

**WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY**  
**OCTOBER 22, 2002**

The Work Session/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 7:09 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 Deputy Mayor Grippo.

The Township Clerk called the roll.

Present: Mayor Eberle, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Sumter. Mr. McKenzie and Mr. Mettler were absent at roll call but arrived prior to the Executive Session.

Absent: No one

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

**RESOLUTION - MEETING NOT OPEN TO PUBLIC - NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12**

**Read by Township Clerk Pellicane**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey is subject to certain requirements of the **Open Public Meetings Act, NJSA 10:4-6, et seq.**; and

**WHEREAS**, **Open Public Meetings Act, NJSA 10:12**, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

**WHEREAS**, it is necessary for the Township Council of the Township of Franklin to discuss in a session not open to the public certain matters relating to the item or items authorized by **NJSA 10:4-12b** and designated below:

**Property Acquisition - Negri Property**  
**Transfer of Municipal Property – Edgewood Redeveloper**

**Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:** Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

**Contract Negotiations – North Brunswick Water**

**Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:** Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, assembled in public session on this 22<sup>nd</sup> day of October, 2002, that an Executive Session closed to the public shall be held on October 22, 2002, at 7:12 pm in the Franklin Township Municipal Complex, 475 DeMott Lane, Somerset, New Jersey for the discussion of matters relating to the specific items designated above.

It is anticipated at this time that the above-stated subject matter will be made public:

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;

This Resolution shall take effect immediately.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula. Motion was carried unanimously. Council adjourned to Executive Session at 7:12 p.m. Meeting resumed at 7:55 p.m. and the roll was called:

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

Absent: No One

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

**REVIEW PREPARED AGENDA FOR REGULAR MEETING**

Items 7 through 28 of the prepared agenda for this Work Session/Regular Meeting were reviewed with the following comments.

Township Manager Daly advised:

**Ordinance – Massage Therapy Establishments**

The public hearing on this ordinance advertised for this evening will not be held. The Ordinance has been referred to a special subcommittee and is being revised to reflect concerns expressed by members of the public at the October 8<sup>th</sup> meeting. It is anticipated that a revised ordinance will be ready for re-introduction on November 12<sup>th</sup>.

**9. RESOLUTION – AMENDMENT TO FY2003 CURRENT, CAPITAL AND WATER UTILITY BUDGET ADOPTED ON FIRST READING 9/24/02**

This amendment to the FY2003 Budget reflects the recommended amendments from the Financial Oversight Subcommittee and as adopted on first reading on September 24, 2002. The resolution has been advertised for public hearing tonight. The Council must conduct the public hearing.

**10. RESOLUTION – AMENDMENT TO FY2003 BUDGET - \$500,000 DISCRETIONARY AID**

This amendment to the FY2003 Budget adds the \$500,000 in State Aid received by the Township and reduces the proposed tax rate by 1 cent. The resolution does not require advertisement or public hearing and can be adopted this evening.

**11. ADOPT FY2003 CURRENT, CAPTIAL AND WATER UTILITY BUDGET AS AMENDED**

The FY2003 Budget has been corrected to provide \$174,000.00 in the Capital Budget for the installation of a waterline along Cedar Grove Road to serve the proposed affordable

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senior housing development by Presbyterian Homes and Services as determined by Council at this evening's Executive Session. The Budget, as amended by Resolutions 9 & 10, can be adopted this evening.

**12. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112.32.04 – RENAISSANCE 2000 REDEVELOPMENT PLAN – NBR UNDERLYING ZONE**

Members of the audience interested in this ordinance were advised that the ordinance hearing cannot be held this evening because the meeting notices did not go out to all affected property owners within the time limit set forth in State Statute. The hearing will be carried to November 12<sup>th</sup> at 8:00 p.m.

Township Manager Daly advised that the area along Route 27 from New Brunswick to the railroad track south of Churchill Avenue was designated the Renaissance 2000 Redevelopment area and that redevelopment plan became the zoning for the area. If a property owner wants to do something with their property which does not comply with the redevelopment plan, the owner cannot go to the Board of Adjustment for a variance but would have to go to the Township Council for an ordinance amendment. The proposed ordinance provides for underlay/alternate zoning which gives the property owners the option to go to the Board of Adjustment to get a variance. Property owners with specific questions should contact the Township Manager or Frank Hasner, Economic Development Coordinator.

**23H. AGREEMENT – SOMERSET COUNTY- INTERLOCAL SERVICES – USE OF RADIO SYSTEM SMART ZONE CONTROLLER**

The County has requested that the adoption of this resolution be deferred to allow time for them to finalize the agreement with the Township. Therefore, this item will be removed from the Consent Agenda.

**23M. WAIVE FEE – FRANKLIN TOWNSHIP FOOD BANK – WATER CAPITAL CONNECTION FEE/\$1,033.06; WATER METER FEE/\$200.00**

Council determined in Executive Session this evening to remove this resolution from the Consent Agenda for separate consideration and to amend the resolution to include the waiving of Water Capital Connection and Water Meter Fees for the affordable senior housing development proposed by Presbyterian Homes & Services.

**COUNCIL DISCUSSION (WORK SESSION ITEMS)****PROPOSAL TO AMEND DEVELOPMENT ORDINANCE/CERTIFIED LOCAL GOVERNMENT DESIGNATION – HISTORIC PRESERVATION COMMISSION**

Mr. Mettler noted that the purpose of this proposal is to designate our Historic Preservation Commission as a Certified Local Government agency which will allow the Commission to seek and receive grant monies. The discussion has been scheduled for several Work Session meetings and deferred because of time constraints. Mr. Mettler suggested that the ordinance making this designation be added to the agenda for November 12<sup>th</sup> for introduction. Council concurred.

**7. MINUTES – WORK SESSION – 10/01/02; REGULAR MEETING – 10/08/02**

Mr. Levine requested that the approval of the minutes be deferred to the November 12<sup>th</sup> meeting to allow him time to formulate a revision to same. Council concurred.

**8. WARRANTS – OCTOBER 22, 2002**

**Read by Township Clerk Pellicane**

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1	Current Fund	926,675.53
5	Water Operating	167,960.14
6	Water Capital	15,074.60
4	General Capital	41,114.49
15	General Trust	47,852.98
18	Self Insurance Trust Fund	0
21	Recreation Trust	1,425.11
12	Open Space Trust	2,718.00
2	Grant Fund	13,670.94
17	Workers' Compensation	0
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	25,889.38
14	Dog Revenue	99.98
	Community Foundation	0
22	General Ledger: Current	228,165.50
13	Redevelopment Agency	112.70
23	Agency Payroll	317,926.19
	<b>SUB-TOTAL</b>	<b>1,788,685.54</b>
25	Escrow Account	22,619.00
19	Voided Checks	0
20	Adjustments	0
	<b>GRAND TOTAL</b>	<b><u>\$1,811,304.54</u></b>

Motion was made by Mr. Chivukula and seconded by Deputy Mayor Grippo. 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. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<b><u>ABSENT</u></b>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

**RESOLUTION – AMENDMENT TO FY2003 CURRENT, CAPITAL AND WATER UTILITY BUDGET ADOPTED ON 9/24/02**

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to open the public hearing; motion was carried unanimously.

Mayor Eberle asked that any persons who desired to speak give their name and address to the Township Clerk.

No one from the public spoke.

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

**02-469 RESOLUTION – AMENDMENT TO FY2003 BUDGET - \$500,000 DISCRETIONARY AID**

**WHEREAS**, the Fiscal Year 2003 Budget was approved on the 13th day of August, 2002, and

**WHEREAS**, the approved budget was amended on the 24th day of September, 2002, and

**WHEREAS**, the public hearing on said budget and amendment have been held as advertised, and

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**WHEREAS**, it is desired to amend said approved budget, as previously amended,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Township Council of the Township of Franklin, County of Somerset, that the following amendments to the approved Fiscal Year 2003 Budget be made:

CURRENT FUND BUDGET		
	From	To
Anticipated Revenues:		
General Revenues:		
3. Miscellaneous Revenues		
Section B: State Aid Without Offsetting Appropriations:		
Extraordinary State Aid	0.00	500,000.00
Total Miscellaneous Revenues - Section B	6,064,783.69	6,564,783.69
Total Miscellaneous Revenues	10,737,157.48	11,237,157.48
5. Subtotal General Revenues	15,614,407.48	16,114,407.48
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	22,321,000.15	21,793,600.15
(527,400.00)		
10. TOTAL GENERAL REVENUES	\$37,935,407.63	\$37,908,007.63
(27,400.00)		
Appropriations:		
8. General Appropriations:		
(A) Operations - Excluded from "CAPS"		
Total Other Operations Excluded from	3,350,487.79	3,323,087.79
(27,400.00)		
(H-2) & (O) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	7,364,028.63	7,336,628.63
(27,400.00)		
(L) Subtotal General Appropriations {Item	34,975,611.41	34,948,211.41
(27,400.00)		
9. TOTAL GENERAL APPROPRIATIONS	\$37,935,407.63	\$37,908,007.63
(27,400.00)		

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the office of the Director of the Division of Local Government Services for certification of the Fiscal Year 2003 budget so amended.

BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$21,793,600.1 (Item 2 below) for municipal purposes

## SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$3,457,250.00
Miscellaneous Revenues Anticipated	11,237,157.48
Receipts from Delinquent Taxes	1,420,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	
(Item 6(a), Sheet 11)	21,793,600.15
Total Revenues	\$37,908,007.63

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## SUMMARY OF APPROPRIATIONS

## 1. General Appropriations

## Within "CAPS"

(a&b) Operations Including Contingent	\$26,060,704.00
(e) Deferred Charges and Statutory Charges - Municipal	1,386,500.00

## Excluded from "CAPS"

(a) Operations - Total Operations Excluded from "CAPS"	3,323,087.79
(c) Capital Improvements	272,714.00
(d) Municipal Debt Service	3,725,826.84
(e) Deferred Charges - Municipal	15,000.00
(m) Reserve for Uncollected Taxes	3,124,175.00

Total Appropriations	\$37,908,007.63
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It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 22nd day of October, 2002. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the SFY 2003 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Motion was made by Mayor Eberle and seconded by Mr. Chivukula. 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. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

**02-470      ADOPT FY2003 CURRENT, CAPITAL AND WATER UTILITY BUDGET AS AMENDED**

**BE IT RESOLVED** by the Mayor and Township Council of the Township of Franklin, County of Somerset, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$21,793,600.1 (Item 2 below) for municipal purposes

## SUMMARY OF REVENUES

## 1. General Revenues

Surplus Anticipated	\$3,457,250.00
Miscellaneous Revenues Anticipated	11,237,157.48
Receipts from Delinquent Taxes	1,420,000.00

## 2. Amount to be Raised by Taxation for Municipal Purposes

(Item 6(a), Sheet 11)	21,793,600.15
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Total Revenues	\$37,908,007.63
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## SUMMARY OF APPROPRIATIONS

## 1. General Appropriations

## Within "CAPS"

(a&b) Operations Including Contingent	\$26,060,704.00
(e) Deferred Charges and Statutory Charges - Municipal	1,386,500.00

## Excluded from "CAPS"

(a) Operations - Total Operations Excluded from "CAPS"	3,323,087.79
(c) Capital Improvements	272,714.00
(d) Municipal Debt Service	3,725,826.84
(e) Deferred Charges - Municipal	15,000.00
(m) Reserve for Uncollected Taxes	3,124,175.00

Total Appropriations	\$37,908,007.63
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It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 22nd day of October, 2002. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the SFY 2003 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Mr. Chivukula	Mr. McKenzie	Ms. Barrier	No One
Mayor Eberle	Mr. Sumter	Mr. Levine	
Mr. Grippo		Mr. Mettler	<b><u>ABSENT</u></b>
		Mr. Mazzola*	No One
			*as corrected 11/12/02

Motion was carried.

Deputy Mayor Grippo noted that the Council has worked on the FY2003 Budget since summer and the budget represents a bare-bones budget and requires a serious vote.

Mr. Mazzola challenged Deputy Mayor Grippo's statement that the budget is a bare-boned budget, questioned if it is best for the Township in total and noted a newspaper article citing Franklin's municipal tax rate as the highest in the area. This budget represents a \$3.6 million increase in municipal spending and includes the expenditure of \$500,000.00 in State Aid which may not be received next year.

**12. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112.32.04 – RENAISSANCE 2000 REDEVELOPMENT PLAN – NBR UNDERLYING ZONE**

Mayor Eberle noted that Council has been advised by the Township Clerk that not all of the notices to affected property owners were mailed within the statutory time limit. Therefore, motion to defer the public hearing on this ordinance to November 12, 2002 with revised notice to be sent to affected property owners, Somerset County, and adjacent municipalities is in order. Deputy Mayor Grippo suggested that the revised notice include an interpretive statement so the property owners better understand the purpose of the ordinance.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula; motion was carried unanimously.

**ORDINANCE HEARING – ACCEPT DEDICATION OF EASEMENTS – EASTERN HILL, LLC/PIZZO & PIZZO TRACT B**

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE FROM EASTERN HILL, LLC (PIZZO & PIZZO) OF DRAINAGE EASEMENTS (3) & SIGHT RIGHT EASEMENT (1)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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Motion was made by Deputy Mayor Grippo and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

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

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

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

Motion was carried.

**ORDINANCE HEARING – AMEND CODE – CHAPTER 127, FEES**

Township Clerk Pellicane read by title:

**"ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 127, FEES – SECTION 127-3.1, TOWNSHIP ENGINEER; SECTION 127-3.3, ALL TOWNSHIP DEPARTMENTS; SECTION 127-8, POLICE DEPARTMENT".** Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

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

Motion was carried.

**ORDINANCE HEARING – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-11, NO PARKING DURING CERTAIN HOURS (CONERLY ROAD SCHOOL)**

Township Clerk Pellicane read by title:

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"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES AND TRAFFIC' SECTION 226-11 – PARKING TIME LIMITED – SECTION 226-14, PARKING PROHIBITED DURING CERTAIN HOURS (AMEND CONERLY ROAD PROVISIONS)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

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

Motion was carried.

**ORDINANCE HEARING – ACQUISITION – 514 NASSAU AVENUE, BLOCK 485/LOT 12 – OPEN SPACE TRUST FUND**

Township Clerk Pellicane noted that at the time of introduction, the ordinance stated Nassau Street rather than Nassau Avenue. Motion to amend the introduction to properly reflect Nassau Avenue was made by Mr. Mazzola and seconded by Ms. Barrier; motion was carried unanimously.

Township Clerk Pellicane read by title:

"AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR PARKS AND CONSERVATION PURPOSES BLOCK 485/LOT 12 – 514 NASSAU AVENUE". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

Justin Kaneps, 185 Emerson Road, questioned the reason for changing the street name. Township Clerk Pellicane responded that the street name is not being changed; the introduced ordinance is being corrected to reflect the existing name.

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

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

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

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

Motion was carried.

**PUBLIC DISCUSSION**

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

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

John P. Grosso, 61 Hollywood Avenue:

1. Thanked Assemblymen Chivukula, Egan and Smith for their efforts in awarding the Township \$500,000.00 in Discretionary Aid.
2. Objected to the closing of one lane of Easton Avenue by the FTPD to facilitate exiting traffic from Rutgers Preparatory School and noted the need to find a safer method. Mr. Levine responded that he has viewed the lane closing and will investigate the possibility of extending the school parking lot to an existing jug handle/traffic signal.
3. Noted seven dead trees and a drainage problem in Dunham-Lebed Park.
4. Thanked Township Manager Daly for his efforts resulting in the Township's AA+ bond rating.
5. Questioned the amount of time Resolution 24 on the agenda will remain effective. Township Attorney Raione explained the purpose of the resolution and noted that the resolution will remain effective as long as project lasts.
6. Supported police promotions based on experience rather than college degree.
7. Noted the need for budget increases every year to cover the cost of salary increases for union employees, especially senior management personnel whose salaries were particularly low until a recent employment contract, and the demand for more services.
8. Requested Mr. Levine to provide information on how many Township cars take Township vehicles home and the reasons therefor. Mr. Levine will investigate and provide the information.

Carl Wright, 139 Fuller Street, spoke in reference to the rezoning ordinance for the Renaissance 2000 Redevelopment area and questioned its purpose, impact on property taxes and the nature of proposed development in the area. Township Manager Daly explained the purpose of the ordinance. Township Attorney Rainone advised that the planning of any redevelopment in the area is done by the Redevelopment Agency,

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including redevelopment agreements and redevelopment plans and their decisions cannot be appealed to the Township Council. Meetings of the Redevelopment Agency are open to the public and interested property owners should attend those meetings. Mr. Levine noted that resident concerns can be brought to the attention of Council members since they appoint the members of the Redevelopment Area.

Thomas Reilly, 104 Walnut Avenue spoke in reference to the cost of operating school system.

Michael Orsini, 24 Nepote Place:

1. Noted the need for increased budget amounts.
2. Noted a newspaper article from the Hillsborough Beacon of plans to build 300 homes in the area of Millstone By-Pass, used as an example in favor of construction the Middlebush By-Pass.

Shirley Pietrucha, 49 9<sup>th</sup> Street, noted her appreciation of the efforts of the Council to keep taxes low but her concern for the unemployed and senior citizens on fixed income.

Motion was made by Mr. McKenzie and seconded and seconded by Ms. Barrier to close the public discussion portion of the meeting; motion was carried unanimously.

**ORDINANCE INTRODUCTION - BOND ORDINANCE – ACQUISITION OF TRUNKED RADIO SYSTEM THROUGH SOMERSET COUNTY IMPROVEMENT AUTHORITY - ~~\$3,060,000.00~~ \$3,200,000.00**

Township Clerk Pellicane read by title:

**"ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, NEW JERSEY FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO"** which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on November 12, 2002.

Mr. Chivukula so moved. Ms. Barrier 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. McKenzie	No One	No One
Mr. Chivukula	Mr. Mettler		
Mayor Eberle	Mr. Sumter	<u>ABSENT</u>	
Mr. Levine		Mr. Grippo (out of room)	
		Mr. Mazzola (out of room)	

Motion was carried.

**ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112-34.04 – SOMERSET/DOUGLAS INTERSECTION**

Township Clerk Pellicane read by title:

**"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – ARTICLE V, SPECIAL REQUIREMENTS – SECTION 112-32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN – SUBSECTION I, LAND USE PLAN – PARAGRAPH 6, RENAISSANCE COMMERCIAL – SUBPARAGRAPHS A AND B (ADD BLOCK 171.02/LOTS 1, 2, 3, 4, 236.01, 237.02 & 238.02)"** which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on November 26, 2002.

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002**

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

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. McKenzie	No One	No One
Mr. Chivukula	Mr. Mettler		
Mayor Eberle	Mr. Sumter	<b><u>ABSENT</u></b>	
Mr. Levine		Mr. Grippo(out of room)	
		Mr. Mazzola (out of room)	

Motion was carried.

**ORDINANCE INTRODUCTION – AUTHORIZE AND EXPAND LEASE – FRANKLIN TOWNSHIP LITTLE LEAGUE**

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY TO THE FRANKLIN TOWNSHIP LITTLE LEAGUE FOR UTILIZATION AS LITTLE LEAGUE BASEBALL COMPLEX" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on November 26, 2002.

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

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. McKenzie	No One	No One
Mr. Chivukula	Mr. Mettler		
Mayor Eberle	Mr. Sumter	<b><u>ABSENT</u></b>	
Mr. Levine		Mr. Grippo (out of room)	
		Mr. Mazzola (out of room)	

Motion was carried.

**ORDINANCE INTRODUCTION – ACCEPT DEDICATION – RUKJ ENTERPRISES, INC. – DAVIDSON AVENUE RIGHT OF WAY – BLOCK 502/LOT 47.02**

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF ADDITIONAL RIGHT OF WAY WIDTH – DAVIDSON AVENUE – RUKJ, INCORPORATED – BLOCK 502/LOT 47.02" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on November 26, 2002.

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

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

Motion was carried.

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002****ORDINANCE INTRODUCTION –AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-25 – BUS STOPS**

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-25, BUS STOPS" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on November 26, 2002.

Mr. Chivukula so moved. Ms. Barrier 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. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

**RESOLUTION - CONSENT AGENDA**

Motion was made by Mr. Chivukula and seconded by Mr. Levine to amend the consent agenda by removing Item H (Agreement – Somerset County – Interlocal Services – Use of Radio System Smart Zone Controller) to a future date and remove Item M (Waive Fee – Franklin Township Food Bank - Water Capital Connection Fee/\$1,033.06; Water Meter Fee/\$200.00) for revision and separate consideration this evening.

**Read by Township Clerk Pellicane**

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.

**A. Tax Title Lien Redemptions:**

Messina – Block 34.02/Lot 16.03 - \$1,476.17 – 13 Veros Lane  
 Jones-Choudhery – Block 34.09/Lot 59.02 C5511 - \$279.40 – 164 Sapphire Lane  
 Wood West Realty – Block 37.01/Lot 5.03 - \$522.83 – 2601 Route 27  
 A Beverly Built Home – Block 82/Lot 21 - \$1,098.03 – 1 Buell Street  
 Rivers – Block 139/Lot 23 - \$612.48 – 5 Davis Avenue  
 Aparicio – Block 150/Lot 31 - \$7,051.15 – 28 Matilda Avenue  
 Giannotto – Block 346/Lot 23 - \$1,621.41–409 West Point Avenue (1998)  
 Giannotto – Block 346/Lot 23 - \$7,155.43–409 West Point Avenue (2002)  
 Giannotto – Block 346/Lot 29 - \$259.52 – 407 West Point Avenue (1996)  
 Giannotto – Block 346/Lot 29 - \$400.56– 407 West Point Avenue (1998)  
 Giannotto – Block 346/Lot 29 - \$368.89 – 407 West Point Avenue (1999)  
 Giannotto – Block 346/Lot 29 - \$319.62 – 407 West Point Avenue (2000)  
 Giannotto – Block 346/Lot 29 - \$273.54 – 407 West Point Avenue (2001)  
 Giannotto – Block 346/Lot 29 - \$274.29 – 407 West Point Avenue (2002)  
 Huff – Block 361/Lot 55 - \$1,575.91 – 64 Johnson Road (1997)  
 Huff – Block 361/Lot 55 - \$736.30– 64 Johnson Road (2001)  
 Hoff – Block 439/Lot 8 - \$1,728.00 – 84 Ninth Street  
 Soper – Block 547/Lot 7 - \$135.85 – 535 Madison Avenue

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002**

- B. Tax Overpayments
- C. Tax Remittals
- D. Water Overpayments
- E. Bid Award – Foggio – Supreme Electric, Inc. – Traffic Signal Installation – Davidson Avenue/Pierce Street Intersection - \$114,720.20
- F. Contract Extension – US Filter Distribution Group – Water Meters - \$30,000 – 11/1/02 to 10/31/03
- G. Contract Extension – Communications Specialists, Inc. – Service/ Maintenance of DPW Radios - \$2,457.60 – 12/1/02 to 11/30/03
- H. Agreement – Somerset County – Interlocal Services – Use of Radio System Smart Zone Controller – Removed from Agenda
- I. Escrow Release – Plan Review:
  - Andrew & Ann Lucas – Docket #ZBA2001-0036 - \$1,850.00
  - Sat Gupta – Docket #ZBA2002-0108 - \$1,880.00
- J. Grant Agreement – US Housing/Urban Development – 2002 Community Development Block Grant Entitlement - \$288,000.00
- K. Special Event Permit – Edgemere Tenants’ Association – Block Party/Baier Avenue from Phillips Road to Franklin Boulevard
- L. Authorize Raffle/Bingo Licenses
- M. Waive Fee – Franklin Township Food Bank – Water Capital Connection Fee/ \$1,033.06; Water Meter Fee/\$200.00 – Removed from Consent Agenda
- N. Urge State Legislature to reimburse municipalities for cost of Black Bear Population Management and to take immediate measures to control the Black Bear Population
- O. Agreement – Somerset County – 2002 Line Striping Program - \$10,524.12 – Section 3-13

**A. 02-471 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>
June 13, 2002	34.02/16.03	MESSINA, JOHN & ROSE ANNE 9 Fairway Drive East Hanover NJ 07936 (13Veros Lane)	\$ 1,476.17
<b>PAID:</b>	<b>October 10, 2002</b>	<b>CERT #020013</b>	

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002**

<b>LIENHOLDER:</b>	<b>American Tax Funding</b>		
	<b>PO Box 862658</b>	<b>Orlando FL 32888-2658</b>	
June 13, 2002	34.09/59.02 C5511	JONES-CHOUDHERY, ETHEL 164 Sapphire Lane Franklin Park NJ 08823	279.40
<b>PAID:</b>	<b>September 27, 2002 CERT #020035</b>		
<b>LIENHOLDER:</b>	<b>Wachovia Bank NA, AGT Breen</b>		
	<b>101 Farnsworth Avenue</b>	<b>Bordentown NJ 08505</b>	
June 13, 2002	37.01/5.03	WOOD WEST REALTY 2601 Route 27 Somerset NJ 08873	522.83
<b>PAID:</b>	<b>September 27, 2002 CERT #020037</b>		
<b>LIENHOLDER:</b>	<b>Crusader Servicing Corporation</b>		
	<b>179 Washington Lane</b>	<b>Jenkintown PA 19046</b>	
June 13, 2002	82/21	A. BEVERLY BUILT HOME 1 Buell Street Somerset NJ 08873	1,098.03
<b>PAID:</b>	<b>September 26, 2002 CERT #020047</b>		
<b>LIENHOLDER:</b>	<b>James Pilewski</b>		
	<b>3 Devon lane</b>	<b>Warren NJ 07059</b>	
June 7, 2001	139/23	RIVERS, ANTHONY 5 Davis Avenue Somerset NJ 08873	612.48
<b>PAID:</b>	<b>September 25, 2002 CERT #01-156</b>		
<b>LIENHOLDER:</b>	<b>James Pilewski</b>		
	<b>3 Devon lane</b>	<b>Warren NJ 07059</b>	
June 13, 2002	150/31	APARICIO, FELIPE 28 Matilda Avenue Somerset NJ 08873	7,051.15
<b>PAID:</b>	<b>October 4, 2002 CERT #020074</b>		
<b>LIENHOLDER:</b>	<b>American Tax Funding</b>		
	<b>PO Box 862658</b>	<b>Orlando FL 32888-2658</b>	
June 11, 1998	346/23	GIANNOTTO, JACK & MARY	1,621.41
June 13, 2002		409 West Point Avenue Somerset NJ 08873	7,155.43
<b>PAID:</b>	<b>October 1, 2002 CERT #98-219; #020153</b>		
<b>LIENHOLDER:</b>	<b>George Shrier</b>		
	<b>201 South 2<sup>nd</sup> Avenue, Box 16</b>	<b>Highland Park NJ 08904</b>	
April 11, 1996	346/29	GIANNOTTO, JACK & MARY	259.52
June 11, 1998		407 West Point Avenue	400.56
June 10, 1999		Somerset NJ 08873	368.89
June 08, 2000			319.62
June 07, 2001			273.54
June 13, 2002			274.29
<b>PAID:</b>	<b>October 1, 2002 CERT #96-42; 98-105; 99-0099; 20-109; 020154</b>		
<b>LIENHOLDER:</b>	<b>JNH Funding</b>		
	<b>90 Dayton Avenue, Building 6C</b>	<b>Passaic NJ 07055</b>	
<b>LIENHOLDER:</b>	<b>Mooring Tax Asset Group</b>		
	<b>8614 Westwood Center, Suite 650</b>	<b>Vienna VA 22182</b>	
April 10, 1997	361/55	HUFF, TRACY	1,575.91
June 07, 2001		64 Johnson Road Somerset NJ 08873	736.30
<b>PAID:</b>	<b>October 3, 2002 CERT #97-214</b>		

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**October 4, 2002 #01-265**  
**LIENHOLDER: George Shrier**  
**201 South 2<sup>nd</sup> Avenue, Box 16 Highland Park NJ 08904**  
 April 10, 1997 439/8 HOFF, MARTHA 1,728.00  
 84 Ninth Street  
 Somerset NJ 08873

**PAID: October 2, 2002 CERT #97-220**  
**LIENHOLDER: George Shrier**  
**201 South 2<sup>nd</sup> Avenue, Box 16 Highland Park NJ 08904**

June 13, 2002 547/7 SOPER, ROBERT 135.85  
 535 Madison Avenue  
 Somerset NJ 08873

**PAID: September 23, 2002 CERT #020194**  
**LIENHOLDER: Herbert Sehgel**  
**PO Box 284 Kingston NJ 08528**

**B. 02-472 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.

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>QTR/YR</b>	<b>AMOUNT</b>
11.12/3	PATEL, KETANKUMAR 29 Treetops Circle Princeton NJ 08540	02/4	704.44
20.03/9.03 C2606	COUNTRYWIDE TAX SERVICE MS:SV3-24 PO Box 10211 Van Nuys CA 91499 6089	4/02	1,438.56
34.01/16.02 C3416	COUNTRYWIDE TAX SERVICE PO Box 10211 SV3-24 Van Nuys CA 91410-0211	02/4	289.49
34.09/59.02 C0371	TOWNSHIP OF FRANKLIN - WATER 475 DeMott Lane Somerset NJ 08873	02/4	244.58
34.09/59.02 C0371	LAZZARA, RAYMOND & SHIRLEY 1 Diamond Court Franklin Park NJ 08823	02/4	273.76
34.09/59.02 C5317	LEE, MICHELLE 116 Sapphire Lane Franklin Park NJ 08823	02/4	151.34
36.01/38	SAMPSON, JEFFREY & PRICE, RAMONA 10 Nevius Place Somerset NJ 08873	4/02	502.09
36.01/58	FOLKES, DONOVAN 72 Suydam Road Somerset NJ 08873	02/4	502.09
37.02/5.04 C0902	GRINER-SABREE, PATRICIA & SALAHDINE 2 Victoria Drive Somerset NJ 08873	02/4	992.08
85.56.03 C0179	WELLS FARGO HOME MORTGAGE MAC X2502-011 1 Home Campus Des Moines IA 50328-0001	02/4	1,061.11
101/43	PHELPS, CONNIE 73 Churchill Avenue Somerset NJ 08873	01/4	250.00
154/8	752 HAMILTON CO LLC c/o FREUDLICH 374 Millburn Avenue Millburn NJ 07041	01/4	353.85
154/8 190/22 517.01/2.01	TOWNSHIP OF FRANKLIN 475 DeMott Lane Somerset NJ 08873	01/4 01/4 4/01	94.52 9,106.40 8,786.30

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517.01/2.02		4/01	4,861.73
517.04/2.08		4/01	2,343.00
89.02/1.01		4/02	1,039.48
C3503			
89.02/1.01		4/02	1,039.48
C3504			
385/44		2/02	1,250.31
277/5	COLON, JOSE & ANDRIA 42 Carmen Street Somerset NJ 08873	02/4	250.00
342/40	LEWARS, RODERICK & LAWSON, ESPERONZA 12 Lebed Drive Somerset NJ 08873	4/02	502.09
386.17/137	BAUER, ROBERT PO Box 6320 Somerset NJ 08873	02/4	17.24
417.02/149	GAC 707 Grant Street, Suite 300 Pittsburgh PA 15219	02/4	1,010.27
424.10/86	LI, HEDONG & MEI, JIANG 86 Prestbury Lane Somerset NJ 08873	4/02	983.45
517.01/2.01	FRANKLIN INDUSTRIAL PARTNERS C/O ZIPP & TANNENBAUM 479 Spotswood Englishtown Monroe NJ 08831	2/01 3/01 4/01 2/02 3/02	330.12 12,616.01 3,829.70 1,217.43 12,905.00

**C. 02-473 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>
2003	289/58	FRANKLIN TOWNSHIP	Board of Education	\$ 26.66
2003	129/9-18	FRANKLIN TOWNSHIP	Township Owned	589.40

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. 02-474 RESOLUTION - WATER OVERPAYMENT**

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
417.02/68	Pilewski, James	Redemption	\$39.07

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

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

**E. 02-475 RESOLUTION - AWARD BID – FOGGIO – SUPREME ELECTRIC, INC. – INSTALLATION OF TRAFFIC SIGNAL – DAVIDSON AVENUE/PIERCE STREET INTERSECTION - \$114,720.00**

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002**

**WHEREAS**, a notice to bidders for the receipt of bids for the installation of a traffic signal at the Davidson Avenue/Pierce Street Intersection was published in the Courier News on September 26, 2002 for receipt on October 10, 2002; 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 bids be awarded:

**FOGGIA – SUPREME ELECTRIC, INC.  
15 ORA COURT  
E. HANOVER, NJ 07936**

**Not to exceed \$114,720.20; and**

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

**F. 02-476 RESOLUTION - CONTRACT EXTENSION - U.S. FILTER DISTRIBUTION GROUP -EXTEND CONTRACT FOR PURCHASE OF WATER METERS - NOVEMBER 1, 2002 TO OCTOBER 31, 2003 - \$30,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the resolution adopted October, 2001 awarding bids for the purchase of Water Meters for the period November 1, 2001 to October 31, 2002 as follows:

**U.S FILTER DISTRIBUTION GROUP  
700 Challenger Way  
Forked River NJ 08731**

**be extended for the period November 1, 2002 to October 31, 2003 in an amount not to exceed \$30,000.00; and**

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

**BE IT FURTHER RESOLVED** that a certificate executed by the Chief Financial Officer is attached certifying funds are available; and

**BE IT FURTHER RESOLVED** that the terms of this contract are contingent upon availability of funds in the 2003 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**G. 02-477 RESOLUTION - CONTRACT EXTENSION - COMMUNICATIONS SPECIALISTS, INCORPORATED - EXTEND CONTRACT FOR MAINTENANCE OF DEPARTMENT OF PUBLIC WORKS RADIOS - DECEMBER 1, 2002 TO NOVEMBER 30, 2003 - \$2,457.60**

**BE IT AND IT IS HEREBY RESOLVED** that the resolution adopted October 10, 2000 awarding bids for the maintenance of Department of Public Works Radios for the period December 1, 2000 to November 30, 2002 as follows:

**COMMUNICATIONS SPECIALIST, INC.  
11C Harts Lane  
East Brunswick NJ 08816**

**be extended for the period December 1, 2002 to November 30, 2003 in an amount not to exceed \$2,457.60; and**

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

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002**

**BE IT FURTHER RESOLVED** that a certificate executed by the Chief Financial Officer is attached certifying funds are available; and

**BE IT FURTHER RESOLVED** that the terms of this contract are contingent upon availability of funds in the 2003 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**H. Removed from Consent Agenda****I. 02-478 RESOLUTION - RELEASE OF PLAN REVIEW**

**WHEREAS**, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

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

**APPLICANT: SAT GUPTA**

ADDRESS: 2714 Victoria Lane  
Easton PA 18045

DOCKET NO: ZBA2002-0108

BLOCK/LOT: 199/12

LOCATION: 171 Harrison Street

AMOUNT DEPOSITED: \$2,000.00

AMOUNT CHARGED: 120.00

AMOUNT TO BE REFUNDED: \$1,880.00

**APPLICANT: ANDREW & ANN LUCAS**

ADDRESS: 153 Cedar Grove Lane  
Somerset NJ 08873

DOCKET NO: ZBA2001-0036

BLOCK/LOT: 507/12.02

LOCATION: 153 Cedar Grove Lane

AMOUNT DEPOSITED: \$2,000.00

AMOUNT CHARGED: 150.00

AMOUNT TO BE REFUNDED: \$1,850.00

**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.

**J. 02-479 RESOLUTION - GRANT AGREEMENT – US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT – 2002 COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT - \$288,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an Agreement with the U.S. department of Housing & Urban Development for the Township's 2002 Community Development Block Grant Entitlement in the amount of \$288,000.00.

