

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
SEPTEMBER 9, 2002

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:04 P.M.

The Mayor read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

The Mayor led the entire assembly in the Pledge of Allegiance.

The following invocation was given by Councilman Mettler.

“Dear Lord,

We are now approaching the anniversary of a unique event in American history. Other instances of attacks, such as the Maine in 1898 in which three sailors from New Brunswick were killed and Pearl Harbor in 1941, are similar but there are distinct differences. Those were fairly military targets and the attacks were attributable to other sovereign nations. On 9/11, although the Pentagon was clearly a military target, the World Trade Center was not. The overwhelming number of casualties were civilians. This attack was carried out by a shadow organization with evil intent.

How then are we to commemorate them? Certainly by turning to You, O Lord. We know that You have not promised us an easy or safe life. We know this from the book of Job, but we know that You are ever present help in times of trouble. And Lord, we have much to be thankful for. We are thankful for the lives of those people who were lost and the good they did in the time they were allotted. We are grateful for the work of the police and firemen, for the heroism and courage that they showed. They have heaped honor upon their professions and their work kept the tragedy from being much greater. We are humbly amazed at the courage of the passengers on Flight 93 and their rushing the cockpit, which undoubtedly saved many more lives at the cost of their own. We are grateful even for the politicians who rose to the occasion and for the leadership that they provided, especially the Mayor of New York. We are grateful for the volunteers who spent long months clearing, with reverence, the wreckage at the Pentagon and at the World Trade Center. We are grateful for the countless acts of kindness and generosity of so many American citizens. And we are grateful that this tragedy brought out the best in the America character in so many instances.

Lord, we are in a fight that will take a long time. We pray that You will still be with us, that you will guide us in our decisions, that you will help us to do the right thing in troubling times. For we are fighting not only for ourselves; we are really fighting for all who love peace and civility in the world. And most of all, Lord, we are grateful that we live in a country whose strength is undiminished. The enemy wished to cripple us economically and in spirit - we are not crippled economically and we are certainly not crippled in spirit. If anything our spirit is stronger than before.

God Bless America. Amen”

The Township Clerk called the roll.

Present: Mayor Eberle, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler, Mr. Sumter

Absent: No One

Also Present: Daniel Fitzpatrick, Esq., Acting Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

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WHEREAS, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two into the World Trade Center in New York City, a third into the Pentagon outside of Washington, D.C., and a fourth into the countryside of Pennsylvania; and

WHEREAS, thousands of innocent people, including Americans of every heritage and visitors to our shores, were killed and injured as a result of these wicked and reprehensible attacks, including the passengers and crews of the aircraft, workers in the World Trade Center and the Pentagon, bystanders, tourists and rescue workers; and

WHEREAS, these attacks were the deadliest assaults ever launched against the United States, and, by targeting symbols of American strength and success, were clearly intended to intimidate our Nation and weaken its resolve;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, that we extend our deepest condolences to the victims of these heinous and ungodly actions, as well as to their families and their friends; and

BE IT FURTHER RESOLVED, that we commend the heroic actions of the passengers and crews of the aircraft, the rescue workers, the volunteers, the local officials, and so many of the victims, themselves, who responded to these tragic events with courage, compassion, determination and skill; and

BE IT FURTHER RESOLVED, that we do condemn and denounce the terrorists who planned and executed this devastation, as well as their cowardly sponsors and accomplices; and

BE IT FURTHER RESOLVED, that we thank those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks; and

BE IT FURTHER RESOLVED, that we support our President, his Cabinet, our Armed Forces, our Federal, State and local law enforcement agencies and Congress in their efforts to bring justice to the perpetrators of these attacks, and to their accomplices and sponsors; and

BE IT FURTHER RESOLVED, that we stand ready, with Governor McGreevey and his Administration, to share whatever of our resources may be needed for the on-going recovery efforts, as well as with any agencies charged with the investigation of this mass murder and the apprehension of the responsible parties; and

BE IT FURTHER RESOLVED, that Township of Franklin does so hereby designate ***SEPTEMBER 11, 2002 as "ALWAYS REMEMBER DAY"*** in commemoration of the innocent victims and the intrepid heroes of the terrorist attack on the United States which took place on September 11, 2001; and

BE IT FURTHER RESOLVED, that all persons within this municipality are urged to honor these victims by appropriate displays of our flag and of red, white, and blue ribbons, and that a copy of this resolution be sent to the New Jersey State League of Municipalities.

Mayor Eberle read the Proclamation and announced that the New Jersey State League of Municipalities has asked all 566 municipalities to adopt this resolution and to forward the resolution to them for a special display at League headquarters.

Deputy Mayor Grippo announced that the Township will conduct a 9-11 Vigil on September 10, 2002 at 7:30 p.m. at Franklin High School and invited all residents to attend.

MINUTES – WORK SESSION 8/06/02; REGULAR MEETING 8/13/02; BUDGET WORK SESSIONS 8/06/02 & 8/13/02; EXECUTIVE SESSIONS 8/06/02 & 8/13/02; SPECIAL MEETING – 8/13/02

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to approve the Minutes mentioned above. Motion was carried by those members of Council present at those meetings and sessions.

REGULAR MEETING – SEPTEMBER 9, 2002**WARRANTS – SEPTEMBER 9, 2002****Read by Township Clerk Pellicane**

1	Current Fund	8,051,195.85
5	Water Operating	644,911.61
6	Water Capital	6,808.00
4	General Capital	98,620.95
15	General Trust	47,930.95
18	Self Insurance Trust Fund	6,195.81
21	Recreation Trust	31,643.19
12	Open Space Trust	2,000.00
2	Grant Fund	24,318.50
17	Workers' Compensation Unemployment Trust	9,849.95 0
	Employee Payroll Deduction	0
3	Collector Trust	63,021.38
14	Dog Revenue	149.40
	Community Foundation	0
22	Payroll	402,671.22
13	Redevelopment Agency	1,445.18
23	Agency Payroll	453,348.70
	SUB-TOTAL	9,844,110.69
25	Escrow Account	47,291.06
19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u>\$9,891,401.75</u>

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

02-379 RESOLUTION – LIQUOR LICENSE RENEWAL, 2002/2003 – ELEANOR WEBER – 1808-33-016-005

Township Clerk Pellicane advised that this resolution provides for the approval of the last 2002/2003 liquor license renewal. The renewal was delayed because the license has been inactive for more than two years and Special Ruling from the State ABC was required. The Special Ruling has been received. Upon renewal of this license, the application for person-to-person transfer of the license, Item 8 on the agenda, can be heard and approved.

Read by Township Clerk Pellicane

WHEREAS, application has been received for one (1) Plenary Retail Consumption License; and

WHEREAS, this 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 applicant's property and have approved it as per letters filed with the Township Clerk; and

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

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

- (1) The submitted application form is complete in all respects:
- (2) The applicant is qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;
- (3) The applicant has 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 9th day of September 2002 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 one (1) Plenary Retail Consumption License:

1808-33-016-005

**ELEANOR WEBER
INACTIVE
c/o 115 Culver Street
Somerset, NJ 08873**

subject to the condition as set forth in August 5, 2002 Special Ruling from the State Division of Alcoholic Beverage Control that no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2003.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Levine. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

LIQUOR LICENSE – WEBER TO DECKER – PERSON-TO-PERSON TRANSFER – 1808-33-016-005

Township Clerk Pellicane advised that this application for transfer of liquor license is in order. The fees have been paid, the FTPD has approved the qualifications of the transferee, and notice of the transfer has been published in accordance with law. No written objections to the transfer have been received. The liquor license will remain inactive until such time as an application for place-to-place transfer is received.

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

No one from public spoke.

Motion was made by Mr. Mettler and seconded by Mr. Mazzola to close the public hearing.

02-380 RESOLUTION – PERSON-TO-PERSON TRANSFER - PLENARY RETAIL CONSUMPTION CLASS C LIQUOR LICENSE - ELEANOR H. WEBER TO JEROME E. DECKER - 1808-33-016-005

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WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption Class C License No. 1808-33-016-005, heretofore issued to Eleanor H. Weber for an inactive, unsited license; 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 licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **September 10, 2002** the transfer of the aforesaid Plenary Retail Consumption Class C License to Jerome E. Decker (PO Box 445, Quakertown NJ 08864) 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 to Jerome E. Decker effective October 9, 2002.**

Motion was made by Mr. Levine and seconded by Mr. Mazzola. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING – FY2003 BUDGET – EXCEED INDEX RATE – FIVE PERCENT (5%)

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING FINAL APPROPRIATIONS FOR SFY2003 IN EXCESS OF THE INDEX RATE". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to close the public hearing; motion was carried unanimously.

In response to questions from Mr. Mazzola and Mr. Levine, Township Manager Daly advised that the index rate for this year is 1% and, without the ordinance, the tax rate inside cap could only be increased by 1%, resulting in the need to cut \$1million from the budget. The ordinance allows us to exceed the index rate but stay within the 5% cap. The Township need not

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increase the budget to the full 5%. The budget as introduced is more than \$100,000 below cap, with additional cuts to be considered by Council this evening.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING – VACATION OF PORTION OF CLIFTON STREET BETWEEN IRVINGTON AVENUE AND HILLCREST AVENUE

Township Clerk Pellicane read by title:

"AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS CLIFTON STREET BETWEEN IRVINGTON AVENUE AND HILLCREST AVENUE IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Sumter to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING –AMEND CODE – CHAPTER 236, WATER – ARTICLE IV, RATES & METERS

Township Clerk Pellicane read by title:

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"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 236, WATER – ARTICLE IV, WATER RATES AND METER CHARGES". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Ms. Barrier and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Levine to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING – DEDICATION OF ADDITIONAL RIGHT OF WAY TO SOMERSET COUNTY – AMWELL ROAD & ELIZABETH AVENUE – BLOCK 509/LOT 22

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A DEED OF DEDICATION FOR ADDITIONAL RIGHT OF WAY WIDTH FROM THE TOWNSHIP OF FRANKLIN TO THE COUNTY OF SOMERSET, PURSUANT TO NJSA 40A:12-13 (BLOCK 509/LOT 22 – AMWELL ROAD & ELIZABETH AVENUE)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

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

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

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<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE HEARING – AMEND CODE – CHAPTER 19, PEDDLING & SOLICITING – SECTION 179-3, EXCEPTIONS (EXEMPT RELIGIOUS ORGANIZATIONS)

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 179, PEDDLING & SOLICITING – SECTION 179-3, EXEMPTIONS (ADD RELIGIOUS ORGANIZATIONS)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Mr. Sumter to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

Harold Leventhal, 360 DeMott Lane, questioned the impact of the ordinance on the Girl Scouts cookie sales. Township Clerk Pellicane explained that the ordinance does not impact the present ordinance requirements except to formalize the Constitutional right of religious organizations to solicit without need of a permit. Deputy Mayor Grippo advised that it is not recommended that children go door to door to sell items or collect funds without adult supervision.

Ms. Barrier questioned if this ordinance would preclude small businesses from distributing flyers. Township Manager Daly responded that the distribution of flyers is already permitted and the ordinance does not change that situation.

Motion was made by Mr. Mettler and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE HEARING – AMEND CODE – CHAPTER 47, POLICE – SECTION 47-10, ELIGIBILITY FOR PROMOTION

Township Clerk Pellicane read by title:

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"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 47, POLICE – SECTION 47-10, ELIGIBILITY FOR PROMOTION (DELETE SUBSECTIONS REQUIRING ASSOCIATES/BACHELOR DEGREES)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Mr. Mazzola noted having presented to Council this evening:

- (a.) September 6, 2000 Editorial from the Press of Atlantic City stating that "modern policing is a complicated affair that requires brains as well as brawn". Every town should require its new officers to have bachelor's degrees";
- (b) Article from May 7, 2002 issue of NJ COPS Magazine supporting college degrees for police officers;
- (c) List of police departments nationwide that require a four-year degree for entering police officers.

Mr. Mazzola noted that the adoption of the ordinance eliminating the need for college degrees for police promotions to command positions is a giant step backwards and urged Council to reconsider and defeat this ordinance.

Ms. Barrier concurred with Mr. Mazzola, noting that the purpose of higher education is not just to have letters after one's name, but to grow and expand in one's reasoning ability, and that it is important that police officers have that ability and leadership quality.

Deputy Mayor Grippo noted the position of a majority of the Township Council that our current police force has served the community well and has developed intrinsic experience that no degree can buy. Practical experience is more important than book knowledge. Perhaps an ordinance can be introduced in the future to require college education for new officers but our current officers should be able to take the test and receive promotions.

Mr. McKenzie and Mr. Sumter concurred with Deputy Mayor Grippo.

Mr. Mettler noted efforts to make the police department more reflective of the community in terms of women and minorities. While real strides have been made, there is need to truly reflect the community in the upper ranks as well as lower ranks. Officers being considered for promotion have shown people and other skills not necessarily attained from books and should not be excluded from promotional exams.

Mr. Levine noted that, while he is a fan of education, surrounding towns do not have college degree requirements and the Township does not want to lose recruits and officers to those other towns.

Mr. Chivukula noted that street experience for police officers is very important and they should not be denied the opportunity to advance.

Mayor Eberle noted that hard work and longevity should be rewarded without a required college education, especially considering the time involved attaining the college education while working in the police field and caring for a family.

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Motion was made by Mr. Sumter and seconded by Mr. Chivukula to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Sumter to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Chivukula	Mr. Levine	Ms. Barrier	No One
Mayor Eberle	Mr. McKenzie	Mr. Mazzola	
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		
			<u>ABSENT</u>
			No One

Motion was carried.

ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – CHILD CARE CENTERS IN CB ZONE

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-8, SCHEDULE 1 PERMITTED USES (CHILD CARE CENTERS)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Motion was made by Mr. Chivukula and seconded by Mr. Levine to open the public hearing; the motion was carried unanimously.

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mettler to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Sumter to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE HEARING – AMEND CODE – CHAPTER 105, CONSTRUCTION CODE, UNIFORM (REVISION OF STATE TRAINING/PERMIT FEES)

Township Clerk Pellicane read by title:

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"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 105, CONSTRUCTION CODE, UNIFORM – SECTION 105.2; FEES – SUBSECTION C(4), STATE SURCHARGE FEES". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

The Mayor then asked for persons desiring to speak to give their names and addresses to the Clerk.

No one from the public spoke.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Chivukula and seconded by Mr. Sumter to adopt and publish notice of final passage in accordance with law.

The Clerk polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION – RENAISSANCE 2000 REDEVELOPMENT PLAN – NBR UNDERLAY ZONE

Mayor Eberle noted that this ordinance will be corrected and reintroduced at the September 24th Regular Meeting. Therefore, a motion to defeat this ordinance as introduced is in order.

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to defeat this ordinance. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

RESOLUTION – AMEND FY2003 CURRENT, CAPITAL AND WATER CAPITAL BUDGET

Mr. Mazzola noted discussion and agreement by Council at the September 3, 2002 Work Session on the FY2003 budget cuts recommended by the Financial Oversight Subcommittee. One item in the recommendation was removal of the \$10 million appropriation for the trunked radio system and replacement of that amount with funding for a substitute plan to be developed by the police department. A memorandum has been received from Lt. Jeffrey J. Carter to Chief

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Novick recommending Option 4 from the Radio System study at a cost of \$3,025,000 which would provide the same capabilities as the trunked system, preserve the radio frequencies for which we have received approval and provide infrastructure for future expansion.

Mr. Mettler requested that the Council vote separately on the removal from the budget of the Police Special and the Civilian Police Specialists. Mr. Mettler made a motion and Ms. Barrier seconded the motion. The content of the motion was unclear and Mr. Mettler withdrew his motion; Ms. Barrier withdrew her second.

Deputy Mayor Grippo moved to accept the Financial Oversight Subcommittee's recommendations in full, amending the recommendation on the trunked radio system to remove the \$10 million and replace it with \$3,025,000 and to amend the FY2003 Budget accordingly. Mr. Mazzola seconded the motion.

Mr. Mettler moved to separate the elimination of the two police positions from the budget amendment and to consider same separately. Ms. Barrier seconded the motion. The Clerk polled the Council, the vote being as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Chivukula	No One
Mr. Levine	Ms. Eberle	
Mr. Mazzola	Mr. Grippo	<u>ABSENT</u>
Mr. Sumter	Mr. McKenzie	No One
	Mr. Mettler	No One

Motion was defeated.

The Clerk polled the Council on the motion to amend the budget in accordance with the Financial Oversight Subcommittee's recommendations in their entirety except for the change in the amount for the trunked radio system.

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

Mr. Levine submitted a list of recommended additional budget cuts:

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>AMOUNT</u>
1. All Departments	Legal ads	25,000
2. Animal Control		3,000
3. Board of Health		5,000
4. Buildings & Grounds	Eq/Supply	10,000
5. Buildings & Grounds	HVAC	5,000
6. Buildings & Grounds	Maint. & Eqpmt.	10,000
7. Buildings & Grounds	Other contractual	50,000
8. Clerk	Election o/t	2,000
9. Community Resources	P/T	15,000
10. Condominium Act		40,000
11. Data Processing		5,000
12. Health Insurance		250,000
13. Landscape	Supplies	20,000
14. Landscape		10,000
15. Legal Services		20,000
16. Liability Insurance		20,000

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17. Planning Board	Consultant	30,000
18. Public Events		5,000
19. Recreation		5,000
20. Recycling		25,000
21. Snow Removal		50,000
22. Social Services	Contractual Services	6,000
23. Street & Road	Maintenance	20,000
24. Tax Appeal	Contractual Services	10,000
25. Tax Collection	Printing and Binding	2,000
26. Township Manager	P/T Secretary	13,000
27. Utilities/Lighting		25,000
28. Vehicle Maintenance	Parts	15,000
29. Vehicle Maintenance	Salaries	70,000
30. Visiting Nurse	P/T	10,000
31. Zoning Board	Legal Services	<u>10,000</u>
		<u>\$786,000</u>

Mr. Levine moved to amend the FY2003 Budget as set forth above. Mr. Mazzola seconded the motion.

Mr. McKenzie noted the need to have the proposed cuts reviewed by the Township Manager before Council action.

Township Manager Daly noted that the Council must act on any budget amendments this evening. A review of the list indicates that a number of the recommendations are based on increases in allocations over FY2002 and moneys allocated but not spent in FY2002. In most of the instances set forth in Mr. Levine's list, moneys allocated but not spent are a result of staff spending only what is legally required and necessary to function and are ultimately transferred to surplus.

Additionally:

Reduction of those items related to Buildings and Grounds could jeopardize our ability to protect our newly acquired open space;

Reduction in allocations for Health Insurance relate to an Executive Session item which can be discussed in Executive Session if Council desires;

Elimination of funding for a Planning Consultant would present problems since the Township has not hired a staff planner and the loss of the consultant would result in no planning staff/assistance;

Amounts budgeted for recycling fund contracts with Somerset County for services;

Any unspent moneys in the snow removal budget will be retained in a special account for use in future years, using the Dedication by Rider option to equalize budget allocations for snow removal annually.

Mr. Mazzola noted that while Mr. Levine's proposed \$786,000 in cuts is not even close to the \$4.8 increase in the budget over FY2002 and he may not agree with all the proposals, the proposal puts forth the general thrust that we need to do more to reduce the increase in spending and protect the taxpayers.

AYES

Mr. Mazzola
Mr. Levine

NAYS

Mr. Chivukula
Mayor Eberle
Mr. Grippo

NAYS

Mr. McKenzie
Mr. Mettler
Mr. Sumter

ABSTAIN

Ms. Barrier

ABSENT

No One

Motion was defeated.

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Council took a recess from 9:35 p.m. to 9:45 p.m., with all members returning.

PUBLIC DISCUSSION

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mazzola to open the meeting for public discussion; motion was carried unanimously.

Mayor Eberle asked that persons who desired to speak give their names and addresses to the Township Clerk.

David Brook, 280 South Middlebush Rd.:

1. Refuted statements made at the August 13th by Mark Else, President of the Meadows Foundation, and noted improvements made to the Van Lieuw Suydam House since its 1987 acquisition with no financial support from Township or the Meadows Foundation, invited Council to come to see improvements made with materials donated by local businesses and volunteer labor, and noted grant applications pending for improvements to the exterior of the house.
2. Questioned the adequacy of the management of the Meadows Foundation, noting that the Wyckoff/Garretson House has not had a resident caretaker and has been subject to lost income by the Foundation and vandalism.

Steve Goodman, 75 Wilson Road, president of the East Millstone First Aid Squad, presented a position statement from the East Millstone First Aid Squad & the Franklin/Somerset First Aid Squad regarding Consent Agenda Item S, Interlocal agreement with FESMA:

“A Position Statement Regarding the FESMA Proposal on Council’s Consent Agenda for September 9, 2002

We would like to see approval of this item postponed in order to reconsider the details of the proposal. The Emergency Life Support Subcommittee (ELS), an official subcommittee of the Franklin Township Council, has been working on the details of EMS’s participation in FESMA, and there have been several other versions worked out with all entities concerned which are not reflected in the current proposal. At the last ELS meeting, the current proposal was universally rejected by all the first aid squads.

The State of New Jersey regulates certain aspects of EMS, such as training requirements, and the Emergency Life Support Subcommittee focuses on all matters pertaining to the delivery of emergency medical services for all the residents of Franklin Township. Creating FESMA as proposed would add another layer of bureaucracy and would actually reduce council control of this vital public service.

If FESMA was put into effect as currently proposed, EMS would be under-represented because only one out of ten representatives would be certain to have EMS experience and be actively involved. The individuals who provide emergency medical services should be more comprehensively involved in the management of EMS that the current FESMA proposal provides for.”

Mr. Goodman requested that the agreement be postponed to allow the Council and parties involved to reconsider the conditions, noting that several variations acceptable to all groups have been proposed in the past, and the present proposal was rejected.

Lynn Lawson, 110 Prestbury Lane, thanked Council for their support of the Animal Shelter and the allocation of funds in the FY2003 Temporary Capital Budget to allow plans for the enlargement of the existing shelter or construction of a new shelter to begin. Ms. Lawson commended the work and dedication of the animal shelter staff.

Ted Chase, 159 Old Georgetown Road, member of Open Space Committee, questioned the status of the Puchalek property, located in the middle of the Township acquired Catalpa property, noting that the owners have received a letter from the Township’s

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Appraiser but that the matter has not gone through the Open Space Committee. Mr. Mazzola responded that Council has discussed the matter confidentially in Executive Session and that it is not the intention of the Township Council to remove the family from their home, just to resolve on-going issue as to the boundaries and size of the Puchalek tract.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mazzola to close the public portion; motion was carried unanimously.

ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 52, SALARIES AND COMPENSATION – SECTION 52-5, WHITE COLLAR MUNICIPAL EMPLOYEES – HEALTH EDUCATOR & COMMUNITY RESOURCES ADMINISTRATOR

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 52, SALARIES & COMPENSATION – SECTION 52-5; ANNUAL COMPENSATION FOR FULL TIME WHITE COLLAR MUNICIPAL EMPLOYEES (ADD HEALTH EDUCATOR & COMMUNITY RESOURCES ADMINISTRATOR)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Mr. Chivukula so moved. Deputy Mayor Grippo seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 119 – DRUG FREE PUBLIC HOUSING/PARK/BUILDINGS ZONES (ADD D&R CANAL PARK, COLONIAL PARK/SPOOKY BROOK GOLF COURSE, HAWTHORNE PARK)

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 119, DRUG-FREE PUBLIC HOUSING, PUBLIC PARKS, PUBLIC BUILDINGS ZONES (ADD D&R CANAL PARK, COLONIAL PARK/SPOOKY BROOK GOLF COURSE & HAWTHORNE PARK)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Deputy Mayor Grippo so moved. Mr. Chivukula seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

REGULAR MEETING – SEPTEMBER 9, 2002ORDINANCE INTRODUCTION – BOND ORDINANCE – AMEND ORDINANCES NO. 3181 & 3263 – PIERCE STREET TRAFFIC SIGNAL – ADDITIONAL \$50,000.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3181 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"), ON DECEMBER 12, 2000, ENTITLED "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF THE PIERCE STREET RIGHT OF WAY AND IMPROVEMENTS TO THE INTERSECTION OF ELIZABETH AVENUE AND PIERCE STREET, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$420,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$399,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF", AS PREVIOUSLY AMENDED AND SUPPLEMENTED BY BOND ORDINANCE NUMBER 3263 FINALLY ADOPTED DECEMBER 11, 2001, TO INCREASE THE APPROPRIATION THEREIN BY \$120,700 AND TO INCREASE THE AUTHORIZATION OF BONDS AND NOTES THEREIN BY \$50,000" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on September 24, 2002.

Mr. Chivukula so moved. Mr. Mettler seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE INTRODUCTION – BOND ORDINANCE – ELIZABETH AVENUE WATERLINE - \$381,000.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE INSTALLATION OF AN IRON WATER MAIN ON A PORTION OF ELIZABETH AVENUE BY THE WATER UTILITY, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$381,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$381,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Mr. Chivukula so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE INTRODUCTION – ACCEPT DEDICATION – DARSHAN MARIGOWDA – DAVIDSON AVENUE

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF ADDITIONAL RIGHT OF WAY WIDTH – NEW BRUNSWICK ROAD - DARSHAN MARIGOWDA – BLOCK 502.01/LOT 57.01" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Mr. Chivukula so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

ORDINANCE INTRODUCTION – ACCEPT DEDICATION – CONSTRUCTION, TRAFFIC IMPROVEMENT, MAINTENANCE AND UTILITY EASEMENTS – BERTHA YUCHNOVITZ, BLOCK 526/LOTS 8-15, ELIZABETH AVENUE; ROYAL AND MARY REYNOLDS, BLOCK 528.05/LOTS 58-65, PIERCE STREET

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF CONSTRUCTION, TRAFFIC IMPROVEMENT, MAINTENANCE AND UTILITY EASEMENTS – BERTHA YUCHNOVITZ, BLOCK 526/LOTS 8-15, ELIZABETH AVENUE – ROYAL & MARY REYNOLDS, BLOCK 528.05/LOTS 58-65, PIERCE STREET" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Mr. Chivukula so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

REGULAR MEETING – SEPTEMBER 9, 2002**ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 77, AMUSEMENT DEVICES**

Mr. Levine noted that while the Township's intent in introducing this ordinance is to control problems in a certain part of town, it is his feeling that the regulations are too restrictive in two areas:

1. Prohibition of someone with a crime conviction from obtaining permission to operate an amusement device in a business which he can operate despite the conviction;
2. Establishment of specific hours of operation other than the hours of the associated business.

Mr. Levine moved to table introduction of this ordinance for further consideration. Mr. Mazzola seconded the motion.

Township Manager Daly, Deputy Mayor Grippo and Mr. Sumter noted that the ordinance is intended to handle a serious situation and the safety of a neighborhood and requires immediate action and regulations which will allow the police department to protect neighbors of businesses with amusement devices.

Ms. Barrier concurred with the need for action but noted the need to consider the ordinance carefully to avoid creating other problems and suggested that the ordinance be delayed only until October 24th.

The Township Clerk polled the Council on the motion to table the ordinance introduction, the vote being as follows:

<u>AYES</u>	<u>NAYS</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Chivukula	Mr. McKenzie	No One
Mr. Levine	Ms. Eberle	Mr. Sumter	
Mr. Mazzola	Mr. Grippo		
Mr. Mettler			<u>ABSENT</u>
			No One

Motion was defeated.

Mr. Levine moved to amend the ordinance to:

1. Delete proposed Section 77-7 F that "All applicants applying for an amusement device permit must go through a criminal background check. Conviction of a crime shall be the basis for denial for the amusement device permit."
2. Amend proposed Section 77-7 H to delete "No amusement device shall be operated between the hours of 12:00 midnight and 9:00 a.m.", leaving the restriction on operation of devices by school age children.

Mr. Mazzola seconded the motion.

<u>AYES</u>	<u>NAYS</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Mr. Levine	Ms. Barrier	Mr. Grippo	No One
Mr. Mazzola	Mr. Chivukula	Mr. McKenzie	
Mr. Mettler	Mayor Eberle		<u>ABSENT</u>
	Mr. Sumter		No One

Motion to amend was defeated.

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Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 77, AMUSEMENT DEVICES – SECTION 77-7, APPLICATION MATERIALS – SECTION 77-8, APPROVAL AND ISSUANCE OF CERTIFICATION OF PREMISES FOR INSTALLMENT OF MACHINES OR DEVICES; INSPECTION OF PREMISES)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Mr. Chivukula so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Mazzola	Mr. Levine	No One
Mr. Chivukula	Mr. McKenzie		
Mayor Eberle	Mr. Mettler	<u>ABSENT</u>	
Mr. Grippo	Mr. Sumter		
		No One	

Motion was carried.

ORDINANCE INTRODUCTION – LEASE – TERHUNE – AGRICULTURAL/HORTICULTURAL PURPOSES

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, TO LAWRENCE TERHUNE FOR AGRICULTURAL/HORTICULTURAL PURPOSES" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Mr. Mazzola so moved. Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie	<u>ABSENT</u>	
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

ORDINANCE INTRODUCTION – ACCEPT DEDICATION – THIRD STREET ASSOCIATES – SCHOOLHOUSE ROAD RIGHT OF WAY

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THIRD STREET DEVELOPMENT, INCORPORATED EASEMENT AND RIGHT OF WAY FOR SCHOOLHOUSE ROAD TO ACCOMMODATE THE RECONSTRUCTION OF SCHOOLHOUSE ROAD FROM WESTON CANAL ROAD TO METTLERS ROAD" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on October 8, 2002.

Mr. Chivukula so moved. Mr. Sumter seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

RESOLUTION - CONSENT AGENDA

Deputy Mayor Grippo moved to approve the Consent Agenda as set forth on the agenda; Mr. Sumter seconded the motion.

Ms. Barrier requested that Item S be removed for separate consideration.

Deputy Mayor Grippo moved to approve the Consent Agenda except Item S. Mr. Sumter seconded the motion. Motion was carried unanimously.

Read by Township Clerk Pellicane

The items listed within the Consent Agenda portion of this meeting have been referred to the Township Council for reading and study, are considered routine and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by request of a Township Council member and placed on the regular agenda.

A. Tax Title Lien Redemptions:

Ellis – Block 34.09/Lot 59.02 C0343 - \$306.86 – 12 Cameo Court
 Colon – Block 34.09/Lot 59.02 C0501 - \$3,816.79 – 117 Sapphire Lane
 Francis – Block 75/Lot 9 - \$24,183.22 – 82 Smith Road
 Daniels – Block 105/Lot 3 - \$236.41 – 112 Berry Street (2000)
 Daniels – Block 105/Lot 3 - \$4,744.92 – 112 Berry Street (2002)
 Bye – Block 161/Lot 14 - \$326.21 – 54 Juliet Avenue
 Rhymes – Block 188/Lot 28.01 - \$306.86 – 87 Brookline Avenue
 DeLeon – Block 193/Lot 78 - \$61.59 – 135 Alcorn Street
 Gadek – Block 275/Lot 73 - \$2,938.31 – 37 Archer Street (1998)
 Gadek – Block 275/Lot 73 - \$5,818.72 – 37 Archer Street (2000)
 Conaway – Block 298/Lot 11 - \$18,696.47 – 20 Holly Street
 Weigert – Block 386.10/Lot 187 - \$1,585.02 – 57 Bayberry Drive

B. Tax Overpayments - Various**C. Water Overpayments –Various****D. FY2003 Temporary Budget – Amend****E. FY2003 Temporary Capital Budget – Amend to add Traffic Signal/Road Overlay;
Pierce – additional \$120,700.00/Elizabeth & Water Utility Improvements/Elizabeth
Avenue Water Main - \$381,000.00****F. Bid Award – Pacifico Marple, LLC, dba Pacifico Marple Ford - \$26,599.00****G. Bid Award – Petroleum Traders – Gasoline & Diesel Fuel - \$201,000.00****H. Purchase – South Jersey Energy – Provision of Natural Gas – 10/1/02 to 9/30/03,
\$5.20/dkt – 10/1/03 to 9/30/04, \$5.65/dkt – Not to exceed \$50,000.00 annually -
Somerset County Cooperative**

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- I. Purchase – Avaya – Maintenance of Telephone System – Municipal Phones, 7/1/02 to 6/30/03 - \$18,120.00; Police Phones, 1/1/03 to 6/30/03 - \$5,400.00 – Section 3-13
- J. Purchase – Goodyear, Michelin North America, Inc. and Cooper Tire & Rubber - Tires & Tubes – \$25,000.00 -State Contract
- K. Purchase – Pinnacle Materials, Inc. & Atlantic Salt - \$125,000.00 - Ice Control Sand – State Contract/Somerset County Cooperative
- L. Purchase – Various Vendors - Automotive parts and accessories – \$65,000 - State Contract
- M. Contract Extension – Allied Oil, LLC & John Duffy Fuel Co. – Gasoline/Diesel Fuel – 8/15/02 to new contract - \$10,000.00
- N. Contract Extension – Design Cleaning Services – Janitorial services for Municipal Buildings – 9/1/02 or 11/30/02 or until new contract - \$2,664.92 per month/\$7,994.76 for three months
- O. Change Order No. 1 – Maaco Auto Painting – Auto Body Repair and Refinishing – Additional \$25,000.00/Exceeds 20%
- P. Change Order No. 2 – Instrumentation Technology – SCADA System – Additional \$5,000.00
- Q. Agreement – Dunbar Homes, Inc. – Payment of Water & Accrued Interest by Installments – Block 85/Lot 59.03
- R. Agreement – Whitehall Gardens. – Payment of Water & Accrued Interest by Installments – Block 37.02/Lot 3.01
- S. Agreement – Franklin Emergency Services Management Association – Enhance the coordination among local government bodies and all emergency services – Interlocal Removed from Consent Agenda for separate consideration
- T. Agreement – Canal Walk Associates, LLC – Amend Developers Agreement
- U. Agreement – Somerset County - Elizabeth Avenue 16” Water Main Extension - 4,340 lineal feet from a point approximately 1200 feet south of Weston Road to existing 16” water line, approximately 2,609 lineal feet south of Schoolhouse Road - \$362,540.00
- V. Agreement – Somerset County – Traffic Signal/ Elizabeth Avenue & Pierce Street Intersection
- W. Grant Application – NJ Historical Commission, NJ Department of State, Cultural Affairs – Nomination of Middlebush Historic District to National Registers of Historic Places - \$20,000.00
- X. Grant Application – NJ Department of Law & Public Safety – Armor Replacement Fund -
- Y. Grant Application – US Department of Justice, Local Law Enforcement Block Grants - \$31,357 Grant/\$3,484 Township cash match
- Z. Grant Application – Juvenile Justice and Delinquency Prevention – Character Assets for Teen Recreation Program - \$75,000 Grant/50% in kind match
- AA. Escrow Release – Inspection Fees:
MCI World Communications - \$2,922.50

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- BB. Escrow Release – Plan Review: Robert Caruso - \$775.00
- CC. Performance Guarantee Release Reject – Eastern Hill LLC/The Woodlands – Docket #P98005P - \$175,000.00
- DD. Performance Guarantee Release – MCI World Communication Network Service – Docket #P99011P - \$1,688,110.00
- EE. Performance Guarantee Release – Polize, Inc./Somerset Diner – Docket #P90036P - \$9,438.00
- FF. Performance Guarantee Release Reject – 20 Commerce Drive, LLC – Docket #SP614 - \$99,269.80.
- GG. Raffle & Bingo Licenses
- HH. Discharge of Affordable Housing Mortgage – Novis to Powell – Block 34.03/Lot 16.01 C0335 – 123 Crabapple Lane
- II. Discharge of Affordable Housing Mortgage – Callamaras to Cooper-DiBiase – Block 20.10/Lot 11.02 C1902 – 233 Columbus Drive
- ~~JJ. Subordination of Affordable Housing Mortgage – Chandulal K. Desai – 227 Columbus Drive~~
- KK. Approval of Design/Accepting the Park – Naaman Williams Park
- LL. Approval of Design/Accepting the Park – Dunham-Lebed Park
- MM. Amend Professional Service Agreement – Ford Farewell Mills and Gatsch - Historic Structures Report – Cornelius Stoothoof House – Additional \$3,760.00
- NN. Appointments – Millstone Valley Byway Corridor Management Committee
- OO. Appointments - Flood Mitigation Committee
- PP. Consent Sanitary Sewer Service Area – Arsha Bohda Center – Block 57.01/Lot 51.01
- QQ. Discharge CDBG Mortgage – Daniels – Block 105/Lot 3 – 112 Berry Street
- RR. Grant License to Adjacent Property Owner for Maintenance Purposes – Gines – Unimproved Portion of Kee Avenue from Burns Street northwesterly 100’

A. 02-381 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER

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

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

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

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<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 13, 2002	34.09/59.02 C0343	ELLIS, ROBERT & ANDREA 12 Cameo Court Franklin Park NJ 08823	\$ 306.86
PAID:	August 23, 2002	CERT #020031	
LIENHOLDER:	James Pilewski 3 Devon Lane	Warren NJ 07059	
June 13, 2002	34.09/59.02 C0501	COLON, EDITH 117 Sapphire Lane Franklin Park NJ 08823	3,816.79
PAID:	August 23, 2002	CERT #020033	
LIENHOLDER:	Fidelity Tax Corporation #302/237	3371 Brunswick Pike Lawrenceville NJ 08648	
June 30, 2000	75/9	FRANCIS, R.F. & C.A. 82 Smith Road Somerset NJ 08873	24,183.22
PAID:	August 19, 2002	CERT #20-259	
LIENHOLDER:	Phoenix Funding 191 Glen Road	Mountainside NJ 07092	
June 08, 2000 June 13, 2002	105/3	DANIELS, HORACE & ANNA 112 Berry Street Somerset NJ 08873	236.41 4,744.92
PAID:	August 20, 2002	CERT #20-37	
LIENHOLDER:	Fernwood Funding 92 Main Avenue	Wallington NJ 07057	
LIENHOLDER:	Almar 2 Kiel Avenue, #202	CERT #020063 Kinnelon NJ 07405	
June 13, 2002	161/14	BYE, ROBERT, JR. 54 Juliet Avenue Somerset NJ 08873	326.21
PAID:	August 5, 2002	CERT #020082	
LIENHOLDER:	Mooring Tax Asset Group LLC 8614 Westwood Center Drive	Vienna VA 22182	
June 13, 2002	188/28.01	RHYMES, DAVID 87 Brookline Avenue Somerset NJ 08873	306.86
PAID:	August 12, 2002	CERT #020097	
LIENHOLDER:	James Pilewski 3 Devon Lane	Warren NJ 07059	
June 13, 2002	193/78	DeLEON, SONIA & FRANCISCO 135 Alcorn Street Somerset NJ 08873	61.59
PAID:	July 29, 2002	CERT #020100	
LIENHOLDER:	American Tax Funding PO Box 862658	Orlando FL 32888-2658	
June 11, 1998 June 08, 2000	275/73	GADEK, KEITH 163 Wilson Road Somerset NJ 08873 (37 Archer Street)	2,938.31 5,818.72
PAID:	August 21, 2002	CERT #98-42	
LIENHOLDER:	FUNB Cust. Fundco 3950 RCA Boulevard, Suite 5001	Palm Beach Gardens FL 33401	
LIENHOLDER:	James Pilewski 3 Devon Lane	CERT #20-23 Warren NJ 07059	

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June 10, 1999	289/11	CONAWAY, D., J. & S. 20 Holly Street Somerset NJ 08873	18,696.47
PAID:	August 16, 2002	CERT #99-139	
LIENHOLDER:	James C. Older 87 East Mountain Road	Hillsborough NJ 08844	
June 8, 2000	386.10/187	WEIGERT, DANIEL 57 Bayberry Drive Somerset NJ 08873	1,585.02
PAID:	August 12, 2002	CERT #20-141	
LIENHOLDER:	Malden Associates PO Box 5600	Woodbridge NJ 07095	

B. 02-382 RESOLUTION - TAX OVERPAYMENTS

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

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

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

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
74.01/7B	TOWNSHIP OF FRANKLIN	3/02	931.41
513/13.01	475 DeMott Lane	1-2/02	2,718.57
424.02/11.02	Somerset NJ 08873	1-2/02	25,459.83
88.01/6.01		3-4/02	916.39
85/17.03		3-4/02	972.35
9/10.02Qfarm	PROVINCE LINE ASSOCIATES	4/02	1044.03
9/44Qfarm	4915 Province Line Road Princeton NJ 08540	4/02	89.52
34.02/16.03C2519	JAMES BUSH 85 Fisher Drive Franklin Park NJ 08823	4/02	75.00
424.02/11.41	ABUDLLAH, ASIF 39 West Lake Court Somerset NJ 08873	02/2 02/3	721.68 360.84
424.02/15	CEDAR GROVE DEVELOPMENT INCORPORATED 30 Cedar Grove Lane Somerset NJ 08873	02/1 02/2	1,050.75 1,050.75
424.04/50	BULURO, OLANREWAJU 55 Comstock Street New Brunswick NJ 08901	02/2	118.49
514/5.02Qfarm	KF SCHOOLHOUSE LAND LLC 520 Route 22 / Box 6872 Bridgewater NJ 08807	02/2	133.19

C. 02-383 RESOLUTION - WATER OVERPAYMENT

WHEREAS, there appears on the books of the Collector of Revenue water monies to be refunded as follows:

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
34.09/59.02 C0221	LEONARD, SHAWN & LAURA 593 Robbinhood Road Brick NJ 08724	Overpayment	\$ 63.45

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37.02/3.01 C0254	SHAUL, RODNEY E. 3 Brook Street Somerset NJ 08873	Overpayment	135.36
85/56.03 C0012	ALFREDO, THERESA 125 Sunset Avenue Griggstown NJ 08540	Overpayment	34.40
239/2	TOWNSHIP OF FRANKLIN 475 DeMott Lane Somerset NJ 08873	Pay 235/11	3,443.16

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

NOW, THEREFORE, BE IT RESOLVED that the Treasurer of the Township of Franklin, County of Somerset and State of New Jersey be instructed to draw checks in the amounts covering the overpayments and to deliver such checks to the proper person.

D. 02-384 RESOLUTION – AMEND EMERGENCY TEMPORARY BUDGET - FISCAL YEAR 2003

WHEREAS, an emergent condition has arisen with respect to final adoption of the Fiscal Year 2003 Township of Franklin Budget which has not been adopted and adequate provision has not been made in Fiscal Year 2003 Temporary Appropriations for the aforesaid purpose, and **NJSA 40A:2** provides for the creation of Emergency Temporary Appropriations for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary Resolutions adopted in the Fiscal Year 2003 pursuant to the provisions of **Chapter 96, P.L. 1951 (NJSA 40A:20)** including this resolution totals \$5,787,821.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and the State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring that in accordance with the provisions of **NJSA 40A:20**:

- 1. An Emergency Temporary Appropriation be and the same is hereby made for \$30,000.00;**
- 2. That said Emergency Temporary Appropriations will be provided for in the Fiscal Year 2003 Budget under the title of:**

EMERGENCY TEMPORARY BUDGET

APPROPRIATIONS	<u>FROM</u>	<u>TO</u>
Solid Waste Collection		
Salaries & Wages	19,400.00	34,400.00
Community Resource		
Salaries & Wages	60,000.00	75,000.00
TOTAL INSIDE "CAP"	<u>10,707,558.00</u>	<u>10,737,558.00</u>
TOTAL GENERAL APPROPRIATION	<u>11,307,032.00</u>	<u>11,337,032.00</u>
GRAND TOTAL	<u>16,034,089.00</u>	<u>16,064,089.00</u>

REGULAR MEETING – SEPTEMBER 9, 2002**E. 02-385 RESOLUTION – AMEND FY2003 TEMPORARY CAPITAL BUDGET**

WHEREAS, the Local Capital Budget has not been adopted for FY2003 and a Temporary Capital Budget for FY2003 was adopted on August 13, 2002;

WHEREAS, it is desired to amend said Temporary Capital Budget;

NOW, THEREFORE, BE IT RESOLVED By the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the attached amended Temporary Capital Budget as herein approved be adopted; and

BE IT FURTHER RESOLVED That two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

F. 02-386 RESOLUTION - AWARD BID - PACIFICO MARPLE, LLC d/b/a PACIFICO MARPLE FORD - 2003 4x4 EXPEDITION - AN AMOUNT NOT TO EXCEED \$26,599.00

WHEREAS, a notice to bidders for the receipt of bids for a 2003 4x4 Expedition for the Police Department was published in the Courier News on August 8, 2002 and on the Township Website for receipt on August 29, 2002; 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;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded:

**PACIFICO MARPLE, LLC
d/b/a PACIFICO MARPLE FORD
3015 Westchester Pike
Broomall PA 19008**

One 2003 4x4 Expedition **Not to exceed \$26,599.00; and**

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

G. 02-387 RESOLUTION - AWARD BID - GASOLINE/DIESEL FUEL - PETROLEUM TRADERS CORPORATION - SEPTEMBER 1, 2002 TO AUGUST 30, 2004 - AN AMOUNT NOT TO EXCEED \$201,000.00

WHEREAS, a notice to bidders for the receipt of bids for Gasoline/Diesel Fuel was published in the Courier News on July 18, 2002 for receipt on August 1, 2002; 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;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for a two (2) year contract, September 1, 2002 to August 30, 2004:

**PETROLEUM TRADERS CORPORATION
7110 Pointe Inverness Way
Fort Wayne IN 64804**

Unleaded Gas	\$0.0524
Premium Unleaded	\$0.0524
Diesel Fuel	\$0.0467

Amount not to exceed \$201,000.00; and

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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 continuation of the terms of this contract is contingent upon availability of funds in the FY2003 & FY2004 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

H. 02-388 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - NATURAL GAS - OCTOBER 1, 2002 TO SEPTEMBER 30, 2004 - AN AMOUNT NOT TO EXCEED \$50,000.00 ANNUALLY

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

VENDORS: SOUTH JERSEY ENERGY
1 South Jersey Plaza
Folsom NJ 08037

ITEMS: Natural Gas

COST: October 1, 2002 to September 30, 2003 - \$5.29/dkt
October 1, 2003 to September 30, 2004 - \$5.65/dkt
An Annual Amount not to exceed \$50,000.00 Annually

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

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; and

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2003 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

I. 02-38 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 - MAINTENANCE OF TOWNSHIP PHONES - AN AMOUNT NOT TO EXCEED \$18,120.00/MUNICIPAL PHONES - JULY 1, 2002 TO JUNE 30, 2003 & \$5,400.00/POLICE PHONES - JANUARY 1, 2003 TO JUNE 30, 2003

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: AVAYA
124 Gaither Drive, Suite 100
Mt. Laurel NJ 08054

ITEMS: Maintenance of Township Phones

COST: An amount not to exceed \$18,120.00/Municipal Phones & \$5,400.00 / Police Phones

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

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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.

J. 02-390 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - TIRES & TUBES - JULY 1, 2002 TO JUNE 30, 2003 - AN AMOUNT NOT TO EXCEED \$25,000.00

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

VENDOR: GOOD YEAR
114 East Market
Akron OH 44316
State Contract No. A49404

MICHELIN NORTH AMERICA, INCORPORATED
PO Box 19001
Greenville SC 29602-9002
State Contract No. A49405

COOPER TIRE & RUBBER
PO Box 550
Findlay OH 45839
State Contract No. A49402

ITEMS: Tire and Tubes

COST: An amount not to exceed \$25,000.00

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

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; and

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2003 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract

K. 02-391 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT AND/OR SOMERSET COUNTY COOPERATIVE BID - ICE CONTROL SAND - JULY 1, 2002 TO JUNE 30, 2003 - AN AMOUNT NOT TO EXCEED \$125,000.00

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

VENDOR: PINNACLE MATERIALS, INCORPORATED
39 Edgeboro Road
East Brunswick NJ 08816
State Contract No. A51620

ATLANTIC SALT
130 Plain Street
Lowell MA 01851
Somerset County CC-29-00

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ITEMS: Ice Control Sand

COST: An amount not to exceed \$125,000.00

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

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; and

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2003 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

L. 02-392 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - AUTOMOTIVE PARTS & ACCESSORIES - AN AMOUNT NOT TO EXCEED \$65,000.00

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

VENDORS: BEYER BROTHERS, CORPORATION
109 Broad Avenue
Fairview NJ 07022
State Contract No. A50546

KALDOR EMERGENCY LIGHTS
19 Vanderburg Road, POB 167
Marlboro NJ 07746
State Contract No. A86810

MALOUF GMC
US Highway One and Adams Lane POB 7473
North Brunswick NJ 08902
State Contract No. A50548

MALOUF FORD
US Highway One and Route 130 POB 7480
North Brunswick NJ 08902
State Contract No. A50755

NATIONAL PARTS SUPPLY
535 Milltown Road
North Brunswick NJ 08902
State Contract No. A50517

STELTON AUTO PARTS & SUPPLY
1410 Stelton Road
Piscataway NJ 08854
State Contract No. A50513

FINGERS AUTO RADIATOR
2006 Route 1 North
North Brunswick NJ 08902
State Contract No. A50607

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PRINCETON NASSAU CONOVER
902 Route 206
Princeton NJ 08540
State Contract No. A50543

ITEMS: **Automotive parts and accessories**
COST: **An amount not to exceed \$65,000.00**

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

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; and

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2003 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

M. 02-393 RESOLUTION - CONTRACT EXTENSION – ALLIED OIL, LLC & DUFFY FUEL COMPANY - GASOLINE & DIESEL FUEL - \$10,000.00

WHEREAS, bid for the provision of Gasoline and Diesel Fuel was awarded on August 8, 2000 to Allied Oil, LLC and John Duffy Fuel Company; and

WHEREAS, it is desired to extend said contract for the period beginning August 15, 2002 to October 1, 2002 with Allied Oil, LLC & John Duffy Fuel Company;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following contracts be extended for the period August 15, 2002 to October 1, 2002:

ALLIED OIL, LLC
25 Old Champlain Road
Hillsborough NJ 08876

Gasoline

Regular	\$.0592/gallon
Premium	\$.0592/gallon
For delivery and cost of gasoline posted and established in the Journal of Commerce	

JOHN DUFFY FUEL COMPANY
156 Adams Street
Newark NJ 07102

Diesel Fuel	\$.0375/gallon
For delivery and cost of gasoline posted and established in the Journal of Commerce; and	

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

BE IT FURTHER RESOLVED that the Chief Finance Officer has certified hereon that funds are available;

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the 2003 FY Budget, in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

REGULAR MEETING – SEPTEMBER 9, 2002**N. 02-394 RESOLUTION - CONTRACT EXTENSION - DESIGN CLEANING SERVICES (FORMERLY INSIDE/OUTSIDE SERVICES, INCORPORATED) - JANITORIAL SERVICES/MUNICIPAL BUILDINGS - SEPTEMBER 1, 2002 TO NOVEMBER 30, 2002 OR NEW CONTRACT - AMOUNT NOT TO EXCEED \$7,994.76**

WHEREAS, bid for janitorial services for Municipal Buildings was awarded on August 14, 2001 to Inside/Outside Services, Incorporated (now known as Design Cleaning Services); and

BE IT RESOLVED it is desired to extend said contract for the three-month period beginning September 1, 2002 to November 30, 2002 with Design Cleaning Services;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following contract be extended for the period September 1, 2002 to November 30, 2002:

INSIDE & OUTSIDE SERVICES, INCORPORATED
600 Lincoln Boulevard
Middlesex NJ 08846

In the amount of \$2,664.92 per month, not to exceed \$7,994.76; and

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available;

BE IT FURTHER RESOLVED, that the terms of this contract is contingent upon availability of funds in the 2003 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

O. 02-395 RESOLUTION - CHANGE ORDER NO. 1 - SUMMCO, INCOPORATED d/b/a MAACO AUTO PAINTING & BODY WORKS - AUTOMOBILE BODY REPAIR & REFINISHING - AN ADDITIONAL AMOUNT NOT TO EXCEED \$25,000.00

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on February 12, 2002, authorized the awarding of a contract to

SUMMCO, INCOPORATED
d/b/a MAACO AUTO PAINTING
& BODY WORKS
17H Edgeboro Road
East Brunswick NJ 08816

An amount not to exceed \$25,000.00; and

WHEREAS, during the course of the project the need for additional auto body repair and refinishing, resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1:

Additional body repair and refinishing	\$25,000.00
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WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order N. 1 to the contract with Summco, Incorporated d/b/a MAACO Auto Painting & Body Works; and

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

P. 02-396 RESOLUTION - CHANGE ORDER NO. 2 - SCADA SOFTWARE - INSTRUMENTATION TECHNOLOGY SALES - \$5,000.00

WHEREAS, a bid for the Purchase of SCADA Software was awarded on June 20, 2000 to Instrumentation Technology Sales, 205 E. Inman Avenue, Rahway NJ 07065 for its low bid of \$227,000.00; and

WHEREAS, during the course of the Project, the need for certain additional items has been determined as noted below:

CHANGE ORDER NO. 2

Cable and Connectors for Antenna	\$5,000.00
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BE IT FURTHER RESOLVED the Chief Financial Officer has certified hereon that funds are available;

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 issuance of Change Order No. 2, to the contract with Instrumentation Technology Sales;

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

Q. 02-397 RESOLUTION - PAYMENT OF WATER AND ACCRUED INTEREST BY INSTALLMENTS - DUNBAR HOMES, INCORPORATED

WHEREAS, Lot 59.03 in Block 85, as shown on the Tax Map of the Township of Franklin, County of Somerset and State of New Jersey, is assessed to Dunbar Homes, Incorporated; and

WHEREAS, Dunbar Homes, Incorporated presently owes the Township of Franklin back water for the above mentioned Lot; and

WHEREAS, Dunbar Homes, Incorporated proposes to pay the delinquent water and accrued interest regarding Lot 59.03 in Block 85 by installment payments pursuant to **NJSA 54:5-19**; and

WHEREAS, as of September 1, 2002, the delinquent water and accrued interest for Lot 56.03 in Block 85 will equal an amount of \$73,672.56; and

WHEREAS, said proposal will require that Dunbar Homes, Incorporated will pay the Township of Franklin \$2,046.46 per month commencing on September 1, 2002 and continuing on the first (1st) day of each succeeding month until the required amount, together with accrued interest, is paid in full; and

WHEREAS, as a condition to permitting the water and accrued interest to be paid in installments, all utility payments must be paid in full on or before the due date thereof; and

WHEREAS, the Township of Franklin may issue a Tax Sale Certificate, conducting a tax sale and/or institute an In Rem Foreclosure proceeding regarding Lot 59.03 in Block 85, if tax and utility payments are not timely paid and/or monthly installment payment is not made when due;

NOW, THEREFORE, BE IT RESOLVED this 9th day of September 2002 that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that Dunbar Homes, Incorporated may pay the water and accrued interest regarding Lot 59.03 in Block 85, pursuant to **NJSA 54:5-19**, in accordance with the installment schedule set forth herein and subject to all conditions contained herein.

REGULAR MEETING – SEPTEMBER 9, 2002**R. 02-398 RESOLUTION - PAYMENT OF WATER AND ACCRUED INTEREST BY INSTALLMENTS - WHITEHALL GARDENS**

WHEREAS, Lot 3.01 in Block 37.02, as shown on the Tax Map of the Township of Franklin, County of Somerset and State of New Jersey, is assessed to Whitehall Gardens; and

WHEREAS, **Whitehall Gardens** presently owes the Township of Franklin back water for the above mentioned Lot; and

WHEREAS, Whitehall Gardens proposes to pay the delinquent water and accrued interest regarding Lot 3.01 in Block 37.02 by installment payments pursuant to **NJSA 54:5-19**; and

WHEREAS, as of September 1, 2002, the delinquent water and accrued interest for Lot 3.01 in Block 37.02 will equal an amount of \$57,625.73; and

WHEREAS, said proposal will require that Whitehall Gardens will pay the Township of Franklin \$1,600.71 per month commencing on September 1, 2002 and continuing on the first (1st) day of each succeeding month until the required amount, together with accrued interest, is paid in full; and

WHEREAS, as a condition to permitting the water and accrued interest to be paid in installments, all utility payments must be paid in full on or before the due date thereof; and

WHEREAS, the Township of Franklin may issue a Tax Sale Certificate, conducting a tax sale and/or institute an In Rem Foreclosure proceeding regarding Lot 3.01 in Block 37.02, if tax and utility payments are not timely paid and/or monthly installment payment is not made when due;

NOW, THEREFORE, BE IT RESOLVED this 9th day of September 2002 that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that Whitehall Gardens may pay the water and accrued interest regarding Lot 3.01 in Block 37.02, pursuant to **NJSA 54:5-19**, in accordance with the installment schedule set forth herein and subject to all conditions contained herein.

S. Removed from Consent Agenda**T. 02-399 RESOLUTION - AGREEMENT - CANAL WALK ASSOCIATES, LLC - AMEND DEVELOPERS AGREEMENT**

WHEREAS, by resolution adopted November 9, 1999, the Township Council authorized execution of a Developers Agreement with Canal Walk Associates, LLC, said Developers Agreement being dated December 2, 1999; and

WHEREAS, said Developers Agreement provides in pertinent part that:

(B) Developer agrees to construct on Township owned property two (2) tennis courts at a location to be designated by the Township at no cost to the Township. Construction of the tennis courts shall be completed within one (1) year from the date that the Developer receives Preliminary Subdivision Approval and Final Subdivision Approval for Phase I of the Project.

(C) Developer agrees to deliver to the Township two hundred-twenty (220) yard tandem truckloads of topsoil which the Township may need for the construction of Middlebush Park. Developer shall not be required to deliver topsoil until after work has commenced on the project. The topsoil shall be delivered as needed by the Township but Developer shall not be required to stock pile topsoil in such a manner that would delay the construction of Developers project; and

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WHEREAS, the Township Council has determined that the proposed tennis courts be constructed within proposed Middlebush Park; and

WHEREAS, the Township Council has determined to construct two (2) soccer fields in Middlebush Park instead of tennis courts; and

WHEREAS, the time frame for the implementation and of (B) and (C) above is required of the developer at this time, prior to the Township's construction of Middlebush Park; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the execution by the Mayor and Township Clerk on their behalf of an amendment to the Canal Walk Associates, LLC Developers Agreement to:

- (1) Permit Canal Walk Associates, LLC to proceed with Phase III of the development construction prior to comply with Section 8, Subsections B and C of the Developers Agreement; and
- (2) Amend Section 8, Subsection C of the December 2, 1999 Developers Agreement to provide for the construction of two (2) soccer fields in Middlebush Park in lieu of the two (2) tennis courts.

U. 02-400 RESOLUTION - AGREEMENT – SOMERSET COUNTY - ELIZABETH AVENUE 16" WATER MAIN EXTENSION – 4,340 LINEAL FEET STARTING AT A POINT 1,200[±] LINEAL FEET SOUTH OF WESTON ROAD TO EXISTING 16" WATER LINE, 2,609[±] LINEAL FEET SOUTH OF SCHOOLHOUSE ROAD

WHEREAS, the New Jersey Interlocal Services Act, **NJSA 40:8A-1 et seq.** authorizes any local unit of the State to enter into a contract with any other local unit or units within the State for joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the County of Somerset is desirous of entering into a joint venture with the Township of Franklin for the design and construction of a water main on Elizabeth Avenue; and

WHEREAS, the Township of Franklin has a water main on Elizabeth Avenue, County Route 621 and it is beneficial to expand the scope of the construction of the Elizabeth Avenue project to include a water main extension. It is the responsibility for the Township of Franklin to pay the costs for approximately 4,340 L.F. of water main and appurtenances starting at a point approximately 1,200 feet south of Weston Road and ending at a point 2,699 feet south of School House Road. This is to include Design and Construction; and

WHEREAS, it has been determined that the most expeditious way to proceed with the project would be as a Joint Venture, with Somerset County and Township of Franklin paying their jurisdictional costs for the design and construction of the Water Main Extension as more specifically set forth in this agreement; and

WHEREAS, it is the purpose of this Agreement to set forth the various duties, responsibilities and obligations of the parties thereto; and

WHEREAS, the Interlocal Services Agreement, on file with the Township Clerk of the Township of Franklin, contains the terms and conditions which the parties have agreed to with respect to the aforesaid Project;

NOW, THEREFORE, BE IT RESOLVED Mayor and Township Clerk of the Township of Franklin, Somerset County are hereby authorized and directed to execute said agreement and any other such documents as may be required on behalf of the Township of Franklin in the amount of \$362,540.00.

REGULAR MEETING – SEPTEMBER 9, 2002**V. 02-401 RESOLUTION - AGREEMENT – SOMERSET COUNTY – TRAFFIC SIGNAL/ ELIZABETH AVENUE & PIERCE STREET INTERSECTION**

WHEREAS, a traffic condition exists at the intersection of Elizabeth Avenue, County Route 621 and Pierce Street, Township of Franklin, Somerset County which requires the installation of a traffic control signal with emergency vehicle pre-emption in order to minimize accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the County of Somerset has indicated its willingness to maintain the emergency vehicle pre-emption system at said intersection; and

WHEREAS, the County of Somerset has proposed a form of agreement pertaining to the maintenance of said traffic control signal;

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. That the Mayor and Township Clerk are hereby authorized to enter into an agreement with the County of Somerset for the purpose aforesaid, a copy of said agreement being attached hereto and made part hereof.
2. That certified copies of this resolution shall be transmitted to the County of Somerset together with the original and three (3) copies of the agreement.

W. 02-402 RESOLUTION - GRANT APPLICATION – NJ HISTORIC COMMISSION, NJ DEPARTMENT OF STATE, CULTURAL AFFAIRS - \$20,000.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Historical Commission, NJ Department of State, Cultural Affairs for a Project Grant to nominate the Middlebush Historic District to the New Jersey and National Registers of Historic Places in the amount of \$20,000.00 and does authorize the appropriate Township official to execute this grant application on its behalf.

X. 02-403 RESOLUTION - GRANT APPLICATION – NJ DEPARTMENT OF LAW & PUBLIC SAFETY – BODY ARMOR REPLACEMENT PROGRAM

BE IT AND IT IS HEREBY RESOLVED that application for Body Armor Replacement Program Grant be filed with the New Jersey Department of Law & Public Safety and that appropriate Township agents be and are hereby authorized to execute this application on behalf of the Township.

Y. 02-404 RESOLUTION - GRANT APPLICATION - US DEPARTMENT OF JUSTICE - LOCAL LAW ENFORCEMENT BLOCK GRANT

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Application for Local Law Enforcement Block Grant in the amount of \$31,357.00 with a \$3,484.00 local match.

Z. 02-405 RESOLUTION - GRANT APPLICATION – JUVENILE DELINQUENCY PREVENTION GRANT - \$75,000.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Juvenile Justice Commission for a Juvenile Delinquency Prevention Block Grant in the amount of \$75,000.00 and does authorize the appropriate Township official to execute this grant application on its behalf.

REGULAR MEETING – SEPTEMBER 9, 2002**AA. 02-406 RESOLUTION - RELEASE OF ESCROW MONIES – MCI WORLD COMMUNICATIONS - DOCKET NO. P99066P - \$2,922.50**

WHEREAS, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, has received escrow monies for purposes of anticipated inspection fees as noted below; 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: MCI WORLD COMMUNICATION
 ADDRESS: 8150 N. Central Expressway, Suite 1100
 Dallas TX 75225

DOCKET NO: P99066P
 BLOCK/LOT: 517.04/2.10
 LOCATION: 650 Pierce Street
 AMOUNT DEPOSITED: \$5,000.00
 AMOUNT CHARGED: 2,077.50
 AMOUNT TO BE REFUNDED: \$2,922.50

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

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

BB. 02-407 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - ROBERT CARUSO - DOCKET NO. ZBA2001-0031 - \$775.00

WHEREAS, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, 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 112-29 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: ROBERT CARUSO
 ADDRESS: 12 Colony Court
 Somerset NJ 08873

DOCKET NO: ABA2001-0031
 BLOCK/LOT: 386.04/81
 LOCATION: 12 Colony Court
 AMOUNT DEPOSITED: \$1,000.00
 AMOUNT CHARGED: 225.00
 AMOUNT TO BE REFUNDED: \$ 775.00

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

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

REGULAR MEETING – SEPTEMBER 9, 2002**CC. 02-408 RESOLUTION - REJECT PERFORMANCE GUARANTEE RELEASE - EASTERN HILL, LLC - DOCKET NO. P98005P/THE WOODLANDS - \$175,000.00**

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: EASTERN HILL, LLC/THE WOODLANDS

ADDRESS OF APPLICANT: 1065 Route 22, West Bridgewater NJ 08807

NUMBER: UB 1006299

INSURANCE CO./BANK: Universal Bonding Insurance Company
518 Stuyvesant Avenue Lyndhurst NJ 07071

IN THE AMOUNT OF: \$175,000.00

FOR: Installation of 16" Waterline Cedar Grove Lane from Stonehedge to Weston Road; and

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

WHEREAS, by report dated July 31, 2002, Township Engineer Joseph Russo recommends rejection of the request based upon No "As-Built" Plans for Project having been submitted; and

WHEREAS, the **Municipal Land Use Law** requires the Governing Body, by resolution, to release or reject the release of Performance Guarantees within forty five (45) days of the report from the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey does hereby reject the request from Eastern Hill, LLC/The Woodlands to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

DD. 02-409 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - MCI WORLD COMMUNICATION NETWORK SERVICE - DOCKET NO. P99011P - \$1,688,110.00

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: MCI WORLD COMMUNICATION NETWORK SERVICE

ADDRESS OF APPLICANT: 8150 N. Central Expressway, Suite 1100
Dallas TX 75206

NUMBER: B2988653

INSURANCE CO./BANK: United Pacific Insurance Company
Philadelphia PA

IN THE AMOUNT OF: \$1,688,110.00

FOR: Site Improvements for Docket No. P99011P; and

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

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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 be released to the above named applicant.

EE. 02-410 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - POLIZE, INCORPORATED/SOMERSET DINER - DOCKET NO. P90036P - \$9,438.00

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: POLIZE, INCORPORATED/SOMERSET DINER

ADDRESS OF APPLICANT: 1045 Easton Avenue
Somerset NJ 08873

NUMBER: S02348

INSURANCE CO./BANK: First Fidelity of America
1160 Parsippany Boulevard Parsippany NJ 07054

IN THE AMOUNT OF: \$9,438.00

FOR: Site Improvements - Docket No. P90036P - Block 259/Los 75 & 76, Easton Avenue; and

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

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 be released to the above named applicant.

FF. 02-411 RESOLUTION - REJECT PERFORMANCE GUARANTEE RELEASE - 20 COMMERCE DRIVE LLC - DOCKET NO. SP614A - \$99,269.80

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: 20 COMMERCE DRIVE LLC

ADDRESS OF APPLICANT: 401 Cleveland Avenue Highland Park NJ 08904

NUMBER: CSB 08290709

INSURANCE CO./BANK: United Pacific Insurance Company

IN THE AMOUNT OF: \$99,269.80

FOR: Site Improvements to Block 86.02/Lot 3.02, 20 Commerce Drive - Docket No. SP614A; and

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

WHEREAS, by report dated August 27, 2002, Chief Engineering Inspector Fred Shimalla recommends rejection of the request based upon incomplete improvements; and

WHEREAS, the **Municipal Land Use Law** requires the Governing Body, by resolution, to release or reject the release of Performance Guarantees within forty five (45) days of the report from the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey does hereby reject the request from 20 Commerce Drive LLC to release the aforesaid referenced Performance Guarantee for the reasons set forth above.

GG. 02-412 RESOLUTION - AUTHORIZE RAFFLE/BINGO

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:

NAME OF ORGANIZATION**DATE OF RAFFLE/BINGO**

New Jersey Association of Twins' Mothers' Club, Inc.
64 Benson Avenue, Trenton, NJ 08610
On-Premise Raffle – RL#1353

November 1, 2002
3:00 pm – 11:30 pm

On-Premise Raffle – RL#1354

November 2, 2002
7:00 am – 7:00 pm

On-Premise 50/50 – RL#1355

November 1, 2002
3:00 pm – 11:30 pm

On-Premise 50/50 – RL#1356

November 2, 2002
7:00 am – 7:00 pm

Drawings: Somerset Marriott

HH. 02-413 RESOLUTION - DISCHARGE OF MORTGAGE – LORI NOVIS TO MONICA J. POWELL - AFFORDABLE HOUSING MANAGEMENT SERVICES - BLOCK 34.03/LOT 16.01 C0335 – 123 CRABAPPLE LANE, FRANKLIN PARK NJ

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 Management Services Mortgage for Lori Novis to Monica J. Powell for the premises known as 123 Crabapple Lane, Block 34.03, Lot 16.01 C0335 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.

II. 02-414 RESOLUTION - DISCHARGE OF MORTGAGE – MARIE P. CALLAMARAS TO JOHN DiBIASE & LINDSAY S. COOPER-DiBIASE - AFFORDABLE HOUSING MANAGEMENT SERVICES - BLOCK 20.10/LOT 11.02 C1902 - 233 COLUMBUS DRIVE, FRANKLIN PARK NJ

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

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they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage for Marie P. Callamaras to John DiBiase & Lindsay S. Cooper-DiBiase for the premises known as 233 Columbus Drive, Block 20.10, Lot 11.02 C1902 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.

JJ. Removed from Agenda**KK. 02-415 RESOLUTION – NAAMAN WILLIAMS PARK - FINAL APPROVAL PLAN AND DESIGN OF PUBLIC IMPROVEMENT**

WHEREAS, the Township of Franklin, Somerset County, New Jersey has undertaken an improvement of Lots 1.01, 15-18, 7-11, 12-14, 19-21 and 26.01, Block 150 and Lots 36-39, 40-41 and 42-50 in Block 151, which project is commonly referred to as Naaman Williams Park Improvement Plan; and

WHEREAS, the plan and design for said improvement was previously reviewed and funds provided by the Township Council; and

WHEREAS, the project has now been completed; and

WHEREAS, during the construction of this improvement minor changes to the original plan or design have been made with the knowledge and approval of the Township's Capital Projects Engineer, not requiring the approval of the governing body;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey hereby formally approves the final "as built" plan and design of the improvement referred to above which final plan and design is reflected on the plans for the Naaman Williams Park Renovations, as well as all such drawings and submissions contained in the project files; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file together with one copy of the plans referred to above with a notation referring to the Resolution of Approval placed thereon.

LL. 02-416 RESOLUTION – DUNHAM-LEBED PARK - FINAL APPROVAL PLAN AND DESIGN OF PUBLIC IMPROVEMENT

WHEREAS, the Township of Franklin, Somerset County, New Jersey has undertaken an improvement of Lots 18.01, 1, 20, 21, 28, 29 & 30, Block 425.02, which project is commonly referred to as Dunham-Lebed Park Improvement Plan; and

WHEREAS, the plan and design for said improvement was previously reviewed and funds provided by the Township Council; and

WHEREAS, the project has now been completed; and

WHEREAS, during the construction of this improvement minor changes to the original plan or design have been made with the knowledge and approval of the Township's Capital Projects Engineer, not requiring the approval of the governing body;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey hereby formally approves the final "as built" plan and design of the improvement referred to above which final plan and design is reflected on the plans for the Park Improvement Plan, Dunham and Lebed Park, as well as all such drawings and submissions contained in the project files; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file together with one copy of the plans referred to above with a notation referring to the Resolution of Approval placed thereon.

REGULAR MEETING – SEPTEMBER 9, 2002**MM. 02-417 RESOLUTION - AMEND PROFESSIONAL SERVICE - FORD FAREWELL MILLS & GATSCH - HISTORIC STRUCTURE REPORTS - STOOHOFF HOUSE - TOTAL AMOUNT NOT TO EXCEED AN ADDITIONAL \$3,760.00**

WHEREAS, by resolution adopted March 27, 2001, Professional Service Agreement was authorized with Ford Farewell Mills & Gatsch to provide Historic Structure Reports for the Stoothoff House and the Nevius House in the amounts of \$22,000.00 and \$18,000.00 respectively, for a total of \$40,000.00; and

WHEREAS, a need exists to provide additional funding for the Historic Structure Reports for the Stoothoff House; and

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

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

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

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

VENDOR NAME: Ford Farewell Mills & Gatsch

ADDRESS: 103 Carnegie Center, Suite 301 Princeton NJ 08540

CONTRACT AMOUNT: An additional amount not to exceed \$3,769.00

SERVICE: Historic Structure Report of the Stoothoff House.

NN. 02-418 RESOLUTION - APPOINTMENTS - MILLSTONE VALLEY BYWAY CORRIDOR MANAGEMENT COMMITTEE

WHEREAS, the Millstone Valley Byway Corridor Management Committee of the Millstone Valley Coalition was created with six participating municipalities (Franklin, Hillsborough, Montgomery, South Brunswick Townships and, Millstone and Rocky Hill Boroughs), Somerset County and the D & R Canal Commission to develop a scenic corridor management plan;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following persons be appointed to serve as the Townships representatives to the Millstone Valley Byway Corridor Management Committee:

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Bonnie von Ohlen, Grants Coordinator 475 DeMott Lane Somerset NJ 08873
Marilyn Kulik 1079 Canal Road Princeton NJ 08540

OO. 02-419 RESOLUTION - APPOINTMENTS - FLOOD MITIGATION PLANNING COMMITTEE

WHEREAS, the Township will be developing a flood mitigation plan with the help of the US Department of Agriculture Natural resource Conservation Service (NCRS); and

WHEREAS, part of the required planning process is to establish a planning committee for participation in the plan;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following persons be appointed to serve as the Township's Flood Mitigation Planning Committee:

Township Engineer
Joseph Russo (or designee)
475 DeMott Lane
Somerset NJ 08873

Franklin Township OEM
Gary Howarth
495 DeMott Lane
Somerset NJ 08873

Environmental Commission/Planning Board Member
Theodore Chase
159 Old Georgetown Road
Princeton NJ 08540

D & R Canal Commission
James C. Amon, Exec. Dir.
PO Box 539
Stockton NJ 08559

D & R Canal State Park
Sue Herron, Superintendent
625 Canal Road
Zarephath NJ 08890

Pillar of Fire
Jeff Olszyk, Facilities Mgr.
Canal Road
Zarephath NJ 08890

Resident
Bartley Hoebel
207 Hartley Avenue
Princeton NJ 08540

Business Owner/Canoe rentals)
Steven Androsko
1076 Canal Road
Princeton NJ 08540

QQ. 02-420 RESOLUTION - CONSENTING TO THE PROPOSED SERVICE AREA MAP AMENDMENT - FRANKLIN TOWNSHIP SEWERAGE AUTHORITY SEWER SERVICE AREA – ARSHA BODHA CENTER–BLOCK 57.01/LOT 51.01

WHEREAS, the Township of Franklin, in the County of Somerset desires to provide for the development of wastewater facilities within the Township of Franklin; and

WHEREAS, the Franklin Township Sewerage Authority (FTSA) has been charged by the Township with responsibility for collection and conveyance of sewage within the Township of Franklin to the Middlesex County Treatment Plant; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater conveyance and treatment facilities and wastewater treatment service areas, as well as related subjects be in conformance with an approved Water Quality Management (WQM) Plan; and

WHEREAS, the NJDEP has established the WPM Plan Amendment procedure as the method of incorporating unplanned facilities into a WPM Plan; and

WHEREAS, the FTSA has prepared a sewer service area map to be in conformance with the Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED on this 9th of September, 2002 by the Township Council of the Township of Franklin, County of Somerset that:

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- (1) The Township of Franklin hereby consents to the amendment of the Sewer Service Area Map to include the Arsah Bodha Center, Block 57.01, Lot 51.01 and the incorporation of same into the applicable WQM plans.
- (2) This consent shall be submitted to the NJDEP in accordance with NJAC 7:15-3, 4.

RR. 02-421 RESOLUTION – DISCHARGE OF CDBG MORTGAGE – ANNA M. & HORACE DANIELS - BLOCK 105/LOT 3 – 112 BERRY STREET

WHEREAS, the Township of Franklin holds a mortgage for Anna M. & Horace Daniels for premises known as Block 105/Lot 3 located at 112 Berry Street, Somerset NJ in conjunction with dwelling renovation through the CDBG Housing Rehabilitation Program; and

WHEREAS, the property owners have paid to the Township of Franklin the balance due on the mortgage dated March 13, 1999 and recorded in Book 3133, Page 176 with the County Recording Officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to sign Discharge of Mortgage for Lot 3 in Block 105 and to have same filed with the County Recording Officer.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Sumter to approve the items of the foregoing Amended Consent Agenda.

Township Clerk Pellicane polled the Board, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

S. AGREEMENT – FRANKLIN EMERGENCY SERVICES MANAGEMENT ASSOCIATION – ENHANCE THE COORDINATION AMONG LOCAL GOVERNMENT BODIES AND ALL EMERGENCY SERVICES - INTERLOCAL

Ms. Barrier, noting the position paper received from the First Aid Squads and telephonic information of concern she received from Fire District representatives, moved to postpone action on this resolution until next month and to have the Emergency Life Support Delivery Committee work with participants in the FESMA agreement to develop an amicable solution. Mr. Chivukula seconded the motion.

Deputy Mayor Grippo objected to the postponement and noted that the ELS Committee discussed the agreement at their last meeting and over the past three years. Concern by the First Aid Squads that FESMA will overpower the first aid squads is unfounded. The State regulates squad activities and the agreement is not going to change that. He has discussed having both squads share a vote on FESMA with the Township Manager, but it was felt that the squads, in conjunction with the Council and staff representatives, will be adequately protected. Deputy Mayor Grippo recommended that the resolution be adopted and amended if needed as the group begins its work.

Ms. Barrier advised that the Township wants the various entities to work as a team and taking another month to resolve the questions would be worthwhile.

Township Manager Daly advised that, procedurally, the agreement will go to the Fire Districts to be adopted and sent back to the Township. He suggested that Council adopt the resolution and send it to the Fire Districts. The Fire District can send the agreement back with suggestions if they wish.

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Mr. Mazzola cited items from the Strategic Plan for Fire and Emergency Medical Services prepared in 1996 by Public Management Group and the need for Council to agree on the original intent of FESMA before going forward:

1. “The Township should take a leadership role in facilitating the creation of a single fire district in the township. It is the consultant’s feeling that it will be impossible to achieve many of the objectives outlined in this report until a single governing body is responsible for fire services.”
2. “. . . We recommend creating a Fire and Rescue Management Association (FRMA) to develop operational policies and procedures for the system that includes the senior operational officer (chief, squad captain) from each company that enters into a contractual relationship with the Township or fire governing board to provide fire or emergency medical response to the Township.”

Mr. Mazzola noted that he is willing to allow the squads one more opportunity to develop an agreement. If not, the agreement proposed will be adopted. A mechanism for accomplishing squad input was suggested – presentation by the squads of solutions to their concerns to the Township Emergency Life Support Delivery Committee. The ELSD Committee can propose an alternative to the Township Council at the October 1st Work Session. If the Township Council finds the alternative acceptable, the Council can adopt the agreement and forward to the Fire Districts.

Mr. Chivukula noted language in the agreement at one time that squad issues would be decided by the squads, fire issues would be decided by the fire districts, and joint issues would require a decision by the Council.

Council unanimously agreed to defer this item to the October 1st Work Session

COUNCIL COMMENTS

Mr. Mettler:

1. Noted concern expressed by constituents that the Township’s water emergency message transmitted through the Reverse 911 system urged people to squeal on neighbors. Township Manager Daly responded that the message was intended to inform people where to call with questions, but the language will be clarified for the future.
2. Requested that Sgt. Vornlocker be asked to study and make a recommendation on a weight limit on Canal Road in the East Millstone area. Township Clerk Pellicane advised that a proposal to establish a weight limit on Canal Road from Elm/Market Street to Bunker Hill Road has been pending before the NJDOT informally since 1999 and formally since March 2000. No response has been received to date.
3. Questioned the repair of Pierce Street as torn up by Elizabethtown Water Co. Township Manager Daly responded that a portion of the required improvement will be done by the Township and he will report to Council on the date for Elizabethtown repairs.

Mr. Mazzola thanked Director of Health Galanowsky for the Shigellosis Health Alert issued to schools.

Mr. Levine:

1. Noted his dismay at RCN customers’ inability to view a recent legislator’s debate and noted that the upgraded cable package has still not been made available to his neighborhood.
2. Requested Council to continue pursuing the televising of Council meetings.

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3. Announced the expected arrival of a new baby at the beginning of January by the Levine family. Councilmembers congratulated Mr. & Mrs. Levine.

Deputy Mayor Grippo again invited the Council and audience to attend the September 10th 9-11 Vigil.

Mr. Sumter announced his birthday on September 10th. Councilmembers wished Mr. Sumter a happy and healthy birthday.

Mr. McKenzie:

1. Noted his agreement with the postponement of the FESMA agreement to allow for the development of a solution to the first aid squad concerns.
2. Noted complaints from constituents on the need for overlay of Denise Court and problems with dwelling sump pumps creating standing water and attracting mosquitoes.

Mayor Eberle expressed her appreciation to the services provided by police, fire and first aid organizations.

Township Manager Daly invited Council and the audience to a 9-11 ceremony in front of the Municipal Building between 8:30 a.m. and 9:00 a.m. on September 11th.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 11:17 p.m.

SHIRLEY EBERLE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK