

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
OCTOBER 23, 2001

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:10 P.M.

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

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

The invocation was given by Councilman Chivukula.

The Township Clerk called the roll.

Present: Mayor Clyde, Deputy Mayor Eberle, Ms. Barrier, Mr. Chivukula, Mr. Grippo, Mr. Levine, Mr. Mettler, Mr. Sumter. Mr. Mazzola was absent at roll call but arrived shortly thereafter.

Absent: No One

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

COMMENDATION - ROSALIE PERSONS - RETIRING TOWNSHIP EMPLOYEE

Mayor Clyde, Mr. Sumter and Mr. Mettler presented a plaque to Rosalie Persons upon her retirement after fifteen years as Administrative Aide for the Township and prior service to the Sewerage Authority for a period of fourteen years.

MINUTES - WORK SESSION - 10/02/01; REGULAR MEETING - 10/09/01; EXECUTIVE SESSION - 10/02/01

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to approve the Minutes of the Work Session and Executive Session of October 2, 2001 and the Regular Meeting of October 9, 2001; motion was carried by those members present at the meetings.

WARRANTS - OCTOBER 23, 2001

Read by Mayor Clyde

1	Current Fund	324,758.34
5	Water Operating	730,114.95
6	Water Capital Fund	425,588.31
4	General Capital Fund	264,597.17
15	General Trust Fund	12,424.93
18	Self Insurance Trust Fund	6,517.04
21	Recreation Trust	135.81
12	Open Space Trust	0
2	Grant	52,328.70
17	Workers' Compensation Trust	0
	Unemployment Fund	0
	Employee Payroll Deduction	0
	Public Assistance	0
3	Collector Trust	10,103.84
	Assessment Trust Fund	0
14	Dog Revenue Fund	0
	Community Foundation	0
22	General Ledger Item: Current Fund	0

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13	Redevelopment Agency	0
25	Escrow Account	39,176.68
23	Agency	169,452.19
	General Ledger: Water	<u>0</u>
	Sub-Total	2,035,188.96
19	Voided Checks	0
19.	Adjustments	<u>0</u>
	TOTAL BILL LIST	<u>\$2,035,188.96</u>

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to approve the Warrants. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

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

A. PUBLIC HEARING

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to continue the public hearing on this request.

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

Lee Magee, 177 Winslow Avenue, adjoining property owner objected to the release of the deed restriction based on illegal actions by the contractor which were subsequently cleaned up, opening the public street to his property, opening a public street along the rear yard lines of dwellings on Green Street, and drainage problems in the area.

Irwin Millinger, attorney for property owner, noted:

1. The property was the subject of a reverse subdivision in 1988 for which Mr. Magee received notice but did not appear to object;
2. Winslow Avenue shows on the Township tax map as a public street;
3. As a result of the reverse subdivision, the township map shows the property as three conforming lots rather than nine undersized lots;
4. Memo from Scott Thomas, Senior Engineer in the Township Engineering Department, dated October 5, 2001 indicates that the property owner has corrected violations on the property and the Department no longer has an objection to the requested release of deed restriction;
5. Memo from Scott Thomas dated October 15th in response to inquiries made at the October 9th Council meeting, deals with:

Prior history of the Council on releasing deed restrictions without noting that in prior cases, the parcels were still undersized while this parcel was the subject of a reverse subdivision to create three conforming lots;

Windfall profits to property owners who purchased the undersized township lots at reduced rates while Mr. DeLaCruz bought the property in 1988 from the

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original purchasers at \$55,000, has since paid taxes and the cost of the reverse subdivision, and has entered a contract to sell the property today for \$55,000.

6. Current township practice when selling undersized lots that, if property becomes conforming to zoning, the deed restrictions becomes invalid.

John Grosso, 61 Hollywood Avenue, noted Mr. Magee's right to speak in opposition to the request as often as necessary.

Mrs. DeLaCruz, wife of property owner, noted that this process is taking a long time and impeding their ability to construct a home for their family at another location and that they are not making money on this transaction.

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

Township Attorney Rainone advised Council that the deed restrictions placed on this property in the 1960's do not automatically go away because there is a reverse subdivision and requested time to look at the law and report at the next meeting. Council concurred.

Township Manager Daly advised Council that if they want to release the deed restriction they can act this evening without need of a legal opinion. If Council wants to deny the request, an opinion from the Township attorney should be sought.

Ms. Barrier noted that she became aware at tonight's Work Session upon receipt of the letter from Century 21 that it represented the property owner. She, therefore, has a conflict and will not participate in discussion or action on this application.

Mr. Mazzola noted the financial impact on the applicant caused by the repeated deferrals of this application, that deed restrictions are usually retained to prevent adverse impact on a neighborhood caused by construction of dwellings on undersized lots which is not the case in this application, and his disappointment at not having the requested legal opinion from the Township Attorney tonight.

Members of Council noted their desire to hear the opinion from the Township Attorney prior to making a decision. Mayor Clyde scheduled a Special Meeting for 8:00 p.m. on November 8th prior to the Work Session to hear the attorney's opinion, make a decision and take action. Mayor Clyde directed the attorney to have the opinion available for distribution to the Council in the packet prior to November 8th.

LIQUOR LICENSE TRANSFER - PERSON TO PERSON - SETH HOWARD, INC. TO JAY MAHARAJ & DMB CORP. - 1808-44-005-004

A. PUBLIC HEARING

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

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

John Grosso, 61 Hollywood Avenue, commended current owner of this liquor license, Michael Schwartz, for his many years of service to the Township through the hiring of our young people to work in his facility and caring about our youth.

Members of Council expressed their appreciation and commendations to Michael and Esta Schwartz for their service to the community and various non-profit agencies serving our residents.

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

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01-444 RESOLUTION - PERSON TO PERSON LIQUOR LICENSE TRANSFER - SETH HOWARD, INC. TO JAY MAHARAJ & DMB CORP. - 1808-44-005-004

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Distribution License No. 1808-44-005-004, heretofore issued to Seth Howard, Inc. for premises located at 900 Easton Avenue, Suite 42, 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 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;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby approve effective **October 26, 2001** the transfer of the aforesaid Plenary Retail Distribution License to Jay Maharaj & DMB Corporation 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 Jay Maharaj & DMB Corporation effective October 24, 2001.**

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

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

Motion was carried.

FY202 CURRENT, CAPITAL AND WATER CAPITAL BUDGET

Upon advice of the Township Auditor, the order of the agenda was changed to conduct the public hearing on the budget before adopting the proposed amendment.

B. PUBLIC HEARING -

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola to open the public hearing on the Budget. Motion was carried unanimously.

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

No one from the public spoke.

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

01-445 RESOLUTION - AMEND SFY 2002 MUNICIPAL BUDGET

REGULAR MEETING - OCTOBER 23, 2001**A. AMEND GENERAL REVENUES/APPROPRIATIONS FROM \$33,551,773.51 TO \$33,972,609.51****Read by Mayor Clyde**

WHEREAS, the Fiscal Year 2001 Budget was approved on the 23rd day of October, 2001; and

WHEREAS, the public hearing on said Budget has been held as advertised; and

WHEREAS, it is desired to amend said approved Budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the following amendments to the approved Fiscal Year 2002 Budget be made:

CURRENT FUND BUDGET

	<u>From</u>	<u>To</u>
Anticipated Revenues:		
General Revenues		
Section F: Special Items of General Revenue		
Anticipated with Prior Written Consent of		
Director of Local Government Services -		
Public and Private Revenues Offset with		
Appropriations:		
Local Law Enforcement Grant - FY-2001	0.00	31,130.00
Somerset County Economic Development Grant	0.00	188,000.00
Community Development Block Grant	0.00	38,000.00
JDDP - Juvenile Community Service	0.00	93,684.00
NJ Highway Traffic Safety - Aggressive Driving	0.00	9,600.00
Department of State - V-Free Diversity	0.00	1,855.00
Somerset County Planning Partnership	0.00	35,000.00
NACO - Wetland Restoration	0.00	9,913.00
Somerset County Traffic Enforcement	0.00	1,120.00
Total Miscellaneous Revenues -		
Section F	<u>343,643.51</u>	<u>751,945.51</u>
Total Miscellaneous Revenues	<u>11,109,732.63</u>	<u>11,518,034.63</u>
5. Subtotal General Revenues	<u>15,986,982.63</u>	<u>16,395,284.63</u>
6. Amount to be Raised by Taxes for Support of		
Municipal Budget:		
(a) Local Tax for Municipal Purposes Including		
Reserve for Uncollected Taxes	<u>17,564,790.88</u>	<u>17,577,324.88</u>
10. TOTAL GENERAL REVENUES	<u><u>\$33,551,773.51</u></u>	<u><u>\$33,972,609.51</u></u>
8. General Appropriations:		
(A) Operations - Excluded from "CAPS"		
Public and Private Programs Offset by Revenues:		
Local Law Enforcement		
Block Grant - FY2001	0.00	34,589.00
Somerset County Economic Development Grant	0.00	188,000.00
Community Development Block Grant	0.00	38,000.00
JDD - Juvenile Community Service	0.00	93,684.00
NJ Highway Traffic Safety - Aggressive Driving	0.00	9,600.00
Department of State - V-Free Diversity	0.00	1,855.00
Somerset County Planning Partnership	0.00	35,000.00

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NACO - Wetland Restoration	0.00	9,913.00
Somerset County Traffic Enforcement	<u>0.00</u>	<u>1,120.00</u>
Total Other Operations Excluded from "CAPS"	<u>2,543,100.51</u>	<u>2,954,861.51</u>
Detail:		
Other Expenses	2,133,595.51	2,545,356.51
(D) Municipal Debt Service - Excluded from "CAPS"		
Interest on Bonds	<u>428,308.00</u>	<u>442,478.00</u>
Total Municipal Debt Service Excluded From "CAPS"	<u>2,313,700.00</u>	<u>2,327,870.00</u>
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	<u>5,301,234.51</u>	<u>5,727,165.51</u>
(O) Total General Appropriations - Excluded from "CAPS"	<u>5,301,234.51</u>	<u>5,727,165.51</u>
(L) Subtotal General Appropriations {Items (H-1) and (O)}	<u>30,756,402.51</u>	<u>31,182,333.51</u>
(M) Reserve for Uncollected Taxes	<u>2,795,371.00</u>	<u>2,790,276.00</u>
9. TOTAL GENERAL APPROPRIATIONS	<u>\$33,551,773.51</u>	<u>\$33,972,609.51</u>

BE IT FURTHER RESOLVED that two (2) certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the Fiscal Year 2002 budget so amended.

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

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

Motion was carried.

01-446 RESOLUTION - ADOPT SFY 2002 MUNICIPAL BUDGET

Read by Mayor Clyde

BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin, County of Somerset, State of New Jersey, 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:

- (a) \$17,577,324.88 (Item 2 below) for municipal purposes

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$ 3,457,250.00
Miscellaneous Revenues Anticipated	11,518,034.63
Receipts from delinquent Taxes	1,420,000.00

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2.	Amount to be Raised for Taxation Purposes (Item 6(a), Sheet 11)	<u>17,577,324.88</u>
	Total Revenues	<u>\$33,972,609.51</u>

SUMMARY OF APPROPRIATIONS

1.	General Appropriations	
	Within "CAPS"	
	(a & b) Operations Including Contingent	\$24,063,168.00
	(e) Deferred Charges and Statutory Charges - Municipal	1,392,000.00
	Excluded from "CAPS"	
	(a) Operations - Total Operations Excluded from "CAPS"	2,954,861.51
	(c) Capital Improvements	191,214.00
	(d) Municipal Debt Service	2,327,870.00
	(e) Deferred Charges - Municipal	253,220.00
	(m) Reserve for Uncollected Taxes	<u>2,790,276.00</u>
	Total Appropriations	<u>\$33,972,609.51</u>

IT IS HEREBY CERTIFIED that the within Budget is a true copy of the Budget finally adopted by resolution of Governing Body on the 23rd day of October, 2001. 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 2002 approved Budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

Motion was carried.

Mayor Clyde expressed his dismay at the four negative votes since suggestions for modifications were solicited at every meeting and none were forthcoming.

Mr. Mazzola noted his full support for the Library expansion and a long list of suggestions for the current budget, a number of which were rejected by the Financial Oversight Committee.

Mr. Mettler noted that in past years, the Council was able to offer budgets making specific investments for the future to stabilize taxes in the long run. There are some good appropriations in the budget but not the desired focus.

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

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE FROM CANAL WALK ASSOCIATES - SIGHT TRIANGLE EASEMENTS (3); ROAD DEDICATIONS (7) FOR METTLERS ROAD, WESTON ROAD, WESTON CANAL ROAD & SCHOOLHOUSE ROAD". 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. Chivukula and seconded by Mr. Sumter to open the public hearing; the motion was carried unanimously.

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

No one from the public spoke.

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

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

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

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

Motion was carried.

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

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM LaFONGE ASSOCIATES OF PRESERVATION AREA DEEDS (2) AND FROM HAR REALTY OF ONE PRESERVATION AREA DEED". 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. Chivukula and seconded by Mr. Sumter to open the public hearing; the motion was carried unanimously.

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

No one from the public spoke.

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

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

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

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

Motion was carried.

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ORDINANCE HEARING –AMEND CODE - CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-31, ON-STREET HANDICAPPED PARKING SPACES (2) - 59 MAIN STREET

Mayor Clyde read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON-STREET HANDICAPPED PARKING SPACE (ADD 59 MAIN STREET - 2 PARKING SPACES)". 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. Chivukula and seconded by Mr. Sumter to open the public hearing; the motion was carried unanimously.

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

No one from the public spoke.

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

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

Motion was carried.

01-447 RESOLUTION - MEMORANDUM OF UNDERSTANDING - FRANKLIN TOWNSHIP PUBLIC LIBRARY BOARD OF TRUSTEES - CONTRIBUTION FOR RENOVATION OF LIBRARY - \$228,000.00

WHEREAS, the Franklin Township Public Library Board of Trustees ("Library") and the Township of Franklin ("Township") agree that certain renovations/expansion of the Library are necessary and in the best interests of the citizens of the Township of Franklin; and

WHEREAS, the Library and the Township have agreed to work jointly to obtain a grant of fund from the State of New Jersey and contribute funds to the project as permitted by law;

NOW, THEREFORE, BE IT 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, a memo of understanding providing the following:

- (1) **CONTRIBUTION:** The Library agrees to contribute the sum of Two Hundred Twenty Eight Thousand Dollars (**\$288,000**) to the renovation fund to be administered by the Township.
- (2) **CONTINGENCIES:** This Agreement is contingent upon the happening of the following:

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- A. The Township adopting an Ordinance appropriating the funds by the Township; and
 - B. Funding to complete the project be available from the State, Township or other sources.
- (3) **ESCROW:** The Library shall deliver its contribution to the Township upon the execution of this agreement. The Township shall deposit the funds in an interest bearing account. In the event the contingencies are not met or the renovation/expansion is not undertaken for any reason, the Township shall return the contribution to the Library with all interest to be paid to the Library.
- (4) **ADMINISTRATION:** The Township agrees to process for payment all invoices and claims related to the renovation/expansion project and the Library shall not be responsible for any administrative cost or costs of processing such claims.
- (5) **DESIGN:** The Library shall have the sole decision making authority as to the design of the renovation/expansion.
- (6) **COMPLETENESS:** This Agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof. This instrument may be amended or modified to the subject matter hereof. This instrument may be amended or modified only by an instrument of equal formality signed by both parties hereto.

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

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

Motion was carried.

ORDINANCE HEARING –BOND ORDINANCE - LIBRARY EXPANSION - \$6,100,000.00

Mayor Clyde read by title:

"BOND ORDINANCE PROVIDING FOR RENOVATIONS AND IMPROVEMENTS TO THE FRANKLIN TOWNSHIP PUBLIC LIBRARY, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, IN THE STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,795,000 BONDS AND/OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF? " Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

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

Motion was carried.

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

A. AMEND TO DELETE "WILDLIFE"

Mayor Clyde noted that the Township's Animal Control Officers have noted that the ordinance as introduced includes "Wildlife" which is regulated by other state statutes and should not be included in this ordinance. The Township Attorney has ruled that this amendment to the ordinance is not substantive and can be done at this time.

Mr. Chivukula moved to amend the introduced ordinance to delete all references to "Wildlife". Mr. Mazzola seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 115, DOGS & OTHER ANIMALS". 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. Chivukula and seconded by Ms. Barrier to open the public hearing; the motion was carried unanimously.

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

No one from the public spoke.

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

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

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

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

Motion was carried.

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

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM VARIOUS PROPERTY OWNERS DEEDS OF DEDICATION AND EASEMENTS FOR SCHOOLHOUSE ROAD TO ACCOMMODATE THE RECONSTRUCTION OF SCHOOLHOUSE ROAD FROM WESTON CANAL ROAD TO METTLERS ROAD". 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. Chivukula and seconded by Mr. Mazzola to open the public hearing; the motion was carried unanimously.

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

No one from the public spoke.

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

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

Motion was carried.

PUBLIC DISCUSSION

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

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

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John Grosso, 61 Hollywood Avenue:

1. Questioned the purpose of Resolution 14 (Memorandum of Understanding - Franklin Township Library - Contribution of Funds) on the agenda. Mr. Grippo explained that the memorandum of understanding provides that the Library will give the Township the 25% applied for grant for use as a down payment on the bond issue.
2. Questioned Consent Agenda Resolution I (Grant Application - NJDOT Centers of Place Program - Sidewalks for Laurel Avenue, improvements to Kingston Lock Canal State Park, access Village Center - \$167,895 Grant/\$36,980 Township Match) and if Laurel Avenue is a county or local road and who will pay for the sidewalks to be installed. Mayor Clyde responded that Laurel Avenue is a county road, the sidewalks will be paid for with the grant and noted a correction to the agenda in that the Township's share of this grant will be \$36,980 not \$136,980.
3. Questioned the three figures set forth on the agenda for Consent Agenda Resolution M (Performance Guarantee Release/Authorize Final Payment - Water Main Cleaning & Relining Phase VI - Spinello companies - \$1,395,801.00 & \$1,552,459.30/\$339,671.31). Township Manager Daly and Township Clerk Pellicane advised that the \$1,395,801 and \$1,552,459.30 represent contractor bond releases and that the \$339,671.31 represents the final payment to the contractor which can be paid since all the work has been completed.
4. Questioned the purpose of Resolution 25 on the agenda. Township Manager Daly advised that the proposed state legislation would take the control of workers compensation costs out of the Township's control. The Township has the legal obligations to see that employees are treated, compensated, paid settlements for injuries and allows the Township to select the doctor. With the Legislation, the Township would no longer have control.
5. Expressed his dismay at the Council's failure to provide for the new building for the Franklin Somerset First Aid Squad.

William Bush, 31 Fifteenth Street, spoke in reference to the new soccer field being constructed on Fifteenth Street in the Dunham Lebed Park:

1. Objected to the installation of two driveways to the field instead of one;
2. Requested that one driveway be eliminated and that the driveway across the street from his home be moved to avoid conflict with residential driveways and viewsheds;
3. That shrubbery be planted along 15th Street to buffer residences from view and noise.

Since the project is already under construction, a decision by Council this evening is requested.

In response to a question from Mr. Levine, Mayor Clyde advised that a formal Council resolution is not needed to change the plan. Council just needs to give direction to the staff and solicit any objections to the suggested changes.

Township Manager Daly advised Council that he has discussed the proposed changes with Capital Projects Engineer Jim Pettit. Mr. Pettit does not recommend the changes but will do what Council decides.

Mr. Bush noted that Mr. Pettit objects because moving the driveway would cause the removal of an existing tree.

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Township Manager Daly advised that:

1. Elimination of the one driveway would result in the entrance al the way on the easterly end of the park.
2. The Capital Projects Engineer designed the driveway to provide the safest alignment.
3. Screening as requested is included in the plan.

Mr. Grippo and Ms. Barrier suggested that a compromise might be designed but noted the need to have Jim Pettit review any proposed change.

Mr. Grippo moved to request the Capital Projects Engineer to investigate the proposal of moving the second driveway to the location of the current proposed walkway and to implement this proposal if possible. Mr. Chivukula seconded the motion.

Mr. Levine questioned what time frame is involved since construction is already underway. Township Manager Daly responded that any change must be made immediately and that more trees will have to be removed and trees already removed will have to be replaced.

Township Clerk Pellicane polled the Board on the motion, the vote being as follows:

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

Motion was carried.

Mayor Clyde noted his concern that this motion puts the Capital Projects Engineer in a difficult position.

Donald Bell, 63 Smith Road, noted Consent Agenda Resolution B (Bid Award - Brent Materials - Fire Hydrants & Parts - Two Years/\$5,000.00 per year) providing for the purchase of fire hydrants and noted complaints of fire chiefs, firemen and fire inspectors regarding the purchase of other than the preferred brand of hydrants which have caused problems. Township Manager Daly advised that he will get a report from Director of Public Works Twiford on a comparison of the equipment. Mayor Clyde requested that Mr. Twiford contact Mr. Bell for input. Mr. Mazzola noted the need for this matter to be brought to the attention of the Fire Chief's Association and the Fire Prevention Board. Mayor Clyde responded that the matter will be discussed at the next Fire Prevention Board meeting.

Based on this discussion, Consent Agenda Resolution B was removed and deferred to the next meeting.

John Grosso, 61 Hollywood Avenue, spoke in reference to Dunham-Lebed Park:

1. A suggestion several years ago that the Township purchase the Kozar house which is adjacent to Dunham-Lebed Park, but no offer was made. The Kozar driveway would provide access to the baseball field.
2. The need for no parking on both sides of 15th street.
3. Lack of public relations and positive press coverage.

Mayor Clyde requested the Township Manager to get a report from Jim Pettit on the Kozar lot and from the police department on the no parking suggestion.

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Lucretia Cortelyou, 1892 Amwell Road, requested the Township Attorney to provide her with the definition of municipal purposes as used in the proposed amendment to the Toto/Gierlich open space acquisition ordinance, noting that his response at the last meeting was not satisfactory. Mayor Clyde requested the Township Attorney to provide the requested information to Ms. Cortelyou, including the potential use of the properties for the Davidson Avenue Connector.

Marilyn Dunn, 56 South Middlebush Road, questioned the status of the Middlebush By-Pass. Mayor Clyde responded that the Council has commissioned a study by Orth-Rodgers. A report has been received and will be discussed at the November 8th Work Session.

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

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 151, HOUSING STANDARDS - SECTION 151-9B & D, NOTICE OF VIOLATIONS, SUMMONS, EMERGENCY ORDERS; CHAPTER 183, PROPERTY MAINTENANCE - SECTION 183-9, VIOLATIONS AND PENALTIES; CHAPTER 201, SEWERS AND SEWAGE DISPOSAL, SECTION 201, 3, VIOLATIONS AND PENALTIES

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 151, HOUSING STANDARDS - SECTION 151-9B & D, NOTICE OF VIOLATIONS, SUMMONS, EMERGENCY ORDERS; CHAPTER 183, PROPERTY MAINTENANCE - SECTION 183-9, VIOLATIONS AND PENALTIES; CHAPTER 201, SEWERS AND SEWAGE DISPOSAL, SECTION 201-3, VIOLATIONS AND PENALTIES" which is presented to Council for adoption on first reading, posting, publication on November 1, 2001 and public hearing on November 27, 2001.

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

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

Motion was carried.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 44, PERSONNEL - SECTION 44-10, EMPLOYMENT BENEFITS - SUBSECTION L, MILITARY LEAVES

Mayor Clyde read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 44 - PERSONNEL POLICIES - SECTION 44-10, EMPLOYMENT BENEFITS - SUBSECTION L, MILITARY LEAVE" which is presented to Council for adoption on first reading, posting, publication on November 1, 2001 and public hearing on November 27, 2001.

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

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

Motion was carried.

ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 115, DOGS & OTHER ANIMALS - ADD PROHIBITION OF FEEDING OF DEER, CANADA GEESE OR WILD TURKEY EXCEPT IN ACCORDANCE OF NJ DIVISION OF FISH AND WILDLIFE PROVISIONS

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 115, DOGS & OTHER ANIMALS - ARTICLE I, GENERAL PROVISIONS - SECTION 115-1, COMPLIANCE WITH REGULATIONS REQUIRED; CONSTRUAL PROHIBITION OF FEEDING OF DEER, CANADA GEESE OR WILD TURKEY)" which is presented to Council for adoption on first reading, posting, publication on November 1, 2001 and public hearing on November 27, 2001.

Mr. Chivukula so moved. Mr. Mettler 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 Clyde	Mr. Mettler		<u>ABSENT</u>
Ms. Eberle	Mr. Sumter		Mr. Grippo (Out of Room)

Motion was carried.

ORDINANCE INTRODUCTION - ACCEPT EASEMENT - VANDEURSEN - DEN HERDER DRIVE DRAINAGE EASEMENT - BLOCK 82/LOT 12

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM DONALD & DOROTHY VAN DEURSEN A DRAINAGE EASEMENT THROUGH BLOCK 82/LOT 12, DEN HERDER DRIVE" which is presented to Council for adoption on first reading, posting, publication on November 1, 2001 and public hearing on November 27, 2001.

Mr. Chivukula so moved. Mr. Mettler 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 Clyde	Mr. Mettler		<u>ABSENT</u>
Ms. Eberle	Mr. Sumter		Mr. Grippo (Out of Room)

Motion was carried.

REGULAR MEETING - OCTOBER 23, 2001RESOLUTION - AMENDED CONSENT AGENDA**Read by Mayor Clyde**

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

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

A. Tax Title Lien Redemptions:

Thomas – Block 34.03/Lot 10.02 - \$131.07 – 91 Claremont Road
 Nowtizke – Block 34.06/Lot 16.05 C0191 - \$282.97 – 12 Townsend Court
 Solano – Block 34.08/Lot 9.01 C3410 - \$248.62 – 125 Lindsey Court
 Paftinos – Block 88.02/Lot 77 - \$1,361.19 – 57 Veronica Avenue
 Conte – Block 34.09/Lot 59.02 C0045 - \$276.90 – 6 Opal Court
 Bailey – Block 172/Lot 23 - \$444.29 (2001) & \$226.85 (2000) – 469 Somerset St.
 Schmidt – Block 181/Lot 48 - \$49.76 – 33 Ambrose Street
 NJ Affordable Homes Corp. – Block 252/Lot 30 - \$3,693.82 – 19 Franklin Blvd
 Bush – Block 289/Lot 46 - \$312.76 – 426 Berry Street
 Deskins – Block 333/Lot 24 - \$241.60 – 4 Appleman Road (1999)
 Deskins – Block 333/Lot 24 - \$307.45 – 4 Appleman Road (2000)
 Parks – Block 386.03/Lot 29 - \$265.93 – 14 Liberty Lane
 Weinberg – Block 424.04/Lot 224 - \$1,541.19 – 224 Coldspring Ct.
 Kelley – Block 424.10/Lot 303 C0116 - \$138.48 – 116 Wycombe Place
 Hemp – Block 424.14/Lot 97 C0039 - \$580.96 – 35 Eton Way

B. Bid Award – Brent Materials – Fire Hydrants & Parts – Two Years/\$5,000.00 per year - Removed from Consent Agenda and deferred to next meeting.

C. Bid Award – Metuchen Center, Inc. – T-Shirts for Recreation & Community Resources Departments – Two years/\$20,000.00 per year

D. Budget – FY 2002 - Dedication by Rider – Developer Contributions

E. Grant Agreement – NJ Department of State – V-Free Mini-Grant - \$1,855.00

F. Grant Agreement – NJDEP – Green Trust Project – Planning Incentive Grant – \$1,250,000 Grant/\$500,000 Loan/\$750,000 Township Match

G. Grant Agreement – Somerset County Planning Partnership Grant Program – Hamilton Street Business District Marketing Plan for 2001 - \$15,000.00

H. Grant Agreement – Somerset County – Update 2002 Municipal Alliance Grant - \$6,757.00 Grant/\$5,068.00 in kind & \$1,689 Cash Match

I. Grant Application - NJDOT Centers of Place Program – Sidewalks for Laurel Avenue, improvements to Kingston Lock Canal State Park, access to Village Center - **\$167,895 Grant/\$36,980 Township Match**

~~J. Grant Application – Somerset County Department of Human Services – 2002 Municipal Alliance Grant – \$35,699 Grant/ 25% cash and 75% in kind services match~~
Duplicate of H

K. Escrow Release – Construction Water Meter - Interstate Powerwashing - \$715.00

L. Performance Guarantee Release – Monuments - US Homes/Hampton Ridge – Docket #P98029SF - \$8,000.00

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- M. Performance Guarantee Release/Authorize Final Payment – Water Main Cleaning & Relining Phase VI – Spiniello Companies - \$1,395,801.00 & \$1,552,459.30/ \$339,671.31
- N. Performance Guarantee Reduction/Accept Street Improvements/Developers Agreement Payment for Pierce Street – Global Const. Co., Inc./Togar Korman Venture III, LLC – Docket #Z99072USF – from \$1,550,206.00 to \$1,077,166.80/ Accept Pierce Street from Elizabeth Avenue to Davidson Avenue/Developers Agreement Payment \$250,000
- O. Discharge of Affordable Housing Mortgage – Hemming to Scarpitti – Block 34.10/ Lot 59.01 C0103 – 26 Edward Drive
- P. Subordination of CDBG Mortgage – Carol Butts – Block 288/Lot 35 – 41 Holly Street
- Q. Recognize American Federation of State, County and Municipal Employees Council 73 as exclusive bargaining unit the White Collar Bargaining Unit
- R. Authorize Raffle/Bingo Licenses
- S. Amend Extraordinary Unspecifiable Agreement – Amend Vendor from Cosentini Information Technologies to Collins & Associates, Inc. – Assistance in the Installation of new telephone communications system at Police Department
- T. Appointment – Msiba A. Holliman – Deputy Registrar of Vital Statistics – 10/24/01 to 10/23/04
- U. Appointments – Youth Service Commission/Alliance Against Substance Abuse

A. 01-448 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 7, 2001	34.03/10.02	THOMAS, GLORIA & RICHARD 91 Claremont Road Franklin Park NJ 08823	\$ 131.07
CHECK #	PAID:	September 27, 2001	
CERT # 97-168	LIENHOLDER:	Herbert Sehgel	
		PO Box 284	
		Kingston NJ 08528	
June 7, 2001	34.06/16.05 C0191	NOWITZKE, DONALD 12 Townsend Court Franklin Park NJ 08823	282.97

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CHECK #	PAID:	October 1, 2001	
CERT # 01-112	LIENHOLDER:	James C. Older	
		87 East Mountain Road	
		Hillsborough NJ 08844	
June 7, 2001	34.08/9.01 C3410	SOLANO, RUBEN R. 125 Lindsey Court Franklin Park NJ 08823	248.62
CHECK #	PAID:	September 25, 2001	
CERT # 01-233	LIENHOLDER:	Herbert Sehgel	
		PO Box 284	
		Kingston NJ 08528	
June 7, 2001	34.09/59.02 C0045	CONTE, DANIEL 6 Opal Court Franklin Park NJ 08823	276.90
CHECK #	PAID:	October 4, 2001	
CERT # 01-152	LIENHOLDER:	James Pilewski	
		346 South Street	
		Fanwood NJ 07023	
June 7, 2001	88.02/77	PAFTINOS, JOHN & PAFTINOS, P 57 Veronica Avenue Somerset NJ 08873	1,361.19
CHECK #	PAID:	October 4, 2001	
CERT # 01-212	LIENHOLDER:	Crusader Servicing Corporation	
		6526 Castor Avenue	
		Philadelphia PA 19149	
June 8, 2000	172/23	BAILEY, DOUGLAS	226.85
June 7, 2001	172/23	3 Orlean Green Coran NY 11727 (469 Somerset Street)	444.29
CHECK #	PAID:	October 4, 2001	
CERT # 20-289 & 01-159	LIENHOLDER:	James Pilewski	
		346 South Street	
		Fanwood NJ 07023	
June 7, 2001	181/48	SCHMIDT, KURT 1762 Englishtown Road Old Bridge NJ 08857 (33 Ambrose Street)	49.76
CHECK #	PAID:	October 1, 2001	
CERT # 01-04	LIENHOLDER:	ATF	
		PO Box 862658	
		Orlando FL 32886-2658	
June 7, 2001	252/30	NJ AFFORDABLE HOMES CORPORATION 227 Main Street Woodbridge NJ 07095 (19 Franklin Boulevard)	3,693.82

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CHECK # CERT # 01-226	PAID: LIENHOLDER:	September 26, 2001 FUNB ct/M.D, SASS II 123 South Broad Street, PS 1328 Philadelphia PS 19109	
June 7, 2001	289/46	BUSH, DIARL 426 Berry Street Somerset NJ 08873	312.76
CHECK # CERT # 01-125	PAID: LIENHOLDER:	September 28, 2001 James C. Older 87 East Mountain Road Hillsborough NJ 08844	
June 10, 1999	333/24	DESKINS, WILLIAM & DORA 4 Appleman Road Somerset NJ 08873	241.60
CHECK # CERT # 99-198	PAID: LIENHOLDER:	September 27, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 8, 2000	333/24	DESKINS, WILLIAM & DORA 4 Appleman Road Somerset NJ 08873	307.45
CHECK # CERT # 20-239	PAID: LIENHOLDER:	September 27, 2001 Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 7, 2001	386.03/29	PARKS, NYLA 14 Liberty Lane Somerset NJ 08873	265.93
CHECK # CERT # 01-170	PAID: LIENHOLDER:	September 28, 2001 James Pilewski 346 South Street Fanwood NJ 07023	
October 26, 1989	424.04/224	WEINBERG, R & S. 224 Coldspring Court Somerset NJ 08873	1,541.19
CHECK # CERT # 6476	PAID: LIENHOLDER:	October 5, 2001 TSC, 1 LLC 1 PO Box 169 Oakhurst NJ 07755	
June 7, 2001	424.10/303 C0116	KELLEY, LUCINDA C. 11 Hexham Drive Somerset NJ 08873 (116 Wycombe Place)	138.48
CHECK # CERT # 01-48	PAID: LIENHOLDER:	September 26, 2001 JN Properties 175 Market Street, Suite 301 Paterson NJ 07505	

REGULAR MEETING - OCTOBER 23, 2001**E. 01-452 RESOLUTION - GRANT AGREEMENT - NJ DEPARTMENT OF STATE - V-FREE MINI GRANT - \$1,855.00**

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 Grant Agreement with the NJ Department of State in the amount of \$1,855.00 for the V-Free Mini Grant.

F. 01-453 RESOLUTION - GRANT AGREEMENT - NJDEP - GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to Municipal and County Governments and Grants to Non-Profit Organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Franklin desires to further the public interest by obtaining a loan of \$500,000.00 and/or a grant of \$1,250,000.00 from the State to fund the following project

Open Space Plan Acquisition (Planning Incentive Grant);

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize Mayor John Clyde or the successor to the office of Mayor is hereby authorized to:

- (a) Make application for such a loan and/or such a grant
- (b) Provide additional application information and furnish such documents as may be required
- (c) Act as the authorized correspondent of the above named applicant; and

WHEREAS, that the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, that the applicant is willing to use the State's fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

BE IT FINALLY RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that:

- (1) The Mayor is hereby authorized to execute an agreement and any amendment thereto with the State known as Open Space Plan Acquisition.
- (2) That the applicant has its matching share of the project, if a match is required, in the amount of \$750,000.00.
- (3) That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
- (4) The applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
- (5) That this resolution shall take effect immediately.

REGULAR MEETING - OCTOBER 23, 2001**G. 01-454 RESOLUTION - GRANT AGREEMENT - SOMERSET COUNTY - MUNICIPAL PLANNING PARTNERSHIP GRANT PROGRAM 2001 - HAMILTON STREET BUSINESS DISTRICT MARKETING PLAN - \$15,000.00**

BE IT AND IT IS HEREBY RESOLVED that the Township Council does hereby authorize the Mayor and Township Clerk to execute on its behalf a Grant Agreement with Somerset County for the Municipal Planning Partnership Grant Program for the Hamilton Street Business District Marketing Plan in the amount of \$15,000.00 for 2001.

H. 01-455 RESOLUTION - GRANT AGREEMENT - SOMERSET COUNTY - 2002 MUNICIPAL ALLIANCE GRANT UPDATE - \$6,757.00 GRANT; \$5,068.00 TOWNSHIP IN-KIND / \$1,689.00 CASH MATCH

WHEREAS, the County of Somerset has notified the Township of Franklin of the availability of additional funding and has issued an Update Proposal which would provide \$6757.00 to the Township of Franklin for the provision of Municipal Alliance activities for the prevention of alcoholism and drug abuse in the Township of Franklin; and

WHEREAS, the Township of Franklin will secure a 75% match of \$5,068.00 of in-kind services and a 25% cash match of \$1,689.00 will be raised by the Municipal Alliance Committee or provided by the Municipality, and a copy of the proposed application is on file in the office of the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by 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 sign the original Governor's Council on Alcoholism and Drug Abuse Request for Funding Municipal Alliance Update.

I. 01-456 NEW JERSEY DEPARTMENT OF TRANSPORTATION - RESOLUTION, APPLICATION, AND AGREEMENT FOR STATE AID TO COUNTIES AND MUNICIPALITIES UNDER THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT AND LOCAL BRIDGE BOND ACT

See Attached Resolution

J. DUPLICATION OF ITEM "H"**K. 01-457 RESOLUTION - RELEASE OF CONSTRUCTION WATER METER ESCROW MONIES**

WHEREAS, the Township Clerk of the Township of Franklin 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: INTERSTATE POWERWASHING
ADDRESS: 124 Mountain Avenue
Warren NJ 07059

AMOUNT DEPOSITED: \$850.00
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

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

L. 01-458 RESOLUTION - RELEASE OF PERFORMANCE BOND NO. 929 104 591 - US HOME, CORPORATION - DOCKET NO. P98029SF - MONUMENT GUARANTEE - \$8,000.00

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: US HOME, CORPORATION

ADDRESS OF APPLICANT: 800 West Main Street
Freehold NJ 07728

NUMBER: 929 104 591

INSURANCE COMPANY: The Continental Insurance Company
8403 Colesville Road, Suite 500
Silver Spring MD 20910

IN THE AMOUNT OF: \$8,000.00

FOR: Property Corner Monuments for Edgewood Estates Phase I & II - Block 37.02, Lots 5.01 & 7.03 at the end of Westminster Mews - Docket No. P98029SF; and

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

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

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

M. 01-459 RESOLUTION - PERFORMANCE GUARANTEE RELEASE/AUTHORIZE FINAL PAYMENT - SPINIELLO COMPANIES - WATER MAIN CLEANING & RELINING - PHASE VI - \$1,395,801.00 & \$1,552,459.30/\$339,671.31

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

NAME OF APPLICANT: SPINIELLO COMPANIES

ADDRESS OF APPLICANT: 35 Airport Road
Morristown NJ 07962

ITEM: CONSTRUCTION CONTRACT BOND NO. 6042788

IN THE AMOUNT OF: \$1,395,801.00

INSURANCE COMPANY: Safeco Insurance Company of America
Safeco Plaza Seattle, Washington 98185

ITEM: PERFORMANCE/LABOR/MATERIAL PAYMENT BOND
NO. 1155-07-054359

IN THE AMOUNT OF: \$1,552,459.30

INSURANCE COMPANY: Employers Insurance of Wausau A Mutual Company
Wausau, Wisconsin

FOR: Water Main Cleaning and Relining Phase VI; and

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WHEREAS, the aforesaid Contractor has requested release of the aforesaid Performance Guarantees and the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantees subject to receipt of a one (1) year Maintenance Bond in the amount of \$113,871.74, which Maintenance Bond has been received by the Township Clerk; and

WHEREAS, the aforesaid Contractor has requested release of the final payment for this construction, and the Township Engineer recommends release of the final payment;

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

BE IT FURTHER RESOLVED that the Township Treasurer be and he is hereby authorized to make final payment to the Contractor of the balance due for this construction in the amount of \$339,671.31.

N. 01-460 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION/ACCEPT STREETS/GLOBAL CONSTRUCTION COMPANY, LLC/TOGAR KORMAN VENTURE III, LLC - DOCKET NO. Z99072USF - \$1,550,206.00/PIERCE STREET FROM ELIZABETH AVENUE TO DAVIDSON AVENUE

WHEREAS, Togar Property Company and Togar Management Services, Inc. (collectively, "Togar") and the Township of Franklin, Somerset County, New Jersey ("Township") are parties to that certain Development Agreement dated August 9, 2000 ("Development Agreement"); and

WHEREAS, pursuant to the provisions of Section 16 of the Development Agreement, Togar has assigned all of its rights, duties and obligations under the Development Agreement to Togar Korman Venture III, LLC ("Developer"); and

WHEREAS, pursuant to the provisions of the Development Agreement, Developer has constructed a realignment of Pierce Street; has constructed an extension of Pierce Street from Davidson Avenue to Elizabeth Avenue; has installed street lights; has modified and relocated access ways to certain properties; and has constructed other associated improvements related to Pierce Street (all of the foregoing items of construction and other items of construction with respect to Pierce Street required by the Development Agreement (including, without limitation, the construction of water lines and associated equipment and storm water management conveyance facilities all within the Pierce Street right-of-way) are herein sometimes collectively called the "Pierce Street Improvements"); and

WHEREAS, the Pierce Street Improvements have been completed by Developer to the satisfaction of the Township; and the Township Engineer and the Township Director of Public Works have confirmed the satisfactory completion of the Pierce Street Improvements in writing and have recommended acceptance of Pierce Street as a municipal road; and

WHEREAS, Developer has dedicated Pierce Street to the Township pursuant to the Final Plat Major Subdivision of Block 502, Lots 7, 8.01, 10.01 and 44.02 dated September 17, 1999 (Drawing F-1), last revised October 13, 2000, prepared by The Reynolds Group, Inc., recorded on November 22, 2000 in Map File No. 354I for the development being constructed by Developer; and

WHEREAS, the Township desires to accept the dedication of Pierce Street and the Pierce Street Improvements; and

WHEREAS, the Township Clerk of the Township has received the following:

ITEM: PERFORMANCE BOND

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NAME/ADDRESS OF APPLICANT:

GLOBAL CONSTRUCTION COMPANY, LLC
7211 Regency Square Boulevard, Suite 250
Houston, TX 77036

TOGAR KORMAN VENTURE III, LLC c/o
TOGAR PROPERTY COMPANY
550 West Germantown Pike, Suite 202
Plymouth Meeting, PA 19462

NUMBER: 19007772

INSURANCE COMPANY: Liberty Mutual Insurance Company, Boston, Mass.

IN THE AMOUNT OF: \$1,550,206.00

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee to the extent the same covers the Pierce Street Improvements, subject to receipt of a two-year maintenance guarantee in the amount of \$70,956.00 to cover the Pierce Street Improvements.

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

1. The Township hereby accepts the Pierce Street Improvements by Developer; and by acceptance of thereof, Pierce Street as described below is hereby deemed to be a municipal street open to the public:

Project No. 99-002
Legal Description
Of Pierce Street a 60.00' Right-of-Way
From
Elizabeth Avenue to Davidson Avenue
Located in
Township of Franklin
County of Somerset, State of New Jersey

Beginning at a point, said point being a point of curvature on the easterly sideline of Elizabeth Avenue (30' half-width) for a return radius from Pierce Street, and being 252.64 feet along the easterly sideline of Elizabeth Avenue from the most southerly corner of Lot 7.01, Block 502.01 marked by a concrete monument to be set, having NJ State Plane Coordinates of N: 619588.6339 – E: 481550.9860; thence

1. Along the return radius on a curve to the right with a radius of 30.00 feet, a central angle of 85° 32' 33" and an arc length of 44.79 feet to a point of tangency; thence
2. Along the southerly sideline of Pierce Street, South 77° 26' 02" East, a distance of 159.21 feet to a point of curvature; thence
3. Still with said sideline on a curve to the left with a radius of 5,030.00 feet, a central angle of 00° 49' 08" and an arc length of 71.88 feet to a point of tangency; thence
4. Still with said sideline, South 78° 15' 10" East, a distance of 353.07 feet to a point of curvature; thence
5. Still with said sideline on a curve to the left with a radius of 2,030.00 feet, a central angle of 13° 21' 18" and an arc length of 473.17 feet to a point of tangency; thence
6. Still with said sideline, North 88° 23' 32" East, a distance of 643.19 feet to a point of curvature; thence
7. Still with said sideline on a curve to the right with a radius of 770.00 feet, a central angle of 34° 20' 54" and an arc length of 461.61 feet to a point of tangency on the southerly sideline of Pierce Street as per a prior dedication (Deed Book 1547, Page 657) ; thence

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8. Along the southerly sideline of the previously dedicated Pierce Street, South 57° 15' 35" East, a distance of 694.68 feet to the westerly sideline of Davidson Avenue; thence
9. Along the westerly sideline of Davidson Avenue, North 37° 58' 25" East, a distance of 60.25 feet to a concrete monument to be set; thence
10. Leaving side sideline of Davidson Avenue and running along the northerly sideline of the previously dedicated Pierce Street, North 57° 15' 35" West, a distance of 700.17 feet to a point of curvature, marked by a concrete monument to be set; thence
11. Leaving said sideline on a curve to the left crossing said previously dedicated Pierce Street and forming a line parallel to the proposed roadway to be constructed within said new Pierce Street, said curve having a radius of 830.00 feet, a central angle of 34° 20' 54" and an arc length of 497.58 feet to a point of tangency on the northerly sideline on the new Pierce Street and marked by a concrete monument to be set; thence
12. Along the northerly sideline of Pierce Street, South 88° 23' 32" West, a distance of 643.19 feet point of curvature, marked by a concrete monument to be set; thence
13. Still with said sideline on a curve to the right with a radius of 1,970.00 feet, a central angle of 13° 21' 18" and an arc length of 459.19 feet to a point of tangency, marked by a concrete monument to be set; thence.
14. Still with said sideline, North 78° 15' 10" West, a distance of 353.07 feet to a point of curvature; thence
15. Still with said sideline on a curve to the right with a radius of 4,970.00 feet, a central angle of 00° 49' 08" and an arc length of 71.02 feet to a point of tangency, marked by a concrete monument to be set; thence
16. Still with said sideline, North 77° 26' 02" West, a distance of 149.86 feet to a point of curvature, marked by a concrete monument to be set; thence
17. Along the return radius of Pierce Street on a curve to the right with a radius of 30.00 feet, a central angle of 94° 27' 27" and an arc length of 49.46 feet to a point of cusp on the easterly sideline of Elizabeth Avenue; thence
18. Along said sideline of Elizabeth Avenue, South 17° 01' 25" West, a distance of 120.36 feet to the point and place of beginning.

Containing 174,240 square feet or 4.00 acres of land, more or less.

Subject to a 20' wide Buckeye Pipeline Company Easement, Deed Book 1275 Page 613 – crossing said new Pierce Street.

Subject to a 20' wide Sanitary Sewer Easement to Franklin Township, Deed Book 1449, Page 799 - crossing said new Pierce Street.

The hereinabove description being drawn in accordance with a survey prepared by The Reynolds Group, Inc., Raritan, New Jersey entitled "*Final Plat, Major Subdivision of Block 502, Lots 7, 8.01, 10.01, and 44.02. Township of Franklin, Somerset County, New Jersey*" dated December 17, 1999, filed in the Somerset County Clerk's Office on November 22, 2000 as Map No. 3541.

Proposed 60.00 ROW New Pierce St.#2.2-28-01.doc

2. The Township agrees (i) to release the Performance Bond presently held by the Township in the current total amount of \$1,550,206.00 as to Pierce Street and the Pierce Street Improvements upon receipt of (ii) and (iii) below, (ii) to accept a rider to said original Performance Bond reducing the amount thereof to \$1,077,167.00 which shall continue to cover the improvements yet to be completed as called for by Site Plan Docket #Z99072USF, Block 502/Lots 7, 8.01 & 10.01 under the Development Agreement, and (iii) to accept a two-year Maintenance Bond in the amount of \$70,956.00 with respect to Pierce Street and the Pierce Street Improvements.
3. The Township shall promptly pay to Developer the sum of \$250,000.00 in consideration for the dedication of Pierce Street and the Pierce Street improvements to the Township by Developer, and the Township Treasurer is hereby authorized to issue and deliver a check

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to Developer in said amount upon receipt of necessary voucher to be signed and submitted by Developer.

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

O. 01-461 RESOLUTION - DISCHARGE OF MORTGAGE – HEMMING TO SCARPITTI - AFFORDABLE HOUSING MANAGEMENT SERVICES - BLOCK 34.10/LOT 59.01 C0103 – 26 EDWARD DRIVE

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage from Kimberly Hemming to Dennis Scarpitti for the premises known as 26 Edward Drive, Franklin Park NJ 08823, Block 34.10, Lot 59.01 C0103 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

P. 01-462 RESOLUTION - AUTHORIZE EXECUTION OF A SUBORDINATION OF MORTGAGE – CAROL BUTTS - BLOCK 288/LOT 35 – 41 HOLLY STREET

WHEREAS, the Township of Franklin holds a Rehabco Mortgage in the amount of \$5,770.00 regarding Lot 35 in Block 288, 41 Holly Street in the Township of Franklin, assessed to Carol Butts; and

WHEREAS, the property owner is seeking an additional Mortgage for an amount of \$165,750 to Ameriquist Mortgage Company; and

WHEREAS, Ameriquist Mortgage Company has requested that the Township of Franklin subordinate its Rehabco Mortgage to Ameriquist Mortgage Company; and

WHEREAS, the Tax Assessor's Office has advised the fair market value of Lot 35 in Block 288 is approximately \$182,300; and

WHEREAS, it has been determined that there is enough equity in the above mentioned premises to subordinate the Township's Rehabco Mortgage to Ameriquist Mortgage Company's Mortgage;

NOW, THEREFORE, BE IT RESOLVED this 23rd day of October, 2001 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Mayor and Township Clerk of the Township of Franklin are hereby authorized and directed to execute the Subordinate of Mortgage whereby the Township of Franklin shall subordinate its Rehabco Mortgage to Ameriquist Mortgage Company's Mortgage regarding Lot 35 in Block 288, located in the Township of Franklin.

Q. 01-463 RESOLUTION – AUTHORIZE RECOGNITION OF AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) COUNCIL 73 – WHITE COLLAR BARGAINING UNIT

WHEREAS, as permitted by PERC regulations, representatives of the White Collar Bargaining Unit have requested the Township to recognize the American Federation of State, County and Municipal Employees (AFSCME), Council 73 as their official bargaining unit representative;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey, does hereby recognize the American Federation of State, County and Municipal Employees (AFSCME), Council 73 as the official bargaining unit representative for the While Collar employees of the Township of Franklin and does authorize the Township Manager and Assistant Township Manager to comply with the requirements of N.J.A.C. 19:11-3 to accomplish this recognition.

REGULAR MEETING - OCTOBER 23, 2001**R. 01-464 RESOLUTION - AUTHORIZE RAFFLE/BINGO**

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

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

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

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

<u>NAME & ADDRESS OF ORGANIZATION</u>	<u>DATE OF BINGO/RAFFLE</u>
St. Matthias Home School Association 168 JFK Boulevard, Somerset, New Jersey On-Premise 50/50 - RL#1322 On-Premise Raffle - RL#1323 Drawings: St. Matthias School Cafeteria	December 1, 2001 10:00 am - 4:00 pm
Franklin Township Food Bank, Inc. 60 Millstone Road, Somerset, New Jersey Off-Premise Raffle - RL#1313 Drawing: DoubleTree Hotel, Somerset NJ	March 8, 2002 7:30 p.m.

S. 01-465 AMEND RESOLUTION - EXTRAORDINARY UNSPECIFIABLE SERVICES - COSENTINI INFORMATION TECHNOLOGIES - CONSULTING SERVICES - ASSISTANCE IN INSTALLATION OF NEW TELEPHONE-COMMUNICATIONS SYSTEM FOR POLICE DEPARTMENT - \$5,000.00 - CHANGE VENDOR TO COLLINS & ASSOCIATES, INCORPORATED

WHEREAS, by resolution adopted September 11, 2001, Extraordinary Unspecifiable Services Agreement was authorized as follows:

VENDOR NAME: COSENTINI INFORMATION TECHNOLOGIES
ADDRESS: 225 West 34th Street New York NY 10122
CONTRACT AMOUNT: Not to exceed \$5,000.00
SERVICE: Consulting Services for assistance for the installation of new Telephone-Communications System for the Police Department; and

WHEREAS, the vendor has requested that the agreement be amended to change the Vendor to their affiliate corporation, Collins & Associates, Incorporated;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, that the resolution and Extraordinary Unspecifiable Services Agreement authorized on September 11, 2001 be and it is hereby amended to the following:

VENDOR NAME: COLLINS & ASSOCIATE, INCORPORATED
ADDRESS: 9 Gloria Avenue Edison NJ 08820
CONTRACT AMOUNT: Not to exceed \$5,000.00
SERVICE: Consulting Services for assistance for the installation of new Telephone-Communications System for the Police Department.

T. 01-466 RESOLUTION - APPOINTMENT - DEPUTY REGISTRAR OF VITAL STATISTICS - MSIBA HOLLIMAN - OCTOBER 24, 2001 TO OCTOBER 23, 2004

BE IT AND IT IS HEREBY RESOLVED That the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby appoint **Msiba Holliman as Deputy Registrar of Vital Statistics** for a three (3) year term, commencing October 24, 2001 to October 23, 2004.

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**U. 01-467 RESOLUTION – APPOINTMENTS – YOUTH SERVICE COMMISSION/
MUNICIPAL ALLIANCE FOR THE PREVENTION OF SUBSTANCE
ABUSE - OCTOBER 23, 2001 TO DECEMBER 31, 2001**

BE IT RESOLVED that the Township Council of the Township of Franklin does hereby appoint the following persons to the Youth Service Commission/Alliance Against Substance Abuse for terms beginning October 23,2001 and expiring December 31, 2001:

YOUTH MEMBERS:

Lillian Prescott
29 Parkside Street
Somerset NJ 08873

Yasmine Wade
54 Mark Street
Somerset NJ 08873

Kaitlin Regan
15 Gunther Loop
Somerset NJ 08873

Hassanah Hamiduddin
403 Village Drive
Somerset NJ 08873

Amber Shepard
97 Aimwick Court
Somerset NJ 08873

Jamie Callahan
72 Wilson Road
Somerset NJ 08873

Holly Snyder

Motion was made by Mr. Chivukula and seconded by Mr. Mettler. 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 Clyde	Mr. Mettler		<u>ABSENT</u>
Ms. Eberle	Mr. Sumter		Mr. Grippo (Out of Room)

Motion was carried.

01-468 RESOLUTION - AMEND 2001 MEETING CALENDAR

Read by Mayor Clyde

BE IT AND IT IS HEREBY RESOLVED That the resolution adopted by the Township Council on January 1, 2001 and amended May 8, 2001 establishing a meeting Calendar for the year 2001 be and it is hereby amended in pertinent part as follows:

<u>DELETE</u>	<u>ADD</u>
Regular Meeting Dec 11 (Tues) 8:00 pm	Regular Meeting Dec 11 (Tues) 6:30 p.m.

Motion was made by Mr. Chivukula and seconded by Mr. Mazzola; motion was carried unanimously.

01-469 RESOLUTION - OPPOSE ASSEMBLY BILL NO. 3715

Read by Mayor Clyde

WHEREAS, the Township of Franklin participates in the Central Jersey Joint Insurance Fund, a joint insurance fund representing five (5) member Municipalities in Middlesex and Somerset Counties; and

WHEREAS, Assemblymen Anthony Impreveduto and Paul DiGaetano have introduced a bill that would allow worker selection of treatment providers under workers' compensation; and

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WHEREAS, the Township Council of the Township of Franklin has reviewed the bill and has determined that it would have a negative financial impact on the Central Jersey Joint Insurance Fund as its member municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey strongly oppose Assembly Bill 3715; and

BE IT FURTHER RESOLVED that the Township Clerk of the Township of Franklin, Somerset County is directed to forward copies of this resolution to all participating member municipalities encouraging them to contact their legislators to voice their opposition of Assembly Bill 3715.

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

Motion was carried.

01-470 RESOLUTION – AUTHORIZE THE PROVISION OF TOWNSHIP SNOW PLOWING OF PRIVATE ROADWAY – ROLLING HILLS ROAD

Read by Mayor Clyde

WHEREAS, the Countryside at Franklin Condominium Association has requested the Township Council to accept the portion of Rolling Hills Road within their common area for maintenance by the Township based upon the following concerns:

1. The road runs from Route 27 through townhome and apartment sections as a private road and then through the single-family section as a public, accepted road.
2. The road provides access to single family homes for school buses, and the condominium documents indicate that it is to be dedicated to the Township.
3. The Homeowners Association is required to maintain the intersection of the road with Route 27 intersection; and

WHEREAS, the Township Council has agreed to accept the portion of Rolling Hills Road for Township maintenance and has caused an inspection to be made of the road; and

WHEREAS, said inspection has revealed the following deficiencies in the roadway which must be corrected before the Township can accept same:

Deficiencies in Rolling Hills Drive from Route 27 to Stream Crossing at Station 13+00 as of 18 October 2001.

Rolling Hills Dr. and Route 27 intersection:

1. Stop sign for left-hand turn is missing.
2. R4-7 sign is missing on island.
3. All other warning signs in the same area need to be raised to 7' from pavement.
4. **ONLY** must be painted by left and right turn arrows on the pavement.
5. Sidewalk must be extended to route 27 at exit side.
6. Repair damaged pavement in right turn lane.
7. Cracked curb at station 0+10 East Side of roadway.

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1. Raise all warning signs to 7' from pavement.
2. Repair cracked sidewalk at station 1+60 West Side of roadway.
3. Straighten Saddle Ct. street name sign.
4. Missing streetlight at station 1+45 and 0+50 streetlight is at station 1+00.
5. Broken curb at station 1+50 West Side.

From Gallop Ln. and Saddle Ct. to and including Stallion Ct. and Pasture Tr. intersection:

1. Repair cracked and broken sidewalk at stations 2+25, 2+65, 3+45 West Side of roadway and station 3+40 East Side of roadway.
2. Repair cracked curb at station 3+15 East Side of roadway.

From Stallion Ct. and Pasture Tr. to and including Reins Ct. intersection.

1. Repair cracked curb at stations 4+70 West Side of roadway and 4+10, 4+85, 5+15, and 5+25 East Side of roadway.
2. Repair sidewalk at station 4+25 West Side of roadway.
3. Straighten W11-2 warning sign.

From Reins Ct. to and including Mustang Tr. intersection.

1. Repair cracked curb at stations 6+00, and 6+15 East Side of the roadway.
2. Repair cracked sidewalk at station 6+40 East Side of roadway.

From Mustang Tr. at station 8+00 to Stream Crossing at station 13+00.

1. W11-A2 sign down.
2. Repair cracked curb at stations 8+85, 8+50, 11+00, East Side of roadway.
3. Replace cracked and broken curb from stations 11+20 to 12+70 East Side of roadway and from stations 11+15 to 12+70 West Side of roadway.
4. Repair cracked sidewalk at stations 10+90, 11+35, and 12+25 East Side of roadway.
5. Replace mountable curb from stations 10+70 to 10+85 fire lane.
6. Replace chain at fire lane entrance at stations 10+70 to 10+85.
7. Broken catch basin ring at station 12+45 East Side of roadway.

General:

1. Topsoil and seed all R.O.W.
2. Remove all silt control from storm sewer grates.
3. Clean all debris from storm sewer basins.
4. Storm sewers must be cleaned before inverts can be inspected; and

WHEREAS, the Township Council has agreed to provide snow removal services in accordance with the Condo Protection Act in the interim pending correction of the deficiencies/acceptance of the street;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin that the Township of Franklin agrees to provide snow removal services for the private portion of Rolling Hills Road from Route 27 to a Stream Crossing at Station 13+00 in the interim pending correction of deficiencies/acceptance of street as a municipal road subject to the following condition:

The Countryside at Franklin Condominium Association shall hold the Township harmless from any liability for damage to the aforesaid portion of Rolling Hills Road associated with the provision of snow removal services.

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

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

Motion was carried.

COUNCIL COMMENTS

Mr. Grippo expressed his disappointment with the split vote on the budget and commended the Mayor for his efforts to give all Councilmembers ample opportunity to comment on the budget. Mr. Chivukula, Mr. Sumter and Ms. Eberle concurred with Mr. Grippo's statements.

Mr. Mazzola noted that his vote against the budget is consistent with his policy since prior to being elected to vote against budgets which increase taxes. Tax increases are blamed on increased property values but taxes go up when spending goes up.

Ms. Barrier noted her policy on tax increases is consistent with Mr. Mazzola's and while she voted for the for the budget last year, she could not vote for the budget this year if the budget increased taxes.

Mr. Levine noted the groundbreaking ceremony for Dunham Lebed Park yesterday, and commented that there have been many split votes for the budgets over the years.

Mayor Clyde commended the history of this Council and noted that voting against the budget is not wrong but disappointing since everyone had the opportunity to make suggestions or cuts to the budget and did not do so. In response to a question from Mayor Clyde, Township Manager Daly responded that the FY2002 budget represents a 2.9 percent increase in tax levy. The impact of this increase will be calculated and provided to Council.

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

Read by Mayor Clyde

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:

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.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 23rd day of October, 2001, that an Executive Session closed to the public shall be held on October 23, 2001, at 10:08 pm in the Franklin Township

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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 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 Mr. Chivukula and seconded by Mr. Mazzola to adjourn to Executive Session. Motion was carried unanimously.

Council adjourned to Executive Session at 10:02 p.m. Meeting resumed at 10:31 p.m. and was immediately adjourned.

JOHN CLYDE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK