

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor 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 September 12, 2006. 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: Deputy Mayor Ashley-Williams, Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan, Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: No One.

Also present: Daniel Fitzpatrick for the Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

### PROCLAMATION

#### Week of the People

Mayor Levine, Deputy Mayor Ashley-Williams and Councilman Vassanella presented the following proclamation to those involved in the Week of the People:

**WHEREAS**, America is strengthened by the rich cultural diversity of our people, and we are blessed to be a nation that welcomes individuals of all races, religions and cultural backgrounds; and

**WHEREAS**, the values and traditions of our citizens – love of family, entrepreneurship, excellence in education and community service – have strengthened us as a community; and

**WHEREAS**, the Somerset Coalition Action Program, Somerset County Cultural Diversity Coalition, Hamilton Street Business & Community Corporation, Franklin Township Human Relations Commission, Franklin Township Parks and Recreation Department, Chamber of Commerce, Office of Economic Development, joined together to enhance the celebration of cultural diversity in Franklin Township by creating the "Week of the People"; and

**WHEREAS**, residents and their families and friends are invited to participate in the following celebrations during the week of September 10<sup>th</sup> to September 17<sup>th</sup>, 2006 which will bring people together in furtherance of the sense of community in Franklin Township:

Inter-Cultural Celebration at John's Plaza on September 10<sup>th</sup> from Noon to 5 pm  
 Interfaith Services & Dialogue at the Elizabeth Ave. Fire Co. on September 11<sup>th</sup> from 6-9 pm  
 Diversity in the Workplace at the Caribbean Palace on September 12<sup>th</sup> from 8:30 am to 10:30 am  
 Taste of Franklin at the Senior/Community Center on September 13<sup>th</sup> from 6pm to 9pm  
 State of Franklin's Diversity Leadership Breakfast at the Senior/Community Center on  
 September 14<sup>th</sup> from 8:30 am to 10:30 am  
 Schools' Diversity in Action on September 15<sup>th</sup>  
 New Dawn Music Fest at Naaman Williams Park on September 16<sup>th</sup> from 2-7 pm

Celebrating Interfaith through Music at Bascom Park on September 17<sup>th</sup> from 1 to 6:30 pm

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim September 10 through September 17, 2006 as "**THE WEEK OF THE PEOPLE**" in the Township of Franklin, Somerset County, New Jersey, and call upon its citizens to learn more about the many cultures represented here and how they have contributed to the culture and heritage of our community and our nation.

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

Mayor Levine made the following report:

- Welcome to those attending and TV viewers.
- Thanked the FTTV-25 volunteers.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Explained that due to the lengthy Executive Session scheduled for this evening, the agenda has been modified. He noted that no further action would be taken after the Executive Session.

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

Deputy Mayor Ashley-Williams confirmed that she has sold her house and that she does work in Washington DC. She noted that she has not attempted to hide these facts. She stated her appointment as Assistant to the Director of the Department of Corrections is for 90-days. She stated that she had notified the appropriate officials. She asked not to be used for political agendas. She stated that in regards to her attendance, she always misses the July and August meetings. In July she attends a conference and in August she is on a cruise. She stated that she is a Franklin Township resident and this is her primary residence.

Deputy Mayor Ashley-Williams congratulated Ann Marie McCarthy, Township Clerk on her acceptance to the first level of the Master Municipal Clerk. She reported that the Double Tree Hotel has received a grant in the amount of \$62,000.00 for teaching employees English as a second language. She stated that the Double Tree is matching the grant with \$81,200.00. She reported that she has spoken with Senator Smith in renaming the entire stretch of Route 27 Rosa Parks Boulevard.

#### **REVIEW OF THE PREPARED AGENDA**

Mayor Levine led the following review of the prepared agenda:

##### **Approval of Minutes**

Minor changes and corrections were made to the July 11, 2006 Regular Meeting Minutes and the July 18, 2006 Special Meeting Minutes.

##### **Ordinances for Public Hearing**

A brief discussion ensued regarding Ordinance #3635 – Authorizing Acquisition of Lands for the Purpose of Constructing a Sewer imp Station as Agent for the Township of Franklin Sewerage Authority.

**Resolution #06-398 – Amend Temporary/Emergency FY2007 Budget**

Ms. Ritchie asked a few questions regarding the Temporary Budget Resolution which were answered satisfactorily by the Chief Financial Officer.

**COUNCIL DISCUSSION ITEMS****FY2007 Capital Budget Requests**

Mr. Daly reviewed the following Capital Requests:

<b>Debt Capital</b>	<b>2007 Cost</b>	<b>Required Downpayment</b>
Road Overlay	1,100,000	55,000
Municipal Bldg. Parking Imps. (Library Vicinity)	75,000	3,750
Municipal Bldg. HVAC & Electrical Sys. Study	80,000	4,000
Burns Street Drainage Improvements	60,000	3,000
Flusher/Jetter Truck	270,000	13,500
(3) Dump Trucks with Plow & Spreader	345,000	17,250
(2) Mason Dump Trucks	124,000	6,200
Rack Body Truck	50,000	2,500
Shop Truck with Lift Gate	38,000	1,900
(2) Pick Up Trucks with Plows	70,000	3,500
Energy Mgmt. System – Public Safety HVAC	70,000	3,500
Middlebush Park Development & Engineering	500,000	25,000
Computer Upgrades for Franklin Tech. & Sr. Ctr.	40,000	2,000
HVAC Installation – Recreation Storeroom	25,000	1,250
Engineering Southern Park	150,000	7,500
Castleton Park Imps. Replace Shelter, Expand Parking, Reconstruct Roller Hockey	150,000	7,500
Replace Consovoy & Dunham Lebed Picnic Shelters	100,000	5,000
Miscellaneous Park Improvements	25,000	1,250
Replace Franklin Park Fit Trail Station	50,000	2,500
Replacement of Inman Park Lower Parking Lot	35,000	1,750
Barrier Free Access Paths for Inman Park	25,000	1,250
Inman Park Maintenance Bldg. Door Replacement	25,000	1,250
Paving of Delar Park Parking Lot	35,000	1,750
Kingston School Improvements	60,000	3,000
Postage Machine	24,000	1,200
Various Computer Purchases	50,000	2,500
<b>Total Debt Capital</b>	<b>3,576,000</b>	<b>178,800</b>

A discussion ensued clarifying and explaining various capital projects. Mr. Daly looked for future direction from Council regarding what projects would be chosen for FY2007. He reminded Council that they have \$100,000 budgeted for downpayments.

<b>SCIA</b>	<b>2007</b>
Marked Police Vehicles (8)	190,000
Unmarked Police Vehicles (1)	25,000
Mobile Computers and Vehicle Mounts	50,000
Police Equipment	132,750
In-car Mobile Video Recorders	49,000
Mobile Command Post	
Cell Block Painting, Furnishing Replacement	
Pick Up Truck (Buildings - 2)	
Van (Recreation)	25,000
Fire Prevention 4x4	30,000
Tax Assessor Chevrolet Impala	15,000
<b>Subtotal SCIA</b>	<b>516,750</b>

Mr. Daly reviewed the aforesaid list for the Somerset County Improvement Authority. He reported that a way to save costs would not be replace Police vehicles each year and only replace them every other year. In regards to the other vehicles, he stated that they are looking at the present fleet to see if there can be vehicles recycled from department to department.

<b>WaterUtility Fund</b>	<b>2007</b>
Pump Station and Water Tank Protection	100,000
Large Water Meter Replacement Program	250,000
Water GIS	75,000
Elevated Water Storage Tank 2 Million Gallons	3,000,000
Alarm Upgrade (Pump Stations and Water Tanks)	150,000
Replacement of 10" water mains on Route 27	1,200,000
Amwell Road Water Main Connection	250,000
New Brunswick Interconnection/Pump Station	600,000
Dump Truck	135,000
Equipment and Tools	
Elevated Water Storage Tank 3 Million Gallons	
<b>Total Water Utility Fund</b>	<b>5,760,000</b>

Mr. Daly reviewed the aforesaid Water Utility Proposed Projects. He noted that the Elevated Water Storage Tank 2 Million Gallons is proposed every year and is never accepted by Council. He stated that the State has notified the Township that its Water GIS is not up to speed.

<b>Cash Capital</b>	<b>2007</b>
Carpeting Violations Office	10,467
Duty Weapon (hand gun) replacements	10,000
High Pressure Washer	4,250
Exam Tables Animal Control	1,000
(18) Animal Cages	5,350
Fencing for New Facility	6,500
Police Portable Radios	42,000
Carpet Replacement Community Senior Center	25,000
Metal Detector Municipal Court	4,500
<b>Subtotal Cash</b>	<b>109,067</b>

Mr. Daly reviewed the aforesaid cash capital projects and recommended them all to be included in the FY2007 budget. He reported that already allocated is \$450,000 to complete the Municipal Building Renovations and \$355,000 for Document Imaging.

### **Wrap Up Discussion on FY2007 Budget**

Mr. Daly reviewed the following changes to proposed FY2007 Budget:

<b>Budget Line Item</b>	<b>Description</b>	<b>Technical Budget Changes</b>	<b>Unsettled Policy Changes</b>	<b>Net change to Budget</b>
Current Fund Budget Construction Code – OE	Move Spatial Data Logic Contract back to Construction Code OE from Data Processing	Move \$24,800.00 from Data Processing to Construction Code		
Current Fund Budget Construction Code – S&W	Add Contractual stipend Construction Code	\$ 1,800.00		\$ 1,800.00
Current Fund Budget PERS & PFRS – OE	Pension Budget Revised to Reflect actual billing by Division of Pension			
	PERS Pension	\$ (62,000.00)		\$ (62,000.00)
	PFRS Pension	\$ (16,000.00)		\$ (16,000.00)
Current Fund Budget Revenues	State Aid Revised to Reflect the Actual State Aid Amounts	\$ 1.00		\$ 1.00
Current Fund Budget Fire Prevention – OE	Correction of part-time personnel in Fire Prevention no			

	change in budgeted amount			
Current Fund Budget Municipal Clerk – OE	Elimination of vacant pert time position in clerks Office Add additional funds code book revisions		\$ (7,575.00) \$ 7,575.00	
Current Fund Budget Construction Code – OE	Elimination of Construction Code Disability Line Item	\$ (4,000.00)		
Current Fund Budget Building & Grounds – OE	Restore Managers Cut to HVAC Maintenance Budget	\$ 12,000.00		\$ 12,000.00
Current Fund Budget Health Inspections – OE	Add On Call wages to Health Inspection Budget		\$ 5,200.00	
Current Fund Budget Planning Division – OE	Hire Licensed Planner to be Partially Funded by Escrow Eliminate Current Planner Position		\$ (20,000.00) \$ 23,000.00	\$ (3,000.00)
Current Fund Budget Community Resources – OE	Restore Social Worker Position Community Resources		\$ 22,000.00	\$ 22,000.00
Current Fund Budget data Processing – OE	Eliminate Telephone/TV/GIS Position		\$ 33,343.00	\$ 33,343.00
Current Fund Budget Data Processing – OE	FFTV Contract		\$ 8,000.00	\$ 8,000.00
<b>CURRENT FUND TOTALS</b>		\$ (68,201.00)	\$ 71,543.0	\$ (3,858.00)
Open Space Budget – S&W	Correction of Spreadsheet Error Open Space Budget S&W	\$ 7,500.00		\$ 7,500.00
Open Space Budget – OE	Correction of Historic Grant Open Space Budget	\$ 23,000.00		\$ 23,000.00
<b>OPEN SPACE TOTALS</b>		\$ 30,500.00		\$ 30,500.00
Water Utility Budget S&W	Eliminate Senior Water Engineer		\$ 25,733.00	\$ 25,733.00
<b>WATER UTILITY TOTALS</b>			\$ 25,733.00	\$ 25,733.00

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Mr. Daly stated he would like Council to introduce the FY2007 Budget on September 26, 2006 and schedule the public hearing and adoption for October 24, 2006. At that time, he would like Council to focus on the FY2008 Budget.

Ms. Ritchie gave her thoughts on the proposed changes to the FY2007 budget. Ms. Danile stated that a five percent (5%) increase is the absolute limit because the taxpayers need relief. She suggested that the Township come up with revenue generating ideas that can be put into play to alleviate the budget situation. She stated that Council needs to find how best to proceed in the future with a minimum impact on services to the taxpayers.

Mr. Vassanella stated he would like to see four percent (4%) as the maximum increase to the budget. He proposed quarterly budget meetings to keep Council ahead of the game during the budget process. Mr. Regan supported Mr. Vassanella's proposal.

Ms. Ritchie stated that the Financial Oversight Committee recommended a five percent (5%) maximum increase. She asked how Council could propose to go to a lower maximum. Mr. Vassanella suggested the Township sell its liquor license, noting that since it went out to bid three times without any bidders, maybe they should consider lowering the minimum bid. Ms. Ritchie stated that she would appreciate hearing these ideas before the meeting and before action is taken on the budget.

Ms. Danile questioned the Finance Officer regarding the revenues and expenses in last year's budget.

Deputy Mayor Ashley-Williams stated that everyone is concerned with overtaxing the residents. She expressed her concern that the Township be careful when eliminating personnel. She stated that there are ways of addressing these issues. She proposed that the open space tax be looked at and to only cover the debt and nothing else. She proposed that the Township take a break for a year, which would result in a \$4 million savings. She noted that the Township should look at where they are with open space and where they are going into the future. Mr. Regan stated that the open space tax was voted on by referendum and would probably have to be undone in the same manner. Deputy Mayor Ashley-Williams replied that she is aware that the citizens voted on this issue and it would have to be voted on to rescind. She stated the Township should re-evaluate where they are with the open space program. She stated that purchasing open space helps the Township reduce taxes and when it is not purchased and bought by a developer, citizens pay more taxes.

Ms. Danile spoke of the legislation regarding libraries taxes. She stated that as the assessments in the Township increase, the library's appropriation increases. Mr. Daly stated that one way to reduce the budget would be to send the library debt to the library tax.

### **APPROVAL OF MINUTES**

Mayor Levine presented the following minutes for approval:

- Regular Meetings: June 13, 2006; June 29, 2006 & July 11, 2006 (As Amended)
- Budget Hearing: July 18, 2006 (As Amended) and July 25, 2006
- Executive Sessions: June 13, 2006; July 25, 2006; August 8, 2006

Mr. McKenzie moved approval of the following minutes:

- Regular Meetings: June 13, 2006; June 29, 2006 & July 11, 2006 (As Amended)
- Budget Hearing: July 18, 2006 (As Amended) and July 25, 2006
- Executive Sessions: June 13, 2006; July 25, 2006; August 8, 2006

Said motion was seconded by Mr. Regan carried as follows upon call of the roll:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ashley-Williams	06/13/06 (WS/RM & ES) 06/29/06 (WS/RM)		07/11/06 (WS/RM) 07/18/06 (BH) 07/25/06 (BH & ES) 08/08/06 (ES)
Danile	06/13/06 (WS/RM & ES) 06/29/06 (WS/RM) 07/11/06 (WS/RM)		07/18/06 (BH) 07/25/06 (BH & ES) 08/08/06 (ES)
Eberle	ALL		
Levine	ALL		
McKenzie	ALL		
Regan	06/29/06 (WS/RM) 07/11/06 (WS/RM) 07/18/06 (BH) 07/25/06 (BH & ES)		06/13/06 (WS/RM & ES) 08/08/06 (ES)
Ritchie	ALL		
Sumter	ALL		
Vassanella	06/29/06 (WS/RM) 07/11/06 (WS/RM) 07/18/06 (BH) 07/25/06 (BH & ES)		06/13/06 (WS/RM & ES) 08/08/06 (ES)

### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$7,102,152.71 for September 12, 2006 to the Township Council for payment:

1	Current	4,214,575.70
5	Water Operating	671,962.21
6	Water Capital	26,702.50
4	General Capital	921,302.05
15	Trust Others	72,040.61
18	Self Insurance Trust	18,700.00
12	Open Space Trust	37,393.95
2	Grant	43,413.67
26	Affordable Housing	425.00
3	Collector Trust	31,532.98
14	Dog Revenue	1,424.40
30	Payroll Agency	932,722.32
	Subtotal	6,972,195.39
25	Escrow Account	129,957.32
	Grand Total	\$7,102,152.71

Mr. Regan moved that warrants in the amount of \$7,102,152.71 for September 12, 2006 to be paid. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

### ORDINANCES – PUBLIC HEARINGS & ADOPTION

#### Ordinance No. 3628

Mayor Levine offered 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, SECTION 260-6, PROHIBITED ACTIVITIES, SUBSECTION (C) ANIMALS AND ADDING NEW ARTICLE VI, GRIGGSTOWN NATIVE GRASSLAND PRESERVE (PART OF TEN MILE RUN GREENWAY) REGULATIONS AND ARTICLE VII, NEGRI-NEPOTE NATIVE GRASSLAND PRESERVE (PART OF THE MIDDLEBUSH GREENWAY) REGULATIONS.**

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. McKenzie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Regan 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 by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Deputy Mayor Ashley-Williams and carried unanimously upon call of the roll.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3631**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY BY AMENDING CHAPTER 330, ENTITLED, STORMWATER MANAGEMENT, WHICH PROVIDES STORMWATER CONTROL REGULATIONS AND PENALTIES FOR VIOLATION OF THE CHAPTER.**

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. Sumter moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Regan 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 by the public, Mr. McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. 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>
Ashley-Williams	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3632**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 201, SEWERS AND SEWAGE DISPOSAL BY ADDING NEW ARTICLE V, ILLICIT CONNECTIONS TO MUNICIPAL SEPARATE STORM SEWER SYSTEM(S).**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter 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 by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Mr. Regan moved the final passage of the ordinance and publication in accordance with law. 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>
Ashley-Williams	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3633**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, MORE PARTICULARLY CHAPTER 333, STREETS AND SIDEWALKS, ARTICLE V , BANNERS, SECTION 333-55, CRITERIA FOR DISPLAY OF BANNERS ACROSS TOWNSHIP STREETS; APPLICATION REQUIRED AND SECTION 333-56, APPROVAL PROCEDURE; ALTERNATIVE LOCATION.**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter 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 by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3634**

Mayor Levine offered the following ordinance:

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40A:4-45.14)**

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 Ashley-Williams moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter 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 by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Deputy Mayor Ashley-Williams and carried unanimously upon call of the roll.

Deputy Mayor Ashley-Williams moved the final passage of the ordinance and publication in accordance with law. 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>
Ashley-Williams	Danile			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

**Ordinance No. 3635**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO AUTHORIZE ACQUISITION OF CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, FOR THE PURPOSE OF CONSTRUCTING A SEWER PUMP STATION – BLOCK 151/LOTS 9-11**

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. Sumter moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Eberle 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 by the public, Mr. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Deputy Mayor Ashley-Williams and carried unanimously upon call of the roll.

Mr. Sumter 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>
Ashley-Williams	Danile			Regan
Eberle	Levine			
McKenzie	Ritchie			
Sumter	Vassanella			

**PUBLIC DISCUSSION**

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

James Whitman, Firefighter, spoke of September 11, 2001 and April 11, 2006 (Firefighter Kevin Apuzzio passed away). He thanked all who attended the memorial.

Geraldine Fudge, 35 Ray Street, expressed her concerns regarding the murder that took place on August 10<sup>th</sup>. She asked for a stronger Police presence and the return of bike patrols. She asked Council to consider a Mobile Police Station.

Albert Donnigan, 33 Daulton Street, expressed his concerns regarding the municipal budget. He stated that if Council had been proactive and had periodic meetings, 75% of the questions asked by Council would have been already answered. He agreed with Mr. Vassanella's proposal of periodic budget meetings.

Shirley Pietrucha, 49 9<sup>th</sup> Street, commended the Administration for the major improvements on the Township's website including agendas, minutes, ordinances, resolutions and the Code Book. She also commended the FTTV-25 and the access to meeting DVD's from the Library. She recommended that Council consider going back to a three (3) meetings a month format. She spoke on what the Library Board was doing regarding their budget. She stated she was disappointed that Council Comments were not on the agenda this evening. She was interested in hearing Council's thoughts on Redevelopment Agency members receiving a stipend. She proposed that the following budget process be considered: 3 days of budget hearings and a week later introduction of the budget.

Melvin Silverstein, spoke of the meeting held at the Somerset County Board of Taxation. He stated that the Township's resolution was acknowledged, but not discussed. He stated that

the role of the Tax Assessor has many problems and something needs to be done. He thanked Council for their support and asked them to keep an eye on the Assessor's Office.

John McConville, 5 Stone Leigh Way, spoke of the 1600 layoffs occurring in Newark. He spoke of his email to Council regarding freezing assessments. He noted that two homes in his neighborhood were broken into over Labor Day weekend.

Phillip Kramer, 429 Canal Road, TUF, stated that the information he requested from Washington DC was under the Freedom of Information Act. He applauded Council's work on the budget. He suggested to save money that the Township consider going back to using volunteers for FTTV-25. He spoke of sign ordinance issues. He stated that all information in the TUF website is accurate, including information regarding Ms. Ritchie. He spoke of untruths that occurred during the election.

John Walker, 63 Claremont Road, stated that he thought the restrooms for Naaman-Williams Park was already approved. He spoke of the poor state of Franklin's schools in connection with "No child left behind". He spoke of the dismissal of the senior water engineer and asked Council to reinstate the position.

Chip Hoever, 68 Veronica Avenue, spoke on the Library's budget and how the Board is looking at cost savings. He asked Council reconsider the Duplicating Bid award. He showed Council some examples of what was bid and explained the errors made in the award.

Mr. Daly stated that the Redevelopment Agency members cannot be paid as per state statute.

Mr. McKenzie moved to close the public discussion. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

#### CONSENT AGENDA ITEMS

Upon motion by Ms. Danile, seconded by Mr. Regan, 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>
Ashley-Williams	Danile			
Eberle	Levine			
McKenzie	Regan			
Ritchie	Sumter			
Vassanella				

**Resolution #06-388** 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>QTR/YR</u>	<u>AMOUNT</u>
220/9.01	Township of Franklin	4/06 Transfer	837.64
295/27		to Water Transfer to Trust to	104.23

348/30		Redeem Lien	
		3/06 Transfer	1,027.70
11.01/13.21		to Lot 30.01	
		Transfer	1,428.67
11.01/13.22		FY/06 to	1,426.66
11.01/13.23		13.43	1,433.70
		13.44	
		13.45	
11.01/17.12	Burke, Kevin & Catherine	4/06	4,012.51
	16 Ridings Parkway	Title &	
	Princeton, NJ 08540	Mortgage Pd	
508.02/62	Mueller, Jeffrey & Suzanne	4/06	1,497.78
	30 Neshanic Drive	Homeowner	
	Ringoes, NJ 08551	& Mortgage	
		Paid	
513.27/2	Stone, Alan & Deborah	1-2/06	715.33
		Tax Exempt	
507.29/2.06	Bassetti, Theodore &	1-2/06	414.64
	Margherita	Tax Exempt	
	5211 Chesterwood Way		
	Somerset, NJ 08873		
507.34/1.03	FTSA	3/06	63.33
	90 Commerce Drive	Water to Tax	
	Somerset, NJ 08873		
340/55	Township of Franklin		395.65

**Resolution #06-389** Authorize Tax Title Redemption – Outside Buyer.

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

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

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

**Date of Sale:** June 8, 2006  
**Block/Lot:** 11.01/89  
**Name & Address:** O'Donnell, M. & J. & P.  
1053 Canal Road  
Princeton, NJ 08540  
**Amount:** \$3,822.74  
**Make Check Payable To:** Mooring Tax Asset Group, LLC  
P.O. Box 281856  
Atlanta, GA 30384-1856  
**Certificate No.:** 06-002  
**Payment Received:** August 21, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 96/1  
**Name & Address:** Reid, Kenneth  
518 Wheeler Place  
Somerset, NJ 08873  
**Amount:** \$114.00  
**Make Check Payable To:** Chun, T. Li  
9 Maljim Court  
Wayne, New Jersey 07470  
**Certificate No.:** 06-059  
**Payment Received:** August 21, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 138/13  
**Name & Address:** Turner, Marcus  
75 Frank Street  
Somerset, New Jersey 08873  
**Amount:** \$250.29  
**Make Check Payable To:** Daxuan Wang  
11 Walnut Street  
Livingston, New Jersey 07039  
**Certificate No.:** 06-071  
**Payment Received:** August 21, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 145/15  
**Name & Address:** Rodriguez, Jose  
820 Hamilton Street  
Somerset, New Jersey 08873  
**Amount:** \$191.24  
**Make Check Payable To:** Daxuan Wang  
11 Walnut Street  
Livingston, New Jersey 07039  
**Certificate No.:** 06-073  
**Payment Received:** August 21, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 150/22.01  
**Name & Address:** Echeverria-Caro, Luis  
48 Matilda Avenue  
Somerset, New Jersey 08873  
**Amount:** \$642.16  
**Make Check Payable To:** James C. Older  
87 East Mountain Road  
Hillsborough, New Jersey 08844  
**Certificate No.:** 06-077  
**Payment Received:** August 21, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 212/15  
**Name & Address:** Boswell, Tommy L  
645 Hamilton Street  
Somerset, New Jersey 08873  
**Amount:** \$642.00  
**Make Check Payable To:** Denise Glover  
42 Meadow Court  
Monmouth Junction, NJ 08852

**Certificate No.:** 06-114  
**Payment Received:** August 18, 2006  
  
**Date of Sale:** June 8, 2006  
**Block/Lot:** 227/11  
**Name & Address:** LaFond, Ronald  
 444 Ralph Street  
 Somerset, New Jersey 08873  
**Amount:** \$773.63  
**Make Check Payable To:** Denise Glover  
 42 Meadow Court  
 Monmouth Junction, NJ 08852

**Certificate No.:** 06-120  
**Payment Received:** August 18, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 246/7  
**Name & Address:** Lima, Wendy  
 23 Robbins Avenue  
 Somerset, New Jersey 0887

**Amount:** \$360.73  
**Make Check Payable To:** James Pilewski  
 346 South Avenue  
 Fanwood, New Jersey 07023

**Certificate No.:** 06-126  
**Payment Received:** August 18, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 302/8  
**Name & Address:** Gely, Nelson & Marisol  
 175 Girard Avenue  
 Somerset, New Jersey 08873

**Amount:** \$1,193.86  
**Make Check Payable To:** JNH Funding Corp.  
 90 Dayton Avenue, Bldg. 6C  
 Passaic, New Jersey 07055

**Certificate No.:** 06-141  
**Payment Received:** August 1, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 341/4  
**Name & Address:** Rodriguez, Victoriano  
 300 Girard Avenue  
 Somerset, New Jersey 08873

**Amount:** \$827.62  
**Make Check Payable To:** Sequoia Investments  
 P.O. Box 5600  
 Woodbridge, New Jersey 07095

**Certificate No.:** 06-154  
**Payment Received:** August 3, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 361/17  
**Name & Address:** Valentin, Nelson & Yvonne  
 10 Boulder Lane  
 Somerset, New Jersey 08873

**Amount:** \$458.76  
**Make Check Payable To:** Sequoia Investments

P.O. Box 5600  
Woodbridge, NJ 07095

**Certificate No.:** 06-165  
**Payment Received:** August 21, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 386.11/2  
**Name & Address:** Housing & Urban Dev.  
Three Advantage Court  
Bordentown, N.J.  
(For 2 Driftwood Drive)

**Amount:** \$825.86  
**Make Check Payable To:** Sequoia Investments  
P.O. Box 5600  
Woodbridge, New Jersey 07095

**Certificate No.:** 06-175  
**Payment Received:** August 10, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 424.04/33  
**Name & Address:** Chaiani, Ghansham & Kavita  
33 Canterbury Circle  
Somerset, New Jersey 08873

**Amount:** \$824.05  
**Make Check Payable To:** JNH Funding Corp.  
90 Dayton Ave., Bldg. 6C  
Passaic, New Jersey 07055

**Certificate No.:** 06-189  
**Payment Received:** August 25, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 463/7  
**Name & Address:** Falcetano, Patrick & Gaby  
1478 Easton Avenue  
Somerset, New Jersey 08873

**Amount:** \$99.79  
**Make Check Payable To:** Michael Fabrikant  
62 E. Main Street  
Freehold, New Jersey 07728

**Certificate No.:** 06-200  
**Payment Received:** August 21, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 424.04/50  
**Name & Address:** Buluro, Olanrewaju  
50 Canterbury Circle  
Somerset, New Jersey 08873

**Amount:** \$601.04  
**Make Check Payable To:** James C. Older  
87 East Mountain Road  
Hillsborough, New Jersey 08844

**Certificate No.:** 06-190  
**Payment Received:** August 4, 2006

**Date of Sale:** June 8, 2004  
**Block/Lot:** 89.01/1.01 C0704  
**Name & Address:** Li, Yanli  
25 Clyde Road, Suite 202

Somerset, NJ 08873  
**Amount:** \$4,064.26  
**Make Check Payable To:** Waverly Strategic Advisors LLC  
 721 Waverly Road  
 Ridgewood, NNJ 07450  
**Certificate No.:** 040034  
**Payment Received:** August 28, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 295/27  
**Name & Address:** Garces, Bilervo  
 102 Berger Street  
 Somerset, NJ 08873  
 (For 426 Hillcrest Avenue)

**Amount:** \$157.87  
**Make Check Payable To:** James Pilewski  
 346 South Avenue  
 Fanwood, NJ 07023  
**Certificate No.:** 06-137  
**Payment Received:** August 28, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 248/34  
**Name & Address:** Cardoch, Luis  
 94 Rodney Avenue  
 Somerset, NJ 08873

**Amount:** \$330.92  
**Make Check Payable To:** Natu Patel  
 505 Hoagland Court  
 Hillsborough, NJ 08844  
**Certificate No.:** 06-127  
**Payment Received:** August 28, 2006

**Date of Sale:** James 8, 2004  
**Block/Lot:** 228/19  
**Name & Address:** Kirpan, Andrew & Anna  
 251 Henderson Street  
 Jersey City, NJ  
 (For 150 Shevechenko Avenue)

**Amount:** \$6,713.49  
**Make Check Payable To:** James Pilewski  
 346 South Avenue  
 Fanwood, NJ 07023  
**Certificate No.:** 040069  
**Payment Received:** August 28, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 299/29  
**Name & Address:** Hepburn, Cecille  
 224 Hillcrest Avenue  
 Somerset, NJ 08873

**Amount:** \$819.05  
**Make Check Payable To:** James Older  
 87 East Mountain Road  
 Hillsborough, NJ 08844  
**Certificate No.:** 06/138  
**Payment Received:** August 31, 2006

**Date of Sale:** June 11, 1988  
**Block/Lot:** 424.10/244  
**Name & Address:** David Palumbo  
 244 Hyde Park Road  
 Somerset, NJ 08873  
**Amount:** \$2,142.00  
**Make Check Payable To:** James Pilewski  
 346 South Avenue  
 Fanwood, NJ 07023  
**Certificate No.:** 98-10  
**Payment Received:** August 31, 2006

**Date of Sale:** June 8, 2006  
**Block/Lot:** 148/9  
**Name & Address:** Howard, Anthony  
 128 Victor Street  
 Somerset, NJ 08873  
**Amount:** \$354.96  
**Make Check Payable To:** Stuart Lasher  
 PO Box 83  
 Milltown, NJ 08850  
**Certificate No.:** 06-074  
**Payment Received:** August 31, 2006

**Date of Sale:** June 9, 2005  
**Block/Lot:** 226/29  
**Name & Address:** 45 Martin, LLC  
 c/o D. Kessler, 1373 Broad  
 Clifton, NJ 07013  
**Amount:** \$6,354.24  
**Make Check Payable To:** Denise Glover  
 42 Meadow Court  
 Monmouth Junction, NJ 08852  
**Certificate No.:** 05-060  
**Payment Received:** August 31, 2006

**Resolution #06-390** Authorize Release of Planning/Building Escrows.

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

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

**APPLICANT:** DeSantis Construction (Milon Builders)  
**ADDRESS:** 491 Elizabeth Avenue  
 Somerset, NJ 08873  
**DOCKET NO.** PLN2004-0028  
**BLOCK/LOT:** 507/59.01  
**LOCATION:** 491 Elizabeth Avenue  
**TYPE:** Inspection Fees  
**AMOUNT DEPOSITED:** \$6,259.44 (In-Hse)  
**AMOUNT CHARGED:** 375.00  
**AMOUNT TO BE REFUNDED:** \$5,884.44

APPLICANT: Mid State Equity Development Company  
 ADDRESS: 11 Springfield Avenue  
 Somerset, NJ 08873  
 DOCKET NO. SP3248 & 3278  
 BLOCK/LOT: 276/9-14 279/1-5  
 LOCATION: Lander Street  
 TYPE: Inspection Fees  
 AMOUNT DEPOSITED: \$4,500.00  
 AMOUNT CHARGED: 4,192.50  
 AMOUNT TO BE REFUNDED: \$ 307.50

APPLICANT: Michael Mizerek  
 ADDRESS: 7 Hagerman Road  
 Somerset, NJ 08873  
 DOCKET NO. ZBA2005-1004  
 BLOCK/LOT: 88.02/30  
 LOCATION: 191 Bennetts Lane  
 TYPE: Planning Review  
 AMOUNT DEPOSITED: \$750.00 (Heyer) \$2,250.00 (In-Hse)  
 AMOUNT CHARGED: 406.25 160.00  
 AMOUNT TO BE REFUNDED: \$343.75 \$2,090.00

APPLICANT: Countryside at Franklin Condo Association  
 ADDRESS: 29 Pasture Trail  
 Somerset, NJ 08873  
 DOCKET NO. PLN2003-0045  
 BLOCK/LOT: 57.01/33.04  
 LOCATION: Route 27 & Rolling Hills Drive  
 TYPE: Planning Review  
 AMOUNT DEPOSITED: \$1,350.00 (Heyer) \$300.00 (In-Hse)  
 AMOUNT CHARGED: 1,275.00 120.00  
 AMOUNT TO BE REFUNDED: \$ 75.00 \$180.00

APPLICANT: Shree Swamminarayan Satsung Mandal, Inc.  
 ADDRESS: 1667 Amwell Road  
 PO Box 5668  
 Somerset, NJ 08873  
 DOCKET NO. P96064P  
 BLOCK/LOT: 386.04/34  
 LOCATION: 1667 Amwell Road  
 TYPE: Inspection Fees  
 AMOUNT DEPOSITED: \$20,000.00 (CME)  
 AMOUNT CHARGED: 19,525.50  
 AMOUNT TO BE REFUNDED: \$ 474.50

APPLICANT: Community Distributors, Inc.  
 ADDRESS: 800 Cottontail Lane  
 Somerset, NJ 08873  
 DOCKET NO. PLN2004-0048  
 BLOCK/LOT: 517.06/15.04  
 LOCATION: 800 Cottontail Lane  
 TYPE: Planning Review  
 AMOUNT DEPOSITED: \$3,000.00 (In-Hse)  
 AMOUNT CHARGED: 155.00  
 AMOUNT TO BE REFUNDED: \$2,845.00

APPLICANT: Community Distributors, Inc.

ADDRESS: 800 Cottontail Lane  
Somerset, NJ 08873

DOCKET NO. PLN2004-0048

BLOCK/LOT: 517.06/15.04

LOCATION: 800 Cottontail Lane

TYPE: Inspection Fees

AMOUNT DEPOSITED: \$2,603.00 (In-Hse)

AMOUNT CHARGED: 1,125.00

AMOUNT TO BE REFUNDED: \$1,478.00

APPLICANT: Center for Great Expectations

ADDRESS: 1 Eastern Avenue  
Somerville, NJ 08876

DOCKET NO. ZBA2004-1547

BLOCK/LOT: 424.01/39.09

LOCATION: 19 Dellwood Lane

TYPE: Planning Review

AMOUNT DEPOSITED:	\$6,875.00 (Schoor)	\$1,875.00 (Heyer)	\$750.00 (In-Hse)
AMOUNT CHARGED:	<u>5,960.00</u>	<u>1,175.00</u>	<u>150.00</u>
AMOUNT TO BE REFUNDED:	\$ 915.00	\$ 700.00	\$600.00

APPLICANT: Center for Great Expectations

ADDRESS: 1 Eastern Avenue  
Somerville, NJ 08876

DOCKET NO. PLN2003-0032

BLOCK/LOT: 424.01/39.09

LOCATION: 19 Dellwood Lane

TYPE: Planning Review

AMOUNT DEPOSITED:	\$2,100.00 (Heyer)	\$2,400.00 (In-Hse)
AMOUNT CHARGED:	<u>1,310.00</u>	<u>870.00</u>
AMOUNT TO BE REFUNDED:	\$ 790.00	\$1,530.00

APPLICANT: Cedar Grove Investments, LLC (Tutor Time)

ADDRESS: 1411 State Route 35 North  
Ocean, NJ 07712

DOCKET NO. PLN2001-0066

BLOCK/LOT: 424.02/23.01

LOCATION: 12 Cedar Grove Lane

TYPE: Inspection Fees

AMOUNT DEPOSITED: \$11,873.51 (In-Hse)

AMOUNT CHARGED: 11,200.50

AMOUNT TO BE REFUNDED: \$ 673.01

APPLICANT: Peter Josten

ADDRESS: 981 Canal Road  
Princeton, NJ 08540

DOCKET NO. BRA02-023

BLOCK/LOT: 20.02/45.03

LOCATION: 981 Canal Road

TYPE: Other Escrow

AMOUNT DEPOSITED: \$100.00 (In-Hse)

AMOUNT CHARGED: 37.50

AMOUNT TO BE REFUNDED: \$ 62.50

APPLICANT: Mark Califore

ADDRESS: 236 Treptow Road  
Somerset, NJ 08873

DOCKET NO. PLN2005-0061

BLOCK/LOT:	423.01/27.01	
LOCATION:	232 Treptow Road	
TYPE:	Planning Review	
AMOUNT DEPOSITED:	\$1,000.00 (Heyer)	\$1,500.00 (In-Hse)
AMOUNT CHARGED:	<u>605.00</u>	<u>520.00</u>
AMOUNT TO BE REFUNDED:	\$ 395.00	\$ 980.00

**Resolution #06-391** Authorize Release of Performance Bond – Community Distributors – Block 517.06/Lot 15.04 – 800 Cottontail Lane – Docket #PLN2004-0048 - \$104,136.00.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Community Distributors
ADDRESS OF APPLICANT:	800 Cottontail Lane, Somerset, NJ 08873
DOCKET NO.	PLN2004-0048
NUMBER:	Check #612695
INSURANCE CO./BANK:	LaSalle Bank
IN THE AMOUNT OF:	\$104,136.00
FOR:	Site Improvements – Block 517.06/Lot 15.04 – 800 Cottontail Lane

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$104,136.00 be released to the above named applicant.

**Resolution #06-392** Authorize Release of Performance Bond – Milon Builders, LLC – Block 507/Lot 59.01 – 491 Elizabeth Avenue – Docket #PLN2004-0028 - \$125,188.80.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Milon Builders, LLC
ADDRESS OF APPLICANT:	8 Bronson Way, Skillman, NJ 08558
DOCKET NO.	PLN2004-0028
NUMBER:	22755901
INSURANCE CO./BANK:	Western Surety Company
IN THE AMOUNT OF:	\$125,188.80
FOR:	Site Improvements – Block 507/Lot 59.01 – 491 Elizabeth Avenue

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$125,188.80 be released to the above named applicant.

**Resolution #06-393** Rescind Contract – Summco – Auto Body Repair and Refinishing – Owner sold company which voids contract with Township for FY2007.

**WHEREAS**, on February 28, 2006, the Township Council awarded Summco, d/b/a Maaco Auto Painting and Body Repair Services an extension of their contract for auto body repair services for the period from May 1, 2006 to April 30, 2007; and

**WHEREAS**, the owner sold the company, which therefore voids the contract with the Township;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that it hereby rescinds the contract awarded to Summco, d/b/a Maaco Auto Painting and Body Repair Services an extension of their contract for auto body repair services for the period from May 1, 2006 to April 30, 2007.

**Resolution #06-394** Award Bid – Triangle Auto Painting – Auto Body Repair and Refinishing – October 1, 2006 through September 30, 2008 – Amount Not to Exceed \$70,000.00 annually.

**WHEREAS**, a Notice to Bidders was published in the Courier News and posted on the Township website on July 24, 2006 for receipt of bids on August 10, 2006; and

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

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2006 is contingent upon availability of funds in the 2007 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

<b>Triangle Auto Painting</b>	Auto Body Repair and Refinishing
<b>d/b/a Maaco Auto Painting and Body Works</b>	October 1, 2006 to September 30, 2008
17H Edgeboro Road	
East Brunswick, NJ 08816	
	Not to exceed \$70,000.00 annually

**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.

**Resolution #06-395** Award State Contract – Aamco Transmissions – Repair Services for Township Vehicles – Amount Not to Exceed \$20,000.00.

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

**VENDORS: Aamco Transmissions**  
950-954 Somerset Street  
New Brunswick, NJ 08901  
**SC 50884**

**ITEMS:** Repair Services for Township Vehicles

**COST:** \$20,000.00

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

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

**Resolution #06-396** Award Non-Fair and Open Contract – Spatial Data Logic – Support of the Land Development software – July 1, 2006 through June 30, 2007 – Amount Not to Exceed \$23,600.00.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available; and

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2006 is contingent upon availability of funds in the 2007 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 certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

**WHEREAS**, Spatial Data Logic has submitted a proposal indicating they will provide support of the Land Development Software for FY2007 in a amount not to exceed \$23,600.00; and

**WHEREAS**, Spatial Data Logic has completed and submitted a Business Entity Disclosure Certification which certified that Spatial Data Logic has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Spatial Data Logic from making any reportable contributions through the term of the contract;

**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) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (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 Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Contract 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 Contract authorized herein.

**VENDOR NAME:** Spatial Data Logic  
**ADDRESS:** 270 Davidson Avenue – Suite 301  
 Somerset, NJ 08873  
**CONTRACT AMOUNT:** Amount not to exceed \$23,600.00  
**SERVICE:** Support of Land Development Software – 07/01/06 to  
 06/30/07

**Resolution #06-397** Authorize FY2006 Budget Transfers.

**BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2006 Municipal Budget Appropriations:

<u>Department</u>	<u>From:</u>	<u>To:</u>
Police		
Salary and Wage	\$100,000.00	
Salary Adjustment		
Salary and Wage		\$100,000.00
Code Enforcement		
Salary and Wage	\$ 50,000.00	
Salary Adjustment		
Salary and Wage		\$ 50,000.00

**Resolution #06-398** Amend Temporary/Emergency FY2007 Budget.

**WHEREAS, RS 40A:4-19** of the Local Budget Act provides that temporary appropriations should be made for the purpose and amounts required;

**NOW, THEREFORE, BE IT RESOLVED** that the following temporary appropriations be made; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be transmitted to the Finance Officer of the Township of Franklin, County of Somerset, New Jersey:

**TEMPORARY BUDGET**

**GENERAL GOVERNMENT:**

Manager (Township Manager's Office)

Salaries & Wages	75,900.25
Other Expenses	5,375.40

Manager (Grant Coordinator's Office)

Salaries & Wages	25,754.09
Other Expenses	511.85

Manager (Purchasing & General Services)

Salaries & Wages	23,722.51
Other Expenses	63,927.74

Human Resources (Personnel)

Salaries & Wages	35,674.08
Other Expenses	18,849.60

Township Council

Salaries & Wages	29,648.10
Other Expenses	7,981.28

Municipal Clerk

Salaries & Wages	85,383.88
Other Expenses	9,526.32

Elections

Salaries & Wages	2,371.50
Other Expenses	4,584.90

Treasury

Salaries & Wages	120,231.84
Other Expenses	40,739.12

Audit Services

Other Expenses	14,426.63
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Data Processing

Salaries & Wages	68,364.30
Other Expenses	60,898.14

Tax Collection

Salaries & Wages	48,187.30
Other Expenses	10,245.28

Tax Assessor

Salaries & Wages	137,797.37
Other Expenses	22,712.65

Legal Services

Salaries & Wages	8,300.25
Other Expenses	146,242.50

Engineering Services

Salaries & Wages	87,428.48
Other Expenses	29,762.33

Economic Development

Salaries & Wages	79,539.42
Other Expenses	21,479.07

**LAND USE ADMINISTRATION**Planning Board

Salaries & Wages	61,926.83
Other Expenses	24,258.47

Zoning Board of Adjustment

Salaries & Wages 8,418.83  
Other Expenses 20,592.53

Affordable Housing

Other Expenses 31,620.00

**CODE ENFORCEMENT**

Code Enforcement

Salaries & Wages 483,274.15  
Other Expenses 28,596.34

Zoning Enforcement

Salaries & Wages 28,841.00  
Other Expenses 395.25

**INSURANCE**

Liability Insurance

Other Expenses 556,092.75

Workers Compensation Insurance

Other Expenses

Employee Group Insurance

Other Expenses 1,892,305.62

Unemployment Insurance

Other Expenses

**PUBLIC SAFETY FUNCTIONS**

Police Department - Uniform

Salaries & Wages 4,402,162.93  
Other Expenses 132,784.24

Police Department - Clerical

Salaries & Wages 169,348.02

Police Department - 911/Dispatch

Salaries & Wages 234,966.58  
Other Expenses 115,986.11

Police Department - Crossing

Guards

Salaries & Wages 57,565.00

Office of Emergency Management

Salaries & Wages 5,182.52  
Other Expenses 1,185.75

Aid to Volunteer Fire Companies

Other Expenses 22,434.39

Aid to Volunteer Ambulance

Companies

Other Expenses 42,785.81

Fire Prevention

Salaries & Wages	198,517.47
Other Expenses	6,675.77

Prosecutor's Office

Salaries & Wages	20,558.93
Other Expenses	316.20

**PUBLIC WORKS FUNCTIONS**General DPW

Salaries & Wages	932,645.57
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Street & Road Maintenance

Other Expenses	87,320.61
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Snow Removal

Salaries & Wages	90,000.00
Other Expenses	74,307.00

Public Works Administration

Other Expenses	415.01
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Recycling (Mini Dump)

Other Expenses	344,993.96
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Building & Grounds

Other Expenses	86,130.11
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Vehicle Maintenance

Other Expenses	72,842.34
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Community Services Act

Other Expenses	19,762.50
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Shade Tree Commission

Other Expenses	395.25
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**HEALTH & HUMAN SERVICES**Health Services (Administration)

Salaries & Wages	76,080.09
Other Expenses	8,253.61

Health Services (Clinic)

Salaries & Wages	
Other Expenses	26,196.77

Environmental Health Services  
(Inspection)

Salaries & Wages	85,543.96
Other Expenses	5,703.46

Animal Control Services

Salaries & Wages	98,674.95
Other Expenses	9,806.15

Community Resources (Welfare)

Salaries & Wages	63,844.00
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Other Expenses 13,841.26

Contributions to Social Services

Agencies

Other Expenses

**PARK & RECREATION**

Recreation Services & Programs

Salaries & Wages 160,025.53

Other Expenses 52,088.42

Maintenance of Parks (Landscape)

Salaries & Wages

Other Expenses 34,859.14

**OTHER COMMON OPERATING  
FUNCTIONS**

9Prior Year Bills

Other Expenses

Accumulated Leave Compensation

Salaries & Wages 158,100.00

Other Expenses

Celebration of Public Events

Other Expenses 21,917.00

Tax Appeals Refunds

Other Expenses -

Salary Adjustment

Other Expenses

Tax Title Lien & Foreclosure

Other Expenses 8,102.63

Purchase of Vehicles

Other Expenses

Environmental Commission

Other Expenses 474.30

Historic Commission

300.00

**UTILITY EXPENSES & BULK  
PURCHASES**

Electricity

Other Expenses 160,777.42

Street Lighting

Other Expenses 332,153.08

Telephone

Other Expenses 101,304.55

Water

Other Expenses 7,312.13

<u>Gas &amp; Fuel Oil</u>	
Other Expenses	240,000
<u>Fire Hydrant</u>	
Other Expenses	9,090.75
Federal & State Grants	
Healthy Community Grant	2,500.00
<b>CONTINGENT</b>	
<u>Contingent</u>	
Other Expenses	
<b>STATUTORY EXPENDITURES</b>	
<u>Public Employees Retirement</u>	
<u>System</u>	
Other Expenses	
<u>Social Security</u>	
Other Expenses	636,448.75
<u>Police &amp; Firemen's Retirement</u>	
<u>System</u>	
Other Expenses	
<b>EDUCATION FUNCTIONS</b>	
<u>Municipal Library</u>	
Other Expenses	869,301.78
<b>INTERLOCAL SERVICE</b>	
<b>AGREEMENTS</b>	
<u>Board of Education Transportation</u>	
Salaries & Wages	92,812.21
Other Expenses	28,113.34
<u>Senior Transportation</u>	
Other Expenses	17,391.00
<u>BOE Police Interlocal</u>	48,650.00
Salaries & Wages	
<u>Construction Code Interlocal</u>	6,000.00
Other Expenses	-
<u>Middlesex County STD</u>	
Other Expenses	2,569.13
<b>MUNICIPAL COURT</b>	
<u>Municipal Court</u>	
Salaries & Wages	134,563.26
Other Expenses	23,596.43
<u>Public Defender</u>	
Salaries & Wages	6,106.61
<b>CAPITAL IMPROVEMENTS</b>	
Dual Operated Camera and Control	
Equipment	

Capital Improvements - DownPayments

Other Expenses -

Capital Improvements

Other Expenses

Capital Improvements - Specific

545,000.00

Projects

Other Expenses

**MUNICIPAL DEBT SERVICE**Bond Principal

Other Expenses

1,476,375.00

Payment of Notes - Principal

Other Expenses

Bond Interest

Other Expenses

323,050.00

Note Interest

Other Expenses

Green Acres Loan Payments

Other Expenses

40,000.00

SCIA Lease Payments

Other Expenses

974,303.65

TOTAL FY 2007 TEMPORARY

18,442,400.381

BUDGET

<b>WATER UTILITY -BUDGET</b>	<b>FY 2007 TEMPORARY BUDGET</b>
<u>Operating</u>	
Salaries & Wages	740,677
Other Expenses	3,714,835
Health Benefits	253,880
Insurance Other	51,325
<u>Debt Service</u>	
Payment of Bond Principal	945,000
Interest on Bonds	107,255.
Loan Repayment Principal and Interest	267,460
<u>Statutory Expenditures</u>	
Social Security	66,537
Disability Insurance	1,275.00

SUBTOTAL - GENERAL OPERATIONS	<b>6,148,244.00</b>
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OPEN SPACE -BUDGET	FY 2007 TEMPORARY BUDGET
<u>Operating</u>	
Salaries & Wages	30,000
Other Expenses	289,185
Down Payments	
<u>Debt Service</u>	
Payment of Bond Principal	1,500,000
Interest on Bonds	1,242,000
Reserve for future Use	
SUBTOTAL - GENERAL OPERATIONS	<b>3,061,185</b>

**Resolution #06-399** Grant Permission of Display of Fireworks – Centrastate Healthcare Foundation – The Palace at Somerset Park – September 30, 2006 – Fireworks will end prior to 10:00 p.m.

**WHEREAS**, The Palace at Somerset Park has made application for permission to hold a fireworks display on Saturday, September 30, 2005 in conjunction with the Centrastate Healthcare Foundation Event to be conducted at The Palace at Somerset Park, 333 Davidson Avenue, Somerset; 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 to The Palace at Somerset Park to hold a public display of fireworks on Saturday, September 30, 2005 in conjunction with the Centrastate Healthcare Foundation Event to be conducted at The Palace at Somerset Park, 333 Davidson Avenue, Somerset subject to the following conditions:

- (1) **Submission to the Director of Fire Prevention 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 Palace at Somerset Park covering the fireworks; and**
- (4) **Submission of Surety as per N.J.S.A. 21:3-5.**

**Resolution #06-400** Authorize Raffle/Bingo License.

**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
Knights of Columbus #9925 St. Matthias of Somerset Council 168 JFK Boulevard, Somerset, NJ Off-Premise 50/50 – RL#1575 Drawing: St. Matthias Cafeteria	December 8, 2006 8:00 pm
Church of St. Matthias 168 JFK Boulevard, Somerset, NJ On-Premise 50/50 – RL#1576 Drawing: Church Grounds	October 1, 2006 1:00 pm – 6:00 pm
Easter Seal Society of New Jersey, Inc. 9 Terminal Road, New Brunswick, NJ On-Premise Raffle – RL#1577 On-Premise 50/50 – RL#1578 Drawings: DoubleTree Hotel	October 12, 2006 9:30 pm
Franklin Park Senior Citizens Club 505 DeMott Lane, Somerset, NJ 08873 On-Premise Raffle – RL#1579 On-Premise 50/50 – RL#1580 Drawings: Community/Senior Center	September 17, 2006 12:00 pm (Review waived by LGCCC)
Second Chance for Animals, Inc. P.O. Box 5172 , Somerset, NJ 08875-5172 On-Premise Raffle – RL#1581 On-Premise 50/50 – RL#1582 Drawings: Community/Senior Center	November 3, 2006 6:00 pm – 11:00 pm
Central Jersey Spinal Cord Association 17 Jefferson Avenue, New Brunswick, NJ 08901 On-Premise 50/50 – RL#1583 Drawings: DoubleTree Hotel, Somerset	October 27, 2006 7:00 pm
Church of St. Matthias 170 JFK Boulevard, Somerset, NJ On-Premise Raffle – RL#1584 On-Premise 50/50 – RL#1585 Drawings: St. Matthias Cafeteria	December 2, 2006 10:00 am – 4:00 pm

**Resolution #06-401** Authorize Traffic Signal Agreement with Somerset County at intersection of South Middlebush Road and Blackwells Mills Road.

**WHEREAS**, a traffic condition exists at the intersection of South Middlebush Road, County Route 615 and Blackwells Mills Road, Township of Franklin, Somerset County which requires the installation of a traffic control signal in order to minimize accidents; and

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

**WHEREAS**, the County of Somerset has indicated its willingness to maintain a traffic control signal at said intersection; and

**WHEREAS**, the agreement indicates that the Township of Franklin will provide through the utility company for the necessary electric current and pay all bills for electric current; and

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

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

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

**Resolution #06-402** Authorize Submission of Amendment to Annual Action Plan (CDBG) – Franklin Township Food Bank – FY2003 and FY2005.

**WHEREAS**, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Development Block Grants (CDBG); and,

**WHEREAS**, the Township of Franklin is an entitlement city as defined under said Act and is entitled to financial assistance; and,

**WHEREAS**, federal regulations at 24 CFR Part 91 require that the Township is permitted to revise activities in the Annual Action; and,

**WHEREAS**, a public meeting has considered amendments to the 2003 & 2005 Annual Action Plans following publication of the proposal to provide for the following program changes:

- |   |                                     |  |
|---|-------------------------------------|--|
| - | FY 2003 Franklin Township Food Bank | Budgeted: \$8,900<br>For Community Garden  |
|   |                                     | Amended: \$8,900<br>For Installation of Two<br>Permanent Refrigeration<br>Units & Shelving |
| - | FY 2005 Franklin Township Food Bank | Budgeted: \$4,341<br>For Electrical Improvements & Food<br>Storage & Handling<br>Equipment |

Amended: \$4,341  
For Shelving

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Franklin, in the County of Somerset, New Jersey that the Mayor be and is authorized and directed to submit the Township of Franklin's amendments to the 2003 & 2005 Annual Action Plans to the US Department of Housing and Urban Development and to provide such additional information as may be required.

**BE IT FURTHER RESOLVED** that the Township Clerk shall send a certified copy of this resolution to each of the following:

1. US Department of Housing and Urban Development
2. Chief Financial Officer
3. Grants Coordinator

**Resolution #06-403** Award Contract – Precision Analytical Services Inc. – Water Sample Testing – October 1, 2006 through September 30, 2007 – Not to Exceed \$15,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

**WHEREAS**, quotations as required by NJSA 40A:11-1 et seq. have been received;

**VENDOR:** Precision Analytical Services, Inc.  
261 Whitesville Road  
Toms River, NJ 08753

**ITEMS:** Water Sample Testing (October 1, 2006 to September 30, 2007)

**COST:** Not to exceed \$15,000.00

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

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

**Resolution #06-404** Authorize Tax Remittals.

**WHEREAS**, there appears on the books of the Collector of Revenue, taxes to be remitted as follows:

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
34.12/4Q Farm	Franklin Township Board	3-4/06 Tax	183.36
34.12/5	of Education	Exempt	4,126.65
34.12/5Q Farm			72.56
34.12/6Q Farm			23.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County that the Collector of Revenue be and she is hereby directed to remit the amount so stated.

**Resolution #06-405** Authorize Membership in the Morris County Cooperative Pricing Council – Amount of Membership Not to Exceed \$1,000.00.

**BE IT RESOLVED** by the Township of Franklin, County of Somerset and State of New Jersey:

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Franklin.
2. Pursuant to the provisions of N.J.S. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency (Township of Randolph) for the purchase of work, materials and supplies.
3. The Lead Agency (Township of Randolph) entering into contracts on behalf of the Township of Franklin shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. All resolutions or parts thereof inconsistent with this Resolution shall be and the same are hereby repealed.

**Resolution #06-406** Authorize Performance Guarantee Reduction – New Era Land Development, LLC (Brenner) – Block 507/Lot 19.01 – 177 Cedar Grove Lane – Reduce from \$208,120.80 to \$62,436.24.

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

ITEM:	Letter of Credit
NAME OF APPLICANT:	New Era Land Development, LLC (Brenner)
ADDRESS OF APPLICANT:	11 Colmart Way, Bridgewater, NJ 08807
DOCKET NO.	PLN2003-0048
NUMBER:	072505-52
INSURANCE CO./BANK:	1 <sup>st</sup> Constitution Bank
IN THE AMOUNT OF:	\$208,120.80
FOR:	Site Improvements – Block 507/Lot 19.01 – 177 Cedar Grove Lane

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

**WHEREAS**, the Township Engineer, after inspection, recommended reduction of the aforesaid Performance Guarantee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$208,120.80 be reduced to \$62,436.24 for the above named applicant.

**Resolution #06-407** Authorize Payment of Capital Connection by Installments – Block 226/Lot 5 – Dobson - 155 Shevchenko Avenue.

**WHEREAS**, Lot 5 in Block 226, as shown on the Tax Map of the Township of Franklin, County of Somerset and State of New Jersey, is assessed to Dobson, Calvin; and

**WHEREAS**, Calvin Dobson presently owes the Township of Franklin \$3,396.20 for capital connection fees for the above mentioned Lot; and

**WHEREAS**, Calvin Dobson has proposed to pay the fee regarding Lot 5 in Block 266 by installment payments pursuant to NJSA 54:5-19; and

**WHEREAS**, said proposal will require that Calvin Dobson will pay the Township of Franklin \$283.02 per month commencing on November 1, 2006 and continuing on the first (1<sup>st</sup>) day of each succeeding month until the required amount is paid in full; and

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

**WHEREAS**, the Township of Franklin may issue a Tax Sale Certificate, conducting a tax sale and/or institute an In Rem Foreclosure proceeding regarding Lot 5 in Block 266, if tax and utility payments are not timely paid and/or monthly installment payment is not made when due;

**NOW, THEREFORE, BE IT RESOLVED** this 12<sup>th</sup> day of September, 2006 that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that Calvin Dobson may pay the fee regarding Lot 5 in Block 266, pursuant to NJSA 54:5-19, in accordance with the installment schedule set forth herein and subject to all conditions contained herein.

**Resolution #06-408** Authorize Issuance of Special Event Permit – Party Gems – Vendor Party Picnic on September 23, 2006 from 9:00 a.m. to 7:00 p.m. at Naaman Williams Park.

**WHEREAS**, a request has been received from Lisa Sanders-Ali, owner of The Party Gems, for a special event permit for the Vendor Party Picnic to be conducted on September 23, 2006 at Naaman Williams Park from 9 am to 7 p m; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for Lisa Sanders-Ali (The Party Gems) for a special event permit for the Vendor Party Picnic to be conducted on September 23, 2006 at Naaman Williams Park from 9 am to 7 p m, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention and the Health Department.

**Resolution #06-409** Authorize Release of Performance Guarantee – Woodfield Developers, LLC – Block 11.01/Lot 10 – Woodfield Estates - \$87,399.00.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Woodfield Developers, LLC
ADDRESS OF APPLICANT:	3546 State Highway 27, Kendall Park, NJ 08824
DOCKET NO.	P97050SF
NUMBER:	SD00036281
INSURANCE CO./BANK:	Frontier Insurance Company
IN THE AMOUNT OF:	\$87,399.00
FOR:	Reduced Bond Water System – Block 11.01/Lot 10 – Woodfield Estates

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

**WHEREAS**, the Township Engineer, after inspection, recommended release of the aforesaid Performance Guarantee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$87,399.00 be released to the above named applicant.

**Resolution #06-410** Award State Contract – Police Ballistic Vests – Lawmen Supply Company – Not to Exceed \$29,727.50.

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

**VENDOR:** Lawmen Supply Company  
5521 White Horse Pike  
Egg Harbor City, J 08215  
**State Contract No. A60529**

**ITEMS:** Police Ballistic Vests  
**COST:** \$29,727.50

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

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

**Resolution #06-411** Authorize Purchase – GIS Plotter – ISS Solutions – Not to Exceed \$10,098.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

**WHEREAS**, quotations as required by NJSA 40A:11-1 et seq. have been received;

**VENDOR:** ISS Solutions  
2010 Cabot Blvd. W  
Langhorne, PA 19047

**ITEMS:** GIS Plotter  
**COST:** Not to exceed \$10,098.00

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

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

**Resolution 06-#412** Authorize Participation in the 2006 Somerset County Improvement Authority Lease Program.

**WHEREAS**, under the Somerset County Municipal Banc Program as defined herein), various municipalities, an educational services commission and school districts within the County of Somerset (the “County”) and the County (each a “Participant”) submit a request (the “Application”) to the Somerset County Improvement Authority (the “Authority”) to borrow funds from the Authority (the “Somerset Municipal Banc Program”) to finance the lease

purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Somerset Municipal Banc Program may be referred to herein as the "Project");

**WHEREAS**, under the Somerset Municipal Banc Program, the Authority intends to enter into the hereinafter defined Authority Lease with Commerce Commercial Leasing, LLC (the "Lessor");

**WHEREAS**, under the Somerset Municipal Banc Program, the Lessor intends to provide funds to acquire the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease");

**WHEREAS**, under the Authority Lease, the Authority shall make rental payments that are subject to annual appropriation of the Authority solely from amounts received by the Participant under the hereinafter defined Participant Lease;

**WHEREAS**, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"), under which Participant Lease the Participant will make rental payments that are subject to annual appropriation of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Somerset Municipal Banc Program;

**WHEREAS**, pursuant to the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto, specifically Section 37 thereof (N.J.S.A. 40:37A-79), the County may for the purpose of aiding the Authority in the planning, undertaking, acquisition, construction or operation of a public facility, guaranty the punctual payment of moneys for the purposes of the Authority (the "County Guaranty"); and

**WHEREAS**, in order to implement the County Guaranty, and in accordance with the terms of that certain agreement entitled Guaranty Agreement between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the lease payments made by the Authority to the Lessor are not sufficient;

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

**Section 1.** That the Participant Lease, in the form presented to this meeting, be and the same is approved, and the Mayor, Chief Financial Officer or Business Administrator of the Township of Franklin (each, an "Authorized Participant Representative") is hereby authorized to, and one of such officers shall execute the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced by the execution and delivery thereof.

**Section 2.** That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution.

**Section 3.** This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township of Franklin reasonably expects to pay expenditures with respect to the Equipment prior to the date that the Township of Franklin incurs obligations under the Participant Lease. The Township of Franklin reasonably expects to reimburse such expenditures with the proceeds of obligations to be incurred by the Township of Franklin under the Participant Lease. The maximum principal amount of obligations expected to be issued for payment of the costs of the Equipment is \$1,616,440.00.

**Section 4.** This Resolution shall become effective immediately.

**Resolution #06-413** Authorize Discharge of Affordable Housing Mortgage – Modan – 19 Amethyst Way, Franklin Park – Block 34.10, Lot 59.01 C1406.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 19 Amethyst Way, Franklin Park, Block 34.10 Lot 59.01 C1406 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

**Resolution #06-414** Authorize Discharge of Affordable Housing Mortgage – Wilcox/Patel – 35 Taylor Drive, Franklin Park – Block 34.01, Lot 16.02 C0345.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 35 Taylor Drive, Franklin Park, Block 34.01 Lot 16.02 C0345 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

**Resolution #06-415** Authorize Discharge of Affordable Housing Mortgage – Moscatello – 70 Fisher Drive – Block 34,02, Lot 16.03 C2612.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 70 Fisher Drive, Franklin Park, Block 34.02, Lot 16.03 C2612 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

#### **EXECUTIVE SESSION**

Upon motion by Mr. Regan seconded by Mr. McKenzie, the following resolution was adopted as follows upon call of the roll:

**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 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:

**Personnel/Contract Negotiations**

- 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.

**ADJOURNMENT**

Mr. Regan moved to adjourn the meeting at 11:50 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk