

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:14 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 October 14, 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 Eberle led the Invocation.

The Township Clerk called the roll.

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

Absent: Ms. Danile, Mr. Prasad

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

### PROCLAMATIONS

#### Domestic Violence Awareness Month

Ms. Francois presented the following proclamation:

**WHEREAS**, domestic violence is a pattern of abusive behavior that a person uses against a partner, former partner, or family member to control that person; and

**WHEREAS**, one in four women will experience domestic violence in her lifetime; and

**WHEREAS**, in 2006, there were 73,749 domestic violence offenses reported in New Jersey, and 1,200 women killed by partners nationally; and

**WHEREAS**, everyone deserves to live a life free from the fear of being hurt or killed by people who are supposed to love them; and

**NOW, THEREFORE**, I, Brian D. Levine, Mayor of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Township Council, do hereby proclaim the month of October to be **DOMESTIC VIOLENCE AWARENESS MONTH** in our community, and do hereby join the dedicated volunteers of the New Jersey State Federation of Women's Clubs of FGWC and the Franklin Woman's Club to aid victims of domestic violence, to emphasize the need for awareness of domestic violence, to support our local domestic violence shelters, and to promote the National Domestic Violence Hotline, 1-800-799-SAFE.

### 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*.
- Spoke of Monmouth University's Citizen Camp and Volunteer Walk with Community.
- Spoke of Sisters Network Breast Cancer Walk held last weekend.

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

Deputy Mayor Vassanella made the following report:

- Announced that Verizon FIOS started airing FTTV-25 on Channel 34 effective September 9, 2008.
- Spoke on the County's Initiative and the Fall Leaf Cleanup Program.
- Spoke of the passing of Congressman Renaldo, a bipartisan and moderate politician.

### **PUBLIC DISCUSSION**

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

Al Donnenberg, 31 Daulton Drive, spoke of his concerns regarding the municipal budget and the Finance Department and how in five (5) months he felt nothing has been addressed or solved. He stated the Township needed to get a strong handle on the Finance Department as well as trimming the workforce.

Ronald Pavone, 473 DeMott Lane, educator and public speaker, quoted the Pope and spoke on the functionality of government and to recognize the importance of life.

Lucretia Cortelyou, 1892 Amwell Road, spoke of her concerns with Franklin's budget problems, which resulted from using its surplus. She stated the Township needs to do what is necessary to cut the budget.

John McIvor, 160 DeMott Lane, spoke of his concerns regarding the Township's budget and the possibility of a \$15 million deficit in 2 years. He asked if this is reasonably correct. He asked what is being done. Mr. Daly replied the Township's budget problems have not been a secret as it was discussed at the Council Retreats in 2007 and 2008. He stated the Township will have a structural deficit and it will be a matter of time before the surplus depletes. He stated the Township has begun to make cutbacks and it is the consensus of Council to have an operational audit conducted to make further cutbacks. Mayor Levine concurred with Mr. Daly's comments. Mr. McIvor asked if the budget be posted on the Township's website.

Jan ten Broeke, 2346 Amwell Road, thanked Council for their support of the Millstone Byway Corridor. He announced they have received federal recognition for the corridor. He

read a resolution from the Meadows Foundation giving their support. He stated he has left booklets at the counter.

Skip Schaeffer, 2 Laird Terrace, echoed the previous speakers' concerns regarding the Township's budget. He spoke of his concerns with a 4% CAP and noted 39 communities appealed the CAP and 38 were approved and 1 was deferred. He spoke of property taxes increasing 4% and the mini dump operating at a deficit. He asked if there were any other deficits. He asked if so, are there easy fixes. Mr. Daly replied the Construction Code Department has been even, but noted with today's economy, it may end with a deficit. He stated four people have left the department and have not been replaced. He stated in regards to the CAP, those municipalities applied for waivers, but Franklin has opted not to apply for waivers. He spoke of the pension and health insurance increases to the budget. Mayor Levine added the Township is a service entity. He stated deficits would result in a decrease of services to the public. He stated the whole town benefits from the services offered by the Township.

Phillip Kramer, 429 Canal Road, spoke of the Township budget, noting he does not think the Township is not in good shape, however, he does feel they are headed for major problems that should be fixed now instead of later. He spoke of the problems with the costs of the mini dump. In this economy, the staff will end up paying the burden and the bad news is that there will be a loss of services. He suggested the Township contact its unions and ask to renegotiate now. He stated he wished there was another way to address the budget crisis. He spoke of an article in the Home News where three counties have stated they may not get all the new voter registrations in the system before Election Day due to the enormous amount of new registrations submitted. He stated these voters will be allowed to vote by provisional ballots.

Mr. Mettler moved to close the public discussion portion of the meeting. Said motion was seconded by Deputy Mayor Vassanella and carried unanimously upon voice vote.

### COUNCIL COMMENTS

Ms. Francois reported there have been discussions regarding changes to the mini dump including decreasing it to one day a week and/or increasing the fees so that it does not have to be shut down. In response to Mr. Donnenberg's comments regarding the Finance Department at every meeting, Ms. Francois stated there have been problems in the Finance Department for years. She stated there are two new personnel in the office and she feels the Township should have a hiring freeze. She stated Council is not responsible for the personnel. She stated there has not been any improvement with the new Finance Director and the feedback is not sufficient. She agreed there are overlaps in financial duties and redundancies amongst the personnel.

Ms. Eberle stated Council is looking at all departments and operations and will get them back on track if necessary. She thanked the people from the scenic byway.

Mr. Mettler stated the budget is a work in progress and it is not set in stone. He recommended a short form of the budget be posted on the website and that it be clear it is not the final version. He stated he would be happy to meet with Mr. Donnenberg to discuss his concerns. He spoke of the success events held by the Meadows Foundation.

Mr. Sumter spoke of not being able to attend the budget hearings. He stated it would be better to reduce the mini dump from 2 days to 1 day rather than eliminate it.

Mr. Glicklich thanked the Advisory Board of Health for a great Board of Health meeting and for being proactive. He spoke of the success of the Franklin Youth Initiative's programs and its need for funding. He spoke of the position of a Student Assistance Counselor that was put back in the Board of Education budget and the position was filled. He spoke of the success of the GREAT Program, which started in September. He stated in regards to the budget, there is a fine line between using surplus and increasing taxes. He stated the function of government is to provide services and asked at what point do they cut services. He stated it would take huge cuts to make a difference in the budget. He stated all forms of the budget are available in the

Clerk's Office. He expressed his hope the operational audit will provide direction. He stated the poll workers are trained for the situation where new registrations are not in the poll books.

Deputy Mayor Vassanella announced the FIOS channel for FTTV-25 is 33 not 34 as he previously reported. He agreed with having a hiring freeze. In regards to the budget, he stated Council has been working on long and short term plans over the last 4 years. He stated there have been recommendations to reduce staff, services and vehicle replacements that Council has not addressed or acted on and instead they spend some of the surplus. He stated the budget process is not an easy one, but it is their responsibility. Council has what it needs and it is up to them. He stated he opposes CAP waivers. He stated Mr. Donnenberg made some good points and it is up to Council to follow through. He agreed the short version of the budget should be posted after introduction. He stated something needs to be done regarding the mini dump. He spoke of the good things that may come out of the operational audit.

Mayor Levine stated there is much more open government today. He suggested to post a summarized version of the budget on the website. The full versions are available in the Clerk's Office and the Library. He spoke on the State's negative impact to municipal budgets. He expressed his feeling that the Township has been addressing future problems and impacts to the budget and they are taking the necessary steps.

