

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:26 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated “In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on Tuesday, October 13, 2009. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.”

Everyone present participated in the Pledge of Allegiance and Mayor Levine led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Ms. Francois (arrived at 7:35 pm), Deputy Mayor Glicklich, Mayor Levine, Mr. Mettler, Mr. Vassanella

Absent: Mr. Prasad, Mr. Sumter

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

COMMENDATIONS/PROCLAMATIONS

Diwali – Festival of Lights

Deputy Mayor Glicklich read the following proclamation:

WHEREAS, Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout the United States; and

WHEREAS, there are nearly 2,000,000 Hindus in the United States, approximately 1,250,000 of which are of Indian and South Asian origin; and

WHEREAS, the word “**Diwali**” is a shortened version of the Sanskrit term “Deepavali”, which means “a row of lamps”; and

WHEREAS, Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge and peace; and

WHEREAS, celebrants of **Diwali** believe that rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance; and

WHEREAS, Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus; and

WHEREAS, for Hindus, **Diwali** is a celebration of the victory of good over evil; and

WHEREAS, for Sikhs, **Diwali** is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jehangir; and

WHEREAS, for Jains, **Diwali** marks the anniversary of the attainment of moksha or liberation by Lord Mahavira, the last of the Tirhankaras, who were the great teachers of Jain dharma, at the end of his life in 527 B.C.;

NOW, THEREFORE, I, MAYOR BRIAN D. LEVINE and COUNCILMAN RAJIV PRASAD, on behalf of the Township Council of the Township of Franklin, County of Somerset and State

of New Jersey, do hereby recognize October 17 through November 16 as “**Diwali Month**” in the Township of Franklin and call upon its residents to observe and celebrate **Diwali** with various activities and programs to learn about its religious and historical significance.

International Day of Non-Violence (Gandhi’s Birthday)

Deputy Mayor Glicklich read the following proclamation:

WHEREAS, there is need for non-violence, tolerance, full respect for human rights and fundamental freedoms for all, democracy, development, mutual understanding and respect for diversity as reinforcements for peace and growth of mankind; and

WHEREAS, the United Nations General Assembly declared October 2 – the birth anniversary of Mahatma Gandhi as “**International Day of Non-Violence**” in recognition of his role in promoting the message of peace around the world; and

WHEREAS, in Mahatma Gandhi’s own words, “Non-Violence is the greatest force at the disposal of mankind. It is mightier than the mightiest weapon of destruction devised by the ingenuity of man.”; and

WHEREAS, Mahatma Gandhi’s “novel mode of mass mobilization and non-violent action” brought down colonialism, strengthened roots of popular sovereignty, of civic, political and economic rights, and greatly influenced many a freedom struggle and inspired leaders like Nelson Mandela and Martin Luther King, Jr.; and

NOW, THEREFORE, I, Brian D. Levine, Mayor and Rajiv Prasad, Councilman, of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Township Council, do hereby proclaim **OCTOBER 2, 2009** as **INTERNATIONAL DAY OF NON-VIOLENCE** in our community and ask the residents of the Township of Franklin to recognize Mahatma Gandhi’s holistic nature and the continued relevance of his message for our times, indeed for all times to come and to encompass the rejection of violence against oneself, against others, against other groups, against other societies and against nature.

Week of the People Commendations

Mayor Levine with Deputy Mayor Glicklich and Councilman Vassanella presented the following commendations:

I, BRIAN D. LEVINE, MAYOR OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY on behalf of the Township Council and all residents of the Township of Franklin, do hereby extend to

Percy V. Sanders, Jr., Chairman – Variety Showcase
Elois Taylor – Variety Showcase
Patricia Baptist – Variety Showcase
Jesse Murphy, Chairman – B.I.G. Basketball Tournament
Brandon Chattoo – B.I.G. Basketball Tournament
James Blocker – B.I.G. Basketball Tournament
Andrew Baker – B.I.G. Basketball Tournament
Issac L. Dorsey, Chairman – Taste of the Week
Sandra Espinal – Taste of the Week
Gary Rosenthal, Chairman – Interfaith Dialogue
Nora Catiis – Interfaith Dialogue
Reverend George H. Montanari – Interfaith Dialogue
Eva M. Nagy, Chairwoman – Diversity Leadership Breakfast
Mylo Thompson, Chairman - Security

appreciation and commendation for his active part in making the **2009 WEEK OF THE PEOPLE CELEBRATION** an overwhelming success.

MAYOR'S REPORT

Mayor Levine gave the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2nd and 4th Tuesdays of the month. Public is invited and encouraged to attend.
- One can see listings on FTTV-25 and the Township website. On the Township's website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- Reported on grant monies received from Somerset County

DEPUTY MAYOR'S REPORT

Deputy Mayor Glicklich congratulated Virginia Woodbury on her receiving the Marconi Award for Municipal Employee of the Year. Mayor Levine added that Sgt. Russo and Eva Nagy were also honored.

PUBLIC DISCUSSION

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

Dr. Rosetta D'Angelo, GLM, spoke on her building a warehouse in the Township and she has had nothing but problems for the last five years. She stated that she has received her certificate of occupancy and has posted money for a bond, but instead of it being the end, she was informed she has to move a fire hydrant. She stated that she has had discussions with several Township officials and nothing has been settled.

John Cilo, Engineer, 198 West High Street, Somerville, gave a brief overview of the project and stated that since the fire hydrant needs to be removed, he suggested the cash bond be reduced and then the fire hydrant can be moved.

Dr. D'Angelo stated this is a matter of ethics and justice. She stated the fire hydrant is claimed by the Water Department and she asked why they can't move it. She stated the fire hydrant is not in the plan and it is not needed. She stated she will not move it to another place.

Mr. Mettler asked what the address of the property is and she replied 63 Veronica Avenue.

Percy Sanders, Week of the People, asked for financing from the Township for Week of the People events.

Anthony Mazzola, 51 Zeller Drive, supported Ordinance No. 5846 and recommended its passage. He stated the Planning Board worked hard and it is a good ordinance. He spoke of the need of sidewalks in the Township from a health point of view. He also spoke on the need of parks throughout the Township.

Phillip Kramer, 429 Canal Road, agreed with Mr. Mazzola on the need for sidewalks and noted in the long run it would save the taxpayers' money.

Mr. Vassanella moved to close the meeting for public discussion. Said motion was seconded by Ms. Francois and carried unanimously upon voice vote.

Mr. Daly spoke on the D'Angelo matter and explained the moving of the fire hydrant is required because to avoid movement of an utility pole, which would be costly, the driveway was moved which resulted in the fire hydrant being too far from the building and the need to be moved. He reported the Construction Official and John Hauss are working to find alternative solutions to this matter. A discussion ensued regarding the reduction of the bond and the movement of the fire hydrant. Dr. D'Angelo further discussed this matter with Council and disagreed with comments made by Mr. Daly.

COUNCIL COMMENTS

Mr. Vassanella:

- appreciated Mr. Percy's work and supported the events of the Week of the People.
- agreed for the need of sidewalks in the Township and expressed the need of the Planning Board to be proactive and address this issue.
- Agreed the need for parks and noted his appreciation of the process of obtaining open space. He noted that the Township has not kept up with the needs of the Township and the need of "pocket parks".

Ms. Danile:

- agreed for the need of sidewalks.
- spoke of Middlebush Park and the commitment to develop the park, noting a survey has been conducted. She noted the Township is concentrating on Middlebush Park's development and that the Township is doing one park at a time and acknowledges the southern portion of the Township's need for a park.
- agreed the Week of the People needs assistance, noting it is a great event.

Ms. Eberle echoed Ms. Danile's comments on parks and asked about the survey that was conducted.

Ms. Francois was upset that a business owner from the Township has become upset. She stated the Township has a reputation that it is difficult to deal with and this needs to change. She stated this starts at the top and that management needs to be business friendly and more accommodating to businesses. She stated the process needs to be streamlined.

Mr. Mettler stated sidewalks are an important issue that the schools need to address and noted there are not much sidewalks in the East Millstone.

Deputy Mayor Glicklich:

- noted it is ironic the proclamations regarding prayers and peace were read at the beginning of the meeting.
- suggested a presentation by the Technical Review Committee to Council regarding the procedures that are in place and that the D'Angelo matter is an exception.
- spoke on the sidewalk issue in relation to bussing and noted that even though it costs money to build sidewalks, it will save money in the long run,
- spoke on the Adhoc Committee regarding parks and the survey that was conducted and the results have been tabulated and released.
- stated that most houses were built 15 years ago and sidewalks are not reflective to today's needs. Ms. Eberle noted that many years ago, sidewalks were a requirement in developments on one side of the street.

Mayor Levine:

- support the comments regarding sidewalks.
- spoke of his concern regarding the D'Angelo matter and agreed on the presentation regarding processes.
- commended the success of the Sisters Network on their Breast Cancer Walk held last weekend.

DISCUSSION ITEMS

FY2010 Municipal Budget Wrap-Up

Mr. Daly reported his not received any further comments from Council regarding the FY2010 Municipal Budget. Mayor Levine added the Finance Oversight Committee is meeting on Friday morning to give the budget a last review and are aiming for introduction in November. Ms. Danile added that the direction is to cut further with the understanding there are priorities. She stated she and been reviewing the fund balances and reserves from 2005-2008 and will comment on Friday. Deputy Mayor Glicklich stated since there are not responses submitted to the Township Manager, all the information is in for the budget and they are accepting it as is.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$12,779,195.70 for October 13, 2009 to the Township Council for payment:

1	Current	11,120,913.27
2	Grant	199,715.37
3	Tax Title Lien	105,683.49
4	General Capital	432,672.40
5	Water	628,653.63
6	Water Capital	202,338.42
11	Recreation Trust	690.42
12	Trust Others	9,622.55
13	Unemployment	
15	Redevelopment	
17	Animal Control	56.08
19	Self Insurance	
20	Affordable Housing	7,018.17
30	Payroll	60,941.70
37	Police Forfeiture	
39	Worker's Comp	
40	Open Space	10,890.20
42	Redevelopment Escrow	
50	County Imp Auth Fund	
	Subtotal	12,779,195.70
	Escrow	
	Grand Total	12,779,195.70

Deputy Mayor Glicklich moved that warrants in the amount of \$12,779,195.70 for October 13, 2009 to be paid. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

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

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

PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

Ordinance No. 3847

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 88, BRUSH, GRASS AND WEEDS, SECTION 88-1, CONDITIONS FOR REQUIRED APPROVAL; SECTION 88-2, REMOVAL BY TOWNSHIP; COST TO BECOME LIEN AND ADD SECTION 88-5, POWERS OF CONSTRUCTION CODE OFFICIAL NOT AFFECTED.

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

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

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

There being no comments from the public, Deputy Mayor Glicklich moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

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

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

Ordinance No. 3848

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN TO ESTABLISH AND ADOPT THE MUNICIPAL POWERS AUTHORIZED BY THE STATE OF NEW JERSEY'S ABANDONED PROPERTY AND REHABILITATION ACT, N.J.S.A. 55:19-78 ET SEQ., AND RELATED STATUTORY PROVISIONS.

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

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

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

There being no comments from the public, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Deputy Mayor Glicklich and carried unanimously upon call of the roll.

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

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

Ordinance No. 3849

Mayor Levine presented the following ordinance:

AN ORDINANCE ESTABISHING AN ABANDONED PROPERTY LIST AND AUTHORIZING THE PUBLIC OFFICER TO DESIGNATE QUALIFIED REHABILITATION ENTITIES

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

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

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

Phillip Kramer, 429 Canal Road, questioned who manages the abandoned properties.

There being no further comments from the public, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Deputy Mayor Glicklich and carried unanimously upon call of the roll.

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

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

Ordinance No. 3850

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 260, PARKS AND RECREATION, ADD NEW ARTICLE VIII, TRAILS, SECTION 260-41, PERMITTED USES.

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

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

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

Ted Chase, 159 Old Georgetown Road, expressed his support for this ordinance which establishes regulating the use of Township trails on open space.

There being no further comments from the public, Mr. Mettler moved to close the public hearing on the ordinance. Said motion was seconded by Deputy Mayor Glicklich and carried unanimously upon call of the roll.

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

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

Ordinance No. 3851

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 146, CONSTRUCTION CODES, UNIFORM, SECTION 146-2, FEES, SUBSECTION (D), FEES.

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

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

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

There being no comments from the public, Deputy Mayor Glicklich moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

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

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

Ms. Francois left the meeting at 9:13 p.m.

Ms. Danile left the meeting at 9:15 p.m.

ORDINANCES ON INTRODUCTION AND FIRST READING

Ordinance No. 3853

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2009 at 7:00 p.m. in the Municipal

Complex.

Mr. Vassanella spoke of his concerns regarding the ordinance and asked for clarification. He asked if the Hamilton Street Business and Community Corporation have been informed of this ordinance. He asked that the ordinance be tabled until October 27th so that Hamilton Street Business and Community Corporation are notified.

Mr. Vassanella moved the foregoing ordinance be tabled until the October 27th Council meeting. Said motion was seconded by Deputy Mayor Glicklich and carried as follows upon call of the roll:

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

Ordinance No. 3854

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE XII, SIGN REGULATIONS.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2009 at 7:00 p.m. in the Municipal Complex.

Deputy Mayor Glicklich expressed his concerns regarding sandwich board signs and if the municipality is held harmless when these signs are blown over. He asked for clarification regarding permit fees for sandwich board signs.

Deputy Mayor Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Vassanella and carried as follows upon call of the roll:

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

Ordinance No. 3856

Mayor Levine presented the following ordinance:

ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 384, WATER, SECTION 284-19 – CURB CONNECTION CAPITAL FEE TO DECREASE FEES FOR FY2010.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2009 at 7:00 p.m. in the Municipal Complex.

Deputy Mayor Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Vassanella and carried as follows upon call of the roll:

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

CONSENT AGENDA ITEMS

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

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

Resolution #09-483 Authorize Refund of Tax Overpayments.

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
366/28	Township of Franklin	2/09	1,272.97
388/11		2/09	1.03
		Move to Next Year	
20.02/25.03	Bunker Hill Golf Course	2/09	3,282.05
	144 Bunker Hill Road	3/09	211.67
	Princeton, NJ 08540	Tax Appeal	
34.09/59.02 C0557	Angara, Careel	4/09	897.08
	92 Almond Drive	Paid Twice	
	Somerset, NJ 08873		
178/1	Naadimuthu, Govind & Amitha	4/09	564.44
	19 Cheyenne Drive	Overpaid for Year	
	Pennington, NJ 08534		
386.17/220	Ali, Toshif R.	3/09	617.57
	220 Onizuka Court	Paid Twice	
	Somerset, NJ 08873		
513.44/3.304	Joseph Mullen	4/09	552.90
	3304 Enclave Circle	3/09	183.80
	Somerset, NJ 08873	100% Disabled Veteran	
386.10/35	Saravana Dantu	2/07	703.92
	35 Almond Drive	Hardship	
	Somerset, NJ 08873		

Resolution #09-484 Authorize Tax Title Lien Redemptions – Outside Buyers

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

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

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

Date of Sale: 06/08/07
Block/Lot: 376/1
Name & Address: SEVERINO, PERICLES; 136 DRAKE ROAD
Amount: \$ 22,289.73
Make Check Payable To: SEQUOIA INVESTMENTS
Certificate No.: 070198
Payment Received: 08/31/09

Date of Sale: 06/08/09
Block/Lot: 161/1
Name & Address: RODRIGUEZ, MANUEL; 67 EUGENE AVENUE
Amount: \$ 7,421.01
Make Check Payable To: PLYMOUTH FINANCIAL CO.
Certificate No.: 09-116
Payment Received: 08/31/09

Date of Sale: 06/08/09
Block/Lot: 85/56.03C0167
Name & Address: CASEY, CALVIN; 167 KINGSBERRY DRIVE
Amount: \$ 795.38
Make Check Payable To: NITHI SERVICES LLC
Certificate No.: 09-080
Payment Received: 09/01/09

Date of Sale: 06/08/09
Block/Lot: 424.02/11.46
Name & Address: KOTHAKONDA, SHYLENDER; 44 WESTLAKE CT.
Amount: \$ 432.65
Make Check Payable To: GHARRO LLC
Certificate No.: 09-295
Payment Received: 09/11/09
Date of Sale: 06/08/09

Block/Lot: 12/11
Name & Address: CHARON EQUITIES LLC; 48 STERLING ROAD
Amount: \$ 12,182.60
Make Check Payable To: PLYMOUTH FINANCIAL CO.
Certificate No.: 09-004
Payment Received: 09/15/09

Date of Sale: 06/08/07
Block/Lot: 34.05/52.05C0604
Name & Address: ROSENTHAL, KEN; 20-604 DELAR PARKWAY
Amount: \$ 1,035.03
Make Check Payable To: GEORGE B. SHRIER

Certificate No.: 070022
Payment Received: 09/16/09

Date of Sale: 06/08/09
Block/Lot: 300/1.01
Name & Address: PARKER, JACKIE; 276 GIRARD AVENUE
Amount: \$ 476.69
Make Check Payable To: FRANK J. FESTA, JR
Certificate No.: 09-211
Payment Received: 09/16/09

Date of Sale: 06/08/09
Block/Lot: 348/50
Name & Address: CARDONA, HECTOR & DUNIA; 444 WHEELER PLACE
Amount: \$ 545.16
Make Check Payable To: JAMES C. OLDER
Certificate No.: 09-243
Payment Received: 09/17/09

Date of Sale: 06/08/09
Block/Lot: 137/23
Name & Address: DURAN, RAMONA & VARGAS, M URENA; 42 MILLSTONE ROAD
Amount: \$ 1,162.15
Make Check Payable To: JAMES C. OLDER
Certificate No.: 09-101
Payment Received: 09/17/09

Date of Sale: 06/08/09
Block/Lot: 16/10
Name & Address: REIFSNYDER, DAVID & KELLY; 36 WASHINGTON AVENUE
Amount: \$ 9,187.72
Make Check Payable To: PLYMOUTH FINANCIAL CO.
Certificate No.: 09-006
Payment Received: 09/17/09
Date of Sale: 06/08/09

Block/Lot: 398/10
Name & Address: ATKINSON, HARLAND E. & ANA A; 3 LARSEN ROAD
Amount: \$ 21,756.85
Make Check Payable To: CRUSADER LIEN SERVICES
Certificate No.: 09-277
Payment Received: 09/18/09

Date of Sale: 06/08/09
Block/Lot: 424.08/305
Name & Address: SESAY, JULDEH; 26 ALTON DRIVE
Amount: \$ 12,295.31
Make Check Payable To: CRUSADER LIEN SERVICES
Certificate No.: 09-306
Payment Received: 09/18/09

Date of Sale: 06/08/09
Block/Lot: 386.10/187
Name & Address: WEIGERT, DANIEL; 57 BAYBERRY DRIVE
Amount: \$ 392.24
Make Check Payable To: US BANK CUST FOR CCTS CAPITAL
Certificate No.: 09-264
Payment Received: 09/22/09

Date of Sale: 06/08/09
Block/Lot: 145/15
Name & Address: RODRIGUEZ, JOSE; 820 HAMILTON STREET
Amount: \$ 1,109.98

Make Check Payable To: DAXUAN WANG
Certificate No.: 09-105
Payment Received: 09/22/09

Date of Sale: 06/08/09
Block/Lot: 270/22
Name & Address: PEGGUES, C ALICE; 122 FRANKLIN BLVD.
Amount: \$ 14,053.62
Make Check Payable To: SFS, LLC
Certificate No.: 09-191
Payment Received: 09/23/09

Date of Sale: 06/08/09
Block/Lot: 341/23
Name & Address: MAGEE, LEROY & ADRIANA; 155 DUTTON STREET
Amount: \$ 547.37
Make Check Payable To: JAMES C. OLDER
Certificate No.: 09-233
Payment Received: 09/25/09

Resolution #09-485 Adjust Water Charges – 35 Almond Drive, Block 386.01, Lot 35.

WHEREAS, Saravana Dantu has an unusually high water charge for the quarter of 04/01/07 in the amount of \$1,102.53 for the property known as Block 386.10, Lot 35; and

WHEREAS, it has been determined that the high usage is a result of hardship; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Collector of Revenue is hereby directed to adjust the aforesaid water charges to reflect the charges for said water paid by the Township to its bulk supplier, specifically a reduction to \$398.61.

Resolution #09-486 Authorize Issuance of Special Event Permit – Hamilton Street Business and Community Corporation – Children’s Costume Parade – 720 Hamilton Street – October 31, 2009 – 2:00 p.m. to 4:00 p.m.

WHEREAS, a request has been received from Hamilton Street Business and Community Corporation for permission to conduct the Children’s Costume Parade on October 31, 2009 at 720 Hamilton Street, Somerset from 2:00 am to 4:00 pm on Saturday, October 31, 2009; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Hamilton Street Business & Community Corporation to conduct the Children’s Costume Parade at on Saturday, October 31, 2009 from 2:00 am to 4:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-487 Authorize Issuance of Special Event Permit – Zarephath Christian Church – “Autumn Blaze” Outreach/Worship Event – October 31, 2009 – 1:00 p.m. to 8:00 p.m.

WHEREAS, a request has been received from Zarephath Christian Church for permission to conduct the “Autumn Blaze” Outreach/Worship Event, at the PDA Soccer Fields, Zarephath from 1:00 pm to 8:00 pm on October 31, 2009; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct the “Autumn Blaze” Outreach/Worship Event on October 31, 2009 from 1:00 pm to 8:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

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

Resolution #09-488 Authorize Issuance of Raffles Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Easter Seals New Jersey, Inc. 25 Kennedy Blvd., Suite, 600, E. Brunswick On-Premise Raffle – RL#1792 On-Premise 50/50 – RL#1793 Drawing: DoubleTree Hotel, Somerset	October 29, 2009 6:00 pm – 9:30 pm
Greyhound Friends of New Jersey, Inc. 10 Hunters Drive, POB 4416, Cherry Hill, NJ On-Premise Raffle – RL#1794 Drawing: Somerset National Guard Armory, Somerset	November 21 & 22, 2009 9:00 am – 4:00 pm
Knights of Columbus #9925 St. Matthias of Somerset Council 168 JFK Boulevard, Somerset Off-Premise 50/50 Raffle – RL#1795 Drawing: St. Matthias School	December 11, 2009 8:00 pm – 11:00 pm
St. Matthias Home School Association 170 JFK Blvd., Somerset On-Premise Raffle – RL#1796 On-Premise 50/50 – RL#1797 Drawings: St. Matthias School Cafeteria	December 5, 2009 10:00 am – 4:00 pm

Resolution #09-489 Authorize Release of Planning/Building Escrow and Inspection Fees.

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

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

APPLICANT:	NJ Chinese Community Center
ADDRESS:	17 Schoolhouse Road, Somerset, NJ 08873
DOCKET NO.	ZBA-08-00015
BLOCK/LOT:	517.05/35.07
LOCATION:	17 Schoolhouse Road
TYPE:	Inspection Fees
AMOUNT DEPOSITED:	\$1,622.10 (In-Hse)
AMOUNT CHARGED:	<u>1,035.99</u>
AMOUNT TO BE REFUNDED:	\$ 586.11

APPLICANT:	Lottabloc, LLC
ADDRESS:	3 Shirley Avenue, Somerset, NJ 08873

DOCKET NO. TRC-08-00021
 BLOCK/LOT: 91/6.01
 LOCATION: 3 Shirley Avenue
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$3,376.25 (In-Hse)
 AMOUNT CHARGED: 388.88
 AMOUNT TO BE REFUNDED: \$2,987.37

APPLICANT: Woodlands @ Somerset
 ADDRESS: Eastern Hill, LLC
 1065 Route 22 W, Bridgewater, NJ 08807

DOCKET NO. P980055P
 BLOCK/LOT: 508.02/3
 LOCATION: Cedar Grove Lane & Weston Road
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$110,546.12 (CME)
 AMOUNT CHARGED: 110,226.15
 AMOUNT TO BE REFUNDED: \$ 319.97

APPLICANT: Eastern Hill, LLC (Glen Eyre)
 ADDRESS: 1065 Route 22 West, Bridgewater, NJ 08807

DOCKET NO. P97058SPF
 BLOCK/LOT: 424.08/39.01
 LOCATION: Dellwood
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$32,955.00 (CME)
 AMOUNT CHARGED: 31,465.00
 AMOUNT TO BE REFUNDED: \$ 1,490.00

APPLICANT: Pizzo & Pizzo
 ADDRESS: Eastern Hill, LLC
 1065 Route 22 W, Bridgewater, NJ 08807

DOCKET NO. P97057SP
 BLOCK/LOT: 424.12/2.02
 LOCATION: Treptow Road
 TYPE: Site Improvements Inspections
 AMOUNT DEPOSITED: \$87,143.50
 AMOUNT CHARGED: 86,856.25
 AMOUNT TO BE REFUNDED: \$ 287.25

APPLICANT: NJ Chinese Community Center
 ADDRESS: 17 Schoolhouse Road, Somerset, NJ 08873

DOCKET NO. ZBA-08-00015
 BLOCK/LOT: 517.05/35.11
 LOCATION: 17 Schoolhouse Road
 TYPE: Plan Review
 AMOUNT DEPOSITED: \$350.00 (Atty) \$1,650.00 (In-Hse)
 AMOUNT CHARGED: 350.00 578.65
 AMOUNT TO BE REFUNDED: \$ 0.00 \$1,071.35

APPLICANT: Parkside Realty Assoc LP
 ADDRESS: 100 Cedar Lane, Highland Park, NJ 08904
 DOCKET NO. PLN2001-0033
 BLOCK/LOT: 57.01/33.04
 LOCATION: Countryside Apartments
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$200.00 (In-Hse)
 AMOUNT CHARGED: 94.63
 AMOUNT TO BE REFUNDED: \$105.37

APPLICANT: Richard Skowronski
 ADDRESS: 11 Francis Court, Millstone Township, NJ 08510

DOCKET NO.	PLN2004-000	
	ZBA-07-00018	
BLOCK/LOT:	508.02/15	
LOCATION:	Subdivision – Cedar Grove Lane	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$962.50 (Heyer)	\$2037.50 (in-Hse)
AMOUNT CHARGED:	<u>962.50</u>	<u>1031.17</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$1006.33

Resolution #09-490 Authorize Release of Performance Guarantees.

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

NAME OF APPLICANT:	NJ Chinese Community Center
ADDRESS OF APPLICANT:	17 Schoolhouse Road, Somerset, NJ 08873
ITEM:	Performance Bond
NUMBER:	98
INSURANCE CO./BANK:	
DOCKET:	ZBA-08-00015
IN THE AMOUNT OF:	\$38,930.40
FOR:	Block 517.05/35.07

NAME OF APPLICANT:	Lottabloc, LLC
ADDRESS OF APPLICANT:	3 Shirley Avenue, Somerset, NJ 08873
ITEM:	Irrevocable Letter/Credit
NUMBER:	SM233944W
INSURANCE CO./BANK:	Wachovia Bank
DOCKET:	TRC-08-00021
IN THE AMOUNT OF:	\$81,030.00
FOR:	Block 91/6.01

NAME OF APPLICANT:	Ten Mile Run Developers
ADDRESS OF APPLICANT:	812 Central Avenue, Westfield, NJ 07090
ITEM:	Winter Bond
NUMBER:	Check #16722
INSURANCE CO./BANK:	
DOCKET:	
IN THE AMOUNT OF:	\$500.00
FOR:	Block 20.12/37 – 18 Yardley Court

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantees; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantees be release as follows:

- \$38,930.40 to NJ Chinese Community Center
- \$81,030.00 to Lottabloc, LLC
- \$500.00 to Ten Mile Run Developers

Resolution #09-491 Authorize Release of Expired Maintenance Bonds.

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

NAME OF APPLICANT:	Glen Eyre @ Somerset LLC (Paddock)
ADDRESS OF APPLICANT:	1065 Route 22 West, Bridgewater, NJ 08807
ITEM:	2-Year Maintenance Guarantee
NUMBER:	0396800
INSURANCE CO./BANK:	International Fidelity Insurance Company
DOCKET:	PLN2001-0023

IN THE AMOUNT OF: \$54,376.70
FOR: Block 423.01/17.01

NAME OF APPLICANT: Eastern Hill LLC (Glen Eyre Treptow Road)
ADDRESS OF APPLICANT: 1065 Route 22 West, Bridgewater, NJ 08807
ITEM: 2-Year Maintenance Guarantee – Treptow Road
NUMBER: 0371018
INSURANCE CO./BANK: International Fidelity Insurance Company
DOCKET: P97057SP
IN THE AMOUNT OF: \$7,651.04
FOR: Cedar Grove Lane & Treptow Road

NAME OF APPLICANT: Woodlands @ Somerset
ADDRESS OF APPLICANT: 1065 Route 22 West, Bridgewater, NJ 08807
ITEM: 2-Year Maintenance Guarantee Bond
NUMBER: 0402311
INSURANCE CO./BANK: International Fidelity Insurance Company
DOCKET: P98005P
IN THE AMOUNT OF: \$165,433.34
FOR: 423.01/17.01 Cedar Grove Lane & Wilson Road

NAME OF APPLICANT: Eastern Hill, LLC (Glen Eyre Tract C)
ADDRESS OF APPLICANT: 1065 Route 22 West, Bridgewater, NJ 08807
ITEM: 2-Year Maintenance Guarantee Bond
NUMBER: 0371019
INSURANCE CO./BANK: International Fidelity Insurance Company
DOCKET: P97058SP
IN THE AMOUNT OF: \$48,434.58
FOR: Dellwood

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid expired Maintenance Bonds; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid expired Maintenance Bonds be release as follows:

- \$54,376.70 to Glen Eyre @ Somerset LLC (Paddock)
- \$7,651.04 to Eastern Hill LLC (Glen Eyre Treptow Road)
- \$165,433.34 to Woodlands @ Somerset
- \$48,434.58 to Eastern Hill, LLC (Glen Eyre Tract C)

Resolution #09-492 Authorize Reduction of Performance Guarantees.

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

NAME OF APPLICANT: Hendershot Construction
ADDRESS OF APPLICANT: 2249 Washington Valley Road, Martinsville, NJ 08836
ITEM: Performance Bond
DOCKET: BRA05-093
FOR: Block 463/Lot 15.01 – 1 Bertram Drive – Road Installation
NUMBER: UB0001075
INSURANCE CO./BANK: Unity Bank
IN THE AMOUNT OF: \$21,444.00
REDUCTED AMOUNT: \$ 6,433.20
REPLACE WITH: 2-Year Maintenance Bond in the amount of \$3,216.80

NAME OF APPLICANT: GLM Global
ADDRESS OF APPLICANT: 140 Fresh Ponds Road, East Brunswick, NJ 08816
ITEM: Performance Bond

DOCKET: PLN2003-0004
FOR: Block 88.02/Lot 80 – 63 Veronica Avenue – Site Improvements
NUMBER: S11195
INSURANCE CO./BANK: First Indemnity of America Insurance Company
IN THE AMOUNT OF: \$140,721.60
REDUCTED AMOUNT: \$42,216.48

NAME OF APPLICANT: GLM Global
ADDRESS OF APPLICANT: 140 Fresh Ponds Road, East Brunswick, NJ 08816
ITEM: Performance Bond
DOCKET: PLN2003-0004
FOR: Block 88.02/Lot 80 – 63 Veronica Avenue – Site Improvements
NUMBER: S11194
INSURANCE CO./BANK: First Indemnity of America Insurance Company
IN THE AMOUNT OF: \$431,347.20
REDUCTED AMOUNT: \$129,404.16

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

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 Guarantees be reduced as stated above.

Resolution #09-494 Award Bid – Land Surveying Services and Tax Map Maintenance – October 1, 2009 to September 30, 2010 – Various Vendors – Amount Not to Exceed \$25,0000 per firm for surveying services and \$19,0000 for tax map revisions.

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

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

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

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

WHEREAS, Notice of Request for Qualifications for Appraisal Services was posted on the Township website on August 20, 2009 with a deadline for proposals to be submitted on September 10, 2009; and

WHEREAS, thirteen (13) proposals were received and publicly opened;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.

- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

Vendor	Address
Finelli Consulting (Survey Services)	205 Rt. 31 North, Washington, NJ 07882
Adams, Rehmann & Heggan (Surveying Services & Tax Map Revisions)	850 S. White Horse Pike, PO Box 579, Hammonton, NJ 08037
Carrol Engineering (Survey Services)	105 Raider Blvd., Ste. 206, Hillsborough, NJ 08844
Dewbury-Goodkind Inc. (Survey Services)	2009 Broadacres Dr., 4 th Floor, Bloomfield, NJ 07003
Maser Consulting (Survey Services)	One River Centre, Bldg. 2, Red Bank, NJ 07701

SERVICE: Land Surveying Services and Tax Map Maintenance
October 1, 2009 to September 30, 2010

CONTRACT AMOUNT: Not to exceed \$25,000.00 for the surveying services and \$19,000.00 for tax map revisions for each vendor.

Resolution #09-495 Authorize Change Order – Ark Building and Remodeling, LLC – Housing Rehabilitation Contract for 83 Fuller Street – Change Order Amount: \$1,317.29 – New Contract Amount: \$12,479.00.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on July 14, 2009, authorized the awarding of a contract to

VENDOR: Ark Building and Remodeling, LLC
ADDRESS: 756 Garden Street, Rahway, NJ 07065
ITEM: Housing Rehabilitation Project – 83 Fuller Street
AMOUNT: Amount Not to Exceed \$11,161.71

WHEREAS, it was determined that additional work was needed in the amount of \$1,317.29, resulting in a new contract total of \$12,479.00; and

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 No. 1 to the contract with Ark Building and Remodeling, LLC; and

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

Resolution #09-496 Award Contract – J&A Renovation Inc. – Rehabilitation of 4307 Route 27 – Amount Not to Exceed \$22,500.00.

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

CONTRACTOR: J&A Renovation
156 Dayton Avenue
Somerset, NJ 08873
NPP PROJECT: 4307 Route 27
AMOUNT: \$9,850.00

Resolution #09-497 Authorize Stormwater Detention Facility Maintenance Agreement – Mount Caramel Church/Schnug – Block 286/Lot 14 – 350 Franklin Blvd.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Stormwater Detention Facility Maintenance Agreement with Mount Caramel Church, with offices located at 350 Franklin Blvd., P.O. Box 126, Somerset, NJ 08873 for property known as Block 286, Lot 14, also known as 350 Franklin Blvd. pursuant to the Planning Board Resolution approval dated May 18, 2005 in connection with construction of a detention basin subject to form approved by the Township Attorney, a copy of which is on file in the office of the Township Clerk and available for public inspection.

Resolution #09-498 Authorize Place-to-Place Liquor License Transfer – Franklin Park Liquors Inc. – License No. 1808-44-040-003 – t/a Wine Vista – Location: 458 Elizabeth Avenue, Suite 1-3.

WHEREAS, an application has been filed for a Place-to-Place Transfer of Plenary Retail Distribution License Number 1808-44-040-003, issued to Franklin Park Liquors, Inc. for an inactive license with a mailing address of 59 Woodview Drive, Belle Mead, New Jersey;

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;

NOW, THEREFORE BE IT RESOLVED that the Franklin Township Council does hereby approve, effective October 13, 2009, the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution licensed premises, to its new location at 458 Elizabeth Avenue, Suite 1,2,3, Somerset New Jersey, and does hereby direct the Township Clerk to endorse the license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to premises located 458 Elizabeth Avenue, Suite 1,2,3, Somerset, New Jersey.”

Resolution #09-499 Approval of 2009 Community Development Block Sub Grant Agreements.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreements with the following:

Public Facilities:

Wilentz Senior Residence – Shower Stall Conversions	\$45,000.00
Franklin Township FoodBank – Refrigeration Room	\$ 8,000.00
Franklin Twp. Environmental Commission – Community Garden	\$ 5,000.00
Sisters Network of NJ – Handicapped Ramp	\$10,000.00

Public Services:

Family & Community Svs. of SC – ARISE Program–Youth Counselor	\$14,220.00
SCCOAH – Housing Counseling	\$13,076.00
Homesharing Inc. – Homesharing Match Program	\$ 8,500.00
Major Group Foundation – Youth Connection After School Program	\$10,000.00
Curbing Hunger – Food Collection Bags	\$ 690.00

Resolution #09-500 Accept Resignation of Daniel Higgins from Trails Advisory Committee.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Daniel Higgins as a Regular Member of the Trails Advisory Committee, effective immediately.

Resolution #09-501 Award Contract – Electric Services, As Needed – Bryant Electrical Services & Contracting – November 1, 2009 to October 31, 2010 – Not to Exceed Maximum Amount of \$28,999.00.

WHEREAS, the Township of Franklin desires to contract for the following:

VENDOR: Bryant Electrical Services & Contracting
6 Jersey Avenue, Piscataway, NJ 08854
SERVICE: Electrical Services as needed – 11/01/09 to 10/31/10
COST: Not to Exceed \$28,999.00

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract; 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 company; and

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

Resolution #09-502 Award Bid – Chiller for 495 DeMott Lane – Gabe Sganga Inc. – Amount Not to Exceed \$107,675.00.

WHEREAS, a notice to bidders for the receipt of bids for Chiller for 495 DeMott Lane was published in the *Courier News* and posted on the Township's website on July 27, 2009, addendums on August 4, 2009; August 6, 2009 and August 12, 2009 and receipt was on August 25, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Chiller for 495 DeMott Lane:

VENDOR: Gabe Sganga Inc.
ADDRESS: 90 Main Street, Farmingdale, NJ 07727
ITEM: Chiller for 495 DeMott Lane
AMOUNT: Amount Not to Exceed \$107,675.00

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

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

Resolution #09-503 Authorize Refund of Deposits for Construction Water Meters.

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

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

APPLICANT: A&E Construction

ADDRESS: 152 Garrett Road, Upper Darby, PA 19082
AMOUNT DEPOSITED: \$2,170.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 495.00
AMOUNT TO BE REFUNDED: \$1,625.00

APPLICANT: Renda Roads Inc,
ADDRESS: PO Box 89, Whitehouse, NJ 08888
AMOUNT DEPOSITED: \$2,145.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 264.50
AMOUNT TO BE REFUNDED: \$1,880.50

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

Resolution #09-504 Authorize Issuance of Special Event Permit – PNC Bank – 3151 Route 27, Franklin Park – Family Fun Event – October 24, 2009 – 10:00 am to 12:30 pm.

WHEREAS, a request has been received from PNC Bank for permission to conduct the Family Fun Event, at the PNC Bank branch office, 3151 Route 27, Franklin Park from 10:00 am to 12:30 pm on October 24, 2009; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to PNC Bank conduct the Family Fun Event on October 24, 2009 from 10:00 am to 12:30 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-505 Authorize Issuance of Special Event Permit – Meadows Foundation Inc. – Hageman Farm – 209 South Middlebush Road – Olde Fashioned Christmas – December 13, 2009 – 1pm to 4:00 pm.

WHEREAS, a request has been received from Meadows Foundation for permission to conduct the Olde Fashioned Christmas event at the Hageman Farm from 1:00 pm to 4:00 pm on December 13, 2009; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct the Olde Fashioned Christmas Event on December 13, 2009 from 1:00 pm to 4:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

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

Resolution #09-506 Award Bid – Duplicating Services – November 1, 2009 to October 31, 2010 – Somerset Management Group – Amount Not to Exceed \$15,000.00.

WHEREAS, a notice to bidders for the receipt of bids for Duplicating Services (Categories: Single Copies, Carbonless Sets, Business Cards) – November 1, 2009 to October 31, 2010 was published in the *Courier News* and posted on the Township's website on September 3, 2009 and receipt was on October 1, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Duplicating Services (Categories: Single Copies, Carbonless Sets, Business Cards) – November 1, 2009 to October 31, 2010:

VENDOR: Somerset Management Group
ADDRESS: 80 Veronica Avenue, Somerset, NJ 08873
ITEM: Duplicating Services (Categories: Single Copies, Carbonless Sets, Business Cards) – November 1, 2009 to October 31, 2010
AMOUNT: Amount Not to Exceed \$15,000.00

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

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

Resolution #09-507 Authorize Issuance of Special Event Permit – Harris House/University Heights – Naaman Williams Park – October 25, 2009 – 2:00 pm to 4:00 pm.

WHEREAS, a request has been received from University Heights & Harris House for permission to conduct the Community Outreach Endeavor at the Naaman Williams Park from 1:00 pm to 4:00 pm on October 25, 2009. The organization will be distributing free socks, scarves and gloves to neighborhood school-age children; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct the Community Outreach Endeavor at Naaman Williams Park on October 25, 2009 from 1:00 pm to 4:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

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

Resolution #09-508 Extend Competitive Contract – Rescue Squad Services for Residents – One Year Extension – August 1, 2009 to July 31, 2010 – Robert Wood Johnson Health Network.

WHEREAS, the Township of Franklin is desirous of extending the competitive contract for Rescue Squad Services for the residents of Franklin Township for a one-year period; and

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

BE IT RESOLVED by the Township Council of the Township Council of the Township of Franklin, Somerset County, NJ that the following contract be extended to:

ROBERT WOOD JOHNSON HEALTH NETWORK
120 Albany Street, Suite #750
PO Box 2601
New Brunswick, NJ 08903-2601

Rescue Squad Services for Residents

One year contract which can be extended annually at the existing terms and conditions if mutually acceptable to the Township of

Franklin and Robert Wood Johnson Health Network – August 1, 2009
to July 31, 2010

BE IT FURTHER RESOLVED that the Mayor and Township Council be and the same are hereby authorized to extend a contract with the above listed provider; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

Resolution #09-509 Extend Contract – Credit Cards for Municipal Court – December 1, 2009 to November 30, 2010 – TD Bank (formerly Commerce Bank).

WHEREAS, on June 29, 2006, the Township Council awarded a two-year contract to Commerce Bank for the use of credit cards in the Municipal Court as per Resolution #06-289 and extended for one year on October 14, 2008 as per Resolution #08-569; and

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

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

WHEREAS, the Township and TD Bank (formerly Commerce Bank) have agreed to the extension of this contract; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to extend a contract for the period of December 1, 2009 to November 30, 2010 with TD Bank (formerly Commerce Bank) as per the original contract and specifications.

APPOINTMENTS

Mr. Vassanella suggested that after the next meeting, only those appointments that have a term past December 31, 2009 be left on the agenda. He asked that the Township Clerk start sending letters out to those whose appointments are expiring this year and to continue to work on the 2009 attendance for the boards and commission.

EXECUTIVE SESSION

Upon motion by Deputy Mayor Glicklich, seconded by Mr. Mettler, the agenda was amended to include an Executive Session at the end of the Regular Meeting. Said motion carried unanimously upon call of the roll.

Mayor Levine presented the following resolution:

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

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

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

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

2 The general nature of the subject matter to be discussed is as follows:

a) *Litigation:*

- i. *Kings Row Homes, LLC v. Township of Franklin, et al. Docket No.: SOM-L-953 & SOM-L-954-09*
- ii. *LeMieux v. Rutgers, John Van Cleef, Bonnie Van Cleef & Township of Franklin – Docket No. C-12114-08*
- iii. *Construction Code Matters: Pulte Homes Appeal*
- iv. *Real Property Tax Appeals*

3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.

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

5 This resolution shall take effect immediately.

Ms. Danile returned to the meeting at 9:42 p.m.

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

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

The meeting adjourned into Executive Session at 9:43 p.m.

Upon motion by Deputy Mayor Glicklich and seconded by Ms. Danile, the meeting reconvened at 10:20 p.m. Said motion carried unanimously upon call of the roll.

Mayor Levine announced that the Township Council discussed the following:

a) *Litigation:*

- v. *Kings Row Homes, LLC v. Township of Franklin, et al. Docket No.: SOM-L-953 & SOM-L-954-09*
- vi. *LeMieux v. Rutgers, John Van Cleef, Bonnie Van Cleef & Township of Franklin – Docket No. C-12114-08*
- vii. *Construction Code Matters: Pulte Homes Appeal*
- viii. *Real Property Tax Appeals*

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

ADJOURNMENT

Deputy Mayor Glicklich moved to adjourn the meeting at 10:22 p.m. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *November 10, 2009*

Ann Marie McCarthy, Township Clerk