

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 27, 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.

The Deputy Township Clerk called the roll.

Present: Ms. Eberle, Mr. Glicklich, Mayor Levine, Mr. Mettler (arrived at 7:17 pm), Mr. Prasad, Deputy Mayor Vassanella

Absent: Ms. Danile, Ms. Francois, Mr. Sumter,

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

PROCLAMATION/COMMENDATION

Arsha Bodha Center

Mr. Prasad read the following Commendation:

CONGRATULATIONS AND BEST WISHES
TO
THE ARSHA BODHA CENTER
OF
SOMERSET, NEW JERSEY
*On the occasion of this special celebration
of their*
EIGHTH ANNIVERSARY

From the Mayor and Township Council
and the residents of the
Township of Franklin, County of Somerset, New Jersey

Shade Tree Commission

Mr. Glicklich read the commendations that were presented to the members of the Shade Tree Commission on behalf of Michael Orsini, Chairman of the Shade Tree Commission, who wanted to thank the members for their support and hard work in planting thirty maple and flowering plumb trees on April 28, 2008, Arbor Day, at Nassau Park.

Those receiving the commendations were:

Berit Marshall	Mariselle Galdi	Jeff Baumley
Justin Orsini	Michael Orsini	Steven Evans
Mark Evans	Albert Galdi	John Brewer
	Frank McLaughlin, III	

Michael Orsini spoke regarding his six-year tenure as Chairman of the Shade Tree Commission, thanking the Township Council and the Township Manager for their support. Mr. Orsini noted that in order to be recognized for “Tree City USA”, there were three criteria necessary: Establishment of a Shade Tree Commission; a celebration of Arbor Day; and an allocation of two dollars per capita spent on trees. Mr. Orsini displayed the “Tree City USA” Arbor Day Foundation Banner. Mr. Orsini also thanked Joyce Miller, General Services Administrator/Purchasing, for notifications in the newsletter of the events of the Shade Tree Commission and also Bonnie vonOhlen, Grants Coordinator, for her work in securing grants to support the work of the Shade Tree Commission.

Winners of Franklin Township Handwashing – It’s A SNAP! Awards

Councilman Prasad read the following information regarding It’s A SNAP! Program sponsored by the Health Department:

“Franklin Township Health Department is a partner in a school handwashing initiative developed by the Centers for Disease Control and the Soap and Detergent Association.

It’s A SNAP! Is a program to encourage students to use their creativity to promote clean hands and help keep their schools healthy.

Franklin Township students participated in assemblies and presentations on the healthy advantages of good handwashing, and were encouraged to launch their own handwashing projects. Many of these projects are on display in the lobby.

Schools submitted information on these projects to the Health Department to be judged for creativity and appropriate clean hands messages. According to the Centers for Disease Control, handwashing is the most important thing anyone can do for good health.

All the students and all the entries were “awesome”, and tonight we’d like to recognize our 2008 *Franklin Township Handwashing – It’s a SNAP! Winners*:

Akash Gokul, Hillcrest School	Teacher: Alexandra Thomas
Sabina Jagdeo, Sampson G. Smith School	Teacher: Silvia Strzeminski
Sarah Parks, Sampson G. Smith School	Teacher: Maria Samaras
Science Club, Pine Grove Manor School	Teacher: Audra Wood
5 th Grade Class, Sampson G. Smith School	Teacher: Kaz Wright
Outstanding School: Sampson G. Smith School	Principal: William Grippo

All the entries in the Franklin Township program were also submitted to the Centers for Disease Control for the national competition.

It is our pleasure to announce that Ms. Wright’s Fifth Grade Class at Sampson G. Smith School is the *National Award Recipient* for their Handwashing Rap song. Students from Ms. Wright’s class will be honored at an awards ceremony at the National Press Club in Washington DC on June 11th.”

Mr. Prasad introduced Adam Beder, Chairman of the Advisory Board of Health and Michele Tamarya-Timm, Health Educator of the Township Health Department.

MAYOR’S REPORT

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Explained how meeting works for the benefit of audience and viewers.

- 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.
- There is a public forum for Mayor's comments; Mayor's Blog offered by the Home News Tribune – Mayor would periodically list happenings and opinions on the bog. Mayor's column in The Spectator.
- On June 2, Franklin Youth Initiative (FYI) will hold their next meeting, 7:00 pm at the Community/Senior Center. All who want to help can join.
- The past Saturday evening, at the Garden State Convention Center, Swami G of Yogi Devine Center was present and Mayor Levine was given a seat of honor as the representative of the people of Franklin. On the previous Friday, I, Rajiv Prasad, Daniel Glicklich and Mr. Daly met with Swami G and his group to welcome them to the Township.
- This past Monday, Memorial Day, our Memorial Day parade was held. Our thanks to the American Legion and VFW for the well organized parade. In attendance were Rajiv Prasad, Shirley Eberle, Daniel Glicklich, Robert Mettler, Deputy Mayor Vassanella and I.
- On May 18th at the Ukrainian Center, on behalf of the Township, I gave a proclamation for Asian Heritage Month celebration
- I have just been informed that the Department of Defense has just identified the remains of Franklin resident Lt. Colonel Henry P. Brauner who was shot down in his transport over Vietnam in 1972. An appropriate tribute will be planned.

DEPUTY MAYOR'S REPORT

Deputy Mayor Vassanella made the following report:

- The 33rd Annual Hungarian Festival will be held on Saturday, June 7, 2008. New Brunswick is one of the State's largest Hungarian populations per capita.
- An up-date on Verizon providing cable and other services in Franklin Township – Regarding our concern over Channel 14, the Educational Channel, Channel 25, Government Channel and Channel 8, General Regional Public Access Channel, it has been explained by Verizon that Vios is not available to locations requested for return feed. PEG channels (Public Education Government channels), the interconnection with Comcast (formerly Patriot Media) is not available. Verizon has requested assistance from Board of Public Utilities to resolve interconnection issues. Some cable companies have challenged New Jersey law requiring PEG programming. The PEG designation does not restrict the operator from including programs from other domains. Another question - does the access station have to produce all of the programs that would be broadcast over its channels? The answer is no. What control does municipality have over content aired on PEG stations? If it is an educational channel, it is the education institution that supervises the channel. The very intent of access was to provide the municipality an electronic conduit through which it could distribute information and programming.

Mr. William Grippo, Principal of Sampson G. Smith School, appeared at the meeting at this time. Mayor Levine asked him to speak regarding the awards won by his school and students in the Handwashing Program

Mr. Grippo apologized that he was not able to be at the meeting for the commendations to the winners, he was at the “dance competition” held at Franklin High School involving students from all of the Township schools.

Mr. Grippo commended Ms. Kaz Wright, and Sarah Parks, who introduced Michele Tamarya-Timm to the Handwashing Program. Mr. Grippo was asked if it were possible to have the students wash their hands before lunch. Because that was not a feasible plan, the students were given “Hand Wipes” before lunch each day. Mr. Grippo thanked the Council for their support of the program and their recognition of the schools and students.

PUBLIC DISCUSSION

Mayor Levine corrected the announcement he made at the beginning of the meeting that this would be the only time for the public to discuss their concerns. Mayor Levine noted that there is another public discussion scheduled at the point of introduction of the SID (Special Improvement District) budget.

Deputy Mayor Vassanella made a motion to open the meeting for public discussion; Mr. Prasad seconded the motion. Motion was carried.

Al Donnenberg, 33 Dalton Drive, spoke regarding his email message to Mayor and Council concerning what he feels needs immediate attention.

Mr. Donnenberg found on the Township of Piscataway website that the Township of Franklin Tax Collector, Carol Langone, was appointed Piscataway’s Tax Collector the previous night. Mr. Donnenberg went on to state that he understood the reason Ms. Langone applied to the Township of Piscataway was because she had been told by the Township Manager that the position of Deputy Tax Collector would not be filled. Mr. Donnenberg alleged that the Township Chief Financial Officer is not capable of doing her job, necessitating the hiring of a Director of Finance. He stated his opinion that the two positions are usually held by the same person for a salary of approximately \$130,000.00. He further questioned the reason why the current Director of Finance for Piscataway, Daniel Mensah, is currently a consultant to the Finance Director of the Township of Franklin, Ross Bobal. Mr. Donnenberg suggested that the money spent to hire Mr. Mensah could be the money needed to fill the Deputy Collector’s position.

John McConville, 5 Stone Leigh Way, made comments and asked questions regarding several of the items on tonight’s agenda:

Ordinance 3762 – Water Capital – the useful life of equipment surprised me.

Ordinance 3763 – Gas charge – how many gallons of gas are burned in an hour in an idling police vehicle?

Regarding the Amwell Road Project, Mr. McConville asked if anyone knows the timing of the Somerset County project.

Resolution #08-267 – 2009 Ford Econoline Wagon for Parks & Recreation Department – this vehicle is a big gas user – has gas usage in the Township (vehicles) gone up?

John Tibbs, 107 Mark Street, commended Council for the FYI (Franklin Youth Initiative) activities. Mr. Tibbs mentioned Deacon Brian, St. Matthias Church. Mr. Tibbs took some “kids” to the carnival where Deacon Brian and Councilwoman Danile treated the children to some “free things”.

On the issue of housing developments in the Renaissance 2000 area, Franklin Commons/Berry Street Commons, Mr. Tibbs noted that these developments should be under the regulations of the Rent Leveling Board. No indication in provision or improvements that the development would be under Rent Leveling Board. He noted that Parkside was a housing complex, but with changes, some of it will be privately owned and should be under Rent Leveling Board regulations.

Phil Kramer, 429 Canal Road, informed Council and the public of the progress being made regarding the outside review (the Board of Education called it “performance review”) of the Board of Education budget. Mr. Kramer explained that money was from this year’s budget and has to be spent this year, or work has to start this year. The bid is out and the Board of Education has until June 10th to receive the bid; the decision has to be made as to a contractor and the contract and the work has to start before the end of the year. An extra meeting of the Board of Education has been tentatively scheduled.

Mr. Kramer noted that tire pressure is an important consideration in the effort to conserve gas and hoped that the Township has personnel checking on the Township’s vehicles.

Mr. Kramer thanked Deputy Mayor Vassanella for the Information on PEG. It is worrisome, Mr. Kramer noted, that there is movement away from broadcasting Council meetings because obviously people who watch the meetings are concerned about the business of the Township.

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

Mr. Daly stated that the Township Council and staff do not talk about personnel issues at a public meeting. He mentioned that the Finance Oversight Committee is doing a review of the Township’s financial operation.

To answer Mr. McConville’s questions, Mr. Daly noted that the “useful life” comes from the Bond attorney who uses a certain formula. Regarding the question about gas consumption, Mr. Daly noted that a Crown Victoria burns approximately one gallon per hour. Regarding the Somerset County Amwell Road project, Mr. Daly answered that the project is expected to extend to the end of the year. The Econoline van that is being purchased for the Parks and Recreation Department is, Mr. Daly agreed, a high gas mileage vehicle. Mr. Daly noted that last year the Township purchased two hybrid vehicles, the first the Township has purchased, and that the Township will pursue that program. The Township installed a gas monitoring system last year and is getting more accurate measurements. He also noted that the Township has two poor mileage vehicles that get a lot of use and are good candidates for hybrids.

Answering Mr. Tibbs’ question regarding the project he mentioned in the Renaissance 2000 area, Mr. Daly stated that they are under more strict control under the Council on Affordable Housing (COAH) regulations, they will be under part of the Township’s Fair Share Plan and rents will be set according to the guidelines of COAH.

Mr. Daly assured Mr. Kramer that the Township would indeed start checking tire pressure on Township vehicles.

COUNCIL DISCUSSION ITEMS

Daniel Glicklich again offered his congratulations again to the winners of the Handwashing Program and to the personnel of the schools involved.

Mr. Glicklich noted that personnel issues are not to be discussed in public forum. If a person desires to file charges against any person, they must do it according to law, Mr. Glicklich noted, and the person has a right to defend himself/herself under the law.

Mr. Mettler thanked the American Legion and the VFW for the inspiring ceremony on Memorial Day. Mr. Mettler acknowledged that a lot of work goes into the planning and execution of such an event.

Mrs. Eberle also made mention of the wonderful celebration that is a tribute to those who served our country and how people honor them, remembering their lives or their passing.

Mrs. Eberle noted that the Chamber of Commerce was having an event on June 10TH – “Going Green” and asked if anyone were aware of the time and location.

Mr. Prasad noted that several items that he expected to be discussed at this meeting have been moved to the next meeting, but he would like the Fair and Open Task force to make a report to Township Council on the progress they have made regarding the awarding of professional services.

Mr. Prasad also requested that there be a Township Council discussion regarding public funding of political campaigns. He expressed the hope that the Council would make a resolution that would be put on a referendum to the voters of Franklin that they give \$2.00 a year to fund campaigns so that no other funding would be needed, eliminating even the hint of influence peddling. Mr. Prasad also noted that school funding needs to be looked at seriously; perhaps Franklin could do a study and figure out an alternate way to fund schools. Because 66% of taxes go to education funding, Mr. Prasad stated that perhaps a municipal income tax could fund education and rid people of the heavy tax burden.

Another item Mr. Prasad mentioned is voter apathy, suggesting that maybe elections could be held on Saturday, not on a workday, as a way to increase voter participation.

Mr. Prasad also thanked the American Legion and all the participants and workers who made Memorial Day Parade and ceremonies special.

Deputy Mayor Vassanella noted that the Grand Marshals of the Memorial Day Parade were Josh and Evan Dickenson, sons of Nancy LaCorte, past Vice President and present member of the Board of Education who is active in supporting troops and National Guard. Deputy Mayor Vassanella also noted that Mrs. LaCorte’s son, who is currently serving in the National Guard, would be deployed, along with other residents of Franklin Township, next month.

Regarding the Fair and Open Task Force, Deputy Mayor Vassanella stated that the Council was given a report at the last meeting; he hoped another meeting of the Task Force would take place in about six weeks. He noted that, even though the Township is satisfied with the services of particular professionals with whom they are dealing, the Township could go out for bid to explore other candidates.

To answer Mr. Kramer’s questions regarding the cable companies, Deputy Mayor Vassanella noted that the solicitations by municipalities to cable companies have been to continue offering PEG channels which were considered a “given”. He noted that some of the cable companies have challenged New Jersey law, using organized lobbying to not be forced to provide the services (PEG channels) that were provided by Patriot Media.

Mayor Levine noted that June 5th is Primary Election day and any voter who is affiliated with a political party is encouraged to vote.

Mr. Daly stated that he personally and also staff members were insulted by the attack by Mr. Donnenberg and he categorically denies the allegations made. Mr. Daly noted that this is not the first time Mr. Donnenberg has used public forum to make personal attacks, and Mr. Daly is not the only person whom he has attacked.

Deputy Mayor Vassanella mentioned again the cable company issue and offered to share whatever correspondence he has regarding Verizon with Mr. Kramer. He noted also that Mr. Donnenberg had mentioned the Sewerage Authority. In answer to those remarks, Deputy Mayor Vassanella explained that the Township does not collect Sewerage Authority money.

However, he said, when they do not collect on their bills, the tax collector will do a tax lien, but other than that the entities are totally separate.

COUNCIL DISCUSSION ITEMS

Special Council Meeting – June 17, 2008 – Consultant's Report – Solid Waste Proposal

Motion was made by Deputy Mayor Vassanella and seconded by Mr. Prasad to call a Special Meeting for the purpose of discussion only of the Solid Waste Proposal on June 17, 2008 at 7:00 p.m. Motion was carried by unanimous voice vote.

Administration Committee Report – Township Manager Daly

Mr. Daly reviewed with Council the procedure proposed by the Administration Committee for providing help to all Boards and Committees who are faced with bureaucratic issues in the performance of their duties. The Committee prepared a list of Township staff members who will help each Board or Committee. Mr. Daly noted that some Boards and Committees have done things, although in good faith, that created potential liability for the Township. He stated that the personnel of the Purchasing and Finance Departments have prepared guidelines for different committees and boards. If Council approves these procedures, Mr. Daly suggested that, working with the boards and committees over the summer, it would give the members and the staff time to clarify the issues.

Personnel Manual

Mr. Daly reviewed the Personnel Manual, which in general was a capitulation of different procedures that the Township has had in place going back many years during the tenure of many managers. He stated that it was given to the Council to introduce at tonight's meeting and, if acceptable, to be adopted at the June 10, 2008 meeting. If there were any questions from Council members, Mr. Daly asked that they be submitted to him.

Mayor Levine noted that he and Councilwoman Eberle are members of the Administration Committee and they were involved in forming the procedures.

Deputy Mayor Vassanella asked that Council Liaisons be copied on correspondence between boards and committees and staff members when the correspondence pertains to administrative issues. Mr. Daly agreed to his request.

Mayor Levine noted that Council members would review the recommendations of the Administration Committee and discuss them at the June 10, 2008 meeting.

Location of Council Offices Within the Municipal Building

Mayor Levine stated his preference for the location of a Mayor's Office in the space where the Manager's Office had been located. He noted that, in a municipality the size of Franklin Township, it is appropriate for the Mayor to have a suitable office in which to meet and confer with visitors to the Township, residents and others.

Deputy Mayor Vassanella noted that the Deputy Mayor's position is rotated each year among the members of Council and that he is not interested in expending money for purchases or renovations in connection with establishing the offices. He mentioned that the Municipal Building is short of storage space and that might be a consideration in finding a suitable use for the space.

Mr. Glicklich did not totally agree with the premise that the Mayor needs a larger office, only that there is a need for privacy. He stated that he preferred to be closer to the Township Clerk's office when spending time in the Council Office, and also remarked that he had not had a problem finding adequate space for a conference with residents or others. Mr. Glicklich stated

that he would have to have more knowledge of how the business (at the Municipal Building) works before making a final decision regarding the use of the vacated space.

Mr. Mettler asked that the subject be put forward to Council for a decision. He said he prefers one office being used to replace the one that is being used currently; the conference room should remain as such.

Deputy Mayor Vassanella noted that Mr. Daly's vacated office can hold two desks and that the conference room should remain for Council use for Executive Sessions. He also noted that Township Staff could use the space during the day for meetings.

Mr. Glicklich acknowledged Mayor Levine's several visits to the Municipal Building during the week but noting that a Mayor's Office would still be empty sixty to seventy percent of the time and suggested that the Mayor should make more use of the Township Clerk's Office as secretary to the Mayor and Council.

Mr. Mettler noted that a "Mayor's Office" is not pertinent to our form of government, that other towns the size of the Township of Franklin have elected mayors who occupy offices regularly. Mr. Mettler said he found a problem with the size of the proposal as made.

Deputy Mayor Vassanella asked Mr. Mettler if he agreed with his suggestion to leave the conference room as is, put two desks, with adequate petitioning, in the manager's former office for the use of the Mayor and Deputy Mayor, or any Councilperson needing desk space, and utilize the 'outer' office as storage space.

Mr. Mettler agreed that that was a plausible plan.

Mr. Glicklich suggested that a sketch of the area be drawn so that Council could have a visual of the proposed plan.

Mr. Prasad asked Mr. Daly about the availability of meeting space within the Municipal Building.

Mr. Daly replied that, at times it was a problem, but generally people could be accommodated. He also noted that his secretary, Janie Dong, kept the schedule for meetings in each of the available conference rooms. Mr. Daly agreed that the conference room should remain primarily for the use of Council, but others could use it also.

Board of Health, 2008 Meeting – Schedule Prior to the Township Council Meetings

Mayor Levine explained that the Township Council is the Board of Health for the Township and, as such, is required to hold at least one meeting per year. Mr. Daly asked that the Council members choose one of their regular meeting dates to schedule a meeting prior to that meeting. Mayor Levine suggested that the Council discuss among themselves which date would be most convenient and that a discussion item could be put on the next agenda to finalize the issue.

FY2009 Budget Hearings – September 2-4, 2008 – 7:00 pm

Mayor Levine noted that the Budget Hearing dates were scheduled for September 2-4, 2008. Mr. Glicklich agreed with the schedule saying that holding the hearings early afforded more time for Council to work on the budget and confer with department heads.

Deputy Mayor Vassanella also agreed that the September dates were better than scheduling hearings during July or August. He did, however, suggest a six-hour hearing on a Saturday as opposed to hearings in the evenings after a full day's work and to repeat that for three straight days. Mr. Glicklich did not agree with a six-hour session, stating that he personally did not feel that he could do justice to the work the budget requires. He noted that

Council members need time to prepare and need to give themselves a break during the hearings. He suggested that the time of the hearings be limited, seven o'clock to nine or nine-thirty o'clock, so that the hearings would not extend longer.

Mr. Daly explained that the years when the hearing schedule was stretched over a long period of time, it did not work to Council's advantage. The schedule for this year's hearings and going right into preparation of the budget makes it easier, he said, when the material is fresh in Council's mind.

Mr. Prasad agreed that the schedule worked well last year and should be continued this year.

Council members generally agreed that the time of the hearings should be seven o'clock to ten o'clock. Mr. Daly assured Council that they would receive copies of the proposed budget early in August to allow them as much time as possible to review it.

Mayor Levine asked for a voice vote on the Budget Hearing Schedule. All voted in favor of the schedule.

Pandemic Influenza Response Plan

Mayor Levine stated that this plan, prepared by Walter Galanowsky, Director of Health, and Michele Tamarya-Timm, Health Educator, was submitted to the Council in their packets on the previous Friday. Mr. Daly noted that Council should review it and vote on it at the next Council meeting, June 10, 2008. He further explained that this is a work in progress and more work needs to be done. Mr. Daly noted particularly Section 26 of 49, Part 7, (The Development of a Health Care Coalition in Franklin Township) will be one of the first action items once Council accepts the plan.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$3,772,465.27 for May 27, 2008 to the Township Council for payment:

1	Current	2,806,518.89
5	Water Operating	679,820.07
6	Water Capital	80,200.00
4	General Capital	74,407.99
12	Trust Others	2,750.00
19	Self Insurance Trust	619.76
11	Recreation Trust	1,766.42
40	Open Space Trust	21,296.50
2	Grant	28,748.50
3	Collector Trust	32970.74
15	Redevelopment	1,405.50
30	County Imp. Auth. Fund	3,956.57
50	Payroll Agency	36,446.33
	Subtotal	3,772,465.27
	Total	3,772,465.27

Mr. Glicklich moved that warrants in the amount of \$3,772,465.27 for May 27, 2008 be paid. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

FY2009 HAMILTON STREET SPECIAL IMPROVEMENT DISTRICT BUDGET

Mayor Levine explained the steps that would be followed: a) to hear input on the Hamilton Street Budget, b) the reading of the budget by title only and c) the adoption of entire budget. He stated that the businesses in the Hamilton Street area are assessed and the money that is collected will stay in that area.

Mayor Levine read the following:

GENERAL APPROPRIATIONS & EXPENSES

General Administration	\$ 37,500.00
Insurance	2,000.00
Promotions and Public Relations	16,500.00
Quality of Life	38,000.00
Grantsmanship	5,000.00
Business Recruitment	1,000.00
TOTAL BUDGET AMOUNT	\$100,000.00

Public Hearing

Motion was made by Mr. Glicklich and seconded by Mr. Mettler to open the public hearing; motion was carried by acclamation.

Mel Markowitz, owner of Lorraine Junior Department Store, 560 Hamilton Street, wondered why the other merchants who owned businesses in the Hamilton Street area did not come to the meeting.

Motion was made by Mr. Mettler and seconded by Mr. Prasad to close the public hearing; motion was carried by acclamation.

Read Budget by Title Only

Motion was made by Ms. Eberle and seconded by Mr. Prasad to approve the reading of the Hamilton Street Budget by title only; motion was carried by acclamation.

Mayor Levine read the title of Resolution #08-247 :

“Resolution Authorizing the FY2009 Hamilton Street Special Improvement District Budget to be Read by Title Only”

Deputy Mayor Vassanella asked Pat Giannotto, President of the Hamilton Street Business & Community Corporation, to answer a question he had about the amount of extra assessed taxes each commercial member of the area is paying the current year as compared with last year.

Bill Stillwell, treasurer of the HSBCC, and Mr. Giannotto discussed the situation of some businesses leaving and new businesses becoming established in the area, resulting in the numbers remaining fairly constant. Deputy Mayor Vassanella asked if there were any guidelines or timelines in effect with regard to reaching the goals of the improvement plan. Mr. Stillwell noted that HSBCC has submitted a five-year plan to increase the number of businesses and the value of businesses on Hamilton Street. He noted that over a quarter of a million dollars in grants have been secured to help business owners improve their facilities.

Mr. Giannotto noted that a quarter of a million dollars was grant money from Somerset County for the façade improvement program. He also noted that, on tonight’s agenda, there is a resolution to authorize an application for the Somerset County Economic Development Incentive Program.

A lengthy discussion followed during which Deputy Mayor Vassanella attempted to gage whether or not there had been an increase in the value of the commercial properties or if the improvement had been to the value of the businesses. Mr. Giannotto noted that there is no way to assess the value of a business, only the facilities where the business operates.

Mr. Giannotto asked if there were volunteers to help HSBCC go through the taxes of the commercial businesses, comparing taxes from last year and taxes for the current year in an effort to assess the increase or decrease in the value of the businesses.

Mr. Stillwell stated that he would try to compile the tax numbers and include them in their annual reports.

Mr. Glicklich asked to make some positive comments, complimenting Mr. Giannotto and Mr. Stillwell on their goals and accomplishments, asking how many people applied for grants, how many received grants and what they used the grant money for. Mr. Glicklich commended the HSBCC on the work they have done so far.

The aforesaid resolution was moved by Mr. Glicklich and seconded by Ms. Eberle and carried as follows upon call of the roll:

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

Resolution #08-248 Adopt FY 2009 of Hamilton Street Special Improvement District Budget

Mayor Levine read:

WHEREAS, at it meeting of April 24, 2008, the Township Council of the Township of Franklin introduced and approved the Hamilton Street Special Improvement District Budget for the period of July 1, 2008 – June 30, 2009, which budget is annexed hereto: and

WHEREAS, after notice of advertisement in the Township's official newspaper, *The Courier News*, the Township Council conducted a public hearing on May 27, 2008; and

WHEREAS, the Township Council has determined that at least one (1) week prior to the hearing, a complete copy of the proposed budgets were (a) advertised; (b) posted in the Township Clerk's Office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the Township Council of the Township of Franklin having considered the comments at the public hearing is of the opinion that it is appropriate and desirable to adopt the budget by resolution after closing the hearing;

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of Franklin that:

1. The Hamilton Street Special Improvement District budget is approved by the Township Council of the Township of Franklin and it is approved for the period of July 1, 2008 – June 30, 2009 in the amount of \$100,000 to the Hamilton Street Special Improvement District.
2. This special assessment is hereby imposed and shall be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the

Township of Franklin as set forth within the ordinance and the assessment as follows: Schedule A shall be assessed at \$100,000.

- 3. Payments to the District received by the Township of Franklin shall be transferred to the Hamilton Street Business and Community Corporation to be expended in accordance with the approved budget; and
- 4. The Township Clerk is hereby authorized to forward a certified copy of this resolution to Hamilton Street Special Improvement District Management Corporation, the Somerset County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs.
- 5. Budget - \$100,000

GENERAL APPROPRIATIONS & EXPENSES

General Administration	\$ 37,500.00
Insurance	2,000.00
Promotions and Public Relations	16,500.00
Quality of Life	38,000.00
Grantsmanship	5,000.00
Business Recruitment	1,000.00
TOTAL BUDGET AMOUNT	\$100,000.00

Motion was made by Ms. Eberle and seconded by Mr. Prasad to adopt the FY2009 Budget of Hamilton Street Improvement District and carried as followings by a call of the roll:

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

INTRODUCTION OF ORDINANCES ON FIRST READING

Ordinance No.3758

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, APPENDIX B, IRREVOCABLE LETTER OF CREDIT, SECTION 112-194A(17)(d).

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

Deputy Mayor Vassanella moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on July 8, 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>
Eberle	Glicklich			Danile
Levine	Mettler			Francois
Prasad	Vassanella			Sumter

Ordinance No.3759

Mayor Levine presented the following ordinance:

AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF TOWNSHIP OWNED LAND LOCATED IN BLOCK 280, LOTS 4, 5, 6 AND 7 (CLIFTON STREET/ FRANKLIN BOULEVARD); BLOCK 287.02, LOTS 24-27 (18 VIKING AVENUE); BLOCK 217, LOT 101 (BAIER AVENUE / LEWIS STREET); BLOCK 558, LOTS 6-9 (70 GARFIELD AVENUE); BLOCK 554, LOTS 17-20 (73 GARFIELD AVENUE); AND BLOCK 556, LOTS 12-14 (575 GARFIELD AVENUE / EQUATOR AVENUE) IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY

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 24, 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 24, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

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

Ordinance No.3760

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 81, AFFORDABLE HOUSING.

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 24, 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 24, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

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

Ordinance No.3761

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 115, DOGS & OTHER ANIMALS, ARTICLE III, ANIMAL CONTROL, SECTION 115-25, FEES (ADD FEE FOR SPAYING/NEUTERING OF ANIMALS ADOPTED FROM SHELTER AND/OR ADOPTION EVENTS).

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 24, 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 24, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

Ordinance No.3762

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR VARIOUS 2008 CAPITAL IMPROVEMENTS FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$4,929,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,929,250 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS 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 24, 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 24, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

Ordinance #3763

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 50, POLICE DEPARTMENT, SECTION 50-24, POLICE OUTSIDE WORK/SPECIAL POLICE SERVICES.

Mr. Glicklich asked about the ordinance using the present cost of gasoline as a gage for the gas surcharge. Mr. Daly answered that the Township pays a wholesale price for the gasoline, now one dollar sixty-four cents (\$1.64) per gallon.

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 24, 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 24, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Deputy Mayor Vassanella

and carried as follows upon call of the roll:

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

CONSENT AGENDA ITEMS

Township Manager Daly spoke regarding item “bb” (Award Bid – Design and Prepare Plans to Stabilize and Prevent Further Structural Deterioration of Canal Road Historic Houses – Farewell, Miss, Gatsch, Architects, LLC – Amount Not to Exceed \$40,600.00) noting that the Somerset County Historic Preservation Office that gave a Grant to the Township of Franklin for this purpose, required the Township to solicit a study for the renovation of the houses. Somerset County would not approve a full scale study, and Mr. Daly asked that Council reject both bids.

Deputy Mayor Vassanella asked that items “a” (Support Assembly Bill No. A-823) and “b” (Support Assembly Bill No. A-1105- Authorizing On-Line Publication of Municipal Legal Notices) be removed for a separate vote. He noted that not everyone who might be interested in keeping on top of notices has access to the internet.

Mr. Daly was asked by Deputy Mayor Vassanella to explain item 16r – (Award Bid – Construction of Easton Avenue Sidewalks). Mr. Daly replied that the sidewalks were to be constructed from Landing Lane toward Harrison Towers. Deputy Mayor Vassanella agreed that he would support the resolution.

With regard to item 16s, Deputy Mayor Vassanella asked why a sixteen passenger van would be used to do “administration support work” such as transporting Parks & Recreation personnel to do “site visits” to places where activities of the P&R programs were taking place. Mr. Daly assured Deputy Mayor Vassanella that he would instruct Recreation to use the van for the transportation of participants of the various programs and to use more appropriate vehicles for administrative work.

Mayor Levine asked that Consent Agenda Items “a”, “b”, and “bb” be removed from the Consent Agenda for separate vote.

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

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

Resolution #08-249 *Removed from Consent Agenda for Separate Vote*

Resolution #08-250 *Removed from Consent Agenda for Separate Vote*

Resolution #08-251 Resolution Supporting NJ Senate Bill No. S-755 ‘ “New Jersey Hero Act”

WHEREAS, New Jersey Senate Bill No. S-755 establishes the “New Jersey Hero Act” so names to highlight the heroic act of donating one’s organs and tissues to save and enhance the lives of others; and

WHEREAS, S-755, as amended, contains the initiative that mandates education for public high school, higher education and medical school and nursing school students and professionals to dispel myths associated with organ donation, provide accurate information,

and to emphasize the fundamental responsibility of individuals to take appropriate action, when able, to help save another person’s life;

WHEREAS, S-755, as amended, also contains the initiative that ties organ donation decision-making to certain routine functions connected to the New Jersey Motor Vehicle Commission where the Motor Vehicle Commission is to build upon the recently developed Donate Life Registry so that individuals over the age of 18 will, in five years, be required to address the decision of organ donation through an Internet-based interface as a prerequisite to obtaining or renewing a driver’s license or personal identification card; and

WHEREAS, both initiatives will fully involve the organ procurement organizations (OPOs) designated by the federal government to serve the State; and

WHEREAS, the expectation is that these measures will effectively achieve the State’s goal to significantly increase the number of organ donors in the State so that more lives can be saved and enhanced;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby support New Jersey Senate Bill No. S-755, also known as the “New Jersey Hero Act ;

BE IT FURTHER RESOLVED that this resolution be forward to Governor Jon Corzine, all Somerset County legislators and municipalities, New Jersey League of Municipalities and the Franklin Township Advisory Board of Health.

Resolution - #08-252 Resolution Authorizing Tax Remittals

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted as result of 100% Disabled Veteran; 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 & 2-2008 100% Disabled Veteran	\$5,662.64

Resolution #08-253 Resolution Authorizing Refund of Tax Overpayments

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
88.02/3.04	Michael A. Vespasiano, Esq. 331 Main Street Chatham, NJ 07928	4/07 Tax Appeal	7,910.34
101/69	Churchill Estates LLC P.O. Box 98 Somerset, NJ 08875	1-2/07 Duplicate Line Item	1,842.78
402/1	Washington Mutual c/o Linda O’Neill	2/08 3/08	850.00 950.00

	P.O. Box 100562 Florence, SC 29501-0562	Paid Twice	
507.17/73	Chase Home Finance ATTN: Tax Dept. P.O. Box 961227 Fort Worth, TX 76161-0227	2/08 Overbilled Property	1,263.19
517.01/2.01	Peter J. Zipp, Esq. 166 Gatzmen Avenue Jamesburg, NJ 08831	4/03 4/04 Tax Appeal	27,277.45 25,389.35
517.04/2.12		4/04 Tax Appeal	2,401.98
507.15/4 Transfer 508.02/3.37	Township of Franklin	1-2/2008 Wrong Tax ID	6,082.14
528.06/5.05	Michael A. Paff, Esq. 100 South Gate Pkwy P.O. Box 1997 Morristown, NJ 07962	4/06 4/07 Tax Appeal	9,807.73 23,392.16

Resolution - #08-254

Resolution Authorizing Tax Title Lien Redemptions – Outside Buyers

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

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

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

Date of Sale: June 8, 2007
Block/Lot: 87.05/7
Name & Address: Eke, Mehmet, 1560 Amwell Road, Somerset
Amount: \$2,652.65
Make Check Payable To: Daxuan Wang, 11 Walnut Street, Livingston, NJ
Certificate No.: 07-068
Payment Received: May 16, 2008

Date of Sale: June 8, 2006
Block/Lot: 87.05/7
Name & Address: Eke, Mehmet, 1560 Amwell Road, Somerset
Amount: \$142.79
Make Check Payable To: Michael Fabrikant, 62 E. Main Street, Freehold, NJ
Certificate No.: 06-055
Payment Received: May 16, 2008

Resolution - #08-255 Resolution Authorizing Performance Guarantee Release – A.S. Builders - Docket #PLN2004-0037 – Block287/Lot 17.01, 18, 19, 20 & 32.07– Tall Oaks Road – Site Improvements – \$9,606.00

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

NAME OF APPLICANT: A.S. Builder, LLC
ADDRESS OF APPLICANT: 387 Spring Street, Union, New Jersey 07083-8269
ITEM: Performance Bond
NUMBER: PLN2004-0037
IN THE AMOUNT OF: \$9,606.00
FOR: Block 507/Lot 37.04 & 47– 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 subject to receipt of a two (2) year Maintenance Bond in the amount of \$1,440.00;

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 \$9,606.00 be released to the above named applicant upon receipt of the aforesaid Maintenance Bond.

Resolution #08-256 Authorize Release of Street Opening Surety Bond – Jo-Ed Excavating & Paving – Permit #08-00025 – Block 38/Lot 2 – 80 Meadow Avenue - \$750.00.

WHEREAS, the following have deposited a Bond Surety 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 Bond Surety to the following:

Permit Number: 08-00025
Opening Location: 80 Meadow Avenue, Franklin Park
Block/Lot: 38/2
Applicant’s Name & Address: Jo-Ed Excavating & Paving
7 Industrial Drive
New Brunswick, New Jersey 08901
Bond Surety: \$750.00

Resolution #08-257 Authorize Release of Planning/Building Review Escrows and 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:	Chestnut Avenue Assoc V, LP		
ADDRESS:	171 Route 173, Suite 201, Asbury, NJ 08802		
DOCKET NO.	PLN2006-0021		
BLOCK/LOT:	528.04/130.01		
LOCATION:	Howard Avenue		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$9,947.50 (Schoor)	\$1,302.50 (Heyer)	\$1,250.00 (In-hse)
AMOUNT CHARGED:	<u>7,376.50</u>	<u>1,302.50</u>	<u>451.05</u>
AMOUNT TO BE REFUNDED:	\$2,571.00	\$ 0.00	\$ 798.95

APPLICANT:	Michael Kurn (Retro Fitness)		
ADDRESS:	33 Apache Drive, Manalapan, NJ 07726		
DOCKET NO.	ZBA-08-00002		
BLOCK/LOT:	5.02/117.03		
LOCATION:	4437 Route 27, Store 1B		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$2,000.00 (In-hse)		
AMOUNT CHARGED:	<u>164.82</u>		
AMOUNT TO BE REFUNDED:	\$1,835.18		

APPLICANT:	Muslim Foundation		
ADDRESS:	47 Cedar Grove Lane, Somerset, NJ 08873		
DOCKET NO.	ZBA2005-0503		
BLOCK/LOT:	468.09/38		
LOCATION:	47 Cedar Grove Lane		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$600.00 (In-hse)		
AMOUNT CHARGED:	<u>240.00</u>		
AMOUNT TO BE REFUNDED:	\$360.00		

APPLICANT:	Muslim Foundation		
ADDRESS:	47 Cedar Grove Lane, Somerset, NJ 08873		
DOCKET NO.	PLN2001-0036		
BLOCK/LOT:	468.09/38		
LOCATION:	47 Cedar Grove Lane		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$10,862.50 (In-hse)	\$6,767.50 (KK)	
AMOUNT CHARGED:	<u>270.00</u>	<u>6,767.50</u>	
AMOUNT TO BE REFUNDED:	\$10,592.50	\$ 0.00	

APPLICANT:	Keith Stensland		
ADDRESS:	10 Pleasant Plains Road, Franklin Park, NJ 08823		
DOCKET NO.	PLN2006-0018		
BLOCK/LOT:	35/3		
LOCATION:	27 Pleasant Plains Road		
TYPE:	Plan Review & Monument Installation		
AMOUNT DEPOSITED:	\$662.50 (Attny)	\$993.75 (Heyer)	\$1,843.75 (In-hse)
AMOUNT CHARGED:	<u>662.50</u>	<u>993.75</u>	<u>1,106.49</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$ 737.26

APPLICANT:	W.A. Cleary Chemical Corp.		
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ADDRESS: 1049 Route 27, Somerset, NJ 08873
 DOCKET NO. PLN2004-0030
 BLOCK/LOT: 88.01/6.01
 LOCATION: 1049 Route 27
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$4,875.00 (SP) \$1,020.00 (HG) \$1,605.00 (IH)
 AMOUNT CHARGED: 460.00 1,020.00 0.00
 AMOUNT TO BE REFUNDED: \$4,415.00 \$ 0.00 \$1,605.00

APPLICANT: House Foods America Corp.
 ADDRESS: 801 Randolph Road, Somerset, NJ 08873
 DOCKET NO. PLN-06-00017
 BLOCK/LOT: 516/6.05
 LOCATION: 801 Randolph Road
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$1,750.00 (CME) \$250.00 (Attny)
 AMOUNT CHARGED: 1,652.50 250.00
 AMOUNT TO BE REFUNDED: \$ 97.50 \$ 0.00

APPLICANT: A.S. Builder LLC
 ADDRESS: 387 Spring Street, Union NJ 07083
 DOCKET NO. PLN2004-0025
 BLOCK/LOT: 433/1-8; 35-36
 LOCATION: Willow Avenue
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$1,300.00 (CME) \$667.50 (HG) \$532.50 (IH)
 AMOUNT CHARGED: 1,020.00 667.50 0.00
 AMOUNT TO BE REFUNDED: \$ 280.00 \$ 0.00 \$532.50

APPLICANT: A.S. Builders, LLC
 ADDRESS: 387 Spring Street, Union, NJ 07083
 DOCKET NO. PLN200-0037
 BLOCK/LOT: 287.02/17.01, 18-20 & 32.07
 LOCATION: Tall Oaks Road
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$3,950.00 (CME) \$1,497.50 (HG) \$552.50 (IH)
 AMOUNT CHARGED: 3,737.00 1,497.50 280.00
 AMOUNT TO BE REFUNDED: \$ 213.00 \$ 0.00 \$272.50

APPLICANT: RPM Development Group
 ADDRESS: 77 Park Street, Montclair, NJ 07042
 DOCKET NO. PLN-07-00010
 BLOCK/LOT: 109/7
 LOCATION: 42 Berry Street
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$1,437.50 (Attny) \$4,562.50 (IH)
 AMOUNT CHARGED: 1,437.50 2,824.98
 AMOUNT TO BE REFUNDED: \$ 0.00 \$1,737.52

Resolution #08-258 Authorize Release of Winter Bond – Princeton Highlands Developers – Docket #P980009SF – Block 11.20/Lot 5 – 14 Rydal Road - \$500.00.

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

ITEM: Winter Bond
 NAME OF APPLICANT: Princeton Highlands Developers

ADDRESS OF APPLICANT: 820 Morris Tpke., Short Hills, NJ 07078
NUMBER: N/A
INSURANCE CO./BANK: N/A
DOCKET: N/A
IN THE AMOUNT OF: \$500.00
FOR: Block 11.20/Lot 5 – 14 Rydal Road

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

WHEREAS, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$500.00 be released to the above named applicant.

Resolution #08-259 Authorize Grant Agreement – Community Forestry Management Plan – 2008 Green Communities Grant - \$3,000.00 with 33.3 % match.

WHEREAS, the governing body of the Township of Franklin, County of Somerset, New Jersey, desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

Community Forestry Management Plan
2008 Green Communities Grant

; and

NOW, THEREFORE, the Township Council resolves that Brian D. Levine, Mayor of the Township of Franklin is hereby authorized to:

- a) make application for such a loan and/or grant
- b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and
- c) to execute any amendments thereto which do not increase the Grantee's obligations.

WHEREAS, the Township Council of the Township of Franklin, County of Somerset, New Jersey, authorizes and hereby agrees to match 33.3% of the total project amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services if allowed by grant program requirements and the agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE Township Council of the Township of Franklin, County of Somerset, New Jersey, that the Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

Resolution #08-260 Authorize Grant Agreement – Somerset County Youth Athletic and Recreational Facilities Grant - \$15,000.00 – Municipal Park Improvements.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the execution of a grant agreement in the amount of \$15,000.00 from the Somerset County Youth Athletic and Recreation Facilities Grant for funding for improvements to municipal parks and does authorize the appropriate Township officials to execute said grant agreement on its behalf.

Resolution #08-261 Authorize Grant Application – Somerset County Economic Development Incentive Program – Combination Façade and Streetscape Program on Hamilton Street - \$150,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset County Economic Development Incentive Program from the Hamilton Street Business and Community Corporation, for a \$150,000.00 grant to provide incentives to the businesses in the HSBCC district to improve their exterior facades and/or streetscapes in front of their buildings. The program would have a 50:50 match requirement by the owners.

BE IT FURTHER RESOLVED that the Township Council does hereby authorize the appropriate Township officials to execute this grant application on its behalf.

Resolution #08-262 Authorize Chapter 159 Insertion into FY2008 Municipal Budget – NJ Department of Health and Senior Services – Pandemic Flu Preparedness - \$10,138.00.

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 \$10,138.00 which is now available from the NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – PANDEMIC FLU PREPAREDNESS in the amount of \$10,138.00;

BE IT FURTHER RESOLVED that the like sum of \$10,138.00 is hereby appropriated under the caption of NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – PANDEMIC FLU PREPAREDNESS; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJ DEPARTMENT OF HEALTH AND SENIOR SERVICES – PANDEMIC FLU PREPAREDNESS in the amount of \$10,138.00.

Resolution #08-263 Authorize Chapter 159 Insertion into FY2008 Municipal Budget – FY2008 Summer Food Service Program - \$8,659.38.

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 \$8,659.38 which is now available from the FY2008 SUMMER FOOD SERVICE PROGRAM in the amount of \$8,659.38;

BE IT FURTHER RESOLVED that the like sum of \$8,659.38 is hereby appropriated under the caption of FY2008 SUMMER FOOD SERVICE PROGRAM; and

BE IT FURTHER RESOLVED that the above is a result of funds from the FY2008 SUMMER FOOD SERVICE PROGRAM in the amount of \$8,659.38.

Resolution #08-264 Authorize Chapter 159 Insertion into FY2008 Municipal Budget – Recreational Opportunities for Individuals with Disabilities Grant - \$5,000.00.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2008 in the sum of \$5,000.00 which is now available from the FY2009 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT in the amount of \$5,000.00;

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption of FY2009 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT; and

BE IT FURTHER RESOLVED that the above is a result of funds from the FY2009 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT in the amount of \$5,000.00.

Resolution #08-265 Extension of Professional Services Agreement – Sharon Lane – Nursing Supervisor – January 1, 2008 to December 31, 2008 – Amount Not to Exceed \$10,400.00.

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

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

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

- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: Sharon Lane
ADDRESS: 26 Jacob Street
 Old Bridge NJ 08857
CONTRACT AMOUNT: Not to exceed \$10,400.00
SERVICE: Nursing Supervisor – 01/01/08-12/31/08

Resolution #08-266 Award Bid – Construction of Easton Avenue Sidewalks – Jenicar Builders Contractors Company – Amount Not to Exceed \$33,395.00.

WHEREAS, a notice to bidders for the receipt of bids for construction of Easton Avenue Sidewalks was published in the *Courier News* and posted on the Township’s website on April 17, 2008, and receipt was on May 7, 2008;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for construction of Easton Avenue Sidewalks:

VENDOR: JENICAR BUILDERS CONTRACTORS CO.
ADDRESS: 573 Belgrove Drive
 Kearny, NJ 07032
ITEM: Construction of Easton Avenue Sidewalks
AMOUNT: Amount Not to Exceed \$33,395.00

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

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

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

Resolution #08-267 Award State Contract – 2009 Ford Econoline Wagon S31 E350 Super Duty Ext XL – Ditschman Flemington Ford – Amount Not to Exceed \$21,581.00.

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

VENDORS:	Ditschman Flemington Ford 215 Route 202 & 31 P.O. Box 1007 Flemington, NJ 08822 SC No. A70872
ITEMS:	2009 Ford Econoline Wagon S31 E350 Super Duty Ext XL
COST:	Not to Exceed \$21,581.00

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

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

Resolution #08-268 Approval of Stormwater Detention Facility Maintenance Agreement – Schoolhouse Crossings, LP – Block 514, Lot 25.01 – Elizabeth Avenue and Schoolhouse Road.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Stormwater Detention Facility Maintenance Agreement with Schoolhouse Crossings, L.P., with offices located at 100 Colliery Road, Dickson City, Pennsylvania 18519 for property known as Block 514, Lot 25.01 located on the southwest corner of the intersection of Elizabeth Avenue and Schoolhouse Road pursuant to the Planning Board Resolution approval dated February 7, 2008 subject to form approved by the Township Attorney, a copy of which is on file in the office of the Township Clerk and available for public inspection.

Resolution #08-269 Authorize Issuance of Raffle 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>
Loyal Order of Moose, Somerset Lodge #1803 1300 Hamilton Street, Somerset, NJ On-Premise Raffle – RL#1704	June 29, 2008 2:00 pm – 5:00 pm

Drawing: 1300 Hamilton Street, Somerset

McCarrick Care Center
 15 Dellwood Lane, Somerset, NJ
 Off-Premise 50/50 – RL#1705
 Drawing: 15 Dellwood Lane, Somerset
 September 14, 2008
 2:30 pm

Association for Hunterdon Development Center
 275 Shepherd Avenue, Bound Brook, NJ
 Off-Premise Raffle – RL#1706
 Drawing: Garden State Exhibit Center
 October 26, 2008
 1:00 pm – 7:00 pm

Somerset Hills Learning Institute
 1810 Burnt Mills Rd., Bedminster, NJ
 Off-Premise Raffle – RL#1707
 Drawing: The Palace At Somerset Park
 October 24, 2008
 11:00 pm

Saint Peter’s Foundation
 254 Easton Avenue, New Brunswick, NJ
 Off-Premise 50/50 – RL#1708
 Drawing: DoubleTree Hotel, Somerset
 November 15, 2008
 10:00 pm

The New Brunswick Oratory
 (St. Peter’s Roman Catholic Church)
 94 Somerset Street, New Brunswick, NJ
 Off-Premise Raffle – RL#1709
 Drawing: Villagers Theatre, Somerset
 June 19, 2008
 6:30 pm – 10:00 pm

Resolution #08-270 Authorize Issuance Special Event Permit – First Baptist Church of Lincoln Gardens – Biker Blessing – June 8, 2008 from 2:00 to 6:00 p.m. – Church Parking Lot.

WHEREAS, a request was 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 of Lincoln Gardens; and,

WHEREAS, because of inclement weather on Saturday, May 18, 2008, the Biker Blessing was not held and a request to reschedule the event to June 8, 2008 has been received from First Baptist Church of Lincoln Gardens; 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, June 8, 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 #08-271 Authorize Issuance Special Event Permit – Deliverance Prayer Revival Tabernacle – Naaman Williams Park – June 6-8, 2008 – 6:00 to 8:30 p.m.

WHEREAS, a request has been received from the Deliverance Prayer Revival Tabernacle Church for permission to conduct an assembly of various churches on Friday, June 6, Saturday, June 7, and Sunday, June 8, 2008 from 6:00 pm to 8:30 pm, at Naaman Williams Park; 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 Deliverance Prayer Revival Tabernacle Church to conduct the assembly of various church on Friday, June 6, Saturday, June 7, and Sunday, June 8, 2008 at Naaman Williams Park, from 6:00 pm to 8:30 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 #08-272 Authorize Issuance of New Plenary Retail Consumption License – Jeffrey Zelekowitz and Neil Zelekowitz.

WHEREAS, on March 13, 2007 the Township Council adopted Resolution #07-143 which authorized the sale of one (1) plenary retail consumption license and one (1) plenary distribution license; and

WHEREAS, on July 10, 2007 the Township Council adopted Resolution #07-398 which awarded the plenary consumption license to the sole bidder, Jeffrey Zelekowitz and Neil Zelekowitz in the amount of \$256,000; and

WHEREAS, the submitted application form is complete in all respects, the ten percent (10%) bid deposit of \$25,600 has been paid; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

WHEREAS, Jeffrey Zelekowitz and Neil Zelekowitz have complied with all the conditions of sale within six (6) months of said award of license;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Franklin, State of New Jersey that it hereby authorizes the issuance of a plenary retail consumption license to Jeffrey Zelekowitz and Neil Zelekowitz effective May 28, 2008.

Resolution #08-273 Authorize Issuance of New Plenary Retail Consumption License – Hotel/Motel Exception – White Lodging Services Corporation – Homewood Suites Somerset – 101 Pierce Street.

WHEREAS, application has been filed by White Lodging Services Corporation for Plenary Retail Consumption License under the provisions of **NJSA 33:1-12.20 and Section 93-12 of the Township Code** which permits a Municipality to issue a new license outside of the population cap for a hotel or motel containing at least one hundred (100) guest sleeping rooms; and

WHEREAS, White Lodging Services Corporation proposes to operate this facility within and in conjunction with the Homewood Suites Somerset, 101 Pierce Street, which Hotel has in excess one hundred (100) guest sleeping rooms; and

WHEREAS, the application has been made with the Township Clerk and filing fees have been paid to the Township and to the State of New Jersey, Division of Alcoholic Beverages; and

WHEREAS, the Health Officer, Chief of Police and Fire Inspector have inspected the applicant's property and have approved them as per letters filed with the Clerk; and

WHEREAS, said application has been examined by the Township Council and the Township Council finds that:

- (1) The submitted application forms are complete in all respects;
- (2) The applicants are qualified to be licensed according to all Statutory, Regulatory and Local Government ABC Laws and Regulations; and
- (3) The applicants have disclosed, and the issuing authority has reviewed, the source of all funds used in the purchase of the license and the licensed business;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue one (1) Plenary Retail Consumption License under the Hotel/Motel provisions of **Title 33** to White Lodging Services Corporation.

Resolution #08-274 Accept Resignation of Edward R. Wyckoff from Municipal Ethics Board.

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 Edward Wyckoff as Municipal Ethics Board (Democratic) Member, effective immediately.

Resolution #08-275 Authorize Discharge of Second Repayment Mortgage and Affordable Housing Agreement – 205 Columbus Drive, Franklin Park.

WHEREAS, the Township of Franklin holds a mortgage for premises known as Block 20.10, Lots 11.02.C1804 located at 205 Columbus Drive, Franklin Park NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on said mortgages;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign both Discharge of Mortgages for Lots 11.02.C1804/Block 20.10 and to have same filed with the County Recording Officer.

Resolution #08-276 Removed from Consent Agenda for separate vote

Resolution #08-277 Award Extraordinary Unspecifiable Services – Land Preservation Consultant – Loos Consulting – Amount Not to Exceed \$70,000.00.

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

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

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" must be publicly advertised;

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

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

VENDOR NAME:	<i>Loos Consulting</i>
ADDRESS:	39 Fisher Drive, Franklin Park, NJ 08823
CONTRACT AMOUNT:	Amount Not to Exceed \$ 70,000.00
SERVICE:	Open Space Consultant – FY2009

Resolution #08-278 Authorize Purchase Over \$8500 – Municipal Code Supplement Services and Printing of Land Development Pamphlets – General Code – Amount Not to Exceed \$10,894.92.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR:	General Code Publishers 72 Hinchey Road Rochester, NY 14624-2991
ITEMS:	Municipal Code Services Printing of Land Development Pamphlets FY2008
COST:	\$10,894.92

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

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

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

Resolution #08-279 Authorize Issuance of Special Event Permit – First Baptist Church of Lincoln Gardens – Harvest of Hope – June 14, 2008 – 12 Noon to 4:00 p.m.

WHEREAS, a request has been received from the First Baptist Church of Lincoln Gardens for permission to conduct the Harvest of Hope on Saturday, June 14, 2008 from 6:00 pm to 4:00 pm, at First Baptist Church; and,

WHEREAS, the Harvest of Hope is an event to increase the awareness of the importance of parent involvement by providing activities, materials, demonstrations and information to parents; 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 Harvest of Hope on Saturday, June 14, 2008 at First Baptist Church, from 12:00 pm to 4:00 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.

Resolution #08-280 Authorize Submission of Somerset County Youth Services Commission Annual Grant in the amount of \$5,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission Annual Grant Program to apply for funds for the following:

1. \$1,000 for the Edgemere Learning Center
2. \$1,000 for the SGS Women to Girls Program
3. \$1,000 for the ARISE Program
4. \$1,000 for the Youth Council
5. \$1,000 for the Parkside Learning Center

Resolution #08-281 Amend Resolution #08-211 – 2008 Tax Rate – Fire District # 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

WHEREAS, Resolution #08-211, 2008 Tax Rate for Fire District No. 1 was incorrect;

NOW, THEREFORE, BE IT RESOLVED that Resolution #08-211 is hereby amended and the sum of \$2,393,672 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 \$2,393,672.

May 2008 - \$1,196,836

August 2008 - \$1,196,836

Resolution #08-282 Amend Resolution #08-212 – 2008 Tax Rate – Fire District #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

WHEREAS, Resolution #08-212, 2008 Tax Rate for Fire District No. 2 was incorrect;

NOW, THEREFORE, BE IT RESOLVED that Resolution #08-212 is hereby amended and the sum of \$1,717,796 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 \$1,717,796

May 2008 - \$858,898

August 2008 - \$858,898

Resolution #08-283 Amend Resolution #08-213 – 2008 Tax Rate – Fire District #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

WHEREAS, Resolution #08-213, 2008 Tax Rate for Fire District No. 3 was incorrect;

NOW, THEREFORE, BE IT RESOLVED that Resolution #08-213 is hereby amended and the sum of \$1,329,158 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 \$1,329,158.

May 2008 - \$664,579

August 2008 - \$664,579

Resolution #08-284 Amend Resolution #08-214 – 2008 Tax Rate – Fire District #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

WHEREAS, Resolution #08-214, 2008 Tax Rate for Fire District No. 4 was incorrect;

NOW, THEREFORE, BE IT RESOLVED that Resolution #08-214 is hereby amended and the sum of \$27,925 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 \$27,925.

May 2008 - \$13,962.50
August 2008 - \$13,962.50

Resolution #08-285 Authorize Submission of Grant Application – Somerset County Youth Service Commission Competitive Grant Youth Development and Leadership Program in the amount of \$8,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission Competitive Grant Program to apply for funds in the amount of \$8,000 for the Youth Development and Leadership Program at Franklin Middle School for Students in 7th & 8th grade and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #08-286 RESOLUTION AMENDING MEETING SCHEDULE 2008

BE IT RESOLVED on this 27th day of May, 2008, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the meeting schedule for the period January 1, 2008 to December 31, 2008 is hereby amended and shall include the following Budget Hearings:

Tuesday, September 2, 2008	7:00 p.m.	Municipal Complex, 475 DeMott Lane
Wednesday, September 3, 2008	7:00 p.m.	Municipal Complex, 475 DeMott Lane
Thursday, September 4, 2008	7:00 p.m.	Municipal Complex, 475 DeMott Lane

RESOLUTIONS, VOTED ON SEPARATELY

Mayor Levine presented the following:

Resolution #08-249 - SUPPORTING ASSEMBLY BILL NO. A-823 REGARDING REGULATIONS OF SNOWMOBILES AND ALL-TERRAIN VEHICLES

WHEREAS, Assembly Bill A-823, changes various provisions of the motor vehicle statutes concerning the regulation of snowmobiles and all-terrain vehicles and requires the New Jersey Motor Vehicle Commission (MVC) to regulate dirt bikes in the same manner as snowmobiles and all-terrain vehicles. Likewise, this bill subjects operators of dirt bikes to the same regulation as operators of snowmobiles and all-terrain vehicles; and

WHEREAS, Assembly Bill A-823, increases the fees for registration of snowmobiles and all-terrain vehicles and requires that dirt bikes be registered with the MVC; provides an exception to the registration requirements for snowmobiles, all-terrain vehicles, and dirt bikes operated for use on a farm; and requires that every person in the business of selling

snowmobiles, all-terrain vehicles, and dirt bikes provide written notice at the time of sale to every purchaser of a snowmobile, all-terrain vehicle, or dirt bike that the snowmobile, all-terrain vehicle, or dirt bike shall be properly registered with commission within 30 days of the date of purchase; and

WHEREAS, Assembly Bill A-823, provides that whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred, the owner is required to provide a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership; and

WHEREAS, Assembly Bill A-823, provides for the creation and requires the use of an identification number to be displayed on the snowmobile, all-terrain vehicle, or dirt bike in a manner as prescribed the Chief Administrator of the MVC; and

WHEREAS, Assembly Bill A-823, creates an "Off-Road Vehicle Fund" to be credited with the fees collected by the MVC for the registration of snowmobiles, all-terrain vehicles, and dirt bikes and the monies in the fund are to be used by the MVC for education and enforcement purposes; and

WHEREAS, Assembly Bill A-823, establishes two new penalties for any vehicle or off-road vehicle operated on public lands in violation of P.L.1973, c.307 (C.39:3C-1 et seq.) or in violation of any law, or rule or regulation adopted pursuant thereto; and

WHEREAS, the first new penalty applies to the operators of these vehicles or off-road vehicles. For a first offense, the operator is subject to a fine of \$250 to \$500 and may be subject to a 30-day license suspension. For a second offense, the operator is subject to a fine of \$500 to \$1,000 and may be subject to a license suspension for a period no more than six months. For a third or subsequent offense, the operator is subject to a fine of not less than \$1,000 and a two year license suspension; and

WHEREAS, Assembly Bill A-823, the second new penalty authorizes the enforcing agencies to impound vehicles and off-road vehicles. For a first offense, the vehicle or off-road vehicle may be impounded for at least 48 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$500 payable to the Department of Environmental Protection (DEP), plus reasonable towing and storage costs. For a second offense, the vehicle or off-road vehicle is to be impounded for not less than 96 hours. The owner may reclaim it by showing proof of registration and insurance and paying a fee of \$750 to the DEP, plus reasonable towing and storage costs. If the owner fails to reclaim the vehicle or off-road vehicle within 30 days it may be sold at auction. For a third offense, the impounded vehicle or off-road vehicle shall be forfeited and sold at auction, and the owner shall be responsible for a fee of \$1,000 payable to the DEP, plus reasonable towing and storage costs. The net proceeds of the auction are to be returned to the owner or administered in accordance with the "Uniform Unclaimed Property Act." The bill includes protections for lessors; and

WHEREAS, Assembly Bill A-823, revises the responsibilities of the Commissioner of Environmental Protection provided in section 2 of P.L.1973, c.307 (C.39:3C-2), to provide the commissioner with the responsibility to administer and enforce all statutes, permits, rules and regulations relating to snowmobiles, all-terrain vehicles, and dirt bikes on the public lands and waters owned, operated, managed, or maintained by, or under the jurisdiction of, the DEP, including any and all lands owned, operated, managed, or maintained by, or purchased jointly with, any other party such that: (1) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only on highways and roads designated and marked for such operation, unless specifically authorized by the commissioner, and (2) snowmobiles, all-terrain vehicles, and dirt bikes shall be operated only in areas designated and marked for such operation and only with a special use permit; and

WHEREAS, Assembly Bill A-823, also enhances the existing penalties concerning the operation of snowmobiles and all-terrain vehicles, as provided in P.L.1973, c.307 (C.39:3C-1 et seq.) and creates the same penalties concerning the operation of dirt bikes. Snowmobile and all-

terrain vehicle operators are required to comply with certain provisions of the motor vehicle laws, specifically sections of chapter 4 of Title 39 of the Revised Statutes when operating across a public highway or on public land or waters. For example, these operators are subject to the drunk driving statutes and the reckless and careless driving laws. The penalties imposed under current law for violations of those statutes, however, are significantly downgraded for snowmobile and all-terrain vehicle operators. For instance, a first time offender convicted of operating a motor vehicle while under the influence is subject to a fine of \$250 to \$400; detainment for 12 to 48 hours; imprisonment for up to 30 days, if so ordered by the court and a license suspension for six month to one year. A person found guilty of operating a snowmobile or all-terrain vehicle while under the influence is subject to a fine of \$100 to \$200. This bill eliminates those downgraded penalties, making snowmobile, all-terrain vehicle and dirt bike operators subject to the same penalties as motor vehicle operators; and

WHEREAS, Assembly Bill A-823, amends the general penalty section of the law concerning the operation of snowmobiles and all-terrain vehicles, and includes penalties concerning the operation of dirt bikes. This section establishes the scope of the fines which may be imposed for violations that do not set forth their own specific penalties. At present, the maximum fine for these types of violation is \$200. The bill increases that amount to \$500; and

WHEREAS, Assembly Bill A-823, updates the statutory text of P.L.1973, c.307 (C.39:3C-1 et seq.) to reflect the establishment of the MVC and to delete outdated references to the Division of Motor Vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby support New Jersey Assembly Bill No. A-823 and urges the State Assembly for its adoption;

BE IT FURTHER RESOLVED that this resolution be forward to Governor Jon Corzine, all Somerset County legislators and municipalities, New Jersey League of Municipalities and the Franklin Township Open Space Advisory Committee.

Council members spoke at length concerning the positive and negative points of the proposed legislation. Deputy Mayor Vassanella objected to the provision that whenever ownership of a snowmobile, all-terrain vehicle, or dirt bike is transferred, the owner is required to provide a notarized bill of sale, assignable certificate of origin, or other formal proof of ownership, and also to the amount of fines that were imposed. Mr. Mettler agreed with the premise of the proposed legislation because of the damage to farmlands and open space, noise that disrupts the wildlife and the danger from people who operate the vehicles without regard for the health and safety of others.

Upon a motion made by Ms. Eberle and seconded by Mr. Glicklich, the resolution was adopted on the following vote:

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

Mayor Levine presented the following:

Resolution #08-250 - Support Assembly Bill No. A-1105 – Authorizing On-Line Publication of Municipal Legal Notices

WHEREAS, government at all levels is under severe financial stress, and the State has just announced plans to substantially reduce or eliminate State Aid to many municipalities; and

WHEREAS, municipalities and public entities are required by law to post and publicly advertise various proposed Legislative actions and/or applications for various approvals or

permits, so that the citizenry will be informed and able to comment or inquire at appropriate times; and

WHEREAS, the State law applicable to such public advertising and notice, requiring legal notice advertisements in certain designated “official” newspapers, was established many years ago, at a time when newspapers were practically the only form of mass communications, advertising rates were lower, and municipalities and public entities were not so financially stressed; and

WHEREAS, in addition, the cost of many public notices is passed through directly to the applicant/public, resulting in higher application or permit costs to the public applying for these various approvals or permits; and

WHEREAS, over the years, there has always been the complaint or issue that newspaper legal notices are not prominent and not regularly read by many citizens, and the state of internet technology now will permit such legal notices to be posted in a specific on-line location at little or no cost to the municipality and available to the citizen at this specific on-line location at no cost, and allowing such internet posting/advertising will save municipalities substantial monies while increasing public accessibility; and

WHEREAS, in the current state of government economics, it is imperative that reasonable measures be implemented to save public funds and tax dollars, and this change in public notice procedures would save substantial funds while preserving, if not enhancing, public notification effectiveness,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey urges the State Legislature and Governor to adopt Assembly Bill A1105, or similar legislation, to authorize public advertising of legal notices by on-line posting of Public and Legal Notices, pursuant to designed guidelines and requirements to ensure effective public notice and availability, in lieu of costly newspaper legal notices.

Following a lengthy discussion regarding the pros and cons of on-line publication and the consideration of other forms of publication of Township legal and public notices, it was determined by Council that they would not make a motion to support this resolution. Several members of Council voiced their opinions that, because many people do not use the internet, it would not be considered adequate notification of actions taken by the Council. There were suggestions made by members that a combination of sources of notification, such as a monthly notice published in the official newspaper that ordinances, resolutions and actions of the Council could be found at the Municipal Building and on-line, or that both on-line and newspaper notification would be best.

In answer to a question from Deputy Mayor Vassanella, Mr. Daly noted that the proposed on-line publication is optional – not mandated.

Mayor Levine presented the following:

Resolution #08-276 - AWARDING FAIR AND OPEN PROFESSIONAL SERVICE AGREEMENT – DESIGN AND PREPARE PLANS TO STABILIZE AND PREVENT FURTHER DETERIORATION TO CANAL ROAD HISTORICAL HOUSES – FAREWELL, MISS, GATSCH ARCHITECTS, LLC – AMOUNT NOT TO EXCEED \$40,600.00

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

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

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" must be publicly advertised;

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

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

VENDOR NAME: *FAREWELL, MISS, GATSCH ARCHITECTS, LLC*
ADDRESS: 200 Forrestal Road, Princeton, NJ 08540
CONTRACT AMOUNT: Amount Not to Exceed \$ 40,600.00
SERVICE: Design and prepare plans to stabilize and prevent further deterioration of Canal Road Historic Houses.

Mr. Daly noted that, because the Somerset County Historic Preservation Office would not approve a full scale study that the resolution should be amended to reject both bids.

Upon motion by Mr. Glicklich, seconded by Mr. Mettler, a resolution to reject both bids for the aforesaid project was approved as follows upon call of the roll:

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

BOARD AND COMMISSION APPOINTMENTS

Deputy Mayor Vassanella nominated Phil Kramer for item "f" – one (1) Democrat or Independent Member of the Municipal Ethics Board for an unexpired five-year term ending December 31, 2009.

Mayor Levine noted that the Municipal Ethics Board was consisted of not more than three people from the same party. He asked for further nominations.

There being no further nominations, Mr. Kramer was appointed by unanimous acclamation. Mayor Levine congratulated Mr. Kramer on his appointment.

Deputy Mayor Vassanella noted that Franklin McLaughlin, III, a member of the Trails Advisory Committee, had shown interest in serving on the Task Force on Open Space and Parks in the Southern Portion of the Township of Franklin. He nominated Mr. McLaughlin for that position. There being no further nominations, Mr. McLaughlin was appointed Trails Advisory Committee Representative on the Task Force on Open Space and Parks in Southern Portion of the Township of Franklin by unanimous acclamation.

Mr. Glicklich noted that it would seem that the practice that the Council had agreed upon of requiring résumés or at least an application for consideration as a candidate for a position on a board or commission is not being followed.

Deputy Mayor Vassanella answered that, because both of the candidates that he had nominated, were already serving on other boards or committees, that the résumés that they submitted within the last year would be sufficient. He alluded to the fact that, two weeks ago (the meeting of May 13, 2008) a candidate was named on the meeting agenda for a position that was being filled. He noted that no names of proposed candidates should be printed on the agenda, no matter who nominates the candidate.

EXECUTIVE SESSION

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

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

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

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

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

Mayor Levine read the following list of items to be discussed by the Township Council in Executive Session:

Litigation – Update of Pending Litigation Cases
RAID vs. Township of Franklin
Janho vs. Township of Franklin
Kings Row Homes vs. Township of Franklin
Peter Sofko Fire Arms Application Appeal
Davian Durga Fire Arms Appeal

Township of Franklin vs. DesLauries et al
Wells Fargo Bank vs. Richard Hoffman et al
Maureen & Edward Madsen vs. Township of Franklin et al
Township of Franklin vs. Kevin & Christine Fellin
DesLauries (Municipal Solutions) vs. Township of Franklin
Real Property Tax Appeals
Construction Code Matters
DEP Notice of Violation - Violations

- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The Township Council adjourned to Executive Session at 10:35 p.m. The meeting resumed at 11:35 p.m.

Mayor Levine again noticed the audience of the subjects of discussion in the Executive Session.

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.

Mr. Glicklich moved to adjourn the meeting at 11:30 p.m. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Date: *August 12, 2008*

Brian D. Levine, Mayor

Virginia M. Woodbury,
Deputy Township Clerk