

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 26, 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 Mr. McKenzie led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile (Arrived at 7:20 p.m.), Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan (Left at 10:25 p.m.), Ms. Ritchie, Mr. Sumter

Absent: Deputy Mayor Ashley-Williams; Mr. Vassanella

Also present: Louis N. Rainone, Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PROCLAMATIONS/COMMENDATIONS

October 9th as Walk During Lunch Day

Mayor Levine, with Ms. Ritchie, presented the following proclamation to Shonda Sanchez:

WHEREAS Walking is a relaxing and enjoyable way to keep healthy and, as it requires no equipment or expense, is the perfect way to exercise.

WHEREAS Walking promotes psychological well-being and reduces feelings of stress and depression, reduces tiredness and gives people more energy for everyday tasks, and even promotes better sleep

WHEREAS Walking helps people achieve and maintain a healthy body weight, build and maintain healthy bones, muscles, and joints

WHEREAS Walking helps to reduce the risk of developing chronic health conditions such as non-insulin-dependent (type 2) diabetes mellitus, osteoporosis, coronary heart disease, high blood pressure, stroke and certain types of cancer

WHEREAS The 1996 Surgeon General's report, Physical Activity and Health, recommended "a minimum of 30 minutes of physical activity of moderate intensity on most, if not all, days of the week."

WHEREAS Walking longer moderately paced walks (40 mins at 60-65% maximum heart rate) are best for losing weight – up to 300 calories per hour

WHEREAS Walking shorter, faster walks (20 mins at 75-85% maximum heart rate) are best for improving heart and lung function

WHEREAS Walking is a functional, social, fun activity and has multiple health benefits; on average, every minute of walking can extend your life by 1.5 to 2 minutes; and

WHEREAS walking puts "eyes on the street" and improves public safety, and helps build a sense of community; and

WHEREAS walkers have also been shown to live longer and live to a healthy, active old age in greater numbers than those less active.

THEREFORE, I Mayor Brian Levine declare Monday, October 9, 2006, Walk During Lunch Day, and encourage everyone that lives or works in Franklin to add a walk to their lunch hour that day.

Domestic Violence Awareness Month

Mayor Levine, with Ms. Ritchie presented the following proclamation to Dot Tompkins:

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security and humanity due to the systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

WHEREAS, the impact of domestic violence is wide-ranging, directly affecting women, children and society as a whole, with many children suffering or witnessing domestic violence in their homes, adding to the sad legacy of violence; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people, but cross all economic, racial, affectional preference and societal barriers and are supported by societal indifference; and

WHEREAS, October has been designated as Domestic Violence Awareness Month; it provides us with a special opportunity to emphasize that domestic violence is a crime, warn abusers that they will be prosecuted and remind victims that aid and support is available for them; and

WHEREAS, the New Jersey State Federation of Women's Clubs, recognizes the important work performed by service providers throughout the State in an effort to improve and enhance New Jersey's coordinated community response to end domestic violence, and the Franklin Woman's Club supports these efforts,

NOW, THEREFORE, I, Brian D. Levine, Mayor of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Township Council, do hereby proclaim October 2006 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by the New Jersey Coalition for Battered Women, the Department of Community Affairs' Division on Women and others who work toward the elimination of personal and institutional violence against women.

Dollar Wise Week

Ms. Ritchie read the following proclamation:

WHEREAS, in the year 2006, the week of September 25-30 has been declared Dollar Wi\$e Week for the Mayors' National Dollar Wi\$e Campaign; and

WHEREAS, the United States Conference of Mayors' Council for the New American City recognizes that financial illiteracy is a national problem that needs to be addressed, and has established the 2006 Dollar Wi\$e Campaign to educate citizens about financial literacy; and

WHEREAS, The United States Congress has established the Financial Literacy and Education Commission to improve the financial literacy and education of citizens through the development of a national strategy to promote financial literacy education; and

WHEREAS over 1.5 million families and individuals filed for bankruptcy in 2004; and the level of personal bankruptcy filings in the nation increased over 535 percent between 1980 and

2002, and various states have experienced increased bankruptcies that are 2 and 3 times the national increase; and

WHEREAS, savings give families financial stability, and teaching children how to save at a young age can help them become financially responsible adults; and

WHEREAS, alongside business investors, the most important investors in American cities are families and individuals who choose to buy a home or start their own business, within the city, and in order to position themselves as investors, residents must be financially literate and maintain good credit histories,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR, of the Township of Franklin, County of Somerset and State of New Jersey, on behalf of the Township Council, do hereby proclaim this September 15-30, 2006 **DOLLAR WISE WEEK** in the Township of Franklin, Somerset County, New Jersey, and urge all citizens in our community and throughout the country to participate in Dollar Wi\$e Week.

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.
- Reminded that most all of their meetings are public. Council meetings are generally the 2nd and 4th Tuesday of the month. The public is invited and encouraged to attend. See listings on FTTV-25 and the Township website. In regards to the Township's website – one can sign up for updates of meetings, minutes, etc. and view the agenda and all ordinances and resolutions pending. If you would like to volunteer for any boards, commissions, etc., one can call or write to them.
- Reported that earlier this Spring by a spilt vote by Council, a request was sent to the Somerset County Prosecutor's Office regarding a Councilperson's conversation with a Board of Education member. This was alleged as inappropriate. As per the Prosecutor's letter: "This office has determined that a criminal prosecution in this matter is not warranted."
- Thanked the Somerset County Board of Chosen Freeholders for two (2) checks presented to the Township of Franklin on September 29, 2006 for Youth Services in Franklin.
- Congratulated the Moslem Foundation for groundbreaking for Mosque on September 7, 2006. In attendance were the Township Manager, Kenneth W. Daly, Assemblyman Upendra Chivukula and Mayor Levine.
- Congratulated the Temple Beth El on Hamilton Street on their ribbon cutting and service to mark the completion of the Temple's expansion. Well done to Rabbi Garfinkel, Rabbi Wise and all those who made it happen.
- Reported on the Fund for an Open Society and that he attended a meeting of suburban Mayors on September 14th in Edison hosted by Mayor Jun Choi. Discussed was the help needed by older suburban communities to get its fair share of State funding. A follow-up meeting will be scheduled later this fall.
- Reported that he met with Keep Middlesex Moving and Ridewise, the organizations responsible for public transportation in Middlesex and Somerset Counties regarding

transportation in Franklin, especially as it related to Route 287. He was invited by Mayor Bill Neary of East Brunswick, who is the Executive Director of Keep Middlesex Moving. He thanked him for his concern and efforts.

- Reported on the Navratri Festival (Asian Indian Hindu Celebration). He thanked the Township Clerk for including a notice in the Council's packet regarding the attendance of the Governor. The festival is the weekend of September 22-23 and 29-30. It is being held at the Garden State Convention Center.

DEPUTY MAYOR'S REPORT

Ann Marie McCarthy, Township Clerk read the following letter dated September 26, 2006 from Deputy Mayor Ashley-Williams:

"Dear Ann Marie:

As I announced at the last Town Council Meeting held September 12, 2006, in June 2006 I accepted a 90-day Taper Appointment with the District of Columbia Department of Correction (DOC) as the Special Assistant to the Director. Last week at the end of that appointment I was offered a full appointment with the DOC. I have decided to accept that offer.

As a Taper appointee it was easy for me to continue to perform my duties as Deputy Mayor for the Township of Franklin as well as perform my responsibilities as the Special Assistant to the Director of the DOC in Washington, D.C. However, now that I have accepted a full appointment with the District of Columbia I do not want to continue that scenario, and here is why: (1) I never intended to work both in Washington, D.C. and in Somerset, New Jersey beyond the summer months (90 days). I take my position on the Franklin Township Council very serious and don't want to share my time and devotion with another municipal. Conversely, I take my new appointment to the DOC very serious. This new position will require me to devote more of my time to learning the cultural and politics of the District; and (2) I don't want to hold dual government positions.

Therefore, I will be resigning my position as Councilwoman-At-Large effective October 15, 2006. I will use the next two weeks to finalize any and all outstanding business in the township.

My decision to accept this position in the District of Columbia was not an easy decision because I knew to accept this position meant I would have to leave New Jersey. Not only am I leaving Franklin Township (my home for 29 years) but I also am leaving my family and friends. Nevertheless, I believe my decision (regarding my personal life) is a good decision for my future.

Please read this letter of my intent to resign during the Deputy Mayor's comment portion of the agenda tonight. I regret I will not be able to attend the meeting tonight to personally submit my resignation but due to my acceptance of this position, I have responsibilities in the District today and will not be able to travel to New Jersey in time for the meeting this evening.

Please know that I am thankful for the time I served on the township council. I know I made a difference and truly wanted to do even more as "Mayor". I thank the citizens of Franklin Township for giving me the opportunity to serve out town. Having said that, I believe we all have a purpose in life - being in Washington, D.C. and working for the Department of Corrections at this time in my life is where I am meant to be.

I remain available to assist in any way possible.

Take care and God bless you all.

Thank you,

Wandra L. Ashley-Williams
Deputy Mayor
Franklin Township, Somerset, New Jersey”

A brief discussion ensued regarding the resignation of Deputy Mayor Ashley-Williams. M. Rainone explained the vacancy law as it pertains to a vacancy on Council.

COMMITTEE REPORTS

Public Safety

Mr. Regan reported that the Public Safety Committee has met twice over the last six weeks and will present the minutes from those meetings at the next Council meeting.

Liaison to the Board of Education

Mr. McKenzie reported that the Board of Education and the citizens of the Township of Franklin need to work together from the standpoint of generating public interest in the school system. He stated that there is a need for public interest in student development and learning as well as the financial arena. He stated that a mechanism needs to be developed to get people involved in the school system. He noted that at the last Board of Education meeting, senior citizens offered their help to the school system.

Mr. McKenzie reported that students from Conerly Road and Sampson G. Smith Schools went to the United Nations building and were selected to make a presentation to the wife of the UN Director. He stated that these students would be recognized by Council at the next meeting.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Resolution #06-428 Rescind Contract – Alphagraphics – Duplicating Services – Categories 2 (Carbonless Copies), 3 (Stationery), 11 (Receipt Books) & 12 (Master Plan).

Resolution #06-429 Award Contract – Duplicating Services – Somerset Management (Categories 2 & 11); Copies Now (Category 12) and Mariano Press (Category 3) – Two Years from Notice to Proceed.

The aforesaid resolutions were briefly discussed by Council. Mr. Daly reported that the Alphagraphics bid was being rescinded because they have not signed their contracts. He stated that he has researched and discussed this matter with the Purchasing Agent and in future the categories will have quotes and awarded by competitively. Ms. Ritchie asked that Resolution #06-429 be removed from the consent agenda and voted on separately.

Resolution #06-417 Amend Professional Services Agreement – James P. Pettit – Consultant for Construction of Library – Not to Exceed Additional Amount of \$6,400 – New Contract Total: \$36,900.00.

In reference to the aforesaid resolution, Ms. Ritchie asked why the library construction project is taking longer than anticipated. Mr. Daly replied that there have been problems with weather, delivery and with the contractor. He stated the project is 9-10 months behind schedule.

Resolution #06-421 Award Bid – Baker Chrysler Jeep Dodge – 2006 4WD Jeep Liberty – Amount Not to Exceed \$18,916.00.

A brief discussion ensued regarding the aforesaid resolution requesting that more fuel efficient vehicles be looked into by Township staff. Ms. Ritchie asked that this resolution be removed from the consent agenda and voted on separately.

Appointments to Board of Adjustment

Mr. McKenzie made the following nominations:

Laura Graumann as Regular Member of the Board of Adjustment for an unexpired four-year term ending December 31, 2007 (*A. Ceaser's unexpired term*).

Grace Evans as Regular Member of the Board of Adjustment for an unexpired four-year term ending December 31, 2008. (*R. Spicuzzo's unexpired term*).

Mr. Regan made the following nominations:

Joel Mintz as Regular Member of the Board of Adjustment for an unexpired four-year term ending December 31, 2007 (*A. Ceaser's unexpired term*).

Laura Graumann as Regular Member of the Board of Adjustment for an unexpired four-year term ending December 31, 2008. (*R. Spicuzzo's unexpired term*).

Introduction of FY2007 Municipal Budget

Ms. Danile reported that she has proposed changes to the FY2007 Municipal Budget that she would like to present at this time. Ms. Ritchie suggested that these changes be presented at the time when the introduction of the budget is scheduled. Ms. Eberle stated that she was of the understanding that any proposed changes to the FY2007 budget were to be distributed to Council prior to tonight's meeting for their review. She stated that it is difficult to consider these proposed changes without first reviewing them with the budget book. It was the consensus of Council to present proposed changes to the budget at the time when the introduction of the budget is scheduled.

COUNCIL DISCUSSION ITEMS

Periodic Department Budget Meetings

A brief discussion ensued among Council members regarding the scheduling of periodic Department budget meetings. Mr. Regan recommended that these meetings take place 3-4 times per year held on the first Tuesday of the month in order to better understand concerns and issues from the various departments. Ms. Ritchie expressed her concerns regarding the Faulkner Act and its intention of limiting Council contact with staff members to only the Township Manager and Township Clerk. Mr. Rainone replied that limitation is only for Council members as individuals, not Council as a whole. Mr. Daly stated that the standing committees were developed for this purpose and asked that either these meetings be with the standing committees or Council, not both.

A motion was made by Ms. Ritchie, seconded by Mr. Regan for the standing committees to meet quarterly with their assigned departments to hear their concerns and issues and to present a full report back to Council. Said motion was unanimously carried upon voice vote.

Mr. Regan asked that the Township Manager provide a organizational chart of what departments are assigned to what standing committee.

Schedule Special Executive Session – Collective Bargaining

After a brief discussion by Council, it was their consensus to change the time of the October 10, 2006 Work Session/Regular Meeting from 7:00 p.m. to 6:30 p.m. and that the first

item of business will be an Executive Session regarding Collective Bargaining. The executive session would be approximately from 6:30 p.m. to 8:00 p.m.

Veterans Day

Mr. McKenzie reported that he has been working on a Veteran's Day program with the American Legion to be held on Veteran's Day at the Veteran's Memorial. A copy of the proposed program was in Council's packet.

APPROVAL OF MINUTES

Mayor Levine presented the following minutes for approval:

- Regular Meetings: August 8, 2006
- Executive Sessions: September 12, 2006

Ms. Danile moved approval of the following minutes:

- Regular Meetings: August 8, 2006
- Executive Sessions: September 12, 2006

Said motion was seconded by Ms. Eberle carried as follows upon call of the roll:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams				08/08/06 WS/RM & 09/12/06 ES
Danile	09/12/06 ES		08/08/06 WS/RM	
Eberle	08/08/06 WS/RM & 09/12/06 ES			
Levine	08/08/06 WS/RM & 09/12/06 ES			
McKenzie	08/08/06 WS/RM & 09/12/06 ES			
Regan	09/12/06 ES		08/08/06 WS/RM	
Ritchie	08/08/06 WS/RM & 09/12/06 ES			
Sumter	08/08/06 WS/RM & 09/12/06 ES			
Vassanella				08/08/06 WS/RM & 09/12/06 ES

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,979,417.79 for September 26, 2006 to the Township Council for payment:

1	Current	1,058,681.53
5	Water Operating	36,570.41
6	Water Capital	5,200.00
4	General Capital	728,885.89
15	Trust Others	3,118.85
12	Open Space Trust	8,236.19
2	Grant	14,049.75
26	Affordable Housing	20.25
3	Collector Trust	124,279.92
14	Dog Revenue	375.00
	Subtotal	1,979,417.79
	Grand Total	1,979,417.79

Ms. Danile moved that warrants in the amount of \$1,979,417.79 for September 26, 2006 to be paid. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

ORDINANCES – PUBLIC HEARINGS & ADOPTION

Ordinance No. 3627

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 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP.

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 Ms. Danile and carried unanimously upon call of the roll.

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

Mark Stevens, Attorney, Consolata Missions, objected to the passage of Ordinance No. 3627. He stated that many professionals have been hired to prove why this ordinance should not be adopted. Mr. Regan stated that this ordinance was recommended by the Planning Board through the Master Plan. He asked if this recommendation was discussed and/or commented on. Ms. Ritchie stated that the Planning Board recommended this zone change to Council. There were no comments during the master plan hearings regarding this zone change. Ms. Ritchie recommended the ordinance be tabled and sent back to the Planning Board to allow testimony to the Planning Board before Council proceeds with the ordinance.

Ms. Ritchie moved that Ordinance No. 3627 be tabled and sent back to the Planning Board to allow testimony to the Planning Board before Council proceeds with the ordinance. Said motion was seconded by Mr. Regan and carried as follows 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>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Vassanella
Regan	Ritchie			
Sumter				

Ordinance No. 3629

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 112,

DEVELOPMENT, SECTION 112-111(G), BANNERS AND PENANTS AND ATTACHMENT 7, FEES.

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. McKenzie 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.

John McConville, 5 Stone Leigh Way, asked if this was consistent with the sign ordinance and that 30 days is too long for a banner, noting that the banner will lose its impact.

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

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

PUBLIC DISCUSSION

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

Roz Sherman, 529 Rosecliff Court, supported Mr. McKenzie's comments regarding the Board of Education meeting. She stated that there are many seniors who are retired from education and that working with the Board of Education is worthwhile. She recommended that citizens get involved with the Board of Education and the fund raising efforts. She supported Ms. Ritchie's comments regarding the purchase of more fuel efficient vehicles.

Linda Lee, Davenport Way, Hillsborough Realtor, stated that many realty signs have been taken over the last few months and asked Council to consider relief on Saturdays and Sundays. Mr. Rainone stated that there are provisions in the sign ordinance for open house signs. He stated that they are not allowed in the public right of way. Mr. Regan added there was a compromise made that they are allowed on private property and not in the right of ways.

John McConville, 5 Stone Leigh Way, thanked Council for the crime watch in his neighborhood as a response to the break-ins that occurred over Labor Day weekend. He expressed his opposition to freezing assessments for a year. He asked could the fee for filing a tax appeal be refunded to the applicant. Mr. Rainone replied no. He asked that Mr. McKenzie look into the rumor that there are no nets at the High School and the students have to be bussed to the Middle School. He asked for clarification of Ordinance No. 3634. Mr. Rainone replied that the ordinance establishes a minimum fine of \$100.00 and that the maximum fine is presently in the ordinance. He asked for clarification regarding the bid award for the water transmitters. Mr. Daly explained the long term project and that these transmitter provides increased accuracy and worker production.

Harold Leventhal, 360 DeMott Lane, spoke of problems that have occurred with Patriot Media's billing.

Lucretia Cortelyou, 1892 Amwell Road, stated she attended the budget meeting when the Police Chief stated that everything is alright in Franklin and it is upsetting to read about the shootings and drug arrests. She spoke of the future budget deficits and stated that the bonding needs to stop because it costs more money to bond. She spoke briefly about her concerns regarding the skate park and open space. She stated that if all proposed layoffs occur, it will greatly impact the services given to Township residents. Mr. Daly stated that he did not use the work deficit, it was the newspaper. He stated that the Township is looking at what it will take to keep the budget increase to 5%.

Phillip Kramer, 429 Canal Road, TUF, asked how much do Township employees pay for medical benefits. Mr. Daly replied that the Township employees do not pay towards their premiums. He stated that their co-pays are \$5 (some \$0) and their prescription co-pays are \$4 for brand names and \$0 for generic. Mr. Kramer stated that there could be substantial savings if the co-pays are increased and the employees pay towards their premiums. Mr. Daly stated that they are negotiating with the unions at this time. Mr. Kramer recommended that if costs are shared, it might reduce the number of layoffs.

Mr. Kramer asked for clarification regarding notice of a zoning change. Mr. Rainone replied that the Township is required by state statute to notice all those in the zone to be changed and those within 200 feet. This is not required of the Planning Board.

Mr. Kramer spoke of a meeting that was held last night where the cost per student was discussed. He stated that he approximated that it cost \$10,000 per student and that Ms. Danile asked him to be more accurate when reporting facts. She stated it costs \$7,000 per student. Mr. Kramer stated that in his research he found the following information: 2003-04: \$9,343/student; 2004-05: \$10,434/student and 2005-06: \$11,694/student.

Daniel MacKey, 9 Stallion Court, asked why the Duplicating Bid Award was removed from the consent agenda. Ms. Ritchie replied that she has a conflict and would need to abstain from voting on it. Mr. MacKey stated that he pays \$100 per month for his health insurance and has a \$25 co-pay.

John Walker, 63 Claremont Road, spoke of the reduction in staff in the Assessor's Office and the need of another field inspector. He opposed the freezing of assessments this year in connection with the decrease of house prices and market value. He asked why Council panders to the residents of Canal Walk when all the residents in the Township are equally important. He gave a brief status report of the Franklin Park water project. He asked Council to reconsider the Assistant Engineer position. Mr. Daly stated that there are 70-80 hookups to be done and each needs a plumbing permit. These permits are being expedited as quickly as possible,

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

COUNCIL COMMENTS

Mr. McKenzie spoke of medical and pension benefit increasing costs to the budget and the burden it places on the taxpayers. He stated that medical benefits are being addressed in contract negotiations. He expressed his concerns with the plumbing permit issue. He briefly spoke of the nationwide decrease in real estate/market values and the impact it will have on taxes.

Ms. Eberle thanked all those involved in the Week of the People and noted that it was a great success.

Ms. Ritchie stated that the decision to change to 3-4-5 year assessment rather than annual assessments is not an unanimous decision by the Board. She stated that she agrees with the Township Manager that annual assessment is the fairest way and she would favor to continue with annual assessments. She announced that she has been having problems with her email and if anyone needs to contact her to do it through the Township Manager or Clerk.

Ms. Danile reported that on September 12, 2006, Franklin residents attended a meeting of the Somerset County Board of Taxation to express their frustration regarding annual assessments. She stated that in response, the Tax Administrator made some inappropriate comments and accused Council of playing politics. Ms. Danile stated the current system of property assessment does not work as evidenced by the State going to a new system called PAMS. She stated that if land assessments increase by 42% and assessments are more than the property is worth, there is something wrong with the system. She stated that these are not insignificant errors and they are errors that should have been corrected by the Tax Assessor. She stated that it is untrue that the Assessor's Office has inadequate staff to correct these errors. She asked that the County Board of Taxation review and consider their oversight role and the assessment system itself. She stated that if they are not willing to do so, they should consider resigning from the Board.

In response to comments made by the Treasurer of the Library Board of Trustees, Ms. Danile stated that there is legislation that would allow library boards to reduce library tax rates when municipalities acquire new ratables. She supported this legislation. She stated that this would give taxpayers some relief. She expressed her disagreement and concern of the comments made by the Treasurer of the Library Board of Trustees at the September 12, 2006 meeting.

She stated that Mr. Walker's comment regarding pandering to the residents of Somerset Run was unfair. She stated to Mr. Kramer that at the Somerset Run meeting last night, he stated it cost \$12,000 per student. She stated that she received her information from a document published statewide for the Board of Education regarding costs by Township per student. In regards to Mr. Kramer's comments regarding the Township's Pay-to-Play ordinance being weak, Ms. Danile stated that is his opinion.

Mr. Sumter agreed with Ms. Danile's comments regarding library taxes. He stated that taxes and assessments need to be addressed. He congratulated all involved on the success of Week of the People.

Mr. Regan stated that technically Council did not stop assessments, they made a recommendation to the Council Board of Taxation. He stated that he is not in full agreement with the County Board of Taxation. He stated that there have been a number of errors and complaints regarding the Assessor's Office. He stated that it is unfortunate that market values are decreasing the same time assessments are frozen.

Mr. Regan spoke of the reduction of Township employees and health benefit cost issues. He stated that Council has the responsibility to do what is best for the Township and it is a harsh reality if positions are reduced. He stated that health benefit costs need to be addressed.

Mr. Regan announced he would have to leave the meeting at 10:30 p.m. to prepare for a 11:00 p.m. work-related conference call.

Mayor Levine supported his appointments to the Library Board. He disagreed with berating employees in public. He stated that the matter could have been handled privately. He stated that he agrees that the Pay-to-Play ordinance is weak because one can go to the Somerset County political organizations and pledge \$10,000 in contributions, which could then be distributed, to the local organizations. Mr. Rainone stated that the is State Pay-to-Play regulations and either he or the Clerk will prepare a memorandum to Council regarding such.

Ms. Danile stated that the Assessor matter is not a private matter and what transpired, transpired at a public meeting. She stated that her comments' intentions were for clarification purposes. Mayor Levine stated that he does not like to speak ill of employees at public meetings.

INTRODUCTION OF ORDINANCES

Ordinance No. 3636

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN BY DELETING AND REPEALING CHAPTER 390 THEREOF, WRECKERS, AND REPLACING IT WITH A NEW CHAPTER 390, TO BE ENTITLED WRECKERS, WHICH PROVIDES A UNIFORM SET OF PROCEDURES FOR ADMINISTERING THE ISSUANCE, RENEWAL, SUSPENSION AND REVOCATION OF ALL LICENSES ISSUED UNDER THIS CHAPTER AND TO ESTABLISH STANDARDS FOR THE OPERATION OF TOWING BUSINESSES BY LICENSEES AND TO SET RATES FOR SERVICES PERFORMED BY LICENSEES.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex. 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>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Vassanella
Regan	Ritchie			
Sumter				

Ordinance No. 3637

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF BLOCK 73.01, LOTS 25-27, 28.01, 28.02, 28.04, 29 AND 31-36 FROM A (AGRICULTURAL) TO R-10-H (SINGLE-FAMILY RESIDENTIAL/HISTORIC OVERLAY)

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Sumter

Ordinance No. 3638

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-67, RESTORATION. (INCLUDE SERVICE STATIONS AS NON-CONFORMING BUILDINGS IN R-40 (SINGLE-FAMILY RESIDENTIAL), RR3 (RURAL-RESIDENTIAL) AND RR5 (RURAL-RESIDENTIAL) ZONES).

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex. 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>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Vassanella
Regan	Ritchie			
Sumter				

Ordinance No. 3639

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF BLOCK 92, IN ITS ENTIRETY (LOTS 1-55) FROM R-10 (SINGLE-FAMILY RESIDENTIAL) TO M-2 (LIGHT MANUFACTURING)

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3640

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF PORTION OF BLOCK 424.02, LOT 24 FROM R-40 (SINGLE-FAMILY RESIDENTIAL) TO G-B (GENERAL BUSINESS))

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex.

Ms. Danile moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 9, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3641

Mayor Levine presented the following ordinance:

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS GREELEY STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex. 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>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Vassanella
Regan	Ritchie			
Sumter				

Ordinance No. 3642

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-20 – STOP INTERSECTIONS (KUHN STREET AND HADLER DRIVE AREA)

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3643

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-31 – CONTROL OF MOVEMENT AND PARKING ON PUBLIC AND BOARD OF EDUCATION PROPERTY.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ordinance No. 3644

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY BY ADDING NEW CHAPTER 207, TO BE ENTITLED GRAFFITI, WHICH CHAPTER PROVIDES FOR THE PROHIBITION OF GRAFFITI AND REQUIRES PROPERTY OWNER TO REMOVE GRAFFITI.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

Sumter

Ordinance No. 3645

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 1, GENERAL PROVISIONS, ARTICLE II, GENERAL PENALTY, SUBSECTION 1-3, VIOLATIONS AND PENALTIES.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex.

Mr. Sumter moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on October 24, 2006 at 7:00 p.m. at the Municipal Complex. 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>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Vassanella
Regan	Ritchie			
Sumter				

CONSENT AGENDA ITEMS

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

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

Resolution #06-416 Accepting Bus Stop Location at Route 27, southbound, on the westerly side thereof a Vliet Road – Far Side – Beginning at the southerly curb line of Vliet Road and extending 120 feet southerly therefrom.

WHEREAS, the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, has received a proposal to consider certain Bus Stop Locations along State Highway Route 27;

BE IT RESOLVED by the Township Council that in accordance with N.J.S.A. Title 39:4-138.1, the Commissioner of Transportation be requested to adopt a regulation to effect the following Bus Stop Locations and in accordance with the provisions of N.J.S.A. Title 39:4-198 permission is hereby granted to erect appropriate signs at the following Bus Stop:

1. Along Route 27, southbound, on the westerly side thereof at:
 - a. Vliet Road – Far Side
Beginning at the southerly curb line of Vliet Road and extending 120 feet southerly therefrom.

BE IT FURTHER RESOLVED that a copy of this Resolution, duly certified by the Clerk of this Township be forwarded to the Department of Transportation.

Resolution #06-417 Amend Professional Services Agreement – James P. Pettit – Consultant for Construction of Library – Not to Exceed Additional Amount of \$6,400 – New Contract Total: \$36,900.00.

WHEREAS, the Township Council awarded on contract to James P. Pettit for Consulting Services in connection with the Construction of the Library in the amount of \$30,500.00 on April 13, 2004; and

WHEREAS, a need exists to amend said contract to provide an additional \$6,400.00 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 amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended 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:	James P. Pettit
ADDRESS:	35 Spring Street, Somerset, NJ 08873
CONTRACT AMT:	\$30,500.00
ADD'L AMOUNT:	Not to exceed \$6,400.00

NEW CONTRACT AMT: \$36,900.00
SERVICE: Consultant Services in connection with Library Construction

Resolution #06-418 Authorize Release of Winter Bond – Canal Walk Associates, LLC – Docket #P99050P – Various Streets within Canal Walk Development – 25 Locations @ \$500.00 each.

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

ITEM: Winter Bonds
 NAME OF APPLICANT: Canal Walk Associates LLC
 ADDRESS OF APPLICANT: 112 Schoolhouse Road, Somerset, NJ 08873
 INSURANCE CO./BANK: N/A
 IN THE AMOUNT OF: \$12,500.00

FOR:	<u>Number</u>	<u>Block</u>	<u>Lot</u>	<u>Location</u>
	11463	513.25	13	129 Canal Walk Blvd.
	12107	513.21	26	5 Constitution Way
	12108	513.22	1	12 Constitution Way
	11474	513.23	16	14 Constitution Way
	11470	513.23	15	16 Constitution Way
	11467	513.24	9	17 Constitution Way
	11462	513.23	14	18 Constitution Way
	11464	513.24	10	19 Constitution Way
	11539	513.23	12	22 Constitution Way
	11537	513.24	12	23 Constitution Way
	11468	513.24	14	27 Constitution Way
	11542	513.24	15	29 Constitution Way
	11538	513.27	5	21 Delaware Crossing
	11541	513.27	4	23 Delaware Crossing
	11772	513.27	3	25 Delaware Crossing
	11544	513.27	2	27 Delaware Crossing
	11473	513.27	1	29 Delaware Crossing
	12109	513.21	28	4 Republic Row
	11540	513.22	4	5 Republic Row
	11471	513.21	29	6 Republic Row
	11465	513.22	6	9 Republic Row
	12110	513.21	32	12 Republic Row
	11466	513.24	4	1 Spader Way
	11469	513.25	5	3 Spader Way
	11771	513.25	1	2 Spader Way

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantees in the total amount of \$12,500.00 be released to the above named applicant.

Resolution #06-419 Authorize Release of Planning/Building Review Escrows & Inspection Fees.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application

for development in accordance with Section 112-214 of the Code of the Township of Franklin; and

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

APPLICANT:	PSE&G Environment, Health & Safety	
ADDRESS:	80 Park Plaza, T17A Newark, NJ 07102-4194	
DOCKET NO.	PLN2005-0037	
BLOCK/LOT:	517.01/5.01	
LOCATION:	472 Weston Canal Road	
TYPE:	Inspection Fees	
AMOUNT DEPOSITED:	\$7,844.00 (In-Hse)	
AMOUNT CHARGED:	<u>874.60</u>	
AMOUNT TO BE REFUNDED:	\$6,969.40	

APPLICANT:	Temple Beth El of Somerset	
ADDRESS:	1489 Hamilton Street/PO Box 6045 Somerset, NJ 08875	
DOCKET NO.	ZBA2004-0513	
BLOCK/LOT:	386.01/2	
LOCATION:	1489 Hamilton Street	
TYPE:	Planning Review	
AMOUNT DEPOSITED:	\$1,604.50 (CME)	\$1,655.00 (Heyer)
AMOUNT CHARGED:	<u>1,261.25</u>	<u>340.00</u>
AMOUNT TO BE REFUNDED:	\$ 343.25	\$1,315.00

APPLICANT:	PSE&G Environment, Health & Safety	
ADDRESS:	80 Park Plaza, T17A Newark, NJ 07102-4194	
DOCKET NO.	PLN2005-0037	
BLOCK/LOT:	517.01/5.01	
LOCATION:	472 Weston Canal Road	
TYPE:	Planning Review	
AMOUNT DEPOSITED:	\$150.00 (In-Hse)	
AMOUNT CHARGED:	<u>80.00</u>	
AMOUNT TO BE REFUNDED:	\$70.00	

APPLICANT:	Victor & Teresa Marin		
ADDRESS:	1341 Hamilton Street Somerset, NJ 08873		
DOCKET NO.	ZBA2004-0495		
BLOCK/LOT:	352/4		
LOCATION:	1341 Hamilton Street		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1,950.00 (CME)	\$1,750.00 (Heyer)	\$300.00 (In-Hse)
AMOUNT CHARGED:	<u>980.00</u>	<u>610.00</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 970.00	\$1,140.00	\$300.00

Resolution #06-420 Authorize Release of Performance Guarantee – PSE&G, Environment, Health & Safety – Docket #PLN2005-0037 – Block 517.01/Lot 5.01 – 472 Weston Canal Road – Site Improvements - \$156,888.00.

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

ITEM: Performance Bond
NAME OF APPLICANT: PSE&G Environment, Health & Safety
ADDRESS OF APPLICANT: 80 Park Plaza, T17A, Newark, NJ 07102-4194
DOCKET NO. PLN2005-0037
NUMBER: 6173645
INSURANCE CO./BANK: Safeco Insurance Company
IN THE AMOUNT OF: \$156,888.00
FOR: Site Improvements – Block 517.01/Lot 5.01 – 472 Weston Canal Road

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 \$56,888.00 be released to the above named applicant.

Resolution #06-422 Authorize Interlocal Services Agreement – Montgomery Township & Franklin Township – Purchase and Use of Ditch Master – July 1, 2006 to June 31, 2011.

BE IT AND IT IS HEREBY RESOLVED that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Council an Interlocal Service Agreement with the Township of Montgomery as permitted by NJSA 40:8A-1 et. seq. and NJAC 5:23 for the purchase and use of a Ditch Master for the period July 1, 2006 to June 30, 2011, providing for the Township of Montgomery and the Township of Franklin to be responsible for providing the initial purchase price of one dollar (\$1.00) each, and equal shares of the maintenance costs of \$4,000.00 per year for the five (5) year life of the Agreement.

Resolution #06-423 Authorize Change Order No. 2 – Apex Enterprises of Union Inc. – Construction of Animal Shelter Facility – Additional Amount Not to Exceed \$3,187.00 – New Total: \$829,430.50.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on June 10, 2005, authorized the awarding of a contract to

Apex Enterprises of Union, Inc.
2254 Corlies Avenue
Neptune City, NJ 07753

An amount not to exceed \$817,000.00; and

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, authorized Change Order No. 1 in the amount of \$9,243.50 - **Contract Total not to exceed: \$826,243.50; and**

WHEREAS, during further course of the contract, it was discovered after work began the need for a three-compartment sink resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 2: Construction of Animal Shelter Facility – Amount not to exceed \$3,187.00 - **New Contract Total not to exceed \$829,430.50; 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;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Order No. 2 to the contract with Apex Enterprises of Union Inc.; and

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

Resolution #06-424 Award Bid – Diamond Construction – Pole Building for Water Equipment – Not to Exceed \$59,500.00.

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:

Diamond Construction	Pole Building for Water Equipment
PO Box 456	
Dunellen, NJ 08812	Not to Exceed \$59,500.00

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 #06-425 Award Bid – National Waterworks Inc. – Transmitter Modules for Fixed Based Meter Reading System – Not to Exceed \$100,000.00.

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:

National Waterworks, Inc.	Unit Price: \$145.00
228 Williamstown Road	Quantity Prices:
Berlin, NJ 0890	50 to 100 units - \$141.00 each
	101 to 500 units - \$137.00 each
	501 to 750 units - \$133.00 each
	751 to 1,000 units - \$129.00 each

Not to Exceed \$100,000.00

Resolution #06-426 Amend Professional Services Agreement – Hatch Mott MacDonald – Extension of School Avenue Interconnection with New Brunswick – Additional Amount Not to Exceed \$16,000.00 – New Contract Amount: \$102,000.00.

WHEREAS, the Township Council awarded on contract to Hatch Mott MacDonald for the Extension of School Avenue Interconnection with New Brunswick in the amount of \$86,000.00 on June 14, 2005; and

WHEREAS, a need exists to amend said contract to provide an additional \$16,000.00 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 amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended 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:	Hatch Mott MacDonald
ADDRESS:	27 Bleeker Street/PO Box 1008, Millburn, NJ 07041
CONTRACT AMT:	\$86,000.00
ADD'L AMOUNT:	Not to exceed \$16,000.00
NEW CONTRACT AMT:	\$102,000.00

SERVICE: Extension of School Avenue Interconnection with New Brunswick

Resolution #06-427 Award Non-Fair and Open Contract – Kulinski Memorials – Design and Construction of Bell Tower for Veterans Memorial – Amount Not to Exceed \$26,034.00.

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, Kulinski Memorials has submitted a proposal indicating they will provide design and construction of a bell tower for the Veterans Memorial in a amount not to exceed \$26,034.00; and

WHEREAS, Kulinski Memorials has completed and submitted a Business Entity Disclosure Certification which certified that Kulinski Memorials 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 Kulinski Memorials 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: Kulinski Memorials

ADDRESS: 809 South Main Street
Manville, NJ 08835

CONTRACT AMOUNT: Amount not to exceed \$26,034.00

SERVICE: Design and Construction of Bell Tower for Veterans Memorial

Resolution #06-428 Rescind Contract – Alphagraphics – Duplicating Services – Categories 2 (Carbonless Copies), 3 (Stationery), 11 (Receipt Books) & 12 (Master Plan).

WHEREAS, on August 8, 2006, Alphagraphics was awarded a contract for Duplicating and Printing Services for Category 2 - Carbonless Copies/Category 12 - Master Plan/Category 11 - Receipt Books/Category 3 - Stationery two-year period; and

WHEREAS, error was found in the original award for category 2 – Carbonless Copies and Alphagraphics failed to enter into contracts for Category 12 - Master Plan/Category 11 - Receipt Books/Category 3 - Stationery; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County that the contract with Alphagraphics for Duplicating and Printing Services for Category 2 - Carbonless Copies/Category 12 - Master Plan/Category 11 - Receipt Books/Category 3 - Stationery two-year period is hereby rescinded.

Resolution #06-430 Authorize 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

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: 102/8.01
Name & Address: Oguekwe, Olivia
114 Churchill Avenue
Somerset, New Jersey 08873
Amount: \$32,343.15
Make Check Payable To: Wachovia-Cust/SASS Muni V Drt
123 S. Broad St., PA1328S
Tax Lien Services Group
Philadelphia, PA 19109
Certificate No.: 06-061
Payment Received: September 12, 2006

Date of Sale: June 8, 2006
Block/Lot: 85/35
Name & Address: Cerda, Julio & Juana A.
33 Bennetts Lane
Somerset, New Jersey 08873
Amount: \$24,496.70
Make Check Payable To: Fidelity Tax LLC

P.O. Box 5707
Ft. Lauderdale, FL 33310
Certificate No.: 06-050
Payment Received: September 12, 2006

Date of Sale: June 8, 2006
Block/Lot: 507.14/65.01
Name & Address: Kraft, Jennifer
471 Elizabeth Avenue
Somerset, New Jersey 08873
Amount: \$34,908.43
Make Check Payable To: American Tax Funding LLC
P.O. Box 862658
Orlando, FL 32886-2658

Certificate No.: 06-204
Payment Received: September 12, 2006

Date of Sale: June 8, 2006
Block/Lot: 424.08/202
Name & Address: Suggs, Robin
14 Gifford Road
Somerset, New Jersey 08873
Amount: \$14,275.34
Make Check Payable To: Plymouth Financial Co.
P.O. Box 2288
Morristown, New Jersey 07962-2288

Certificate No.: 06-193
Payment Received: September 12, 2006

Date of Sale: June 8, 2006
Block/Lot: 373/30
Name & Address: Friday, James & Lige, Judith
14 Gifford Road
Somerset, New Jersey 08873
Amount: \$18,256.30
Make Check Payable To: Plymouth Financial Co.
P.O. Box 2288
Morristown, New Jersey 07962-2288

Certificate No.: 06-169
Payment Received: September 12, 2006

Resolution #06-431 Authorize Refund for Deposit for Construction Water Meters – Frank Kunz – 1983 Amwell Road - \$1,930.50.

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

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

APPLICANT: Frank Kunz
ADDRESS: 1983 Amwell Road, Somerset, NJ 08873

AMOUNT DEPOSITED: \$2,145.00

AMOUNT TO BE DEPOSITED IN WATER ACCOUNT

FOR SERVICE CHARGE & WATER USAGE \$ 214.50
AMOUNT TO BE REFUNDED: \$1,930.50

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

Resolution #06-432 Authorize Discharge of Affordable Housing Mortgage – Cleaves from Advincula – 173 Columbus Drive, Franklin Park.

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 173 Columbus Drive, Franklin Park, Block 20.10, Lot 11.02 C1703 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 #06-433 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>
11.01/16.02	Township of Franklin	3/06 Posted to Wrong Acct.	7,371.53
Move to 16.20		3/06 Posted to Water	312.91
20.10/11.02C1912		Error	
Move to Taxes			
33.01/11.01			
Move to QFARM		4/06 Should be Paid on Farm	149.74
200/4	Township of Franklin	3/06 Posted to Water	25.00
Move to Final Fee		Should be final fee	

Resolution #06-434 Authorize Issuance of Raffles Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Sts. Peter & Paul Catholic Church 285 Hamilton Street, Somerset, NJ Instant Raffles – RL#1586 Drawings: Sts. Peter & Paul Auditorium	October 5, 12, 19, 26, 2006 November 2, 9, 16, 30, 2006 December 7, 14, 21, 28, 2006
Temple Beth El of Somerset 1489 Hamilton Street, Somerset Off-Premise 50/50 – RL#1587 Drawing: Temple Beth El	February 4, 2007 8:00 pm
Hunterdon Medical Center Foundation 2100 Wescott Drive, Flemington, NJ On-Premise Raffle: RL#1588 On-Premise Raffle: RL#1589 Drawings: The Palace at Somerset	November 18, 2006 6:00 pm – 11:00 pm
The Auxiliary of Robert Wood Johnson University Hospital One Robert Wood Johnson Place, N. Bruns. Off-Premise Raffle – RL#1594 Drawing: The Palace at Somerset Park	October 21, 2006 6:00 pm – 11:00 pm
Rutgers Preparatory School 1345 Easton Avenue, Somerset, NJ On-Premise Raffles – RL#1595 Drawings: 1345 Easton Avenue, Somerset, NJ	October 14, 2006 11:00 am – 5:00 pm November 11, 2006 7:00 pm – 10:00 pm February 24, 2007 7:00 pm – 12:00 pm

Resolution #06-435 Authorize Issuance of Special Event Permit – Middlebush Fire Department – Safety Day – September 30, 2006 – Middlebush Fire House – 21 Olcott Street – 10 am to 3 pm.

WHEREAS, a request has been received from Somerset Fire & Rescue Company #1 for a special event permit for an “Open House” at 14 Hollywood Avenue, Somerset, New Jersey, to be conducted on October 7, 2006 from 11:00 am to 4:00 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 Somerset Fire & Rescue Company #1 to conduct “Open House” on October 7, 2006 from 11:00 am to 4:00 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 #06-436 Authorize Issuance of Special Event Permit – Sisters Network of Central NJ – 5K Walk for Breast Cancer Awareness – October 7, 2006 – DeMott Lane/New Brunswick Road – 7am to 1 pm.

WHEREAS, a request has been received from L. Bebe Major, Public Relations Director, Sisters Network of Central Jersey, for a special event permit for the 2nd Annual Robyn Michele Collins Memorial 5K Breast Cancer Awareness Walk to be conducted on October 7, 2006 at DeMott Lane and Amwell Road intersection, along DeMott Lane to the Community Baptist Church at the intersection of DeMott Lane and New Brunswick Road, from 7 am to 1 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 Sisters Network of Central Jersey for a special event permit for the 5K Breast Cancer Awareness Walk to be conducted on October 7, 2006 at DeMott Lane and New Brunswick Road from 7 am to 1 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 #06-437 Amend Emergency Temporary Budget to include Pandemic Planning Grant in the amount of \$8,581.00.

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

HEALTH & HUMAN SERVICES

Health Services (Administration)

Salaries & Wages	0.00
Other Expenses (Pandemic Planning Grant)	8,581.00

TOTAL FY 2007 TEMPORARY BUDGET	\$8,581.00
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Resolution #06-438 Authorize Issuance of Special Event Permit – Somerset Fire & Rescue Company #1 – Open House – October 7, 2006 – Somerset Fire House – 14 Hollywood Avenue – 11:00 am to 4:00 pm.

WHEREAS, a request has been received from Somerset Fire & Rescue Company #1 for a special event permit for an “Open House” at 14 Hollywood Avenue, Somerset, New Jersey, to be conducted on October 7, 2006 from 11:00 am to 4:00 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 Somerset Fire & Rescue Company #1 to conduct “Open House” on October 7, 2006 from 11:00 am to 4:00 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 #06-439 Authorize Issuance of Special Event Permit – The Leukemia & Lymphoma Society “Light the Night” Walk – September 30, 2006 – Colonial Park – 2:00 pm to 10:00 pm.

WHEREAS, a request has been received from Kisha Achoe, Special Events Manager, The Leukemia & Lymphoma Society, Northern New Jersey Chapter, for a special event permit for “Light the Night” Walk to be conducted on September 30, 2006 at Colonial Park, from 2:00 pm to 10:00 pm; 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 the Leukemia & Lymphoma Society for a special event permit for the “Light the Night” Walk to be conducted on September 30, 2006 at Colonial Park from 2:00 pm to 10:00 pm, 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.

RESOLUTIONS – VOTED ON SEPARATELY

Resolution #06-421 Award Bid – Baker Chrysler Jeep Dodge – 2006 4WD Jeep Liberty – Amount Not to Exceed \$18,916.00.

Mayor Levine presented the following resolution:

WHEREAS, a Notice to Bidders was published in the Courier News and posted on the Township website on August 4, 2006 and there was one (1) addendum issued August 14, 2006 changing the original bid opening date from August 17, 2006 to August 29, 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:

Baker Chrysler Jeep Dodge	2006 4WD Jeep Liberty
1045 State Road	
Princeton, NJ 08540	Not to Exceed \$18,916.00

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.

A brief discussion ensued regarding more fuel efficient vehicles and the Health Department's need for 4WD. Upon motion by Ms. Ritchie, seconded by Mr. Sumter, the aforesaid resolution was tabled for further review and information. Said motion carried unanimously upon call of the roll.

Resolution #06-429 Award Contract – Duplicating Services – Somerset Management (Categories 2 & 11); Copies Now (Category 12) and Mariano Press (Category 3) – Two Years from Notice to Proceed.

Mayor Levine presented the following resolution:

WHEREAS, a Notice to Bidders was published in the Courier News and posted on the Township website on July 17, 2006 for receipt of bids on July 27, 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:

Somerset Management Group
68 Veronica Avenue, Suite 4
Somerset, NJ 08873

Category 2 – Carbonless Copies
Category 11 – Receipt Books

Copies Now
241 West Union Avenue
Bound Brook, NJ 08805

Category 12 – Master Plan

Mariano Press
14 Veronica Avenue
Somerset, NJ 08873

Category 3 – Stationery

Two years from date of Notice to Proceed; and

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

Upon motion by Ms. Danile, seconded by Mr. McKenzie, the aforesaid resolution was adopted as follows upon call of the roll:

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

Ms. Danile questioned why the aforesaid resolution was removed from the consent agenda. She asked if Council members had issues with any of the vendors. Mr. Daly replied that the previous vendor, IBS, the Township had issues with that have all been resolved. Ms. Ritchie stated that her son worked for one of the vendors approximately 1 ½ years ago for about 8 hours.

APPOINTMENTS

Board of Adjustment Regular Member for an unexpired four-year term ending December 31, 2007

Laura Graumann and Joel Mintz were nominated for the appointment of Board of Adjustment Regular Member for an unexpired four-year term ending 12/31/07.

The Township Clerk polled Council on nominations for Board of Adjustment Regular Member for an unexpired four-year term ending 12/31/07 as follows:

<u>Laura Graumann</u>		<u>Joel Mintz</u>
Danile	Eberle	Levine
McKenzie	Ritchie	Regan
Sumter		

Laura Graumann was appointed Board of Adjustment Regular Member for an unexpired four-year term ending 12/31/07.

Board of Adjustment Regular Member for an unexpired four-year term ending December 31, 2008

Grace Evan and Joel Mintz were nominated for the appointment of Board of Adjustment Regular Member for an unexpired four-year term ending 12/31/08.

The Township Clerk polled Council on nominations for Board of Adjustment Regular Member for an unexpired four-year term ending 12/31/08 as follows:

	<u>Grace Evans</u>		<u>Joel Mintz</u>
Danile	Eberle		Levine
McKenzie	Ritchie		Regan
Sumter			

Grace Evans was appointed Board of Adjustment Regular Member for an unexpired four-year term ending 12/31/08.

A motion was made by Mr. McKenzie to add the appointment of Alternate #1 Member of the Board of Adjustment to the agenda. Said motion was seconded by Mr. Sumter and *failed* as follows upon call of the roll:

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

FY2007 MUNICIPAL BUDGET – INTRODUCTION & SET PUBLIC HEARING DATE

Mayor Levine had presented the following proposals to the budget in Council's packets over the weekend:

Councilmen Vassanella's & Sumter's Proposal:

Mr. Daly presented Councilmen Vassanella's & Sumter's recommendations"

"We strongly feel that the budget must include some money for basic upkeep and upgrades to certain parks. Also the budget needs to include some assistance for Hamilton Street safety and aesthetics. There is a long list of items that fall under these subjects, however with the need to keep our Municipal tax increase at or below 5% we have limited our requests to only 3 items.

1. Build a bathroom in Williams Park so that the groups that hold events on a regular basis and the individuals that use that area of the park on a regular basis have proper sanitary facilities available like certain other parks do that have similar use as Williams Park. (We understand that security issues need to and will be considered with having a bathroom.)
2. Make the only entrance into the Castleton Park parking lot wider so that it can properly handle two way traffic. Right now it is like a narrow, short, one way road that handles two way traffic.
3. Hamilton Street is close to getting some of the long-overdue safety and aesthetic improvements after almost 5 years of reviewing and planning. One item which most of the Hamilton Board and others feel is of high priority, is the improved lighting which is slated to be installed soon. The problem is that there is only \$15,000.00 of the \$30,000.00 per year for 5 years needed to have this lighting along the length of the SID area. A Special Improvement District, to some degree, is suppose to be a joint effort between the town as a whole and the SID area to improve economic growth and overall quality of life in an area of town designated to be in need of some revitalization. We, Franklin Township, needs to at least complete this one simple improvement after many years of effort that has got us to this crucial point.

Thank you, Councilman Vassanella and Councilman Sumter."

Mr. Regan left the meeting at 10:25 p.m.

Mayor Levine's Proposal:

"Dear all:

If we introduce the budget on Tuesday, as we are scheduled, I may propose the following adjustments to the budget:

- Changing all attorney payments to outside contractors instead of [a] employees (as are some) or [b] a combination of employee-contractor (as are others). This will save tax dollars in the following areas;
 - Payroll taxes
 - Workers' compensation
 - Pension costs
- Allowing volunteers for FTTV-25. This will save in the following areas:
 - Contractors costs
- Not filling some positions from which employees have retired or resigned. This will save in the following areas:
 - Payroll taxes
 - Workers' compensation
 - Health care
 - Pension costs

If anyone has questions on these proposals, please contact me at any time."

Mayor Levine stated that he would address his budget recommendations as a Council Discussion Item at a later meeting. He stated that it was not his intent to offer them at this time.

Councilwoman Danile's Budget Proposal:

Ms. Danile presented the following:

"Township of Franklin – Proposed Cuts in Budget – FY2007

Snow Removal	\$	50,000.00
Other Expenses		50,000.00
Minidump		400,000.00
Community Services		40,000.00
Tax Appeals		50,000.00
Street Lighting		50,000.00
Electricity		50,000.00
Liability Insurance		50,000.00
Total	\$	740,000.00

Note: In most cases, amounts were budgeted in prior year and not spent; same occurs this FY.

FY 2006 (w/o library)	<u>\$23,498,127</u>	
Proposed levy per FY2007 budget	\$24,673,033	
Less proposed budget reduction	<u>\$ (740,000)</u>	
Reduce municipal levy to this amount	<u>\$23,933,033</u>	This would be a 1.85% increase in the municipal levy

(\$23,933,033 - \$23,498,127 = \$434,906)

(\$434,936/\$23,498,127 = 1.85%)

Justification:

<u>Year</u>	<u>Budget Expenses</u>	<u>Actual Expenses</u>	<u>Difference</u>
2005	\$45,003,668	\$41,029,980	\$3,973,688
2006	\$49,757,501	\$47,087,964	\$2,669,537
2007	\$51,322,281		

Actual expenses would have to increase by almost 9% to go to \$51,322,281 (\$51,322,281 – 47,087,964 = 4,234,317/47,087,964 = 8.992%)

Overall impact on FY2007:

	<u>Current Budget</u>	<u>Danile Proposal</u>	
Expenses	\$51,322,281	\$50,582,281	Cut expense budget \$740,000
Revenues	\$51,322,281	\$50,582,281	Cut municipal tax levy \$740,000"

Mr. Daly reviewed each line item proposed by Ms. Danile and stated that reductions have been made to these line items and further reduction will result in repercussions. A discussion amongst Council members ensued regarding budget expenses versus actual expenses. Mr. Daly recommended that if Council was of the consensus to decrease the tax levy by \$740,000 to reduce the surplus by that amount.

Ms. Ritchie moved the proposal by Mr. Vassanella and Mr. Sumter to amend the FY2007 Municipal budget as prepared as follows:

1. \$15,000.00 appropriated for Hamilton Street Lighting
2. Include restrooms for Naaman Williams Park as a capital project
3. Include widening of parking lot opening at Castleton Park as a capital project.

Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

Ms. Danile moved approval of her proposal to reduce the FY2007 Municipal budget as prepared. There was no second to the motion. Motion failed.

Ms. Danile moved to reduce the tax levy by \$740,000 by reducing the surplus by \$740,000. Said motion was seconded by Mr. McKenzie and *failed* as follows upon call of the roll:

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

Resolution #06-440 FY2007 Municipal Budget – Introduction and Set Public Hearing Date

Mayor Levine presented the following resolution:

Municipal Budget of the Township of Franklin, County of Somerset for the State Fiscal Year 2007.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the State Fiscal Year 2007;

BE IT FURTHER RESOLVED that said Budget be published in The Courier News, Bridgewater, N.J. in the issue of October 10, 2006.

The governing body of the Township of Franklin does hereby approve the following as the Budget for the State Fiscal Year 2007:

General Appropriations:

Appropriations Within "CAPS"	
Municipal Purposes	\$34,477,233.62
Appropriations Excluded from "CAPS"	
Municipal Purposes	10,412,891.63
Reserve for Uncollected Taxes – Based on Estimated 97+ Percent of Tax Collections	<u>4,985,847.00</u>
Total General Appropriations	49,875,972.25
Less: Anticipated Revenues Other Than Current Property Tax	<u>22,638,149.90</u>
Difference: Amount to be Raised by Taxes For Support of Municipal Budget: Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	<u>\$27,237,822.35</u>

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Council of the Township of Franklin, County of Somerset, on September 26, 2006.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building on October 24, 2006 at 7:00 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the State Fiscal Year 2007 may be presented by taxpayers or other interested persons.

The aforesaid resolution was moved by Ms. Ritchie, seconded by ms. Eberle and carried as follows upon call of the roll:

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

ADJOURNMENT

Mr. McKenzie moved to adjourn the meeting at 11:40 p.m. Said motion was seconded by Ms. Ritchie and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk