

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 Township Clerk at 7:00 p.m.

Township Clerk Ann Marie McCarthy 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 September 23, 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 Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Ms. Francois (Arrived at 7:14 p.m.), Mr. Glicklich, Mayor Levine (Arrived 8:30 p.m. during the Executive Session), Mr. Mettler, Mr. Sumter

Absent: Mr. Prasad, Deputy Mayor Vassanella

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

SELECTION OF TEMPORARY CHAIRPERSON

Ms. Danile moved the appointment of Daniel Glicklich as the Temporary Chairperson of the meeting. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

PROCLAMATIONS

Crop Walk Day

The following proclamation was read and presented by Mr. Mettler:

WHEREAS, at the end of World War II many Christians wanted to share America's abundance with European war victims, and CROP (Community Responding to Overcome Poverty) and Church Service's first purpose was to gather wheat and other crops from American farms for shipment to Europe; and

WHEREAS, over the years Church World Service/CROP has increased its urban appeals while remaining in contact with its rural constituents and has moved from primarily providing resources for emergency relief to supporting long-range self-help programs emphasizing agricultural development, appropriate technology, water resource development, and primary health care; and

WHEREAS, the Annual Somerset Fall CROP WALK will be held on Sunday, October 19, 2008 in support of this organization to help our Community become aware of and concerned about hunger and its causes and its effects on all of us; and

WHEREAS, the Somerset Community CROP WALK for Hunger is in its 35th year of an annual WALK for Hunger Awareness; and

WHEREAS, Somerset Presbyterian Church and St. Matthias Roman Catholic Church have been the long-time organizers of this WALK for Hunger Awareness, along with other participating houses of worship, and have raised over \$130,000.00, 25% of which has been donated to the Franklin Township Food Bank; and

WHEREAS, the CROP WALK will continue to raise funds to help stop hunger both locally through the Franklin Township Food Bank and globally,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR, on behalf of the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, do hereby proclaim Sunday, October 19, 2008 as “**CROP WALK DAY**” in Franklin Township, Somerset County and do urge the citizens to participate with Church World Service to support this WALK.

Put the Brakes on Fatalities Day

Mr. Glicklich read the following proclamation:

WHEREAS, Across the nation, traffic crashes caused more than 41,000 fatalities in 2007, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, In New Jersey, 724 individuals lost their lives in traffic crashes in 2007; and

WHEREAS, Alcohol-related crashes accounted for 28 percent of the State’s traffic fatalities, while 25 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and

WHEREAS, 78 motorcyclists, 12 bicyclists and 144 pedestrians were killed in New Jersey in traffic-related crashes in 2007; and

WHEREAS, Safe driving behaviors such as buckling up, every ride; obeying posted speed limits; avoiding aggressive driving behaviors and aggressive drivers; never drinking and driving; wearing proper safety gear when riding a motorcycle or bicycle; and focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths,

NOW, THEREFORE, BE IT RESOLVED that I, BRIAN D. LEVINE, Mayor of the Township of Franklin, on behalf of the Township Council, Township of Franklin, County of Somerset, New Jersey do hereby proclaim October 10, 2008

PUT THE BRAKES ON FATALITIES DAY

and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

PUBLIC DISCUSSION

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

Al Donnenberg, 31 Daulton Drive, spoke of his meeting on September 11th with Mayor Levine and Ms. Danile. He stated he offered to do a review of the Finance Department and referred to his email that he sent Council in May. He stated he has polled surrounding communities of the same size to compare and contrast our Finance Department to their Finance Department. He expressed his disappointment there has not been a meeting of the Finance Department. Ms. Danile replied she will be on temporary leave soon and the budget needs to

be completed. She expressed her desire of resolution of Mr. Donnenberg's concerns before the adoption of the budget.

Phillip Kramer, 429 Canal Road, TUF, spoke of his website article regarding the looming financial situation involving the Township. He spoke of the structural deficit. He stated the Township is spending down its surplus to meet its deficit. The surplus has decreased \$14.5 million to \$8 million. He stated costs are increasing and the Township will be in real trouble in 2010. He stated that they are not able to cut taxes and they are only able to raise the budget by 4%, resulting in being short millions of dollars. He stated the answer may result in layoffs and suggested that to prevent future problems, the Township should make the hard cuts now. He stated that it is time for Council to take leadership and for the Union to acknowledge choices.

John Tibbs, 107 Mark Street, expressed his appreciation for the restrooms at Naaman-Williams Park. He spoke of the homeowners problems with parking in the Pine Grove area. He spoke of the citizens in the 4th Ward where there is a need for jobs and high unemployment, which results in violence. He expressed the need for youth development improvements and community based support to improve the quality of live and decrease the violence in the area.

Ronald Pavone, 473 DeMott lane, educator and public speaker. He expressed his concerns regarding the library and his presentations. He stated that the Library offers no publicity or sponsorship. He stated his flyers were not posted or promoted. He protested that he was not allowed give a talk on his mother. He stated he wants to continue to educate and be a contributing member of society.

Alvin Levine, 15 Schlinder Court, asked Council to look at the many police cars parked in the municipal parking lot. He stated he counted 25 cars not in use. He asked they take this into consideration during the budget.

Larry Halper, 2532 Main Street, Flemington, spoke of his dissatisfaction with the Township's Municipal Court system and Judge Wright in regards to a complaint against him. He asked for assistance from Council of this matter.

Carl Wright, 139 Fuller Street, spoke of Fire Districts and their elections. He spoke of the abuse of the procurement procedures and asked of a commissioner who is a representative of a fire truck manufacturer can be involved of the purchase of a fire truck. Mr. Daly replied that there are four (4) separate fire districts in the Township that are independent from Council and they do not report to Council. Mr. Wright stated he attended a meeting and asked questions regarding the fire trucks. He stated there is not enough turnout at the elections.

Art Heinrich, spoke on the ordinance to vacate the walkway. He stated it is being introduced tonight and scheduled for public hearing on October 28th. Mr. Daly replied that this involves a sanitary sewer easement. Mr. Daly stated the walkway is over the easement. The intention is to remove the bridge and allow Mr. Heinrich to maintain the property.

Ed Marsh, 113 Wyckoff Avenue, Piscataway, support Mr. Halper. He spoke of the road widening project at Amwell Road and Cedar Grove lane. He stated that widening the road will increase speeding and accidents as well as flooding and run-offs.

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

COUNCIL COMMENTS

Ms. Francois spoke of her appreciation of Mr. Kramer's comments. She noted Council is diligently working on the budget and looking for cuts. She stated that the proposed operational audit will address redundancies, which will be addressed in next year's budget

Ms. Eberle stated Council is examining the budget and will do what is best for Franklin.

Mr. Mettler stated the Library Board is an autonomous agency. He urged Mr. Pavone to address his concerns at the Library Board meeting tomorrow evening. He stated that the operational audit is a good idea, but noted he is unsure there are redundancies in the budget. He stated the problem is the State adds “to dos” to budget without funding and added the responsibilities of staff members are growing.

Ms. Danile addressed Mr. Donnenberg’s comments and proposed they set up a meeting with the Financial Oversight Committee. She reported she and the Mayor attended a 9/11 ceremony at St. Matthias. She stated the Administration Subcommittee is awaiting for more information regarding the insurance broker from evaluations by staff.

Mr. Sumter explained he has been absent from some meetings as a result of illness. He expressed the parking concerns on Mark Street. He suggested the Township Manager address the concerns of Mr. Halper.

Mr. Glicklich thanked Mr. Kramer for his comments. He stated this Council is the most fiscal Council and they have been thinking in the long term. He explained the procedure for traffic signs in response to Mr. Tibb’s comments. He addressed Mr. Wright’s concerns regarding a fire district and a possible conflict of interest regarding a business interest and a commissioner. He stated if there is a business interest conflict, the commissioner should recuse himself from any such vote. In regards to “State Mandate, State Pay”, Mr. Glicklich stated the COAH Round 3 Regulations provide new expenses that violates it.

COUNCIL DISCUSSION ITEMS

Meeting with Legislators

Mr. Glicklich stated that any questions to be included at the meeting with the Legislators should be forwarded to the Township Clerk and/or Township Council.

Land Use Committee Report

The following report of the Land Use and Open Space Committee of September 16, 2008 was submitted to Council:

“Present: Councilwoman Shirley Eberle, Councilman Robert Mettler, Kenneth W. Daly, Township Manager, Mark Healey, Director of Planning, James Bell and Amy Sampson of Group Melvin Design.

COAH Fair Share Plan

Mr. Daly introduced the topic and the consultants. Mr. Healey summarized the process so far. On August 6th, the Planning Board heard a presentation by Mr. Bell regarding his analysis of our current obligation. On August 20th, the Planning Board heard presentations on six potential projects to meet the remaining obligation. On September 17th, the Planning Board will hear two additional presentations. The Planning Board will discuss the merits of the proposals at their September 24th worksession. Mr. Bell provided a summary of his analysis of our current situation with respect to our obligation. Mr. Bell also explained the possibility of extending expiring affordability controls as a means of meeting a portion of our obligation. The Committee then discussed the next steps and a proposed means of Township Council involvement in the preparation of the Fair Share Plan. The Committee will recommend the following process to the Council:

- Mr. Healey will prepare a summary of the Planning Board’s discussion on 9/24 (including discussion of which projects to include, which ones not to include, suggested projects modifications, etc.) and will provide same to Council.

- On 10/14, the Council will discuss the materials provided to them thus far (including the summary of the Planning Board's 9/24 meeting) and will provide their input to the Planning Board. Mr. Healey will attend and prepare the Council's comments.
- Based upon Planning Board direction, a draft plan will be prepared by the Township's consultant and provided to the Council for comment.
- Township Council will review and provide comments on this draft.
- Based upon Planning Board direction, a final plan will be prepared by the Township's consultant.
- Planning Board will conduct public hearing and adopt final plan.
- Plan will be forwarded to Council for resolution requested substantive certification prior to submittal to COAH.

Feibel Property

The Committee discussed the appraisals including comparables analyzed. The Committee recommended in favor of the acquisition.

Offer to Sell Land to Township – 120 Green Street

The Committee recommended that the Township ask for a price. Mr. Daly will do this and get back to the Committee with their response.

Offer to Sell Land to Township – Leona Street

The Committee recommended that the Township sell the adjoining lot.

Property Maintenance Ordinance

The Committee discussed the future meeting with realtors and potential means of addressing their concerns. Mr. Daly will schedule the meeting with the realtors.

Farmland Preservation – Gary Randolph Farm (14 Grouser Road; Block 59.01, Lots 9 & 10.02)

The Committee recommended in favor of preservation.

Farmland Preservation – Suydam Associates Farm (Skillman Lane; Block 85, Lots 62.03 & 63.01)

The Committee was in favor of moving forward with this acquisition.

Meeting Adjourned."

APPROVAL OF MINUTES

Mr. Glicklich presented the minutes of the Work Session/Regular Meeting and Executive Session of August 12, 2008 for approval. Ms. Danile moved the approval of the Work Session/Regular Meeting and Executive Session of August 12, 2008. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

APPROVAL OF WARRANTS

Mr. Glicklich presented the following warrants in the amount of \$14,147,671.34 for September 23, 2008 to the Township Council for payment:

1	Current	12,998,825.69
2	Grant	51,258.35
3	Tax Title Lien	
4	General Capital	103,618.04
5	Water	616,951.72
6	Water Capital	291,620.28
11	Recreation Trust	5,571.30
12	Trust Others	35,960.80
13	Unemployment	
15	Redevelopment	1,305.00
17	Animal Control	
19	Self Insurance	
30	Payroll	34,182.95
39	Workers Compensation	
40	Open Space	8,092.21
42	Redevelopment E	285.00
	Subtotal	14,147,671.34
	Grand Total	14,147,671.34

Ms. Danile moved that warrants in the amount of \$14,147,671.34 for September 23, 2008 to be paid. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

INTRODUCTION OF ORDINANCES ON FIRST READING

Ordinance No. 3789

Mr. Glicklich presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-20 – STOP INTERSECTIONS

Mr. Glicklich 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 October 28, 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 October 28, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3790

Mr. Glicklich presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, TRAFFIC AND VEHICLES, SECTION 226-10 – STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS; SECTION 226-13 – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS; AND SECTION 226-33 – RESIDENT PERMIT PARKING PROGRAM.

Mr. Glicklich 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 October 28, 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 October 28, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3791

Mr. Glicklich presented the following ordinance:

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A WALKWAY BETWEEN HAWTHORNE DRIVE AND THE TERMINUS OF JEFFERSON STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY.

Mr. Glicklich 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 October 28, 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 October 28, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

CONSENT AGENDA ITEMS

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

Resolution #08-522 Authorize Emergency Temporary Budget – FY2009.

WHEREAS, RS 40A:4-19 of the Local Budget Act provides that emergency temporary appropriations should be made for the purpose and amounts required;

NOW, THEREFORE, BE IT RESOLVED that the following emergency temporary appropriations be made; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Finance Officer of the Township of Franklin, County of Somerset, New Jersey:

CURRENT FUND BUDGET	SFY – 2009 EMERGENCY TEMPORARY BUDGET		
Description	Salary & Wages	Other Expenses	Total
MANAGER	45,993.73	3,150.00	49,143.73
GRANT ADMINISTRATOR	17,595.25	218.75	17,814.00
PURCHASING	17,638.00	37,873.75	55,511.75
HUMAN RESOURCES	16,675.24	17,328.00	34,003.24
MAYOR AND COUNCIL	22,270.62	5,358.00	27,628.62
MUNICIPAL CLERK	53,214.70	12,553.75	65,768.45
ELECTION	1,750.00	10,625.00	12,375.00
FINANCIAL ADMINISTRATION	78,163.22	26,612.50	104,775.72
DATA PROCESSING	45,203.49	31,751.75	76,955.24
TAX COLLECTION	25,834.52	6,500.00	32,334.52
TAX ASSESSMENT	82,380.89	19,487.50	101,868.39
LEGAL SERVICES	6,702.11	117,500.00	124,202.11
ENGINEERING SERVICES	79,644.67	17,703.75	97,348.42
ECONOMIC DEVELOPMENT	46,743.97	14,880.00	61,623.97
PLANNING BOARD	35,789.27	13,875.00	49,664.27
ZONING BOARD	59,423.92	13,475.00	72,898.92
AFFORDABLE HOUSING	0.00	21,250.00	21,250.00
UNIFORM CONST CODE	253,585.11	15,000.00	268,585.11
WORKER'S COMP INS.	0.00	12,500.00	12,500.00
GROUP INSURANCE	0.00	115,000.00	115,000.00
POLICE DEPARTMENT	2,968,528.15	159,675.00	3,128,203.15
POLICE ADMINISTRATION	99,524.00	0.00	99,524.00
CROSSING GUARDS	36,036.75	0.00	36,036.75
POLICE DISPATCH/911	162,112.00	58,912.50	221,024.50
EMERGENCY MANAGEMENT	3,303.44	750.00	4,053.44
AID TO VOL. FIRE	0.00	14,190.00	14,190.00
FIRST AID SQUAD	0.00	27,062.50	27,062.50
FIRE PREVENTION	137,419.20	4,443.75	141,862.95
MUNICIPAL PROSECUTOR	13,902.83	200.00	14,102.83
SNOW REMOVAL	8,500.00	51,500.00	60,000.00
PUBLIC WORKS	578,204.97	325.00	578,529.97
STREETS & ROAD MAINT	0.00	56,641.25	56,641.25
SOLID WASTE COLLECTION	0.00	218,087.50	218,087.50
BUILDING & GROUNDS	0.00	69,175.25	69,175.25
SHADE TREE	0.00	125.00	125.00
VEHICLE MAINTENANCE	0.00	49,656.25	49,656.25
CONDO SERVICES ACT	0.00	10,000.00	10,000.00
BOARD OF HEALTH	60,438.78	5,200.00	65,638.78
ENVIRONMENTAL HEALTH	50,860.60	3,278.75	54,139.35
HEALTH: VISITING NURSE	0.00	20,607.50	20,607.50
ANIMAL CONTROL	55,445.84	7,137.50	62,583.34
COMMUNITY RESOURCES	45,042.41	6,054.75	51,097.16

