

The Special Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 6:15 p.m.

Mayor Levine read the following statement: “In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Special 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, indicating that this Special Meeting would take place at the Franklin Township 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.

The Township Clerk called the roll.

Present: Ms. Danile (arrived AT 6:58 p.m.) Ms. Eberle, Deputy Mayor Glicklich, Mayor Levine, Mr. Mettler, Mr. Vassanella

Absent: Ms. Francois, Mr. Prasad, Mr. Sumter

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

PUBLIC DISCUSSION

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

Mayor Levine stated that the meeting was open for public discussion on any item of interest which did not have a public hearing of its own. Anyone interested in speaking should raise their hand and when recognized, give their name and address. The public should limit their time to 2 minutes per speaker.

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

EXECUTIVE SESSION

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) *Acquisition of Property – Terhune Farm*
 - b) *Contract Negotiation Strategies*
 - c) *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.

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

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

The meeting adjourned into Executive Session at 6:15 p.m.

Upon motion by Ms. Danile and seconded by Mr. Mettler, the meeting reconvened at 7:15 p.m. Said motion carried unanimously upon voice vote.

Mayor Levine announced that the Township Council discussed the following:

- a) *Acquisition of Property – Terhune Farm*
- b) *Contract Negotiation Strategies*

The other items will be discussed at an Executive Session held at the end of the Regular Meeting.

ADJOURNMENT

Upon a motion made by Mr. Danile, seconded by Mr. Mettler and unanimously approved, meeting was adjourned at 7:25 p.m.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *November 10, 2009*

Ann Marie McCarthy, Township Clerk