

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:05p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on October 11, 2005. 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 Deputy Mayor McKenzie led the Invocation.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan (arrived at 8:45 p.m.) Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Ms. Danile

Also present: Louis N. Rainone, Esq., Township Attorney (arrived at 7:15 p.m.), Kenneth W. Daly, Township Manager, Virginia Woodbury, Deputy Township Clerk

### COMMENDATIONS/PROCLAMATIONS

#### C. Andrew Twiford

Mayor Levine and Ms. Ritchie presented the following proclamation to Andy Twiford who was retiring from the Township as the Stormwater Management Coordinator:

**WHEREAS**, the Township of Franklin is benefited by employees who contribute their time, talent and skills for the betterment of our community; and

**WHEREAS**, C. ANDREW TWIFORD has been devoted to the service of the community of Franklin Township, Somerset County from March 11, 1985 to his retirement as of October 1, 2005; and

**WHEREAS**, during his tenure as an employee of the Township of Franklin, Andy Twiford served as Water Operator/Superintendent of the Water Department within the Department of Public Works until he was named Director of the Department of Public Works on May 3, 1987. On July 1, 2005, Andy Twiford's title changed to Stormwater Coordinator in the newly established department of Stormwater Management,

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council, do hereby thank and commend C. ANDREW TWIFORD and we extend to Andy Twiford and his family our best wishes for their good health and happiness in the future.

#### Arts & Humanities Month

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

**WHEREAS**, the arts and humanities enhance and enrich the lives of all Americans; and

**WHEREAS**, the arts and humanities affect every aspect of life in America today including the economy, social problem solving, job creation, education, creativity, and community livability; and

**WHEREAS**, cities and states – through their local and state arts agencies and representing thousands of cultural organizations – have celebrated the value and importance of culture in the lives of Americans and the health of thriving communities during *National Arts and Humanities Month* for several years; and

**WHEREAS**, The United States Conference of Mayors has actively participated in *National Arts and Humanities Month* since 1984; and

**WHEREAS**, The United States Conference of Mayors' national arts partner, Americans for the Arts, will again coordinate this year a national awareness campaign of activities for *National Arts and Humanities Month*; and

**WHEREAS**, the nation's 40,000 cultural organizations, the National Endowment for the Arts, the National Endowment for the Humanities, the nation's 4,000 local arts agencies, the arts and humanities councils of the 50 states and U.S. jurisdictions, and the President of the United States have participated in the past and will be asked to participate again this year in this national celebration; and

**WHEREAS**, the month of October 2005 has been designated as *National Arts and Humanities Month*; and

**NOW, THEREFORE, BE IT RESOLVED THAT I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim OCTOBER 2005 as "**National Arts and Humanities Month**" in the Township of Franklin and commend this observance to all our citizens.

### *Crop Walk Day*

Mayor Levine, with Ms. Ritchie, presented Dorothy Thompkins, representing Somerset Presbyterian Church with the following proclamation:

**WHEREAS**, at the end of World War II many Christians wanted to share America's abundance with European war victims, and CROP and Church Service's first purpose was to gather wheat and other crops from American farms for shipment to Europe; and

**WHEREAS**, over the years Church World Service/CROP has increased its urban appeals while remaining in contact with its rural constituents and has moved from primarily providing resources for emergency relief to supporting long-range self-help programs emphasizing agricultural development, appropriate technology, water resource development, and primary health care; and

**WHEREAS**, the Annual Somerset Fall CROP WALK will be held on Sunday, October 16, 2005 in support of this organization to help our Community become aware of and concerned about hunger and its causes and its effects on all of us; and

**WHEREAS**, the Somerset Community CROP WALK for Hunger is in its 32<sup>nd</sup> year of an annual WALK for Hunger Awareness; and

**WHEREAS**, Somerset Presbyterian Church and St. Matthias Roman Catholic Church have been the long-time organizers of this WALK for Hunger Awareness, along with other participating houses of worship, and have raised over \$115,000.00; and

**WHEREAS**, the CROP WALK will raise funds to help stop hunger both locally through the Franklin Township Food Bank and globally;

**NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR,** on behalf of the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, do hereby proclaim Sunday, October 16, 2005 as “**CROP WALK DAY**” in Franklin Township, Somerset County and do urge the citizens to participate with Church World Service to support this WALK.

### **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.
- Reported the following events: Korean Cultural Festival at Raritan Valley Community College, Groundbreaking at Temple Beth-El and the Navatri Festival at the Convention Center.

### **DEPUTY MAYOR REPORT**

Deputy Mayor McKenzie commended John Walker for all of his valuable information regarding the Franklin Park Well Water situation, especially the many updates and keeping the people informed. He reported that the system is working and the wells are being sealed and residents are connecting to the Township's water system. He encouraged eligible citizens to take advantage of the Spill Fund.

### **COMMITTEE REPORTS**

#### **Liaisons to the Board of Education**

Mayor Levine reported the Board of Education is working on changes to the High School Schedule. He announced that there would be a bond referendum in connection with the athletic stadium on December 13<sup>th</sup> from 2-9 p.m. He noted that a bond referendum is not subject to Council appeal.

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

Mayor Levine led a review of the prepared agenda. Ms. Ritchie made some minor changes to the August 1, 2005 Budget Hearing Minutes in the Municipal Court presentation. Ms. Ritchie asked questions regarding the warrant list that were satisfactorily answered by the Township Manager.

### **DISCUSSION ITEMS**

#### **Request for Release of Deed Restriction – 329 Elizabeth Avenue**

Ms. Ritchie gave a report regarding the history of the property, purchase of the property and the deed restriction. She also gave a brief history of the zoning of the property. She reported that it was the recommendation of the Land Use Committee to remove the deed restriction with the condition that the second house to be built on the property be deed restricted as an affordable housing unit.

Mr. Battone, owner of the property, made some corrective points to Ms. Ritchie's report. He stated that the deed restriction should have been removed in 1992 when the zoning of the property was changed from NB to R-10. He stated that Cedar Avenue has both sanitary and

storm sewer connections and public water. He opposed deed restricting the second house as an affordable housing unit.

After a discussion by the Council, Ms. Ashley-Williams moved to table this item until more information is received. Said motion was seconded by Ms. Ritchie and carried unanimously upon call of the roll.

#### APPROVAL OF MINUTES

Mayor Levine asked for a motion to approve the following minutes: Budget Hearing of August 1, 2005 as amended and the Work Session/Regular Meeting of September 13, 2005.

Deputy Mayor McKenzie moved to approve the following minutes: Budget Hearing of August 1, 2005 as amended and the Work Session/Regular Meeting of September 13, 2005. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Eberle (8/1)		Eberle (9/13)	Danile
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

#### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,386,379.75 for October 11, 2005 to the Township Council for payment:

1	Current	536,896.44
5	Water Operating	26,448.56
6	Water Capital	34,275.45
4	General Capital	439,703.08
15	Trust Others	1,800.03
18	Self Insurance Trust	2,991.24
21	Recreation Trust	210.00
12	Open Space Trust	58,061.77
2	Grant	5,159.78
26	Affordable Housing	4,313.75
3	Collector Trust	37,357.32
14	Dog Revenue	108.60
30	Payroll Agency	236,026.48
	Sub-Total	1,383,352.50
25	Escrow Account	3027.25
	Grand Total	1,386,379.75

Deputy Mayor McKenzie moved that warrants in the amount of \$1,386,379.75 for October 11, 2005 to be paid. Said motion was seconded by Ms. Ashley-Williams and carried as follows upon call of the roll:

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

**ORDINANCES – PUBLIC HEARING & ADOPTION**

**Ordinance No. 3566**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3524 FINALLY ADOPTED ON MARCH 9, 2005 ENTITLED “BOND ORDINANCE PROVIDING FOR THE EXTENSION OF WATER MAINS ALONG PORTIONS OF VARIOUS ROADWAYS FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$157,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$157,500 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF” TO AMEND THE DESCRIPTION THEREOF AND TO INCREASE THE APPROPRIATION AND THE AUTHORIZATION OF BONDS AND NOTES THEREIN BY \$1,560,000**

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. Ritchie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

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

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

Deputy Mayor McKenzie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Ashley-Williams and carried as follows upon call of the roll:

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

**Ordinance No. 3567**

Mayor Levine offered 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 226-30 (ON STREET HANDICAPPED PARKING SPACE (ADD 226 PHILLIPS ROAD))**

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

Deputy Mayor McKenzie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Ritchie and carried unanimously upon call of the roll.

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

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

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

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

**Ordinance No. 3568**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, STATE OF NEW JERSEY FOR PARKS AND/OR CONSERVATION PURPOSES**

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

Deputy Mayor McKenzie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Ashley-Williams 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.

Robert von Zumbusch, Vice Chair of the Joint Kingston Advisory Committee, expressed his support for the ordinance.

Corrington Hwong, 10 Brook Drive West, South Brunswick, expressed his support of the ordinance.

John McConville, 5 Stone Leigh Way, expressed his concerns with buying the house on the property. He stated he felt the Township could not afford buying the house along with the property. Mr. Daly replied the Township was taking a different approach with the property as they had with properties purchased previously. He stated that the Township is purchasing the development rights of the property and the historical easement on the house. He stated that someone else would be purchasing the house subject to the historical easement.

There being no further comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

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

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

**Ordinance No. 3569**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED ON FEBRUARY 8, 2005. AS AMENDED BY BOND ORDINANCE NUMBER 3557 FINALLY ADOPTED ON AUGUST 9, 2005 TO AMEND THE DESCRIPTION THEREOF**

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

Ms. Ritchie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Ashley-Williams 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.

Robert von Zumbusch, 113 Brunswick-Kingston Road, thanked Council for the ordinance and for the imaginative approach to purchasing the property and the historical easement on the house.

There being no further comments by the public, Ms. Ritchie moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

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

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

**Ordinance No. 3570**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY – CHAPTER 175, PARKS AND RECREATION, ADDING NEW ARTICLE IV – SKATE PARK RULES & REGULATIONS.**

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

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

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

Philip Kramer, 429 Canal Road, expressed his concerns regarding the safety of the skate park and his hope that it is successful. Mr. Daly explained that the skate park would be monitored by staff, but not at all times. He stated staff would address violations and complaints. He stated that if there were a need for more staff, they would increase the fees to cover the additional staffing. He stated that the rules and regulations were reviewed and accepted by the Municipal Excess Liability and Risk Managers.

There being no further comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

Council discussed their concerns regarding safety measures that could be taken. Mr. Daly stated that the rules and regulations are recommendations by the Recreation Council and the Township Council can add or change these regulations if they so wish. He noted that basketball is a more dangerous sport and the basketball courts are not monitored and registration is not required.

Mr. Regan arrived at 8:45 p.m.

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

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

**PUBLIC DISCUSSION**

Deputy Mayor McKenzie moved to open the meeting for public discussion. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

Mayor Levine announced that this meeting is open for public discussion on any item of interest, which does not have a public hearing of its own. He stated that if anyone was interested in speaking to raise their hand and when recognized, state their name and address.

Kathy Bloomig, 176 Bennetts Lane, spoke of bear trapping and extended an invitation to Councils to meet with the Division of Wildlife and have a chance to interact with bears. She announced there is a bear awareness seminar on November 3<sup>rd</sup>.

John McConville, 5 Stone Leigh Way, stated that he watched the last meeting on television and noted the sound system is poor and that Council members need to speak closer into the microphones. He stated that he found roads in Ward 5 that are in the worst condition in the Township. He spoke of the Township having too many cul-de-sacs and that Wilson Road does not need any. He expressed his opposition to the school bond referendum. He expressed his dislike for the way the school system handled notification of the late opening of the high school.

Shirley Pietrucha, 49 9<sup>th</sup> Street, thanked the FTTV-25 volunteers. She spoke of the September 13<sup>th</sup> presentation made by Ms. Danile and the comments made about her at the last meeting. She stated that increased spending results in increased taxes. She spoke of eminent domain. Ms. Pietrucha asked that citizens not be berated at meetings.

Philip Kramer, 429 Canal Road, TUF, spoke of Ms. Danile's presentation. He spoke of election results and televised debates. He stated that he has asked for the presentation through an open public records request. He asked that Ms. Danile provide the presentation. He reminded Council that there are fines when public records are not provided.

Lucretia Cortelyou, 1892 Amwell Road, responded to comments made by Ms. Danile at the September 22<sup>nd</sup> meeting. She stated that she was surprised that a 20-minute presentation was given at a meeting and not listed on the agenda. She stated that Ms. Danile did not follow the rules regarding agendas.

Joseph Melick, 4304 Avery Court, spoke on various issues including the Easton Farms Drainage project (thanked the Mayor), Channel 25 debates, YMCA Board of Adjustment hearing on December 10, 2005, affordable housing, increased taxes and the School Board.

Doris Bennett, 62 Bennetts Lane, supported having televised debates and spoke about annual assessments. She thanked Public Works regarding the work done on Bennetts Lane. She spoke of saving more historical trees and suggested that a private fund be established for fencing and plaques.

Courtney Throckmorton, 591 Somerset Street, appreciated Ms. Ritchie's attention to the budget and expenses. He spoke of his opposition to eminent domain and its use in Block 123.

Robert Mettler, 2303 Amwell Road, expressed his support of the Higgins property purchase. He spoke of the Township's Mount Laurel obligation and his opposition to the proposed development at Weston Road/Mettler's Lane. He also spoke of his opposition of transferring our obligation to other towns.

Deputy Mayor McKenzie moved to close the public discussion portion of the meeting. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

#### **COUNCIL COMMENTS**

Ms. Ritchie spoke of the ceremony recognizing the New Jersey American Water Company for their installation of a premier solar system. In response to Mr. McConville's comments regarding Wilson Road, she replied she isn't aware of any action or discussion on this matter. Mr. Daly reported that the neighbors on Wilson Road have submitted a proposal to the Public Safety Committee. The Committee has asked for comments from the Police/Fire/Emergency Services. After review, a report will be submitted to Council. He stated that there has been no discussion of cul-de-sacs or open space. Mr. Regan agreed. Ms. Ritchie requested a copy of the proposal.

Ms. Ritchie stated that she has spoken to the Township Attorney regarding the debate matter and he has stated that it is inappropriate for a government access channel to be used for political purposes, the same would be of the use of the 9-1-1 system and municipal telephones. She agrees with the Township Attorney that it is inappropriate for a government access channel to be used for political purposes. She stated that candidates could keep coming to meetings and go out to the people.

In reference to Mr. Melick's gratitude to the Mayor for the Easton Farms Drainage Project, she stated that the entire Council worked on the issue equally and is glad the project is moving forward.

She stated that the definition of "affordable housing" is housing that is affordable. It is also defined by state statute and categorized by moderate income and low income. She stated that moderate income is calculated by 50-80% of the median income and low income is calculated by 30-50% of the median income. She stated that a family of four at \$78,000 would qualify for moderate income housing. She stated that the Planning Board has been working on alternatives to providing affordable housing.

Ms. Ritchie stated that the wetlands issue regarding the Bottone property is not an issue with her decision to release the deed restriction.

Mr. Vassanella stated that the Wilson Road comments were a good example of how rumors are started and how they can be clarified at a meeting. He clarified that his comments regarding the skateboard park are a result of him being extra cautious and concerned for the residents who use the park. He expressed his wish that historical trees be visually documented.

Ms. Ashley-Williams stated that the placement of the resolution regarding debates was placed where resolutions are usually placed when separate action is to be taken. She stated that everyone has a right to speak on anything they wish. She advised those with concerns with the school board budget to attend school board meetings and voice their concerns there. She announced that October is Breast Cancer Awareness Month and urged all women to have their mammograms. She stated that the Korean Festival was beautiful and an wonderful way to see their culture. She apologize for not attending the Temple Beth-El groundbreaking ceremony, she received the invitation too late due to being out of town. She announced that the County plans to use \$735,000 from litigation for recycling payments for the fourth quarter. She stated that no one in the County will make their fourth quarter recycling payment.

Mr. Regan clarified that Ms. Danile's presentation was discussed at an agenda meeting and the Mayor was aware of the possibility that Ms. Danile would be making that presentation after the Tax Assessor presentation. He stated that the Mayor at the agenda meeting mentioned he may bring up the debate matter at that meeting.

Mr. Regan asked for clarification regarding taxes on an affordable housing unit. Mr. Daly and Mr. Rainone replied that taxes are based on the market value with affect of an affordable housing deed restriction.

Ms. Eberle thanked Council for the purchase of the Higgins property. She agreed with Ms. Ashley-Williams that school board matters should be addressed at school board meetings. She thanked Mr. John Walker for all of his help with the Franklin Park Water situation. She expressed her hope that comments regarding Ms. Danile would have waited until she was present.

Mr. Regan asked for a status of the inspections at the High School. Mr. Daly replied he would get a report from the Construction Official.

Mr. Sumter expressed his gladness for the purchase of the Higgins property. Mr. Sumter responded to comments made by Mr. Throckmorton regarding himself.

Deputy Mayor McKenzie stated that all candidates have had the opportunity to speak and it is a shame to come to meetings and campaign and then ask for a debate for what was already done as a member of the public during the public portion of the meeting.

Mayor Levine amounted that the bear trap trip is tomorrow. He stated that he worked on the Easton Drainage Farms project while Ward 2 Councilman with Mr. Walker. He stated that he misinterpreted Ms. Danile's request to speak after the Assessor's presentation as being a request for a presentation. He spoke of his support and being in favor of debates on FTTV-25.

### ORDINANCE INTRODUCTIONS

#### Ordinance No. 3572

Mayor Levine presented the following ordinance:

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF TOWNSHIP OWNED LAND LOCATED IN BLOCK 180, LOT 38 ALSO KNOWN AS 74 AMBROSE STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, 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 November 10, 2005.

Mr. Regan moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Ms. Ashley-Williams and carried as follows upon call of the roll:

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

#### Ordinance No. 3573

Mayor Levine presented the following ordinance:

**AN ORDINANCE AUTHORIZING THE FILING OF AN AMENDMENT TO THE DEED OF EASEMENT FOR BLOCK 37.02, LOT 2 TO CONFORM WITH THE REQUIREMENTS OF THE STATE AGRICULTURAL DEVELOPMENT COMMITTEE GUIDELINES.**

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 10, 2005.

Deputy Mayor McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on November 10, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

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

**CONSENT AGENDA ITEMS**

Upon motion by Deputy Mayor McKenzie, seconded by Ms. Ashley-Williams, the following consent agenda items were adopted as follows upon call of the roll:

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

**Resolution #05-424** Authorize Discharge of CDBG Mortgage – Shelley – 49 Rogers Avenue – Expiration: 10/02/1998.

**WHEREAS**, the Township of Franklin holds a mortgage for Block 275, Lot 23, owned by Lester Shelley for premises located at 49 Rogers Avenue in conjunction with dwelling renovations through the CDBG Housing Rehabilitation Program; and

**WHEREAS**, said mortgage provides that the mortgage amount shall become immediately due upon the transfer of title by the Borrower(s) or death of the Borrower or in the event there is more than one Mortgagor, upon the death of the last surviving Mortgagor, within a six (6) year period after the completion of the rehabilitation; and

**WHEREAS**, the aforesaid six (6) year period has expired and the mortgage is no longer required to be held by the Township;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Clerk be and they are hereby authorized to sign a Discharge of Mortgage and to have same filed with the County Recording Officer.

**Resolution #05-425** Authorize Discharge of CDBG Mortgage – White – 146 Delmonico Avenue – Expiration: 04/20/94.

**WHEREAS**, the Township of Franklin holds a mortgage for Block 96, Lot 13, owned by Marion White for premises located at 146 Delmonico Avenue in conjunction with dwelling renovations through the CDBG Housing Rehabilitation Program; and

**WHEREAS**, said mortgage provides that the mortgage amount shall become immediately due upon the transfer of title by the Borrower(s) or death of the Borrower or in the event there is more than one Mortgagor, upon the death of the last surviving Mortgagor, within a six (6) year period after the completion of the rehabilitation; and

**WHEREAS**, the aforesaid six (6) year period has expired and the mortgage is no longer required to be held by the Township;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Clerk be and they are hereby authorized to sign a Discharge of Mortgage and to have same filed with the County Recording Officer.

**Resolution #05-426** Authorize Municipal Court Bail Amounts to be turned over to Treasurer.

**WHEREAS**, there exists on the books of the general account of the Municipal Court Violations Bureau overpayments that were not able to be refunded for the year;

**NOW, THEREFORE, BE IT RESOLVED** that the following bails in the amount of \$1,446.00 hereby be turned over to the township Treasurer:

<u>Issued</u>	<u>Check No.</u>	<u>Amount</u>
02/04/04	19560	125.00
03/17/04	19648	500.00
03/17/04	19651	243.00
04/07/04	19704	65.00
05/05/04	19744	1.00
07/21/04	19888	4.00
10/07/04	20058	2.00
10/07/04	20060	3.00
01/06/05	20188	500.00
03/09/05	20312	3.00
	Total	\$1,446.00

**Resolution #05-427** 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>
193/18	TOWNSHIP OF FRANKLIN	05/3	1,950.77
		PRIOR YEAR TAX FOR LOT 18.01	
331/20	WILLIAM WINGO 55 CEDAR BROOK DRIVE SOMERSET, NJ 08873	05/3 NJ SAVER REIMBURS E-MENT	800.00

**Resolution #05-428** 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, 2004  
**Block/Lot:** 562.03/81  
**Name & Address:** Arimenta, Robert & Lori  
219 Jerome Avenue  
South Bound Brook, NJ 08880  
**Amount:** \$ 235.31

**Make Check Payable To:** Trebies Properties LLC  
30 Vista Drive  
Little Silver, NJ 07739-1612

**Certificate No.:** 04-122

**Payment Received:** September 23, 2005

**Date of Sale:** June 9, 2005

**Block/Lot:** 562.03/81

**Name & Address:** Arimenta, Robert & Lori  
219 Jerome Avenue  
South Bound Brook, NJ 08880

**Amount:** \$ 120.56

**Make Check Payable To:** Herbert Sehgel  
P.O. Box 284  
Kingston, NJ 08528

**Certificate No.:** 05-106

**Payment Received:** September 23, 2005

**Date of Sale:** June 9, 2005

**Block/Lot:** 183/26

**Name & Address:** Patti, Charles & Carmela  
6 Heather Drive  
Somerset, NJ 08873  
(for 80 Brookline Avenue)

**Amount:** \$ 16,900.29

**Make Check Payable To:** Wachovia Cust for Plymouth Park  
P.O. Box 2288  
Morristown, NJ 07962-2288

**Certificate No.:** 05-046

**Date of Sale:** June 9, 2005

**Block/Lot:** 514/12

**Name & Address:** York, David B.  
21 Heller Park Lane  
Somerset, NJ 08873

**Amount:** \$20,101.16

**Make Check Payable To:** Fidelity Tax LLC  
PO Box 5707  
Ft. Lauderdale, FL

**Certificate No.:** 05-100

**Payment Received:** September 28, 2005

**Resolution #05-429** Authorize Issuance of New Plenary Retail Consumption License to Sashshel Corporation – 676 Franklin Boulevard, Somerset.

**WHEREAS**, on November 9, 2004 the Township Council adopted Resolution #04-495 which authorized the sale of one (1) plenary retail consumption license and one (1) plenary distribution license; and

**WHEREAS**, on January 11, 2005 the Township Council adopted Resolution #05-037 which awarded the plenary consumption license to the sole bidder, Sashshel Corporation in the amount of \$271,000; and

**WHEREAS**, the submitted application form is complete in all respects, the ten percent (10%) bid deposit of \$27,100 has been paid; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**WHEREAS**, Sashshel Corporation has complied with all the conditions of sale within six (6) months of said award of license;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Franklin, State of New Jersey that it hereby authorizes the issuance of a plenary retail consumption license to Sashshel Corporation for premises located at 676 Franklin Boulevard, Somerset, New Jersey effective October 11, 2005.

**Resolution #05-430** Amend Resolution #05-247 – Approving Person-to-Person Liquor License Transfer of Franklin Hotel Investment LP, t/a Holiday Inn/Jersey Sports/Alexander’s – Correcting Location Address to 195 Davidson Avenue.

**WHEREAS**, on May 24, 2005 the Township Council adopted Resolution #05-247 entitled, “Resolution Approving Person-to-Person Transfer of Liquor License No. 1808-36-027-001 from Swiss Properties-Somerset Hotel to Franklin Hotel Investment LP – t/a Holiday Inn/Jersey Sports Bar/Alexanders; and

**WHEREAS**, the resolution incorrectly stated the premises was located at 250 Davidson Avenue; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Franklin, State of New Jersey that it hereby amends Resolution #05-247 to read as follows in its entirety:

**“RESOLUTION APPROVING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE NO. 1808-36-027-001 –FROM SWISS PROPERTIES-SOMERSET HOTEL TO FRANKLIN HOTEL INVESTMENT LIMITED PARTNERSHIP – T/A HOLIDAY INN/JERSEY SPORTS BAR/ALEXANDERS**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Hotel/Motel Exception License Number 1808-36-027-001, heretofore issued to Swiss Properties-Somerset Hotel for premises located at 195 Davidson Avenue, Somerset, NJ 08873; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; **and**

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the application has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW, THEREFORE, BE IT RESOLVED** that the Franklin Township Council does hereby approve, effective May 24, 2005, the person-to-person transfer of the aforesaid Hotel/Motel Exception License to Franklin Hotel Investment Limited Partnership, 195 Davidson Avenue, Somerset and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby

transferred to Franklin Hotel Investment Limited Partnership, LLC, 195 Davidson Avenue, Somerset, effective May 24, 2005.”

**Resolution #05-431** Authorize Discharge of Mortgage – Trani/DiFlorio – 90 Old Georgetown Road – Block 9, Lots 45 & 45Q.

**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 Mortgage for the premises known as 90 Old Georgetown Road, also known as Block 9/Lots 45 & 45Q on the tax map of the Township of Franklin.

**Resolution #05-432** Award Bid – Dellwood Lane & Garfield Avenue Pavement Improvements – DeSantis Construction – Not to Exceed \$74,371.00.

**WHEREAS**, a notice to bidders for the receipt of bids for the Franklin Park Water Connections Phase I was published in the Courier News on September 7, 2005 with a bid opening of September 22, 2005; 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 RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded:

DeSantis Construction Inc.  
8 Bronson Way  
Skillman, NJ 08558

Dellwood Lane and Garfield Avenue Pavement Improvements Project  
Amount not to exceed \$74,371.00; and

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

**Resolution #05-433** Authorize Refund of Deposits for Construction Water Meters.

**WHEREAS**, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 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: Midstate Mobile Wash Inc.  
ADDRESS: 220 South Sands Cut Terrace  
Lecanto, Florida 34461

AMOUNT DEPOSITED:	\$2,145.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	<u>\$ 264.50</u>
AMOUNT TO BE REFUNDED:	\$1,880.50

APPLICANT: Steven Sliwka

ADDRESS: 12 Griggs Street  
Somerset, NJ 08873

AMOUNT DEPOSITED:	\$ 850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$ <u>135.00</u>
AMOUNT TO BE REFUNDED:	\$ 715.00

APPLICANT: Society Hill @ Somerset II  
ADDRESS: 100 Highway 36 East Suite 1A  
West Long Brach, NJ 07764

AMOUNT DEPOSITED:	\$ 850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$ <u>135.00</u>
AMOUNT TO BE REFUNDED:	\$ 715.00

**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 #05-434** Reject Bids – Improvements to Radio-Based Water Monitoring System.

**WHEREAS**, one (1) bid was received and it did not comply with the Contractor's Registration requirement by the NJ Department of Labor; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the bids for Improvements to Radio-Based Water Monitoring System be and is hereby rejected.

**Resolution #05-435** Award State Contract – Lease of Copy Machine – Minolta Corporation – Photocopier for Health/Community Resource Building - \$155.64/month - \$7200 over three-year period - \$0.1297 for copies over 12,000 per month.

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

**VENDOR:** **MINOLTA CORPORATION**  
100 Williams Drive  
Ramsay, NJ 07447  
State Contract No. A46632

**ITEM:** Photocopier for the Health/Community Resource Building  
**COST:** \$155.64 per month; \$7,200 for three years  
(plus \$.01297 for copies over the 12,000)

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

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

**Resolution #05-436** Award State Contract – Maintenance of Police Trunked Radio System – July 1, 2005 to June 30, 2006 – Motorola – Not to Exceed \$14,509.72.

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

**VENDOR:**     **MOTOROLA**  
1307 EAST ALGONQUIN ROAD  
SCHAUMBURG, IL 60196

**ITEMS:**        MAINTENANCE OF POLICE TRUNKED RADIO SYSTEM

**COST:**         \$148,509.72

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

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

**Resolution #05-437** Authorize Reduction of Performance Guarantee – Canal Walk Associates LLC – PLN2001-0015 – Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 – Weston Road – Schoolhouse Road/Weston Canal Road-Mettlers Lane – Site Improvements – From \$343,795.20 to \$168,185.34.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Canal Walk Associates, LLC
ADDRESS OF APPLICANT:	812 Central Avenue, Westfield, NJ 07090
SITE PLAN DOCKET:	PLN2001-0015
NUMBER:	#707-SB
INSURANCE CO./BANK:	Union Center National Bank
IN THE AMOUNT OF:	\$343,795.20
FOR:	Site Improvements – Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 5 – Weston Road/Schoolhouse Road and Weston Canal Road/Mettlers Lane

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Letter of Credit;

**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 letter of Credit be reduced to \$168,185.34 to the above named applicant.

**Resolution #05-438** Authorize Reduction of Performance Guarantee – Canal Walk Associates LLC – PLN2001-0015 – Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 – Weston Road – Schoolhouse Road/Weston Canal Road-Mettlers Lane – Installation Pump Station #1 – From \$22,126.20 to \$6,637.86.

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

ITEM:	Performance Bond
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NAME OF APPLICANT: Canal Walk Associates, LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 SITE PLAN DOCKET: P200001P  
 NUMBER: #706-SB  
 INSURANCE CO./BANK: Greenwich Insurance Company  
 IN THE AMOUNT OF: \$22,126.20  
 FOR: Installation of Station Pump #1 – Block 513/Lots 1, 2, 4, 10, 11,  
 12.01, 13.01 & 5 – Weston Road/Schoolhouse Road and  
 Weston Canal Road/Mettlers Lane

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance bond;

**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 bond be reduced to \$6,637.86 to the above named applicant.

**Resolution #05-439** Approve Issuance of Special Event Permit – Meadows Foundation – Events to take place on October 15 & 16, 2005.

**WHEREAS**, a request has been received from The Meadows Foundation, Inc. for permission to have **SPECIAL EVENTS** on:

Historic Reenactment, living history programs & introduction to the Wyckoff-Garretson House on October 15, 2005 from 10 am to 5 pm and October 16, 2006 from 11am to 4 pm

Banquet on October 15, 2005 at 6 pm

to be conducted at 215 South Middlebush Road (Wyckoff-Garretson) & 209 South Middlebush Road Hageman Farm Horse Barn), Somerset, NJ; 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 to the Major Group Foundation, Inc. to conduct the aforesaid special events on the date and times set forth above, to be conducted at **215 South Middlebush Road (Wyckoff-Garretson) & 209 South Middlebush Road Hageman Farm Horse Barn), Somerset, NJ**, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Construction Code Official, Zoning Officer, Director of Health and Director of Fire Prevention.

**Resolution #05-440** Support of the Somerset County 2005-2011 Capital Improvement Program with Recommendations.

**WHEREAS**, Somerset County has proposed the following Capital Budget for 2005-2011:

Road Improvements

- 2006 Franklin Boulevard – Hamilton to Route 27 (drainage, curb, mill, pave)
- 2007 Amwell Road – DeMott To JFK (drainage, curb, mill, pave)
- 2008 Claremont Road – S. Middlebush to Society Hill (drainage, curb, mill, pave)
- 2011 Middlebush Bypass – S. Middlebush to Amwell

Intersection Improvements

- 2005 S. Middlebush/Blackwells/Skillman Intersection (road realign & new signal)
- 2005 S. Middlebush/Amwell Intersection (road realign & new signal)
- 2005 Weston Canal/Randolph Intersection (new signal)
- 2005 Amwell/Cedar Grove Intersection (road realign & signal modification)
- 2006 Hamilton/Veronica (signal modification)

Bridge Improvements

- 2009 Blackwells Mill Road Bridge (#H0404)
- 2009 Hamilton Street Bridge
- 2010 Blackwells Mill Road Bridge (#H0406)
- 2011 Bennetts Lane Bridge

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of Franklin Township supports the proposed 2005-2011 Somerset County Capital Budget with the following recommendations to Somerset County Freeholders:

1. That the Bennetts Lane Bridge Improvement be moved up from its scheduled 2011 project year to as soon as possible.
2. To continue the policy of previous Councils in regards to the Middlebush Bypass Road Improvement. The Township Council would like the project to be reevaluated once the other Intersection Improvements proposed as part of the Bypass study are completed.

**Resolution #05-441** Authorize Issuance of Raffle/Bingo Licenses.

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

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

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

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

**NAME OF ORGANIZATION**

Sts. Peter & Paul Byzantine Catholic Church  
285 Hamilton Street, Somerset, NJ 08873  
BL# 1518 – Drawings: Auditorium

**DATE OF RAFFLE/BINGO**

2006 Schedule – Bingo  
5:00 pm – 11:00 pm  
Jan. 5,12,19,26  
Feb. 2,9,16,23  
March 2,9,16,23,30  
April 6,20,27  
May 4,11,18,25  
June 1,8,15,22,29  
July 6,13,20,27  
Aug. 3,10,17,24,31  
Sept. 7,14,21,28  
Oct. 5,12,19,26  
Nov. 2,9,16,30  
Dec. 7,14,21,28  
Jan. 2, 2006 – 11:00 am – 5:00 pm

BL#1519 – Drawings - Auditorium

Sts. Peter & Paul Byzantine Catholic Church  
Rosary Altar Society  
85 Hamilton Street, Somerset, NJ 08873  
BL#1520  
Drawings: Auditorium

2006 Schedule - Bingo  
11:00 am – 5:00 pm  
Jan. 7,14,21,28  
Feb. 4,11,18,25  
Mar. 4,11,18,25  
April 1,8,22,29  
May 6,13,20,27  
June 3,10,17,24  
July 1,8,15,22,29  
Aug. 5,12,19,26

Sept. 2,9,16,23,30  
 Oct. 7,14,21,28  
 Nov. 4,11,18,25  
 Dec. 2,9,16,30

BL#1521 - Drawings: Auditorium

May 29 & Sept. 4, 2006

Church of St. Matthias  
 168 JFK Boulevard, Somerset, NJ  
 On-Premise Raffle – RL#1522  
 On-Premise 50/50 – RL#1523  
 Drawings: St. Matthias School Cafeteria

December 3, 2005  
 10:00 am – 4:00 pm

Resource Center for Women and Their Families  
 427 Homestead Road, Hillsborough, New Jersey  
 Off-Premise Raffle – RL#1524  
 Drawing: The Palace at Somerset Park

November 11, 2005  
 11:00 pm

Spartan Club of Immaculata High School  
 240 Mountain Avenue, Somerville, NJ  
 Off-Premise 50/50 – RL#1525  
 Drawing: The Palace at Somerset Park

October 30, 2005  
 3:00 pm

**Resolution #05-442** Award Bid – Warnock Ford – Three (3) F350 Pickup Trucks – Not to Exceed \$99,300.00.

**WHEREAS**, a notice to bidders for the receipt of bids for three (3) F-350 Pickup Trucks was published in the Courier News on September 19 2005 with a bid opening of October 4, 2005; 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 RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded:

**Warnock Automotive, Inc.**  
**d/b/a Warnock Ford**  
**175 Route 10**  
**East Hanover, NJ 07936**

**Three (3) F-350 Pickup Trucks**

**Amount not to exceed \$99,300.00; and**

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

**Resolution #05-443** Award Bid – Penn-Bower Inc. – Franklin Park Water Connections Phase I – Not to Exceed \$150,000.00.

**WHEREAS**, a notice to bidders for the receipt of bids for the Franklin Park Water Connections Phase I was published in the Courier News on September 12, 2005 with a bid opening of September 23, 2005; and

**WHEREAS**, there was one addendum, dated September 21, 2005, extending the bid opening date to October 4, 2005; 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 RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded:

**Penn-Bower Inc.**  
**132 West Main Street**  
**High Bridge, NJ 08829**

**Franklin Park Water Connections Phase I**

**Amount not to exceed \$150,000.00; and**

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

**Resolution #05-444** Authorize Purchase – Civil Solutions – Mapping Services for Open Space Projects – Not to Exceed \$10,000.00.

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

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

**VENDOR:**                   **Civil Solutions**  
                                  **P.O. Box 579**  
                                  **Hammonton, New Jersey 08037**

**ITEMS:**                   **Mapping Services for Open Space Projects**

**COST:**                    **Not to Exceed \$10,000.00**

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

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

**Resolution #05-445** Authorize Grant Agreement – NJ Department of Environmental Protection – Funding for Stormwater Activities.

**WHEREAS**, The Governing Body of the Township of Franklin, County of Somerset, desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$20,619.00 to fund stormwater activities as described in the Scope of Services; and

**THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey that the Mayor is hereby authorized to make application for such a grant and, if awarded, to execute a grant agreement with the State and to execute any amendments thereto (which do not increase the Grantee’s obligations).

**BE IT FURTHER RESOLVED** That the Township of Franklin, County of Somerset, New Jersey hereby agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

**Resolution #05-446** Award CDBG Rehabilitation Grant – Ronald Patrick’s Plumbing – 21 Cortland Drive – Not to Exceed \$23,555.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf the following CDBG Grant for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

**CONTRACTOR:** RONALD PATRICK’S PLUMBING  
**ADDRESS:** 31 HEIDI DRIVE  
 FORDS, NJ 08863  
**AMOUNT:** \$23,555.00

**Resolution #05-447** Authorize Release of Certain Executive Session Minutes.

**WHEREAS**, the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, as permitted by the Open Public meetings Act (NJSA 10:4-6 et. seq.), conducts meetings closed to the public on matter of:

February 3, 2004	Acquisition of Property	Lot 1.05, Block 5.02, 4391 Route 27
March 2, 2004	Labor Negotiations	Blue Collar Supervisors
July 6, 2004	Acquisition of Property	Planning Incentive Grants
September 28, 2004	Personnel	Evaluation of Township Clerk
September 28, 2004	Personnel	Evaluation of Township Manager
January 11, 2005	Litigation	Quakenbush Lawsuit
March 22, 2005	Litigation	Tax Appeal Settlements
April 12, 2005	Acquisition of Property	Lot 1.05, Block 5.02, 4391 Route 27
April 26, 2005	Litigation	Lattanzio v. the Twp. of Franklin

**WHEREAS**, also in accordance with the Open Public Meetings Act, minutes of closed sessions must be released to the public when:

With respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

With respect to acquisition of property at such time as the property is acquired or the acquisition is abandoned;

With regard to personnel and or employment relationship matters at such time as the affected employee shall authorize the release of such information, and/or in accordance with **South Jersey Pub. Co. v. NJ Expressway Auth., 124 NJ 478 (1991)**.

With respect to matters required by law to be Confidential, Public Safety, receipt of Government Funds or the imposition of a penalty at such time as the need for confidentiality no longer exists.

**WHEREAS**, minutes of closed sessions involving the such matters set forth below have been determined by the Township Attorney to meet the criteria for release to the public as set forth above;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that Executive Session Meetings heretofore held on the foregoing subjects be and they are hereby released to the public.

**Resolution #05-448** Authorize Reduction of Performance Guarantee – Green Hill Manor Developers, LLC – PLN2002-0027 – Block 20.02/Lots 16.01 & 12.05 – Route 27 & Bunkerhill – Site Improvements – From \$1,842,836.14 to \$789,787.04.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Green Hill Manor Developers LLC
ADDRESS OF APPLICANT:	820 Morris Turnpike, Short Hills, NJ 07078
SITE PLAN DOCKET:	PLN2002-0027
NUMBER:	#0364649
INSURANCE CO./BANK:	International Fidelity Insurance Company
IN THE AMOUNT OF:	\$1,842,836.14
FOR:	Site Improvements – Block 20.02/Lots 16.01 & 12.05 – Route 27 & Bunkerhill

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance bond;

**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 bond be reduced to \$789,787.04 to the above named applicant.

**Resolution #05-449** Authorize Discharge of CDBG Mortgage – McCalla – 334 Hillcrest Avenue – Block 297/Lot 3.

**WHEREAS**, the Township of Franklin holds a mortgage for Block 297, Lot 3, owned by McCalla for premises located at 334 Hillcrest Avenue in conjunction with dwelling renovations through the CDBG Housing Rehabilitation Program; and

**WHEREAS**, said mortgage provides that the mortgage amount shall become immediately due upon the transfer of title by the Borrower(s) or death of the Borrower or in the event there is more than one Mortgagor, upon the death of the last surviving Mortgagor, within a six (6) year period after the completion of the rehabilitation; and

**WHEREAS**, the aforesaid six (6) year period has expired and the mortgage is no longer required to be held by the Township;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Clerk be and they are hereby authorized to sign a Discharge of Mortgage and to have same filed with the County Recording Officer.

**Resolution #05-450** Award Professional Services Agreement – Van Cleef Engineering Associates – Construction, Inspection & Engineering Services in connection with Easton Farms Drainage Improvements Project – Not to Exceed \$145,000.00.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

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

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

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

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

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

**VENDOR NAME:** VAN CLEEF ENGINEERING ASSOCIATES  
**CONTRACT AMOUNT:** Amount Not to Exceed \$145,000.00  
**SERVICE:** Construction, Inspection & Engineering Services in connection with Easton Farms Drainage Improvements Project.

**Resolution #05-451** Award Contract – Motorola – Purchase and Installation of eleven (11) portable and fifty-nine (59) mobile radios for the Department of Public Works – Not to Exceed \$136,280.40.

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

**VENDORS:** MOTOROLA  
 PO Box 2953, Cherry Hill, NJ 08034  
**ITEMS:** Purchase and Installation of portable and mobile radios for Public Works  
**COST:** Not to Exceed \$136,280.40

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

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

**Resolution #05-452** Designating The Standard as Long and Short Term Disability Provider in an amount not to exceed \$13,000.00 per month for the period of November 1, 2005 through June 30, 2006.

**BE IT RESOLVED** this 11<sup>th</sup> day of October 2005 by the Township of Franklin, Somerset County, State of New Jersey as follows:

1. The Township of Franklin designates The Standard as its disability provider at a cost not to exceed \$13,000.00 per month for eight (8) months – Not to Exceed \$148,675.00 (November 1, 2005 through June 30, 2006) which would provide short and long term disability coverage; life and accidental death/dismemberment benefits; and Employee Assistance Program to Township Employees
2. The Township of Franklin authorizes and directs the Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

**RESOLUTION TO BE CONSIDERED SEPARATELY**

A discussion ensued by Council members regarding the Township Attorney's opinion that political candidate debates cannot be aired on the Township's government access channel. Mayor Levine disagreed with Mr. Rainone's opinion. Mayor Levine moved a resolution approving candidate debates on Franklin Township's Government Access Channel (FTTV-25). There was no second to the motion.

**ADJOURNMENT**

Mr. Sumter moved to adjourn the meeting at 10:23 p.m. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Virginia Woodbury, Deputy Township Clerk