DEPT OF RECREATION	105,578.72	42,927.00	148,505.72
PARK MAINTENANCE	0.00	42,927.00	42,927.00
LIBRARY	0.00	792,000.00	707,343.75
ACCUMULATED LEAVE COMP	0.00	115,000.00	115,000.00
CELEBRATION OF PUB EVENT	0.00	10,100.00	10,100.00
SALARY ADJUSTMENT	0.00	10,000.00	10,000.00
TAX APPEAL REFUND	0.00	12,500.00	12,500.00
TAX TITLE LIEN FORECLOSE	0.00	5,125.00	5,125.00
ENVIRONMENTAL COMMISSION	0.00	175.00	175.00
HISTORICAL COMMISSION	0.00	-375.00	-375.00
ELECTRICITY	0.00	133,901.75	133,901.75
STREET LIGHTING	0.00	241,675.00	241,675.00
TELEPHONE	0.00	80,918.75	80,918.75
WATER & SEWER	0.00	2,500.00	2,500.00
GAS	0.00	165,000.00	165,000.00
CONTINGENCY	0.00	2,500.00	2,500.00
SOCIAL SECURITY	0.00	407,470.54	407,470.54
BOARD OF ED: INTERLOCAL	47,127.76	31,560.87	78,688.63
BOE - POLICE OFFICERS	26,098.75	0.00	26,098.75
SENIOR TRANSPORTATION	0.00	23,750.00	23,750.00
MID COUNTY SEXUALLY TRAN	0.00	1,625.00	1,625.00
CODE: INTERLOCAL	0.00	3,000.00	3,000.00
INTERLOCAL-ENGINEER 27	0.00	3,750.00	3,750.00
MUNICIPAL COURT	82,563.36	15,277.50	97,840.86
PUBLIC DEFENDER	4,129.68	0.00	4,129.68
Total	5,373,425.95	3,418,973.66	8,792,399.61

SFY 2009 EMERGENCY TEMPORARY BUDGET			
WATER UTILITY BUDGET			
Description	Salary & Wages	Other Expenses	Total
Operating:			
Salaries & Wages	362,000.00	0.00	362,000.00
Other Expenses	0.00	2,125,000.00	2,125,000.00
Health Benefits	0.00	133,000.00	133,000.00
Insurance Other	0.00	28,500.00	28,500.00
	0.00		
Statutory Expenditures:	0.00		
Social Security	0.00	30,000.00	30,000.00
Disability Insurance	0.00	1,250.00	1,250.00
Total	362,000.00	2,317,750.00	2,679,750.00

SFY – 2009 TEMPORARY BUDGET			
OPEN SPACE			
Description	Salary & Wages	Other Expenses	Total
Maintenance of Lands for Conservation:			
Salaries & Wages	5,000.00	0.00	5,000.00
Other Expenses	0.00	58,150.00	58,150.00

Down Payments on Improvement:			
Down Payments	0.00	0.00	0.00
Operation Totals:	5,000.00	58,150.00	63,150.00
Total Open Space Appropriation	5,000.00	58,150.00	63,150.00

Resolution #08-523 Authorize Tax Remittals.

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

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
428/17	Richardson Bldrs., LLC 81 Walnut Avenue Somerset, NJ 08873	FY2007 FY 2008 Dup. Line Item	857.02 874.05
507.23/13	Tapper, Franklin 332 Biltmore Lane Somerset, NJ 0873	3-4/08 100% Disabled Vet.	3,720.19
507.30/03.02	Mikusi, James 4303 Chesterwood Way Somerset, NJ 08873	FY 2008 100% Disabled Vet.	5,663.76
513.36/36	Lerner, Deanna 38 Patriots Way Somerset, NJ 08873	3-4/08 100% Disabled Vet.	1,411.06
20.02/57.01	Patel, Amit 546 New Brunswick Rd. Somerset, NJ 08873	3-4/08 Value Wrong	1,972.00 1,972.00

Resolution #08-524 Authorize Release of Planning and Building 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:	A. Beverly Built Home
ADDRESS:	20 Walnut Avenue, Somerset, NJ 08873
DOCKET NO.	PLN2001-0016
BLOCK/LOT:	82/21
LOCATION:	Buell Street
TYPE:	Inspection Fees
AMOUNT DEPOSITED:	\$10,671.66 (CME)
AMOUNT CHARGED:	<u>8,547.00</u>
AMOUNT TO BE REFUNDED:	\$ 2,124.66

APPLICANT: Catalent Pharma Solutions (Previously Cardinal Health)
 ADDRESS: 14 Schoolhouse Road, Somerset, NJ 08873
 DOCKET NO. PLN-07-00001
 BLOCK/LOT: 514/20.04
 LOCATION: 14 Schoolhouse Road
 TYPE: Inspections
 AMOUNT DEPOSITED: \$9,899.00 (In-Hse)
 AMOUNT CHARGED: 3,339.17
 AMOUNT TO BE REFUNDED: \$6,559.83

APPLICANT: Good Time Charley's South Inc.
 ADDRESS: 517 Route 1 South, Suite 3105
 Iselin, NJ 08830
 DOCKET NO. PLN2006-0022
 BLOCK/LOT: 3/5.01
 LOCATION: 40 Main Street, Kingston
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$737.50 (Attny) \$842.50 (Heyer) \$1,920.00 (In-hse)
 AMOUNT CHARGED: 737.50 842.50 434.38
 AMOUNT TO BE REFUNDED: \$ 0.00 \$ 0.00 \$1,485.62

APPLICANT: GLM Global Service Agency, Inc.
 ADDRESS: 140 Fresh Ponds Road
 East Brunswick, NJ 08816
 DOCKET NO. PLN2003-0004
 BLOCK/LOT: 88.02/80
 LOCATION: 63 Veronica Avenue
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$10,310.00 (Schoor) \$1,690.00 (Heyer)
 AMOUNT CHARGED: 9,279.98 1,690.00
 AMOUNT TO BE REFUNDED: \$ 1,030.02 \$ 0.00

Resolution #08-525 Authorize Release of Monument Escrow – Huldafolk, LLC (Goodtime Charley's South) – PLN20006-0022 – Block 3, Lot 5.01 - \$550.00 – 40 Main Street, Kingston – 2 Monuments.

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

ITEM: Monuments
 NAME OF APPLICANT: Huldafolk, LLC
 ADDRESS OF APPLICANT: 25 South Main Street, Suite 9, Edison, NJ 08837
 IN THE AMOUNT OF: \$550.00
 FOR: Block 3, Lot 5.01 – 40 Main Street, Kingston, 2 Monuments

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

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

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 \$550.00 be released to the above named applicant.

Resolution #08-526 Authorize Release of Performance Guarantee –Centex Homes – Bond #6212069 – On-Site Improvements – Block 507, Lots 37.04 & 47 – PLN2001-0034F - \$500,000.00 – Renaissance at Franklin (Release upon receipt of two-year maintenance bond).

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: #6ARM10714
INSURANCE CO./BANK: Armor Assurance Company
DOCKET: PLN-2001-0034
IN THE AMOUNT OF: \$500,000.00
FOR: Block 507/Lots 37.04 & 47 – Bonding Municipal Engineer
Estimate dated April 14, 2003

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 \$500,000.00 upon receipt of a two-year maintenance bond; 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 \$500,000.00 be released to the above named applicant, upon receipt of a two-year maintenance bond.

Resolution #08-527 Authorize Refund Deposit for Construction Water Meters.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 384-11 of the Code**; and

WHEREAS, the project has been completed and the Director of the Water Division of the Department of Public Works, has certified to the Township Clerk the amount of money actually due for said construction water and has recommended that the balance remaining as set forth be refunded or forfeited by the applicant:

APPLICANT: Superior Excavating Inc.
ADDRESS: 202 Bennetts Lane
Somerset, NJ 08873
AMOUNT DEPOSITED: \$2,145.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 264.50
AMOUNT TO BE REFUNDED: \$1,880.50

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County and State of New Jersey that the remaining escrow monies be refunded by the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to deposit the escrow amounts herein.

Resolution #08-528 Authorize Discharge of Repayment Mortgage and Affordable Housing Agreement – 62 Fisher Place.

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 62 Fisher Drive, Franklin Park, on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #08-529 Approval of Fireworks Displays at The Palace at Somerset Park: Esposito/Zappola Wedding on Saturday, September 27, 2008; Duarte/Pulitano Wedding on Friday, October 3, 2008 and Malave/Wernersback Wedding on Friday, October 17, 2008.

WHEREAS, The Palace has made application for permission to hold fireworks displays in conjunction with the following:

Esposito/Zappola Wedding on September 27, 2008
 Durte/Pulitano Wedding on October 3, 2008
 Malave/Wernerbach Wedding on October 17, 2008

all 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 to hold fireworks display in conjunction with the following:

Esposito/Zappola Wedding on September 27, 2008
 Durte/Pulitano Wedding on October 3, 2008
 Malave/Wernerbach Wedding on October 17, 2008

all 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 #08-530 Authorize Issuance of 2008-2009 Renewal of Liquor License – Don Sweeney – License No. 1808-33-007-007.

WHEREAS, applications have been received for a Plenary Retail Consumption License; and

WHEREAS, said application has been made to 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, the Chief of Police and Fire Inspector have inspected the applicants' property and has approved it as per letters filed with the Township Clerk; and

WHEREAS, no objections have been filed with the Township Clerk; and

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

The submitted application forms are complete in all respects:

The applicants are qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;

The applicants have disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

NOW, THEREFORE, BE IT RESOLVED this 23rd day of September, 2008 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue a Plenary Retail Consumption License to License No. 1808-33-007-007, Donald T. Sweeney.

Resolution #08-531 Authorize Person-to-Person and Place-to-Place Transfer of Liquor License No. 1808-33-007-007 from Don Sweeney/Inactive to Avenue Pub LLC/408 Elizabeth Avenue.

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License Number 1808-33-007-007, heretofore issued to Donald Sweeney, for an inactive license with a mailing address of 19 Colonial Drive, Shrewsbury, NJ 07702; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; 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 license business;

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset, NJ does hereby approve, effective August 12, 2008, the transfer of the aforesaid Plenary Retail Consumption License to Avenue Pub LLC, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred Avenue Pub LLC, effective August 12, 2008.";

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, County of Somerset, NJ does hereby approve, effective August 12, 2008, the Place-to-Place Transfer of the aforesaid Plenary Retail Consumption licensed premises, from inactive status to its new location at 408 Elizabeth Avenue, Somerset, New Jersey, and does hereby direct the Township Clerk to endorse the license certificate as follows: "This license, subject to all of its

terms and conditions, is hereby transferred to premises located at 408 Elizabeth Avenue, Somerset, New Jersey.”

Resolution #08-532 Authorize Purchase – Air Compressor for 40 Churchill Avenue – First Choice Auto Equipment – Amount Not to Exceed \$21,377.90.

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: **First Choice Auto Equipment**

PO Box 2276

Flemington, NJ 08822

ITEMS: Air Compressor

COST: \$21,377.90

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;

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 #08-533 Reject Bids – Lease of ATM Machine in Public Safety Building.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby reject bids for the lease of an ATM Machine in the Public Safety Building.

Resolution #08-534 Reject Bid – Ambulance Building at Municipal Complex.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby reject bids for an ambulance building at the Municipal Complex.

Resolution #08-535 Award Bid – Route 518 Water Main Improvements – P.M. Construction Corporation – Amount Not to Exceed \$114,359.65.

WHEREAS, a notice to bidders for the receipt of bids for Route 518 Water Main Improvements was published in the *Courier News* and posted on the Township’s website on August 21, 2008, 2008 and receipt was on September 9, 2008;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Route 518 Water Main Improvements:

VENDOR: ***P.M. Construction Corporation***

ADDRESS: 1310 Central Avenue, Hillside, New Jersey 07205

ITEM: Route 518 Water Main Improvements

AMOUNT: Amount Not to Exceed \$114,359.65

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

Resolution #08-536 Authorize Interlocal Services Agreement – Traffic Enforcement – Millstone Borough.

BE IT AND IT IS HEREBY RESOLVED that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Council interlocal service agreements with the Borough of Millstone as permitted by NJSA 40A65-1 et. seq. for Route Targeted Traffic Enforcement in an amount not to exceed \$15,950.00 for the initial 22-week period;

BE IT FUTHER RESOLVED, 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 #08-537 Authorize Issuance of Special Event Permit – Middlebush Volunteer Fire Department – 21 Olcott Street – Safety Fair – September 27, 2008 – 2-6 pm.

WHEREAS, a request has been received from the Middlebush Volunteer Fire Department for a Safety Fair to be held on September 27, 2008 from 2:00 p.m. to 6:00 p.m. at the Fire House, 21 Olcott Street, Middlebush; and

WHEREAS, the Middlebush Volunteer Fire Department has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for the Middlebush Volunteer Fire Department to conduct a Safety Fair to be held on September 27, 2008 from 2:00 p.m. to 6:00 p.m. at the Fire House at 21 Olcott Street, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Assistant Director of Health; and

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

Resolution #08-538 Authorize Issuance of Special Event Permit – Meadows Foundation – Olde Fashioned Christmas – Hageman Farm – 209 South Middlebush Road – December 14, 2008 – 1-4 pm.

WHEREAS, a request has been received from the Meadows Foundation for its Olde Fashioned Christmas to be held on December 14, 2008 from 1:00 p.m. to 4:00 p.m. at Hageman Farm, 209 South Middlebush Road; and

WHEREAS, the Meadows Foundation has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for the Meadows Foundation for its Olde Fashioned Christmas to be held on December 14, 2008 from 1:00 p.m. to 4:00 p.m. at Hageman Farm, 209 South Middlebush Road, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Assistant Director of Health; and

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

Resolution #08-539 Authorize Issuance of Special Event Permit – Meadows Foundation/Parks & Recreation – 2008 Pumpkin Patch Carnival – Easton Avenue/DeMott Lane – October 26, 2008 – 12-3 pm.

WHEREAS, a request has been received from the Parks & Recreation Department/ Meadows Foundation for the 2008 Pumpkin Patch Carnival to be held on October 26, 2008 from 12:00 pm - 3:00 p.m. at the Van Wickle House, DeMott Lane and Easton Avenue; and

WHEREAS, the Parks & Recreation Department has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for the Parks & Recreation Department and Meadows Foundation to hold a Pumpkin Patch Carnival to be held on October 26, 2008 from 12:00 p.m. to 3:00 p.m. at Easton Avenue/DeMott Lane, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Assistant Director of Health; and

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

Resolution #08-540 Authorize Issuance of Special Event Permit – Meadows Foundation – Colonial Living History – Wyckoff-Garretson House & Grounds & Hageman Barn – October 11, 2008 – 11:00 am – 5:00 pm/October 12, 2008 – 12:00 pm – 4:00 pm

WHEREAS, a request has been received from the Meadows Foundation for the Colonial Living History Reenactment to be held on October 11, 2008 from 10:00 am - 5:00 p.m. and October 12, 2008 from 12:00 pm – 4:00 pm at the Wyckoff-Garretson House and Grounds and Hageman Barn; and

WHEREAS, the Meadows Foundation has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for the Meadows Foundation to hold a Colonial Living History Reenactment to be held on October 11, 2008 from 10:00 a.m. to 5:00 p.m. and October 12, 2008 from 12:00 p.m. to 4:00 p.m. at 215 South Middlebush Road, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Assistant Director of Health; and

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

Resolution #08-541 Authorize Refund of Water Overpayments.

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

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>FEES</u>	<u>AMOUNT</u>
181/29 Move to Sub Accounts 1&2	Township of Franklin	Water Over Estimated	307.40
181/29	Zeinab Sabry c/o Abundant Title Agency 505 48 th Street Union City, NJ 07087	Water Over Estimated	300.94

Resolution #08-542 Authorize Tax Appeal Settlement – Harrison Associations – Block 259, Lot 36.01 – 575 Easton Avenue.

WHEREAS, Harrison Associates is the owner of certain property located at 575 Easton Avenue, which is identified as Block 259 Lot 36.01 on the tax maps of Franklin Township; and

WHEREAS, Harrison Associates filed an appeal to the Tax Court of New Jersey for said premises for the 2007 and 2008 tax year; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, the tax appeal filed for the 2007 tax year has been withdrawn; and

WHEREAS, as a result of those settlement negotiations, the following reduced assessment has been proposed:

<u>2008 Assessment</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
Land:	223,800.00	223,800.00
Improvements:	21,776,200.00	19,776,200.00
Total:	22,000,000.00	20,000,000.00

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

WHEREAS, the Township Attorney, the Tax Assessor and Franklin Township's Appraisal Consultant have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 23rd day of September 2008 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #08-543 Authorize Issuance of Special Event Permit – Kallol of NJ – Durga Puja – Ukrainian Cultural Center – October 3-5, 2008.

WHEREAS, a request has been received from the Kallol of New Jersey to hold a celebration of Durga Puja from October 3rd to 5th, 2008 at the Ukrainian Cultural Center, 135 Davidson Avenue, Somerset; and

WHEREAS, Kallol of New Jersey has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for Kallol of New

Jersey for its celebration of Durga Puja to be held on October 3rd through October 5th, 2008 at the Ukrainian Cultural Center, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Assistant Director of Health; and

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

Resolution #08-544 Authorize Issuance of Special Event Permit – Grace Alliance Church – Colonial Park – October 18, 2008 (raindate October 25, 2008) – 7 am to 3 pm.

WHEREAS, a request has been received from the Grace Alliance Church for a Walkathon to raise funds for a mission trip to the Dominican Republic to be held on October 18, 2008 (Raindate: October 25, 2008) from 7:00 a.m. to 3:00 p.m. at Colonial Park; and

WHEREAS, the Grace Alliance Church has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for the Grace Alliance Church to hold the Walkathon to be held on October 18, 2008 (or Raindate October 25, 2008) from 7:00 a.m. to 3:00 p.m. at Colonial Park, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Assistant Director of Health; and

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

RESOLUTIONS, VOTED ON SEPARATELY

Resolution #08-521 Authorize Refund of Tax Overpayments.

Mr. Glicklich presented the following resolution:

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
428/17	RICHARDSON BLDRS LLC 81 WALUNT AVENUE SOMERSET, NJ 08873	1-2/2008 DUPLICAT E LINE ITEM	421.07
59.06/6	MARIANO & CIORO ATTORNEY AT LAW 844 EASTON AVENUE SOMERSET, NJ 08873	4/08 ATTORNE Y AND MORT. CO. PAID	2,838.94
89.03/3.01	1400 HAMILTON LLC 1414 HAMILTON STREET SOMERSET, NJ 08873	3-4/08 HOMEOW NER AND MORT. PAID	15,150.19

95/18	HUGHES, SHAWN 170 CHURCHILL AVENUE SOMERSET, NJ 08873	4/08 HOMEOWNER AND MORT. PAID	1,272.62
156/10	TOWNSHIP OF FRANKLIN	4/08 WATER TO TAX POSTING ERROR	198.00
25/15	AANONSEN, ARNOLD 51 FOREST AVE PRINCETON, NJ 08540	4/08 HOMESTEAD REBATE	1,250.00
195/20	TOWNSHIP OF FRANKLIN	2/08	972.11
385/2.04		2/08	1,483.40
386.11/45		2/08	3.86
510.8		4/07	250.00
517.01/3.16		2/08	35,058.68
424.02/24		07/4	21,051.17
480/13		MOVE CREDITS TO NEXT YEAR	250.00
5.02/133.02	BLEACHER, EDWARD 4525 RT 27 KINGSTON, NJ 08528	1/08 OVERBILLED	178.09
194/133	KOVACS, HAJNALKA 499 HAMILTON ST. SOMERSET, NJ 08873	2/08 OVERBILLED	544.50
513.01/15.01Q	CANAL WALK ASSOC, LLC 812 CENTRAL AVE WESTFIELD, NJ 07090	2/08 OVERBILLED	134.86
516/7.01Q	EIH SOMERSET LAND LLC 255 EAST SADDLE RIVER RD SADDLE RIVER, NJ 07458	2/08 OVERBILLED	74.93
561/8	MOBUS, BRAD & MARIA 556 EQUATOR AVE SOMERSET, NJ 08873	2/08 TAX APPEAL	210.01

Upon motion by Ms. Danile, seconded by Ms. Francois, the aforesaid resolution was adopted upon call of the roll as follows:

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

Resolution #08-545 Authorize Release of Winter Bond – Canal Walk Associates LLC - \$500.00 – Block 513.29, Lot 6 – 16 Delaware Crossing

Mr. Glicklich presented the following resolution:

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

ITEM:	Winter Bond
NAME OF APPLICANT:	Canal Walk Assoc. LLC
ADDRESS OF APPLICANT:	112 Schoolhouse Road, Somerset, NJ 08873
IN THE AMOUNT OF:	\$500.00
FOR:	Block 513.29, Lot 6 16 Delaware Crossing #14908

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

Upon motion by Ms. Francois, seconded by Ms. Danile, the aforesaid resolution was adopted upon call of the roll as follows:

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

APPOINTMENTS

The Township Council was in agreement with the Township Clerk's recommendation to remove any appointment with an expiration of 12/31/08 from any future 2008 agenda.

EXECUTIVE SESSION

Mr. Glicklich presented the following resolution:

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

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

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

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

Litigation - Update

- a) *Franklin Residents Against Improper Development v. Township of Franklin et al*
- b) *Janho v. Township of Franklin, et al.*
- c) *Kings Row Homes, LLC v. Township of Franklin, et al.*
- d) *Peter Sofko Firearms Application Appeal*
- e) *Dave and Durga Firearms Appeal*
- f) *Township of Franklin v. Maisuria, et al.*
- g) *Maureen & Edward Matson v. Township of Franklin, et als*
- h) *Franklin Township v. Kevin and Christine Fellin*
- i) *DesLauriers Municipal Solutions v. Township of Franklin, et al.*
- j) *Real Property Tax Appeals*
- k) *Construction Code Matters*
- l) *DEP/NOV Violation*
- m) *AFSCME Grievances*

Personnel Matters in relation to Municipal Budget

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

The aforesaid resolution was moved by Ms. Francois, seconded by 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>
Danile	Eberle			Levine
Francois	Glicklich			Prasad
Mettler	Sumter			Vassanella

The meeting adjourned into Executive Session at 8:25 p.m.

Mayor Levine arrived during the Executive Session at 8:30 p.m.

Upon motion by Mr. Mettler and seconded by Ms. Eberle, the meeting reconvened at 9:32 p.m. Said motion carried unanimously upon call of the roll.

Mayor Levine announced that the Township Council discussed the following:

Litigation - Update

- a) Franklin Residents Against Improper Development v. Township of Franklin et al
- b) Janho v. Township of Franklin, et al.
- c) Kings Row Homes, LLC v. Township of Franklin, et al.
- d) Peter Sofko Firearms Application Appeal
- e) Dave and Durga Firearms Appeal
- f) Township of Franklin v. Maisuria, et al.
- g) Maureen & Edward Matson v. Township of Franklin, et als
- h) Franklin Township v. Kevin and Christine Fellin
- i) DesLauriers Municipal Solutions v. Township of Franklin, et al.
- j) Real Property Tax Appeals
- k) Construction Code Matters
- l) DEP/NOV Violation
- m) AFSCME Grievances

Personnel Matters in relation to Municipal Budget

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

ADJOURNMENT

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

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *December 9, 2008*

Ann Marie McCarthy, Township Clerk