

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
SEPTEMBER 25, 2001

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:00 P.M.

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

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

The invocation was given by Councilman Sumter.

The Township Clerk called the roll.

Present: Mayor Clyde, Deputy Mayor Eberle, Ms. Barrier, Mr. Grippo, Mr. Levine, Mr. Mazzola, Mr. Sumter. Mr. Chivukula was absent at roll call but arrived later in the meeting.

Absent: Mr. Mettler

Also present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

PROCLAMATION - "MUNICIPAL ALLIANCE WALK FOR A DRUG FREE NEW JERSEY"

Read by Mayor Clyde

WHEREAS, The Municipal Alliance Walk for a Drug Free New Jersey, a public awareness campaign led by the Governor's Council on Alcoholism & Drug Abuse, falls on October 6, 2001; and

WHEREAS, The Municipal Alliance, the most continuous prevention program in the United States, has a long history of empowering volunteers to prevent substance abuse, through 526 local member Alliances with thousands of programs representing approximately seven million residents of the State of New Jersey with a wide range of programs and services; and

WHEREAS, The Walk will focus unprecedented attention on volunteers working to prevent substance abuse with programs at schools, community organizations, neighborhoods and workplaces in local communities around the State; and

WHEREAS, The Walk will provide media exposure and local support ties to work together to create effective education and alternatives to substance abuse. The Municipal Alliance Walk, "Something to Walk About.....Substance Abuse Prevention" is a challenge to all volunteers to spend a day supporting drug free communities at Colonial Park in Franklin Township;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council do hereby proclaim **October 6, 2001** as

"MUNICIPAL ALLIANCE WALK DAY"

in the Township of Franklin, Somerset County.

Proclamation was presented by Mayor Clyde to Marie Thompson of the Alliance Against Substance Abuse.

REGULAR MEETING - SEPTEMBER 25, 2001

Ms. Thompson invited the Council and members of the public to participate in the Walk on October 6th at Colonial Park beginning at 10:00 a.m. Ms. Barrier urged the support of this Walk to publicize the successful deeds of the Alliance. Mr. Grippo thanked the Alliance for the classes they have provided to the Conerly Road School in the past.

RESOLUTION IN RESPONSE TO THE ATTACK ON AMERICA**Read by Mayor Clyde and all members of the Council:**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in Somerset County, State of New Jersey, that we do condemn and denounce the terrorist who planned and executed this devastation, as well as their cowardly sponsors and accomplices; and

BE IT FURTHER RESOLVED that we extend our deepest condolences to the victims of these heinous and ungodly actions, as well as to their families and their friends; and

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

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

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

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

BE IT FURTHER RESOLVED that we declared Sunday, September 16, 2001 as a Day of National Unity and Mourning, and observed same in an appropriate manner by the citizens of Franklin Township, Somerset County through a Community Service held at the Franklin High School; and

BE IT FINALLY RESOLVED that copies of this resolution be forwarded to Governor DiFrancesco, Senators Torricelli and Corzine, our State Legislators and the New Jersey State League of Municipalities.

Council determined to have the resolution enlarged, framed and permanently displayed in the Municipal Building lobby. A formal ceremony will be planned when the Resolution is ready for display.

REGULAR MEETING - SEPTEMBER 25, 2001

Mr. Mazzola advised Council of the Memorial Mass scheduled for Saturday, September 29th at 10:00 a.m., St. Matthias Church, in memory of local resident John M. Collins, Ladder 25 of the FDNY, victim of the September 11th attack on the World Trade Center

MINUTES - BUDGET WORK SESSION - 7/31/01 & 8/01/01; WORK SESSION 8/07/01; REGULAR MEETING 8/14/01; EXECUTIVE SESSIONS 7/31/01 & 8/14/01; SPECIAL EXECUTIVE SESSION - 9/04/01; SPECIAL MEETING - 9/04/01; REGULAR MEETING - 9/11/01

Motion was made by Deputy Mayor Eberle and seconded by Mr. Mazzola to approve the Minutes of the abovementioned Work Sessions, Meetings and Executive Sessions as submitted by Township Clerk Pellicane. Motion was approved unanimously by those Councilmembers present at the respective meetings.

WARRANTS - SEPTEMBER 25, 2001

Read by Mayor Clyde

1. Current Fund	3,616,662.27
5. Water Operating	76,756.78
6. Water Capital Fund	0
4. General Capital Fund	45,679.60
Animal Control	0
15. General Trust Fund	604.50
18. Self Insurance Trust Fund	5,450.00
21. Recreation Trust	439.00
12. Open Space Trust	0
2. Grant Fund	41,714.26
17. Workers' Compensation Trust	0
Unemployment Trust	0
Employee Payroll Deduction	316,886.29
Public Assistance	0
3. Collector Trust	37,172.07
Assessment Trust	0
14. Dog Revenue	240.00
Community Foundation	0
22. Payroll	0
General Ledger Item: Current Fund	0
General Ledger Item: Water Utility Fund	0
13. Redevelopment Agency	2,980.00
SUB-TOTAL	<u>\$4,144,584.77</u>
19. Voided Checks	0
20. Adjustments	0
TOTAL BILL LIST	<u>\$4,144,584.77</u>

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

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

Motion was carried.

REGULAR MEETING - SEPTEMBER 25, 2001

01-407 RESOLUTION - INTRODUCTION - FY2002 CURRENT, CAPITAL & WATER CAPITAL BUDGET

Read by Mayor Clyde

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2002;

BE IT FURTHER RESOLVED that said Budget be published in the Courier News, Bridgewater NJ in the issue of October 11, 2001;

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby approve the following as the Budget for the year 2002:

General Appropriations

Appropriations Within "CAPS"	
Municipal Purposes	\$25,455,168.00
Appropriations Excluded from "CAPS"	
Municipal Purposes	5,301,234.51
Reserve for Uncollected Taxes - Based on	
Estimated 97+ Percent of Tax Collections	<u>2,795,371.00</u>
 Total General Appropriations	 33,551,773.51
 Less: Anticipated Revenues Other Than Current	
Property Tax	<u>15,986,982.63</u>
 Difference: Amount to be Raised by Taxes	
for Support of Municipal Budget:	
Local Tax for Municipal Purposes Including	
Reserve for Uncollected Taxes	<u>\$17,564,790.88</u>

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Council of the Township of Franklin, Somerset County on September 25, 2001;

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, 475 DeMott Lane, Somerset NJ on October 23, 2001 at a meeting beginning at 8:00 o'clock p.m. at which time and place objections to said Budget and Tax Resolution for the fiscal year 2002 may be presented by taxpayers or other interested persons.

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

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

Motion was carried.

ORDINANCE HEARING –AMEND BOND ORDINANCE NO. 3119 - ACQUISITION OF ELKINS PROPERTY - BLOCK 259/LOT 74 - \$700,000.00 TO \$1,200,000.00

Mayor Clyde noted that since the Council has decided not to pursue this acquisition because of the cost, he will entertain a motion to defeat the ordinance.

REGULAR MEETING - SEPTEMBER 25, 2001

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

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

Motion was carried.

ORDINANCE HEARING –AMEND CODE - CHAPTER 163, MUNICIPAL SERVICES - ADD WHITEHALL MANOR

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY MORE PARTICULARLY CHAPTER 163, MUNICIPAL SERVICES - SCHEDULE A (ADD WHITEHALL MANOR)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

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

Motion was carried.

ORDINANCE HEARING – AMEND CODE - CHAPTER 112, DEVELOPMENT - SECTION 112-6(B)1, OFFICIAL MAP - BOCK 514/LOT 56 FROM RR-3 TO ROL; BLOCK 514/LOT 35 FROM RR-3 TO M-1

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6B(1), OFFICIAL ZONING MAP (BLOCK 514 LOT 56 FROM RR-3 TO ROL, AND BLOCK 514 LOT 35

REGULAR MEETING - SEPTEMBER 25, 2001

FROM RR-3 TO M-1)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

Richard Phillips, Elizabeth Avenue, noted that he is the owner of the parcel located between Lots 56 and 35 in Block 514. Dr. Phillips noted report from Director of Planning Ellen Ritchie dated August 29, 2001 regarding the litigation, the report from the Court-hired Planner opining that keeping the land in the RR-3 zone was not justified nor supportable, and questioned if the Council agreed with the Judge's decision.

Mayor Clyde and Township Attorney Rainone responded that the ordinance was recommended by the Planning Board and represents a settlement of litigation. Neither the Township nor the litigant was completely satisfied but the rezoning will settle the litigation.

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

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

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

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

Motion was carried.

ORDINANCE HEARING -AMEND CODE - CHAPTER 47, POLICE DEPARTMENT - SECTION 47-24, OUTSIDE POLICE SERVICES/SPECIAL POLICE SERVICES

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 47, POLICE DEPARTMENT - SECTION 47-24, POLICE OUTSIDE WORK/SPECIAL POLICE SERVICES". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

REGULAR MEETING - SEPTEMBER 25, 2001

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

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

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

Motion was carried.

ORDINANCE HEARING – AMEND CODE - CHAPTER 52, SALARIES & COMPENSATION - SECTION 52-3, ANNUAL BASE COMPENSATIONS FOR ELECTED AND APPOINTED EMPLOYEES/OFFICIALS (TOWNSHIP CLERK); SECTION 52-4, ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES (RANGE FOR CHIEF OF POLICE AND POLICE CAPTAINS)

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 52, SALARIES & COMPENSATION - SECTION 52-3, ANNUAL BASE COMPENSATION FOR ELECTED AND APPOINTED EMPLOYEES/OFFICIALS (TOWNSHIP CLERK); SECTION 52-4, ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES (CHIEF OF POLICE & POLICE CAPTAINS)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

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

Motion was carried.

ORDINANCE HEARING – AMEND CODE - CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-30, ON-STREET HANDICAPPED PARKING - 102 BROOKLINE AVENUE

Mayor Clyde read by title:

REGULAR MEETING - SEPTEMBER 25, 2001

"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 226-30 (ON STREET HANDICAPPED PARKING SPACE (ADD 102 BROOKLINE AVENUE)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

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

Motion was carried.

Mr. Chivukula arrived at this time.

ORDINANCE HEARING –WATER CAPITAL ORDINANCE - WATER UTILITY CAPITAL IMPROVEMENT FUND - \$165,000 - CEDAR GROVE LANE AND WESTON ROAD WATERLINE EXTENSION

Mayor Clyde read by title:

"CAPITAL ORDINANCE PROVIDING FOR THE CEDAR GROVE LANE AND WESTON ROAD WATER MAIN EXTENSION, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$165,000 FROM THE WATER UTILITY OF THE TOWNSHIP TO PAY FOR THE COST THEREOF". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

John Grosso, 61 Hollywood Avenue, questioned who will benefit from this ordinance. Mayor Clyde and Township Manager Daly responded that the ordinance is in settlement of litigation by Pizzo & Pizzo and provides for the Township to pay the differential between the cost of an 8” waterline needed to serve the Pizzo development and the 16” line required by the Township’s Water Master Plan.

REGULAR MEETING - SEPTEMBER 25, 2001

John McConville, 5 Stone Leigh Way, questioned what percentage of the water master plan this project represents. Township Attorney Rainone, Township Manager Daly and Mayor Clyde responded that the Water Master Plan determines the size of waterline, location of hydrants, etc., to allow the Township the ability to serve properties outside developments. Developers are required to provide larger facilities than required for their development so that the cost of installing the utilities is borne by the developer rather than existing residents. Litigation by the developer resulted in the need for the Township to reimburse for the cost differential.

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

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

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

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

Motion was carried.

ORDINANCE HEARING -WATER CAPITAL ORDINANCE - WATER UTILITY CAPITAL IMPROVEMENT FUND - \$270,000 - ELIZABETH AVENUE WATERLINE EXTENSION

Mayor Clyde read by title:

"CAPITAL ORDINANCE PROVIDING FOR THE ELIZABETH AVENUE WATER MAIN EXTENSION, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$270,000 FROM THE WATER UTILITY OF THE TOWNSHIP TO PAY FOR THE COST THEREOF". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

John Grosso, 61 Hollywood Avenue, questioned who will benefit from this ordinance. Township Manager Daly responded that this ordinance is not precipitated by litigation but is to allow the waterline to be extended on Elizabeth Avenue while Somerset County is redeveloping the roadway. The initial cost of the water line is being borne by the Township Water Utility but, as residents and commercial users connect to the waterline, their connection fees are designed to return the cost of waterline extension to the Water Utility.

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

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

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

REGULAR MEETING - SEPTEMBER 25, 2001**AYES**

Ms. Barrier
 Mr. Chivukula
 Mayor Clyde
 Ms. Eberle

AYES

Mr. Grippo
 Mr. Levine
 Mr. Mazzola
 Mr. Sumter

NAYS

No One

ABSTAIN

No One

ABSENT

Mr. Mettler

Motion was carried.

PUBLIC DISCUSSION

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

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

Chip Hoever, 9 Stallion Court; Darice Gonzalez, 5 Gallop Lane; Carol Jenkins, 10 Reins Court; Dan Mackey, 9 Stallion Court; and Nine Bloustein, 9 Reins Court, residents and representatives of the Countryside at Franklin Condominium Association:

1. Commended Council on the September 16th tribute at the High School.
2. Noted that:
 - a. Some repairs have been made to steps and stoops within the development, however, 66% of the repairs still do not meet Code standards.
 - b. The Condominium Association requested the contractor for the complex's developer to provide them with a certificate of insurance and a time schedule for repairs. The contractor refused to comply since such is not required by the Code.
 - c. Summonses for work not done have been issued against the Condominium Association by Construction Officer Jim Anderson at the direction of the Township Attorney.

Township Attorney Rainone responded that he has seen an insurance certificate from the contractor and that the Township's interest is to have the violations repaired. The contractor appeared to do the repair work and was sent away because he did not have proof of insurance. He advised the Construction Official that both the developer and the occupants of the dwellings are in violation of the Code. The issuance of summonses is done at the discretion of the Construction Official. The matter is a private dispute between the developer and the association. The Township's only responsibility is to see that the violations are corrected.

Mr. Mazzola and Mr. Levine expressed concern with the issuance of summonses to the Condominium Association which has responsibility to protect the interests of the homeowners by requesting the insurance certificate. Township Attorney Rainone examined the summonses referred to by Mr. Hoever and noted they are violation notices, not summonses, and only provide penalties if violations are not corrected by a specified date.

Mayor Clyde suggested that:

- a. The Township verify that the contractor does have insurance;
- b. The Code Enforcement Department expeditiously inspect the repaired steps and stoops;

REGULAR MEETING - SEPTEMBER 25, 2001

- c. The Township should obtain a report of the actions taken by the Code Enforcement Department;
 - d. The Condominium Association should provide information on the problems they are facing with the compactor, drainage, landscaping and construction items. Upon receipt, a meeting to address those concerns which are under Township jurisdiction can be arranged. Ms. Eberle requested to be informed of the meeting so she can attend.
2. Questioned why inquiries to the Code Enforcement Department regarding the status of the 96 violation notices issued did not result in the Association being advised that an appeal had been filed by the developer.
 3. Questioned why Certificates of Occupancy were issued for the dwellings with code violations.

John Grosso, 61 Hollywood Avenue, concurred with the concerns expressed by the Countryside residents and questioned why the developer, after being fined \$400,000, only paid \$325.00. Mayor Clyde responded that he has requested a review of the penalty situation from a management and legal prospective.

David Brook, 280 South Middlebush Road, spoke in reference to the proposed Tree Removal Ordinance noting that:

1. The ordinance does not provide for inspections, Performance or Maintenance Guarantees, fees for tree permits, best management practices, shade tree commission involvement in site plan review and pays no attention to the science of trees. Mr. Brook noted the need for input from people with expertise and input from Boards and Committees before introduction. Township Attorney Rainone responded that the ordinance amends certain sections of the existing tree removal ordinance but leaves many other sections intact. These sections provide for the items of concern to Mr. Brook. Mayor Clyde responded that it is intended that the Shade Tree Commission, when appointed, will prepare the best management practices.
2. Dismay with a newspaper article in which Township Manager Daly is quoted as saying that David Brook sabotaged the work of the Shade Tree Commission.

Theodore Chase, 159 Old Georgetown Road, spoke in reference to the proposed tree removal ordinance and noted:

1. The need to defer introduction until input is received from interested groups to avoid the cost of having to readvertise if substantive amendments are a result of that input.
2. The need to provide penalties for violation of this and other Township ordinances which are sufficient to discourage violations.

Michael Orsini, 24 Nepote Place:

1. Noted that he served on the subcommittee which drafted the ordinance and the need to get it adopted quickly to provide immediate protection and to correct it later if needed.
2. Commended Council's Open Space preservation efforts and noted his dismay at Letters to the Editor appearing in the newspapers criticizing Council's failure to preserve.

Lucretia Cortelyou, 1892 Amwell Road:

1. Noted no response to her request for traffic calming measures for the Amwell Road relocated curve, lack of a shoulder in front of her home to facilitate exiting her driveway, and the need for constant police enforcement of speed limits.

REGULAR MEETING - SEPTEMBER 25, 2001

2. Mowing of the bike path after being ignored for a long time but failure of any bicycle riders to use it.
3. Receipt of report from Michael Amoroso on the ability of County roads to handle truck traffic; lack of report from the Township Manager on the ability of Township roads to handle the truck traffic. Township Manager Daly responded that the report is not available at this time.
4. Tax increase on her property of \$710.62 in one year and the impact the new budget, new high school and numerous bond issues approved by Council will have on taxes in the future.
5. Questioned if the Council still intends to amend the ordinance to permit the use of the Toto farm for municipal purposes rather than limited to open space and requested a definition of municipal purposes. Mayor Clyde responded that the ordinance has been put on hold pending receipt of a report on proposals to alleviate traffic problems.
6. Dismay with the publication of ordinances introduced by Council in summary rather than in full.

Harold Leventhal, 360 DeMott Lane, spoke in reference to the non-binding senior housing proposal referendum, noting that the Senior Citizen Advisory Committee is working to come up with answers to the questions raised at the September 24th public hearing.

Teresa Treantafellou, 21 Meister Street, spoke in reference to the ordinance adopted this evening to provide on-street handicapped parking for her father-in-law on Brookline Avenue and questioned when the signage will be installed. Mayor Clyde requested Township Manager Daly to follow up and have the signs installed as soon as possible.

Karen Ferguson, 66 McGuffy Avenue, questioned why the Senior Citizen Advisory Committee's September 24th meeting was not posted on the Township web page. Mr. Chivukula responded that the Committee will be coming up with information for distribution to the public.

John Grosso, 61 Hollywood Avenue:

1. Thanked the Council and Board of Education for the September 16th Tribute and Ms. Barrier for her singing performance.
2. Noted the recognition deserved by Phil Marden for his many years of efforts towards open space. Mayor Clyde responded that the Council will consider naming an open space area in his honor and will prepare a commendation for his efforts.
3. Questioned if the developer has completed the work required in conjunction with Item 19 (Ordinance Introduction - Accept Preservation Area Deeds - LaFonge Associates and HAR Realty - Block 37.02) on the agenda. Township Manager Daly responded that the work has been done.
4. Questioned the bonding amount for the Library expansion prior to knowing if the \$1 million grant will be received. Mr. Grippo responded that we will know by mid-November if our grant has been approved. Township Manager Daly responded that the ordinance must contain the entire cost of the expansion. If the grant is received, the amount of money bonded for this purpose will be reduced by the amount of the grant.
5. Questioned the impact of Consent Agenda Item P (Retention of Land for Open Space) on the Township's ability to utilize the Toto farm for other purposes.

REGULAR MEETING - SEPTEMBER 25, 2001

Township Attorney Rainone responded that the resolution deals with not selling Township owned lots. Ms. Barrier noted that the resolution addresses Council's concern with preserving open space by not selling Township owned land unless the sale is in the best interest of the Township.

6. Noted that the sewer connection referred to in Consent Agenda Item U (Extension of Sanitary Sewer Service Area - Griggstown Quail Farm - Block 20.02/Lot 45.03) is a result of a dispute between the Franklin Township Sewerage Authority and the property owner, and questioned why the property owner cannot connect. Township Manager Daly responded that the property cannot be connected to the sewer because the property is not within our sewer service area.

David Brook, 280 South Middlebush Road, noted that a successful tree program requires the development of a program with the Township Department of Public Works for planting, trimming and maintenance, and that the previous Shade Tree Commission was unsuccessful getting DPW employees interested in the program.

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

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 222 - TREE REMOVAL

The order of the agenda was amended to consider this item at this time because of the concern of the public in attendance.

Council discussed the concerns expressed during the public discussion portion of this meeting, and their desire to defer introduction until input from other interested boards is received.

Mr. Grippo suggested forming a coalition consisting of one representative of the Planning Board, Environmental Commission, Open Space Committee and the Agricultural Advisory Committee to meet immediately, bring the opinions of the boards to the coalition and then bring the consensus of the opinions of the coalition to the Township Council.

Township Attorney Rainone suggested that the draft ordinance be circulated to all groups with a direction to report back to Council at our October 23rd meeting and have a representative at the meeting to discuss the opinions and respond to questions.

Mr. Levine noted the existing ad hoc subcommittee created for this purpose and suggested that the input from other committees be presented to the Council through the subcommittee. Mayor Clyde concurred with this suggestion and requested the subcommittee to schedule during the week of October 15th and to request board reports by that date. The subcommittee will then present their recommendations to Council on October 23rd.

Mr. Grippo moved to adopt the subcommittee concept noted above. Mr. Chivukula and Mr. Mazzola seconded the motion; motion was carried unanimously.

Mr. Mazzola noted that the ordinance creating the Shade Tree Commission requires all appointments be made by the Mayor rather than the Township Council as a whole. Township Clerk Pellicane noted that the Statute authorizing Shade Tree Commission mandates mayoral appointments. Mayor Clyde noted his intention to fully consult with the Council before making any appointments.

ORDINANCE INTRODUCTION - ACCEPT DEEDS & EASEMENTS - CANAL WALK ASSOCIATES - WESTON ROAD, WESTON CANAL ROAD, METTLERS ROAD AND SCHOOLHOUSE ROAD

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM CANAL WALK ASSOCIATES - SIGHT TRIANGLE EASEMENTS (3); ROAD

REGULAR MEETING - SEPTEMBER 25, 2001

DEDICATIONS (7) FOR METTLERS ROAD, WESTON ROAD, WESTON CANAL ROAD & SCHOOLHOUSE ROAD" which is presented to Council for adoption on first reading, posting, publication on October 4, 2001 and public hearing on October 23, 2001.

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

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

Motion was carried.

ORDINANCE INTRODUCTION - ACCEPT PRESERVATION AREA DEEDS - LaFONGE ASSOCIATES AND HAR REALTY - BLOCK 37.02

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM LaFONGE ASSOCIATES OF PRESERVATION AREA DEEDS (2) AND FROM HAR REALTY OF ONE PRESERVATION AREA DEED" which is presented to Council for adoption on first reading, posting, publication on October 4, 2001 and public hearing on October 23, 2001.

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

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

Motion was carried.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 225, VEHICLES & TRAFFIC - SECTION 226-30, ON-STREET HANDICAPPED PARKING SPACES (2) - 59 MAIN STREET

Mayor Clyde read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (ADD 59 MAIN STREET (2) PARKING SPACES)" which is presented to Council for adoption on first reading, posting, publication on October 4, 2001 and public hearing on October 23, 2001.

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

REGULAR MEETING - SEPTEMBER 25, 2001

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

Motion was carried.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 222 - TREE REMOVAL

Considered earlier at this meeting.

RESOLUTION - AMEND FY2002 TEMPORARY CAPITAL BUDGET

Read by Mayor Clyde

WHEREAS, the Local Capital Budget has not been adopted for FY2002 and a Temporary Capital Budget for FY2002 was adopted on July 10, 2001;

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

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

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

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

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

Motion was carried.

ORDINANCE INTRODUCTION - BOND ORDINANCE - LIBRARY EXPANSION - \$6,100,000.00

Mayor Clyde read by title:

"BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO THE FRANKLIN TOWNSHIP PUBLIC LIBRARY, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, IN THE STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,100,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,795,000 BONDS AND/OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF " which is presented to Council for adoption on first reading, posting, publication on October 4, 2001 and public hearing on October 23, 2001.

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

REGULAR MEETING - SEPTEMBER 25, 2001

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

Motion was carried

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 29, JOINT TOWNSHIP ADVISORY - COMMITTEE/VILLAGE OF KINGSTON (NEW CHAPTER)

Removed from Agenda

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 115, DOGS & OTHER ANIMALS - SECTION 115-19, BORROWING OF TRAPS

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 115, DOGS & OTHER ANIMALS" which is presented to Council for adoption on first reading, posting, publication on October 4, 2001 and public hearing on October 23, 2001.

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

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

Motion was carried.

ORDINANCE INTRODUCTION - ACCEPT DEEDS OF DEDICATION - RECONSTRUCTION OF SCHOOLHOUSE ROAD FROM WESTON CANAL ROAD TO METTLERS ROAD - DIDIORGIO, MESSINEO, ALFONSO, CANAL WALK ASSOCIATES, MILLSTONE SCHOOL ASSOCIATES, SELODY

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM VARIOUS PROPERTY OWNERS, DEEDS OF DEDICATION AND EASEMENTS FOR SCHOOLHOUSE ROAD TO ACCOMMODATE THE RECONSTRUCTION OF SCHOOLHOUSE ROAD FROM WESTON CANAL ROAD TO METTLERS ROAD" which is presented to Council for adoption on first reading, posting, publication on October 4, 2001 and public hearing on October 23, 2001.

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

REGULAR MEETING - SEPTEMBER 25, 2001

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

Motion was carried.

RESOLUTION - AMENDED CONSENT AGENDA

Item U ((Extension of Sanitary Sewer Service Area - Griggstown Quail Farm - Block 20.02/Lot 45.03) was removed from the Consent Agenda at the Work Session for separate action.

Read by Mayor Clyde

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

I move that the Amended Consent Agenda Resolutions as they appear on the prepared agenda be and the same are hereby approved:

A. Tax Title Lien Redemptions:

Hansen Block 34.02/Lot 16.03 C2816 - \$1,420.54 – 16 Fisher Drive
 Ho – Block 34.09/Lot 59.02 C0172 – \$278.98 & \$319.42 - 136 Topaz Drive
 (2000)
 Ho – Block 34.09/Lot 59.02 C0172 – \$171.68 - 136 Topaz Drive (1998)
 DeLeo – Block 70/Lot 2 - \$17,207.57 – 25 Frank Street
 Maxelix – Block 183/Lot 81/01 – \$362.83 - 99 Home St.
 Gustavo – Block 200/Lot 9.01 - \$373.05 & \$367.49 – 147 Winslow Ave (1996)
 Gustavo – Block 200/Lot 9.01 - \$798.74 – 147 Winslow Ave (1999)
 Gustavo – Block 200/Lot 12.01 - \$798.74 – Winslow Ave (1996)
 Gustavo – Block 200/Lot 12.01 - \$856.90 – Winslow Ave (1998)
 Gustavo – Block 200/Lot 15.01 - \$1,727.52 – Winslow Ave (1995)
 Gustavo – Block 200/Lot 15.01 - \$856.90 – Winslow Ave (1998)
 Sanders – Block 292/Lot 3 - \$5,299.64 – 989 Hamilton Street (1997)
 Sanders – Block 292/Lot 3 - \$1,791.70 – 989 Hamilton Street (1998)
 Sanders – Block 292/Lot 3 - \$198.38 – 989 Hamilton Street (2000)
 A.Financial Corp. – Block 310/Lot 2 - \$8,994.21 – 131 Hillcrest Avenue
 Thorne – Block 329/Lot 15 - \$663.98 – 40 Appleman Road
 Bennett – Block 379/Lot 24 - \$849.07 – 5 Cortland Drive
 Walden – Block 384/Lot 3 - \$275.85 – 6 Shelly Drive
 Gottlieb – Block 386.18/Lot 27 - \$815.51 – 27 Exeter Court
 Baron – Block 417.02/Lot 10 - \$277.03 – 10 Nottingham Way
 San Juan – Block 468.05/Lot 25 - \$420.04 – 1 Birch Terrace

B. Water Overpayment –

Raker – 58 Runyon Avenue - \$34.78
 FTSA - 7 Rolling Road - \$42.50

C. Bid Award – Fire Hydrants – Various Vendors – \$20,000**D. Change Order No. 1 – Buist, Inc. – Maintenance of the Public Safety Building HVAC System - \$11,072.00****E. Amend Resolution – Tax Rate – Fire District No. 2**

REGULAR MEETING - SEPTEMBER 25, 2001

- F. Grant Application – Rutgers University – Municipal Incentive Grant – Project P.A.C.T. (Police and Community Together) and Wetland Restoration at Bunker Hill Environmental Education Center - \$3,000.00
- G. Grant Agreement – National Association of Counties – Wetland Restoration at Bunker Hill Environmental Education Center/ equipment, vegetation and education materials - \$9,913.00
- H. Grant Agreement – Somerset County CDBG Program – Flood Protection/East Franklin Drainage Project engineering - \$38,000.00
- I. Agreement – County of Somerset – Traffic Signal/Elizabeth Avenue & School House Road
- J. Agreement – County of Somerset – Traffic Signal/Elizabeth Avenue & New Brunswick Road
- K. Agreement - ICMA-RC Deferred Compensation Retirement Plan
- L. Escrow Release – Inspection Fees:
John Hadded/Advanced Dental Arts Docket #P200023PD - \$1,583.75
Sprint/United Telephone Co. – Docket #Z96065UP - \$212.50
- M. Performance Guarantee Release - John Hadded/Advanced Dental Arts Docket #P200023PD - \$75,599.10
- N. Authorize Raffle & Bingo Licenses
- O. Waive Building/Occupancy Permit Fees – Commercial Businesses Displaced by WTC terrorist attack
- P. Adopt Land Sale Policy – Retention of Township Owned Land for Open Space except for exceptional, compelling circumstances
- Q. Professional Service Agreement – The Reynolds Group – Surveying Services – Canal Road Green Acres - \$22,050.00
- R. Settlement – Tices Properties - 60 Jiffy Road – Block 86.03/Lot 1.08– Tax Appeal
- S. Settlement – Rond LLC A/K/A Holiday Inn - 195 Davidson Avenue – Block 502/Lot 37.01 – Tax Appeal
- T. Accept Resignation – Walter Maros – Historic Preservation Commission
- U. Extension of Sanitary Sewer Service Area – Griggstown Quail Farm – Block 20.02/Lot 45.03 - Removed from Consent Agenda
- V. Professional Service Agreement - Louis N. Rainone, Esquire - Legal Services - Township Attorney - An additional \$40,000.00
- W. **[Budget – FY2002 Transfers]**

THE FOLLOWING ARE THE ITEMS OF THE AMENDED CONSENT AGENDA:**A. 01-409 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER**

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

REGULAR MEETING - SEPTEMBER 25, 2001

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:

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
April 10, 1997	34.02/16.03 C2816	HANSEN, BROOKS & DONNA 16 Fisher Drive Franklin Park NJ 08823	\$ 1,420.54

CHECK #4059
CERT # 97-232

PAID: September 4, 2001
LIENHOLDER: TSC 1, LLC
PO Box 169
Oakhurst NJ 07755

June 11, 1998	34.09/59.02 C0172	HO, ROBERT 136 Topaz Drive Franklin Park NJ 08823	171.68
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CHECK #4064
CERT # 98-112

PAID: September 6, 2001
LIENHOLDER: Daniel Lebar
PO Box 495
Metuchen NJ 08840

June 8, 2000	34.09/59.02 C0172	HO, ROBERT 136 Topaz Drive Franklin Park NJ 08823	278.98 319.42
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CHECK #4064
CERT # 20-92 & 99-87

PAID: September 6, 2001
LIENHOLDER: JNH Funding Corporation
90 Dayton Avenue
Passaic NJ 07055

June 8, 2000	70/2	DE LEO, DOMINICK 25 Franklin Street Somerset NJ 08873	17,207.57
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CHECK #4066
CERT # 20-68

PAID: September 7, 2001
LIENHOLDER: Plymouth Financial
PO Box 2288
Morristown NJ 07962-2288

April 6, 1995	95-123	200/15.01	GUSTAVO	1,727.52
April 11, 1996	96-134	200/9.01	147 Winslow Avenue	798.74
April 11, 1996	96-135	200/12.01	Somerset NJ 08873	798.74
June 11, 1998	98-237			856.90
June 11, 1998	98-238			856.90

CHECK #4064
CERT #'s 95-123; 96-134
96-135; 98-237 & 98-238

PAID: September 6, 2001
LIENHOLDER: TSC 1, LLC
PO Box 169
Oakhurst NJ 07755

REGULAR MEETING - SEPTEMBER 25, 2001

June 10, 1999	200/9.01	GUSTAVO 147 Winslow Avenue Somerset NJ 08873	373.05 367.49
CHECK #4064 CERT # 99-185 & 01-253	PAID: LIENHOLDER:	September 6, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7, 2001	183/81.01	MAXELIX, MARIA A. ENIDE 99 Home Street Somerset NJ 08873	362.83
CHECK #4058 CERT # 01-119	PAID: LIENHOLDER:	August 31, 2001 James C. Older 87 East Mountain Road Hillsborough NJ 08844	
April 11, 1997	292/3	SANDERS, WILLIAM G. & CAROLYN 144 Churchill Avenue Somerset NJ 08873 (989 Hamilton Street)	5,299.64
CHECK #4053 CERT # 97-121	PAID: LIENHOLDER:	August 23, 2001 JNH Funding Corporation 90 Dayton Avenue, Building 6C Passaic NJ 07055	
June 11, 1998	292/3	SANDERS, WILLIAM G. & CAROLYN 144 Churchill Avenue Somerset NJ 08873 (989 Hamilton Street)	1,791.70
CHECK #4054 CERT # 98-102	PAID: LIENHOLDER:	August 23, 2001 JNH Funding Corporation 90 Dayton Avenue, Building 6C Passaic NJ 07055	
June 8, 2000	292/3	SANDERS, WILLIAM G. & CAROLYN 144 Churchill Avenue Somerset NJ 08873 (989 Hamilton Street)	198.38
CHECK #4055 CERT # 20-107	PAID: LIENHOLDER:	August 23, 2001 JNH Funding Corporation 90 Dayton Avenue, Building 6C Passaic NJ 07055	
June 8, 2000	310/2	A. FINANCIAL CORPORATION 131 Hillcrest Avenue Somerset NJ 08873	8,994.21
CHECK #4067 CERT #20-79	PAID: LIENHOLDER:	September 11, 2001 Plymouth Financial PO Box 2288 Morristown NJ 07962-2288	

REGULAR MEETING - SEPTEMBER 25, 2001

June 9, 1999	329/15	THORNE, LEROY A. & MARY 40 Appleman Road Somerset NJ 08873	663.98
CHECK #4056 CERT #99-235		PAID: August 24, 2001 LIENHOLDER: George Shrier 201 South 2nd Avenue, Box 16 Highland Park NJ 08904	
June 8, 2000	379/24	BENNETT, HERBERT & BETTY 5 Cortland Drive Somerset NJ 08873	849.07
CHECK #4057 CERT #20-168		PAID: August 30, 2001 LIENHOLDER: James C. Older 87 East Mountain Road Hillsborough NJ 08844	
June 7, 2001	384/3	WALDEN, ALBERT 6 Shelly Drive Somerset NJ 08873	275.85
CHECK #4060 CERT # 01-169		PAID: September 5, 2001 LIENHOLDER: James Pilewski 346 South Avenue Fanwood NJ 07023	
June 7, 2001	386.18/27	GOTTLIEB, STEVE 27 Exeter Court Somerset NJ 08873	815.51
CHECK #4066 CERT # 01-130		PAID: September 7, 2001 LIENHOLDER: James C. Older 87 East Mountain Road Hillsborough NJ 08844	
June 7, 2001	417.02/10	DARON, DONNA 10 Nottingham Way Somerset NJ 08873	277.03
CHECK # CERT #01-178		PAID: September 13, 2001 LIENHOLDER: James Pilewski 346 South Avenue Fanwood NJ 07023	
June 11, 1998	468.05/25	SAN JUAN, ROBERT & LUEVMINDA 1 Birch Terrace Somerset NJ 08873	420.04
CHECK #4063 CERT # 98-111		PAID: September 5, 2001 LIENHOLDER: JNH Funding Corporation 90 Dayton Avenue, Building 6C Passaic NJ 07055	

REGULAR MEETING - SEPTEMBER 25, 2001**B. 01-410 RESOLUTION - WATER OVERPAYMENT**

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
34.03/16.01	RAKER, MICHAEL 58 Runyon Avenue Edison NJ 08817	Overpayment	\$34.78
386.02/23	FRANKLIN TOWNSHIP SEWERAGE AUTHORITY 70 Commerce Drive Somerset NJ 08873 (7 Rolling Road)	Overpayment	42.50

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

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

C. 01-411 RESOLUTION - AWARD BID – FIRE HYDRANTS AND REPAIR PARTS – VARIOUS VENDORS – 10/1/01 to 9/30/03 - AN AMOUNT NOT TO EXCEED \$20,000.00 ANNUALLY

WHEREAS, a notice to bidders for the receipt of bids for Fire Hydrants and Repair Parts was published in the Courier News on August 16, 2001 for receipt on August 30, 2001;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for the period October 1, 2001 to September 30, 2003:

PRIMARY SUPPLIER
BRENT MATERIAL COMPANY
741 Northfield Avenue
West Orange NJ 07052

A-1	4' Hydrants	\$762.00
A-2	4 ½' Hydrants	\$776.00
A-3	5' Hydrants	\$790.00
A-4	5 ½' Hydrants	\$805.00
A-5	6' Hydrants	\$819.00

SECONDARY SUPPLIER
THE LEE SUPPLY CO.
PO Box 40, Route 46
Denville NJ 07834

A-1	4' Hydrants	\$775.00
A-2	4 ½' Hydrants	\$790.00
A-3	5' Hydrants	\$804.00
A-4	5 ½' Hydrants	\$819.00
A-5	6' Hydrants	\$833.00

SOLE PROVIDER
THE LEE SUPPLY CO.
PO Box 40, Route 46
Denville NJ 07834

B-1	H-51 Operating Nuts	\$ 67.60
B-2	H-59 Stuffing Box Gasket	\$ 5.70

REGULAR MEETING - SEPTEMBER 25, 2001

B-3	H-66 Pumper Nozzle	\$ 77.50
B-4	H-70 Hose Nozzle	\$ 24.40
C-1	A300-01 4½" Safety Flange Repair Kit with Brass Coupling	\$ 69.10
C-2	A300-01 5¼" Safety Flange Repair Kit with Brass Coupling	\$ 73.50
C-3	A-1 Operating Nut	\$ 67.60
C-4	A-2 Weather Cap	\$ 10.30
C-5	A-3 Hold Down Nut O-Ring	\$ 2.65
C-6	A-4 Hold Down Nut	\$ 21.45
C-7	A-5 Bonnet-O-Ring	\$ 2.65
C-8	A-6 Anti Friction Washer	\$ 1.33
C-9	A-8 Bonnet	\$104.90
C-10	A-9 Bonnet Nut and Bolt	\$ 2.60
C-11	A-10 Bonnet Gasket	\$ 4.55
C-12	A-12 Stem-O-Rings	\$ 2.65
C-13	A-14 Pumper Nozzle	\$ 78.40
C-14	A-15 Pumper Nozzle Gasket	\$ 4.40
C-15	A-16 Pumper Nozzle O-Rings	\$ 2.65
C-16	A-17 Pumper Nozzle Caps	\$ 59.20
C-17	A-18 Hose Nozzle	\$ 24.40
C-18	A-19 Hose Nozzle Gaskets	\$ 1.45
C-19	A-20 Hose Nozzle O-Rings	\$ 1.32
C-20	A-21 Hose Nozzle Lock	\$ 25.00
C-21	A-25 Safety Stem Coupling	\$ 25.50
C-22	A-39 Top Seat O-Ring	\$ 2.65
C-23	A-44 Bottom Seat O-Ring	\$ 2.65
C-24	A-45 Main Valve	\$ 43.70
C-25	A-46 Lower Valve Plate	\$ 8.90
C-26	A-47 Cap Nut Seal	\$ 0.53
C-27	A-48 Lock Washer	\$ 1.38
C-28	A-49 Cap Nut	\$ 6.00
D-1	A319-6" Barrel Extension	\$145.00
D-2	A319-12" Barrel Extension	\$169.00
D-3	A319-24" Barrel Extension	\$183.00
D-4	A319-24" Barrel Extension	\$204.00
D-5	A-51 Hydrant Lubricating Oil	\$ 6.90