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002****K. 02-480 RESOLUTION - SPECIAL EVENT PERMIT - EDGEMERE TENANTS ASSOCIATION - BLOCK PARTY/BAIER AVENUE - SATURDAY, OCTOBER 26, 2002**

**WHEREAS**, a request has been received from Edgemere Tenants Association for permission to have a Block Party on Saturday, October 26, 2002 and the closing of Baier Avenue from Phillips Road to Franklin Boulevard; and,

**WHEREAS**, Edgemere Tenants Association has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; 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 Edgemere Tenants Association to conduct a Block Party on Saturday, October 26, 2002 and the closing of Baier Avenue from Phillips Road to Franklin Boulevard, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

**BE IT FURTHER RESOLVED** that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

**BE IT FURTHER RESOLVED** that the conduct of this special event requires the closing of and the closing of Baier Avenue from Phillips Road to Franklin Boulevard, a public roadway of the Township of Franklin, and said closing is subject to the following conditions:

- (1) Said public roadway shall be closed to traffic between the hours when the Event commences and the time the event will be totally finished;
- (2) The closing of said public roadway in conjunction with said Event shall be accomplished in a manner whereby access by emergency vehicles is easily maintained at all times;
- (3) The Applicant shall notify all persons and businesses affected by said road closing. Said notice shall be in writing and served upon the person/business in person or by certified mail at least ten (10) days prior to the event. Affidavit of Service to said affected persons/businesses shall be prepared by the Applicant and filed with the Township Clerk at least five (5) days prior to the event;
- (4) Applicant shall provide an Insurance Policy to cover the Event and the closing of the aforesaid public roadway in conjunction therewith in the amount of \$1,000,000. Said policy shall name the Township of Franklin as additionally insured and a Certification of same shall be filed with the Township Clerk at least 5 day prior to the event;

**BE IT FURTHER RESOLVED** that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event and;

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;

**WORK SESSION/REGULAR MEETING – OCTOBER 22, 2002**

- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

**BE IT FURTHER RESOLVED** that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

**L. 02-482 RESOLUTION - AUTHORIZE RAFFLE/BINGO**

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

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

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

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

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
Home School Association – St. Matthias School 168 JFK Boulevard, Somerset, NJ On-Premise Raffle – RL#1362 Drawing: St. Matthias School Cafeteria	December 7, 2002 10:00 am – 4:00 pm
Home School Association of St. Matthias 168 JFK Boulevard, Somerset, NJ On-Premise 50/50 – RL#1363 Drawing: St. Matthias School Cafeteria	December 7, 2002 10:00 am – 4:00 pm
Spartan Club of Immaculata High School 240 Mountain Avenue, Somerville, NJ Off-Premise 50/50 – RL#1364 Drawing: Somerset DoubleTree Hotel	May 4, 2003 10:00 am – 3:00 pm
Anada Mandir, Inc. 369 Cedar Grove Lane, Somerset, NJ Off-Premise Raffle – RL#1365 Drawing: 269 Cedar Grove Lane, Somerset, NJ	January 12, 2003 1:00 pm – 5:00 pm
Knights of Columbus #9925 St. Matthias Council 168 JFK Boulevard, Somerset, NJ Off-Premise 50/50 – RL#1366 Drawing: St. Matthias School Cafeteria	December 7, 2002 7:00 p.m.
Players Development Academy Corp. Weston Canal Road, Zarepath, NJ	December 21, 2002 10:00 a.m. – 12:00 p.m.

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Off-Premise Raffle – RL#1367  
 Drawing: Players Development Academy

Sea Shore Mothers of Twins Club  
 201 East Patcong Avenue, Linwood, NJ  
 On-Premise Raffle – RL#1368  
 Drawing: Somerset Marriott

November 1, 2002  
 4:30 p.m. – 6:00 p.m.

**M. Removed from Consent Agenda****N. 02-483 RESOLUTION - URGE STATE LEGISLATURE TO REIMBURSE MUNICIPALITIES FOR COST OF BLACK BEAR POPULATION MANAGEMENT AND TO TAKE IMMEDIATE MEASURES TO CONTROL THE BLACK BEAR POPULATION**

**WHEREAS**, on September 6, 2002 New Jersey Department of Environmental (NJDEP) Protection Commissioner Bradley Campbell forwarded correspondence to New Jersey Mayors informing them that the NJDEP is limiting its on-site response to black bear calls to normal business hours defined as Monday through Friday 8:30 am to 4:30 pm; and

**WHEREAS**, the black bear population in northwest New Jersey is estimated at 1,900; and

**WHEREAS**, there have been increasing numbers of conflicts between the human population and the black bear population including car break-ins, home break-ins and attacks on pets; and

**WHEREAS**, Commissioner Campbell has called for a "cooperative effort" with municipal law enforcement agencies to control the State's burgeoning black bear population; and

**WHEREAS**, municipalities in northwest New Jersey have:

Expended large amounts of funding for the purchase of special bear management equipment and overtime costs to train police officers in black bear management; and

Responded to more many bear related calls for service resulting in the diversion of limited police resources from critical areas of law enforcement; and

**WHEREAS**, the effect of the State's "cooperative effort" has been to shift the financial burden of the management of the State's black bear population to municipal property taxpayers; and

**WHEREAS**, the Commissioner's September 6, 2002 letter is a further abdication of financial responsibility for black bear management by the State of New Jersey; and

**WHEREAS**, the State of New Jersey, despite evidence of overpopulation has, refused to institute significant black bear population control measures; and

**WHEREAS**, the State of New Jersey, unlike municipalities in northwest New Jersey, has access to Wildlife Management experts and scientific data so as to determine the most effective methods of black bear population control;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that it urges NJDEP Commissioner Campbell to immediately

1. Determine the optimal black bear population for northwest New Jersey to minimize potential conflicts with the human population.
2. Determine the most effective and expeditious means to bring the black bear population to its optimal level; and

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**BE IT FURTHER RESOLVED** that the Township Council urges the state of New Jersey to

1. Reimburse municipalities for all costs associated with management of the State's black bear population.
2. Hold municipalities harmless from liability associated with the management of the State's black bear population; and

**BE IT FURTHER RESOLVED** that copies of this Resolution be forwarded to New Jersey Department of Environmental Protection Commissioner Bradley Campbell, the Honorable Robert G. Smith, the Honorable Upendra Chivukula, Honorable Joseph V. Egan, the Sussex County Board of Chosen Freeholders, the Warren County Board of Chosen Freeholders, the Hunterdon County Board of Chosen Freeholders, the Morris County Board of Chosen Freeholders, the Somerset County Board of Chosen Freeholders, the New Jersey League of Municipalities, All Municipalities in Sussex, Warren, Hunterdon, Morris and Somerset Counties.

**O. 02-484 RESOLUTION - AGREEMENT - COUNTY OF SOMERSET AND THE TOWNSHIP OF FRANKLIN - 2002 LINE STRIPING PROGRAM - \$10,524.12**

**Read by Township Clerk Pellicane**

**WHEREAS**, the New Jersey Interlocal Service Act, NJSA 40:8A-1 et seq., authorizes any local unit of the State to enter into a contract with any other local unit or units within the State for joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, the Township of Franklin is desirous of entering into a joint venture with the County of Somerset as follows:

2002 Line Striping Program at a cost of \$10,524.12; and

**WHEREAS**, the Interlocal Services Agreement, on file with the Township Clerk, contains the terms and conditions which the parties have agreed to with respect to the aforesaid Project;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Clerk of the Township of Franklin in the County of Somerset and State of New Jersey are hereby authorized and directed to execute said agreement and any other such documents as may be required on behalf of the Township of Franklin.

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

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

Motion was carried.

**M. 02-482 RESOLUTION - WAIVE WATER CAPITAL CONNECTION & WATER METER FEES - FRANKLIN TOWNSHIP FOOD BANK & PRESBYTERIAN HOMES & SERVICES**

Deputy Mayor Grippo moved to amend the proposed resolution to add thereto the waiving of the Water Capital Connection and Water Meter Fees for the affordable senior housing development proposed by Presbyterian Homes & Services and to adopt as amended.

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**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 waive the following fees:

Franklin Township Food Bank for the construction of their new administrative building as required by Section 236 of the Code:

Water Capital Connection Fee	\$1,033.06
Water Meter Fee	\$ 200.00

Presbyterian Homes & Services for the construction of affordable senior housing as required by Section 236 of the Code:

Water Capital Connection Fee	
Water Meter Fee	

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

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

Motion was carried.

**02-485    RESOLUTION - CONFIRMING THE DETAILS OF THE SALE OF WATER UTILITY BONDS, SERIES 2002B - IN THE AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$1,850,955 OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2002 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

**Read by Township Clerk Pellicane**

**WHEREAS**, the Township of Franklin (the "Township"), in the County of Somerset, State of New Jersey, has determined that there exists a need within the Township to finance the cleaning, rehabilitating and relining of cast iron pipes within the Township (Phase VII) to eliminate water quality complaints and increase fire flow protection (the "Project"), as defined in each of that certain trust loan agreement (the "Trust Loan Agreement") to be entered into by and between the Township and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain fund loan agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Township and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the Year 2002 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS**, the Township has determined to finance the Project with the proceeds of the loans to be made by each of the Trust (the "Trust Loan"), pursuant to the Trust Loan Agreement, and the State (the "Fund Loan", and together with the Trust Loan, the "Loans"), pursuant to the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Township to authorize, execute, attest and deliver the Township's Water Utility Bonds, Series 2002B, to the Trust in an aggregate principal amount not to exceed \$925,477 (the "Trust Loan Bond") and the

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Township's Water Utility Bonds, Series 2002B, to the State in an aggregate principal amount not to exceed \$925,477 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Bonds") pursuant to the terms of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), other applicable law, the Loan Agreements and the Escrow Agreement dated August 26, 2002 (the "Escrow Agreement") by and among the Trust, the State, the Township and the escrow agent (as defined in the Escrow Agreement); and

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein; and

**WHEREAS**, in accordance with the terms of the Escrow Agreement, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the Township to confirm the exact aggregate principal amount of and debt service schedule for the Bonds.

**NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, as follows:**

**Section 1.** The sale of the Trust Loan Bond to the Trust and the Fund Loan Bond to the State is hereby confirmed. The Trust Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in Schedule A attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the maturity schedule set forth in Schedule B attached hereto and made a part hereof.

**Section 2.** This resolution shall take effect immediately.

**Section 3.** Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution to Cheryl J. Oberdorf, Esq., Bond Counsel to the Township and Richard Nolan, Esq., McCarter & English, LLP, Bond Counsel to the Trust.

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

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

Motion was carried.

**MAYOR'S APPOINTMENT – CLASS I PLANNING BOARD MEMBER – UNEXPIRED TERM OF JOSEPH SNUKIS – DATE OF APPOINTMENT TO 12/31/02**

Mayor Eberle announced that Joseph Snukis has resigned as the Mayor's designee member of the Planning Board and has moved from the area. Therefore, Mayor Eberle appointed Nancy Sayre to fill that position for the unexpired term expiring 12/31/02.

**COUNCIL COMMENTS**

Mr. Mettler:

1. Responded to comments by Mr. Grosso, noting that senior management employees were not unionized until recently.

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2. Noted that Council votes on budget have been politically split in the past.
3. Questioned Council's Board of Education liaison members on why the Board of Education has chosen to use a pump station to provide sanitary sewer service to the new High School instead of a gravity feed line, noting that the pump station option, while cheaper to construct, is more expensive to operate. Deputy Mayor Grippo responded that the decision was the result of extensive discussion, resulting in a \$750,000,00 saving and based on engineer's guarantees on the quality of service to be received.

Mr. Levine expressed his concern for senior citizen property owners, receiving a 2% increase in Social Security, 2% interest on their investments but getting double-digit increase in municipal taxes.

Mayor Eberle thanked Assemblymen Chivukula, Smith and Egan for their assistance in the Township's Extraordinary Aid allocation.

Executive Session was held earlier in the meeting.

Upon a motion made, seconded and unanimously agreed, the Work Session/Regular Meeting was adjourned at 9:30 p.m.

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**SHIRLEY EBERLE, MAYOR**

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**JEAN C. PELLICANE, RMC, TOWNSHIP CLERK**