

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 7:05 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 27, 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 (arrived at 10:05 p.m.), Ms. Eberle, Ms. Francois, Deputy Mayor Glicklich (arrived at 7:1 p.m.), Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter, Mr. Vassanella

Absent: None

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

REPORT ON 10/23/09 EVENT AT HIGH SCHOOL

Mayor Levine announced the agenda has been amended to include a report from the Township regarding an incident that occurred on Friday, October 23rd at the Homecoming Dance at the High School. He outlined how this meeting would be conducted. He introduced everyone sitting at the dais. He stated there would be independent investigations conducted. He stated the Council holds the following principles: openness, fairness and transparency. He stated they will separate fact from fiction and find the truth. He noted this is not a political issue. He ended by stating this is still a great community.

Leslie London, Township Attorney, stated Council is not in any position to respond in any detail to any questions brought forth. She further stated it would be inappropriate to respond during an on-going investigation. She stated Council is interested in hearing from everyone regarding the facts and asked that everyone be patient.

Deputy Mayor Glicklich, reported on a meeting held on Sunday, October 25th attended by himself, Mayor Levine, the Police Chief, Deputy Police Chief, the Township Manager, the Superintendent of Schools and members of the Board of Education and Township Council. Those in attendance felt the people of the community have the right to all facts as known and all voices to be heard. He stated the investigation is on-going and it would be improper to discuss the matter at this time.

Mayor Levine read the following statement:

“On Friday, October 23rd at the end of the Franklin High School Homecoming Dance, a group of students who had left the dance attempted to re-enter the high school. They were denied re-entry by the police officer assigned to the entrance. It is an existing school practice that once students leave an event such as a school dance, they are denied re-entry into the building. One of the students attempted to push past the police officer at the door. When the police officer attempted to stop him, the student shoved him and began to attack him. He was joined by his friends who also began attacking the police officer. The other police officer assigned to the dance rushed over to assist the officer who was being attacked. The second officer also came under attack and began to use pepper spray to stop the students from fighting. The officer also called for additional assistance.

The Franklin Township Police Department received the call for back-up and made the decision to call for Mutual Aide which is a customary procedure. This resulted in police responding from New Brunswick, Piscataway, Hillsborough, Bound Brook, and South Bound Brook. The incident started at about 9:55 p.m. and was brought under control by approximately 10:25 p.m.

Complaints were filed against seven juveniles and five adults.

Four police officers received injuries that included a separated shoulder, a fractured wrist, head injuries, and a broken finger.

One student was taken to the emergency room and treated for a bruised calf. Many students expressed difficulty breathing as a result of being exposed to the pepper spray as it diffused in the air outside of the Events Lobby doors and in the Events Lobby. It should be noted that pepper spray is a non-lethal irritant with no lasting effects. It should also be noted that 30 adults which consisted of Administrators, Board of Education members, Parents and Security were present at this homecoming event.

The district administration is presently waiting for the township police department to conclude its investigation of this matter, which includes an independent investigation requested by the Franklin Township Chief of Police. The high school administration is also conducting its own investigation.

We will provide further updates as more information becomes available.”

Police Chief Craig Novick expressed it was a sad day for Franklin Township. He spoke of his deep concern regarding the incident that occurred on October 23rd. He announced he is personally requesting an independent investigation by the County Prosecutor’s Office. He stated he is committed to the Township and the community and he is taking this matter seriously. He spoke of the ten years under his leadership where the relationship between the Police Department and the community has been good. He spoke of the time needed to heal and the need for teamwork. He stated the Police Department supports the community and will work to regain the community’s trust and support. He asked the residents to be patient during the investigation and allow the time to gather the facts and to conduct the investigation correctly.

PUBLIC DISCUSSION

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

Ed Seto, Superintendent of Schools, thanked the Mayor, Council and residents for the opportunity to speak during this difficult time. He spoke of his concerns and troubles regarding this matter. He reassured the community the School Board would be conducting their own investigation under the direction of the Director of Student Advocacy, Orville Wilson and senior members of the Administration. He stated the findings of their complete review will be made public to the Board of Education and the residents. He stated those responsible will be held accountable. He asked for patience while a thorough and complete investigation was being conducted. He stated he would be giving his full attention to this matter and would be monitoring the investigation carefully.

The following speakers expressed their concerns, voices their opinions, presented their accounts; and asked for help of the aforesaid incident (only one speaker did not speak regarding the incident, Jennifer Benning):

- Lester Richard Voorhees, 52 Donald Avenue
- Richard Hemingway, 246 Park Street
- Julia Presley, Associate Pastor, First Baptist Church of Lincoln Gardens, 21 King Road
- Shanell Robinson, 196 Delmonico Avenue
- Dave Richards, 36 Johnson Road
- Ashley Robinson, FHS Student
- Cheryl Barnes, Security Officer, 993 Hamilton Street

- Jennifer Benning, 1995 Amwell Road, spoke of the letter sent to the crossing guards regarding payment for health benefits.
- Michele Treadwell, 12 Norris Road
- Gregory Smith, 24 Landry Road
- Ken Reed, 510 Wheeler Place
- Saloni Gupta, 44 Valleywood Drive
- Catherine Yabut, 2 Meadowlark Lane
- Zoey Richards, 36 Johnson Road
- Mabel Arinzeh, 108 Drake Road
- Cheryl Cotten, 12 Margaret Drive
- Fred Carell, Eatontown
- Deadra Sanders, 18 Cornelius Way
- Ayla Pierce, Senior FHS
- Frank Simpson, New Brunswick
- Renita Thomas, 19D Ari Drive
- Sharell Scott, Student at FHS
- Carell Robinson, New Student at FHS
- Cynthia Weston, 10 Monet Court
- Lulu Harris, New Brunswick
- Nina Rogers, 199 Rachel Court
- Tobie Hemingway, 346 Park Street
- Rhianna Jack, 37 Stratford Drive
- Richard Hemingway, 346 Park Street
- Lester Richard Voorhees, 52 Donald Avenue
- Deon Muhammad, 1427 Hamilton Street
- Carolyn Bennett, 17 Drake Road
- Eddie Webb, 26 Tamarack Road
- Chelsea Tibbit, Jr at FHS
- Glen (inaudible), 44 Park Street
- Linda Sterling, 15 Foxwood Drive
- Julia Presley, 21 King Road
- Jamila McCoy, 1405 Holland Drive
- Joseph Corbin, Plainsboro, NJ
- Stacey Ramos, 9 King Road
- Demitris Danzi, Sr Student at FHS
- Fred Phillips, Sr Student at FHS
- Sonia Beatty, 1 Kristen Court
- Keisha Hartley, 504 Coventry Lane
- No Name Given
- Mabel Arinzeh, 108 Drake Road
- Tracy Donaldson, No Address Given
- Barbara Upshaw, 159 Codington Avenue
- Clay D. Grave Sande, 35 Magnolia Avenue
- Janine King, (inaudible)
- Anonymous
- Sonya Gray, Dayton Avenue
- Kareem Cole, Student
- (Inaudible), Franklin Park
- Marguerite Grave Sande, 35 Magnolia Road
- Carlton Shellye, 4 Gary Court
- Dana Brown, 14 Cobbler Circle
- Jacob Reed, 11 Grove Street
- Bonita Gray, 57 Eugene Avenue
- Lester Richard Voorhees, 52 Donald Avenue
- Sarita Williams, 1 Elmwood Street
- Geraldine Fudge, 35 Ray Street
- Rev. Daryl Perkins, Pastor, Eternal Life Christian Church, 322 Franklin Blvd.
- Melvina Barlay, 188 Matilda Avenue
- Ainsley Reynolds, 321 Ralph Street

(Ms. Danile arrived at the meeting at 10:05 p.m.)

- Jamal Farakan, SGS

- Andre Reed, (inaudible)
- Rhianna Jack, 37 Stratford Drive
- Kareem Cole, Eugene Avenue
- Julia Presley, 21 King Road
- DeMaris Brown, 176 Victor Street
- Richard Barber, State Board, NAACP
- Donna Blackburn, 31 Montose Road
- Crystal Kalabash, 11 (inaudible)
- Richard Hemingway, 246 Park Street
- Eddie Webb, 26 Tamarack Road
- John Tibbs, 107 Mark Street
- Willie Goods, 600 Easton Avenue
- Janine McKinney, (inaudible)

At 10:32 p.m., the meeting recessed for 20 minutes. During this time, Mr. Daly left the meeting and did not return.

Due to the lateness of the hour, the Township Council dispensed for the Mayor's Report; the Deputy Mayor's Report and Council Comments/Reports.

The meeting resumed at 10:52 p.m.

COUNCIL DISCUSSION ITEMS

Scheduling of 2010 Joint Meeting with Multiple Boards/Commissions

Both Deputy Mayor Glicklich and Mr. Vassanella agreed to table this discussion item until the next Council meeting.

2010 CDBG Program with Somerset County – The Simuel Whitfield Simmons Organization – Visions without Boundaries Mentorship Program

Public Hearing

Ms. Francois moved to open the meeting to the public for a hearing on the application by The Simuel Whitfield Simmons Organization – Visions without Boundaries Mentorship Program to the 2010 CDBG Program with Somerset County. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Mayor Levine announced the meeting is open to the public on the application by The Simuel Whitfield Simmons Organization – Visions without Boundaries Mentorship Program to the 2010 CDBG Program with Somerset County. Anyone interested in speaking, to raise their hands and when recognized, state their name and address.

Natasha Rogers, 20 Dove Road, founder and CEO of The Simuel Whitfield Simmons Organization. She provided an overview of the organization and its application.

Ainsley Reynolds, 321 Ralph Street, asked for clarification of the program application.

Mr. Vassanella moved to close the meeting to the public for a hearing on the application by The Simuel Whitfield Simmons Organization – Visions without Boundaries Mentorship Program to the 2010 CDBG Program with Somerset County. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Resolution #09-511

Mayor Levine presented the following resolution:

WHEREAS, the Somerset County Community Development Block Grant (SCCDBG) Program requires local approval of applications submitted to the Somerset County Community Development Block Grant (SCCDBG) Program;

WHEREAS, The Simuel Whitfield Simmons Organization is located in Franklin Township and wishes to make application to the Somerset County Community Development Block Grant (SCCDBG) Program for Visions Without Boundaries Mentorship Program in the amount of \$50,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey that it hereby approves The Simuel Whitfield Simmons Organization’s application to the Somerset County Community Development Block Grant (SCCDBG) Program for funds in the amount of \$50,000.00 for the Visions Without Boundaries Mentorship Program.

The aforesaid resolution was moved by Mr. Vassanella and seconded by Mr. Prasad. Said motion 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 | Mettler | | | |
| Prasad | Sumter | | | |
| Vassanella | | | | |

APPROVAL OF MINUTES

Mayor Levine presented the following minutes for approval: September 8, 2009 Work Session/Regular Meeting; September 22, 2009 Work Session/Regular Meeting and Executive Session.

Deputy Mayor Glicklich moved the approval of the following minutes: September 8, 2009 Work Session/Regular Meeting; September 22, 2009 Work Session/Regular Meeting and Executive Session. 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 | | Danile (9/22 ES) | |
| Francois | Glicklich | | | |
| Levine | Mettler | | | |
| Prasad | Sumter | | | |
| Vassanella | | | | |

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$5,937,808.44 for October 27, 2009 to the Township Council for payment:

| | | |
|----|----------------------|--------------|
| 1 | Current | 931,188.47 |
| 2 | Grant | 3,020,671.04 |
| 3 | Tax Title Lien | |
| 4 | General Capital | 48,278.96 |
| 5 | Water | 564,799.68 |
| 6 | Water Capital | |
| 11 | Recreation Trust | 8,941.42 |
| 12 | Trust Others | 1,226,330.39 |
| 13 | Unemployment | |
| 15 | Redevelopment | |
| 17 | Animal Control | |
| 19 | Self Insurance | |
| 20 | Affordable Housing | |
| 30 | Payroll | 63,800.00 |
| 37 | Police Forfeiture | 29,378.88 |
| 39 | Worker’s Comp | |
| 40 | Open Space | |
| 42 | Redevelopment Escrow | 68.42 |
| 50 | County Imp Auth Fund | 1,843.00 |

| | |
|-------------|--------------|
| Subtotal | 5,895,300.26 |
| Escrow | 42,508.18 |
| Grand Total | 5,937,808.44 |

Ms. Francois moved that warrants in the amount of \$5,937,808.44 for October 27, 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 | | | |
| Francois | Glicklich | | | |
| Levine | Mettler | | | |
| Prasad | Sumter | | | |
| Vassanella | | | | |

PUBLIC HEARING AND ADOPTION OF ORDINANCE ON SECOND READING

Ordinance No. 3852

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF AN INTERCONNECTION WITH THE CITY OF NEW BRUNSWICK FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF

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. Prasad 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 Mr. Sumter 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 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 | Mettler | | | |
| Prasad | Sumter | | | |
| Vassanella | | | | |

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 24, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Vassanella asked if the Hamilton Street Business and Community Corporation have been contacted regarding this ordinance. Deputy Mayor Glicklich replied Council would receive their comments and/or support of the ordinance prior to public hearing.

Ms. Francois left the meeting at 11:10 p.m.

Mr. Sumter expressed his support to table the ordinance. Mr. Mettler stated he would support to table the ordinance. Mr. Vassanella stated he would support to introduce the ordinance. He stated he wanted to make sure the HSBCC supported the ordinance and was not left out of the process. Ms. Danile clarified the ordinance prohibits idling and it only allows an office. Mr. Prasad added it is not a hang out or a taxi stand.

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. 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 | | | |
| Mettler | Prasad | | | |
| Sumter | Vassanella | | | |

Ordinance No. 3857

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS AND SECTION 226-20 – STOP INTERSECTIONS.

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 24, 2009 at 7:00 p.m. in the Municipal Complex.

Ms. Vassanella clarified parking is only prohibited on the sections on Castleton near the driveways. Ms. London stated the 60 days in the ordinance has been changed to 90 days.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 24, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3858

Mayor Levine presented the following ordinance:

ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IDENTIFIED ON THE TOWNSHIP'S TAX MAP AS BLOCK 298, LOT 11 (304 HILLCREST AVENUE) IN CONNECTION WITH THE SETTLEMENT OF LITIGATION.

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 124, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 24, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

CONSENT AGENDA ITEMS

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

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

Resolution #09-493 Authorize Approval of Agreement between the Township of Franklin and the Township of South Brunswick concerning the Supplying of Water by South Brunswick to a portion of Franklin.

WHEREAS, the Township of Franklin recognizes the need to supply water to the residents of the Township of Franklin; and

WHEREAS, the Township of Franklin and the Township of South Brunswick previously determined to mutually cooperate to supply said water for the benefit of the citizens of the Township of Franklin and for that purpose entered into prior agreements governing same; and

WHEREAS, the governing bodies of the Township of Franklin and the Township of South Brunswick wish to continue said agreements for the supply of water by South Brunswick to the Township of Franklin by way of said agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Franklin, County of Somerset does hereby authorize the Mayor and Township Clerk to execute said interlocal agreements, as approved by the Franklin Township Attorney and to be on file with the Township Clerk.

Resolution #09-512 Authorize Refund of 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.

| <u>Block/Lot</u> | <u>Name/Address</u> | <u>Quarter/Year</u> | <u>Amount</u> |
|-------------------------|--|-----------------------------------|----------------------|
| 424.08/241 | Jennifer Zerbe 6 Cuomo Court Millstone, NJ 08535 | 3/09 pd at closing & title co. | 64.35 |
| 83/19.01 | Township of Franklin | 2/09 move to next year | 196.40 |
| 20.10/11.02 C3405 | Rivera, Carol 42 DeLeon Circle Franklin Park, NJ 08823 | 4/09 – Homestead Rebate | 75.76 |
| 34.06/16.05 C0111 | Hussain, Mohammad 1 Amberly Ct. Franklin Park, NJ 08823 | 4/09 – Homestead Rebate | 21.62 |
| 34.09/59.02 C0424 | Chillemi, Virginia 34 Sapphire Lane Franklin Park, NJ 08823 | 4/09 – Homestead Rebate | 04.60 |
| 67/8 | Norcia, Virginia 238 High Street Stirling, NJ 07980 | 4/09 – Homestead Rebate | 50.23 |
| 85/56.03 C0063 | Szilva, Sandra 63 Kingsberry Drive Somerset, NJ 08873 | 4/09 – Homestead Rebate | 1,146.32 |
| 85/56.03 C0090 | May, Thomas & Barbara 90 Kingsberry Drive Somerset, NJ 08873 | 4/09 – Homestead Rebate | 155.91 |
| 282/12 | Cook, Seaborn & Nellie 23 Waldorf Street Somerset, NJ 08873 | 4/09 – Homestead Rebate | 574.78 |
| 287.01/6.02 | Aldrich, Diane 19 Tall Oaks Road Somerset, NJ 08873 | 4/09 – Homestead Rebate | 1,080.69 |
| 287.02/32.11 | Brown, Eugene & Tammy 3 Tall Oaks Road Somerset, NJ 08873 | 4/09 – Homestead Rebate | 123.54 |
| 287.01/50 | Bolton, Clyde & Emma 43 Arden Street Somerset, NJ 08873 | 4/09 – Homestead Rebate | 250.45 |
| 293/25 | Ruiz, Guadalupe 431 Arthur Avenue Somerset, NJ 08873 | 4/09 – Homestead Rebate | 1,280.85 |
| 306/5 | Thomas, Virginia 153 Hillcrest Avenue Somerset, NJ 08873 | 4/09 – Homestead Rebate | 330.18 |
| 309/14 | Orders, Gail 128 Hillcrest Avenue, Somerset, NJ 08873 | 4/09 – Homestead Rebate | 1,250.00 |

| | | | |
|-----------------------|--|------------------------------|----------|
| 341/33 | Giannotto, Lisa 19 Comstock St. New Brunswick, NJ 08903 | 4/09 – Homestead Rebate | 1,009.20 |
| 360/39 | Njieha, Francois 193 Berger Street Somerset, NJ 08873 | 4/09 – Homestead Rebate | 329.94 |
| 372/31 | McCoy, Geneva 32 King Road Somerset, NJ 08873 | 4/09 – Homestead Rebate | 211.63 |
| 384/21 | Weinberg, Mindy 9 Hamlet Court Somerset, NJ 08873 | 4/09 – Homestead Rebate | 11.19 |
| 423.01/17.09 | Watson, Dennis & Beverly 2 Michelangelo Ct. Somerset, NJ 08873 | 3/09 – Title Co. Overpaid | 1,185.05 |
| 424.08/14.01 C0008 | Wilkins, Jackqualine 8 Bolton Court Somerset, NJ 08873 | 4/09 – Homestead Rebate | 786.42 |

Resolution #09-513 Authorize Fireworks Displays – The Palace at Somerset Park – Saturday, November 7, 2009 (Jain/Shreemal Wedding); Sunday, November 8, 2009 (Gamboa/Fernandez Wedding); Friday, November 20, 2009 (Hurley/Zarzycki Wedding); and Sunday December 13, 2009 (Ciccotto/Scott Wedding) – All displays are 10-12 minutes and begin at 9:00 p.m.

WHEREAS, has made application for permission to hold a fireworks displays in conjunction with the following weddings to be conducted at The Palace at Somerset Park, Davidson Avenue, Somerset:

| | |
|----------------------------|---------------------|
| Saturday, November 7, 2009 | Jain/Shreemal |
| Sunday, November 8, 2009 | Gamboa/Fernandez |
| Friday, November 20, 2009 | Hurley/Zarzycki |
| Sunday, December 13, 2009 | Ciccotto/Scott; and |

WHEREAS, the Uniform Fire Code (NJAC 5:18 et seq.) and the New Jersey Fireworks Act (NJSA 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by organizations or groups of individuals;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission for a fireworks displays in conjunction with the following weddings to be conducted at The Palace at Somerset Park, Davidson Avenue, Somerset:

| | |
|----------------------------|---------------------|
| Saturday, November 7, 2009 | Jain/Shreemal |
| Sunday, November 8, 2009 | Gamboa/Fernandez |
| Friday, November 20, 2009 | Hurley/Zarzycki |
| Sunday, December 13, 2009 | Ciccotto/Scott; and |

subject to the following conditions:

- (1) Submission to the Director of Fire Prevention of an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;
- (2) Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;

- (3) Submission of Certificate of Insurance by the Ukrainian Cultural Center covering the fireworks; and
- (4) Submission of Surety as per N.J.S.A. 21:3-5.

Resolution #09-514 Authorize Release of Performance Guarantee Subject to Replacement of Maintenance Bond.

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

NAME OF APPLICANT: Hendershot Construction (formerly VIP Shah)
 ADDRESS OF APPLICANT: 2249 Washington Valley Road, Martinsville, NJ 08836
 ITEM: Performance Bond
 DOCKET: BRA05-093
 FOR: Block 463/Lot 15.01
 NUMBER: UB0001075
 INSURANCE CO./BANK: Unity Bank
 IN THE AMOUNT OF: \$6,433.20

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantees, subject to the receipt of a 2-year Maintenance Bond in the amount of \$3,216.80;

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, subject to the receipt of a 2-year Maintenance Bond in the amount of \$3,216.80.

Resolution #09-515 Authorize Release of Planning Review Escrows.

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

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

| | | | |
|------------------------|---------------------------------------|------------------|--------------------|
| APPLICANT: | Girard 444 | | |
| ADDRESS: | 324 Bennetts Lane, Somerset, NJ 08873 | | |
| DOCKET NO. | PLN2005-0062 | | |
| BLOCK/LOT: | 347/46-49 | | |
| LOCATION: | 444 Girard Avenue | | |
| TYPE: | Plan Review | | |
| AMOUNT DEPOSITED: | \$637.50 (Atty) | \$820.00 (Heyer) | \$1042.50 (In-Hse) |
| AMOUNT CHARGED: | <u>637.50</u> | <u>820.00</u> | <u>1022.82</u> |
| AMOUNT TO BE REFUNDED: | \$ 0.00 | \$ 0.00 | \$ 19.68 |

Resolution #09-516 Authorize Developer’s Agreement with Leewood Renaissance # Franklin, LLC.

WHEREAS, Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter "Mount Laurel II"), the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the regulations adopted by the Council on Affordable Housing (hereinafter "COAH"), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate income housing (hereinafter "affordable housing"); and

WHEREAS, Leewood Renaissance @ Franklin, LLC is the designated developer of Blocks 141.01, Lots 1-15; Block 149, Lots 1-33; Block 150, Lots 26.01, 28-42, 52-85, 94-127 and 136-150; Block 151, Lots 1-11 and 24-42 (the "Developer") pursuant to that certain

Redevelopment Agreement entered into between the Developer and the Franklin Township Redevelopment Agency; and

WHEREAS, the Developer seeks to construct up to 209 dwelling units, of which a minimum of fifty percent shall be low or moderate affordable units distributed in accordance with the Uniform Housing Affordability Controls ("UHAC") requirements for Council on Affordable Housing ("COAH") credit, known as the Leewood Renaissance at Franklin Project (the "Project"); and

WHEREAS, by Resolution No. 07-612 adopted on December 20, 2007 the Township Council amended its approved Spending Plan to include the Project and specifically provide for a \$1 million subsidy contribution from the Township's Affordable Housing Trust Fund (the "Trust Fund") to the Project; and

WHEREAS, said Resolution also authorized the Mayor and Township Clerk to execute a Developer Agreement with the Developer which would provide for the limited use of the monies from the Trust Fund for Site acquisition ("Property Acquisition") and/or public infrastructure improvements related to the Site, and provide for the incorporation of appropriate guarantees to ensure that the requisite obligations would be satisfied by the Developer prior to disbursement of such Funds; and

WHEREAS, said Resolution further required that the Developer Agreement appropriately coordinate with the Interlocal Agreement between the Redevelopment Agency of Franklin Township ("Redevelopment Agency") and the Franklin Township Sewerage Authority (dated October 15, 2007), and the Redevelopment Agreement between the Redevelopment Agency and the Developer; and

WHEREAS, the Township's Amended Spending Plan and the Township's proposed subsidy contribution to the Developer from the Trust Fund for the Project, was approved by COAH by Resolution No. 07-1929 on December 17, 2007; and

WHEREAS, the Developer and the Township have set forth the terms and conditions with respect to the Developer's use of such Funds in a Developer Agreement by which both parties intend to be bound.

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 a Developer's Agreement with Leewood Renaissance @ Franklin, LLC with respect to the Project, essentially in the form attached hereto which shall include the following:

1. The monies shall be payable only from the Township's Affordable Housing Trust Fund.
2. The monies shall go only towards site acquisition and public infrastructure improvements related to the Project.
3. The public infrastructure improvements shall include the construction of the Pump Station that will serve the Project, and improvements involving sewer, water, sanitary sewer, roadway, parking lots, sidewalk, curbing, electric and light standards for roadways or parking lots and ancillary improvement, e.g. excavation, whether to be dedicated to the Township or not, on a percentage of completion draw basis.
4. Payment shall be released to the Developer by the Township for site acquisition costs after the Developer has provided the Township with a copy of the signed contract to purchase such property. Payment shall be released to the Developer for public infrastructure improvements costs after submission and approval of appropriate documentation regarding satisfactory completion and installation of such improvements.

Resolution #09-517 Authorize Change Order No. 1 – T&M Associates – Construction Inspection and Engineering Services – Route 518 Water Booster Pump Station Improvements – Additional Amount: \$1,219.54 – New Contract Amount: \$17,219.54.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey authorized the awarding of a contract to

T&M Associates
11 Tindal Road, Middletown, NJ 07748-2792
Contract Amount: \$16,000.00

WHEREAS, the contract awarded to T&M Associates for the construction inspection and engineering services for Route 518 Water Booster Pump Station Improvements is in need of a change order in the amount of \$1,219.54 as a result of additional work that is needed due to a pressure value and chamber that needed to be designed and installed; 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 in the amount of \$1,219.54 to the original contract of \$16,000.00 awarded to T&M Associates, resulting in a new contract total of \$17,219.54; 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 #09-518 Award Somerset County Co-Op Bid – Old Castleton Precast Inc. – Recast Concrete Pipe – Amount Not to Exceed \$9,672.64.

WHEREAS, the Township of Franklin desires to purchase items as follows through Somerset County Cooperative Bid:

VENDOR: Old Castle Precast, Inc.
1920 12th Street, Williamstown, NJ 08094
Hillsborough, NJ 08844
Somerset County Coop Bid CC-26-08

ITEMS: Purchase of Recast Concrete Pipe
COST: \$9,672.64

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.

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.

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 Somerset County Cooperative Bid.

Resolution #09-520 Authorize Execution of Agreement with RPM Development, LLC and Life Management, Inc. regarding Payment of Funds.

WHEREAS, RPM Development, LLC, the designated developer of a redevelopment project located within the Township's Renaissance 2000 Redevelopment Area, known as Franklin Commons; and

WHEREAS, pursuant to the Developer Agreement executed between RPM Development, LLC and the Township, the Township has authorized the reimbursement of certain costs incurred by RPM in furtherance of the redevelopment project and subject to

submission of certain documentation of satisfactory completion of the RPM's obligations as set forth in the Developer Agreement and approval by the Township; and

WHEREAS, RPM has requested that the Township, upon such satisfaction of its obligations and subsequent Township approval of their costs for reimbursement, in lieu of making such reimbursement payment directly to RPM, that such reimbursement be made to Life Management, Inc., a non-profit organization which will be providing social services to the residents of the redevelopment project; and

WHEREAS, the Municipal Attorney has reviewed the form of Agreement between the parties regarding such payment and have approved same.

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 Agreement by and among RPM Development, LLC, Life Management, Inc. and the Township.

Resolution #09-521 Award Bid – Fire Hydrants (one-year) – Kennedy Culvert & Supply – Amount Not to Exceed \$90,000.00.

WHEREAS, a notice to bidders for the receipt of bids for Fire Hydrants was published in the *Courier News* and posted on the Township's website on September 24, 2009 and receipt was on October 8, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Fire Hydrants:

VENDOR: Kennedy Culvert & Supply
ADDRESS: 8000 Midlantic Drive, Suite 200N, Mt. Laurel, NJ 08854
ITEM: Fire Hydrants – One-year
AMOUNT: Amount Not to Exceed \$90,000.00

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 #09-522 Authorize Release of Street Opening Escrows.

WHEREAS, the following have deposited a Bond Surety for Street Opening Permits; and

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

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

Permit Number: 08-00058
Opening Location: 57 Battle Place, Unit A
Block/Lot: 135.01/23.01
Applicant's Name & Address: D&P Construction Inc.

Escrow/Bond Surety: 725 S. 27th Street, Easton, PA 18045
Check# & Bank \$750.00
#2904 – PNC Bank

Permit Number: 08-00059
Opening Location: 57 Battle Place, Unit B
Block/Lot: 135.01/23.01
Applicant's Name & Address: D&P Construction Inc.
725 S. 27th Street, Easton, PA 18045

Escrow/Bond Surety: \$750.00
Check# & Bank #2902 – PNC Bank

Permit Number: 08-00063
Opening Location: 36 Annapolis Avenue
Block/Lot: 101/72.02
Applicant's Name & Address: Churchill Estates LLC
790 Hamilton Street, Somerset, NJ 08873

Escrow/Bond Surety: \$750.00
Check# & Bank #2708 – New Millennium Bank

Resolution #09-523 Amend Resolution #09-494 – Award Fair and Open Professional Services Agreements for Land Surveying Services and Tax Map Maintenance – October 1, 2009 to September 30, 2010 – Add Tectonic to Vendors.

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;

WHEREAS, on October 13, 2009, the Franklin Township Council adopted a resolution awarding said fair and open professional services agreements with the omission of the vendor Tectonic;

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 agreements 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.

| <u>Vendor</u> | <u>Address</u> |
|---|--|
| 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 |
| Tectonic | 200 Centennial Avenue, Ste. 200, Piscataway, NJ 08854 |

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 #09-524 Authorize Execution of Traffic Signal/Pre-Emption Agreement –
Route 27 and Claremont Road – Magyar Bank Driveway – Franklin
Township/South Brunswick Township.

WHEREAS, a traffic condition exists at the intersection of Route 27 and Claremont Road-Magyar Bank Driveway, in the Township of Franklin, Somerset County and the Township of South Brunswick, Middlesex County which requires the installation of an emergency pre-emption operation in addition to the semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

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

WHEREAS, the State of New Jersey has proposed a form of agreement pertaining to the installation and maintenance of said traffic signal; and

NOW, THEREFORE, BE IT RESOLVED that the Franklin Township Mayor and Clerk be and hereby is authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation for the purpose aforesaid, a copy of said agreement being attached hereto and made part thereof.

Resolution #09-525 Authorize Issuance of Raffles & Bingo 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:

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

Sts. Peter & Paul Byzantine Catholic Church
285 Hamilton St., Somerset
Instant Raffles - RL#1798

Jan. 7,14,21,28 5-11 PM
Feb. 4,11,18,25
March 4,11,18,25
April 8,15,22,29
May 6,13,20,27
June 3,10,17,24
July 1,8,15,22,29
Aug. 5,12,19,26
Sept. 2,9,16,23,20
Oct. 7,14,21,28
Nov. 4,11,18
Dec. 2,9,16,30

Bingo – BL#1799

Jan. 7,14,21,28 5-11 PM
Feb. 4,11,18,25
March 4,11,18,25
April 8,15,22,29
May 6,13,20,27
June 3,10,17,24
July 1,8,15,22,29
Aug. 5,12,19,26
Sept. 2,9,16,23,20
Oct. 7,14,21,28
Nov. 4,11,18
Dec. 2,9,16,30

Bingo – BL#1800

Jan. 2,9,16,23,30 11am-5pm
Feb. 6,13,20,27
Mar. 6,13,20,27
April 10,17,24
May 1,8,15,22,29
June 5,12,19,26
July 3,10,17,24,31
Aug. 7,14,21,28
Sept. 4,11,18,25
Oct. 2,9,16,23,30
Nov. 6,13,20
Dec. 4,11,18

University Medical Center at Princeton Auxiliary
253 Witherspoon Street, Princeton, NJ 08540
Casino Night – RL#1801
Drawings: The Palace At Somerset Park

November 7, 2009
6:30 pm – 11:00 pm

Sharing Network Foundation, Inc.
841 Mountain Avenue, Springfield, NJ
Off-Premise 50/50 – RL#1802
Drawings: Somerset Hills Country Club

June 7, 2010
7:00 am – 8:00 pm

Resolution #09-526 Approve Stipulation of Settlement – Aspect Computer Corporation
– Block 468.09/Lot 59 – 21 Worlds Fair Drive –Years 2005-2006-
2007.

WHEREAS, Aspect Computer Corporation is the owner of certain property located at 21 Worlds Fair Drive, which is identified as Block 468.09, Lot 59 on the tax maps of Franklin Township; and

WHEREAS, Aspect Computer Corporation filed an appeal to the Tax Court of New Jersey for said premises for the 2005-2006-2007 tax years; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

| <u>2005 Assessment</u> | <u>Original Assessment</u> | <u>Requested Tax Court Judgment</u> |
|-------------------------------|-----------------------------------|--|
| Land: | \$ 532,000.00 | \$ 532,000.00 |
| Improvements: | \$5,468,000.00 | \$2,568,000.00 |
| Total: | \$6,000,000.00 | \$3,100,000.00 |

| <u>2006 Assessment</u> | <u>Original Assessment</u> | <u>Requested Tax Court Judgment</u> |
|-------------------------------|-----------------------------------|--|
| Land: | \$ 547,200.00 | \$ 547,200.00 |
| Improvements: | \$5,952,800.00 | \$2,552,800.00 |
| Total: | \$6,500,000.00 | \$3,100,000.00 |

WHEREAS, pursuant to N.J.S.A. 54:51A-8, the parties further stipulate and agree that the assessment for the year 2007 shall be as follows:

| <u>2007 Assessment</u> | <u>Original Assessment</u> | <u>Requested Tax Court Judgment</u> |
|-------------------------------|-----------------------------------|--|
| Land: | \$ 547,200.00 | \$ 547,200.00 |
| Improvements: | \$5,952,800.00 | \$2,552,800.00 |
| Total: | \$6,500,000.00 | \$3,100,000.00 |

WHEREAS, the parties further stipulate and agree that the assessment for the tax year of 2008 shall not be subject to N.J.S.A. 54:51A-8; and

WHEREAS, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation; and

WHEREAS, the Township Tax Assessor has been consulted by the Township Attorney with respect to said settlement and has concurred; and

WHEREAS, based upon the foregoing, both parties represent to the Court that the said settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

WHEREAS, interest on the refund is waived by the taxpayer provided the payment is received within thirty (30) days of the date of entry of Judgment pursuant to N.J.S.A. 54:3-27.2; and

WHEREAS, all refunds as a result of said settlement set forth herein are to be made payable to Barry W. Frost, Esq., Chapter 7 Trustee, and forwarded to Scarinci Hollenbeck located at 1100 Valley Brook Avenue, Lyndhurst, NJ 07071;

NOW, THEREFORE, BE IT RESOLVED this 27th day of October 2009 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #09-528 Rescind Resolution #09-496 and Award Housing Rehabilitation Contract for 4307 Route 27 to ANPE Corporation.

WHEREAS, the Township Council awarded Resolution #09-496, a contract to J&A Renovation on October 13, 2008 for Housing Rehabilitation of 4307 Route 27 to J&A Renovation; and

WHEREAS, the State of New Jersey has informed the Township that J&A Renovations' contractor's status with the Department of Treasury is void and will not be reinstated until the end of October; and

WHEREAS, this project involves the repair of a leaking roof which is creating a moldy, unhealthy condition;

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 as follows:

1. Resolution #09-496 is hereby rescinded;
2. The Mayor and Township Clerk are authorized 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: ANPE Corporation, 25 Sandra Lane
Wayne, NJ 07740
CDBG PROJECT: 4307 Route 27
AMOUNT: \$13,264.00

Resolution #09-529 Authorize Change Orders – Housing Rehabilitation Contracts – Ark Building and Remodeling LLC – 83 Fuller Street (Change Order #2) Amount: \$1,135.00; New Contract Amount: \$13,614.00 – 38 Douglas Avenue (Change Order #2) Amount: \$3,795.60; New Contract Amount: \$24,080.54.

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 **Ark Building and Remodeling, LLC**, 756 Garden Street, Rahway, NJ 07065 for Housing Rehabilitation Project – 83 Fuller Street in an amount Not to Exceed \$11,161.71 and for 38 Douglas Avenue in an amount not to exceed \$18,795.00; and

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on September 22, 2009 authorized Change Order #1 for 38 Douglas Avenue in the amount of \$1,489.94 for additional work needed resulting in a new contract total of \$20,284.94 and on October 13, 2009 authorized Change Order No. 1 for 83 Fuller Street for additional work needed in the amount of \$1,317.29, resulting in a new contract total of \$12,479.00; and

WHEREAS, it was determined that additional work was needed in the amount of \$3,795.60 for 38 Douglas Avenue, resulting in a new contract total of \$24,080.54 and \$1,135.00 for 83 Fuller Street, resulting in a new contract total of \$13,614.00; 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. 2 for both 38 Douglas Avenue and 83 Fuller Street to the contracts 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 #09-530 Award Bid – Main Street Sidewalks – R&B Builders, Inc. – Amount Not to Exceed \$63,310.00.

WHEREAS, a notice to bidders for the receipt of bids for Main Street Sidewalk Construction was published in the *Courier News* and posted on the Township's website on October 8, 2009 and receipt was on October 22, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Main Street Sidewalk Construction:

VENDOR: R&B Builders Inc.
ADDRESS: 21 First Street, South River, NJ 08882
ITEM: Main Street Sidewalk Construction
AMOUNT: Amount Not to Exceed \$63,310.00

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 #09-531 Approve Plan or Design – Main Street Sidewalks.

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design or public property or any improvement thereto where the plan or design was approved in advance of construction by the Township Council or a public employee exercising discretionary authority on its behalf or where such plan or design was prepared in conformity with standards previously approved by the Township Council; and

WHEREAS, the following improvement to public property has been designed by the Franklin Township Engineering Department; and

WHEREAS, the Township Council wishes to record its approval of said design.

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

1. Plans and specifications entitled “Main Street Sidewalk Construction” and prepared by the Franklin Township Engineering Department dated October 8, 2009 be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.
3. The Township Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

RESOLUTIONS TO BE VOTED ON SEPARATELY

Resolution #09-519 Award Fair and Open Contract – Auditing Services FY2010 – McEnerney, Brady, & Company – Amount Not to Exceed \$37,500.00 & Appointment of John L. Ezyske as Township Auditor for FY2010 (Term ending June 30, 2010.)

Mayor Levine presented the following resolution:

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 hereon that funds are available; and

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;

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 Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" 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 agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) 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.
- (3) 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.
- (4) 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: | <i>McEnerney, Brady & Company</i> |
| ADDRESS: | 293 Eisenhower Parkway, Livingston, NJ 07039 |
| CONTRACT AMOUNT: | Amount Not to Exceed \$37,500.00 |
| SERVICE: | Township Auditor – FY2010 |

Mayor Levine provided the bid process and the recommendation by the Financial Oversight Committee. Deputy Mayor Glicklich referred to the minutes of the Financial Oversight Committee. He explained the bid was fair and open and the Committee interviewed four companies and they felt this company seemed to have the best handle on the community and they have experience with working with the company that is overseeing the Township’s Finance Department. He expressed his concern at first the bid was too low and explained they are familiar with Hodulik and Morrison.

The aforesaid resolution was moved by Mr. Mettler and seconded by Mr. Prasad 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 | | | |
| Mettler | Prasad | | | |
| Sumter | Vassanella | | | |

Mr. Sumter left the meeting at 11:31 p.m.

Resolution #09-510 Approval of Tax Payment Plan for Business & Industrial Properties with Assessments Increased at 50% or more.

Mayor Levine presented the following resolution:

WHEREAS, state law permits a municipality to authorize by resolution, the establishment of a payment plan with respect to the collection of certain delinquent municipal taxes; and

WHEREAS, the Township desires to establish and approve such payment plan; and

WHEREAS, such requirements, guidelines and application process for such program shall be established as permitted by law, by the Tax Collector in consultation with legal counsel and specifically provide for the inclusion of:

- a. Only those business and industrial taxpayers whose 2009 assessment was at least 50% higher than the 2008 assessment and whose property assessment is not greater than \$1,864,000.00;
- b. A provision that said tax payment plan only applies to delinquent business and industrial taxpayers;
- c. A requirement that the installment payments be paid out in equal quarterly payments through December 31, 2010;
- d. A provision that the interest for these plans shall be limited to 8%;
- e. A waiver of the 6% penalty imposed on delinquencies in excess of \$10,000 at year-end;
- f. A provision that if a payment is missed, the plan is null and void and the interest reverts back to 18%;
- g. A requirement that the limit of the total plan is 50% of the reserve for uncollected taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby establishes a payment plan with respect to the collection of certain delinquent municipal taxes and such requirements, guidelines and application for such program shall specifically include the aforesaid provisions.

BE IT FURTHER RESOLVED this tax payment plan is for only the 2009 third and fourth quarter taxes.

The aforesaid resolution was moved by Deputy Mayor Glicklich, seconded by Mr. Prasad 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 | | | Sumter |
| Mettler | Prasad | | | |
| Vassanella | | | | |

Resolution #09-527 Authorize Release of Performance Guarantee – Canal Walk Associates, LLC Phase IV – PLN2002-0063 – Block 513/Lots 1,2,4,10,11,12.01,13.01 & 15 – Weston Road/Schoolhouse Road/Weston Canal Road/Mettlers Lane – Site Improvements - \$67,860.86.

Mayor Levine presented the following resolution:

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

| | |
|------------------------------|--|
| NAME OF APPLICANT: | Canal Walk Associates, LLC – Phase IV |
| ADDRESS OF APPLICANT: | 812 Central Avenue, Westfield, NJ 07090 |
| ITEM: | Irrevocable Letter of Credit |
| NUMBER: | 722-SB |
| INSURANCE CO./BANK: | Union Center |
| DOCKET: | PLN2002-0063 |
| IN THE AMOUNT OF: | \$67,860.86 |
| FOR: | Block 513/Lots 1,2,4,10,11,12.01,13.01 & 15 – Weston Road/Schoolhouse Road/Weston Canal Road/Mettlers Lane – Site Improvements |

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 to the aforesaid applicant.

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

OLD BUSINESS

Mayor Levine reported the following items are listed as Old Business:

- a) *Ordinance No. 3845* – Amend Land Use Development Ordinance - Amends Article VI, Wireless Communications Antennas, of Chapter 112, Land Development, so as to: (1) reorganize the Article, to provide clarity with respect to the procedural requirements and to eliminate redundancies and inconsistencies in the ordinance; (2) to provide administrative approval of certain applications by the full Technical Review Committee rather than just the Township Engineer and Director of Planning as currently permitted; and (3) slightly expand the types of applications that require administrative approval by the Technical Review Committee. – ***Tabled at 09/22/09 Council Meeting - Awaiting for comments and recommendation from Planning Board.***

- b) *Ordinance No. 3846* – Amend Land Use Development Ordinance - Adds definition for “Dwelling, Single Family (Zero Lot Line)”, amends the minimum lot area requirement for two-family dwellings in the R-7 zone and establishes lot and yard requirements for zero lot line single-family dwellings in a R-7 zone. – ***Tabled at 09/22/09 Council Meeting - Awaiting for comments and recommendation from Planning Board.***

Mr. Mettler asked that a night deposit box be listed as Old Business. He noted this was discussed at the Council Retreat in January.

Mr. Prasad asked that deer population proposals be placed on the agenda of November 10th as a discussion item.

ADJOURNMENT

Mr. Vassanella moved to adjourn the meeting at 11:44 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *November 10, 2009*

Ann Marie McCarthy, Township Clerk