

Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on October 24, 2006. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Mr. Vassanella led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan (Left Meeting at 9:05 p.m.), Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: No One.

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

COMMENDATIONS

Talented Young Musicians

Mayor Levine and Ms. Ritchie presented the following commendations:

WHEREAS, the Township of Franklin wishes to recognize the talent and hard work exemplified by the performers who have been selected to participate in a Winners' Concert at Weill Hall at Carnegie Hall on November 4, 2006: Christopher Adamczyk; Margaret Chen; Bethany Mo; Dima Podlog; Youyou Ruan; Michael Soumar; Jennah R. Tyles; and Jacob Tyles;

WHEREAS, recognition is also given to these students for their success in the art of making music: Tina Wang who will perform in Bristol Chapel Hall, Princeton and Shivani Jain who will perform in Watchung Art Center; and

WHEREAS, these Talented Young Musicians have competed with other young musicians and have shown their love of music and the tireless pursuit of perfecting their skill,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of Franklin Township, hereby commend all performers of the Russian Music Festival for their excellent display of talent.

and

WHEREAS, TALENTED YOUNG MUSICIANS ASSOCIATION began in August 2004 as a group of Russian teachers who share a love of music; and

WHEREAS, in October 2004 the first Russian Music Festival was held; the main goal of the festival was to introduce the students and the audience to great Russian composers and Russian music; and

WHEREAS, MILA KOZLOVA, President and **JULIE TYLES**, Vice President of the Talented Young Musicians Association, who are residents of the Township of Franklin, use their talents to help educate and develop young talents and support them by making scholarships available to them,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey, on behalf of the Township Council and all of the residents do hereby commend the **TALENTED YOUNG MUSICIANS ASSOCIATION** for their dedication, work and accomplishments on behalf of talented youth.

Week of the People

Mayor Levine, Ms. Ritchie and Mr. Vassanella presented the following commendations in appreciation and commendation for their active parts in making the Week of the People Celebration an overwhelming success:

Organizing Coalition Members:

Somerset Community Action Partnership
Franklin Township Human Relations Commission
Somerset County Cultural Diversity Coalition
Franklin Township Parks & Recreation Department
Hamilton Street Business & Community Corporation
Franklin Township Office of Economic Development

Corporate Sponsors:

Eastman Management Corporation	Allstate Agency
Spring Hills at Somerset	Stop & Shop
Verizon	Comfort Suites at Somerset
New Millennium Bank	Easton Center – Somerset Village
PNC Bank	L’Oreal USA
Birdsall Engineering	Patriot Media
Great Wall Supermarket	United Way of Central Jersey
ARH-Civil Solutions	

Individuals:

Senator Bob Smith	Roly Catiis
Assemblyman Upendra Chivukula	Nora Catiis
Assemblyman Joseph Egan	Rozalyn Sherman
Reverend Sharon Culley	Murray Rothblatt
Reverend George Montanari	Mylo Thompson
Councilman James Vassanella	Russell Warner
Edna Arguello-Hitchner	Percy Sanders
Chetan Wattamwar	Eva Nagy
Andrea Robinson	PBA 154
Franklin Twp. Police Honor Guards	Tiffany Loria

Restaurants:

Sophie’s Bistro	Caribbean Palace
Awujoh Restaurant	CT Barbecue
De Island Breeze	Brisas Paisas
Café Primavera	Charlie Brown’s Steakhouse
Meola’s	O’Connor’s
Piazza Orsillo	Chao Phaya Thai Cuisine
Dunkin Donuts at Somerset	Todd’s Pie Factory
Subway	Mindless Meals
Sunny Deli	

MAYOR'S REPORT

Mayor Levine made the following report:

- Welcome to those attending and TV viewers.
- Thanked the FTTV-25 volunteers.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Reminded that most all of their meetings are public. Council meetings are generally the 2nd and 4th Tuesday of the month. In November, the first meeting will be held on Thursday, November 9th. The public is invited and encouraged to attend. See listings on FTTV-25 and the Township website. In regards to the Township's website – one can sign up for updates of meetings, minutes, etc. and view the agenda and all ordinances and resolutions pending. If you would like to volunteer for any boards, commissions, etc., one can call or write to them.
- Announced this is the last meeting before Election Day. He wished all the candidates good luck. He encouraged all to take time and make informed vote, no matter what your or candidate's affiliation is.
- Reported the Marconi Foundation held its award benefit on Friday, October 20, 2006, the honorees included Franklin's Economic Development Director Frank Hasner and Franklin Township's Open Space Consultant John Loos. He congratulated both.
- Announced the Fallen Firefighters' Memorial will be unveiled at the East Franklin Fire Company on Saturday, October 28, 2006 at 1:00 p.m.
- Reported the Accessibility Campaign for the Disabled was kicked off on Monday, October 23, 2006 at the Municipal Complex organized by Jackie Jackson, as advocate for the disabled and Somerset County organizer of "Monday Morning", a disabled advocacy and support group. He reported he rode in a wheelchair around the Municipal Complex for approximately 4 hours to discern accessibility issues. Police Lts. Vornlocker and Grammar were very helpful answering questions and responding to suggestions. He implored to all to respect handicapped parking signs.

COMMITTEE REPORTS

Public Works Standing Committee

Mr. McKenzie reported that the roads for the 2007 Resurfacing Program have been identified. He stated the Committee made an overall effort to prioritize roads throughout the Township. He mentioned the County's report regarding the Reconstruction of Amwell Road and stated they supported the County's recommendation. He reported that concerns were raised regarding the sidewalks in Thompson Park and noted that the recommendation would be covered by an alternate item in the bidding process.

Public Safety Standing Committee

Mr. Vassanella reported that the Public Safety Committee has met and the trunked radio system is progressing and that the rescue squads and fire companies will be on the system. He stated that this would benefit communications overall. He reported that Edwin Torrez made a presentation regarding Gang Awareness, which was informative and beneficial.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following review of the prepared agenda:

Ordinance No. 3648: Authorize Easement – Construction of Pump Station and Associated Sanitary Sewer Piping – Rodney Avenue Pump Station – Block 189/Lots 62-79 – Oakbrook Place.

In response to questions by Council members, Mr. Daly replied with a memorandum from the Township Engineer that stated “The Franklin Township Sewerage Authority is seeking to acquire the Township owned property located on Oakbrook Place (block 189, lots 62-79) for the construction of a Sewer Pump Station and associated piping. The property is partially located on the unimproved portion of Oakbrook Place off Marvin Avenue. The property is a wooded undeveloped area. The property does not appear on the Township’s Green Acres list. However, the property is adjacent to existing Township Open Space. Therefore I would not recommend the Township transfer title of the property to the Sewerage Authority. However, I would recommend the granting of an easement across the lots for the installation of the pump station and associated sanitary sewer piping.”

Ordinance No. 3649: Authorize Acceptance of Land Donation in Lieu of Condemnation – Block 8/Lot 1 and Block 9/Part of Lot 1 – Located at Old Georgetown Road/Canal Road from Stavola, aka Trap Rock Industries.

Ms. Ritchie expressed her gratitude to Trap Rock Industries for their donation of the two (2) historic houses on Old Georgetown Road.

Resolution No. 06-464: Authorize Refund of Tax Overpayments.

Ms. Ritchie asked for clarification of the resolution. Mr. Daly replied that the first overpayment is a transfer of water payment to the fire service and the second is a recently purchased and a tax appeal.

Resolution No. 06-473: Authorize Purchase – Omega Construction, Inc. – Sidewalk and Apron for Animal Shelter and New Addition – Not to Exceed \$9,371.00.

Ms. Ritchie asked why this was not part of the original contract for the animal shelter. Mr. Daly replied that the animal shelter is under new supervision and the Police have identified items that were left out.

Resolution No. 06-476: Award Somerset County Cooperative Bid – South Jersey Energy – Natural Gas for Municipal Buildings – November 1, 2006 to October 30, 2008 – Not to Exceed for Year 1: \$13.47/dekatherm and for Year 2: \$13.75/dekatherm (Total Amount Not to Exceed Estimated \$310,000 over the Two-Year Contract).

In response to concerns that South Jersey Energy is not a local vendor, Mr. Daly explained that they are able to provide this service to the Township.

Motion – Amend Agenda to Add Appointments of Deputy Mayor; Redevelopment Agency Member and Administration Standing Committee Member.

Mr. McKenzie moved to amend the agenda to add the following appointments as a result of Deputy Mayor Ashley-Williams’ resignation: Deputy Mayor; Redevelopment Agency Member and Administration Standing Committee Member. Said motion was seconded by Ms. Danile.

Mr. Regan suggested that these appointments be held until the new Councilperson is selected, especially the Committee assignments and Deputy Mayor position to allow them to

participate in the process. He stated there is no urgency in making these appointments this evening.

Mr. Vassanella asked if there was a legal issue regarding noticing the public regarding these appointments. Mr. Rainone replied no. He agreed with Mr. Regan and asked why the new Councilperson be left out of this process.

Ms. Danile stated these appointments are critical to the continuance of conducting Township business.

Mr. Vassanella asked in relation to the appointment of a Deputy Mayor, what issues or difficulties would occur in the next two weeks.

Mr. McKenzie called the question, which was seconded by Ms. Danile and carried unanimously.

Mayor Levine stated to be respectful to the new Council member, the appointments should be made at the next meeting. He stated that the next Redevelopment Agency meeting is not until November 20, after the next Council member.

Mr. McKenzie stated that these appointments are only until December 31, 2006. Mr. Vassanella reiterated his concerns regarding the new Council member being left out of the process.

The motion to amend the agenda carried as follows upon call of the roll:

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

Motion – Place Appointments Next on the Agenda.

Mr. McKenzie moved to place the appointments next on the agenda. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

APPOINTMENTS

Deputy Mayor

Mr. McKenzie nominated Ellen Ritchie as Deputy Mayor for an one-year unexpired term ending December 31, 2006. Said nomination was seconded by Ms. Eberle. Said nomination carried as follows:

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

Ellen Ritchie was appointed Deputy Mayor for an one-year unexpired term ending December 31, 2006.

Redevelopment Agency Council Member

Mr. McKenzie nominated Ellen Ritchie as Redevelopment Agency Council Member for an one-year unexpired term ending December 31, 2006. Said nomination was seconded by Ms. Eberle. Mr. Regan nominated Mr. Sumter who declined. Mr. Regan withdrew his nomination of Mr. Sumter. Mr. Regan nominated Mr. Vassanella as Redevelopment Agency Council Member for an one-year unexpired term ending December 31, 2006.

The nomination of Ellen Ritchie as Redevelopment Agency Council Member for an one-year unexpired term ending December 31, 2006 carried as follows upon call of the roll:

<u>RITCHIE</u>	<u>VASSANELLA</u>
Danile	Levine
Eberle	Regan
McKenzie	Vassanella
Ritchie	
Sumter	

Administration Standing Member

Ms. Eberle nominated Ellen Ritchie as Administration Standing Committee Member for an one-year unexpired term ending December 31, 2006.

The nomination of Ellen Ritchie as Administration Standing Committee Member for an one-year unexpired term ending December 31, 2006 carried as follows upon call of the roll:

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

Motion – Amend Agenda to fill vacancy on Public Relations Standing Committee

Mr. Vassanella moved to amend the agenda to fill the vacancy on the Public Relations Standing Committee. Said motion was seconded by Mayor Levine and carried unanimously upon call of the roll.

Public Relations Standing Committee

Mr. Vassanella nominated himself as Public Relations Standing Committee Member for an one-year unexpired term ending December 31, 2006.

The nomination of James Vassanella as Public Relations Standing Committee Member for an one-year unexpired term ending December 31, 2006 *failed* as follows upon call of the roll:

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

COUNCIL DISCUSSION**Boards and Commissions Attendance Standards**

Mr. Vassanella stated that there are attendance policies for various boards and commission here and there. He stated that he has been reviewing them with the Township

Attorney to come up with a blanket policy for boards and commissions that would not be applicable to Council members. He recommended that the policy would take affect when a member misses 50% of the meetings. He explained that the percentage approach is better since not all boards and commissions meeting the same amount of times in a year. He suggested that attendance be considered just cause for removal by Council. He also suggested that if a term expires, the board member should not be reappointed and there should be time (1-2 years) before they are appointed to another board or commission.

Mr. Rainone reviewed the 21 different boards and commissions, noting which have absentee policies, which have removal processes and which boards Council has no authority over, such as the Sewerage Authority. He explained that the statutory boards, such as the Planning Board, Shade Tree Commission, Library Board of Trustees and the Board of Adjustment require a hearing and just cause. He stated that Council may want to generate a definition of cause that includes a percentage of attendance across the board. Mr. Rainone stated he would draft an ordinance to establish a general absentee policy and define cause for removal.

Deputy Mayor Ritchie agreed that the Township Attorney draft said ordinance and Council could review it at the next meeting. She noted that further discussion at the meeting is not needed.

Ms. Danile questioned the practicality of an general absentee policy. She noted that this was discussed at the beginning of the year and the former Deputy Mayor was monitoring the attendance of various boards and commissions. She stated that most terms on various boards and commissions are for only one year. She stated monitoring is key. Mr. Vassanella disagreed and stated that most terms on boards and commissions are multiple year terms.

Mr. McKenzie asked the Clerk to provide Council with a Year End Summary of Attendance of the various boards and commissions.

Route 92 – Corps of Engineers Environmental Impact Statement

Steve Masticola, spoke about the Turnpike Authority proposal and the Army Corps of Engineers final Environmental Impact Statement. He reported there is no hearing scheduled. He reviewed the Environmental Impact Statement. He distributed and reviewed maps with Council. He stated the commentary period on the Environmental Impact Statement ends on November 16, 2006.

He asked Council to adopt a resolution that includes the following:

- The Township of Franklin finds the EIS, as it concerns Route 92, to be deficient in its failure to include municipalities to the west of Route 27;
- The Township finds that Route 92 remains a grave threat to itself and its neighbors;
- The Township requests the Army Corps to immediately finalize the EIS by rejecting the Turnpike Authority's request to issue construction permits and to support the Route 1 widening option instead;
- That, if the Army Corps issues permits to construct 92, the Township of Franklin will do all that is within its power to stop 92 from being constructed;
- That the Township requests State legislators having districts within its borders to remove the Turnpike Authority's authorization to construct Route 92;
- That the Township of Franklin will continue to cooperate with, and help support, its neighbors in fighting Route 92 and other roadways that would cause damage within its borders;

- That the Township renews its support for a neutrally mediated roundtable process, similar to the “Penn’s Neck EIS” process, in which transportation issues such as Route 92, and other planning issues that affect regional quality of life, can be settled in a way free from coercion that benefits all and harms none.

Ms. Eberle asked that a letter be sent from the Township during the commentary period. Mr. Daly stated that there is a draft resolution in their folders and it would be sent with a cover letter to the Army Corps of Engineer during the EIS commentary period. Ms. Ritchie thanked Mr. Masticola for all his years of help opposing Route 92.

Ms. Ritchie moved to add the Resolution Opposing Route 92 and its Environmental Impact Statement to the Consent Agenda. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

APPROVAL OF MINUTES

Mayor Levine presented the Executive Session and Work Session/Regular Meeting minutes of October 10, 2006 approval.

Mr. Regan noted that he did not do the invocation at the meeting because he was not in attendance, it was done by Mr. Sumter.

Ms. Danile moved approval of the Executive Session and Work Session/Regular Meeting minutes of October 10, 2006. Said motion was seconded by Mr. Sumter carried as follows upon call of the roll:

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

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$913,024.41 for October 24, 2006 to the Township Council for payment:

1	Current	584,783.33
5	Water Operating	109,513.73
6	Water Capital	27,770.00
4	General Capital	40,484.93
15	Trust Others	19,714.35
12	Open Space Trust	16,912.19
2	Grant	9,511.23
3	Collector Trust	68,955.25
14	Dog Revenue	729.40
	Subtotal	878,374.41
25	Escrow Account	34,650.00
	Grand Total	913,024.41

Mr. Regan moved that warrants in the amount of \$913,024.41 for October 24, 2006 to be paid. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

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

ORDINANCES, PUBLIC HEARING AND ADOPTION

Ordinance No. 3636

Mayor Levine offered the following ordinance:

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

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

Mr. McKenzie moved to open the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

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

Dan Glicklich, 27 Jay's Corner, commented on a typo in the ordinance the number (15,000) should be (10,000).

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

Mr. Regan left the meeting at 9:05 p.m.

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

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

Ordinance No. 3641

Mayor Levine offered the following ordinance:

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

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

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

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

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

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

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

Ordinance No. 3642

Mayor Levine offered the following ordinance:

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

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

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

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

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

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

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

Ordinance No. 3643

Mayor Levine offered the following ordinance:

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

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

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

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

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

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

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

Ordinance No. 3644

Mayor Levine offered the following ordinance:

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

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

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

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

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

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

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

Ordinance No. 3645

Mayor Levine offered the following ordinance:

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

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

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

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

Phillip Kramer, 429 Canal Road, spoke of his concerns regarding the minimum fine of \$100 for all Code Book violations. Mr. Rainone stated that this is a minimum fine for those violations whose fines are not stated in the Code Book.

Shirley Pietrucha, 49 9th Street, asked if this would be a fine for those who are required to raise their woodpiles. She also asked if it is applicable to the sign ordinance. Mr. Rainone replied that the sign ordinance provides it's own fines.

There being no further public discussion, Deputy Mayor Ritchie moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

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

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

FY2007 CURRENT, CAPITAL OPEN SPACE AND WATER UTILITY BUDGET

Resolution #06-462 – Read Budget by Title

Mayor Levine presented the following resolution:

BE IT RESOLVED, by the Township Council of the Township of Franklin, County of Somerset that it hereby determines that the FY2007 Municipal Budget shall be read by its title, as per NJS A 40A:4-8 and it is declared that all required conditions have been met.

The aforesaid resolution was moved by Mr. McKenzie, seconded by Deputy Mayor Ritchie and was adopted as follows upon call of the roll:

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

Public Hearing

Mr. McKenzie moved to open the meeting for a public hearing on the FY2007 Municipal Budget. Said motion was seconded by Deputy Mayor Ritchie and carried unanimously upon call of the roll.

Mayor Levine stated that the meeting is open for public discussion on this FY2007 Municipal Budget. He stated that anyone interested in speaking to raise their hand and when recognized, state your name and address.

There being no public discussion, Mr. McKenzie moved to close the public hearing on the FY2007 Municipal Budget. Said motion was seconded by Deputy Mayor Ritchie and carried unanimously upon call of the roll.

Resolution #06-463 – Adoption of FY2007 Current, Capital, Open Space & Water Utility Budget

Mayor Levine presented the following resolution:

BE IT RESOLVED by the Mayor and Township Council of the Township of Franklin, County of Franklin, 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) \$27,237,822.35 (Item 2 below) for municipal purposes

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$ 7,981,273.52
Miscellaneous Revenues Anticipated	\$12,891,214.38
Receipts from Delinquent Taxes	1,800,000.00
2. Amount to be Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11)	<u>\$27,237,822.35</u>
Total Revenues	<u>\$49,910,310.25</u>

SUMMARY OF APPROPRIATIONS

1. General Appropriations	
Within "CAPS"	
(a&b) Operations Including Contingent	\$32,926,909.62
(e) Deferred Charges and Statutory Charges – Municipal	1,584,662.00
Excluded from "CAPS"	
(a) Operations – Total Operations excluded from "CAPS"	5,052,878.73
(c) Capital Improvements	1,037,155.00
(d) Municipal Debt Service	4,322,857.90
(m) Reserve for Uncollected Taxes	4,985,847.00

Total Appropriations**\$49,910,310.25**

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution by the Governing Body on the 24th day of October, 2006. 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 2007 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

The aforesaid resolution was moved by Mr. McKenzie, seconded by Mr. Sumter and was adopted as follows upon call of the roll:

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

PUBLIC DISCUSSION

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

Firefighter Szymborski, 1118 Easton Avenue, presented the Mayor with a photograph of he and his daughter with Sparky the Fire Dog.

Phillip Kramer, 429 Canal Road, TUF, Democratic Committee member not representing the Democratic Party, noted he detected Rutgers' students in the audience learning how government works. He stated that since there was a change in government and were questions regarding the Mayor and what appointments he could make, he asked that if any changes were to be made regarding the power of the Mayor that they be made prior to next year's election to avoid the wrong perception. He commended Council for adopting a budget with a 5% increase and challenged Council to adopt next year's budget with a 4% increase. He asked if it is legal to offer employees incentives, such as a percentage, of any savings they may find. Mr. Rainone stated there are provisions in State law that allow monetary incentives to employees, noting there is a limit to the amount. He stated that there was not a change in government, rather the election of the Mayor was changed from being selected among Council to being elected by the people. He stated that he rendered two detailed opinions regarding appointments and noted they could be released and possibly posted on the website.

Shirley Pietrucha, 49 9th Street, spoke of a Board of Education meeting where two items were added to the referendum -- \$27,000 for the purchase of fencing and a gate at the tennis courts and \$64,000 for the purchase of washers and dryers. She stated that she intends to be more involved in monitoring expenses and asked Council to do the same. Mr. Vassanella stated that he has heard that the original washers were not commercial and needed to be replaced, resulting in the reconstruction of the room and wiring. He stated more information is needed and no judgment or determination can be made until further clarification is given.

Steve Masticola, Kingston, gave his support of Ordinance No. 3649 regarding the acceptance of donation of land from Trap Rock Industries.

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

COUNCIL COMMENTS

Mr. Sumter commented on the accomplishments of the meeting: the adoption of the budget and a resolution opposing Route 92.

Ms. Danile thanked Mr. Masticola for all his work and input regarding Route 92. She stated that last year it was suggested that the Board of Education provide incentives for budget saving measures and questioned if the Township could do so. Mr. Rainone stated it is provided in Title 40 for municipalities and Title 18 for schools.

Ms. Eberle thanked Mr. Masticola for his work on Route 92 and stated that she attended many public sessions over many years. She announced that on Saturday at 1 p.m. there would be a memorial for Kevin Appuzio. She congratulated Ellen Ritchie on her appointment as Deputy Mayor and wished her well.

Mr. McKenzie reminded everyone to vote on November 4th. He reminded everyone of the Veterans' Program on November 11th at 10:00 am at the Veteran's Memorial.

Mr. Vassanella announced there are still blocks to be purchased and expressed his gratitude to Eugene Unger for all the time and energy he has given. He announced the opening of an Open Depot on Easton Avenue.

Mr. McKenzie recognized the Rutgers' students and the winning season of the Rutgers' football season. He noted he would have to root for West Virginia.

Deputy Mayor Ritchie welcomed the Rutgers' students. She reported that the Somerset County Board of Elections is consolidating two election districts because they have had less than 250 votes cast in two general elections. She stated that it is important that all vote. She expressed her concerns regarding affordable housing and noted that there are two houses being built by Habitat for Humanity. She announced that the flu clinic would be held next month. She asked if the Clerk could get copies of the Board of Education agendas and minutes for their packets. She asked that resumes of the three candidates be submitted for Council review before the selection of the new Councilperson.

INTRODUCTION OF ORDINANCES

Ordinance No. 3648

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY GRANTING AN EASEMENT TO THE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY FOR THE CONSTRUCTION OF A PUMP STATION AND ASSOCIATED SANITARY SEWER PIPING ON PROPERTY KNOWN AS BLOCK 189, LOTS 62-79.

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

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

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

Ordinance No. 3649

Mayor Levine presented the following ordinance:

AN ORDINANCE ACCEPTING DONATION OF PROPERTY IN LIEU OF CONDEMNATION KNOWN AS LOT 1 IN BLOCK 8 AND PART OF LOT 1 IN BLOCK 9 BY THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY FROM WILLIAM H. STAVOLA, AKA TRAP ROCK INDUSTRIES, INC.

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

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

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

CONSENT AGENDA ITEMS

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

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

Resolution #06-464 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue refunds due resulting from Tax Overpayments; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
90/5	Township of Franklin	4/06 Water to Fire Service	1,664.62
343/1.01		4/06 Tax to Water	1,751.39
90/5 9/45 QFARM	Township of Franklin	4/05 to FY07 Tax Appeal	2,625.24
		2/06 Pay Regular	277.68
488/11		Parcel 1/06 Pay 488/11.01	67.55
488/11	Whiterock Ptrs. LLC 929 Washington Avenue.	1/06 2/06 Overbilled	126.42 193.96

552/1	Green Brook, NJ 08812	2/06 Overbilled	428.63
10/10.03	ATT Tech. Corp. Bedrock Tower, Inc. 15 S. Greely Ave. Ste. 301 Chappaqua, New York 10514	6/06 Overbilled	3,671.64
74.01/1.01	VanCleaf, John 1548 Millstone River Road Hillsborough, NJ 08844	1-2/06 Tax Appeal	1,738.21
88.02/27.05	Tschippert, Robert 9321 W. 146 th Ter. Overland Park, KS 66221	2/06 Tax Appeal	290.99
423.01/17.11	Hajdu-Nemeth, Miklos 256 Cedar Grove Lane Somerset, New Jersey 08873	2/06 Overbilled	2,286.61
470/23	Eickhorst, Richard & Margaret 21 Reid Street So. Bound Brook, NJ 08880	1-2/06 Tax Appeal	187.13
514/6.03	TAT Partnership LLC 60 Leonard Street Metuchen, New Jersey 08840	2/06 Overbilled	31,739.10
343/1.01	FTSA 90 Commerce Drive Somerset, New Jersey 08873	4/06 Tax to Sewer	250.99
221/12	JNH Funding 90 Dayton Avenue, Bldg. 6C Passaic, New Jersey 07055	3/05 Water Overbilled Refund Lien holder	386.10
305/15.01	Full Spectrum Remodeling 1022 Leiper Street Eddystone, PA 19022	3/06 2/06 Should Be Code Permit	87.51 2.49

Resolution #06-465 Authorize Tax Title Lien Redemptions – Outside Buyers.

WHEREAS, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Franklin Township, Somerset County, various blocks and lots were sold to the following persons; and

WHEREAS, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount;

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

Date of Sale: June 8, 2006
Block/Lot: 34.10/59.01C0315
Name & Address: Yang, Ruitao
 29 Kingswood Court
 Belle Meade, New Jersey 08502
 For: 52 Edward Drive, Franklin Park
Amount: \$114.75
Make Check Payable To: Martyrson Imbert
 10 Garden Hills Drive
 Somerset, New Jersey 08873
Certificate No.: 06-028
Payment Received: September 29, 2006

Date of Sale: June 8, 2006
Block/Lot: 59.06/16
Name & Address: Connelly, Gerard & Mary
 20 Gunther Loop
 Somerset, New Jersey 08873
Amount: \$489.36
Make Check Payable To: Staple Sewing Aids Pension
 90 Dayton Avenue, Bldg., 6C
 Passaic, New Jersey 07055
Certificate No.: 06-040
Payment Received: October 12, 2006

Date of Sale: June 8, 2000
Block/Lot: 301/3.01
Name & Address: Lafond, Sarah
 186 Girard Avenue
 Somerset, New Jersey 08873
Amount: \$5,043.83
Make Check Payable To: Malden Associates
 P.O. Box 5600
 Woodbridge, New Jersey 07095
Certificate No.: 00-139
Payment Received: October 11, 2006

Date of Sale: June 8, 2006
Block/Lot: 180/161
Name & Address: Quesada, Guadalupe
 20 Lillian Street
 Somerset, New Jersey 08873
Amount: \$1,293.90
Make Check Payable To: JNH Funding Corp.
 90 Dayton Avenue, Bldg. 6C
 Passaic, New Jersey 07055
Certificate No.: 06-095
Payment Received: October 16, 2006

Date of Sale: June 10, 2003
Block/Lot: 34.05/52.05C0110
Name & Address: Martin, Joan K.
 20-110 Delar Parkway
 Franklin Park, New Jersey 08823
Amount: \$1,876.46
Make Check Payable To: James Pilewski
 346 South Avenue

Fanwood, New Jersey 07023

Certificate No.: 03-025
Payment Received: October 16, 2006

Date of Sale: June 8, 2006
Block/Lot: 20.10/11.02 C1816
Name & Address: Roig, B. & Corcelles, A.
Amount: \$458.79
Make Check Payable To: Daxuan Wang
11 Walnut Street
Livingston, NJ 07039

Certificate No.: 06-007
Payment Received: October 11, 2006

Date of Sale: June 8, 2006
Block/Lot: 34.02/16.03 C0092
Name & Address: Boyden, Gregg
15 New Road
Kendall Park, NJ 08824
(For 43 Daniel Drive)
Amount: \$3,244.33
Make Check Payable To: JNH Funding Corp.
90 Dayton Avenue, Building 6C
Passaic, NJ 07055

Certificate No.: 06-011
Payment Received: October 10, 2006

Date of Sale: June 8, 2006
Block/Lot: 34.02/16.03 C0092
Name & Address: Boyden, Gregg
15 New Road
Kendall Park, NJ 08824
(For 43 Daniel Drive)
Amount: \$704.30
Make Check Payable To: JNH Funding Corp.
90 Dayton Avenue, Building 6C
Passaic, NJ 07055

Certificate No.: 05-010
Payment Received: October 10, 2006

Date of Sale: June 8, 2004
Block/Lot: 468.02/15
Name & Address: Amante, Joseph & Bonnie
13 Angel Place Somerset, NJ 08873
Amount: \$51,056.17
Make Check Payable To: Fidelity Tax LLC
P.O. Box 5707
Fort Lauderdale, FL 33310

Certificate No.: 040110
Payment Received: October 6, 2006

Date of Sale: June 8, 2006
Block/Lot: 468.02/15
Name & Address: Amante, Joseph & Bonnie
13 Angel Place Somerset, NJ 08873
Amount: \$443.43
Make Check Payable To: Fidelity Tax LLC
P.O. Box 5707

Fort Lauderdale, FL 33310
Certificate No.: 06-201
Payment Received: October 6, 2006

Date of Sale: June 8, 2006
Block/Lot: 424.08/14.01 C0088
Name & Address: James, Shariff
 88 Marlowe Court
 Somerset, NJ 08873
Amount: \$421.58
Make Check Payable To: Sequoia Investments
 P.O. Box 5600
 Woodbridge, NJ 07095

Certificate No.: 06-192
Payment Received: October 5, 2006

Date of Sale: June 10, 2003
Block/Lot: 424.10/263
Name & Address: Bain, Brian & Barbara
 263 Abbey Drive
 Somerset, NJ 08873
Amount: \$3,710.35
Make Check Payable To: Yi Ma
 251 Woodside Lane
 Bridgewater, NJ 08807

Certificate No.: 03-220
Payment Received: October 9, 2006

Resolution #06-466 Authorize Release of Planning/Building Escrow Fees.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-214 of the Code of the Township of Franklin; and

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

APPLICANT: Sunflower Estates, aka Stoneybrook Eagle, Inc.
ADDRESS: 381 Main Road, Unit 2A-2nd Floor
 Montville, NJ 07045
DOCKET NO. P98034PF
BLOCK/LOT: 74.01/6.01
LOCATION: Off Van Cleef Road
TYPE: Inspection Fees
AMOUNT DEPOSITED: \$54,156.86 (Schoor)
AMOUNT CHARGED: 54,052.86
AMOUNT TO BE REFUNDED: \$ 104.00

APPLICANT: Rutgers Community Chinese Church
ADDRESS: 445 Cedar Grove Lane
 Somerset, NJ 08873
DOCKET NO. P92027PD
BLOCK/LOT: 468.01/42.01 & 42.04
LOCATION: Cedar Grove Lane
TYPE: Inspection Fees
AMOUNT DEPOSITED: \$3,000.00 (In-Hse)

AMOUNT CHARGED: 1,990.50
 AMOUNT TO BE REFUNDED: \$1,009.50

APPLICANT: Rutgers Community Chinese Church
 ADDRESS: 445 Cedar Grove Lane
 Somerset, NJ 08873

DOCKET NO. P2000022PW
 BLOCK/LOT: 468.09/42.04
 LOCATION: 71 Cedar Grove Lane
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$1,000.00 (In-Hse)
 AMOUNT CHARGED: 800.00
 AMOUNT TO BE REFUNDED: \$ 200.00

APPLICANT: The Widewaters Group
 ADDRESS: 5786 Widewaters Parkway - P.O. Box 3
 DeWitt, NY 13214-0003

DOCKET NO. P99071P
 BLOCK/LOT: 468.01/17.01
 LOCATION: 250 Davidson Avenue
 TYPE: Inspection Fees
 AMOUNT DEPOSITED: \$38,999.00 (Schoor)
 AMOUNT CHARGED: 36,566.78
 AMOUNT TO BE REFUNDED: \$ 2,432.22

APPLICANT: Jacob N. Kuriakose
 ADDRESS: 18 Wildwood Terrace
 Watchung, NJ 07069

DOCKET NO. ZBA2005-0195
 BLOCK/LOT: 386.17/133
 LOCATION: 11744 Easton Avenue
 TYPE: Planning Review

AMOUNT DEPOSITED:	\$4,875.00 (Schoor)	\$1,875.00 (Heyer)	\$750.00 (In-Hse)
AMOUNT CHARGED:	<u>310.00</u>	<u>1,237.50</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$4,565.00	\$ 637.50	\$750.00

APPLICANT: Marigowda Darshan
 ADDRESS: 21 Stone Leigh Way
 Somerset, NJ 08873

DOCKET NO. ZBA2005-0599
 BLOCK/LOT: 202.01/57.01
 LOCATION: 390 Davidson Avenue
 TYPE: Planning Review

AMOUNT DEPOSITED:	\$6,500.00 (Schoor)	\$2,500.00 (Heyer)	\$1,000.00 (In-Hse)
AMOUNT CHARGED:	<u>4,917.00</u>	<u>1,812.50</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$1,583.00	\$ 687.50	\$1,000.00

Resolution #06-467 Authorize Release of Performance Guarantee – Sunflower Estates/Stoneybrook Eagle – Block 74.01/Lot 6.01 – Sunflower Road – 2 – Year Maintenance Bond - \$96,347.85.

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

ITEM: 2-Year Maintenance Bond
 NAME OF APPLICANT: Sunflower Estates/Stoneybrook Eagle
 ADDRESS OF APPLICANT: 381 Main Road – Unit 2A – 2nd Floor
 Montville, NJ 07045

DOCKET NO. P98034SPF
 NUMBER: S05704M
 INSURANCE CO./BANK: First Indemnity of America Insurance Company
 IN THE AMOUNT OF: \$96,347.85
 FOR: 2-Year Maintenance Bond– Block 74.01/Lot 6.01 – Sunflower Road

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$96,347.85 be released to the above named applicant.

Resolution #06-468 Authorize Release of Performance Guarantee – Rutgers Community Chinese Church – Block 468.01/Lots 42.03 & 42.04 – Cedar Grove Lane - \$28,868.20.

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

ITEM: Performance Bond
 NAME OF APPLICANT: Rutgers Community Chinese Church
 ADDRESS OF APPLICANT: 445 Cedar Grove Lane
 Somerset, NJ 08873
 DOCKET NO. P92027PD
 NUMBER: S0031990
 INSURANCE CO./BANK: The Bank of New York – Church Street Station
 IN THE AMOUNT OF: \$28,868.20
 FOR: Performance Bond– Block 468.01/Lots 42.03 & 42.04 – Cedar Grove Lane

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$28,868.20 be released to the above named applicant.

Resolution #06-469 Authorize Tax Court Appeal Settlement – M-Affiliates & Elkins Enterprises – Block 517.01/Lot 8.12 – 201 Cottontail Lane – Year 2003 Assessment from \$375,000.00 to \$250,000.00 and Year 2004 Assessment from \$562,000.00 to \$250,000.00 – Reason for Assessment Change is the property was affected by wetlands.

WHEREAS, M-Affiliates & Elkins Enterprises is the owner of certain property located at 201 Cottontail Lane and as Block 517.01, Lot 8.12; and

WHEREAS, the owner has filed appeals to the Tax Court of New Jersey for said premises for the Assessment for the years 2003 and 2004; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached;
and

WHEREAS, the current assessment on the subject premises for the tax year 2003 is \$375,000.00 and for the tax year 2004 it is \$562,500.00:

WHEREAS, the proposed settlement assessment for the subject premises for the tax year 2003 is \$250,000.00 and for the tax year 2004 it is \$250,000.00:

WHEREAS, the Township Attorney and the Tax Assessor have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 24th day of October 2006 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #06-470 Authorize Tax Court Appeal Settlement – M-Affiliates & Elkins Enterprises – Block 517.01/Lot 8.06 – 401 Cottontail Lane –Year 2004 Assessment from \$775,100.00 to \$691,800.00 – Reason for Assessment Change is there were developmental problems affected by a stream.

WHEREAS, M-Affiliates & Elkins Enterprises is the owner of certain property located at 401 Cottontail Lane and as Block 517.01, Lot 8.06; and

WHEREAS, the owner has filed an appeal to the Tax Court of New Jersey for said premises for the Assessment for the years 2003 and 2004; and

WHEREAS, the tax appeal for the year 2003 has been withdrawn;

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached;
and

WHEREAS, the current assessment on the subject premises for the tax year 2004 is \$775,100.00

WHEREAS, the proposed settlement assessment for the subject premises for the tax year 2004 is \$691,800.00:

WHEREAS, the Township Attorney and the Tax Assessor have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 24th day of October 2006 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #06-471 Authorize Tax Court Appeal Settlement – M-Affiliates & Elkins Enterprises – Block 517.01/Lot 8.04 – 415 Weston Canal Road –Year 2004

Assessment from \$1,296,000.00 to \$1,212,600.00 – Reason for Assessment Change is there were developmental problems affected by a stream.

WHEREAS, M-Affiliates & Elkins Enterprises is the owner of certain property located at 415 Weston Canal Road and as Block 517.01, Lot 8.04; and

WHEREAS, the owner has filed an appeal to the Tax Court of New Jersey for said premises for the Assessment for the years 2003 and 2004; and

WHEREAS, the tax appeal for the year 2003 has been withdrawn;

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached; and

WHEREAS, the current assessment on the subject premises for the tax year 2004 is \$1,296,000.00;

WHEREAS, the proposed settlement assessment for the subject premises for the tax year 2004 is \$1,212,600.00;

WHEREAS, the Township Attorney and the Tax Assessor have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 24th day of October 2006 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #06-472 Authorize Tax Court Appeal Settlement – M-Affiliates & Elkins Enterprises – Block 517.01/Lot 8.10 – 91 Cottontail Lane –Year 2004 Assessment from \$562,500.00 to \$479,200.00 – Reason for Assessment Change is it is part of overall settlement of the two prior appeals.

WHEREAS, M-Affiliates & Elkins Enterprises is the owner of certain property located at 91 Cottontail Lane and as Block 517.01, Lot 8.10; and

WHEREAS, the owner has filed an appeal to the Tax Court of New Jersey for said premises for the Assessment for the years 2003 and 2004; and

WHEREAS, the tax appeal for the year 2003 has been withdrawn;

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, a settlement has been reached; and

WHEREAS, the current assessment on the subject premises for the tax year 2004 is \$562,500.00;

WHEREAS, the proposed settlement assessment for the subject premises for the tax year 2004 is \$479,200.00;

WHEREAS, the Township Attorney and the Tax Assessor have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 24th day of October 2006 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #06-473 Authorize Purchase – Omega Construction, Inc. – Sidewalk and Apron for Animal Shelter and New Addition – Not to Exceed \$9,371.00.

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

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

VENDOR: Omega Construction, Inc.
19 Charles Street
South River, NJ 08882
ITEMS: Sidewalk and Apron for Animal Shelter and New Addition
COST: Not to exceed \$9,371.00

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

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

Resolution #06-474 Award Bid – Beyer Brothers Corp. – Cutaway Van and Service Body – Not to Exceed \$32,500.00.

WHEREAS, a Notice to Bidders was published in the Courier News and posted on the Township website on September 1, 2006 for a September 12, 2006 bid opening; and

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

BE IT FURTHER RESOLVED that continuation of the terms of this contract beyond June 30, 2006 is contingent upon availability of funds in the 2007 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following contract be awarded:

Beyer Brothers Corp.	Cutaway Van and Service Body
109 Broad Street	
Fairview, NJ 07022	Not to Exceed \$32,500.00

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

Resolution #06-477 Award Towing Contract for Municipal Vehicles.

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

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

VENDOR: GUARANTEED MOTOR TOWING
SERVICES, INCORPORATED
607 Somerset Street
Somerset NJ 08873

ITEMS: Retrieval/Towing Services for Township-owned Vehicles – November 1, 2006 to October 31, 2007

COST: Per incident = \$39.99 for Automobiles, light trucks and small buses

VENDOR: DEPENDABLE MOTORS
873 Somerset Street
Somerset NJ 08873

ITEMS: Retrieval/Towing Services for Township-owned Vehicles – November 1, 2006 to October 31, 2007

COST: \$275.00 per hour for Vehicles weighing 12,000 pounds or more (buses, trucks & construction equipment)

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

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

Resolution #06-478 Approve Fireworks Display – The Palace at Somerset Park – Saturday, November 18, 2006 – 10:00 p.m. – Hunterdon Medical Center Event.

WHEREAS, The Palace at Somerset Park has made application for permission to hold a fireworks display on Saturday, November 18, 2006 in conjunction with the Hunterdon Medical Center Event to be conducted at The Palace at Somerset Park, 333 Davidson Avenue, Somerset; and

WHEREAS, the Uniform Fire Code (NJAC 5:18 et seq.) and the New Jersey Fireworks Act (NJSA 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by organizations or groups of individuals;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to The Palace at Somerset Park to hold a public display of fireworks on Saturday, November 18, 2006 in conjunction with the Hunterdon Medical Center Event to be conducted at The Palace at Somerset Park, 333 Davidson Avenue, Somerset subject to the following conditions:

- (1) **Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;**

- (2) **Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;**
- (3) **Submission of Certificate of Insurance by The Palace at Somerset Park covering the fireworks; and**
- (4) **Submission of Surety as per N.J.S.A. 21:3-5.**

Resolution #06-479 Authorize Cancellation of Certain Grants.

WHEREAS, balances exist in the schedule of State and Federal Grants of the Township of Franklin, Somerset County; and

WHEREAS, the amounts of these grants receivable and offsetting appropriated balances make them uncollected; and

WHEREAS, it is required that balances which remain unspent and/or uncollected be cancelled by resolution of the Governing Body of a Municipality;

NOW, THEREFORE, BE IT RESOLVED through an affirmative vote of not less than two thirds of all the members of the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the balances listed below are hereby cancelled:

<u>Grants Receivable</u>		<u>Grant Appropriations</u>	
Handicap Recreation Opportunity Grant 1998	\$ 1,839.00	Municipal Alliance 1997	\$ 670.57
Child Nutrition Grant 1998	\$ 21,148.31	Clean Communities 1998	\$ 3,000.49
Stop The Violence Against Woman 1998	\$ 5,593.00	Franklin Youth Initiative 1998	\$ 112.70
Public Health Priority Funding 1999	\$ 163.00	Handicap Recreation Opportunities 1998	\$ 185.51
Family Planning Grant 1999	\$ 1,115.00	Child Nutrition Program 1998	\$ 7,015.53
Child Nutrition Grant 1999	\$ 54,055.67	Recreation Disposition Alternative Program	\$ 1,067.33
Public Health Priority Funding 2000	\$ 8,557.00	Municipal Alliance 1999	\$ 5,834.31
Summer Food Services Grant	\$ 1,970.06	NJ Department of Treasury Direct Service Grant	\$ 10,000.00
V Free Diversity Grant	\$ 113.49	Family Planning Grant 1999	\$ 7,636.61
		Recreation Disposition Alternative Program	\$ 4,150.00

Clean Communities 2001	\$ 19,903.85
Safe & Secure Communities 2001	\$ 12,454.04
Cyber District Grant	\$ 2.00
SC Youth Services Annual Grant 2002	\$ 60.00
Local Law Enforcement Block Grant	\$ 0.57
Recycling Tonnage Grant	\$ 16,080.27
V- Free Diversity Grant	\$ 384.13
Family Planning Outreach	\$ 19.04
Public Health Priority 2002	\$ 650.00
Summer Food 2002	\$ 58.96
COPS Universal Program 2003	\$ 18,687.99
Somerset County Video Conferencing	\$ 541.99
Police Harley Davidson	\$ 1,000.00

Resolution #06-480 Authorize Issuance of Raffles Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
Rutgers Preparatory School 1345 Easton Avenue, Somerset, NJ Casino Night – RL#1603 Drawing: Rutgers Field House	February 24, 2007 7:00 pm – 12:00 am
Church of St. Matthias 168 John F. Kennedy Blvd., Somerset, NJ On-Premise 50/50 – RL#1604 Off-Premise Raffle – RL#1605 Drawings: DoubleTree Hotel, Somerset	February 9, 2007 7:00 pm – 11:00 pm
Women’s Crisis Services of Hunterdon Cty. 47 E. Main Street, Flemington, NJ Off-Premise Raffle – RL#1606 Drawing: The Palace at Somerset Park	November 3, 2006 6:30 pm – 11:00 pm
Church of St Matthias 168 John F. Kennedy Blvd., Somerset, NJ Off-Premise 50/50 – RL#1607 Drawing: DoubleTree Hotel, Somerset	April 17, 2007 5:30 pm – 10:00 pm

Resolution #06-481 Authorize Release of Construction Water Meter Escrow Monies.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 of the Code**; and

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

APPLICANT: A+ POWERWASHING
ADDRESS: 503 Moore Road,
Neptune, NJ 07753

AMOUNT DEPOSITED:	\$850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$135.00
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

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

Resolution #06-482 Award State Contract – Fuel Management/Monitoring System for tanks at 40 Churchill Avenue and 475 DeMott Lane – M. M. Werthiem, Inc. – Amount Not to Exceed \$55,000.00.

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

VENDORS: *M. M. Werthiem, Inc.*
5580 Union Avenue
Bridgewater, NJ 08807
SC 63630

ITEMS: Fuel Management/Monitoring system for Tanks at 40 Churchill Avenue
and 475 DeMott Lane
COST: Not to Exceed \$55 ,000.00

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

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

Resolution #06-483 Authorize Reduction of Performance Guarantee – Alfred Schnug – Docket #PLN2002-0016 – Block 286/Lots 36-75; Block 286/Lots 31-35 & Block 304/Lot 4 – Viking Avenue – From \$473,988.16 to \$156,569.76.

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

ITEM: Irrevocable Letter of Credit
NAME OF APPLICANT: Alfred Schnug
ADDRESS OF APPLICANT: 387 Spring Street, Union, NJ 07083
DOCKET NO. PLN2002-0016
NUMBER: 797-SB
INSURANCE CO./BANK: Union Center National Bank
IN THE AMOUNT OF: \$ 473,988.16
FOR: Site Improvements – Block
286/Lots 36-75; Block 286/Lots 31-35 & Block 304/Lot 4 –
Viking Avenue

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

WHEREAS, the Township Engineer, after inspection, recommended reduction of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$473,988.16 be reduced to \$156,569.76 for the above named applicant.

Resolution #06-484 Opposition to Route 92 and Environmental Impact Statement

Whereas, the US Army Corps of Engineers has released its Final Environmental Impact Statement (EIS) for the Route 92 Project proposed by the New Jersey Turnpike Authority; and

Whereas, this study allows the possibility of widening of Route 1 to meet the Project Purpose as stated in the EIS;

Whereas, the Route 1 widening would be of genuine benefit to the region and would have far less adverse impact to the Township than the construction of Route 92;

Whereas, the EIS makes no recommendation on whether to issue or deny permits that would allow Route 92 to be constructed;

Whereas, the Township has recognized the danger that Route 92's traffic, noise, and pollution proposes to the historic communities of Kingston, Griggstown, Blackwells Mills, and East Millstone within its borders, and to the Delaware and Raritan Canal Scenic Byway, which is also partly within its borders;

Whereas, the Township has recognized the similar danger that Route 92 traffic, noise, and pollution would pose to the neighboring municipalities of South Brunswick Township, Rocky Hill Borough, Montgomery Township, Hopewell Township, Hopewell Borough, and East Amwell Township;

Whereas, the Army Corps received comments in the draft EIS that it had defined the "Project Purpose" in such a narrow manner as to exclude almost any alternative other than Route 92, thereby setting up a definition in which "the purpose of building Route 92 is to build Route 92";

Whereas, the Army Corps did not respond to these comments in the final EIS;

Whereas, the New Jersey Department of Transportation owns land to extend 92 through Franklin Township and into Montgomery Township, raising the possibility of a segmented construction;

Whereas, the Middlesex-Somerset-Mercer Planning Agency, now known as the Regional Planning Partnership, has publicly supported such a segmented extension;

Whereas, the final EIS denies that Route 92 constitutes such segmentation;

Whereas, the Army Corps of Engineers, despite repeated requests by the Township of Franklin and others, failed to include any part of Franklin Township beyond Route 27 in its physical survey area;

Whereas, the results of the Army Corps' traffic studies, as regards Route 92's potential impact to the Township of Franklin, defy expert opinion and historical precedent;

Whereas, the Army Corps' removal of the traffic network to the west of the western terminus of Route 92 from the EIS survey area may have biased the survey to predict much lower induced traffic from 92 through Franklin than would actually occur;

Whereas, the EIS mischaracterizes Middlesex County Route 522, a four-lane high-speed road that parallels Route 92 by a distance of less than a mile, as a secondary road;

Whereas, the United States Environmental Protective Agency has disputed the findings of the Route 92 Draft EIS and found it to be deficient;

Whereas, the Township of Franklin has no reason to believe that the deficiencies identified by the USEPA have been corrected in the final EIS;

Whereas, the Army Corps of Engineers was cited by the Army Inspector General in the year 2000 for official misconduct and institutional bias in granting permits for questionable construction projects, in a report stating that there are "strong indications that institutional bias might extend throughout the Corps," and noting that even the retired chief economist of the Army Corps had characterized Corps studies as "corrupt";

Whereas, the EIS, by not presenting a recommendation at all, is of questionable legality;

Whereas, the municipalities that have supported Route 92 have not supported any alignment that puts the majority of Route 92 within their own borders;

NOW BE IT RESOLVED:

- The Township of Franklin finds the EIS, as it concerns Route 92, to be deficient in its failure to include municipalities to the west of Route 27;
- The Township finds that Route 92 remains a grave threat to itself and its neighbors;
- The Township requests the Army Corps to immediately finalize the EIS by rejecting the Turnpike Authority's request to issue construction permits and to support the Route 1 widening option instead;
- That, if the Army Corps issues permits to construct 92, the Township of Franklin will do all that is within its power to stop 92 from being constructed;
- That the Township requests State legislators having districts within its borders to remove the Turnpike Authority's authorization to construct Route 92;
- That the Township of Franklin will continue to cooperate with, and help support, its neighbors in fighting Route 92 and other roadways that would cause damage within its borders;
- That the Township renews its support for a neutrally mediated roundtable process, similar to the "Penn's Neck EIS" process, in which transportation issues such as Route 92, and other planning issues that affect regional quality of life, can be settled in a way free from coercion that benefits all and harms none.

ADJOURNMENT

Ms. Ritchie moved to adjourn the meeting at 10:00 p.m. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

Approved: As Amended.

Brian D. Levine, Mayor

Date: November 9, 2006

Ann Marie McCarthy, Township Clerk