

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 7:07 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 June 10, 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 Mayor Levine led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Mr. Glicklich (arrived at 7:30 p.m.), Mayor Levine, Mr. Mettler, Mr. Prasad, Deputy Mayor Vassanella

Absent: Ms. Francois, Mr. Sumter

Also present: Leslie G. London, Township Attorney, Donna Vieiro, Assistant Township Manager, Ann Marie McCarthy, Township Clerk

#### **MAYOR'S REPORT**

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month. Public is invited and encouraged to attend.
- One can see listings on FTTV-25 and the Township website. On the Township's website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- Announced he has a Mayor's Blog through the Home News. He would be periodically list happenings and opinions on the Home News blog. He invited comments, answers and suggestions. Also announced there would be a Mayor's column in *The Spectator*.
- Reported he testified before the NJ Assembly Appropriations Committee on June 5, 2008 regarding issues dealing with the Council on Affordable Housing (COAH).
- Announced June 14<sup>th</sup> is Flag Day.
- Noted the current heat wave and announced Franklin has "cooling centers" for those who may not have air conditioning located at the Senior/Community Center and the Library.
- Reported that June 5<sup>th</sup> was NJ Primary Election Day and congratulated both those who won and loss. He thanked the poll workers.

- Reported the New Jersey Orators had their annual awards presentation on May 31<sup>st</sup>. They do great work for children by teaching them oratory skills that are phenomenal. The keynote speaker was May Cory Booker of Newark. Mayor Levine presented a proclamation on behalf of Council.
- Announced that June 20<sup>th</sup> is the NAACP New Jersey Annual Banquet in Franklin this year.
- Announced the Farewell Salute to 3,000 New Jersey National Guard troops of the 50<sup>th</sup> Infantry Brigade Combat Team as they leave for Iraq is on June 14<sup>th</sup> at Fort Dix. He wished all well and for a safe return.
- Reported on the water main break and the problems the Township had with the Reverse 9-1-1 system.

### **DEPUTY MAYOR'S REPORT**

Deputy Mayor Vassanella spoke of the current heat wave and suggested that the Senior/Community Center may remain open to at least sunset.

He reported that there is road work throughout the Township and updates/information will be posted on the Township's website.

He spoke of the accident that occurred on Douglas Avenue. He stated that drivers need to be careful when on a road with bicycle traffic, children and no sidewalks.

### **PUBLIC DISCUSSION**

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

Marilyn Nolan, 4102 Avery Court, spoke of her concerns and opposition regarding the release of Performance Bonds to Centex in relation to the Renaissance Development.

Al Donnenberg, 33 Daulton Drive, spoke of his email that he read at the May 27<sup>th</sup> meeting and asked when he would receive a response from the Mayor and Council. The Mayor replied by stating approximately one month. Ms. Danile stated she would be willing to meet with him one day next week.

Mr. Glicklich arrived at the meeting at 7:30 p.m.

Miriam Pierre, 10 Triplet Road, spoke of her concerns regarding the Reverse 9-1-1 System and stated she did not receive a telephone call.

Deena Lux, 2307 Neville Court, President of Renaissance Association, spoke of her serious concerns regarding the work done at Renaissance at Raritan Valley. She asked Council to reconsider releasing the bonds until all issues were rectified.

Cliff Horberg, 6 Courtney Lane, Renaissance Homeowners Association, spoke of serious problems with the indoor pool and asked for a two-month delay in releasing the bonds so that reports could be done as well as any necessary studies.

Scott Anderson, Attorney for Centex, reviewed the facts regarding the release of the performance bonds. He stated the Engineer has recommended release of the bonds and that all bonded items have been completed. He stated the items of concern presented this evening are not bonded items and Centex will continue to work on these items. He noted that Centex is required to provide a two-year maintenance bond.

Thomas Zilinek, Township Engineer reported that the Consulting Engineer, CME conducted inspections and recommended release of the performance bonds with the submission of a two-year maintenance bond.

Discussion ensued amongst Council, the Township Attorney and the Attorney for Centex regarding the release of the performance bonds and the items of concerns presented this evening. Ms. London clarified that that items listed in the bonds are for the site improvements, not the actual structures.

A motion was made by Mr. Glicklich to remove the three resolutions regarding the Centex Performance Bonds from the Consent Agenda and to discuss and act on these resolutions after the public discussion portion of the meeting. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Tony DePalma, 16 Daulton Drive, Renaissance, asked Council to postpone action on these bonds for 2-3 months so that all parties involved can work to resolve these issues.

There being no further comments from the public, 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. Prasad reported that the Franklin Youth Initiative Job Fair was a huge success. He announced the 8<sup>th</sup> anniversary of Arsha Boda.

Ms. Eberle reported on social services and the Franklin Youth Initiative to meet on June 18 at 6 p.m. in the Health Building.

Mr. Mettler reported on the water situation, noting the problem was with the valves that were not tested in 30 years. This was discussed at a Public Works Standing Committee meeting and a new valve testing schedule was made. Mr. Mettler reported on the Land Use Committee meeting held last week regarding the redevelopment area and Lyons Hospital (VA) looking for permanent housing for veterans who need to transition back into civilian communities.

Mr. Glicklich reported on the great success of the Franklin Youth Initiative programs.

Deputy Mayor Vassanella reported that there would be a special meeting held on June 18<sup>th</sup> at 7:00 p.m. to discuss the proposed solid waste authority.

#### RESOLUTIONS – CENTEX HOMES

Mayor Levine presented the following resolutions for adoption:

**Resolution #08-303** Authorize Release of Performance Bond – Centex Homes (Renaissance at Franklin) – Docket #PLN2001-0041 – Block 507/Lots37.04 & 47 – Clubhouse Site Improvements -\$493,779.48.

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

NAME OF APPLICANT:	Centex Homes (Renaissance at Franklin)
ADDRESS OF APPLICANT:	500 Craig Road Manalapan, NJ 07726-8790
ITEM:	Performance Bond
NUMBER:	#6212070
INSURANCE CO./BANK:	Safeco Insurance Co. of America

DOCKET: PLN-2001-0041  
 IN THE AMOUNT OF: \$493,779.48  
 FOR: Block 507/Lots 37.04 & 47 – Clubhouse Site Improvements

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee in the amount of \$493,779.48;

**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 \$493,779.48 be released to the above named applicant.

**Resolution #08-304** Authorize Release of Performance Bond - Centex Homes (Renaissance at Franklin) – Docket #PLN2001-0034 – Block 507/Lots37.04 & 47 – On-Site Improvements -\$10,636,034.40 (Upon submission of 2-year Maintenance Bond in the amount of \$1,595,405.16).

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

NAME OF APPLICANT: Centex Homes (Renaissance at Franklin)  
 ADDRESS OF APPLICANT: 500 Craig Road  
 Manalapan, NJ 07726-8790  
 ITEM: Performance Bond  
 NUMBER: #6212069  
 INSURANCE CO./BANK: Safeco Insurance Co. of America  
 DOCKET: PLN-2001-0034  
 IN THE AMOUNT OF: \$10,636,034.40  
 FOR: Block 507/Lots 37.04 & 47 – On-Site Improvements

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee in the amount of \$10,636,034.40, upon the submission of a two-year maintenance bond in the amount of \$1,595,405.16; and

**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 \$10,636,034.40 be released to the above named applicant, upon the submission of a two-year maintenance bond in the amount of \$1,595,405.16.

**Resolution #08-305** Authorize Reduction of Performance Bond – Centex Homes (Renaissance at Franklin) – Docket #PLN2001-0034 – Block 507/Lots37.04 & 47 – Weston Road Improvements –From \$649,969.20 to \$194,990.76.

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

NAME OF APPLICANT: Centex Homes (Renaissance at Franklin)  
 ADDRESS OF APPLICANT: 500 Craig Road  
 Manalapan, NJ 07726-8790  
 ITEM: Performance Bond  
 NUMBER: #6212071  
 INSURANCE CO./BANK: Safeco Insurance Co. of America  
 DOCKET: PLN-2001-0034

IN THE AMOUNT OF: \$649,969.20  
FOR: Block 507/Lots 37.04 & 47 – Weston Road Improvements

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Bond from \$649,969.20 to \$194,990.76 to the above named applicant.

Ms. London recommended moving forward on Resolutions #08-303 and #08—305 and tabling Resolution #08-304 until the next scheduled meeting.

Deputy Mayor Vassanella moved the adoption of Resolution #08-303 and #08-305 and tabling Resolution #08-304 until the next scheduled meeting. Mr. Prasad seconded the motion. After a brief discussion by Council, the motion carried as follows upon call of the roll:

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

**RESOLUTION #08-286**

**Award Emergency Contract - Schilke Construction Co., Inc. – Repairs to Water Main and Valves on Amwell Road – Amount Not to Exceed \$200,000.00.**

Mayor Levine presented the following resolution for adoption:

**WHEREAS**, an emergency condition arose on June 3, 2008 at 1:00 p.m. in regards to a break in a 20” transmission main at Amwell Road and Wilson Road causing loss of water and will potentially cause widespread loss of service and contaminated water supply; and

**WHEREAS**, said condition constitutes an emergency affecting the public health, safety and welfare of the residents of the Township of Franklin; and

**WHEREAS**, it was necessary to invoice the provisions of N.J.S.A. 40A:11-6 in order to obtain the immediate delivery of goods or performance of services described in the attached requisition; and

**WHEREAS**, the Township Manager approved issuance of a purchase order without receipt of bids or solicitation of quotations;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following emergency contract be awarded for repairs to water main and valves on Amwell Road:

**VENDOR:** SCHILKE CONSTRUCTION CO., INC.  
**ADDRESS:** 301 Valley Road  
Hillsborough, NJ 08844  
**ITEM:** Emergency repairs to water main and valves on Amwell Road  
**AMOUNT:** Amount Not to Exceed \$200,000.00

**BE IT FURTHER RESOLVED** 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 company; and

**BE IT FUTURE 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.

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

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

### COUNCIL DISCUSSION ITEMS

#### Fair and Open Subcommittee Report

Deputy Mayor Vassanella reported there is to be another Fair and Open Subcommittee Meeting scheduled to discuss the positions of attorneys as consultants as opposed to being employees. As a result of that meeting, a resolution or ordinance will be prepared with their recommendations. Mr. Prasad cautioned Council that the ordinance needs to be drafted and introduced quickly to allow time for process to start before end of year.

#### Public Funding for Political Campaigns – Proposed Referendum

Mr. Prasad asked Council to support a non-binding referendum for public funding for political campaigns for the November ballot. He expressed the Township's interest in cleaning up government and reducing the costs of political campaigns by allotting a certain amount to each political party.

#### Propose Elections to be held on Saturdays

The Township Council discussed the idea of changing election days from Tuesdays to Saturdays, both sides expressing the pros and cons of changing the day or leaving it as is.

#### Propose Study for Financial Alternatives for Public Education

Mr. Prasad requested a resolution be prepared petitioning the State of New Jersey to fund monies to Franklin Township to conduct a study of finding alternative funding sources for public education.

### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,542,447.28 for June 10, 2008 to the Township Council for payment:

1	Current	2,115,682.56
5	Water Operating	8,922.32
4	General Capital	1,182.13
15	Trust Others	2,800.00
11	Recreation Trust	1,090.34
40	Open Space Trust	1,268.29
2	Grant	9,452.39
17	Animal Control	354.60
30	Payroll Agency	401,694.65

Subtotal	2,542,447.28
Grand Total	2,542,447.28

Mr. Mettler moved that warrants in the amount of \$2,542,447.28 for June 10, 2008 to be paid. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

**ORDINANCE – PUBLIC HEARING & FURTHER CONSIDERATION**

**Ordinance No. 3753**

Mayor Levine presented the following ordinance:

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED ON FEBRUARY 8, 2005, AS AMENDED BY BOND ORDINANCE NUMBER 3601 FINALLY ADOPTED ON MARCH 28, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3619 FINALLY ADOPTED ON JUNE 29, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3666 FINALLY ADOPTED ON MARCH 13, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3693 FINALLY ADOPTED ON MAY 8, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3703 FINALLY ADOPTED ON JUNE 28, 2007 TO AMEND THE DESCRIPTION THEREOF**

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

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

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

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

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

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

**Ordinance No. 3754**

Mayor Levine presented the following ordinance:

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

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

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

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

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

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

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

**Ordinance No. 3755**

Mayor Levine presented the following ordinance:

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

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

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

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

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

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

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

**Ordinance No. 3756**

Mayor Levine presented the following ordinance:

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

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

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

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

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

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

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

**Ordinance No. 3757**

Mayor Levine presented the following ordinance:

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

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

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

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

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

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

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

#### INTRODUCTION OF ORDINANCE ON FIRST READING

##### Ordinance No. 3764

Mayor Levine presented the following ordinance:

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, CHAPTER 46, PERSONNEL POLICIES, SECTION 46-11, EMPLOYMENT BENEFITS SECTION 46-12, MEDICAL INSURANCE COVERAGE; AND SECTION 46-13, RETIREMENT BENEFITS.**

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.

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

##### Ordinance No. 3765

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 62 - SALARIES & COMPENSATION – SECTION 62-4 – ANNUAL COMPENSATION AND**

**LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES; SECTION 62-6 - ANNUAL BASE SALARIES FOR POLICE SERGEANTS AND LIEUTENANTS; SECTION 62-8 - ANNUAL COMPENSATION FOR POLICE PATROL OFFICER AND SECTION 62-14 – HOURLY WAGE SCALE FOR CROSSING GUARDS.**

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.

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

**CONSENT AGENDA ITEMS**

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

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

**Resolution #08-287** Authorize Master Public Works Shared Services Agreement for Sharing Public Works Equipment between Somerset County Municipalities, Somerset County, and each other.

**WHEREAS**, various County of Somerset municipalities are desirous of sharing public works equipment and public works employees with County and/or any designated municipality to provide public work services, general maintenance and related services; and

**WHEREAS**, the County of Somerset is desirous of providing those services to the County of Somerset municipalities in accordance with the terms of an agreement, copy of which is on file with the Township Clerk; and

**WHEREAS**, the Interlocal Services Act (Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et seq)) authorizes and empowers the County of Somerset and the County of Somerset municipalities to enter into such an agreement;

**NOW, THEREFORE, BE IT RESOLED** that the Mayor and Council of the Township of Franklin, County of Somerset does hereby authorize the Mayor and Township Clerk to execute agreements, as prepared by Somerset County Counsel and on file with the Township Clerk, to provide services to the County of Somerset municipalities and Somerset County.

**Resolution #08-288** Award Bid – Transmitters for Fixed Meter Reading System (Sensus) - HD Supply – Amount Not to Exceed \$200,000.00.

**WHEREAS**, a notice to bidders for the receipt of bids for construction of Transmitters for Meter Reading Equipment was published in the *Courier News* and posted on the Township's website on May 15, 2008, and receipt was on May 29, 2008;

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Transmitters for Meter Reading Equipment:

**VENDOR:** HD SUPPLY  
**ADDRESS:** 228 Williamstown Road  
 Berlin, NJ 08009  
**ITEM:** Transmitters for Meter Reading Equipment  
**AMOUNT:** Amount Not to Exceed \$200,000.00

**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 #08-289** Award Bid – Administer Township’s Affordable Housing Program – Somerset County Council on Affordable Housing (SCCOAH) – Amount Not to Exceed \$85,000.00.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township, a contract with Somerset County Council on Affordable Housing for the period July 1, 2008 to June 30, 2009 for the administration of the Township's Affordable Housing Program at a cost of \$85,000.00; and

**BE IT FURTHER RESOLVED** that this contract is subject to the availability of funds in the FY2009 Budget and this contract can be cancelled if funding is not available.

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

**Resolution #08-290** Authorize Fire and First Aid Volunteers Life Insurance.

**BE IT RESOLVED** by the Mayor and Council of the Township of Franklin, County of Somerset, that it hereby authorizes the following Fire and First Aid Volunteers Life Insurance Benefit Schedule:

Class 1 Under 70 years of age	\$7,000 / \$7,000
Class 2 age 70 – 74	\$3,500 / \$3,500
Class 3 age 75 – 79	\$3,500 / \$3,500
Class 4 age 80 and over	\$2,500 \$2,500

**Resolution #08-291** Authorize Mutual Police Aid Interlocal Services Agreement.

**WHEREAS**, Agreements for shared service, N.J.S.A. 40A:65-4 et. seq., authorizes any Local Unit of the State to enter into a contract with any other Local Unit or units within the State for the joint provision within their territorial jurisdictions of any service which any party to the Agreement is empowered to render within its own jurisdiction; and,

**WHEREAS**, Municipalities of the State of New Jersey are authorized under N.J.S.A. 40A:14-156 et seq., in the event of an emergency to provide Police assistance outside their

territorial jurisdictions in order to protect life and property or to assist in suppressing a riot or disorder; and,

**WHEREAS**, the Participating Local Units and **Franklin Township** have determined that it is in their mutual best interest and benefit that each agree to render supplemental police assistance to any Requesting Local Unit pursuant to the terms and conditions as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Township of Franklin, County of Somerset does hereby authorize the Mayor and Township Clerk to execute agreements, as prepared by Somerset County Counsel and on file with the Township Clerk to provide police mutual aid services to the County of Somerset municipalities and Somerset County.

**Resolution #08-292** Authorize 2008 NJDOT Municipal Local Aid Grant – Matilda Street – Milling of Curb Line and Resurfacing - Amount of Grant Requested: \$150,000.00.

**WHEREAS**, there is are safety issues in connection with the condition of Matilda Avenue; and

**WHEREAS**, there is a need for milling the curb line and resurface Matilda Avenue from Franklin Boulevard to Pine Street; and

**NOW THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, formally approve the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-Franklin Township-00389 NJDOT to the New Jersey Department of Transportation on behalf of Franklin Township;

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Franklin and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement

**Resolution #08-293** Authorize 2008 NJDOT Municipal Local Aid Grant – Martino Drive – Milling of Curb Line and Resurfacing - Amount of Grant Requested: \$150,000.00.

**WHEREAS**, there is are safety issues in connection with the condition of Martino Drive; and

**WHEREAS**, there is a need for milling the curb line and resurface Martino Drive from DeMott Lane to Wilson Road; and

**NOW THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, formally approve the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-Franklin Township-00378 NJDOT SAGE to the New Jersey Department of Transportation on behalf of Franklin Township;

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Franklin and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

**Resolution #08-294** Approval of Township Personnel Manual. – *Tabled until June 24, 2008 Meeting.*

**Resolution #08-295** Approval of Township Pandemic Influenza Response Plan.

**WHEREAS**, the Pandemic Influenza Response Plan (“Plan”) for Franklin Township provides guidance to Franklin Township Health Department and regional partners regarding detection, response and recovery from an influenza pandemic; and

**WHEREAS**, the Plan describes the unique challenges posed by a pandemic that may necessitate specific leadership decisions, response actions, and communications mechanisms; and

**WHEREAS**, the Plan will be coordinated with other Franklin Township preparedness plans and activities and will be coordinated with the plans of community, state and federal partners; and

**WHEREAS**, the Plan is a supplement to the Public Health Annex of the Franklin Township Emergency Management Plan;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Franklin, County of Somerset, that it hereby adopts the attached Pandemic Influenza Response Plan for the Township of Franklin in the County of Somerset.

**Resolution #08-296** Authorize Purchase Over \$8500 – Radar – Stalker Radar – Amount Not to Exceed \$26,800.00.

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

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

**VENDOR:**     **Stalker Radar**  
                   2609 Technology Drive  
                   Plano, Texas 75074

**ITEMS:**       Radar

**COST:**         \$26,800.00

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

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

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

**Resolution #08-297** Award State Contract – Repeater (Police Department Equipment) – Motorola, Inc. – Amount Not to Exceed \$15,028.80.

**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:



**Resolution #08-299** Authorize Abandoned Vehicle Auction – July 16 and July 17, 2008.

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

**Date:** Wednesday, July 16, 2008  
**Time:** 10:00 AM  
**Place:** Township Yard  
Churchill and Berry Street, Somerset, NJ

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

**Date:** Thursday, July 17 2008  
**Time:** 10:00 AM  
**Place:** Guaranteed Motors  
607 Somerset Street, Somerset, NJ

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE/COLOR</u>	<u>VIN. NUMBER</u>
1999	FORD CONTOUR	4 DR RED	1FAFP6630XK189392
1991	HONDA ACCORD	2 DR GREY	1HGCB7254MA043489
1996	MERCURY MYSTIC	4 DR RED	1MELM6532TK635543
1996	CHRYSLER SEBRING	2 DR WHT	3C3EL55H4TT306686
2004	CHEVY IMPALA	4 DR WT	2G1WF52E649114135

**Date:** Thursday, July 17, 2008  
**Time:** 11:00 AM  
**Place:** Dependable Motors  
873 Somerset Street, Somerset, NJ

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

Vehicles have Transferable/Regular Titles

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

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

**Resolution #08-300** Authorize Transfer of Court Overpayments.

**WHEREAS**, there exists on the books of the general account of the Municipal Court Violations Bureau, overpayments that were not able to be refunded for the year;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Franklin, County of Somerset, that the following list of ticket numbers in the amount of \$468.28 be turned over to the Chief Financial Officer:

<u>Date</u>	<u>Ticket No.</u>	<u>Amount</u>
01/12/07	Check #1016	150.00
01/12/07	Check #1021	10.00
01/12/07	Check #1022	5.00
02/01/07	Check #1030	200.00
02/07/07	Check #1034	8.00
03/09/07	Check #1054	2.00
04/13/07	Check #1070	1.00
04/13/07	Check #1071	0.50
04/13/07	Check #1072	10.00
05/16/07	Check #1090	40.00
05/16/07	Check #1095	1.00
05/16/07	Check #1097	1.00
05/16/07	Check #1098	1.00
05/16/07	Check #1099	15.00
05/16/07	Check #1100	1.00
06/12/07	Check #1111	1.00
07/11/07	Check #1127	9.00
07/11/07	Check #1130	1.00
09/14/07	Check #1175	10.78
09/28/07	Check #1178	1.00
	<b>Check # 1308</b>	<b>468.28</b>

**Resolution #08-301** Authorize Fireworks Display – The Palace at Somerset Park – June 14, 2008 at 9:00 p.m. (Tumboken Wedding) and June 21, 2008 at 9:00 p.m. (Balesterri Wedding).

**WHEREAS**, The Palace has made application for permission to hold a fireworks display on Saturday, June 14, 2008 in conjunction with the Tumbokon Wedding Celebration and on Saturday, June 21, 2008 in conjunction with the Balesterri Wedding Celebration both to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m.; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to The Palace has made application for permission to hold a fireworks display Saturday, June 14, 2008 in conjunction with the Tumbokon Wedding Celebration and on Saturday, June 21, 2008 in conjunction with the Balesterri Wedding Celebration both to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m., subject to the following conditions:

- (1) Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;
- (2) Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;
- (3) Submission of Certificate of Insurance by The Palace covering the fireworks; and

(4) Submission of Surety as per N.J.S.A. 21:3-5.

**Resolution #08-302** Award State Contract – Emergency Equipment for Police Vehicles – Major Police Supply – Amount Not to Exceed \$9,210.96.

**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:

<b>VENDORS:</b>	<b>Major Police Supply</b> 47 N. Dell Avenue Kenvil, NJ 07847 SC No. 46912
<b>ITEMS:</b>	<b>Emergency Equipment for Police Vehicles</b>
<b>COST:</b>	Not to Exceed \$9,210.96

**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 #08-303** Authorize Release of Performance Bond – Centex Homes (Renaissance at Franklin) – Docket #PLN2001-0041 – Block 507/Lots37.04 & 47 – Clubhouse Site Improvements -\$493,779.48. – *Removed from Consent Agenda and acted on after Council Comments.*

**Resolution #08-304** Authorize Release of Performance Bond - Centex Homes (Renaissance at Franklin) – Docket #PLN2001-0034 – Block 507/Lots37.04 & 47 – On-Site Improvements -\$10,636,034.40 (Upon submission of 2-year Maintenance Bond in the amount of \$1,595,405.16). – *Tabled until June 24, 2008 Meeting.*

**Resolution #08-305** Authorize Reduction of Performance Bond – Centex Homes (Renaissance at Franklin) – Docket #PLN2001-0034 – Block 507/Lots37.04 & 47 – Weston Road Improvements –From \$649,969.20 to \$194,990.76. . – *Removed from Consent Agenda and acted on after Council Comments.*

**Resolution #08-306** Committing to Petition with a Third Round Affordable Housing Plan and to Expend Affordable Housing Trust Fund Monies on the Development of a Housing Element and Fair Share Plan for Franklin Township.

**WHEREAS**, on December 17, 2007, COAH proposed revised third round regulations that require municipalities with pending petitions to adopt a revised Housing Element and Fair Share Plan in conformance with the revised third round regulations and petition in accordance with the deadlines prescribed in the proposed procedural rules; and

**WHEREAS**, COAH's current regulations at N.J.A.C. 5:94-6.12(e), allow 20 percent of monies deposited in a municipal housing trust fund account to be expended on administrative costs, which includes, but is not limited to, consultant fees necessary to develop or implement a Housing Element and Fair Share Plan in accordance with COAH's proposed third round; and

**WHEREAS**, Franklin Township petitioned the Council on Affordable Housing (the Council) for substantive certification of a third round Housing Element and Fair Share Plan on December 20, 2005; and

**WHEREAS**, pursuant to N.J.A.C. 5:94-6.2(c), a municipality under the Council's jurisdiction shall not spend development fees unless the Council has approved a plan for spending such fees and until the municipality has received substantive certification or a judgment of compliance; and

**WHEREAS**, on March 25, 2008 the COAH issued a blanket waiver from N.J.A.C. 5:94-6.2(c) for municipalities with COAH approved development fee ordinances and an established housing trust fund account to allow the expenditure of up to 20 percent of housing trust funds prior to the grant of certification and/or approval of a spending plan, on the cost of developing a revised Housing Element and Fair Share Plan in accordance with COAH's new third round rules; and

**WHEREAS**, the waiver issued by the Council requires that Franklin Township shall pass a resolution stating the current balance in the municipal housing trust fund account and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules, shall not exceed 20 percent allowed for administrative costs.

**NOW THEREFORE BE IT RESOLVED** by the governing body of Franklin Township, in the County of Somerset, State of New Jersey, that Franklin Township commits to petition COAH for substantive certification of a newly adopted Housing Element and Fair Share Plan in accordance with COAH's new third round regulations; and

**BE IT FURTHER RESOLVED** that Franklin Township's current balance in the municipal housing trust fund account is \$4,141,807.65 and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules of up to \$80,000, which does not exceed the 20 percent allowed for administrative cost; and

**BE IT FURTHER RESOLVED** that this resolution shall be submitted to COAH within seven days of the municipal governing body action.

#### **APPOINTMENTS**

##### **Business & Industry Advisory Board**

Upon motion by Mr. Prasad, seconded by Mr. Mettler, **Keith B. Henry** was appointed by acclamation as the Resident Member to the Business & Industry Advisory Board, for a four-year term ending December 31, 2011.

#### **ADJOURNMENT**

Mr. Glicklich moved to adjourn the meeting at 10:14 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *August 12, 2008*

Ann Marie McCarthy, Township Clerk