SOLE PROVIDER**UTILITY PIPING SYSTEMS, INC.****400 South Gravers Road****Plymouth Meeting PA 19462**

E-1	Traffic Repair Kit 4 ½" No. 26-31	\$ 83.00
E-2	Extension Kit 4 ½" Length 6" No. 51-55	\$181.00
E-3	Extension Kit 4 ½"	\$241.00

; and

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

BE IT FURTHER 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; and

REGULAR MEETING - SEPTEMBER 25, 2001

BE IT FURTHER RESOLVED that continuation of the terms of this contract is contingent upon availability of funds in the FY2002 and FY2003 Budgets, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract

D. 01-412 RESOLUTION - CHANGE ORDER NO. 1 - BUIST, INCORPORATED - MAINTENANCE OF PUBLIC SAFETY BUILDING HVAC SYSTEM - \$11,072.00

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey has on January 23, 2001 authorized the awarding of a contract to Buist, Incorporated, 26 Voorhees Avenue, Somerset NJ 08873 in the amount of \$16,364.00 for Maintenance of Public Safety Building HVAC System; and

WHEREAS, during the course of the contract the desirability for certain items for addition have been determined:

Additional Maintenance	\$ 3,272.00
Correction of indoor air	
Quality to avoid a health	
Hazard to the building	
occupants	<u>7,800.00</u>
TOTAL	<u>\$11,072.00</u>

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the issuance of Change Order No. 1 to contract with Buist, Incorporated; and

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

E. 01-413 AMEND RESOLUTION - TAX RATE DISTRICT NO. 2

WHEREAS, by resolution adopted March 27, 2001, the Township Council allotted funding to Fire District No. 2 and directed the Tax Assessor to levy an assessment to realize said funding; and

WHEREAS, Fire District No. 2 has advised the Township that, as a result in an amendment to the Fire District's budget, the allocation set forth in the March 27, 2001 resolution does not reflect the allocation approved by the voters and approved by the New Jersey Department of Community Affairs;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, that the resolution adopted by the Township Council on March 27, 2001 be and it is hereby amended to read as follows:

WHEREAS, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2001 within Fire District No. 2 amounts to \$1,059,440,268.00; and

WHEREAS, the voters of Fire District No. 2 have approved a Budget of \$1,063,012.00 for the Calendar Year 2001; and

NOW, THEREFORE, BE IT RESOLVED that the sum of \$1,063,012.00 be allotted to Fire District No. 2 for the Calendar Year; and

BE IT FURTHER RESOLVED that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 2 of the Township of Franklin at a rate of .101 per hundred dollars valuation.

REGULAR MEETING - SEPTEMBER 25, 2001**F. 01-414 RESOLUTION - GRANT APPLICATION – RUTGERS UNIVERSITY CENTER FOR GOVERNMENT SERVICES – P.A.C.T. & WETLAND RESTORATION**

BE IT AND IT IS HEREBY RESOLVED that application be filed for Rutgers University Center for Government Services Grant for the P.A.C.T. (Police and Community Together) and for professional services for the Bunker Hill Environmental Center wetland restoration project and that appropriate Township agents be and are hereby authorized to execute this application on behalf of the Township.

G. 01-415 RESOLUTION - GRANT AGREEMENT - NATIONAL ASSOCIATION OF COUNTIES - WETLAND RESTORATION AT BUNKER HILL ENVIRONMENTAL CENTER - \$9,913.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an Agreement with the National Association of Counties for equipment, vegetation and education materials for the restoration of the 2 acres wetland within the Bunker Hill Environmental Center in the amount of \$9,913.00.

H. 01-416 RESOLUTION - GRANT AGREEMENT - CDBG - FLOOD PROTECTION - EAST FRANKLIN DRAINAGE STUDY - \$38,000.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an Agreement with the Somerset County Board of Chosen Freeholders for the CDBG, Flood Protection for the East Franklin Drainage Study in the amount of \$38,000.00.

I. 01-417 RESOLUTION - AGREEMENT - SOMERSET COUNTY - TRAFFIC SIGNAL - ELIZABETH AVENUE & SCHOOLHOUSE ROAD

WHEREAS, a traffic condition exists at the intersection of Elizabeth Avenue, County Route 621 and Schoolhouse 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 County of Somerset has proposed a form of agreement pertaining to the maintenance of said traffic control signal;

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

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

J. 01-418 RESOLUTION - AGREEMENT - SOMERSET COUNTY - TRAFFIC SIGNAL - ELIZABETH AVENUE & NEW BRUNSWICK ROAD

WHEREAS, a traffic condition exists at the intersection of Elizabeth Avenue, County Route 621 and New Brunswick Road, Township of Franklin, Somerset County which requires the installation of a traffic control signal in order to minimize accidents; and

REGULAR MEETING - SEPTEMBER 25, 2001

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

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

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

K. 01-419 RESOLUTION - AGREEMENT - INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (RC)

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a deferred compensation plan for such employees serves the interests of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Employer has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation services the above objectives; and

WHEREAS, the Employer desires that its deferred compensation plan be administered by the ICM Retirement Corporation, and that some or all of the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plan;

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby adopts the deferred compensation plan (the "Plan") in the form of the ICMA Retirement Corporation Deferred Compensation Plan and Trust, referred to as Appendix A; and

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the employer, if the assets of the plan are to be invested in the ICMA Retirement Trust; and

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose; and

BE IT FURTHER RESOLVED that the Plan will permit loans; and

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan; and

BE IT FURTHER RESOLVED that the Chief Finance Officer shall be the coordinator for this program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the Employer, any required

REGULAR MEETING - SEPTEMBER 25, 2001

votes under the ICMA Retirement Trust; Administrative duties to carry out the plan may be assigned to the appropriate departments, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

L. 01-420 RESOLUTION - RELEASE OF ESCROW MONIES - VARIOUS

WHEREAS, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, has received escrow monies for purposes of anticipated inspection fees as noted below; and

WHEREAS, the projects have 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 balances remaining as set forth be returned to the applicants:

APPLICANT: SPRINT/UNITED TELEPHONE COMPANY
ADDRESS: 256 Paul Street
 Belvidere NJ 07823

DOCKET NO: Z96065UP
BLOCK/LOT: 12/3
LOCATION: Canal Road
AMOUNT DEPOSITED: \$ 500.00
AMOUNT CHARGED: 287.50
AMOUNT TO BE REFUNDED: \$ 212.50

APPLICANT: ADVANCED DENTAL ARTS/JOSEPH HADDAD, DDS
ADDRESS: 636 Easton Avenue
 Somerset NJ 08873

DOCKET NO: P200023PD
BLOCK/LOT: 324/6
LOCATION: 636 Easton Avenue
AMOUNT DEPOSITED: \$3,700.00
AMOUNT CHARGED: (In-house) 550.00
(Consultant) 1,566.25
AMOUNT TO BE REFUNDED: \$1,583.75

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

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

M. 01-421 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - ADVANCED DENTAL ARTS/JOSEPH HADDAD, DDS - DOCKET NO. P2000023PD - \$75,599.10

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

ITEM: PERFORMANCE BOND
NAME OF APPLICANT: ADVANCED DENTAL ARTS/JOSEPH HADDAD, DDS
ADDRESS OF APPLICANT: 636 Easton Avenue
 Somerset NJ 08873
NUMBER: 31BSBAA8470

REGULAR MEETING - SEPTEMBER 25, 2001

INSURANCE CO./BANK: The Hartford Fire Insurance Company
Hartford Conn.

IN THE AMOUNT OF: \$75,599.10

FOR: Site Improvements for Docket No. P2000023PD - Block 324/Lot 6 located at 386 Easton Avenue; and

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

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

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

N. 01-422 RESOLUTION - AUTHORIZE RAFFLE/BINGO

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

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

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

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

<u>NAME & ADDRESS OF ORGANIZATION</u>	<u>DATE OF BINGO/RAFFLE</u>
NJ CENTER FOR OUTREACH & SERVICES FOR AUTISM COMMUNITY, INC. 1450 PARKSIDE AVENUE, SUITE 22 EWING, NJ 08638 ON-PREMISE RAFFLE - RL#1319 ON-PREMISE 50/50 - RL#1320 DRAWINGS: SOMERSET MARRIOTT HOTEL	OCTOBER 12, 2001 7:00 PM - 11:30 PM

O. 01-423 RESOLUTION - WAIVE FEES FOR CONSTRUCTION PERMITS, LAND USE APPROVALS OR OCCUPANCY APPROVALS – NINETY (90) DAYS – ATTACK ON AMERICA

WHEREAS, there has been a national tragedy, and;

WHEREAS, the tragedy at the World Trade Center Complex in New York City has potential impacts on the economy of the United States of America, and;

WHEREAS, many businesses that contribute to the economy of the United States of America have been displaced, and;

WHEREAS, businesses affected by the attack on the United States of America employ our neighbors, friends, family, and;

WHEREAS, it is in the interest of this community to provide assistance that will contribute to the orderly reestablishment of our economy, and;

WHEREAS, other organizations, associations and individuals are contributing their expertise in helping businesses reestablish facilities, and;

REGULAR MEETING - SEPTEMBER 25, 2001

WHEREAS, this community wishes to provide assistance to facilitate the reestablishment of business and employment interests;

NOW, THEREFORE BE IT RESOLVED, by the Township of Franklin that all Township fees for construction permits, land use approvals, or occupancy approvals are waived for a period of ninety (90) days provided the proposed occupant of the building can provide evidence satisfactory to the Township Manager that their business has been displaced due to the circumstances in New York City, and;

BE IT FURTHER RESOLVED, that the Township Manager is authorized to take whatever steps necessary, including approval of overtime, to expedite processing of such applications and to establish priority for these applications over all other applications.

P. 01-424 RESOLUTION – ADOPT POLICY – RETENTION OF TOWNSHIP OWNED LAND FOR OPEN SPACE

WHEREAS, the Township of Franklin is the owner of numerous parcels of land within the Township for which applications to purchase are received; and

WHEREAS, the Township Council recognizes the importance of the preservation of land for Open Space purposes and has taken action to acquire open space parcels throughout the Township; and

WHEREAS, the Township Council also recognizes the importance of open space within the more densely developed portions of the Township where large tracts of vacant land are not available but where small Township owned lots, interspersed within the development community, are available and which, if preserved for open space, will enhance the quality of life for residents of the developed areas; and

WHEREAS, the Township Council recognizes that many Township owned lots appear on the Township's Green Acres Inventory and cannot be sold except in compliance with State regulations and determines that it will not entertain applications for the purchase of such lots under any circumstances.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey, does hereby adopt the policy that:

The Township Council will not entertain applications for the purchase of Township owned lands and that all lands owned by the Township now and which come into Township ownership in the future will be preserved as permanent open space with the following exception:

Applications for the purchase of Township owned lots for exceptional, compelling reasons when the interests of the Township would be better served by the sale rather than retention of the applied for lots.

Q. 01-425 RESOLUTION - PROFESSIONAL SERVICE - THE REYNOLDS GROUP, INCORPORATED - SURVEYING SERVICES FOR BLOCK 11.01/LOTS 63, 71, 72, 73.01 & 81.01 (PRINCETON HIGHLANDS) - AN AMOUNT NOT TO EXCEED \$22,050.00

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, hereon that funds are available; and

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

REGULAR MEETING - SEPTEMBER 25, 2001

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

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

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

VENDOR NAME: THE REYNOLDS GROUP, INCORPORATED

ADDRESS: 626 North Thompson Street Raritan NJ 08869

CONTRACT AMOUNT: Not to exceed \$22,050.00

SERVICE: Surveying Services for Block 11.01/Lots 63, 71, 72, 73.01 & 81.01

R. 01-426 RESOLUTION - TAX SETTLEMENT - TICES PROPERTIES - BLOCK 86.03/LOT 1.08 - 60 JIFFY ROAD

WHEREAS, Tices Properties is the owner of certain property located at 60 Jiffy Road and known as Block 86.03/Lot 1.08; and

WHEREAS, the owner has filed an appeal with the Tax Court of New Jersey for said premises for the years 2000 and 2001; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached; and

WHEREAS, the current assessment on the subject premises for the tax years 2000 and 2001 is as follows:

Land:	\$1,105,000
Improvement:	<u>3,243,000</u>
Total:	<u>\$4,348,000</u>; and

WHEREAS, the following reduced assessment is proposed for the 2000 tax year:

Land:	\$1,105,000
Improvement:	<u>2,991,300</u>
Total:	<u>\$4,096,300</u>; and

WHEREAS, the following reduced assessment is proposed for the 2001 tax year:

REGULAR MEETING - SEPTEMBER 25, 2001

Land:	\$1,105,000
Improvement:	<u>2,874,200</u>
Total:	<u>\$3,979,200; and</u>

WHEREAS, the owner has agreed to waive all interest due on any refund provided that same is paid by the municipality within sixty (60) days from the date of entry of the Tax Court Judgement; and

WHEREAS, all tax refunds are to be made payable to Zipp and Tannenbaum, LLC, Attorney Trust Fund, and forwarded to Peter Zipp, Esquire at Zipp and Tannebaum, 479 Spotswood-Englishtown Road, Monroe Township NJ 08831; and

WHEREAS, the Township Attorney and the Tax Assessor have recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interest of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 25th day of September, 2001 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the settlement in this matter as set forth hereinabove be and the same is approved and the Township Attorney is hereby authorized and directed to effect said settlement.

S. 01-427 RESOLUTION - TAX SETTLEMENT - ROND LLC A/K/A HOLIDAY INN - BLOCK 502/LOT 37.01 - 195 DAVIDSON AVENUE

WHEREAS, Rond LLC aka Holiday Inn is the owner of certain property located at 195 Davidson Avenue and known as Block 502/Lot 37.01; and

WHEREAS, the owner has filed an appeal with the Tax Court of New Jersey for said premises for the years 2000 and 2001; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached; and

WHEREAS, the current assessment on the subject premises for the tax years 2000 and 2001 is as follows:

Land:	\$ 1,683,000
Improvement:	<u>21,037,000</u>
Total:	<u>\$22,720,000; and</u>

WHEREAS, the following reduced assessment is proposed for the 2000 tax year:

Land:	\$ 1,683,000
Improvement:	<u>18,717,000</u>
Total:	<u>\$20,400,000; and</u>

WHEREAS, the following reduced assessment is proposed for the 2001 tax year:

Land:	\$ 1,683,000
Improvement:	<u>18,817,000</u>
Total:	<u>\$20,500,000; and</u>

WHEREAS, the owner has agreed to waive all interest due on any refund provided that same is paid by the municipality within sixty (60) days from the date of entry of the Tax Court Judgement; and

REGULAR MEETING - SEPTEMBER 25, 2001

WHEREAS, all tax refunds are to be made payable jointly to Rond LLC, plaintiff, and McGimpsey & Cafferty, Attorneys for plaintiff, and forwarded to Alexander McGimpsey, Esquire at McGimpsey & Cafferty, 285 Davidson Avenue, Somerset NJ 08873; and

WHEREAS, the Township Attorney and the Tax Assessor have recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interest of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 25th day of September, 2001 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the settlement in this matter as set forth hereinabove be and the same is approved and the Township Attorney is hereby authorized and directed to effect said settlement.

T. 01-428 RESOLUTION - ACCEPT RESIGNATION - WALTER MAROS - HISTORIC PRESERVATION COMMISSION

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Walter Maros (165 Jordans Circle, Somerset NJ 08873) as a member of the Historic Preservation Commission effective September 25, 2001; and

BE IT FURTHER RESOLVED that the Township Council does hereby thank and commend the said Walter Maros for services performed on behalf of said Township.

U. Removed from Consent Agenda

V. 01-430 RESOLUTION - AMEND PROFESSIONAL SERVICE - LOUIS N. RAINONE, ESQUIRE - LEGAL SERVICES - TOWNSHIP ATTORNEY - JANUARY 1, 2001 TO DECEMBER 31, 2001 - \$125.00 PER HOUR/AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$40,000.00

WHEREAS, by resolution adopted January 23, 2001, Professional Service Agreement was authorized with Louis N. Rainone, Esquire of DeCotiis, Fitzpatrick & Gluck, LLP for legal services for the Township of Franklin as Township Attorney in the total amount of \$85,000.00; and

WHEREAS, a need exists to amend said contract to provide an additional \$13,000.00 therefor; and

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.

REGULAR MEETING - SEPTEMBER 25, 2001

- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF 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 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: LOUIS N. RAINONE, ESQUIRE
DeCOTIIS, FITZPATRICK & GLUCK, LLP**

**ADDRESS: Glenpointe Center West 500 Frank W. Burr Blvd.
Teaneck NJ 07666**

CONTRACT AMOUNT: \$125.00 per hour/An amount not to exceed an additional \$40,000.00 in addition to the retainer provided in the Salary Ordinance for Meeting Attendance.

SERVICE: Legal Services for the Township of Franklin, in the County of Somerset as Township Attorney for the period January 1, 2001 to December 31, 2001.

W. 01-431 RESOLUTION - TRANSFERS – FY2001 BUDGET

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 Appropriation Reserves Transfers be made from the Fiscal Year 2001 Municipal Budget Appropriations:

<u>DEPARTMENT</u>	<u>FROM</u>	<u>TO</u>
GROUP INSURANCE	10,000.00	
POLICE		
Other Expenses		10,000.00

Motion was made by Mr. Chivukula and seconded by Deputy Mayor Eberle to approve the items of the foregoing Amended Consent Agenda. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

REGULAR MEETING - SEPTEMBER 25, 2001

01-429 RESOLUTION - CONSENTING TO THE PROPOSED SERVICE AREA MAP AMENDMENT - FRANKLIN TOWNSHIP SEWERAGE AUTHORITY SEWER SERVICE AREA -GRIGGSTOWN QUAIL FARM - BLOCK 20.02/LOT 45.03

Mr. Mazzola moved to amend the resolution to provide that the actions taken thereby shall not be effective until the property in question has been placed in permanent farmland preservation. Ms. Barrier seconded the motion; motion was carried unanimously.

Read by Mayor Clyde

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED on this 25th of September, 2001 by the Township Council of the Township of Franklin, County of Somerset that:

- (1) **Upon the placement of the subject property into permanent farmland preservation**, the Township of Franklin hereby consents to the amendment of the Sewer Service Area Map to include the Griggstown Quail Farm, Block 20.02, Lot 45.03 and the incorporation of same into the applicable WQM plans.
- (2) This consent shall be submitted to the NJDEP in accordance with **NJAC 7:15-3, 4**.

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

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

Motion was carried.

NOMINATIONS - ASSOCIATE PROSECUTOR - 9/25/01 TO 9/24/02

Mayor Clyde called for nominations for the position of Associate Prosecutor for a one year term commencing September 25, 2001 and expiring September 24, 2002.

Mr. Chivukula nominated Julie M. Marino, Marino & Maurice; Mr. Sumter seconded the nomination.

Mr. Levine noted receipt of correspondence from the present Prosecutor noting his ability and desire to handle all of the caseload. Township Attorney Rainone responded that if the municipality has two judges, it must name two prosecutors.

REGULAR MEETING - SEPTEMBER 25, 2001

Mr. Levine questioned if Council can make the expiration date of the appointment December 31 to coincide with Reorganization. Township Clerk Pellicane responded that the Court Administrator has advised that the appointment must be for a full year.

Mr. Levine nominated Steven Rothblatt. Mr. Mazzola seconded the nomination.

Upon a motion made, seconded and agreed, the nominations were closed. Township Clerk Pellicane polled the Council, the vote being as follows:

<u>MARINO</u>	<u>ROTHBLATT</u>	<u>ABSTAIN</u>
Mr. Chivukula	Ms. Barrier	No One
Mayor Clyde	Mr. Levine	
Ms. Eberle	Mr. Mazzola	<u>ABSENT</u>
Mr. Grippo		
Mr. Sumter		Mr. Mettler

Township Clerk Pellicane declared Julie Marino appointed Associate Prosecutor.

APPOINTMENTS - VETERANS MEMORIAL COMMITTEE - ONE (1) VACANT TOWNSHIP COUNCIL POSITION

Mayor Clyde called for nominations for the one vacant Township Council position on the Veterans Memorial Committee.

Mr. Grippo nominated Willis Sumter. Ms. Eberle seconded the nomination.
Mr. Levine nominated Catherine Barrier. Mr. Mazzola seconded the nomination.

Upon a motion made, seconded and agreed, the nominations were closed. Township Clerk Pellicane polled the Council, the vote being as follows:

<u>SUMTER</u>	<u>BARRIER</u>	<u>ABSTAIN</u>
Mr. Chivukula	Ms. Barrier	No One
Mayor Clyde	Mr. Levine	
Ms. Eberle	Mr. Mazzola	<u>ABSENT</u>
Mr. Grippo		
Mr. Sumter		Mr. Mettler

Township Clerk Pellicane declared Willis Sumter appointed to the Veterans Memorial Committee.

APPOINTMENTS - RECREATION FACILITIES STUDY COMMITTEE - TWO (2) VACANT TOWNSHIP COUNCIL POSITIONS; TWO (2) GENERAL PUBLIC POSITIONS

Mayor Clyde called for nominations for the two Township Council positions on the Recreation Facility Study Committee.

Mayor Clyde nominated Bill Grippo.
Ms. Barrier nominated Anthony Mazzola
Mr. Chivukula nominated Catherine Barrier; Ms Barrier declined the nomination.

There being two nominations for two positions, Township Clerk Pellicane declared Bill Grippo and Anthony Mazzola appointed.

Mayor Clyde called for nominations for the two General Public positions on the Recreation Facility Study Committee.

Mr. Grippo nominated Tony Morano.

REGULAR MEETING - SEPTEMBER 25, 2001

Ms. Barrier nominated Bill Major. Upon discussion, Mr. Major willingness to serve was unknown. Therefore, the nomination was withdrawn.

Mr. Grippo nominated John Moon.

There being two nominations for two positions, Township Clerk Pellicane declared Tony Morano and John Moon appointed.

NOMINATIONS - HISTORIC PRESERVATION COMMISSION - UNEXPIRED TERM OF WALTER MAROS - SEPTEMBER 25, 2001 TO DECEMBER 31, 2001

Mayor Clyde requested that, since this term expires on December 31, 2001, the nominations be deferred to the January 1st Reorganization Meeting. Council concurred.

COUNCIL COMMENTS

All members of Council commented on the September 16th Tribute, expressed condolences to the families impacted by the tragedy of September 11th.

Mr. Chivukula also suggested the need for multi-faith forums on various holidays. Mayor Clyde suggested that our Human Relations Commission could serve as the organizer of such forums.

Ms. Barrier also:

Urged Council and the public to attend the September 29th Memorial Service for John Collins;

Expressed her pleasure with the postponement of the tree removal ordinance, and adoption of policy to preserve Township owned land for open space;

Expressed concern for residents of Countryside and noted the need to help in an expedient manner where possible;

Supported the much-needed affordable housing for seniors and commended the Senior Citizen Advisory Committee for their initiative towards the non-binding referendum but noted the need that voters have clear understanding of what the vote means because it will be increasing taxes for all seniors and all property owners across the board.

Mayor Clyde added commendations for the September 16th Tribute, including Bill Grippo and Township Manager Ken Daly for their roles in organizing; Upendra Chivukula for dealing with last minute changes to the Tribute; Catherine Barrier for her moving singing performance.

Mr. Grippo expressed the pride of the Township Council of Councilman Mazzola's service in the Air Force Reserves.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 11:28 p.m.

JOHN CLYDE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK