJ 08902			
DOCKET NO.	PLN-06-00007			
BLOCK/LOT:	36.01/6.03			
LOCATION:	583 South Middlebush Road			
TYPE:	Plan Review			
AMOUNT DEPOSITED:	\$1,137.50	\$2,643.50	\$851.25	\$1,367.75
	[Att]	[CME]	[Heyer]	(IH)
AMOUNT CHARGED:	<u>1,137.50</u>	<u>2,643.50</u>	<u>851.25</u>	<u>732.99</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 634.76

APPLICANT:	Syed Zafar	
ADDRESS:	19 Delar Parkway Franklin Park, NJ 08823	
DOCKET NO.	PLN-07-00035	
BLOCK/LOT:	34.05/48.03	
LOCATION:	19 Delar Parkway	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$200.00 (Attny)	\$1,550.00 (In-Hse)
AMOUNT CHARGED:	<u>200.00</u>	<u>1,048.98</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 501.02

APPLICANT:	Muslim Foundation	
ADDRESS:	47 Cedar Grove Lane, Somerset, NJ 08873	
DOCKET NO.	PLN2006-0003	
BLOCK/LOT:	468.09/38	
LOCATION:	47 Cedar Grove Lane	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$2,038.75 (Heyer)	\$2,691.25 (In-Hse)
AMOUNT CHARGED:	<u>2,308.75</u>	<u>2,323.17</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 368.08

APPLICANT:	A. Beverly Built Home	
ADDRESS:	20 Walnut Avenue, Somerset, NJ 08873	
DOCKET NO.	ZBA2005-0170	
BLOCK/LOT:	188/8-9	
LOCATION:	13 Berkley Place	
TYPE:	Inspection Fees	
AMOUNT DEPOSITED:	\$751.98 (In-Hse)	
AMOUNT CHARGED:	<u>746.60</u>	
AMOUNT TO BE REFUNDED:	\$ 5.38	

APPLICANT:	Matson Construction	
ADDRESS:	4 Nevins Court, Hillsborough, NJ 08844	
DOCKET NO.	ZBA-07-00029	
BLOCK/LOT:	298/11	
LOCATION:	Hillcrest Avenue	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$500.00 (In-Hse)	
AMOUNT CHARGED:	<u>470.30</u>	
AMOUNT TO BE REFUNDED:	\$ 29.70	

APPLICANT:	Canal Walk Associates, LLC	
ADDRESS:	812 Central Avenue, Westfield, NJ 07090	

DOCKET NO. n/a
 BLOCK/LOT: 513.01/15.01
 LOCATION: Phase X
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$475.00 (Attny) \$7,025.00 (In-Hse)
 AMOUNT CHARGED: 475.00 621.77
 AMOUNT TO BE REFUNDED: \$ 0.00 \$6,402.73

APPLICANT: World's fair Drive, LLC
 c/o Lone Eagle Management
 ADDRESS: P.O. Box 1235, Madison, NJ 07940
 DOCKET NO. ZBA-07-0007
 BLOCK/LOT: 468.11/18.06
 LOCATION: 34 World's Fair Drive
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$12,500.00 (In-
 Hse)
 AMOUNT CHARGED: 5,921.92
 AMOUNT TO BE REFUNDED: \$ 6,578.08

APPLICANT: Saint Peter's University Hospital
 ADDRESS: 254 Easton Avenue, New Brunswick, NJ 08903
 DOCKET NO. PLN2005-0004
 BLOCK/LOT: 262/1-2, 13
 LOCATION: 562 Easton Avenue
 TYPE: Plan Review Traffic Study
 AMOUNT DEPOSITED: \$3,000.00 (Schoor)
 AMOUNT CHARGED: 1,217.25
 AMOUNT TO BE REFUNDED: \$1,782.75

APPLICANT: Vision Power Systems, Inc. (Sorberent Vision)
 ADDRESS: 3733 Crown Point Road, Jacksonville, FL 32257
 Attention: Russell W. Spitz
 DOCKET NO. PLN2004-0026
 BLOCK/LOT: 528.04/19.28
 LOCATION: 645 Howard Avenue
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$1,950.00 (Schoor) \$450.00 (Heyer) \$600.00 (In-Hse)
 AMOUNT CHARGED: 420.00 450.00 0.00
 AMOUNT TO BE REFUNDED: \$1,530.00 \$ 0.00 \$600.00

APPLICANT: Commerce Bank (SDI)
 ADDRESS: 1700 Horizon Way, Suite 200, Mt. Laurel, NJ 08054
 DOCKET NO. PLN2001-0017
 BLOCK/LOT: 34.08/55
 LOCATION: 3221 Route 27
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$15,000.00
 (Schoor)
 AMOUNT CHARGED: 13,645.69
 AMOUNT TO BE REFUNDED: \$ 1,354.31

Resolution #08-222 Release of Street Opening Escrow Deposit and Surety Bond

WHEREAS, the following have deposited Escrow Funds and Surety Bonds 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 and Surety Bonds to the following:

Permit Number: 6586
Opening Location: 216 Treptow Road
Applicant's Name & Address: A. S. Mundy LLC, 454 East Avenue, Sewaren, NJ 07077
Deposit/Surety: \$300.00 (Escrow)/\$300.00 (Bond Surety)

Permit Number: 5841
Opening Location: 6 Lots Belmar Street
Applicant's Name & Address: SKN Builder's Inc., 790 Hamilton Street, NJ 08875
Deposit/Surety: \$9,600.00 (Bond Surety)

Permit Number: 5840
Opening Location: 6 Lots Belmar Street
Applicant's Name & Address: SKN Builder's Inc., 790 Hamilton Street, NJ 08875
Deposit/Surety: \$6,240.00 (Bond Surety)

Resolution #08-223 Approval of Interlocal Services Agreement – Mutual Police Aid. *Deleted 5/13/2008.*

Resolution #08-224 Rustogi Wedding Celebration – The Palace – 333 Davidson Avenue – Fireworks Display – May 24, 2008.

WHEREAS, The Palace has made application for permission to hold a fireworks display on Saturday, May 24, 2008 in conjunction with the Rustogi 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, May 24, 2008 in conjunction with the Rustogi 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 #08-225 Special Event Permit – Hamilton Street Farmers’ Market – May 3 to November 29, 2008

WHEREAS, a request has been received from Efren Dato, Executive Director, Hamilton Street Business & Community Corporation, for permission to conduct the Hamilton Street Farmers’ Market on Saturdays from May 3 to November 29, 2008 from 9:00 am to 2:00 pm, at John’s Plaza, 720 Hamilton Street; 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 Hamilton Street Business & Community Corporation to conduct Farmers’ Market operation on Saturdays, May 3 to November 29, 2008 at 720 Hamilton Street, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization and applicant has provided an Insurance Policy to cover the event in the amount of \$1,000,000. Said policy names the Township of Franklin as additionally insured and a Certification of same was filed with the Township Clerk;

Resolution #08-226 Certification of Review of Annual Report of Audit – FY07

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for FY2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each Municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled: “ Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum, the Annual Report of Audit and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of

this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

Resolution #08-227 SFY2007 Audit – Corrective Action Plan – Auditor’s Recommendations

WHEREAS, the Local Finance Notice No. 92-15 requires the Governing Body to adopt a Corrective Action Plan in relation to recommendations contained in a Municipality’s Audit; and;

WHEREAS, the Township’s SFY 2007 Audit included certain recommendations, which require the adoption of a Corrective Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the following Corrective Action Plan be adopted by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey; and

CORRECTIVE ACTION PLAN FOR SFY-2007 AUDIT REPORT

BE IT FURTHER RESOLVED that two (2) certified copies be forwarded to the Division of Local Government Services; and

**CORRECTIVE ACTION PLAN –SFY 2007 AUDIT
AUDIT RECOMMENDATIONS**

1. FINDINGS:

That the Municipal court open bail list be proved to the account balance on a monthly basis.

CORRECTIVE ACTION PLAN:

The Municipal Court Administrator and the Finance Office will review the court bail account and prove the open bail list to the account balance. The Court Administrator will be required to submit a copy of all the bank reconciliation statement to the Finance Office for further review

IMPLEMENTATION DATE: April 2008

STATUS:

The Finance Office is monitoring the Municipal Court bank reconciliation and open bail list on a monthly basis for its accuracy.