### MUNICIPAL FAIR SHARE PLAN

Mark Healey, Director of Planning, James Bell, Planning Consultant and Dr. Theodore Chase, Planning Board Chairman, presented the following to the Township Council:

“RE: Fair Share Housing Plan – Review of Proposals for Affordable Housing”

On August 6th, the Township's COAH consultant, James Bell of Group Melvin Design, provided the Township with his initial assessment of where we stand with respect to our COAH obligation. In summary, Mr. Bell found:

- The Township's net “Third Round” growth share obligation is 1,008 units after factoring in a 137-unit surplus from our prior round obligation (which reduces our net “Third Round” obligation by 137 units).
- After factoring in “Third Round” affordable developments that have already been built, are under construction, have received development approvals, or that have the necessary zoning already in place, we still need to provide around 150 additional COAH units. He also recommends that we go somewhat over to create a “cushion” of excess units in case of any additional future requirements by COAH or in case COAH questions any of the credits we submit.
- We can provide around 65 additional senior units (and stay under the 25% cap on senior affordable units). He also found that we are 99 units under the 25% bonus unit cap (e.g., we get extra credits for units located in a redevelopment area and for family rental units).
- Mr. Bell also noted the newly-imposed requirement that at least 13% of our obligation must be affordable to very-low income households. Mr. Bell and Township staff are currently analyzing where we stand with respect to this new requirement.

Over the last few months a number of developers have approached the Township seeking to be included in the affordable housing plan. Six such plans were presented to the Planning Board at our August 20 worksession. Two more were presented at our September 17<sup>th</sup> meeting. Each

developer was asked to provide various materials detailing their proposals. These materials are attached hereto for your review.

At the Board's September 24<sup>th</sup> worksession, the Board discussed the merits of each proposal.<sup>1</sup> Following is a summary of the Board's discussion:<sup>2</sup>

- Each member of the Board expressed their opinion about the proposals and ranked the proposals. Since the Board was aware that we likely only need a few of the proposals to meet our remaining COAH obligation, emphasis was placed on coming to an initial consensus on the top four projects versus the bottom four projects.
- At this time, the Board is in general agreement that the following four projects have the most merit. The projects are listed in general order of preference with indications of the positive aspects of each of these proposals.
  - Laudaree – Site already zoned for higher-density residential use with development approvals already in place. Site is essentially “ready-to-go.” Significant net COAH benefit compared to existing zoning - i.e., 118 COAH units now proposed (with potential for additional bonus credits) compared to 0 COAH units under existing zoning. Good site due to location on Easton Avenue, access to transportation, and access to shopping and the canal towpath. The Senior Housing Advisory Committee indicated this as the most appropriate site for senior affordable units.
  - Summerfields – Site already zoned for higher-density residential use with development approvals already in place. Site is essentially “ready-to-go.” No increase in proposed density compared to existing zoning/ development approval. Significant net COAH benefit compared to existing zoning - i.e., 180 COAH units now proposed (with significant potential for additional bonus credits) compared to 102 COAH credits under existing zoning (with no potential for bonus credits).
  - Somerset Manor (Springhill Senior) – Good site for senior housing due to location on Hamilton Street, access to transportation and due to historic use of the site for senior housing (a recently-demolished 100-bed assisted living project existed on the site). The Senior Housing Advisory Committee indicated this as the second-most appropriate site for senior affordable units.
  - Green Commons – Location on Schoolhouse/Mettlers Road is in area of Town with similar existing and proposed higher-density residential uses.
- The bottom four projects were: Kings Row; Kings Row/ Janho; E&J Equities; and Spectrum.
- The Board directed Mr. Bell and Township planning/zoning staff to meet with representatives of each of the top four projects in order to refine each of the proposals so

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<sup>1</sup> On September 24<sup>th</sup>, the Board received material describing a ninth proposal. The Board decided not to consider that proposal at this time.

<sup>2</sup> The September 24<sup>th</sup> worksession was televised and audiotaped. Thus, you are encouraged to listen to, or view, the Board's September 24<sup>th</sup> discussion.

that they best meet the Township's affordable housing obligations. Based upon the results of these discussions and his own analysis of our COAH obligations, Mr. Bell will prepare a draft housing plan for the Board's discussion at the October 22<sup>nd</sup> worksession.

It is understood that the Mayor and Council will discuss the proposals at their October 14<sup>th</sup> meeting. The Planning Board looks forward to receiving your comments on the proposals as well as your future input on the draft and final versions of the plan when they are prepared. "

Council expressed their concerns and suggestions regarding the proposed Fair Share Plan. Ms. Francois stated at the end of the discussion that if any Council person needed further clarification or had suggested changes, they would contact Mr. Healey.

Mr. Daly left the meeting at 9:00 p.m. Mr. Sumter left the meeting at 9:15 p.m.

### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,896,560.83 for October 14, 2008 to the Township Council for payment:

1	Current	1,020,015.15
2	Grant	248,613.30
3	Tax Title Lien	758,103.03
4	General Capital	170,208.67
5	Water	602,785.15
6	Water Capital	52,609.30
11	Recreation Trust	9,844.00
12	Trust Others	1,405.11
13	Unemployment	
15	Redevelopment	
17	Animal Control	738.20
19	Self Insurance	1,573.62
20	Affordable Housing	
30	Payroll	
35	Hist Preservation	
39	Workers Compensation	
40	Open Space	27,965.30
42	Redevelopment E	
50	County Imp Auth Fund	
	Subtotal	2,896,560.83
	Grant Total	2,896,560.83

Mr. Glicklich moved that warrants in the amount of \$2,896,560.83 for October 14, 2008 to be paid. 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>
Eberle	Francois			Danile
Glicklich	Levine			Prasad
Mettler	Vassanella			Sumter

### ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION

#### Ordinance No. 3771

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, CHAPTER 180, FEES, ARTICLE III, VITAL STATISTICS RECORDS, SECTION 180-6, FEE SCHEDULE.**

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

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

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

**Ordinance No. 3785**

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 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP.**

Mayor Levine explained the Proposed Ordinance No. 3785 changes the zone designation of the following properties from R-40 Single-Family Residential to R-15 Single-Family Residential: Block 468.07, Lots 45, 46, 47, 48.01, 49.02 and 49.03 as per recommendation of the Township's Master Plan. Said properties are located at the corner of Cedar Grove Road and New Brunswick Road. By definition, R-40 Single-Family Residential provides for the continuance of single-family residential development on one-acre lots. By definition, R-15 Single-Family Residential provides for the continuance of single-family development on lots of 15,000 square feet.

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. London cautioned there are zoning issues in connection with the ordinance that are pending litigation. She cautioned Council that comments need to be limited. She clarified the ordinance needs to move forward to address issues.

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

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

John Shafranski, 28 Crown Road, opposed the ordinance and expressed his concerns with the impact to traffic in the area if the ordinance was adopted. He asked why Council would entertain adopting such ordinance.

Ms. London replied the ordinance was recommended by the Planning Board and the Master Plan. The R-15 zoning is consistent with the properties behind it.

Eric Shearer, 9 Domino Road, expressed a number of concerns and agreed with Mr. Shafranski regarding the traffic congestion issues. He stated the area does not need additional housing. He asked if precautions were being made regarding the Texas Eastern pipeline that runs through the property. He stated water pressure in the area is already low. Mr. Mettler replied when the application is before the Planning Board, that issue would be addressed. Mr. Mettler replied the Township Manager would look at the water pressure issue. Mr. Glicklich agreed with Mr. Mettler and added if an application is filed in the future, notice would be provided to those within 200 feet.

David Kovacs, 22 Domino Road, expressed his concerns regarding foot traffic, an access road and the possible loss of the wooded area buffer he currently has behind his property.

Jim Novotny, 30 Crown Road, expressed his concerns regarding the ordinance and opposed its passage.

Henry Kent Smith, representing the Janhos, expressed his client's concern that if the ordinance is adopted, they will not be able to sell the property that their business is currently located on and they will be trapped to operate it there. He expressed their desire to move their business to a more desirable location. He stated his clients oppose this ordinance.

Craig Rancamp, Professional Planner, representing Kings Row Homes, expressed his client's opposition to the ordinance and requested the ordinance be sent back to the Planning Board.

Craig Paraquay, Traffic Engineer, provided the proposed traffic impact the ordinance would have on the area if adopted.

Jill Scherer, 32 Crown Road, adamantly opposed the ordinance and submitted 40 letters of opposition from neighbors in the area.

A brief discussion ensued regarding exactly what properties are included in the ordinance.

Grace Evans, 38 Crown Road, expressed her views and concerns regarding the ordinance.

Steven Rubin, Kings Row Homes, opposed the adoption of the ordinance and provided benefits his development project would have on the area.

John Janho, McGuffy Road, expressed his opposition to the ordinance and noted he wanted to resolve this matter with the Township out of court.

George Behn, Domino Road, stated there is lots of confusion regarding the ordinance and feels it is too uncomfortable to adopt such ordinance at this time. Mr. Mettler clarified the noticing of the ordinance and noticing requirements if an application is filed.

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

Ms. Francois moved to table Ordinance No. 3785. Said motion was seconded by Deputy Mayor Vassanella and carried as follows upon call of the roll:

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

**Ordinance No. 3786**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY CHAPTER 226, VEHICLES AND TRAFFIC, SECTION 226-31C – REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON ALL OTHER PRIVATE PROPERTY – ADDING SOMERSET RUN.**

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. Francois 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. Francois and carried unanimously upon call of the roll.

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

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

**Ordinance No. 3787**

Mayor Levine presented the following ordinance:

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

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. Francois 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.

Ted Chase, 159 Old Georgetown Road, stated the notification to the residents in the area was a great idea.

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

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

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

#### INTRODUCTION OF ORDINANCES ON FIRST READING

##### Ordinance No. 3792

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY AUTHORIZING THE CONVEYANCE OF CERTAIN TOWNSHIP-OWNED LANDS LOCATED ON A PORTION OF BLOCK 285, LOT 11 TO FORTUNATO BENTIVOGLIO AND ELEONORA BENTIVOGLIO, IN EXCHANGE FOR THE CONVEYANCE AND DEDICATION, TO THE TOWNSHIP FROM FORTUNATO BENTIVOGLIO AND ELEONORA BENTIVOGLIO, OF A RIGHT-OF-WAY IN CONNECTION WITH A PORTION OF BLOCK 285, LOT 12.**

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

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

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

##### Ordinance No. 3793

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 112**

**THEREOF, ENTITLED LAND DEVELOPMENT, AMEND SUBSECTIONS 112-280(L) – LEEWOOD RENAISSANCE AT FRANKLIN REDEVELOPMENT AREA.**

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 November 25, 2008 at 7:00 p.m. in the Municipal Complex.

Ms. Francois moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 25, 2008 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Mettler and carried as follows upon call of the roll:

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

**Ordinance No. 3794**

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 (FEIBEL PROPERTY/GEORGETOWN ROAD/BLOCK 11.01, LOT 24.01 – KURZAWSKI PROPERTY/SKILLMAN LANE/BLOCK 85, LOT 1.03 – RANDOLPH PROPERTY/GROUSER ROAD/BLOCK 59.01/LOT 9 – SKIKUS PROPERTY/GROUSER ROAD/BLOCK 59.01, LOT 10.02)**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2008 at 7:00 p.m. in the Municipal Complex.

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

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

**Ordinance No. 3795**

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, AS AMENDED BY BOND ORDINANCE NUMBER 3753 FINALLY ADOPTED ON JUNE 10, 2008 TO AMEND THE DESCRIPTION THEREOF**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2008 at 7:00 p.m. in the Municipal Complex.

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

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

**Ordinance No. 3796**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, CHAPTER 183, PROPERTY MAINTENANCE, SECTION PM-303.0, EXTERIOR PROPERTY AREA, SUBSECTION PM-303.15 – PARKING.**

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

After a brief discussion that expressed concerns from Council members regarding the need for better clarification of ordinance terms, enforcement issues as well as safety issues, Ms. Francois moved to table Ordinance No. 3796 until the next meeting. Said motion was seconded by Mr. Glicklich and carried as follows upon call of the roll:

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

**CONSENT AGENDA ITEMS**

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

**Resolution #08-546** Authorize Grant Agreement – U.S. Department of Housing and Urban Development Community Development Block Grant – 2008 Program Year - \$323,526.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize execution of a grant agreement with the U.S. Department of Housing and Urban Development Community Block Grant – 2008 Program Year – Amount: \$323,526.00 and does authorize the appropriate Township officials to execute these grant agreements on its behalf.

**Resolution #08-547** Authorize Sub-Grantee Agreement – 2008 CDBG – Wilentz Senior Residence – Shower Stalls in the amount of \$45,000.00 and Senior Games in the amount of \$3,000.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Wilentz Senior Residence for the 2008 CDBG Project for Shower Stalls in the amount of \$45,000.00 and Senior Games in the amount of \$3,000.00.

**Resolution #08-548** Authorize Sub-Grantee Agreement – 2008 CDBG – ARC of Somerset County – Handicapped Ramps in the amount of \$6,000.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with ARC of Somerset County for the 2008 CDBG Project for Handicapped Ramps in the amount of \$6,000.00.

**Resolution #08-549** Authorize Sub-Grantee Agreement – 2008 CDBG – Family & Community Services – Counseling in the amount of \$13,953.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Family & Community Services for the 2008 CDBG Project for Counseling in the amount of \$13,953.00.

**Resolution #08-550** Authorize Sub-Grantee Agreement – 2008 CDBG – Somerset County Coalition for Affordable Housing – Housing Counseling in the amount of \$13,070.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Somerset County Coalition for Affordable Housing for the 2008 CDBG Project for Housing Counseling in the amount of \$13,070.00.

**Resolution #08-551** Authorize Sub-Grantee Agreement – 2008 CDBG – Major Group Foundation – Youth Counseling in the amount of \$10,000.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Major Group Foundation for the 2008 CDBG Project for Youth Counseling in the amount of \$10,000.00.

**Resolution #08-552** Authorize Sub-Grantee Agreement – 2008 CDBG – Homesharing, Inc. – Homesharing Program in the amount of \$8,075.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Homesharing, Inc. for the 2008 CDBG Project for Homesharing Program in the amount of \$8,500.00.

**Resolution #08-553** Authorize Interlocal Agreement – Somerset County – Hamilton Street Façade/Streetscape Improvements - \$20,000.00.

**BE IT RESOLVED** that the Mayor and Council of the Township of Franklin, Somerset County, New Jersey does hereby authorize and direct the Mayor and Township Clerk to execute an interlocal agreement with Somerset County for Hamilton Street Façade/Streetscape Improvements, in forms approved by the Township Attorney, and any other related project documents which may be necessary to effectuate the objectives of the program as specified in the project summary 2008 Economic Development Incentive Program, a copy of which will be filed with the Township Clerk.

