

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
OCTOBER 9, 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 8:01 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 Councilwoman Barrier.

The Township Clerk called the roll.

Present: Mayor Clyde, Deputy Mayor Eberle, Ms. Barrier, Mr. Chivukula, Mr. Grippo, Mr. Levine, Mr. Mazzola, Mr. Mettler

Absent: Mr. Sumter

Also present: Daniel Fitzpatrick, Esq., Acting Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

PROCLAMATION - "AMERICA'S SAFE SCHOOL WEEK"

Read by Mayor Clyde

WHEREAS, schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible and productive citizens; and

WHEREAS, excellence in education is dependent on safe, secure and peaceful school settings; and

WHEREAS, the safety and well-being of many students, teachers and school staff are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, poor discipline, vandalism and absenteeism in our schools; and

WHEREAS, it is the responsibility of all citizens to enhance the learning experiences of young people by helping to ensure fair and effective discipline, promote good citizenship and generally make school safe and secure; and

WHEREAS, all leaders, especially those in education, law enforcement, government and business, should eagerly collaborate with each other and the National School Safety Center, a partnership of Pepperdine University and the US Department of Justice and US Department of Education, to focus public attention on school safety and identify, develop and promote innovative answers to these critical issues; and

WHEREAS, numerous schools and school districts throughout the country, along with national programs, are among those innovative answers; and

WHEREAS, the observance of America's Safe Schools Week will substantially promote efforts to provide all our nation's schools with positive and safe learning climates;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR OF THE TOWNSHIP OF FRANKLIN, on behalf of the Township Council, do hereby proclaim the week of **October 14-20, 2001** as **"AMERICA'S SAFE SCHOOLS WEEK"** and;

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BE IT FURTHER RESOLVED that all State Governors, Attorney General, Superintendents of Public Instructions and Legislatures; as well as the President, Attorney General, Secretary of Education and Congress of the United States; all State and Federal Judges; Civic, Fraternal, Legal, Government and Professional Associations; and all Students and Educators in America's schools are encouraged to formally adopt similar resolutions and proclamations so that we may enthusiastically work together to make our nation's schools safe, secure and peaceful places for learning, teaching and working, free of drugs, alcohol, weapons and fear.

Mayor Clyde presented the Proclamation to Phyllis Beals, President of Parent Teacher Association of Franklin Township Schools.

PROCLAMATION - "SCHOOL BUS SAFETY WEEK"

Read by Mayor Clyde

WHEREAS, October 21-27, 2001 is National School Bus Safety Week with a 2001 theme of "**Danger - Know the Zone**"; and

WHEREAS, the Board of Education of the Township of Franklin through its FTEA School Climate Committee is sponsoring many events in conjunction with this celebration intended to educate school children on safety rules. A Bus Safety Poster Contest is planned with the Franklin Park CARE PM Program, gifts to winners, certificates to all participants; Bus Safety coloring books will be distributed to all children in grades K-6; and

WHEREAS, Bus Safety Posters will be displayed in the Township Municipal Building;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR OF THE TOWNSHIP OF FRANKLIN, on behalf of the Township Council, do hereby proclaim the week of

OCTOBER 21 - 27, 2001

AS

SCHOOL BUS SAFETY WEEK

and do urge all students and parents to become aware of and practice the rules for safety on school busses;

FURTHER, we commend the members of the following committees for their efforts to promote the safety and well being of all our children:

*FTEA School Climate Committee
Franklin Township Education Association
Franklin Township Board of Education
Franklin Township Police Department-Traffic Safety
Mrs. Diane Mazurowski, FTEA School Climate Committee Chair
Mr. Ernest Batha, FTEA School Climate Committee Co-Chair
Ms. Betty Lou Lewis, Transportation Safety Coordinator*

Proclamation was presented by Mayor Clyde to Phyllis Beals, President of the Parent Teacher Association of Franklin Township.

PROCLAMATION - V-FREE WEEK - OCTOBER 14-20, 2001

Read by Mayor Clyde

WHEREAS, the V-Free Program is designed to prevent violence, vandalism and victimization in and out of schools and communities; and

WHEREAS, the V-Free Week is designed to encourage young people to take an active role in their communities and to promote V-Free Activities; and

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WHEREAS, the Franklin Township Youth Services Commission will be conducting a "Multi-Cultural Night Out on Friday, October 19, 2001 to celebrate the diversity of our community;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR of the Township of Franklin in the County of Somerset and State of New Jersey on behalf of the Township Council do hereby proclaim

OCTOBER 14-20, 2001
as
V-FREE WEEK
and
OCTOBER 19, 2001
as
MULTI-CULTURAL NIGHT OUT

and do urge all students and citizens to participate in the many activities which will be conducted throughout the Township and State to promote the V-Free Week precepts, and do hereby thank and commend the

FRANKLIN TOWNSHIP YOUTH SERVICES COMMISSION

for their participation in the V-Free activities and for their planning and promotion of Multi-Cultural Night Out activities.

Mayor Clyde presented the Proclamation to Phyllis Beals, representing the YSC/Alliance. Ms. Beals noted that "Multi-Cultural Night Out" was initiated by the State Department. The local decision to have a Youth Forum was determined last winter with the goal of building greater unity and celebrating our diversity. The recent terrorist attacks on our country have given new meaning and importance to including youth in activities to increase tolerance and understanding. A Grant in the amount of \$1855.00 has been received from the New Jersey Department of State.

PROCLAMATION - RADON AWARENESS MONTH - OCTOBER 2001

Read by Mayor Clyde

WHEREAS, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer, causing as many as 500 lung cancer deaths annually in New Jersey; and

WHEREAS, elevated radon levels are found in many homes and pose a serious health threat to families residing in these homes; and

WHEREAS, any home may have high levels of radon -- even if neighboring homes do not; and

WHEREAS, radon testing is easy and inexpensive -- and elevated levels of radon can be effectively reduced at the cost of a typical home repair; and

WHEREAS, Franklin Township is designated as a Tier 1 risk for elevated levels of radon;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council and residents do hereby proclaim the week

OCTOBER 14-20, 2001
as
RADON ACTION WEEK

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in the Township of Franklin, Somerset County and call upon all residents who have not yet tested their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risk of radon.