2. FINDINGS:

That accounts receivable balances for all funds be reviewed as to their current status and appropriate action taken.

CORRECTIVE ACTION PLAN:

The Finance Department is in the process of reviewing all accounts receivable balances in all the funds as to their status. The status will be reconfirmed with the respective

government agencies, before action is taken. The review will be done routinely on a monthly basis.

IMPLEMENTATION DATE: April 2008

STATUS:

The Finance Office is reviewing the balances and will submit a resolution to Township Council for cancellation of some of the balances

3. FINDINGS:

That a review of accounts payable balances be made to determine the validity of the accounts payable balance.

CORRECTIVE ACTION PLAN:

The Finance Office will review monthly all accounts payable balances with Heads of department to determine the validity of the balances. A report will be generated from the new financial system to all departments with accounts payable balances for their review and comments.

IMPLEMENTATION DATE: April 2008

STATUS:

The Finance Office is compiling and reviewing the list of accounts payable to be submitted to the respective departments for their comments before action can be taken.

4. FINDINGS:

That reconciling items be adjusted in the general ledger on a timely basis, in order to bring the general ledger in proof with the bank reconciliation.

CORRECTIVE ACTION PLAN:

The Finance Office is retraining staff to post transactions correctly and on a timely basis to avoid having reconciling items. All reconciling items will be adjusted by the Chief Financial Officer when reviewing of all bank reconciliation statements.

IMPLEMENTATION DATE: January 2008

STATUS:

The Finance Office has started adjusting reconciling items in the general ledger.

5. FINDINGS:

That the monthly reports from third party for the Flexible Spending Account be downloaded so the correct amount of disbursements for the month can be posted to the general ledger.

CORRECTIVE ACTION PLAN:

The Finance Office will post all disbursements for the Flexible spending accounts obtained from the administrator of the program.

IMPLEMENTATION DATE: April 2008

STATUS:

All checks for the Flexible Spending Accounts are being posted to the general ledger from the report generated by the administrator of the program.

6. FINDINGS:

That the signature used on the Flexible Spending Account checks be updated for the current CFO.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer will review all bank accounts regularly to make sure they are updated with the current signatures.

IMPLEMENTATION DATE: March 2008

STATUS:

The account has been updated with the current signatures.

7. FINDINGS:

That Township take proper steps to obtain reimbursement from the SCIA for payments the Township made to vendors for equipment purchases.

CORRECTIVE ACTION PLAN:

The Finance Office has submitted all the bills for payments made by the Township for equipment purchases to the SCIA for reimbursements. The SCIA now has a third party financial institution to make payments directly to the Vendors after approval from the Township.

IMPLEMENTATION DATE: January 2008

STATUS:

The Finance Office will resubmit all bills to SCIA for payment.

8. FINDINGS:

That prior year's grants receivable balances and unexpended grant reserve balances are reviewed for proper disposition.

CORRECTIVE ACTION PLAN:

The Finance Office has submitted the list of all grant balances to the Grant Coordinator and for comments on their current status. Upon completion the Finance Office will recommend proper disposition to Township Council.

IMPLEMENTATION DATE: January 2008

STATUS:

A resolution recommending the disposition of some of the prior year grants is being reviewed and will be submitted to Township council.

9. FINDINGS:

That quarterly reports be submitted to all developers as required by Chapter 55.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer has transferred most of the escrow accounts to the financial institution that sends quarterly reports directly to the developers. The Chief Financial Officer is setting up procedures for the Engineering, Zoning and Planning Departments to submit quarterly reports of all escrow billings to the developers.

IMPLEMENTATION DATE: January 2008

STATUS:

The process is on going.

10. FINDINGS:

That the developer's escrow accounts for amounts deposited for less than \$5,000 be reconciled to the subsidiary accounts.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer is setting up procedures for reconciling all escrow balances with their respective subsidiary accounts on a monthly basis, since the escrow accounts have been set up on the new financial system.

IMPLEMENTATION DATE: January 2008

STATUS:

The process has been ongoing since the implementation and setup of the new financial system.

Resolution #08-228 Authorize Auction of Abandoned Vehicles – The Franklin Township Police Department Impound Yard – Tuesday, June 3, 2008 10:00 AM – Guaranteed Motors on Wednesday, June 4, 2008 at 10:00 AM – Dependable Motors on Wednesday, June 4, 2008 at 11:00 AM

BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize a Public Auction of automobiles which are into the possession of the Franklin Township Police Department through abandonment or failure of owners to claim in accordance with **N.J.S.A. 39:10A-1 (Laws of the State of New Jersey)** as follows:

Date: Tuesday, June 3, 2008
Time: 10:00 AM
Place: Township Yard
Churchill and Berry Street, Somerset, NJ

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE/COLOR</u>	<u>VIN. NUMBER</u>
2001	FORD EXPLOYER	4 DR GRN	1FMZU73D41ZA19199
1990	OLDS	4 DR. WHITE	1G3HY54C2LH353004
1991	HONDA PRELUDE	2DR BLK	JHMBA423MC011610
1976	OLDS	4 DR BLUE	3G29R60230985
1990	TOYOTA CELICA	2 DR BLUE	JT2ST87N1L0007567
1994	NISSAN PATHFINDER SUV	RED	JN8HD17Y2RW323148
1994	FORD PROBE	SILVER	1ZVLT20A4R5147783
1998	HONDA CIVIC	4 DR BLUE	2HGEJ6678WH580436
1991	OLDS	4 DR. BLUE	1G3NL54U1MM028346
1994	LEXUS	4 DR BLACK	JT8GK13T8R0033201
1996	DODGE CARAVAN	BLUE	1B4GP44R7TB447442

Date: Wednesday, June 4, 2008
Time: 10:00 AM
Place: Guaranteed Motors
607 Somerset Street, Somerset, NJ

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE/COLOR</u>	<u>VIN. NUMBER</u>
1999	FORD CONTOUR	4 DR RED	1FAFP6630XK189392
1991	HONDA ACCORD	2 DR GREY	1HGCB7254MA043489
1996	MERCURY MYSTIC	4 DR RED	1MELM6532TK635543
1996	CHRYSLER SEBRING	2 DR WHT	3C3EL55H4TT306686

2004 CHEVY IMPALA 4 DR WT 2G1WF52E649114135

Date: Wednesday, June 4, 2008
Time: 11:00 AM
Place: Dependable Motors
 873 Somerset Street, Somerset, NJ

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE/COLOR</u>	<u>VIN. NUMBER</u>
2002	HONDA CIVIC	2 DR. BLUE	1HGEM22932L096937

Vehicles have Transferable/Regular Titles

Vehicles may be viewed at the location noted above for the one (1) hour period preceding the auction.

BE IT FURTHER RESOLVED that Notice of Auction pursuant to Statute shall be published in the official newspaper of the Township of Franklin on .

Resolution #08-229 Authorize Purchase Under State Contract – Auto Parts and Accessories – May 1, 2008 to April 30, 2009 – Autozone, Inc. – Amount Not to Exceed \$68,000.00

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:

VENDOR: AUTOZONE, INC.
 PO Box 116067
 Atlanta, GA 30368-6067
 State Contract No. M-0067

ITEM: Auto Parts and Accessories (May 1, 2008 to April 30, 2009)
COST: \$68,000.00

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

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

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

Resolution #08-230 Authorizing Change Order No. 1 – Local Street Resurfacing – Schifano Construction – Additional Amount: \$9,020.65 – New Total: \$277,125.65

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on July 10, 2007, authorized the awarding of a contract to

Schifano Construction
 One Smalley Avenue
 P.O. Box 288
 Middlesex, NJ 08846

Amount: \$268,105.00

WHEREAS, the contract awarded to Schifano Construction for local street resurfacing was based on estimated bid quantities and the actual work involved additional charges in the amount of \$9,020.65; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order No. 1 to the contract with Schifano Construction; and

BE IT FURTHER RESOLVED that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

Resolution #08-231 Authorize Purchase Under Morris County Cooperative Contract – Fords National Auto Mart – 2008 Ford Fusion – An Amount Not to Exceed \$15,384.00

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

VENDOR: FORDS NATIONAL AUTO MART
900 Highway 35
Ocean, New Jersey 07712
ITEM: 2008 Ford Fusion
COST: \$15,384.00

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 item under Morris County Cooperative Contract.

Resolution #08-232 Award of CDBG Grant Rehabilitation – Stormbringer Construction – 14 Liberty Lane – ANPE Corporation – 310 Cedar Grove Lane; 171 Martin Street; 440 Wheeler Place; One Schevchenko Avenue

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: Stormbringer Construction
35 Como Drive
Somerset, New Jersey 08873
AMOUNT: \$20,480.00
PROJECT: 14 Liberty Lane, Somerset

CONTRACTOR: ANPE Corporation
24 Sandra Lane
Wayne, New Jersey 07470
AMOUNT: \$12,312.00
PROJECT: 310 Cedar Grove Road, Somerset

AMOUNT: \$23,200.00
PROJECT: 171 Martin Street, Somerset
AMOUNT: \$21,400.00
PROJECT: 440 Wheeler Place, Somerset
AMOUNT: \$7,821.00
PROJECT: One Schevchenko Avenue, Somerset

Resolution #08-233 Authorize Purchase Under Morris County Cooperation Contract – Warnock Automotive – Two (2) Ford Escape Hybrids – An Amount Not to Exceed \$55,268.00

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

VENDOR: **WARNOCK AUTOMOTIVE INC.**
175 Route 10
East Hanover, New Jersey 07936

ITEMS: **Two 2009 Ford Escape Hybrids**
COST: **\$27,634.00 each**
TOTAL: **\$55,268.00**

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 Morris County Cooperative Contract.

Resolution #08-234 Tonnage Grant Application

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2008 Recycling Tonnage Grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin in the County of Somerset and State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas Zilinek, Township Engineer/Director of DPW to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution #08-235 Approval of Items of Revenue and Appropriation (NJS 40a:4-87) – NJ Department of Health and Senior Services – 2008 Women’s Health/Family Planning Program - \$31,170.00

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 **\$31,170.00** which is now available from the **NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – 2008 WOMEN’S HEALTH/FAMILY PLANNING PROGRAM** in the amount of **\$31,170.00**;

BE IT FURTHER RESOLVED that the like sum of **\$31,170.00** is hereby appropriated under the caption of **NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – 2008 WOMEN’S HEALTH/FAMILY PLANNING PROGRAM**; and

BE IT FURTHER RESOLVED that the above is a result of funds from the **NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – 2008 WOMEN’S HEALTH/FAMILY PLANNING PROGRAM** in the amount of **\$31,170.00**.

Resolution #08-236 Special Event Permit – First Baptist Church of Lincoln Gardens – Biker Blessing – May 18, 2008 from 2:00 PM – 6:00 PM

WHEREAS, a request has been received from the First Baptist Church of Lincoln Gardens for permission to conduct the Biker Blessing on Saturday, May 18, 2008 from 2:00 pm to 6:00 pm, at the parking lot of First Baptist Church; 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 First Baptist Church of Lincoln Gardens to conduct the Biker Blessing on Saturday, May 18, 2008 at the parking lot of First Baptist Church, from 2:00 pm to 6:00 pm subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization and applicant has provided an Insurance Policy to cover the event in the amount of \$1,000,000. Said policy names the Township of Franklin as additionally insured and a Certification of same was filed with the Township Clerk;

Resolution #08-237 Granting Municipal Consent to South Brunswick to Provide Service to Block 5.02 Lot 119.02

WHEREAS, the Township of Franklin, Somerset County, New Jersey is desirous of providing water services to the site known as Block 5.02, Lot 119.02 of the Franklin Township Tax Maps, and designated on the attached plan as Exhibit A; and

WHEREAS, South Brunswick, a corporation of the State of New Jersey rendering water service subject to the regulation of the New Jersey Board of Public Utilities, has indicated a willingness to provide water service to the site;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that consent is hereby granted to South Brunswick, its successors and assigns, to construct, lay and maintain and operate the necessary mains, pipes and appurtenances for the rendering of water services, beneath such public roads, streets, avenues, parks, parkways, sidewalks, lanes, alleys, squares and other public places as it may deem necessary for its corporate purposes and to construct and maintain hydrants on or along such roads and other places within the service area of the Township provided that whenever an opening or excavation is made for the purposed aforesaid, it shall restore all such public places to a condition at least as good as existed prior to the commencement of such opening or excavation; and

BE IT FURTHER RESOLVED that South Brunswick shall seek the approval of the New Jersey Board of Public Utilities, or its successors, for the approval of this franchise consent; and that all services and activities undertaken by South Brunswick hereunder shall be in accordance with the applicable statutes of the State of New Jersey, and regulations, rules and orders of the agencies of the State of New Jersey, including the aforesaid Board of Public Utilities, or its successors, and any tariffs of South Brunswick that may be approved by said Board of Public Utilities.

Resolution #08-238 Special Event Permit – Hamilton Street Business & Community Corporation – Hamilton Street Cruise Night 6:30 P.M. to 9:00 P.M. – Wednesdays, May 7, 2008 Through September 24, 2008 621 Hamilton Street (Nora’s Shopping Center)

WHEREAS, a request has been received from the Hamilton Street Business & Community Corporation for permission to hold Hamilton Street Cruise Night every Wednesday between May 7, 2008 and September 24, 2008 from 6:00 p.m. to 9:00 p.m. to be conducted at 621 Hamilton Street (Nora’s Shopping Center); and,

WHEREAS, Hamilton Street Business & Community Corporation has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; 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 Hamilton Street Business & Community Corporation for permission to hold Hamilton Street Cruise Night every Wednesday between May 7, 2008 and September 24, 2008 from 6:00 p.m. to 9:00 p.m. to be conducted at 621 Hamilton Street (Nora’s Shopping Center), subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Assistant Director of Health; and,

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization.

Resolution #08-239 Special Event Permit – Operation Shoebox New Jersey – Bocce Invitational – May 17, 2008

WHEREAS, a request has been received from Frank Valanzola of Operation Shoebox New Jersey for permission to have a Bocce Invitational and Silent Auction at Colonial Park on May 17, 2008 from 7:30 am to 6:00 pm; and,

WHEREAS, Operation Shoebox New Jersey has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization that donates all proceeds of this event to benefit US Soldiers in the Middle East by continuing the flow of care packages; 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 Operation Shoebox to conduct a Bocce Invitational and Silent Auction on May 17, 2008 at Colonial Park, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

Resolution #08-240 Special Event Permit – American Legion Post 478 – Memorial Day Parade/Community Barbeque – May 26, 2008 – 12:00 PM to 2:30 PM – John Grosso Grove

WHEREAS, a request has been received from the American Legion Post 478 for permission to have a Community Barbeque after the Memorial day Parade be conducted in the Community/Senior Center, 505 DeMott Lane, Somerset NJ and surrounding Municipal Grounds (Grosso Grove) between the hours of 12:00 pm – 2:30 pm; and

WHEREAS, the American Legion Post 478 has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; 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 American Legion Post 478 for permission to have a Community Barbeque after the Memorial day Parade be conducted in the Community/Senior Center, 505 DeMott Lane, Somerset NJ and surrounding Municipal Grounds (Grosso Grove) between the hours of 12:00 pm – 2:30 pm to be conducted in the Community/Senior Center and surrounding Municipal Grounds (Grosso Grove), subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

BE IT FURTHER RESOLVED that in accordance with Section 325-11 of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

Resolution #08-241 Designation of the National Incident Management System (NIMS) as the Basis for All Incident Management in the Township of Franklin

WHEREAS, the President in Homeland Security Directive (HSPD) – 5, directed the Secretary of the Department of Homeland Security to develop and administer a National

Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, local and tribal homeland security partners have been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the national Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

NOW, THEREFORE, by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby authorizes the establishment of the National Incident Management System (NIMS) as the State Standard for incident management for the Township of Franklin;

BE IT FURTHER RESOLVED that the Township Council hereby appoints J. Gary Howarth as the NIMS Compliance Officer for the Township of Franklin.

Resolution #08-242 Opposition to NJDOT Final Design Plans for Two (2) Improvements at the Easton Avenue and River Road Interchanges and Reaffirmation of Township's Recommendations for Improvements to the Current Roadway Configurations

WHEREAS, several years ago, the NJ Department of Transportation funded a two-part study of the I-287/Easton Avenue and River Road interchanges which resulted in many recommendations for improvements to the current roadway configurations; and

WHEREAS, the Franklin Township Traffic Safety Bureau reviewed the NJDOT Final Design Plans for two (2) improvements to be done to the Easton Avenue Interchange and found they are not consistent with the recommendations made in the aforementioned study;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it reaffirms the following recommendation made in the aforementioned study for the Easton Avenue Interchange:

1. That the slip ramp from the I-287 NB exit ramp to NB Easton Avenue be removed and traffic intending to access Davidson Avenue use World's Fair Drive and Pierce Street;
2. That the ramp from the I-287 SB exit ramp to Easton Avenue SB and the Easton Avenue NB u-turn ramp to Easton Avenue SB be combined, allowing for both movements on one structure.

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey hereby opposes the following current plans for the Easton Avenue Interchange:

1. Leave the I-287 NB exit ramp to NB Easton Avenue in place and construct a left turn storage lane on the I-287 NB exit ramp. Said plan does not address the accident history, as the concern was vehicles merging onto Easton Avenue NB without an acceleration lane and having to cross the I-287 entrance ramp to access the slip ramp.
2. Remove the u-turn ramp completely and relocate the other ramp further down toward Easton Avenue. The new plan, by removing the u-turn, removes a motorist's ability to access World's Fair Drive and the Quality Inn from Easton Avenue NB unless they drive to Davidson Avenue/Pierce Street/World's Fair Drive, which would add 1.7 miles for a motorist accessing the Quality Inn from Easton Avenue NB.

Resolution #08-243 Authorize Installation of an Amber Flashing Light with Curve and Speed Advisory Signs on the Curve on DeMott Lane South of Magnolia Road

WHEREAS, the Township Engineer and the Franklin Township Police Traffic Safety Bureau concur that action is needed to improve the safety measures at the curve on DeMott Lane south of Magnolia Road;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby authorize that the Township proceed with installing an amber flashing light with curve and speed advisory signs at the curve on DeMott Lane south of Magnolia Road.

Resolution #08-245 Grant Application – NJ Safe and Secure Communities Program – Two (2) Police Positions - \$54,578.00

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey wishes to apply for funding a project under the Safe and Secure Communities Program (Grant No. P-3946); and

WHEREAS, the Township of Franklin has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Township of Franklin for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Mayor and Council that:

- (1) As a matter of public policy Franklin Township wishes to participate to the fullest extent possible with the department of Law and Public Safety.
- (2) The Attorney General will receive funds on behalf of the applicant.
- (3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

- (4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

Resolution #08-246 Accept Resignation – Charlotte English – Agricultural Advisory Committee. *Added 5/13/2008*

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 Charlotte English as Agricultural Advisory Committee Member, effective immediately.

APPOINTMENTS

Mr. Mettler nominated Gary Randolph 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.

Mr. Glicklich nominated Elois Taylor and Percy V. Sanders, Jr. as members of the Advisory Recreation Council to fill terms terminating December 31, 2010. The aforesaid appointments were made by acclamation by Council.

Deputy Mayor Vassanella nominated John Walker as member of the Environmental Commission Alternate #1 to fill an unexpired term terminating December 31, 2008. The aforesaid appointment was made by acclamation by Council.

ADJOURNMENT

Mr. Daly took this time to state that the Franklin Township Police Department had made two arrests in the afternoon regarding the murder that took place in the morning. Ms. Francois moved to adjourn the meeting at 11:31 p.m. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Date: *July 8, 2008*

Brian D. Levine, Mayor

Christine Burke,
Acting Deputy Clerk