**Resolution #08-554** Supporting the Millstone Valley Scenic Byway Corridor Management Plan.

**WHEREAS**, in accordance with the New Jersey Scenic Byway Program, Route 27 between Laurel Avenue/Heathcote Brook Road (Franklin/South Brunswick Townships) and River Road (Princeton Township), River Road (Princeton and Montgomery Townships), Bridge Street, Crescent Street between Bridge and Reeves Streets, Reeves Street and Montgomery Avenue (Rocky Hill Borough), Montgomery Avenue, Route 206 between Montgomery Avenue and Orchard Road, Orchard Road between Route 206 and River Road/Bridgepoint Road, Bridgepoint Road between River Road and Route 206 and River Road (Montgomery Township), Millstone River Road (Hillsborough Township), Main Street south of Amwell Road and Amwell Road east of Main Street (Millstone Borough), Amwell Road west of Market Street, Market Street, Griggstown Canal Road, Route 603 (Franklin Township), the Blackwells Mill Causeway, the Griggstown Causeway and Route 518 between Route 603 (Franklin Township) and Reeves Street (Montgomery Township) are designated as a New Jersey State Scenic Byway; and

**WHEREAS**, in accordance with the New Jersey Scenic Byway Program, a Scenic Byway Corridor Management Plan was prepared with participation of the Millstone Valley Scenic Byway Advisory Committee, which included all municipalities along the Byway as well as Somerset, Middlesex, and Mercer Counties, under the sponsorship of NJDOT and adopted in September 2008 and

**WHEREAS**, the byway has been named as the Millstone Valley Scenic Byway; and

**WHEREAS**, the roadways provide the base of the corridor and connect the many historic districts and sites that make up the Millstone Valley Scenic Byway; and

**WHEREAS**, the Millstone Valley Scenic Byway and its Corridor will reinforce the existing D & R Canal and Millstone River Corridor with its many historic, environmental and recreational resources; and

**WHEREAS**, two public meeting opportunities were provided to explain the Corridor Management Plan and obtain input from the general public; and

**WHEREAS**, the Corridor Management plan includes strategies to preserve, protect and promote intrinsic qualities of the byway through actions that are not regulatory or otherwise mandated by the Plan; and

**WHEREAS**, successful implementation of the Plan depends on cooperation, collaboration and support of municipalities and counties along the Byway; and

**WHEREAS**, Township Council of Franklin Township, Somerset County, wishes to express its support for the concept of a Scenic Byway and its commitment to collaborate in the process necessary for its implementation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF FRANKLIN TOWNSHIP, SOMERSET COUNTY, OF THE STATE OF NEW JERSEY**, that it expresses its support of the Millstone Valley Scenic Byway Corridor Management Plan and its intention to participate in future implementation strategies described in the Plan.

**Resolution #08-555** Accept Resignation of Efren Dato as Alternate #1 of the Sewerage Authority.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Efren Dato as Alternate No. 1 of the Sewerage Authority, effective immediately.

**Resolution #08-556** 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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
513.21/24	Stevens, Naomi 9 Hancock Place Somerset, NJ 08873	4/08 Omitted Billed in 2007	6,123.51
34.07/16.07C0716	Township of Franklin	4/08 Tax Exempt	789.15
517.06/17.03	Marco Holdings LLC 325 Pierce Street Somerset, NJ 08873	4/08 Omitted Billed in 2007	39,717.71

**Resolution #08-558** Authorize Tax Title Lien Redemption – Outside Buyers.

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

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

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

<b>Date of Sale:</b>	June 9, 2009
<b>Block/Lot:</b>	96/27
<b>Name &amp; Address:</b>	Burney, Sonya 155 Churchill Avenue Somerset, NJ 08873
<b>Amount:</b>	745.61
<b>Make Check Payable To:</b>	Natu Patel
<b>Certificate No.:</b>	08-080
<b>Payment Received:</b>	August 4, 2008

**Date of Sale:** June 9, 2008  
**Block/Lot:** 155/15  
**Name & Address:** Conteh, Sheku  
55 Ray Street  
Somerset, NJ 08773  
**Amount:** 4,593.89  
**Make Check Payable To:** Stuart Lasher  
**Certificate No.:** 08-104  
**Payment Received:** September 2, 2008

**Date of Sale:** June 9, 2005  
**Block/Lot:** 219/3  
**Name & Address:** 725 Hamilton Street LLC  
725 Hamilton Street  
Somerset, NJ 08873  
**Amount:** 5,519.60  
**Make Check Payable To:** US Bank-Cust/SASS Muni V dtr  
**Certificate No.:** 05-058  
**Payment Received:** September 2, 2008

**Date of Sale:** June 9, 2008  
**Block/Lot:** 343/1.01  
**Name & Address:** Payne, James  
330 Girard Avenue  
Somerset, NJ 08873  
**Amount:** 21,776.80  
**Make Check Payable To:** Plymouth Park Tax Services LLC  
**Certificate No.:** 08-183  
**Payment Received:** September 2, 2008

**Date of Sale:** June 9, 2008  
**Block/Lot:** 447/16.01  
**Name & Address:** Stewart, Diane M.  
45 Willow Avenue  
Somerset, NJ 08873  
**Amount:** 22,536.08  
**Make Check Payable To:** Plymouth Park Tax Services LLC  
**Certificate No.:** 08-233  
**Payment Received:** September 3, 2008

**Date of Sale:** June 9, 2008  
**Block/Lot:** 339/43.01  
**Name & Address:** Hill, Lavell C. Sr.  
254 West Point Avenue  
Somerset, NJ 08873  
**Amount:** 2,016.70  
**Make Check Payable To:** Elliot Loeb  
**Certificate No.:** 08-181  
**Payment Received:** September 9, 2008

**Date of Sale:** June 9, 2008  
**Block/Lot:** 468.09/59  
**Name & Address:** Harker Associates - c/o Aspect Computer  
21 World's Fair Drive  
Somerset, NJ 08873  
**Amount:** 694,764.36  
**Make Check Payable To:** US Bank-Cust/SASS Muni V dtr

**Certificate No.:** 08-237  
**Payment Received:** September 9, 2008

**Date of Sale:** June 8, 2007  
**Block/Lot:** 221/2  
**Name & Address:** Mullings, Elma M.  
 60 Stuyvesant Avenue  
 Somerset, NJ 08873  
**Amount:** 1,223.93  
**Make Check Payable To:** Daxuan Wang  
**Certificate No.:** 070134  
**Payment Received:** September 16, 2008

**Date of Sale:** June 9, 2008  
**Block/Lot:** 85/56.03 C0261  
**Name & Address:** Karimi, Jean L.  
 261 Kingsberry Drive  
 Somerset, NJ 08873  
**Amount:** 2,223.82  
**Make Check Payable To:** Fernwood Funding  
**Certificate No.:** 08-073  
**Payment Received:** September 19, 2008

**Date of Sale:** June 9, 2008  
**Block/Lot:** 142/45  
**Name & Address:** Coker, Okanlawon  
 173 Minetta Street  
 Somerset, NJ 08873  
**Amount:** 896.37  
**Make Check Payable To:** Natu Patel  
**Certificate No.:** 08-093  
**Payment Received:** September 22, 2008

**Date of Sale:** June 9, 2005  
**Block/Lot:** 221/12  
**Name & Address:** Campbell, June D. – c/o Maricle,G.  
 41 Dewald Avenue  
 Somerset, NJ 08873  
**Amount:** 626.55  
**Make Check Payable To:** Sanjoy LLC  
**Certificate No.:** 05-059  
**Payment Received:** September 22, 2008

**Date of Sale:** June 8, 2006  
**Block/Lot:** 221/12  
**Name & Address:** Campbell, June D. – c/o Maricle,G.  
 41 Dewald Avenue  
 Somerset, NJ 08873  
**Amount:** 782.85  
**Make Check Payable To:** JNH Funding Corp.  
**Certificate No.:** 06-119  
**Payment Received:** September 22, 2008

**Date of Sale:** June 10, 1999  
**Block/Lot:** 439/99  
**Name & Address:** Pollen, Cynthia, Janelle  
 80 Ninth Street  
 Somerset, NJ 08873

**Amount:** 396.47  
**Make Check Payable To:** Herbert Sehgel  
**Certificate No.:** 990214  
**Payment Received:** September 22, 2008

**Resolution #08-559** Authorize Release of Planning Review and Building Escrows.

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

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

APPLICANT: L-Oreal USA  
ADDRESS: 100 Commerce Drive  
Somerset, NJ 08873  
DOCKET NO. PLN2004-0046  
BLOCK/LOT: 86.03/10.3 & 10.31 & 86.01/10.15  
LOCATION: 100 Commerce Drive  
TYPE: Plan Review  
AMOUNT DEPOSITED: \$287.50 (SP) \$12,887.50 (CME) \$3,292.50 (HG)  
AMOUNT CHARGED: 287.50 12,887.50 3,292.50  
AMOUNT TO BE REFUNDED: \$ 0.00 \$ 0.00 \$ 0.00  
AMOUNT DEPOSITED: \$4,032.50 (IH)  
AMOUNT CHARGED: 80.00  
AMOUNT TO BE REFUNDED: \$3,952.50

APPLICANT: Central Jersey College Prep Charter School  
ADDRESS: 17 Schoolhouse Road  
Somerset, NJ 08873  
DOCKET NO. ZBA-07-00037  
BLOCK/LOT: 517.05/35.11  
LOCATION: 17 Schoolhouse Road  
TYPE: Inspection Fees  
AMOUNT DEPOSITED: \$1,924.00 (IH)  
AMOUNT CHARGED: 455.65  
AMOUNT TO BE REFUNDED: \$1,468.35

APPLICANT: George Lombardy (463 Franklin Blvd, LLC)  
ADDRESS: 11 Ellsworth Drive  
Warren, NJ 07059  
DOCKET NO. PLN-07-00011  
BLOCK/LOT: 235/5  
LOCATION: 463 Franklin Blvd.  
TYPE: Plan Review  
AMOUNT DEPOSITED: \$587.50 (Attny) \$1,412.50 (IH)  
AMOUNT CHARGED: 587.50 1,318.14  
AMOUNT TO BE REFUNDED: \$ 0.00 \$ 94.36

APPLICANT: Rolo Realty  
ADDRESS: 187 Davidson Avenue  
Somerset, NJ 08873  
DOCKET NO. PLN-07-00042  
BLOCK/LOT: 502.02/12.01 & 33.02  
LOCATION: 187 Davidson Avenue

TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$212.50 (Attny)	\$2,787.50 (IH)
AMOUNT CHARGED:	<u>212.50</u>	<u>1,198.79</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$1,588.71

APPLICANT: St. Stephens Mar Thoma Church  
 ADDRESS: 27 Jersey Avenue  
 Piscataway, NJ 08854

DOCKET NO. ZBA-07-00052  
 BLOCK/LOT: 59.01/10.02  
 LOCATION: 25 Grouser Road  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$8,000.00 (IH)  
 AMOUNT CHARGED: 6,471.34  
 AMOUNT TO BE REFUNDED: \$1,528.66

APPLICANT: Somerset Douglas Realty LLC  
 ADDRESS: 11 Springfield Avenue  
 Somerset, NJ 08873

DOCKET NO. PLN2004-0064  
 BLOCK/LOT: 171.02/1-4; 236.01 & 238.02  
 LOCATION: Route 27 & Douglas Avenue  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$10,803.38 (SD)    \$275.00 (Attny)    \$4,112.50 (HG)  
 AMOUNT CHARGED: 10,803.38    275.00    4,112.50  
 AMOUNT TO BE REFUNDED: \$ 0.00    \$ 0.00    \$ 0.00  
 AMOUNT DEPOSITED: \$2,809.12 (IH)  
 AMOUNT CHARGED: 1,797.98  
 AMOUNT TO BE REFUNDED: \$1,011.14

APPLICANT: Wow Entertainment, Inc.  
 ADDRESS: 6 Shirley Avenue  
 Somerset, NJ 08873

DOCKET NO. ZBA-08-00043  
 BLOCK/LOT: 517.03/3.32  
 LOCATION: 100 Randolph Road  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$1,000.00 (IH)  
 AMOUNT CHARGED: 521.90  
 AMOUNT TO BE REFUNDED: \$ 478.10

APPLICANT: Jeremy Court, LLC  
 ADDRESS: c/o Demathis Investments, LLC  
 70 Old Bloomfield Avenue, Suite 200  
 Pine Brook, NJ 07058

DOCKET NO. PLN-07-00049  
 BLOCK/LOT: 86.01/9.68  
 LOCATION: 304 Bennetts Lane  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$362.50 (Attny)    \$887.50 (IH)  
 AMOUNT CHARGED: 362.50    474.60  
 AMOUNT TO BE REFUNDED: \$ 0.00    \$412.90

**Resolution #08-560** Authorize Release of Performance Guarantee – Central Jersey College Prep Charter School – Block 517.05, Lot 35.11 – 17 Schoolhouse Road – Site Improvements - \$13,854.60.

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

NAME OF APPLICANT: Central Jersey College Prep Charter School  
 ADDRESS OF APPLICANT: 1001 Finnegan's Lane  
 North Brunswick, NJ 08902  
 ITEM: Performance Bond  
 NUMBER: 1764  
 INSURANCE CO./BANK: Wachovia  
 DOCKET: ZBA-07-00037  
 IN THE AMOUNT OF: \$46,182.00  
 FOR: Block 517.05/Lot 35.11 – 17 Schoolhouse Road – Site Improvements

**WHEREAS**, the Township Engineer, after inspection, recommends reduction 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 Bond be reduced from \$46,182.00 to \$13,854.60 to the above named applicant.

**Resolution #08-561** Authorize Reduction of Performance Guarantee – Princeton Highlands Developers - Block 11.01 – Supra Court – Site Improvements – From \$55,782.24 to \$16,734.67.

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

NAME OF APPLICANT: Princeton Highlands Developers  
 ADDRESS OF APPLICANT: 820 Morris Turnpike  
 Short Hills, NJ 07078  
 ITEM: Performance Bond  
 NUMBER: Check #25-0016387  
 INSURANCE CO./BANK: Union Center National Bank  
 DOCKET: ZBA2003-0942  
 IN THE AMOUNT OF: \$55,782.24  
 FOR: Block 11.01 – Supra Court – Site Improvements

**WHEREAS**, the Township Engineer, after inspection, recommends reduction 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 Bond be reduced from \$55,782.24 to \$16,734.67 to the above named applicant.

**Resolution #08-562** Authorize Reduction of Performance Guarantee – Princeton Highlands Developments – Block 11.01, Lots 13.01, 13.19-13.28 – Site Improvements – From \$502,040.16 to \$150,612.16.

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

NAME OF APPLICANT: Princeton Highlands Developers  
 ADDRESS OF APPLICANT: 820 Morris Turnpike

Short Hills, NJ 07078

ITEM: Performance Bond  
 NUMBER: 5011642  
 INSURANCE CO./BANK: Bond Safeguard Insurance Co.  
 DOCKET: ZBA2003-0942  
 IN THE AMOUNT OF: \$502,040.16  
 FOR: Block 11.01/Lots 13.01; 13.19-13.28 – Supra Court – Site Improvements

**WHEREAS**, the Township Engineer, after inspection, recommends reduction 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 Bond be reduced from \$502,040.16 to \$150,612.16 to the above named applicant.

**Resolution #08-563** Authorize Release of Performance Guarantee – Woodfield Estates – Block 11.01, Lot 10.01 – Bunker Hill Road & Route 27 – Landscaping - \$56,665.00.

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

NAME OF APPLICANT: Woodfield Estates/Woodfield Developers LLC  
 (formerly Calton @ Franklin)  
 ADDRESS OF APPLICANT: 3546 State Highway 27  
 Kendall Park, NJ 08824  
 ITEM: Performance Bond for Subdivision  
 NUMBER: #SD00036284  
 INSURANCE CO./BANK: Frontier Insurance Company  
 DOCKET: P97050SF  
 IN THE AMOUNT OF: \$56,665.00  
 FOR: Block 11.01/Lots 10.01 – Bunker Hill Road & Route #27 – Landscaping

**WHEREAS**, the Township Engineer, after inspection, recommends 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 \$56,665.00 be released to the above named applicant.

**Resolution #08-564** Authorize Forfeiture of Deposit for Construction Water Meters – Rezkom Enterprises.

**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 forfeited by the applicant:

APPLICANT: Rezkom Enterprises  
 ADDRESS: 11 Cindy Lane  
 Ocean, NJ 07712  
 AMOUNT DEPOSITED: \$850.00

AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$850.00
AMOUNT TO BE FORFEITED:	\$850.00

**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 forfeited 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 #08-565** Authorize Release of Street Open Surety – House Foods America Corp.

**WHEREAS**, the following have deposited Escrow Funds for Street Opening Permits; and

**WHEREAS**, notification has been received from the Department of Public Works stating that all work has been completed in accordance with Standards of Ordinance No. 599;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that the Finance Officer is hereby authorized to release Street Opening Escrow Funds to the following:

<b>Permit Number:</b>	6396, 6397, 6420, 6447, 6448, 6517, 6518
<b>Opening Location:</b>	Randolph Road
<b>Applicant's Name &amp; Address:</b>	House Foods America Corp. 801 Randolph Road Somerset, NJ 08873
<b>Deposit/Surety:</b>	\$8,150.00/\$8,150.00

**Resolution #08-566** Award CDBG Rehabilitation Contracts – ANPE Corp. for 155 Churchill Avenue in an amount not to exceed \$11,750.00 – The Cridan Company, Inc. for 13 Angel Place in an amount not to exceed \$2,600.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf the following CDBG and NPP Grant for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

<b>CONTRACTOR:</b>	ANPE Corp. 25 Sandra Lane Wayne, NJ 07470
<b>PROJECT:</b>	155 Churchill Avenue
<b>AMOUNT:</b>	\$11,750.00
<b>CONTRACTOR:</b>	The Cridan Company, Inc. 334 Skillman Lane Somerset, NJ 08873
<b>PROJECT:</b>	13 Angel Place
<b>AMOUNT:</b>	\$2,600.00

**Resolution #08-567** Rescind CDBG Rehabilitation Contract – Stormbringer Construction for 11 Iris Court.

**WHEREAS**, on July 8, 2008, the Township Council adopted Resolution #08-373, awarding a contract for CDBG Rehabilitation of 11 Iris Court to Stormbringer Construction; and

**WHEREAS**, despite the homeowner agreeing to the terms in the specifications prior to the work; advertising; pre-bid conference; and award of contract, the homeowner wanted to change the project to a degree it would have been unfair to the other bidders, resulting in a major change order to the project; and

**WHEREAS**, it is the recommendation of the Purchasing Agent to rescind the contract, with no penalty to the contractor in bidding on future projects;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey, that the contract between the Township of Franklin and Stormbringer Construction for the CDBG Rehabilitation of 11 Iris Court as awarded in Resolution #08-373 is hereby rescinded with no penalty to the contractor in bidding on future projects.

**Resolution #08-568** Authorize Change Order – CDBG Rehabilitation Contract – ANPE Corp. – 39 Arden Street – Additional 500.00 – New Contract Amount Not to Exceed \$7,500.00.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on July 8, 2008, authorized the awarding of a contract to

**ANPE Corp.**  
**25 Sandra Lane**  
**Wayne, NJ 07470**

**Amount: \$7,000.00**

**WHEREAS**, it could not be determined until the work began that additional work and supplies were needed, this requiring a Change Order #1 in the amount of \$500.00, new total amount of \$7,500.00; and

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

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

**BE IT FURTHER RESOLVED** that the Township Manager be and he is authorized to

**Resolution #08-569** Extend Competitive Contract – Credit Cards for Municipal Court – Extension of Contract – December 1, 2008 to November 30, 2009  
 Commerce Bank and Heartland Payment Systems.

**WHEREAS**, on June 29, 2006, the Township Council awarded a two-year contract to Commerce Bank for the use of credit cards in the Municipal Court as per Resolution #06-289; and

**WHEREAS**, the Township of Franklin desires to extend the contract for Municipal Court Credit Card Services; and

**WHEREAS**, the original specifications included a clause that allows for the annual extension of the contract at the existing terms and conditions; and

**WHEREAS**, the Township and Commerce Bank have agreed to the extension of this contract; and

**WHEREAS**, Commerce Bank will absorb all fees for use of the credit cards, including processing and interchange fees as well as provide armored car pickup of Municipal Court deposits;

**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 extend a contract for the period of December 1, 2008 to November 30, 2009 with Commerce Bank as per the original contract and specifications.

**Resolution #08-570** Authorize Additional Purchase – Biodegradable Leaf Bags – Dano Enterprises Inc. – Additional 20,000 bags – Amount Not to Exceed \$5,720.00.

**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**, 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 following vendor:

**VENDOR:** Dano Enterprises, Inc.  
76 Progress Drive, Stamford, CT 06902  
**ITEMS:** Biodegradable Leaf Bags – Somerset County Coop Bid CC-48-07, #2-SOCCP  
**COST:** \$5,720.00

**Resolution #08-571** Award Contract – Location of ATM Machine in Police Building – Instacash ATM, Inc.

**WHEREAS**, the Township of Franklin desires to locate an ATM Machine in the Public Safety Building; and

**WHEREAS**, bids were solicited twice and both were unsuccessful;

**WHEREAS**, the Township of Franklin negotiated a contract as follows:

**VENDOR:** Instacash ATM, Inc.  
7801 N.W. 37<sup>th</sup> Street, Doral, FL 33166-6503  
**ITEMS:** Location of ATM Machine in Public Safety Building

**WHEREAS**, each user will pay a transaction fee of \$2.00 throughout the term of the contract which will result in \$0.50 to the Township and \$1.50 to the vendor;

**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 for the aforesaid services.

**Resolution #08-572** Award State Contract – Health Copier – November 1, 2008 to October 31, 2011 – Ikon Office Solutions – Amount Not to Exceed \$3,000.00 for three-year period.

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

**VENDOR:** Ikon Office Solutions

567 Route 46 West  
Fairfield, NJ 07004

State Contract No. 64039

**ITEM:** Photocopiers for the Health Department – 11/01/08-10-31-11  
**COST:** \$3,000.00

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

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

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

**Resolution #08-573** Award Professional Services Agreement – Consultant to Water Department – October 15, 2008 to October 14, 2009 – Edward P. O'Rourke – Amount Not to Exceed \$14,400.00.

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

**WHEREAS**, the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, that funds are available; and

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

**WHEREAS**, the contracts to be awarded are being awarded as Fair and Open Professional Service contracts pursuant to the Pay to Play Laws, P.L. 2004, C. 19; and

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC

17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.

- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME:** *Edward P. O'Rourke*  
**ADDRESS:** 759 Barberry Drive  
Brick, NJ 08723  
**CONTRACT AMOUNT:** \$14,400.00  
**SERVICE:** Consultant to Water Department – 10-15-08 to 10-14-09

**Resolution #08-574** Award Professional Services Agreement – Construction Inspection and Engineering Services for the Rt. 518 Water Main Improvement Project – T&M Associates – Amount Not to Exceed \$16,000.00.

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

**WHEREAS,** the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, that funds are available; and

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

**WHEREAS,** the contracts to be awarded are being awarded as Fair and Open Professional Service contracts pursuant to the Pay to Play Laws, P.L. 2004, C. 19; and

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save

harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME:** *T&M Associates*  
**ADDRESS:** 11 Tindal Road  
 Middletown, NJ 07748-2792  
**CONTRACT AMOUNT:** \$16,000.00  
**SERVICE:** Construction inspection and engineering services  
 Route 518 Water Booster Pump Station Improvements

**Resolution #08-575** Authorize Issuance of Raffles Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Rutgers Preparatory School 1345 Easton Avenue, Somerset On-Premise 50/50 – RL#1728 Drawing: Rutgers Prep. Field House	November 7, 2008 5:00 pm – 10:00 pm
St. Peter & Paul Byzantine Catholic Church 285 Hamilton Street, Somerset On-Premise 50/50 – RL#1729 Bingo – BL#1730 Drawings: St. Peter & Paul Auditorium	Jan. 8,15,22,29 Feb. 5,12,19,26 March 5,12,19,26 April 2,16,23,30 May 7,14,21,28 June 4,11,18,25 July 2,9,16,23,30 Aug. 6,13,20,27 Sept. 3,10,17,24 Oct. 1,8,15,22,29 Nov. 5,12,19 Dec. 3,10,17,31
Altar Rosary Society, St. Peter & Paul Church 285 Hamilton Street, Somerset Bingo – BL#1731 Drawings: St. Peter & Paul Auditorium	Jan. 3,10,17,24,30 Feb. 7,14,21,28 Mar. 7,14,21,28 April 4,18,25 May 2,9,16,23,30 June 6,13,20,27 July 4,11,18,24 Aug. 1,8,15,22,29 Sept. 5,12,19,26 Oct. 3,10,17,24,31 Nov. 7,14,21,28 Dec. 5,12,19

Church of St. Matthias 168 JFK Boulevard, Somerset On-Premise 50/50 – RL#1732 On-Premise Raffle – RL#1733 Off-Premise 50/50 – RL#1734 Drawings: Double Tree Hotel, Somerset	February 20, 2009 7:00 pm – 11:00 pm
Knights of Columbus #9925 St. Matthias of Somerset Council 168 JFK Boulevard, Somerset Off-Premise 50/50 – RL#1735 Drawing: St. Matthias School Cafeteria	December 12, 2008 8:00 pm
Greyhound Friends of New Jersey, Inc. 10 Hunters Drive, Cherry Hill, New Jersey Off-Premise Raffle – RL#1736 Drawing: Somerset National Guard Armory	November 23, 2008 10:00 am – 5:00 pm
Somerset Community Action Program 900 Hamilton Street, Somerset On-Premise 50/50 – RL#1737 Drawings: 113 Belmont Drive, Somerset	Nov. 17, 2008 – 8:00 am – 6:00 pm Dec. 12, 2008 Jan. 9, 2009 Feb. 6, 2009 Mar. 13, 2009 April 17, 2009 May 15, 2009
On-Premise 50/50 – RL#1738 Drawings: 113 Belmont Drive, Somerset	Nov. 11, 2008 – 7:00 pm – 9:00 pm Jan. 13, 2009 Feb. 10, 2009 Mar. 10, 2009 April 7, 2009 May 5, 2009
On-Premise 50/50 – RL#1739 Drawings: 900 Hamilton Street, Somerset	Nov. 18, 2008 – 7:00 pm – 9:00 pm Jan. 20, 2009 Feb. 27, 2009 Mar. 27, 2009 April 14, 2009 May 12, 2009
Off-Premise Raffle – RL#1740 Drawing: 900 Hamilton Street, Somerset	Dec. 19, 2008 12:00 pm
<b><u>Resolution #08-576</u></b> Authorize Issuance of Special Event Permit – Hamilton Street Business & Community Corporation – Costume Parade for Children – October 25, 2008 – 2:00-4:00 p.m. – 675 Franklin Blvd. (PNC Bank).	

**WHEREAS**, a request has been received from the Hamilton Street Business & Community Corporation for permission to hold a Costume Parade for Children on Saturday, October 25, 2008 from 2:00 p.m. to 4:00 p.m. to be conducted at PNC Bank Parking Lot, 675 Franklin Boulevard; and,

**WHEREAS**, Hamilton Street Business & Community Corporation has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Hamilton Street

Business & Community Corporation for permission to hold a Costume Parade for Children on Saturday, October 25, 2008 from 2:00 p.m. to 4:00 p.m. to be conducted at 675 Franklin Boulevard, 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 #08-577** Authorize Issuance of Special Event Permit – Meadows Foundation – Sinterklaas – December 7, 2008 – 1:00-4:00 p.m. – Van Wickle House, 1289 Easton Avenue.

**WHEREAS**, a request has been received from the Meadows Foundation for its celebration of the arrival of “Sinterklass” to be held on December 7, 2008 from 1:00 p.m. to 4:00 p.m. at Van Wickle House, 1289 Easton Avenue; 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 celebration of the arrival of “Sinterklass” to be held on December 7, 2008 from 1:00 p.m. to 4:00 p.m. at Van Wickle House, 1289 Easton Avenue, 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 #08-578** Authorize Issuance of Special Event Permit – Franklin Park Fire Company – Fire Prevention Week – Open House – October 18, 2008 – 12 Noon to 3:00 p.m. – Franklin Park Fire House, 2 Claremont Road.

**WHEREAS**, a request has been received from Franklin Park Fire Company for its Fire Prevention Week Open House to be held on October 18, 2008 from 12:00 p.m. to 3:00 p.m. at Franklin Park Fire House, 2 Claremont Road, Franklin Park; and

**WHEREAS**, Franklin Park Fire Company 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 Franklin Park Fire Company. for its Fire Prevention Week Open House to be held on October 18, 2008 from 12:00 p.m. to 3:00 p.m. at Franklin Park Fire House, 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 #08-579** Award Fair and Open Contract – Risk Manager – January 1, 2009 to June 30, 2011 – North American Insurance Management Corporation.

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

**WHEREAS**, the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, that funds are available; and

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

**WHEREAS,** the contracts to be awarded are being awarded as Fair and Open Professional Service contracts pursuant to the Pay to Play Laws, P.L. 2004, C. 19; and

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR:** North American Insurance Management Corporation  
1315 Stelton Road  
Piscataway, NJ 08854

**SERVICE:** Risk Manager  
January 1, 2009 to June 30, 2011

**CONTRACT AMOUNT:** 6% of the Township's annual Central Jersey Joint Insurance Fund assessment and industry-standard commission rates for insurances placed outside the Fund. No additional Charges.

**Resolution #08-580** Award Bid – Duplicating Services for all Departments – November 1, 2008 to October 31, 2010 – Somerset Management Group, LCC (Categories 1 and 4) – PostNet (Categories 2,3 and 5) – Amount Not to Exceed \$40,000.00 per year for both companies.

**WHEREAS,** a notice to bidders for the receipt of bids for Duplicating Services for all Departments was published in the *Courier News* and posted on the Township's website on September 11, 2008 and receipt was on October 2, 2008;

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Duplicating Services for all Departments:

**VENDOR:** *Somerset Management Group, LLC*  
**ADDRESS:** 80 Veronica Avenue, Somerset, NJ 08873  
**ITEM:** Duplicating Services for all Departments – Categories 1 & 4  
 November 1, 1008 to October 31, 2010

**VENDOR:** *PostNet*  
**ADDRESS:** 910 Haddonfield-Berlin Road, Voorhees, NJ 08043  
**ITEM:** Duplicating Services for all Departments – Categories 2, 3 & 5  
 November 1, 1008 to October 31, 2010

**AMOUNT:** *Not to Exceed \$40,000/year for both companies*

**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 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 #08-581** Award Somerset County Cooperative Bid – Natural Gas for Township Buildings – November 1, 2008 to October 30, 2010 – Woodruff Energy – Amount Not to Exceed \$310,000.00 for two-years.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through Morris County Cooperative and/or Somerset County Cooperative Bids, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDORS:**

**Woodruff Energy**  
 73 Water Street – PO Box 777  
 Bridgeton, NJ 08302  
 SC CC-66-08

**ITEMS:** Natural Gas for Township Buildings – 11/1/08 – 10/31/2010  
**COST:** \$310,000.00 for two-years

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

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

**Resolution #08-582** Amend Contract – Police Software Maintenance Agreement – July 1, 2008 to June 30, 2009 – Queues Enforth Development, Inc. – Additional Amount Not to Exceed \$17,150.00.

**WHEREAS**, the Township of Franklin desires to amend the contract is has with Queues Enforth Development, Inc. for Police Software Maintenance for the period of July 1, 2008 to June 30, 2009 as outlined in Resolution #08-437 dated August 12, 2008; and

**WHEREAS**, the amount of the contract needs to be amended as a result of unforeseen repairs needed throughout the contract period; additional GIS licenses purchased through Enhanced 9-1-1 Grant and data conversion to enable Police to contact Fire Districts;



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

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

**RESOLUTION, VOTED ON SEPARATELY**

**Resolution #08-557** Authorize Refund of Tax Overpayments.

Mayor Levine presented the following resolution:

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
86.01/4.01 Various	Township of Franklin	4/08 Fire Service to Water 07 to 08 Trans Credit	386.10  13.51
85/56.03 C0152	Mercy Transportation Inc. 152 Kingsberry Drive Somerset, NJ 08873	4/08 – Owner & Mortgage Co. Paid	1,517.56
297/11.01	First American Real Estate Tax Service 8435 Stemmons Fwy, Dallas, TX 75247	1/08 2/08 3/08 100% Disabled Veteran Exempt	1,583.35 1,583.35 1,583.95
11.13/17	Ahmed, Hashum & Hala 14 Winging Way Princeton, NJ 08540	4/08 Homestead Rebate	1,990.60
363/1	Alghali, Mohamed & Batilly 26 Leupp Lane Somerset, NJ 08873	4/08 Homestead Rebate	1,424.32
59.02/7	Aquino, Gerbasio & Maria 14 Rupert Drive Somerset, NJ 08873	4/08 Homestead Rebate	2,000.00
337/15	Belo-Osagie, Liadi & Yvonne 8 Concord Drive	4/08 Homestead	703.21

	Somerset, NJ 08873	Rebate	
288/34	Benitez, Santiago 39 Holly Street Somerset, NJ 08873	4/08 Homestead Rebate	1,141.99
324/13	Benson, Elliot & Pamela 12 Winthrop Road Somerset, NJ 08873	4/08 Homestead Rebate	1,409.85
361/14	Blair, Calvin & Diana 25 Macafee Road Somerset, NJ 08873	4/08 Homestead Rebate	1,580.96
33.01/92	Bonilla, Jose 5 Summer Cottage Lane Franklin Park, NJ 08823	4/08 Homestead Rebate	116.30
426/16	Bush, Linda Ann 31 15 <sup>th</sup> Street Somerset, NJ 08873	4/08 Homestead Rebate	1,649.75
34.09/59.02 C5315	Dawson, Sidney Wallace 118 Sapphire Lane Franklin Park, NJ 08823	4/08 Homestead Rebate	146.33
386.10/84	Emanuel, Mary-Pat 84 Almond Drive Somerset, NJ 08873	4/08 Homestead Rebate	155.77
386.01/11	Francois, Kimberly 14 Norris Road Somerset, NJ 8873	4/08 Homestead Rebate	673.63
295/20	Greene, Bernard 425 Girard Avenue Somerset, NJ 08873	4/08 Homestead Rebate	1,329.03
37.02/3.01 C0076	Hill, Richard 5 Sherborne Street Somerset, NJ 08873	4/08 Homestead Rebate	618.02
423.01/25	Houskeeper, Harry 250 Treptow Road Somerset, NJ 08873	4/08 Homestead Rebate	915.45
424.14/97 C0058	Johnson, Shelia 61 Eton Way Somerset, NJ 08873	4/08 Homestead Rebate	763.90
73.01/56	Lawson, Benjamin 2004 Amwell Road Somerset, NJ 08873	4/08 Homestead Rebate	403.01
386.10/99	McGhee, Daphne 99 Almond Drive Somerset, NJ 08873	4/08 Homestead Rebate	70.98
295/18	Montoya, Marvin	4/08	301.88

	439 Girard Avenue Somerset, NJ 08873	Homestead Rebate	
346.11.01	Parker, Lewis & Dorothy 125 Berger Street Somerset, NJ 08873	4/08 Homestead Rebate	1,203.15
106/31	Purnell, William & Loretta 153 Ellen Street Somerset, NJ 08873	4/08 Homestead Rebate	1,017.93
461/31	Reid, Robert & Regina 127 Second Street Somerset, NJ 08873	4/08 Homestead Rebate	727.13
34.06/16.05 C1614	Reyes, Yecid 89 Amberly Court Franklin Park, NJ 08823	4/08 Homestead Rebate	847.13
249/5	Richardson, Elaine 5 Marvin Avenue Somerset, NJ 08873	4/08 Homestead Rebate	1,093.43
282/3	Screws, Cleveland & Pamela 42 Dekalb Street Somerset, NJ 08873	4/08 Homestead Rebate	1,078.25
34.05/48.10	Serino, Alberto & Linda 4 Decaire Lane Franklin Park, NJ 08823	4/08 Homestead Rebate	1,268.80
384/24	Sterling, Jeffrey & Lynda 15 Foxwood Drive Somerset, NJ 08873	4/08 Homestead Rebate	167.53
489.01/9	Stryker, Richard & Jeannine 90 Hall Street Somerset, NJ 08873	4/08 Homestead Rebate	569.74
360/35	Sutton, Larry & Carolyn 185 Berger Street Somerset, NJ 08873	4/08 Homestead Rebate	1,555.54
424.02/11.23	Wilson, Rosalyn 31 Westlake Court Somerset, NJ 08873	4/08 Homestead Rebate	1,245.28
34.04/8.01 C0081	Yearwood, Richard & Lisa PO Box 12 Franklin Park, NJ 08823	4/08 Homestead Rebate	1,007.15
34.10/59.01 C1304	Yuen, William 28 Amethyst Way Franklin Park, NJ 08823	4/08 Homestead Rebate	893.39
34.09/59.02 C0342	Zeamuru, Berhane 14 Cameo Court Franklin Park, NJ 08823	4/08 Homestead Rebate	1,463.33

202/10	Ocansey, Patience 167 Alcorne Street Somerset, NJ 08873	4/08 Homeowner Pd in Error	300.00
513.12/37	Wynkoop, Catherine 116 Canal Walk Blvd. Somerset, NJ 08873	1-3/08 Homeowner Pd Tax Exempt	1,449.34 1,449.34 1,505.45
178/3	Township of Franklin	Move Tax Payment to SID Installment	705.88

The aforesaid resolution was moved by Mr. Glicklich for adoption. 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>
Eberle	Glicklich		Francois	Danile
Levine	Mettler			Prasad
Vassanella				Sumter

#### APPOINTMENTS

##### Sewerage Authority

Mr. Glicklich nominated Robert Seskin as a Regular Member of the Sewerage Authority, for an unexpired term ending January 31, 2010.

Mr. Glicklich nominated William J. Howard as Alternate No. 1 Member of the Sewerage Authority, for an unexpired term ending January 31, 2011.

Said appointments carried by acclamation.

#### ADJOURNMENT

Mr. Glicklich moved to adjourn the meeting at 11:47 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