Proclamation will be forwarded to the Franklin Township Health Department for display in their offices.

PROCLAMATION - NATIONAL BREAST CANCER AWARENESS MONTH - OCTOBER 2001

Read by Mayor Clyde

WHEREAS, October 2001 is National Breast Cancer Awareness Month; and

WHEREAS, October 19, 2001 is National Mammography Day; and

WHEREAS, an estimated 192,200 new cases of female breast cancer will be diagnosed in 2001 and 40,200 will die from the disease; and

WHEREAS, an estimated 1,500 new cases of male breast cancer will be diagnosed in 2001 and 400 will die of the disease; and

WHEREAS, early detection and prompt treatment can significantly reduce suffering and deaths caused by this disease; and

WHEREAS, mammography, an "x-ray" of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council do hereby proclaim the month of October 2001 as "**NATIONAL BREAST CANCER AWARENESS MONTH**" and **OCTOBER 19, 2001 as "NATIONAL MAMMOGRAPHY DAY"** in the Township of Franklin, Somerset County.

Proclamation will be posted on the Bulletin Board in the Municipal Building.

COMMENDATIONS - 8TH ANNUAL NEW JERSEY TECHNOLOGY FAST 50 AWARDS RECIPIENTS

Read by Mayor Clyde

WHEREAS, the 8th Annual New Jersey Technology Fast 50 sponsored by Deloitte & Touche, the New Jersey Technology Council, Nasdaq, the Regional Business Partnership and First Union Bank has named your company as one of the fastest growing technology companies in the State of New Jersey; and

WHEREAS, your company is one of five businesses located within Franklin Township that have been placed on this list; and

WHEREAS, the Township of Franklin recognizes the creation of jobs, generation of tax ratables, and prestige that its citizens obtain by your location and participation in our community; and

WHEREAS, the Township of Franklin would like to congratulate and commend you for your achievements and your positive contribution to our community;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR on behalf of the Township Council and the citizens of the Township of Franklin, County of Somerset and State of New Jersey, do hereby commend

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MELILLO CONSULTING, INCORPORATED
MULTILINK TECHNOLOGY CORPORATION
EMCORE CORPORATION
VR SYSTEMS, INCORPORATED
NEW AGE SYSTEMS, INCORPORATED

for being named as one of the "Fast Fifty" Fastest Growing Technology Companies in the State of New Jersey.

Commendations and Keys to the City were presented by Mayor Clyde, Deputy Mayor Eberle and Councilwoman Barrier to each recipient.

COMMENDATION - FAST FIFTY RESIDENT OF FRANKLIN TOWNSHIP - BEN RYTBLAT - QUADRIX SOLUTIONS

Read by Mayor Clyde

WHEREAS, the 8th Annual New Jersey Technology Fast 50 sponsored by Deloitte & Touche, the New Jersey Technology Council, Nasdaq, the Regional Business Partnership and First Union Bank has named your company as one of the fastest growing technology companies in the State of New Jersey; and

WHEREAS, your company has been placed on this list, and as a resident of our Township, the Township Council feels you should be recognized for your achievement; and

WHEREAS, the Township of Franklin recognizes the creation of jobs, generation of tax ratables, and prestige that its citizens obtain by your location and participation in our State; and

WHEREAS, the Township of Franklin would like to congratulate and commend you for your achievements and your positive contribution to our State;

NOW, THEREFORE, I, JOHN CLYDE, MAYOR on behalf of the Township Council and the citizens of the Township of Franklin, County of Somerset and State of New Jersey, do hereby commend

BEN RYTBLAT - QUADRIX SOLUTIONS

for being named as one of the "Fast Fifty" Fastest Growing Technology Companies in the State of New Jersey.

Commendation and Key to the City were presented by Mayor Clyde, Deputy Mayor Eberle and Councilwoman Barrier to the recipient.

MINUTES - WORK SESSION - 9/25/01; REGULAR MEETING - 9/25/01; EXECUTIVE SESSION - 9/25/01

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to approve the Minutes of the Work Session, Regular Meeting and Executive Session of September 25, 2001; motion was carried unanimously by those Councilmembers present at those meetings.

WARRANTS - OCTOBER 9, 2001

Read by Mayor Clyde

1	Current Fund	921,945.26
5	Water Operating Fund	37,044.60
6	Water Capital Fund	0
4	General Capital Fund	25,018.87
	Animal Control	0
15	General Trust Fund	68,871.35
18	Self Insurance Trust Fund	0

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21	Recreation Trust	6,165.00
12	Open Space Trust	8,700.00
2	Grant Fund	2,224.78
17	Workers' Compensation Trust	160.00
	Unemployment Trust	0
	Employee Payroll Deduction	0
	Public Assistance	0
3	Collector Trust	153,311.80
	Assessment Trust Fund	0
14	Dog Revenue	0
	Community Foundation	0
22	General Ledger Item: Current Fund	0
13	Redevelopment Agency	10,654.20
25	Escrow Account	46,385.60
23	Agency	26,195.68
	General Ledger: Water	0
	SUB-TOTAL	\$1,306,677.14
19	Voided Checks	0
20	Adjustments	0
	TOTAL BILL LIST	<u>\$1,306,677.14</u>

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola. 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. Mettler		Mr. Sumter

Motion was carried.

REQUEST FOR RELEASE OF DEED RESTRICTION - GUSTAVO DeLaCRUZ/WILSON INVESTMENT GROUP - BLOCK 200/LOTS 9.01, 12.01 & 15.01

Mayor Clyde noted that the report from Scott Thomas, Senior Engineer, has been received indicating that the violations on the subject property have been corrected.

Upon a motion made, seconded and unanimously agreed, meeting was opened for public discussion on this request for release of deed restriction.

Lee Magee, 177 Winslow Avenue, objected to construction of houses on the subject property:

1. The section of Winslow Avenue involved is a paper street. Mr. Magee's house is the only house on that portion of the street and is accessed from Harrison Street. When he purchased his house, he was told by the realtor that the street would never be opened since it would result in lots with houses on Green Street having streets along their front yards and their back yards.
2. The lots had been cleared of many old trees by the developer without permission from the Township.

Irwin Millinger, Esq., on behalf of the property owner, noted that the property was the subject of a valid subdivision in 1988 creating three buildable lots. All lots conform to the current zoning ordinance. The purchaser's title search discovered that when purchased from the Township in 1961, deed restrictions were placed on the property because they were undersized at that time. While the subdivision was granted in 1988, the deed restriction was not released.

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Richard Wilson, prospective purchaser of the property, noted severe drainage problems existing in the area which will be resolved by storm drainage improvements to be installed with the development of the subdivision.

Upon a motion made, seconded and unanimously agreed, the meeting was closed for public discussion on this item.

Mr. Mazzola requested input from the Township Attorney. In the absence of Township Attorney Rainone, Acting Township Attorney Daniel Fitzpatrick suggested that the matter be deferred so Mr. Rainone can research the questions.

Mr. Chivukula noted his concern with the cutting of trees and creation of lots with streets along both the front and rear property lines referred to by Mr. Magee and moved to carry the hearing to October 23rd to allow time for staff to investigate this situation.

Mr. Mazzola questioned what restrictions exist for removal of trees on a valid paper street/public right of way.

Mr. Mettler questioned the need for the applicant to re-advertise the notice of hearing. Township Clerk Pellicane advised that if the hearing is carried to October 23rd, the re-advertising will not be necessary.

Township Manager Daly noted unsuccessful efforts by resident Walter Howard to get a deed restriction on his property released and noted the need to compare the circumstances between this case and the Howard case.

Ms. Barrier concurred with Mr. Chivukula's concern regarding the cutting of trees and seconded the motion to carry the hearing for further investigation. Council concurred.

PUBLIC DISCUSSION

Motion was made by Mayor Clyde and seconded by Ms. Barrier 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, representing the Countryside Condominium Association, noted that the residents are starting to see corrective action regarding their complaints and thanked Township staff.

Lucretia Cortelyou, 1892 Amwell Road:

1. Requested response to her prior question regarding the initiation of traffic calming measures on the realigned Amwell Road curve. Mr. Chivukula responded that the Traffic Management Subcommittee has not met since Ms. Cortelyou's request but that he has spoken to Sgt. Vornlocker about the Township's ability to take these measures on a County road. The question is still being considered but cannot be easily answered.
2. Requested a response to her prior question on the availability of grant money for traffic enforcement. Mayor Clyde responded that he spoke to Bonnie von Ohlen, Township Grant Coordinator, and she is investigating.
3. Reiterated her comment that the Amwell Road Bicycle Path is not well used, noting having seen one bicycle using the path. Mayor Clyde responded that this bike path will be part of bicycle paths throughout the Township and, with time, will be used by cyclists to connect to Colonial Park and other areas of the Township without having to travel busy roads.

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4. Noted a response from the County Director of Public Works that county roads are 8" thick and can accommodate trucks and asked if Township Manager Daly can respond to her question on Township roads. Township Manager Daly responded that he has not yet but will shortly provide the information requested.
5. Noted that the widening of roads is not the answer to traffic problems. There is need for the quality of life in the Township to improve and for Council to give consideration to existing residents living in residential areas when making decisions.
6. Requested a response to her prior question on the definition of Municipal purposes as used in the pending amendment to the Bond ordinance for the acquisition of the Toto/Gierlich farms. Acting Township Attorney Fitzpatrick responded that he will have Township Attorney Rainone provide an answer to this question. Mayor Clyde responded that the only other municipal purpose for which these lands are being considered is the possible connector road to the industrial area, but this proposal is still under consideration.

Harold Leventhal, 360 DeMott Lane, spoke in reference to the need to get information to the public on the affordable senior housing referendum to be placed on the November ballot and noted the public forum by the Senior Advisory Committee being held on October 22nd in the Council Chambers and invited the Council and public to attend.

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

Mr. Grippo complimented Ms. Cortelyou for her questions and keeping after Council on quality of life issues. Mr. Grippo agreed with the problems caused by trucks and expressed his desire to resolve the problem.

Township Manager Daly:

1. Noted that the Township has been flying the flag since September 11th. The 30-day period recommended by President Bush will expire this week. Barring objections from Council, the flags along Hamilton Street will be removed on October 11th; the flags in the Municipal Complex will be removed after the October 13th Operation-Cooperation.
2. Noted that the amount of extra costs related to the September 11th attack for police call-ins and police, fire, health and public works overtime cannot be anticipated. The Council can amend the FY2002 Budget at the time of adoption to create a fund to handle any unanticipated expenses or try to work within the budget as introduced/adopted, recognizing that there may be need for emergency appropriations later in the year.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 52, SALARIES & COMPENSATION - SECTION 52-3, ANNUAL COMPENSATION FOR ELECTED & APPOINTED EMPLOYEES/OFFICIALS (ASSOCIATE JUDGE/ASSOCIATE PROSECUTOR)

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 (ASSOCIATE JUDGE & ASSOCIATE PROSECUTOR)" which is presented to Council for adoption on first reading, posting, publication on October 18, 2001 and public hearing on November 13, 2001.

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

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<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. Mettler		Mr. Sumter

Motion was carried.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 112, DEVELOPMENT - BLOCK 259/LOT 74 - REZONE FROM GB (GENERAL BUSINESS) TO CP (CANAL PRESERVATION)

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTRY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-6, ZONING DISTRICTS (BLOCK 259/LOT 74 - GB (GENERAL BUSINESS) TO CP (CANAL PRESERVATION))" which is presented to Council for adoption on first reading, posting, publication on October 18, 2001 and public hearing on November 13, 2001.

Mr. Chivukula so moved. Mr. Mazzola 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. Mettler		Mr. Sumter

Motion was carried.

RESOLUTION - CONSENT AGENDA

Read by Mayor Clyde

The items listed within the 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 Consent Agenda Resolutions as they appear on the prepared agenda be and the same are hereby approved:

- A. Tax Title Lien Redemptions:
- Solano – Block 34.08/Lot 9.01 C3410 - \$187.71 – 125 Lindsey Court (1997)
 - Solano – Block 34.08/Lot 9.01 C3410 - \$298.44 – 125 Lindsey Court (2000)
 - Capers – Block 34.04/Lot 9.01 C4021 - \$392.45 – 89 Lindsey Court
 - Hector – Block 34.09/Lot 59.02 C0144 - \$3,232.61 – 104 Topaz Drive
 - Triggs – Block 130/Lot 1 - \$450.99 – 116 Fuller Street (1998)
 - Triggs – Block 130/Lot 1 - \$1,574.25 – 116 Fuller Street (2000)
 - Triggs – Block 130/Lot 1 - \$651.49 – 116 Fuller Street (2001)
 - Blue – Block 149/Lots 31-32 - \$5,211.62 – 19 Oak Place
 - Sodowick – Block 171.02/Lot 237.03 C0401- \$12,143.52 – 475 Somerset St. (1995)
 - Sodowick – Block 171.02/Lot 237.03 C0401 - \$1,079.25 – 475 Somerset St. (1999)
 - Sodowick – Block 171.02/Lot 237.03 C0401 - \$2,442.97 – 475 Somerset St. (2000)

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Sodowick – Block 171.02/Lot 237.03 C0401- \$2,211.43 – 475 Somerset St.
(2001)
 Sodowick – Block 171.02/Lot 237.03 C0501 - \$12,187.56 – 475 Somerset St.
(1995)
 Sodowick – Block 171.02/Lot 237.03 C0501 - \$1,079.25 – 475 Somerset St.
(1999)
 Sodowick – Block 171.02/Lot 237.03 C0501 - \$2,106.83 – 475 Somerset St.
(2000)
 Sodowick – Block 171.02/Lot 237.03 C0501 - \$97.64 – 475 Somerset St.
(2001)
 United National Bank – Block 171.02/Lot 237.03 C0701 - \$1,301.84 – 475
Somerset St. (1995)
 United National Bank – Block 171.02/Lot 237.03 C0701 - \$7,252.45 – 475
Somerset St. (1996)
 United National Bank – Block 171.02/Lot 237.03 C0701 - \$608.56 – 475
Somerset St. (2000)
 Murphy – Block 184/Lot 13 - \$307.47 – 9 Home Street
 O'Rourke – Block 188/Lot 40 - \$3,549.59 – 119 Brookline Avenue
 Amoo-Achampong – Block 287.01/Lot 13 - \$447.94 – 13 Tall Oaks Road
 Crews - Block 344/Lot 26 - \$7,704.47 – 357 West Point Avenue
 Njieha – Block 360/Lot 39 - \$285.50 – 193 Berger Street (1998)
 Njieha – Block 360/Lot 39 - \$383.96 – 193 Berger Street (2000)
 Njieha – Block 360/Lot 39 - \$256.82 – 193 Berger Street (2001)
 Danzey – Block 369/Lot 29 - \$109.53 – 24 Kingsbridge Road
 Ogbonna – Block 377/Lot 6 - \$434.91 – 17 Cypress Road
 B&D Assoc., Ltd – Block 517.02/Lot 20.02 - \$68,996.42 – 27 Schoolhouse
Road (1999)
 B&D Assoc., Ltd – Block 517.02/Lot 20.02 - \$16,324.33 – 27 Schoolhouse
Road (2000)

- B. Tax Overpayments – Various
- C. Tax Remittals – Various
- D. Budget – FY2002 Emergency Temporary Budget
- E. Grant Agreement – NJ Juvenile Justice & Delinquency Prevention – Youth Engaged in Service - \$93,684.00 Grant/\$54,000 In-kind Township Match – 10/1/01 to 9/30/02
- F. Grant Application – NJDCA - Safe Kids Playground Initiative - \$10,000 Grant/\$10,000 Township Match
- G. Grant Application – NJ Office on Emergency Management – 2002 Flood Mitigation Planning Program - \$50,000 Grant/\$12,500 Township Match
- H. Release Escrow Fees – Inspection Fees:
Fenton Const., Co. – Docket #P90070PD-2 - \$1,380.00
- I. Performance Guarantee Release – Mabel Arinzeh – Docket #P95022P - \$70,000.00
- J. Performance Guarantee Reduction – Middlebush Village Estates/ADU Builders – Docket #P98028PF - \$411,931.00, minus \$288,351.70; balance remaining \$123,579.30
- K. Authorize Raffle/Bingo Licenses
- L. Authorize Senior Advisory Committee use of the Council Chambers for Public Forum – 10/22/01 at 7:30 p.m.

REGULAR MEETING - OCTOBER 9, 2001THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:A. 01-432 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

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	34.08/9.01 C3410	SOLANO, RUBEN R. 125 Lindsey Court Franklin Park NJ 08823	\$ 187.71
CHECK # CERT #97-171	PAID:	September 18, 2001	
	LIENHOLDER:	Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 8, 2000	34.08/9.01 C3410	SOLANO, RUBEN R. 125 Lindsey Court Franklin Park NJ 08823	298.44
CHECK # CERT #20-214	PAID:	September 18, 2001	
	LIENHOLDER:	Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7, 2001	34.08/9.01 C4021	CAPERS, WILLIAM 89 Lindsey Court Franklin Park NJ 08823	392.45
CHECK # CERT #01-84	PAID:	September 18, 2001	
	LIENHOLDER:	Malden Associates, Audrey Ledelstat PO Box 5600 Woodbridge NJ 07095	
June 7, 2001	34.09/59.02 C0144	HECTOR, JACQUELINE 104 Topaz Drive Franklin Park NJ 08823	3,232.61
CHECK # CERT #01-73	PAID:	September 18, 2001	
	LIENHOLDER:	Elliot Loeb 1 Lakeview Drive Saratoga Springs NY 12866	
June 11, 1998	130/1	TRIGGS, ARTHUR 116 Fuller Street Somerset NJ 08873	450.99

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CHECK # CERT # 98-187	PAID: LIENHOLDER:	September 18, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 8, 2000	130/1	TRIGGS, ARTHUR 116 Fuller Street Somerset NJ 08873	1,574.25
CHECK # CERT # 20-223	PAID: LIENHOLDER:	September 18, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7, 2001	130/1	TRIGGS, ARTHUR 116 Fuller Street Somerset NJ 08873	651.49
CHECK # CERT# 01-240	PAID: LIENHOLDER:	September 18, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 8, 2000	149/31-32	BLUE, DONNIE & JULIA 39 Chelsea Road Jackson NJ 08527 (19 Oak Place)	5,211.62
CHECK # CERT #20-72	PAID: LIENHOLDER:	September 18, 2001 Plymouth Financial PO Box 2288 Morristown NJ 07962-2288095	
April 6, 1995	171.02/237.03 C0401	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	12,143.52
CHECK # CERT # 95-32	PAID: LIENHOLDER:	September 18, 2001 FUNB cust. D.H. & Associates 3950 RCA Boulevard, Suite 5002 Palm Beach Gardens FL 33410	
June 10, 1999	171.02/237.03 C0401	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	1,079.25
CHECK # CERT # 99-93	PAID: LIENHOLDER:	September 18, 2001 JNH Funding Corporation 90 Dayton Avenue, Building 6C Passaic NJ 07055	
June 8, 2000	171.02/237.03 C0401	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	2,442.97

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CHECK #	PAID:	September 18, 2001	
CERT # 20-97	LIENHOLDER:	JNH Funding Corporation	
		90 Dayton Avenue, Building 6C	
		Passaic NJ 07055	
June 7,2001	171.02/237.03 C0401	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	2,211.43
CHECK #	PAID:	September 18, 2001	
CERT # 01-57	LIENHOLDER:	JNH Funding Corporation	
		90 Dayton Avenue, Building 6C	
		Passaic NJ 07055	
April 6, 1995	171.02/237.03 C0501	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	12,187.56
CHECK #	PAID:	September 18, 2001	
CERT # 95-33	LIENHOLDER:	FUNB cust. D.H. & Associates	
		3950 RCA Boulevard, Suite 5002	
		Palm Beach Gardens FL 33410	
June 10, 1999	171.02/237.03 C0501	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	1,079.25
CHECK #	PAID:	September 18, 2001	
CERT # 99-94	LIENHOLDER:	JNH Funding Corporation	
		90 Dayton Avenue, Building 6C	
		Passaic NJ 07055	
June 8, 2000	171.02/237.03 C0501	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	2,106.83
CHECK #	PAID:	September 18, 2001	
CERT # 20-116	LIENHOLDER:	NTAC	
		30 Federal Street	
		Boston MA 02110	
June 7,2001	171.02/237.03 C0501	SODOWICK, LESTER c/o KELLNER 8 Timber Ridge Drive Warren NJ 07059 (475 Somerset Street)	97.64
CHECK #	PAID:	September 18, 2001	
CERT # 01-58	LIENHOLDER:	JNH Funding Corporation	
		90 Dayton Avenue, Building 6C	
		Passaic NJ 07055	

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April 6, 1995	171.02/237.03 C0701	UNITED NATIONAL BANK 1130 Route 22 Bridgewater NJ 08807 (475 Somerset Street)	1,301.84
CHECK # CERT #95-110	PAID: LIENHOLDER:	September 18, 2001 Residential Funding PO Box 13057 Newark NJ 07188-0057	
April 11, 1996	171.02/237.03 C0701	UNITED NATIONAL BANK 1130 Route 22 Bridgewater NJ 08807 (475 Somerset Street)	7,252.45
CHECK # CERT #96-109	PAID: LIENHOLDER:	September 18, 2001 Residential Funding PO Box 13057 Newark NJ 07188-0057	
June 8, 2000	171.02/237.03 C0701	UNITED NATIONAL BANK 1130 Route 22 Bridgewater NJ 08807 (475 Somerset Street)	608.56
CHECK # CERT #20-231	PAID: LIENHOLDER:	September 18, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7, 2001	184/13	MURPHY, JAMES 9 Home Street Somerset NJ 08873	307.47
CHECK # CERT #01-250	PAID: LIENHOLDER:	September 20, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7, 2001	188/40	O'ROURKE, BRIEN T. & MARIKA D. 119 Brookline Avenue Somerset NJ 08873	3,549.59
CHECK # CERT # 01-78	PAID: LIENHOLDER:	September 18, 2001 Nancy Loeb 150 Shaw Road Chestnut Hill MA 02467	
June 7, 2001	287.01/13	AMOO-ACHAMPONG, PHIPPS 13 Tall Oaks Road Somerset NJ 08873	447.94
CHECK # CERT # 01-87	PAID: LIENHOLDER:	September 18, 2001 Malden Associates, Audrey Ledelstat PO Box 5600 Woodbridge NJ 07095	
June 8, 2000	344/26	CREWS, MABEL 357 West Point Avenue Somerset NJ 08873	7,704.47

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CHECK # CERT # 20-205	PAID: LIENHOLDER:	September 19, 2001 Margaret Pisciotta PO Box 234 Barnegat Light NJ 08006	
June 11, 1998	360/39	NJIEHA, FRANCOIS 193 Berger Street Somerset NJ 08873	285.50
CHECK # CERT #98-201	PAID: LIENHOLDER:	September 18, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 8, 2000	360/39	NJIEHA, FRANCOIS 193 Berger Street Somerset NJ 08873	383.96
CHECK # CERT #20-240	PAID: LIENHOLDER:	September 18, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7,2001	360/39	NJIEHA, FRANCOIS 193 Berger Street Somerset NJ 08873	256.82
CHECK # CERT #01-260	PAID: LIENHOLDER:	September 18, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 10, 1999	369/29	DANZEY, TIMOTHY 24 Kingsbridge Road Somerset NJ 08873	109.53
CHECK # CERT #99-200	PAID: LIENHOLDER:	September 20, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7, 2001	377/6	OGBONNA, JUSTIN & UZOMA 16 Franklin Court, #19A Somerset NJ 08873 (17 Cypress Road)	434.91
CHECK # CERT # 01-90	PAID: LIENHOLDER:	September 18, 2001 Malden Associates, Audrey Ledelstat PO Box 5600 Woodbridge NJ 07095	
June 7, 2001	287.01/13	AMOO-ACHAMPONG, PHIPPS 13 Tall Oaks Road Somerset NJ 08873	447.94
CHECK # CERT # 01-87	PAID: LIENHOLDER:	September 18, 2001 Malden Associates, Audrey Ledelstat PO Box 5600 Woodbridge NJ 07095	

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June 8, 2000	344/26	CREWS, MABEL 357 West Point Avenue Somerset NJ 08873	7,704.47
CHECK # CERT # 20-205	PAID:	September 19, 2001	
	LIENHOLDER:	Margaret Pisciotta	
		PO Box 234	
		Barnegat Light NJ 08006	
June 11, 1998	360/39	NJIEHA, FRANCOIS 193 Berger Street Somerset NJ 08873	285.50
CHECK # CERT #98-201	PAID:	September 18, 2001	
	LIENHOLDER:	Herbert Sehgel	
		PO Box 284	
		Kingston NJ 08528	
June 8, 2000	360/39	NJIEHA, FRANCOIS 193 Berger Street Somerset NJ 08873	383.96
CHECK # CERT #20-240	PAID:	September 18, 2001	
	LIENHOLDER:	Herbert Sehgel	
		PO Box 284	
		Kingston NJ 08528	
June 7, 2001	360/39	NJIEHA, FRANCOIS 193 Berger Street Somerset NJ 08873	256.82
CHECK # CERT #01-260	PAID:	September 18, 2001	
	LIENHOLDER:	Herbert Sehgel	
		PO Box 284	
		Kingston NJ 08528	
June 10, 1999	369/29	DANZEY, TIMOTHY 24 Kingsbridge Road Somerset NJ 08873	109.53
CHECK # CERT #99-200	PAID:	September 20, 2001	
	LIENHOLDER:	Herbert Sehgel	
		PO Box 284	
		Kingston NJ 08528	
June 10, 1999	517.02/20.02	B & D ASSOCIATES LTD C/o BERGER 237 South Street Morristown NJ 07962-2049 (27 School House Road)	68,996.42
CHECK #4061 CERT # 99-81	PAID:	September 5, 2001	
	LIENHOLDER:	FUNB cust/M.D. SASS II	
		123 South Broad Street, PA 1328	
		Philadelphia PA 19109	
June 8, 2000	517.02/20.02	B & D ASSOCIATES LTD C/o BERGER 237 South Street Morristown NJ 07962-2049 (27 School House Road)	16,324.33

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CHECK #4062
CERT # 20-66

PAID:
LIENHOLDER:

September 5, 2001
FUNB cust/M.D. SASS II
123 South Broad Street, PA 1328
Philadelphia PA 19109

B. 01-433 RESOLUTION - 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.

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
34.05/42	TOWNSHIP OF FRANKLIN	1-2/01	2,014.09
214/17	475 DeMott Lane	1/01	1.85
216/12	Somerset NJ 08873	1/01	33.14
20.10/11.02C150		1/01	4.65
2		1-2/01	126.06
528.05/19.29		1-2/01	7.08
528.03/169.02		1-2/01	160.39
528.03/169.03		3/01	1,207.59
11.01/23		3/00	2.73
9/47.23		4/00	6,015.63
86.03/1.08		1/01	3.02
160/13		2/01	3,520.35
417.01/4.04		4/00	55,447.99
502/37.01			
5.02/24	THOMPSON REALTY COMPANY OF PRINCETON, INCORPORATED 195 Nassau Street Princeton NJ 08540	3/01	1,482.03
5.02/42 Qfarm	PIRONE, SEBASTION 25 Route 518 Princeton NJ 08540	1-2/01	955.10
34.09/59.02 C0144	LOEB, ELLIOT 1 Lakeview Drive Saratoga Springs NY	3/01	1,039.35
36.01/20.01A	DUNN, VANCE & SARAH PO Box 83 Franklin Park NJ 08823	1-2/01	1,357.37
49/1	BURCHETTE, GREGORY 10 Nevins Court Hillsborough NJ 08844	4/00 1/01 2/01	74.23 44.97 409.17
54/3	CZUPAK, JAN 43 Vermont Avenue Franklin Park NJ 08823	1-2/01	116.43
57.01/62 Qfarm	HEID, JOHN & MARLA 120 Cortelyou Lane Somerset NJ 08873	1-2/01	169.29
84.03/36.78	HAMPTON CHASE @ SOMERSET	1-2/01	1,222.07
84.03/36.86	HOMEOWNERS PO Box 744 Belle Mead NJ 08502	1-2/01	492.35
84.03/36.85	HAMPTON CHASE @ SOMERSET HOMEOWNERS & ZIPP & TANNEBAUM, LLC 49 Spotswood-Englishtown Road Monroe Township NJ 08831	2/01 3/01	594.76 957.31
85/55 CO110 & CO111	R.F.C. ASSOCIATES, INORPORATED 1543 Route 27 Somerset NJ 08873	1-2/01 1-2/01	139.41 130.69
87.03/9	PIETRZAK, EDWARD 23 Susan Drive Somerset NJ 08873	4/01	75.01

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88.01/6.01	CLEARY, W.A. CORPORATION & NORRIS, McLAUGHLIN & MARCUS PO Box 1018 Somerville NJ 08876	3-4/00 2/01 3/01	24,244.99 8,039.68 294.76
129/19	MACEDONIA CHURCH OF GOD IN CHRIST 127 Fuller Street Somerset NJ 08873	1-2/01	164.31
134/2	SASHSHEL CORPORATION 7 Lenape Drive Somerset NJ 08873	1-2/01	504.86
135.01/6	CHEMIDLIN, JOHN 785 Route 1 South Edison NJ 08817	1-2/01	1,422.73
135.01/33	SECRETARY OF HUD One Newark Center Newark NJ 07102	1-2/01	979.76
183/38	GEORGIU, MARY c/o T. VOSINAKIS 448 Baker Place Perth Amboy NJ 08861	2/01	111.31
189/56	WADOLOWSKI, LUCJAN & HELENA 45 Cooper Avenue Somerset NJ 08873	2/01 3/01	150.33 135.16
189/57		2/01 3/01	141.43 52.31
191/22	BOBO, STEVEN & JO-ANN 22 Poe Avenue Somerset NJ 08873	3/01	850.00
386.10/94	GOODE, KIMBERLY & STACEY 94 Almond Drive Somerset NJ 08873	4/01	791.34
424.08/39.01	EASTERN HILL, LLC 1065 Route 22 West Bridgewater NJ 08807	3/01	4,522.95
424.10/303 C0057	ELLIOT, REBECCA 57 Oswestry Way Somerset NJ 08873	4/01	250.00
468.09/47	WORLDS FAIR ASSOCIATES PO Box 6817 Bridgewater NJ 08807- 6817	1-2/01	2,455.04
468.09/48	HPT CW II PROPERTIES TRUST & BRACH, EICHLER, ROSENBERG, SILVER, BERNSTEIN, HAMMER & GLADSTONE 101 Eisenhower Parkway Roseland NJ 07068-1067	4/00	3,585.00
469/1.06 Qfarm	UKRAINIAN ORTHODOX CHURCH OF USA PO Box 495 South Bound Brook NJ 08880	1-2/01	356.48
502/8.01	TOGAR KORMAN VENTURE III, LLC 311 Lancaster Avenue Malvern PA 19355	1-2/01	687.62
507/60.01	NORTHERN NURSERIES INC 1695 King Street Enfield CT 06082	1-2/01 3/01	5,988.82 2,750.63
99999/98	VARIOUS - NEW JERSEY SAVER REBATES OVERPAID	3/01	8,639.60

C. 01-434 RESOLUTION - TAX REMITTALS

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

<u>YEAR</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
3-4/01	20.02/8QFARM	TOWNSHIP OF FRANKLIN	Exempt	2,235.94
1-2/01	151/39	TOWNSHIP OF FRANKIN	Exempt	63.56
3-4/01				56.19
1-2/01	151/40	TOWNSHIP OF FRANKLIN	Exempt	1,033.52
3-4/01				1,543.50

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3-4/01	417.01/4.04	TOWNSHIP OF FRANKLIN	Exempt	9,408.33
2/01				3,520.35
3-4/01	417.01/22	TOWNSHIP OF FRANKLIN	Exempt	1,150.42
3-4/01	424.08/39.01	TOWNSHIP OF FRANKLIN	Exempt	9,596.93

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

D. 01-435 RESOLUTION – EMERGENCY TEMPORARY BUDGET - FISCAL YEAR 2002

WHEREAS, an emergent condition has arisen with respect to final adoption of the Fiscal Year 2002 Township of Franklin Budget which has not been adopted and adequate provision has not been made in Fiscal Year 2002 Temporary Appropriations for the aforesaid purpose, and **NJSA 40A:2** provides for the creation of Emergency Temporary Appropriations for the purpose above mentioned; and

WHEREAS, the total Emergency Temporary Resolutions adopted in the Fiscal Year 2002 pursuant to the provisions of **Chapter 96, P.L. 1951 (NJSA 40A:20)** including this resolution totals \$4,109,186.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and the State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring that in accordance with the provisions of **NJSA 40A:20**:

1. **An Emergency Temporary Appropriation be and the same is hereby made for \$3,944,186.00;**
2. **That said Emergency Temporary Appropriations will be provided for in the Fiscal Year 2002 Budget under the title of:**

EMERGENCY TEMPORARY BUDGET

APPROPRIATIONS	<u>FROM</u>	<u>TO</u>
Board of Health		
Other Expenses	\$ 30,000.00	\$ 45,000.00
Social Security	350,000.00	500,000.00
Total General	\$10,165,043.00	\$10,330,043.00
Grand Total	<u>\$13,598,357.00</u>	<u>\$13,763,357.00</u>
Total Expenses	\$ 4,109,186.00	

E. 01-436 RESOLUTION - GRANT AGREEMENT - NJ DEPARTMENT OF LAW & PUBLIC SAFETY - JUVENILE JUSTICE DELINQUENCY PREVENTION GRANT - \$93,684 / \$54,000 TOWNSHIP IN-KIND MATCH

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 Grant Agreement with the NJ Department Law and Public Safety Partnership providing to the Township a grant of \$93,684.00 with an in-kind match of \$54,000.00 for the Juvenile Justice Delinquency Prevention Program.

REGULAR MEETING - OCTOBER 9, 2001**E. 01-437 RESOLUTION - GRANT APPLICATION – NJ DEPARTMENT OF COMMUNITY AFFAIRS - SAFE KIDS PLAYGROUND INITIATIVE GRANT - \$10,000, TOWNSHIP MATCH \$10,000.00**

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Department of Community Affairs for a Safe Kids Playground Initiative Grant in the amount of \$10,000.00 with a Township Match of \$10,000.00 and does authorize the appropriate Township official to execute this grant application on its behalf.

G. 01-438 RESOLUTION - GRANT APPLICATION – NJ OFFICE OF EMERGENCY MANAGEMENT GRANT - \$50,000.00, TOWNSHIP MATCH \$12,500.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Office of Emergency Management for a 2002 Flood Mitigation Planning Program Grant in the amount of \$50,000.00 with a Township Match of \$12,500.00 does authorize the appropriate Township official to execute this grant application on its behalf.

H. 01-439 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 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: FENTON CONSTRUCTION COMPANY/COSMAIR, INC.
ADDRESS: 5 Mountain Boulevard PO Box 4498
 Warren NJ 07059

DOCKET NO: P90070PD-2
BLOCK/LOT: 86.03/10.14 & 10.22
LOCATION: Commerce Drive (Additional Parking Spaces)
AMOUNT DEPOSITED: \$1,500.00
AMOUNT CHARGED: 120.00
AMOUNT TO BE REFUNDED: \$1,380.00

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.

I. 01-440 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - MABEL ARINZEH - DOCKET NO. P5022P - \$70,000.00

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

ITEM: PERFORMANCE BOND
NAME OF APPLICANT: MABEL ARINZEH
ADDRESS OF APPLICANT: 920 Hamilton Street
 Somerset NJ 08873
NUMBER: B157928

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INSURANCE CO./BANK: Selective Insurance Company
40 Wantage Avenue Branchville NJ 07890

IN THE AMOUNT OF: \$70,000.00

FOR: Site Improvements for Docket No. P95022P - Block 130/Lots 5-11, Franklin Boulevard and Fuller Street; 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.

J. 01-441 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - MIDDLEBUSH VILLAGE ESTATES aka ADU BUILDERS - DOCKET NO. P98028PF - \$411,931.00 -MINUS \$288,351.70 - BALANCE REMAINING \$123,579.30

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: MIDDLEBUSH VILLAGE ESTATES aka ADU BUILDERS

ADDRESS OF APPLICANT: 649 Central Avenue, Suite 18
Westfield NJ 07090

NUMBER: 125001996

INSURANCE CO./BANK: Amwest Surety Insurance Company
Woodland Hills California

IN THE AMOUNT OF: \$411,931.00

FOR: Site Improvements for Docket No. P98028PF - Block 83/Lot 17.02, Amwell Road; and

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee by the amount of \$288,351.70;

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 upon receipt of a reduced performance guarantee in the amount of \$123,579.30.

K. 01-442 RESOLUTION - AUTHORIZE RAFFLE/BINGO

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

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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>
Spartan Club of Immaculata High School 240 Mountain Avenue, Somerville, NJ 08876 Off-Premise 50/50 - RL#1321 Drawing: DoubleTree Hotel, Somerset	April 13, 2002 10:00 am - 3:00 pm

L. 01-443 RESOLUTION - USE OF COUNCIL CHAMBERS - SENIOR CITIZEN ADVISORY COMMITTEE - OCTOBER 22, 2001 - PUBLIC FORUM - NON-BINDING AFFORDABLE SENIOR HOUSING REFERENDUM

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that permission is granted for the use of Council Chambers by the Senior Citizen Advisory Committee on October 22, 2001 at 7:30 pm for a Public Forum on the Non-Binding Affordable Senior Housing Referendum.

Motion was made by Mr. Mazzola and seconded by Mr. Chivukula to approve the items of the foregoing 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. Mettler		Mr. Sumter

Motion was carried.

OPPOSE SENATE BILL 3715 - WORKER SELECTION OF TREATMENT PROVIDERS UNDER WORKERS COMPENSATION

Ms. Barrier moved to carry this resolution to October 23rd. Mr. Mettler seconded the motion.

<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. Mettler		Mr. Sumter

Motion was carried.

Township Manager Daly noted that the legislation is not moving very quickly and that the deferral to October 23rd should not have any adverse impact.

COUNCIL COMMENTS

Davidson Avenue Connector

Mayor Clyde advised that the Middlebush By-Pass/Davidson Avenue Connector Subcommittee met this evening. The original proposal for the Davidson Avenue

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Connector was previously rejected by the Subcommittee, and two alternative plans were prepared by the consultant: (1) from Amwell Road to the site of the new High School and (2) from Amwell Road to Weston Road near Elizabeth Avenue.

Option (1) traverses the site of the proposed Renaissance at Franklin adult housing community which the Planning Board will be hearing tomorrow night. Council has been asked to provide direction to the Planning Board on which option it wishes to pursue. If Option (1) is selected, the Planning Board would reserve that right of way through the tract by means of an amendment to the Master Plan. The Master Plan amendment would reserve the alignment for one year, during which time the Township would need to purchase the right of way. It was the recommendation of the Subcommittee that, if the development of the Davidson Avenue Connector is to be pursued, it favors Option (1).

In response to a question from Mr. Levine, Ms. Barrier as a member of the Subcommittee, noted that Option (1) would jeopardize the adult housing development, require more costly wetland remediation and two homes near the high school entrance would have to be purchased and demolished.

Mr. Mettler noted his dismay with consideration of the 600-unit adult housing project in making a decision. Mr. Mettler noted that the adult housing development is too dense, is not designed for low/moderate income seniors but is an up-scale gated community, and would produce substantial traffic during non-peak hours resulting in traffic problems all day instead of just during peak hours. Mr. Mettler objected to the request for Council to make a decision tonight since the entire Council has not been presented with the information which the Committee has seen.

Mr. Grippo agreed with the need for further information and for two public hearings on the alignments, but noted the Planning Board's concern for the Council's opinion prior to hearing the development application.

Township Manager Daly noted the additional problem that if Option (1) is chosen, the Council will need to budget money to purchase the Master Plan reserved alignment within one year.

Mayor Clyde concurred with the need for more time for consideration. Council has the option of not taking action tonight in which case the Planning Board will proceed basing their review on the current Master Plan.

Mr. Chivukula agreed that Council is not ready to make decision on the alignment tonight and moved to table the matter to November 13th. Mr. Mettler seconded the motion, the vote being as follows:

AYES

Ms. Barrier
Mr. Chivukula
Mayor Clyde
Ms. Eberle

AYES

Mr. Grippo
Mr. Levine
Mr. Mettler

NAYS

Mr. Mazzola

ABSTAIN

No One

ABSENT

Mr. Sumter

Motion was carried.

COUNCIL COMMENTS

Ms. Barrier commended Council on working together well this evening.

Mr. Levine:

Reminded Council and the public of the Dunham-Lebed Park groundbreaking scheduled for Monday October 22nd at 3:00 p.m.

Noted the need for today's children to recognize the heroism of the New York City police and fire personnel in addition to music and sports heroes.

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Mr. Grippo:

Concurred with Mr. Levine on the heroism of New York City personnel;

Reported that the Conerly Road School Pasta Dinner to support the victims of the WTC attacked raised \$5,400 for PS 89 in New York, plus a truckload of school supplies.

Suggested that Elizabethtown Water Co. make a presentation to Council on their preparedness to prevent and handle terrorism.

Mr. Chivukula noted that the alignment chosen for the Amwell Road curve realignment appears to have been the right decision and that plans for control of trucks, speed limits and traffic calming measures are making progress but questioned if County roads will be top priority.

Ms. Eberle noted her dismay with the terrible hate of the American people by some nations in the world and the need for Americans to stick together.

Mayor Clyde:

Expressed pride in America's fire, police and military personnel.

Saluted Councilman/Principal Grippo for the Conerly Road School pasta night.

Commended Mr. Mettler and Ms. Barrier for the productive debate over the Davidson Avenue Connector alignment.

Announced receipt of a \$500.00 check from the Hampton Ridge residents for donation to the American Red Cross to aid victims of the WTC attacked. Mayor Clyde thanked the residents and asked Township Clerk Pellicane to invite the residents to next meeting to receive a commendation.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 9:26 p.m.

JOHN CLYDE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK