

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 November 9, 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 Ms. Eberle led the Invocation.

The Township Clerk called the roll.

Present: Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Regan (Left Meeting at 8:27 p.m.), Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Ms. Danile

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

### PROCLAMATION

#### Lung Cancer Awareness Month

Mayor Levine read the following proclamation:

**WHEREAS**, Lung Cancer is the leading cause of cancer deaths in both men and women in New Jersey, United States and the world, this year taking the lives of approximately 170,000 Americans, including 4,800 people in New Jersey; and

**WHEREAS**, 70% of newly diagnosed cases will be detected at an advanced stage resulting in a 5-year survival rate of only 15% that has remained largely unchanged; and

**WHEREAS**, although smoking is the leading cause of the disease, there are newly diagnosed cases in either former smokers or non-smokers indicating a need for further research; and

**WHEREAS**, In Somerset County 26 individuals are diagnosed with cancer each week and ten individuals die of cancer each week; and

**WHEREAS**, four cancers account for 53% of new cancer diagnoses in Somerset County and 49% of all deaths, lung and bronchus cancers account for over 24% of all cancer deaths, making this type the #1 killer in the region and county; and

**WHEREAS**, we recognize the importance of increasing awareness about lung cancer to lessen the stigma for non-smokers and the smoking related stigma as public health officials define tobacco dependence as a disease; and

**WHEREAS**, although some lung cancer is not yet preventable, education on the dangers of smoking, smoking avoidance, second hand smoke and decreased exposure to radon can reduce the incidence of lung cancer especially in children and physical examinations can help detect the cancer at earlier, less dangerous stages.

**NOW, THEREFORE**, I, Brian D. Levine, Mayor of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Township Council, do hereby proclaim **NOVEMBER**

2006 as LUNG CANCER AWARENESS MONTH and ask all citizens to join in this worthwhile cause, to celebrate successes and memorialize lost battles.

**Motion to Amend Agenda**

Mr. McKenzie moved to amend the agenda and move the Selection and Appointment of New Councilperson to beginning of agenda after the Proclamation. Said motion was seconded by Deputy Mayor Ritchie and carried unanimously upon call of the roll.

**SELECTION & APPOINTMENT OF NEW COUNCILPERSON**

Mayor Levine explained that there is a vacancy on Council resulting from the resignation of former Councilwoman At-Large/Deputy Mayor Wandra Ashley-Williams. He stated that the Municipal Democratic Committee submitted three names to the Township Clerk for consideration. The names submitted were Michael Orsini; Rajiv Prasad and Daniel Glicklich.

**Nominations**

Mr. Vassanella nominated Michael Orsini. Mr. McKenzie nominated Rajiv Prasad. Mr. Regan nominated Daniel Glicklich.

Mr. Rainone stated a majority vote of the remaining Council members is needed for the appointment of the new Councilperson. While the Township Attorney reviewed the Municipal Vacancy Law in connection with how many votes are needed to confirm the appointment of a Councilperson, Mayor Levine began the Mayor's Report. Mr. Rainone confirmed that five (5) votes are needed for the appointment of the new Council member.

**Appointment**

The Township Clerk polled the Council as follows:

**Michael Orsini**

**Rajiv Prasad**  
Shirley Eberle  
Brian Levine  
Fred McKenzie  
Ellen Ritchie  
Willis Sumter  
James Vassanella

**Daniel Glicklich**  
Brian Regan

Rajiv Prasad was appointed Councilman At-Large of the unexpired four-year term ending December 31, 2007. The Township Clerk administered the oath of office to newly appointed Councilman Rajiv Prasad.

Mr. McKenzie stated that all three candidates were excellent. He stated that Mr. Prasad brings a tilt to the table and hopes he will be able to help Council out. He noted that he gave up his ticket to the Rutgers-Louisville football game. He noted that he is rooting for Rutgers but will have to root for West Virginia during that game. Mr. Sumter agreed that all the candidates were excellent and it was hard to choose. He stated that he and Mr. Prasad share the same views and he is most interested in what the Council is doing. Ms. Eberle stated all the candidates were equally wonderful, experienced and thoughtful. She wished Mr. Prasad luck and a good run.

Mr. Prasad stated he was humbled by his selection. He stated it is an awesome responsibility and being new to Council he is here to learn and serve collectively the people of Franklin.

### MAYOR'S REPORT

Mayor Levine made the following report:

- Thanked all the candidates.
- Announced there would be a Veteran's Day Program on November 11, 2006 at 10:00 a.m. at the Veteran's Memorial.
- Announced there would be a Mexican Fiesta Fundraiser at the Somerset Armory on November 19, 2006 at Noon to raise funds for the soldiers' families during the Christmas Holidays.
- Announced the remaining meetings for 2006 are November 28<sup>th</sup> and December 12<sup>th</sup>.
- Announced he attended Wednesday's Freeholders meeting and received a check in the amount of \$100,000 for the Open Space Initiative for the Galdi property and a check in the amount of \$29,400 to upgrade the Pedestrian Feasibility Study. He thanked the Somerset County Freeholders.
- Announced the Freeholders gave the East Franklin Fire Company a decommissioned fire vehicle.

### DEPUTY MAYOR'S REPORT

In response to Mr. McKenzie's request, the Township Clerk administered the oath of office to Deputy Mayor Ellen Ritchie.

Deputy Mayor Ritchie made the following report:

- A Meadows Foundation program will be held on Saturday at Tulipwood with a Retired Sergeant as the speaker. She stated that 2 houses are still looking for caretakers and to call the Meadows Foundation if interested.
- Reported that PSE&G has proposed an increase, which will result in less than a \$1 increase on the average bill. She announced the telephone numbers of PSE&G and Board of Public Utilities for residents who need assistance with their bills.
- Announced there is a new addition to the building for the Community Development Department. She recognized Construction Official Vince Lupo and Township Engineer Tom Zilinek for the savings of tax dollars by using modular buildings for the new addition. She added the addition was paid entirely by building permit revenue fees.
- Congratulated all the winners and non-winners of the election.
- Go Rutgers!

### COMMITTEE REPORTS

Mr. McKenzie announced there is a Veteran's Day Program at 10:00 a.m. at the Veteran's Memorial. He noted the bell would be rung for the first time at 11:00 a.m. with refreshments following.

Mr. Vassanella announced there is a poetry reading at Tulipwood on November 11<sup>th</sup> at 2:00 p.m. Tulipwood is located at 1165 Hamilton Street. He noted tickets are \$10.00 and there are refreshments.

Mr. Vassanella reported the Historic Preservation Commission with Somerset Council has a final design for Middlebush's historic designation.

Deputy Mayor Ritchie reported the Land Use Committee met to review various master plan recommendations. She reported eight (8) recommendations are ready to for action, which would amend the Development Ordinance.

Mayor Levine reported the Redevelopment Agency is meeting on November 20<sup>th</sup> to vote on developments and additions to the affordable housing inventory. He reported the developers have stated that eminent domain would be the final and last choice if necessary.

Mayor Levine stated the Township is fighting lawsuits and noted they could be costly to the Township if studies are needed and it may be worthwhile to settle. He noted Council may be revisiting this issue.

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

Mayor Levine led the following review of the prepared agenda:

Mr. Vassanella made an amendment to the October 24<sup>th</sup> minutes.

Ordinance No. 3647: Amend Code Chapter 81, Affordable Housing to include new Article III, Municipal Housing Liaison and provide the provisions for said Municipal Housing Liaison as per Council on Affordable Housing.

Mayor Levine stated the Township is not hiring a new employee. He stated that a current staff person would be designated the Municipal Housing Liaison.

Ordinance No. 3650: Amend Code Chapter 62, Salaries (Establishment of Salary Ranges for Township Prosecutor; Associate Prosecutor and Public Defender; Increase End Range of Range \$37,000 to \$70,800 to Range \$37,000 to \$77,000 and the deletion of the following salary titles: Purchasing Agent and Administrative Aide to the Township Manager).

In response to questions by Council members, Mr. Daly replied as follows:

- The titles that are being eliminated from the salary ordinances are redundant titles in the ordinance.
- The end range salary is being increased by 10% so that it does not have to be increased every year, noting with 3% increases, it would not have to be increased for three years. It is being increased because staff in this range have reached the end range.
- As a result of increasing the end salary, the range has become wide and there is a need to address the minimum salary in the range.
- The salaries in the range are comparable to salaries in similar sized municipalities.

Resolution #06-486 Award Bid – Snow Plowing and Removal/Equipment Rental – Lou's Truck Repair, LLC - \$160/hour – Amount Not to Exceed \$20,000.00.

Mr. Vassanella questioned the aforesaid resolution regarding the amount per hour. Mr. Daly replied this contract was bid and this is the lowest responsive bidder.

### Appointments

Maureen Sturgeon was nominated for the unexpired one-year term of Planning Board Class II Member ending December 31, 2006.

## COUNCIL DISCUSSION

### 2007 Township Council Meeting Schedule

After a brief discussion, Mr. McKenzie moved acceptance of the following 2007 Township Council Meeting Schedule:

Reorganization Meeting	Tuesday, January 2, 2007 – 7 p.m.	
Work Sessions/Regular Meetings @ 7 pm	January	9 & 23
	February	13 & 27
	March	13 & 27
	April	10 & 24
	May	8 & 22
	June	12 & 28 (Thurs. 9 a.m.)
	July	10
	August	14
	September	11 & 25
	October	9 & 23
	November	8 (Thurs.) & 20
	December	11

Said motion was seconded by Deputy Mayor Ritchie and carried unanimously upon call of the roll.

### 2007 Appointments

Council discussed whether to place all the 2007 Appointments on the Reorganization Agenda or to only appoint the usual Reorganization appointments. Mr. Rainone stated that the past few years, the Reorganization Meeting only included appointments of various attorneys and those appointments on boards that meet the first week of January such as the Planning Board and Board of Adjustment.

Mr. Regan asked if some of the appointments could be approached in a phase-in manner with a term February 1 to January 31. Mr. Rainone replied that some appointments could be done in that manner but there are those that have statutory terms that could not and need to be done at the Reorganization Meeting. Mr. Rainone stated that the phase-in approach would work with the proposed absentee ordinance he is working on for Mr. Vassanella, which would be ready for the next meeting.

Mr. Vassanella asked for clarification regarding the nomination process. It was the consensus of Council that members of Council would be working with the Clerk regarding the nominations for the appointments. It was clarified that the agenda would not have the nominations printed on it. The agenda would list the appointments with no names.

It was the consensus of Council to direct the Township Clerk to send out letters to those whose terms are expiring to see if they are interested in being reappointed. A list would be submitted to Council.

## APPROVAL OF MINUTES

Mayor Levine presented the Work Session/Regular Meeting minutes of October 24, 2006 approval as amended.

Deputy Mayor Ritchie moved approval of the Work Session/Regular Meeting minutes of October 24, 2006 as amended. Said motion was seconded by Mr. Regan carried as follows upon call of the roll:

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

**APPROVAL OF WARRANTS**

Mayor Levine presented the following warrants in the amount of \$8,324,897.23 for November 9, 2006 to the Township Council for payment:

1	Current	8,008,547.15
5	Water Operating	63,006.40
4	General Capital	16,532.35
15	Trust Others	1,182.26
18	Self Insurance Trust	841.22
12	Open Space Trust	56,018.22
2	Grant	22,668.16
26	Affordable Housing	333.00
3	Collector Trust	135,273.75
	Subtotal	8,304,402.51
25	Escrow Account	20,494.72
	Grand Total	8,324,897.23

Mr. Regan moved that warrants in the amount of \$8,324,897.23 for November 9, 2006 to be paid. 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>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Ritchie	Sumter			
Vassanella				

Mr. Regan left the meeting at 8:27 p.m. to attend a Fire Prevention Board meeting.

**ORDINANCES, PUBLIC HEARING AND ADOPTION**

**Ordinance No. 3637**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF BLOCK 73.01, LOTS 25-27, 28.01, 28.02, 28.04, 29 AND 31-36 FROM A (AGRICULTURAL) TO R-10-H (SINGLE-FAMILY RESIDENTIAL/HISTORIC OVERLAY).**

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 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.

Diane Bertis, 68 Welsh's Lane, asked Council what the rationale for change the zoning from A to R-10-H and why was Lot 81 not included. She expressed her concerns of her taxes increasing as a result of the ability to subdivide. Deputy Mayor Ritchie replied the ordinance is a result of a recommendation from the Planning Board. The reason Lot 81 was not included is because it is a six-acre lot and it conforms to the Agricultural Zoning. Deputy Mayor Ritchie explained that these lots should be R-10-H and currently being zoned Agricultural results in a variance being required for any improvements. The Historic Overlay was recommended by Council and would result in the Historic Preservation Commission to review the plans.

Ethel Kopsco, 39 Wortman Street disagreed and stated that review by the Historic Preservation Commission causes interference and explained problems her parents had when making improvements on their home. She stated she was adamantly opposed to the zoning change and that it is a tribute to the Wortman Family to keep the Agricultural zoning designation. She expressed her concerns with the possibility of subdivisions and more new houses.

Mr. Vassanella expressed his confusion regarding the ordinance and expressed his concerns regarding the historic overlay. He stated there are four (4) larges that could possibly be subdivided after the zoning is changed to R-10-H resulting in houses being built.

Robert Bertis, 68 Welsh's Lane, questioned if the new houses would be connected to Township sewers. He expressed his concerns regarding road problems, sink holes and basement flooding.

Deputy Mayor Ritchie explained the Master Plan is a guide and the Development Ordinance implements the recommendations from the Master Plan.

Tom Gale, Historic Preservation Commission Chairman, expressed his concerns regarding subdivision and the area is already designated historic.

Mr. Vassanella stated the Planning Board through the Master Plan has many recommendations in it and asked why Council was rushing into one. He asked if it was possible to exclude some of the lots in the ordinance.

Deputy Mayor Ritchie stated R-10 is consistent with the rest of East Millstone and is not open to potential subdivisions.

Robert Mettler, 2303 Amwell Road, East Millstone, stated the historic designation actually resulted from an included map study by the D&R Commission. The Township developed the Historic Preservation Ordinance and took the map and included it in its entirety without modifications. He stated that most the homes in this area were built after WWII. He stated that every time someone wanted to make improvements they needed a variance because they cannot meet the setback requirements. He stated that East Millstone is most protected and it is very difficult to build anything. He questioned the possibility of growth in this area.

Mr. McKenzie asked if the recommendations came from the Master Plan or the Planning Board. Mr. Mettler replied the recommendations are by the Planning Board resulting from the Master Plan. Mr. McKenzie asked if citizens were invited to meetings regarding the master plan revision. Mr. Mettler replied there were three public hearings on the Master Plan. He asked if there were any comments or objections from the public regarding this particular recommendation. Mr. Mettler replied he objected it when it included other lots that were likely to be subdivided. He stated subdivision of these lots depends on the location of the houses on the lots. The houses would have to be demolished and a new house located in a different spot.

Mr. Vassanella asked if the larger lots could be removed from the ordinance and still maintain the original intention of the ordinance. Mr. Daly made a point of information that only three lots can be subdivided – Lots 28.01; 28.04 and 29.

Phillip Kramer, 429 Canal Road, stated the Planning Board was not required to provide public notice and these residents had no idea. He stated that in this day in age it is not unusual for property owners to demolish the original home and rebuild. He stated that he is unsure that the taxes on these properties would not increase. He suggested the Tax Assessor be asked since the properties would not have the ability to be subdivided. Mr. Rainone stated not at these lost sizes. Mr. Rainone agreed with Mr. Kramer's comments.

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

Mr. Vassanella made a motion to remove Lots 28.01; 28.04 and 29 and 28.02 from the ordinance. He asked if this would be considered a major amendment to the ordinance. Mr. Rainone replied removing lots from the ordinance is not a major change and would not require additional public hearing.

Deputy Mayor Ritchie asked a procedural question, which was if the zoning differs from the Master Plan, wouldn't the vote be required of the majority of the full Council and the reasons stated. Mr. Rainone replied not in this case.

There was not second to Mr. Vassanella's motion.

Mr. McKenzie moved to table the ordinance and send it back to the Planning Board with their concerns and for further review. Said motion was seconded by Mr. Vassanella and carried 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
McKenzie	Prasad			Regan
Ritchie	Sumter			
Vassanella				

Deputy Mayor Ritchie asked that the Planning Board notice those involved when discussing the ordinance. Mr. Vassanella asked that when Council revisits this ordinance that the maps be generated from GIS.

**Ordinance No. 3638**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-67, RESTORATION. (INCLUDE SERVICE STATIONS AS NON-CONFORMING BUILDINGS IN R-40 (SINGLE-FAMILY RESIDENTIAL), RR3 (RURAL-RESIDENTIAL) AND RR5 (RURAL-RESIDENTIAL) ZONES).**

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

Deputy Mayor Ritchie moved to open the 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, Deputy Mayor Ritchie moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Mr. Sumter moved the final passage of the ordinance and publication in accordance with law. 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>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3639**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF BLOCK 92, IN ITS ENTIRETY (LOTS 1-55) FROM R-10 (SINGLE-FAMILY RESIDENTIAL) TO M-2 (LIGHT MANUFACTURING).**

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

Deputy Mayor Ritchie moved to open the public hearing on the ordinance. Said motion was seconded by Mr. McKenzie 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.

Alitha Jones, 170 Codington Avenue, asked for clarification of the ordinance. Deputy Mayor Ritchie replied that lots 5-11 and 44-48 west of the property is planning to file for a use variance for something with a M2 industrial use. Ms. Jones expressed her concerns regarding additional traffic on the dead end street. She stated that she did not want her property to be damaged. Deputy Mayor Ritchie stated that Council is only acting on what the property can be used for and noted the other issues are under the purview of the Planning Board. Ms. Jones stated she would prefer the wooded area remain as is.

Tom Gale, Historic Preservation Commission Chairman, opposed the ordinance and recommended Council make the applicant come is for a use variance.

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

Deputy Mayor Ritchie moved to table the ordinance and refer it back to the Planning Board for further review and information. Said motion was seconded by Mr. McKenzie and carried as follows upon call of the roll:

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

**Ordinance No. 3640**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF PORTION OF BLOCK 424.02, LOT 24 FROM R-40 (SINGLE-FAMILY RESIDENTIAL) TO G-B (GENERAL BUSINESS)).**

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 Deputy Mayor Ritchie and carried unanimously upon call of the roll.

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

Oswaldo Latorre, 1512 Easton Avenue, asked why the change of zoning to general business. Mr. Rainone replied to lot is zoned half residential and half general business and this ordinance results in making the lot all general business. Deputy Mayor Ritchie stated this is the old MacAteers and the ordinance would change 50-75 feet of the rear parking lot from residential to general business.

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

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

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

**Ordinance No. 3646**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (ADD 2805 HOLLAND DRIVE, SOMERSET, NEW JERSEY) AND SECTION 226-31 – CONTROL MOVEMENT AND PARKING WITHIN MUNICIPAL COMPLEX (RESERVING SIX (6) SPACES FOR THE ENGINEERING AND COMMUNITY DEVELOPMENT VEHICLES ON ROAD D).**

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

Deputy Mayor Ritchie moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Vassanella 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.

Tom Gale, 14 Ford Avenue, asked if the circle at the back of the building be changed from emergency vehicles only to allow regular vehicles to park there on meeting nights. Mr. Daly replied he would look into it.

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

Deputy Mayor Ritchie 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>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3647**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING CODE CHAPTER 81, AFFORDABLE HOUSING, BY ADDING NEW ARTICLE III, MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING FRANKLIN TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.**

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 Deputy Mayor Ritchie and carried unanimously upon call of the roll.

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

There being no public discussion, Deputy Mayor Ritchie 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 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>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Ritchie	Sumter			
Vassanella				

### PUBLIC DISCUSSION

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

John McConville, 5 Stone Leigh Way, asked for the status of the Fire and Police mutual response. Mr. Daly replied there have been meetings between the Fire and Police Departments and they are working on to improve relations. He stated that is not a recent report, but the matter is moving.

Mr. McConville asked why one cannot pay their water bill at Town Hall. He noted there is a sign on the Tax Department window. Mr. Daly replied he was not aware of this and would look into it.

Tom Gale, 14 Ford Avenue announced Rutgers is losing 25-14. He expressed the importance of the Historic Preservation Commission's appointments being made at Reorganization to enable the board to have a quorum at their reorganization meeting. He asked for Council support of recommendations made by the Historic Preservation Commission in connection with the County's plan regarding Middlebush and the improvements to Amwell Road. Mr. Daly stated that they were workable issues and would speak to the County.

Phillip Kramer, 429 Canal Road, welcomed Councilman Prasad. He suggested the June morning meeting be held in Council Chambers for better recording and sound. In regards to the Reorganization Meeting, it would be appropriate to know what the nominations are prior to them being made and asked that the Public Discussion be moved to before the appointments for public comment. In regards to the Redevelopment Agency Report by the Mayor, he asked the Mayor to keep TUF informed regarding eminent domain. In regards to the two (2) tabled zoning ordinances, he recommended that the Planning Board change their public notice process. He requested a listing of all employees and their positions that have municipal cars and take them home and the reason why. Mr. Daly replied those who take them home are on-call 24/7 and he would get the list to Mr. Kramer. Mr. Kramer remarked that it was a great meeting – the people spoke and Council listened.

Robert Mettler, 2303 Amwell Road, East Millstone, congratulated the new Deputy Mayor and the new Councilman. He noted that he doesn't remember the Planning Board discussing Ordinance No. 3639. Deputy Mayor Ritchie replied that the Zoning Officer sent a memorandum to Council stating the Planning Board had discussed it and supported it.

Rozalyn Sherman, 529 Rosecliff Avenue, congratulated the new Deputy Mayor and the new Councilman. She stated that statistics in the Start Ledger reported that Franklin was 9<sup>th</sup> in the State for total overall voting.

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

Mr. Daly reported that people can pay their water bills here, not their sewer bills. He stated that the Planning Board has recommended a number of ordinances and people came out. He stated that in 1999 when the Master Plan was revised, a number of ordinances were in front of Council and sent back to the Planning Board just like this evening. He stated this resulted in a major disaster with the tofu factory. He stated that he has spoken with the Planning Board Chairman and Consultant and hopes this will not happen again when there is an In-house Planner. He stated the Land Use Committee has reviewed eight (8) ordinances that are being

forwarded to Council. Letters are being sent to the properties involved by the Community Development Office.

### COUNCIL COMMENTS

Mr. Vassanella spoke of improvements that could be made regarding the next Master Plan process. He agreed the June morning meeting should be held here for better sound and recording unless the senior citizens are vehemently opposed to it. He stated that Mr. Gale's concerns and commended the Historic Preservation Commission's involvement and work. He congratulated Councilman Prasad.

Mr. McKenzie announced Rutgers 22 and Louisville 25. He congratulated Councilman Prasad and looks forward to working with him.

Ms. Eberle congratulated Councilman Prasad and Deputy Mayor Ritchie. She announced the opening on Saturday and the changing of owners of the Allbright Vacuum and Cleaning store. She reminded everyone of the Veteran's Program on Saturday and noted the bell is beautiful.

Mr. Prasad thanked everyone for their congratulatory words and congratulated Deputy Mayor Ritchie. He stated that he looks forward to serving Franklin and to make Franklin a better place.

Mr. Sumter expressed his contentment of the new Council addition. He stated that he reached out to him and wants to make Franklin a better place. That is the reason why he chose him. He expressed his contentment of the results of the election.

Deputy Mayor Ritchie expressed her contentment of the results of the election and congratulated Councilman Prasad. She announced the grant opening last week of the Office Depot on Easton Avenue.

Mayor Levine congratulated Councilman Prasad. He spoke of grants for projects such as Rockingham and restoration of the barns. He agreed the Planning process should improve their public notice. He suggested that Council revisit sandwich board sign regulations and possibly provide relief. Since this was the last meeting before Thanksgiving, he wished everyone a Happy Thanksgiving.

### INTRODUCTION OF ORDINANCES

#### Ordinance No. 3650

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 62 - SALARIES & COMPENSATION – SECTION 62-3 ANNUAL BASE COMPENSATIONS FOR ELECTED AND APPOINTED EMPLOYEES/OFFICIALS AND SECTION 62-4 ANNUAL COMPENSATION AND LONGEVITY FOR MANAGERIAL AND EXEMPT EMPLOYEES.**

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 December 12, 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 December 12, 2006 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Vassanella and carried 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
McKenzie	Prasad			Regan
Ritchie	Sumter			
Vassanella				

**CONSENT AGENDA ITEMS**

Upon motion by Ms. Eberle, seconded by Mr. McKenzie, 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>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Ritchie	Sumter			
Vassanella				

**Resolution #06-485** Authorize Tax Title Lien Redemption – 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, 2004  
**Block/Lot:** 468.12/3.01  
**Name & Address:** NRMV Realty Corp.  
201 Swaim Ave.  
Staten Island, NY 10312  
(For 370 Davidson Ave.)  
**Amount:** \$42,408.54  
**Make Check Payable To:** Wachovia As Cust. For Phoenix  
Tax Lien Services Group  
PA 1328P 123 So. Broad Street  
Philadelphia PA 19109  
**Certificate No.:** 04-112  
**Payment Received:** October 25, 2006

**Date of Sale:** April 11, 1996  
**Block/Lot:** 176/15.01  
**Name & Address:** Blackwell, Marc & Roseann  
P.O. Box 1194  
Somerset NJ 08875-1194  
(For 48 Kossuth Street)  
**Amount:** \$21,855.24  
**Make Check Payable To:** Wachovia Cust. Fundco  
3980 RCA Blvd., Suite 8012  
Palm Beach Gardens, FL 33410  
**Certificate No.:** 96-30

**Payment Received:** October 23, 2006  
  
**Date of Sale:** June 10, 1999  
**Block/Lot:** 176/15.01  
**Name & Address:** Blackwell, Marc & Roseann  
 P.O. Box 1194  
 Somerset, NJ 08875-1194  
 (For 48 Kossuth Street)  
**Amount:** \$36,118.68  
**Make Check Payable To:** Wachovia Cust. Fundco  
 3980 RCA Blvd., Suite 8012  
 Palm Beach Gardens, FL 33410  
  
**Certificate No.:** 99-058  
**Payment Received:** October 23, 2006  
  
**Date of Sale:** June 9, 2005  
**Block/Lot:** 176/15.01  
**Name & Address:** Blackwell, Marc & Roseann  
 P.O. Box 1194  
 Somerset NJ 08875-1194  
**Amount:** \$10,601.01  
**Make Check Payable To:** James C. Older  
 87 East Mountain Road  
 Hillsborough, NJ 08844  
  
**Certificate No.:** 05-044  
**Payment Received:** October 23, 2006  
  
**Date of Sale:** June 10, 2003  
**Block/Lot:** 34.05/53.01  
**Name & Address:** Beekman Plaz Association  
 57 Veronica Avenue  
 Somerset, New Jersey 08873  
 (For 3211 Rt. 27)  
**Amount:** \$18,187.33  
**Make Check Payable To:** Crusader Servicing Corp.  
 179 Washington Lane  
 Jenkintown, PA 19046  
  
**Certificate No.:** 03-027  
**Payment Received:** October 27, 2006  
  
**Date of Sale:** June 8, 2006  
**Block/Lot:** 20.10/11.02C2508  
**Name & Address:** Chan, Melvin & His Yu  
 15 Hudson Court  
 Franklin Park, New Jersey 08823  
**Amount:** \$607.43  
**Make Check Payable To:** Almar  
 2 Kiel Avenue #202  
 Kinnelon, New Jersey 07405  
  
**Certificate No.:** 06-008  
**Payment Received:** October 30, 2006  
  
**Date of Sale:** June 8, 2004  
**Block/Lot:** 184/8  
**Name & Address:** Levinski, E. & Janovsky, G.  
 1160 Aaron Road  
 North Brunswick, NJ 08902  
 (For 383 Somerset Street)

**Amount:** \$4,193.81  
**Make Check Payable To:** Staple Sewing Aids Pension  
90 Dayton Avenue, Building 6C  
Passaic, NJ 07055  
**Certificate No.:** 040054  
**Payment Received:** October 23, 2006

**Date of Sale:** June 9, 2005  
**Block/Lot:** 330/17  
**Name & Address:** High, Anthony & Georgina  
14 Atlantic Road  
Somerset, NJ 08873

**Amount:** \$1,301.71  
**Make Check Payable To:** JNH Funding Corp.  
90 Dayton Avenue, Bldg. 6C  
Passaic, NJ 07055  
**Certificate No.:** 05-081  
**Payment Received:** October 19, 2006

**Resolution #06-486** Award Bid – Snow Plowing and Removal/Equipment Rental – Lou’s Truck Repair, LLC - \$160/hour – Amount Not to Exceed \$20,000.00.

**WHEREAS,** a Notice to Bidders was published in the Courier News and posted on the Township website on October 9, 2006 for a October 24, 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 RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following contract be awarded:

<p><b>Lou’s Truck Repair, LLC</b>  172 Backeland Avenue  Middlesex, NJ 08846</p>	<p>Snow Plowing and Removal/Equipment  Rental</p> <p>One Truck at \$160.00 per hour</p> <p>Amount Not to Exceed \$20,000.00</p>
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**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 #06-487** Authorize Release of Performance Guarantee – Joseph Schoeneck – Block 11.01/Lot 27.06 – 14 Coppermine Road – Winter Bond - \$500.00.

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

<p>ITEM:  NAME OF APPLICANT:  ADDRESS OF APPLICANT:    DOCKET NO.  NUMBER:  INSURANCE CO./BANK:  IN THE AMOUNT OF:  FOR:</p>	<p>Winter Bond  Joseph Schoeneck  1 Coppermine Road  Princeton, NJ 08540    N/A  Check #1165  N/A  \$500.00  Winter Bond– Block 11.01/Lot 27.06 – 14 Coppermine Road</p>
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**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 \$500.00 be released to the above named applicant.

**Resolution #06-488** Authorize Release of Building/Planning Review Escrows.

**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:	Michael Carollo		
ADDRESS:	181 Cedar Grove Lane Somerset, NJ 08873		
DOCKET NO.	ZBA2005-0642		
BLOCK/LOT:	507.38/20.01		
LOCATION:	181 Cedar Grove Lane		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1,300.00 (CME)	\$1,500.00 (Heyer)	\$200.00 (In-Hse)
AMOUNT CHARGED:	<u>974.00</u>	<u>927.50</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 326.00	\$ 572.50	\$200.00

APPLICANT:	Ardmaer Construction		
ADDRESS:	1710 Mountain Top Road Bridgewater, NJ 08807		
DOCKET NO.	PLN2004-0058		
BLOCK/LOT:	37.03/33&34		
LOCATION:	13 Marion Avenue		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$1,300.00 (Schoor)	\$1,500.00 (Heyer)	\$200.00 (In-Hse)
AMOUNT CHARGED:	<u>1,344.25</u>	<u>1,032.50</u>	<u>200.00</u>
AMOUNT TO BE REFUNDED:	\$ 55.75	\$ 467.50	\$ 0.00

APPLICANT:	Joel Main		
ADDRESS:	20 Vliet Road Hillsborough, NJ 08844		
DOCKET NO.	ZBA2005-0196		
BLOCK/LOT:	6/29		
LOCATION:	4222 Route 27		
TYPE:	Planning Review		
AMOUNT DEPOSITED:	\$4,875.00 (Schoor)	\$2,875.00 (Heyer)	\$750.00 (In-Hse)
AMOUNT CHARGED:	<u>2,467.00</u>	<u>1,970.00</u>	<u>00.00</u>
AMOUNT TO BE REFUNDED:	\$2,408.00	\$ 905.00	\$750.00

**Resolution #06-489** Appointment of April Harbstreet as Municipal Housing Liaison.

**WHEREAS**, the Township Council of the Township of Franklin petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 20, 2005; and

**WHEREAS**, the Township of Franklin's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Township of Franklin is required to appoint a Municipal Housing Liaison for the administration of Franklin Township's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Township of Franklin has amended Chapter 81 entitled, Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer the Township of Franklin's affordable housing program.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, and the State of new Jersey that April Harbstreet is hereby appointed by the Township Council of the Township of Franklin as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections 81-18 to 81-20 of the Township of Franklin's Municipal Code.

**Resolution #06-490** Authorize Release of Performance Guarantee – Somerset-Henry Realty, LLC – Block 171/Lots 236 & 237.08 – Somerset Street/Henry Street - \$126,400.00.

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

ITEM:	Irrevocable Letter/Credit
NAME OF APPLICANT:	Somerset-Henry Realty, LLC
ADDRESS OF APPLICANT:	11 Springfield Avenue Somerset, NJ 08873
DOCKET NO.	PLN2001-0057
NUMBER:	04-003
INSURANCE CO./BANK:	New Millennium Bank
IN THE AMOUNT OF:	\$126,400.00
FOR:	Site Improvements – Block 171/Lots 236 & 237.08 – Somerset Street & Henry Street

**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 \$126,400.00 be released to the above named applicant upon receipt of 2-Year Maintenance Board to cover curbs and sidewalks in the amount of \$31,966.02.

**Resolution #06-491** Authorize Discharge of Affordable Housing Agreement & Second Repayment Mortgage – John T. DiBiase and Lindsay S. Cooper-DiBiase – Block 20.10/Lot 11.02 C1902 – 233 Columbus Drive, Franklin Park.

**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 Agreement and Discharge of Second Repayment Mortgage for the premises known as 233 Columbus Drive, Franklin Park, Block 20.10, Lot 11.02 C1902 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.

**Resolution #06-492** Authorize Two (2) Discharges of Second Repayment Mortgage – Ann & Marie Georgiana/Arlene M. McIntosh – Block 34.06/Lot 16.05 – 9 Townsend Court, Franklin Park.

**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 two (2) Discharges of Second Repayment Mortgage for the premises known as 9 Townsend Court, Franklin Park, Block 34.06, Lot 16.05 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.

**Resolution #06-493** Authorize CDBG Subgrant Agreement – Somerset Residence – Shower Stall Conversions - \$45,000.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Somerset Residence for the 2006 CDBG Project for Shower Stall Conversions in the amount of \$45,000.00.

**Resolution #06-494** Authorize CDBG Subgrant Agreement – Family and Community Services – Youth Counselor - \$17,300.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Family and Community Services for the 2006 CDBG Project for Youth Counselor in the amount of \$17,300.00.

**Resolution #06-495** Authorize CDBG Subgrant Agreement – Somerset County Coalition on Affordable Housing – Housing Counseling - \$12,953.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Somerset County Coalition on Affordable Housing for the 2006 CDBG Project for Housing Counseling in the amount of \$12,953.00.

**Resolution #06-496** Authorize CDBG Subgrant Agreement – Homesharing, Inc. – Homesharing Program - \$5,000.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Homesharing Inc. for the 2006 CDBG Project for Homesharing Program in the amount of \$5,000.00.

**Resolution #06-497** Authorize CDBG Subgrant Agreement – Major Group Foundation – After School Program - \$5,000.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an agreement with Major Group Foundation for the 2006 CDBG Project for After School Program in the amount of \$5,000.00.

**Resolution #06-498** Award Purchase through Morris County Cooperative Purchasing – Guard Rail for Weston Canal Road – M.L. Ruberton Construction – Amount Not to Exceed \$50,300.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through Morris County Cooperative Pricing Council, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR:** M.L. Ruberton Construction  
1512 Mays Landing Road  
Folsom, NJ 08037  
MCCPC No. 26

**ITEM:** Guard Rail for Weston Canal Road

**COST:** An amount not to exceed \$50,300.00.

**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 under the Morris County Cooperative Pricing Council;

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract is contingent upon availability of funds in the FY2007 Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**Resolution #06-499** Authorize Refund of Tax Overpayments.

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
517.01/8.10	M-Affiliates & Elkins	4/04	1,755.14
517.02/8.04	Enterprises	Tax	1,757.24
517.01/8.06	2115 Linwood Ave., Suite 110	Appeals	1,755.13
517.01/8	Fort Lee, NJ 07024		9,385.63
54/7	Daniels, Ira & Roberta 135 Bennington Parkway Franklin Park, New Jersey 08823	4/06 Homeowner & Mortgage Co. Paid	2,401.65

**Resolution #06-500** Authorize Installation of Fire District #3 Repeaters on the Berry Street Tower.

**WHEREAS**, Fire District No. 3 has requested the location and installation of Fire District No. 3's Repeater System to be placed on the Township's Communications Tower which is located at the corner of Berry Street and Churchill Avenue; and

**WHEREAS**, said location and installation of Fire District No. 3's Repeater System on the Township's Communications Tower at the corner of Berry Street and Churchill Avenue has been determined to be centrally located in an area of the Township resulting in the generation of a stronger signal for firefighters;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, State of New Jersey, that it hereby approves the location and installation of Fire District No. 3's Repeater System on the Township's Communications Tower at the corner of Berry Street and Churchill Avenue.

**Resolution #06-501** Award Not Fair and Open Professional Services Agreement – Appraisal Services for Open Space – Joseph L. Mazotas, Inc. – November 1, 2006 through October 31, 2007 – Amount Not to Exceed \$50,000.00.

**WHEREAS**, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

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

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2007 is contingent upon availability of funds in the 2008 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

**WHEREAS**, Joseph L. Mazotas, Inc. has submitted a proposal indicating they will provide Open Space Appraisal Services for the period of November 1, 2006 to October 31, 2007 in a amount not to exceed \$50,000.00; and

**WHEREAS**, Joseph L. Mazotas, Inc. has completed and submitted a Business Entity Disclosure Certification which certified that Joseph L. Mazotas, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Joseph L. Mazotas, Inc. from making any reportable contributions through the term of the contract;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.

- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME:** Joseph L. Mazotas, Inc.  
**ADDRESS:** 344 Nassau Street  
 Princeton, NJ 08540  
**CONTRACT AMOUNT:** Amount not to exceed \$50,000.00  
**SERVICE:** Open Space Appraisal Services – 11/01/06 to 10/31/07

**Resolution #06-502** Award State Contract – Pitney Bowes, Inc. – DM1000 Postage Machine - \$60.00 per month Postal Meter Rental – Amount Not to Exceed \$13,500.00.

**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:

**VENDOR:** Pitney Bowes, Inc.  
 1305 Executive Blvd., Suite 200  
 Chesapeake, VA 23320 State Contract No. 63753

**ITEMS:** Pitney Bowes DM1000 Postage Machine  
 Monthly Rental Postal Meter

**COST:** \$13,500.00  
 \$60.00 per month – Postal Meter

**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 #06-503** Authorize Insertion into FY2007 Municipal Budget – Chapter 159 – 2006 Recreational Trails Program Grant – Ten Mile Run Pedestrian Bridge - \$25,000.00.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive **\$25,000.00** with \$0.00 match for **2006 RECREATIONAL TRAILS PROGRAM GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of **\$25,000.00**, which is now available as revenue from: **2006 RECREATIONAL TRAILS PROGRAM GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$25,000.00, –2006 Recreational Trails Program Grant, be and the same is hereby appropriated under the caption of: **2006 RECREATIONAL TRAILS PROGRAM GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-504** Authorize Insertion into FY2007 Municipal Budget – 2006 USTA Tennis in the Parks Grant - \$1,000.00.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive **\$1,000.00** with \$0.00 match for **2006 USTA TENNIS IN THE PARKS GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of **\$1,000.00**, which is now available as revenue from: **2006 USTA TENNIS IN THE PARKS GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$1,000.00, –2006 USTA Tennis in the Parks Grant, be and the same is hereby appropriated under the caption of: **2006 USTA TENNIS IN THE PARKS GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-505** Authorize Insertion into FY2007 Municipal Budget – NJ Safe and Secure Communities Program – Two (2) Police Positions - \$60,000.00.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive **\$60,000.00** with \$0.00 match for **NJ SAFE & SECURE COMMUNITIES PROGRAM** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of **\$60,000.00**, which is now available as revenue from: **NJ SAFE & SECURE COMMUNITIES PROGRAM**.

**BE IT FURTHER RESOLVED** that a like sum of \$60,000.00, –NJ Safe & Secure Communities Program, be and the same is hereby appropriated under the caption of: **NJ SAFE & SECURE COMMUNITIES PROGRAM**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-506** Authorize Insertion into FY2007 Municipal Budget – Recycling Tonnage Grant - \$18,726.35.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive **\$18,726.35** with \$0.00 match for **RECYCLING TONNAGE GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of **\$18,726.35**, which is now available as revenue from: **RECYCLING TONNAGE GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$18,726.35, –Recycling Tonnage Grant, be and the same is hereby appropriated under the caption of: **RECYCLING TONNAGE GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-507** Authorize Insertion into FY2007 Municipal Budget – Somerset County Youth Service Commission Annual Grant - \$1,000.00.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$1,000.00 with \$0.00 match for **SOMERSET COUNTY YOUTH SERVICE COMMISSION ANNUAL GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of \$1,000.00, which is now available as revenue from: **SOMERSET COUNTY YOUTH SERVICE COMMISSION ANNUAL GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$1,000.00, –Somerset County Youth Service Commission Annual Grant, be and the same is hereby appropriated under the caption of: **SOMERSET COUNTY YOUTH SERVICE COMMISSION ANNUAL GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-508** Authorize Insertion into FY2007 Municipal Budget – Somerset County Youth Mini Grant - \$1,000.00.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$1,000.00 with \$0.00 match for **SOMERSET COUNTY YOUTH MINI GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of \$1,000.00, which is now available as revenue from: **SOMERSET COUNTY YOUTH MINI GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$1,000.00, –Somerset County Youth Mini Grant, be and the same is hereby appropriated under the caption of: **SOMERSET COUNTY YOUTH MINI GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-509** Authorize Insertion into FY2007 Municipal Budget – NJ Department of Law and Public Safety/Division of Highway Traffic Safety – Drunk Driving Enforcement Grant - \$9,357.31.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or

Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive **\$9,357.31** with \$0.00 match for **NJDLP DRUNK DRIVING ENFORCEMENT GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of **\$9,357.31**, which is now available as revenue from: **NJDLP DRUNK DRIVING ENFORCEMENT GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$9,357.31, –NJDLP Drunk Driving Enforcement Grant, be and the same is hereby appropriated under the caption of: **NJDLP DRUNK DRIVING ENFORCEMENT GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-510** Authorize Insertion into FY2007 Municipal Budget – NJ Department of Law and Public Safety/Division of Highway Traffic Safety – You Drink, You Drive, You Lose Grant - \$3,000.00.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive **\$3,000.00** with \$0.00 match for **NJDLP YOU DRINK, YOU DRIVE, YOU LOSE GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of **\$3,000.00**, which is now available as revenue from: **NJDLP YOU DRINK, YOU DRIVE, YOU LOSE GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$3,000.00, –NJDLP You Drink, You Drive, You Lose Grant, be and the same is hereby appropriated under the caption of: **NJDLP YOU DRINK, YOU DRIVE, YOU LOSE GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

**Resolution #06-511** Authorize Insertion into FY2007 Municipal Budget – 2006 Pandemic Planning Grant - \$8,581.00.

**WHEREAS**, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Franklin in the County of Somerset, State of New Jersey will receive **\$8,581.00** with \$0.00 match for **2006 PANDEMIC PLANNING GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of **\$8,581.00**, which is now available as revenue from: **2006 PANDEMIC PLANNING GRANT**.

**BE IT FURTHER RESOLVED** that a like sum of \$8,581.00, –2006 Pandemic Planning Grant, be and the same is hereby appropriated under the caption of: **2006 PANDEMIC PLANNING GRANT**.

**BE IT FURTHER RESOLVED** that the Township Clerk forward CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

#### **APPOINTMENT**

##### **Planning Board**

Maureen Sturgeon was appointed Planning Board Class II member to an unexpired one-year term ending 12/31/06. Said appointment was carried unanimously upon acclamation moved by Mr. McKenzie and seconded by Ms. Eberle.

#### **ADJOURNMENT**

Mr. McKenzie moved to adjourn the meeting at 10:25 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *November 28, 2006*

Ann Marie McCarthy, Township Clerk