

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
NOVEMBER 12, 2002

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:07 p.m.

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

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

The invocation was given by Councilman Levine.

The Township Clerk called the roll.

Present: Mayor Eberle, Ms. Barrier, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler, Mr. Sumter. Mr. Chivukula was absent at roll call but arrived later in the meeting

Absent: Deputy Mayor Grippo

Also Present: Daniel J. Fitzpatrick, Esq., Acting Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

5. MINUTES – WORK SESSION – 10/01/02 & 10/22/02; REGULAR MEETING – 10/08/02 & 10/22/02; EXECUTIVE SESSION – 10/22/02

Work Session – 10/01/02 & Regular Meeting 10/08/02:

Mr. Levine noted that he had requested an amendment to the subject minutes on the matter of selection of a Council Committee to search for a new Township Clerk. Members of Council indicated that they have not yet had the opportunity to review Mr. Levine’s amendments. The suggested amendments will be redistributed to Council, and the minutes were deferred to the 11/26/02 Meeting.

Work Session, Regular Meeting & Executive Session 10/22/02:

Mr. Mazzola noted that the Regular Meeting minutes indicated that he voted in favor of the adoption of the FY2003 Budget instead of against and moved to correct the Regular Meeting minutes accordingly and to approve all the 10/22/02 Minutes from the agenda as corrected. Mr. Levine seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

WARRANTS – NOVEMBER 12, 2002

Read by Township Clerk Pellicane

1	Current Fund	6,714,702.71
5	Water Operating	1,438,970.79

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6	Water Capital	2,303.72
4	General Capital	228,136.01
15	General Trust	27,679.27
18	Self Insurance Trust Fund	5,425.61
21	Recreation Trust	3,293.44
12	Open Space Trust	9,500.00
2	Grant Fund	25,469.81
17	Workers' Compensation Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	41,196.82
	Public Assistance	0
	Assessment Trust	0
14	Dog Revenue	184.54
	Community Foundation	0
22	General Ledger: Current	223,616.76
13	Redevelopment Agency	4,454.85
23	Agency	<u>230,206.06</u>
	SUB-TOTAL	8,955,140.39
25	Escrow Accounts	56,385.50
19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u><u>\$9,011,525.89</u></u>

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

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

Motion was carried.

7. ORDINANCE HEARING – AMEND CODE – CHAPTER 77, AMUSEMENT DEVICES

Township Clerk Pellicane advised that this ordinance was the subject of a public hearing on October 8th and adoption was deferred to this meeting. In the interim, changes have been suggested as follows:

Section 77-7, Application Materials, - Subsection H, Hours of operation be amended to add thereto: “Except that:

- A. The hours of operation for devices located upon a premises licensed by the Alcoholic Beverage Control Division shall be consistent with the hours of operations established for such premises by municipal ordinance.
- B. Such hours of operations may be as approved by the Chief of Police at the time of application approval.

Section 77-8, Approval and Issuance of Certification of Premises for Installment of Machines or Devices; Inspection of Premises be amended to amend the last paragraph of Subsection A to read:

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“During the time as the license is in effect, subsequent to the initial issuance of Certification, the Chief of Police or his designated representative shall inspect the premises annually or upon receipt of a complaint.”

and to delete the last paragraphs of Subsections B & C requiring monthly inspections by the Director of Fire Prevention and the Construction Official.”

Mr. Mazzola moved to amend the ordinance and to publish notice of this amended ordinance for public hearing and final adoption as amended on December 10, 2002. Ms. Barrier seconded the motion.

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

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

Motion was carried.

8. ORDINANCE HEARING – AMEND CODE – CHAPTER 3, ADMINISTRATION – SECTION 3-4, MEETINGS OF THE TOWNSHIP COUNCIL – SUBSECTION B, AGENDA

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 3, ADMINISTRATION – SECTION 3-4, MEETINGS OF THE TOWNSHIP COUNCIL – (AGENDA)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

John Grosso, 61 Hollywood Avenue, questioned the purpose of this ordinance amendment. Township Clerk Pellicane and Mr. Mazzola responded that recently enacted State legislation requires the Council to open all meetings for public discussion, the length of which can be limited. Prior to this legislation, public discussion was permitted at Regular Meetings of the Township Council but not at Work Sessions. This amendment provides for public discussion periods, limited to ½ hour, 2 minutes per speaker, at all Council Work Sessions.

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

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

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

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Ms. Barrier
 Mayor Eberle
 Mr. Levine
 Mr. Mazzola

AYES

Mr. McKenzie
 Mr. Mettler
 Mr. Sumter

NAYS

No One

ABSTAIN

No One

ABSENT

Mr. Chivukula
 Mr. Grippo

Motion was carried.

9. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112.32.04 - RENAISSANCE 2000 REDEVELOPMENT PLAN – NVR UNDERLYING ZONE

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112.32.04, RENAISSANCE REDEVELOPMENT PLAN – SUBSECTION F - PLAN GOALS – SUBSECTION G, DEVELOPMENT OPPORTUNITIES – SUBSECTION I, LAND USE PLAN". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

Township Manager Daly noted that he and Economic Development Director Frank Hasner held a special meeting last Friday to address questions of the property owners regarding the Renaissance 2000 Redevelopment Area. That meeting was attended by many property owners. Some of the property owners who attended that meeting are here tonight, as well as many others. Prior to opening the meeting for public discussion, an explanation of the purpose of the proposed ordinance should be provided as follows:

Prior to the beginning of the Redevelopment process in 1999, the properties in the area were zoned for residential, commercial and/or industrial uses. In 1999, the zoning of the subject properties was changed to a Redevelopment Plan, which replaced the zoning for the area. The Township Council then established a Redevelopment Agency which has responsibility for implementation of the Redevelopment Plan, and appointed the members to the Agency. It has been learned since the adoption of the Redevelopment Plan, that if owners of property within that Plan wished to build, improve or expand their property in a way which is not in conformance with that Plan, they are unable to go to the Planning Board or the Board of Adjustment to get variances the way other property owners can. They are forced to go to the Township Council for an ordinance amendment to the Plan.

The ordinance being considered provides the properties in the Redevelopment Plan with an underlying NBR zone which permits the building, improvement and expansion of dwellings and commercial buildings in the Plan and, if the property building, improvement or expansion does not comply with the ordinance, permits the property owners to seek variances from the Planning Board or Board of Adjustment as other property owners can. Many of the questions the property owners are raising deal with the development of the Plan by redevelopers. These questions are under the jurisdiction and need to be answered by the Redevelopment Agency, the Township Manager or the Economic Development Director. The Agency meets on the 3rd Monday of each month; meetings are open to the public. Property owners with questions on Redevelopment can review the ordinance in the Municipal Clerk, Planning or Zoning Offices.

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

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

The following persons spoke in objection to the redevelopment plan concept in general: Courtney Throckmorton, 15 Marshall Street; Ronald Searight, 101 Matilda Avenue; Daniel

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Fitzgerald; John Mayfield, 57 Blair Avenue; Scott Meister, 2 South Dover Avenue; Raole & Michelle Pretto, 8 Sebring Road; F. Mansera; Francine Reed & Mary Sanders, 8 Irving Street; Frederick Calderone, 1000 Hamilton Street; Lilly Fevrin, Douglas Avenue; Loretta Brown.

1. The creation of the Redevelopment area has clouded the use and sale of properties in the area since that time and has devaluated the properties. The ability of existing property owners to recoup the cost of improvements to the property is questionable.
2. Not all impacted property owners realize that implementation of the plan will result in existing houses and businesses being acquired by the redeveloper through purchase negotiation or condemnation, the owners thereof relocated.
3. Property owners will not profit from the redevelopment plan which may or may not provide alternate housing or commercial buildings which are available or affordable to the present owners or which may result in their living next to an undesirable use.
4. Lack of notice to property owners in 1999 when the Plan was first adopted. Township Manager Daly noted that the Township Attorney has advised that redevelopment ordinances do not require notice to property owners and only need to be advertised in the official newspaper.
5. The responsibility for the implementation of the Redevelopment Plan falls to the Redevelopment Agency and not the Township Council.
6. Need for a time line for the redevelopment so existing property owners can plan and prepare.

Lucas Barbarich, 695 Hamilton Street; William Fama, Milltown, spoke in favor of adoption of the ordinance to allow existing property owners to pursue current plans for improvement of their property.

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

Mr. Chivukula arrived during the above public hearing.

Members of Council responded and/or commented as follows:

Acting Township Attorney Daniel Fitzpatrick explained that the purpose of the current ordinance amendment is to allow property owners to develop the property with the underlying zone requirements and to seek variances from the Planning Board or Board of Adjustment if necessary.

Mr. Mazzola noted:

1. The ordinance amends the Plan adopted in 1999 and is intended to give back to the current property owners rather than a redeveloper, the right to manage their own property.
2. The importance of property owners in the Redevelopment Area knowing what the Plan shows for their property.
3. The subject ordinance is not in response to a request from a redeveloper.
4. The Redevelopment Agency has the power to negotiate for the purchase of land in the Redevelopment Area and, if unsuccessful, to condemn the property.
5. Questioned the ability of the Township to disband the Redevelopment Agency. Mr. Mettler responded that creation is easier than disbanding but it can be accomplished. If the Agency has issued any bonds, however, the disbanding is more complicated. Township Manager Daly responded that the Redevelopment Agency has not issued any bonds.

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6. There is need to improve communications and information provided to the affected residents by the Redevelopment Agency, particularly the newly approved redevelopment by Edgewood Development.

Mr. McKenzie concurred with Mr. Mazzola's comments and noted that he would be opposed to any ordinance which would restrict the current property owners from keeping, developing and/or improving their properties.

Ms. Barrier noted that she lives in the Redevelopment Area and agrees with the proposed ordinance because it is giving control back to the current property owners but noted the importance of property owners determining what the Plan shows for their property.

Township Manager Daly:

1. Noted that the zoning as adopted in 1999 was recommended by the Planning Board because of experience in other towns where speculators came in to purchase the land resulting in the need for the Redevelopment Agency to acquire the land at higher costs.
2. Noted that the Redevelopment Agency selects a redeveloper for a tract. The Redeveloper gets an appraisal of the property and holds negotiations with the property owner. If unsuccessful in negotiations, the Redeveloper asks the Redevelopment Agency to condemn the property. The Redevelopment Agency begins condemnation proceedings, presents the appraised value of the land to the courts, and the court appoints a three-person independent commission to determine the value of the land to be paid to the owner. During the condemnation proceedings, the property owner has the right to get his/her own appraisal and to protest the redeveloper's assessed value.
3. The Redevelopment Agency has selected a redeveloper for the Gateway area. While the actual agreement with the redeveloper has been authorized but not yet signed, the execution of the agreement is imminent. The redeveloper is actively pursuing land acquisition.

Mr. Sumter suggested that the ordinance hearing be postponed until the property owners have a better understanding of the situation.

Mr. Levine thanked the property owners for their valuable input, suggested that all property owners obtain information from the Redevelopment Agency and attend the Agency's meeting, and noted that while the Township Council has given authority to the Redevelopment Agency to implement the plan, but the Township Council appoints the members of the Redevelopment Agency.

Mr. Chivukula noted that the Redevelopment process began in 1997 with the Planning Board declaration of the area as blighted and in need of redevelopment. The lack of public notice in 1999 cannot be addressed but there is need to address the public concern at this time.

At the conclusion of the comments, the Township Council:

1. Urged all affected residents to contact Township Manager Daly to determine what the Redevelopment Plan indicates for their property and what plans are being considered and/or approved for Redevelopment projects in the area.
2. Carried the public hearing on the ordinance to a special meeting at 6:00 p.m. on January 14, 2003, prior to the previously scheduled regular meeting, with the Township Clerk to give courtesy notice to the affected property owners by regular mail.

Council took a recess from 10:07 p.m. to 10:19 p.m. The meeting resumed and the roll was called:

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Present: Mayor Eberle, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Sumter. Ms. Barrier and Mr. Mettler were out of the room at the time of the roll call but arrived shortly thereafter.

Absent: Deputy Mayor Grippo

10. ORDINANCE HEARING – LEASE ORDINANCE – ACQUISITION OF TRUNKED RADIO SYSTEM THROUGH SOMERSET COUNTY IMPROVEMENT AUTHORITY - \$3,200,000.00

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

Township Clerk Pellicane advised that the final adoption of this ordinance must be carried to the November 26, 2002 Regular Meeting to await action on our application by the NJ Department of Community Affairs Local Finance Board. Mr. Chivukula so moved. Mr. Mazzola seconded the motion.

The Clerk polled the Board on the motion to carry the adoption to November 26th, the vote being as follows:

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

Motion was carried.

PUBLIC DISCUSSION

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

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

John Grosso, 61 Hollywood Avenue:

- a. Expressed his dismay at the presentation to Council on behalf of the Library Board by Sam Nelson, requesting additional funding for the library expansion, and

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suggested that funding allocated for other long-awaited projects be transferred to the library project.

- b. Questioned if Councilman Levine has researched the Easton Avenue/Rutgers Preparatory School traffic problem. Mr. Levine responded that he has not yet done so but will.
- c. Questioned the status of the planting of a buffer for residents on 15th Street behind Dunham-Lebed Park. Mr. Levine responded that no funding was made available for this buffering in the FY2003 Budget.

Lucretia Cortelyou, 1892 Amwell Road:

- a. Concurred with Mr. Grosso on the Library expansion presentation.
- b. Noted her dismay with the lack of newspaper coverage at Township meetings and happenings, failure of her letter to the editor of the Courier News to get a response despite the fact that the Courier News is now the Township’s legal newspaper, and requested the Township Council to look into the matter.

Ralph Mazraani & Uргуens Maccelus, representing City Taxi, objected to the newly adopted ordinance increasing the insurance coverage required for taxicabs to \$500,000 which is higher than any other municipality, noted the substantial increase in premium costs and the need for their taxicab company to cut back service as a result. Mr. Mazzola responded that Council discussed the insurance issue at their Work Session and requested the Franklin Township Police Department to look into premium rates and the requirements of other municipalities. The Council will not return to the former inadequate statutorily set insurance requirement of \$50,000 but will readdress the issue.

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

12. ORDINANCE INTRODUCTION – ACCEPT CONSERVATION EASEMENT – STEPHEN & KATHRYN ORLANDO – BEDFORD ROAD

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF CONSERVATION EASEMENT – BEDFORD ROAD – STEPHEN & KATHRYN ORLANDO – BLOCK 386.17/LOT 132.02" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on December 10, 2002.

Mr. Mazzola so moved. Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

13. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 44, PERSONNEL POLICIES – SECTION 44-6, ADMINISTRATION – SECTION 44.9.1, PERIODIC OBJECTIVE EMPLOYEE EVALUATIONS

Township Clerk Pellicane read by title:

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"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 44, PERSONNEL POLICIES – SECTION 44-6, ADMINISTRATION – SECTION 44-9.1, EMPLOYEE EVALUATIONS" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on December 10, 2002.

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

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

Motion was carried.

14. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112-5, DEFINITIONS – SECTION 112-24 & 112-35 – CERTIFIED LOCAL GOVERNMENT DESIGNATION FOR HISTORIC PRESERVATION COMMISSION

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – ARTICLE 1, DEFINITIONS – ARTICLE IV, SPECIAL REQUIREMENTS – SECTION 112-24, ENVIRONMENTAL AND HISTORIC RESOURCES, HISTORIC DESIGNATION – ARTICLE VI, PROCEDURES AND ADMINISTRATION, HISTORIC PRESERVATION COMMISSION – SECTION 112-36D, CERTIFICATE AND PERMITS, CERTIFICATE OF APPROPRIATENESS" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003, to allow sufficient time for interested boards and agencies to review the extensive ordinance.

Mr. Mettler so moved. Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

15. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 9 – CABLE TELEVISION COMMITTEE – SECTION 9-3, MEMBERSHIP – ADD COUNCIL LIAISON

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 9, CABLE TELEVISION COMMITTEE – SECTION 9-3, MEMBERSHIP (ADD COUNCIL LIAISON)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on December 10, 2002.

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

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

Motion was carried.

16. ORDINANCE INTRODUCTION - BOND ORDINANCE – FEASIBILITY STUDY FOR FRANKLIN TOWNSHIP SENIOR AFFORDABLE HOUSING FACILITY - \$78,750.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE UNDERTAKING OF A FEASIBILITY STUDY RELATING TO THE CONSTRUCTION OF A FRANKLIN TOWNSHIP SENIOR AFFORDABLE HOUSING FACILITY, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$78,750.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$74,750.00 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF " which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on December 10, 2002.

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

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

Motion was carried.

In response to a question from Mr. Levine, Township Manager Daly advised that staff is in the process of drafting specifications for the study and will bring proposals received to the Council before awarding a professional service contract for the study.

17. ORDINANCE INTRODUCTION – BOND ORDINANCE – PURCHASE & INSTALLATION OF INFORMATION SERVICES EQUIPMENT - \$164,000.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF INFORMATION SERVICES EQUIPMENT FOR VARIOUS DEPARTMENTS, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$164,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$155,000.00 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on December 10, 2002.

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Mr. Mazzola so moved. Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

18. ORDINANCE INTRODUCTION – BOND ORDINANCE – DESIGN AND CONSTRUCTION DOCUMENT PREPARATION – EXPANSION TO ANIMAL CONTROL FACILITIES - \$52,500.00

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE DESIGN AND CONSTRUCTION DOCUMENT PREPARATION RELATING TO THE IMPROVEMENT AND EXPANSION OF THE TOWNSHIP ANIMAL CONTROL FACILITIES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$52,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$49,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on December 10, 2002.

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

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

Motion was carried.

19. ORDINANCE INTRODUCTION – CAPITAL ORDINANCE – INSTALLATION OF 3,500 FEET OF SIDEWALK ALONG LAUREL AVENUE - \$207,000.00

Township Clerk Pellicane read by title:

"CAPITAL ORDINANCE PROVIDING FOR THE INSTALLATION OF 3,500 FEET OF SIDEWALKS ALONG BOTH SIDES OF LAUREL AVENUE FROM ROUTE 27 (MAIN STREET) TO CHURCH STREET AND ON ONE SIDE FROM CHURCH STREET TO THE ROCKINGHAM HISTORIC SITE AND THE INSTALLATION OF CROSSWALKS, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$207,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP TO PAY FOR THE COST THEREOF" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on December 10, 2002.

Mr. Mazzola so moved. Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Board, the vote being as follows:

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

Motion was carried.

Mr. Mettler thanked Assemblyman/Councilman Chivukula for work in getting State money released for the restoration of Rockingham, Franklin's premier historic site.

RESOLUTION - CONSENT AGENDA**Read by Township Clerk Pellicane**

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

A. Tax Title Lien Redemptions:

Stanley – Block 20.10/Lot 11.02 /C1803 - \$516.51 – 209 Columbus Drive (1998)
Stanley – Block 20.10/Lot 11.02 /C1803- \$154.06 – 209 Columbus Drive (2000)
Stanley – Block 20.10/Lot 11.02/C1803 - \$287.75 – 209 Columbus Drive (2001)
Stanley – Block 20.10/Lot 11.02/C1803 - \$372.67 – 209 Columbus Drive (2002)
Wood West Realty LLC – Block 37.01/Lot 5.03 - \$10,773.72 – 2601 Route 27
Wood West Realty LLC – Block 37.02/Lot 5.05 - \$708.27 – 2601 Route 27
Scurtu – Block 161/Lot 33 - \$169.43 – 39 Eugene Avenue
Scurtu – Block 161/Lot 34 - \$150.65 – 43 Eugene Avenue
Heiss Construction Co. – Block 171.02/Lot 236.01 - \$63.87 – Dunbar Street (1996)
Heiss Construction Co. – Block 171.02/Lot 236.01 - \$62.39 – Dunbar Street (1998)
Heiss Construction Co. – Block 171.02/Lot 236.01 - \$77.92 – Dunbar Street (1999)
Heiss Construction Co. – Block 171.02/Lot 236.01 - \$74.15 – Dunbar Street (2000)
Heiss Construction Co. – Block 171.02/Lot 236.01 - \$70.21 – Dunbar Street (2001)
Chiles – Block 235/Lot 31 - \$6,492.58 – 441 Ralph Street (1999)
Chiles – Block 235/Lot 31 - \$2,222.76 – 441 Ralph Street (2001)
Valentin – Block 361/Lot 17 - \$2,091.13 – 10 Boulder Lane
Harris – Block 386.17/Lot 129.85 - \$16,908.75 – 1093 Oakcroft Lane

B. Tax Overpayments – Various

C. Water Overpayment

D. Budget – FY2003 Insertion in Budget – JJDP Grant - \$75,000.00

E. Purchase – Lawmen Supply Company – 100 Glock Pistols @\$172.09 - \$17,209.00 – Section 3-13

F. Purchase – Certified Speedometer Service – Message Board Sign Trailer - \$17,500.00 – Section 3-13

G. Purchase – Edmunds & Associates, Inc. – Maintenance of software used by Tax, Finance, Water Utility - \$16,025 – 1/1/03 to 12/31/03 – Section 3-13

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- H. Purchase/Competitive Contract – Community Development Concepts, LLC – CDBG Housing Rehabilitation Program Administration - \$15,000.00 & Housing and Community Development Services, Inc. – CDBG Administrative Services - \$21,665.00
- I. ~~Agreement – Central Jersey Joint Insurance Fund Membership – 7/1/02 to 7/1/05~~
Deferred to 11/26/02 pending preparation of requested analysis by Manager
- J. ~~Agreement – Somerset County – Interlocal Services – Trunked Radio System~~
Deferred to 11/26/02 pending receipt of Somerset County response
- K. Agreement – North Brunswick Township – Interlocal Services – Provision of Potable Water
- L. Amend Agreement – Elizabethtown Water Co. – Design and Construction of improvements to Belmont Drive – additional \$8,000.00
- M. Endorse Contract between Elizabethtown Water Co. and Della Pello Contracting for the Belmont Drive Improvements
- N. Grant Agreement – NJDIP – Youth Engaged in Service - \$75,000.00 Grant/\$37,000 In kind Township Match
- O. Grant Agreements – Township’s CDBG Subgrant Agreements:
Somerset County Coalition for Affordable Housing - \$7,500.00
Franklin Township Food Bank - \$15,000.00
Somerset Community Action Program - \$33,760.00
- P. Escrow Release – Plan Review:
Oswald Skaar – Docket #BRA02-009 - ~~\$400.00~~ **\$12.50**
- Q. Escrow Release – Inspection Fees:
Rotor Clip Co., Inc. – Docket #Z99009UP - \$37.50
Franklin Industrial Partners/Frank Green & Son – Docket #P99054P - \$1,957.50
- R. Performance Guarantee Release – Rotor Clip Co., Inc. - Docket #Z99009UP - \$87,863.04
- S. Performance Guarantee Release – 20 Commerce Drive LLC – Docket #614A - \$99,269.80
- T. Performance Guarantee Release – Franklin Industrial Partners/Frank Greek & Son – Docket #P99054P - \$804,733.26
- U. Performance Guarantee Reject Release – Whitehall Manor – Docket #SP507
- V. Authorize Raffle/Bingo Licenses
- W. Water Restrictions – Lift lieu of State restrictions
- X. Amend Resolution – Edgemere Tenant’s Association Block Party – add rain date of November 1, 2002
- Y. Endorse Plan by NJDOT to construct Six Mile Run Bridge over Route 27
- Z. Amend Professional Service Agreement – Denis Koala, Architect – Library Renovation/Expansion – additional \$TO BE INSERTED
Deferred per work session discussion
- AA. *Change Order No. 1 – Santos Brothers Co., Inc. – Rehabilitation of Naaman Williams Park - \$10,500 for demolition of two dwellings within park*

REGULAR MEETING – NOVEMBER 12, 2002**A. 02-486 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER**

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

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

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

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 11, 1998	20.10/11.02 C1803	STANLEY, CANDICE	\$ 516.51
June 08, 2002		209 Columbus Drive	154.06
June 07, 2001		Franklin Park NJ 08823	287.75
June 13, 2002			372.67
PAID:	October 17, 2002	CERT #98-83; 20-88; 01-50 & 020008	
LIENHOLDER:	JNH Funding Corporation	90 Dayton Avenue, Building 6C Passaic NJ 07055	
June 07, 2001	37.01/5.03	WOOD WEST REALTY LLC	\$10,773.72
		90 Woodbridge Center Drive	
		Woodbridge NJ 07095	
		(2601 Route 27)	
PAID:	October 24, 2002	CERT #01-209	
LIENHOLDER:	Crusader Servicing Corporation	179 Washington Avenue Jenkintown PA 19146	
June 07, 2001	37.01/5.05	WOOD WEST REALTY LLC	\$ 708.27
		90 Woodbridge Center Drive	
		Woodbridge NJ 07095	
		(2601 Route 27)	
PAID:	October 24, 2002	CERT #01-217	
LIENHOLDER:	Wachovia CT/M.D. SASS II	123 South Broad Street, PA 1328 Philadelphia PA 19109	
June 13, 2002	161/33	SCURTU, MIHAIL & EDIT	\$ 169.43
		305 Old Bridge Turnpike, A3	
		East Brunswick NJ 08816	
		(39 Eugene Avenue)	
PAID:	October 10, 2002	CERT #020084	
LIENHOLDER:	James Pilewski	3 Devon Lane Warren NJ 07059	
June 13, 2002	161/34	SCURTU, MIHAIL & EDIT	\$ 150.65
		12 Como Drive	
		Somerset NJ 08873	
		(43 Eugene Avenue)	
PAID:	October 24, 2002	CERT #020085	
LIENHOLDER:	James Pilewski	3 Devon Lane Warren NJ 07059	
April 11, 1996	171.02/236.01	HEISS CONSTRUCTION	63.87
June 11, 1998		475 Somerset Street	62.39
June 10, 1999		Somerset NJ 08873	77.92

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June 08, 2000		(Dunbar Street)	74.15
June 07, 2001			70.21
PAID:	October 14, 2002	CERT #96-81	
LIENHOLDER:	James C. Older		
	87 East Mountain Road	Hillsborough NJ 08844	
LIENHOLDER:	Herbert Sehgel	CERT #98-188; 99-180; 20-230 & 01-248	
	PO Box 284	Kingston NJ 08528	
June 10, 1999	235/31	CHILES, CARRIE	\$ 6,492.58
June 07, 2001		1325 Wynn Road	2,222.76
		Williamston NC 27892	
		(441 Ralph Street)	
PAID:	October 28, 2002	CERT #99-61	
LIENHOLDER:	FUNB Cust. Fundco		
	3950 RCA Boulevard, Suite 5001	Palm Beach Gardens FL 33410	
LIENHOLDER:	Plymouth Financial Company	CERT #01-199	
	PO Box 2288	Morristown NJ 07962-2288	
June 08, 2000	361/17	VALENTIN, NELSON & YVONNE	2,091.13
		10 Boulder Lane	
		Somerset NJ 08873	
PAID:	October 21, 2002	CERT #20-167	
LIENHOLDER:	James C. Older		
	87 East Mountain Road	Hillsborough NJ 08844	
June 30, 2000	386.17/129.85	HARRIS, FRANCES	16,908.75
		1093 Oakcroft Lane	
		Somerset NJ 08873	
PAID:	October 11, 2002	CERT #20-262	
LIENHOLDER:	Phoenix Funding		
	191 Glen Road	Mountainside NJ 07092	

B. 02-487 RESOLUTION - TAX OVERPAYMENTS

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

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

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

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
386.17/233	SHAMY, SHIPERS & LONSKI, P.C. ATTORNEYS AT LAW 251 Livingston Avenue New Brunswick NJ 08901	4/02	1,502.29
423.02/40.17	MAIN STREET TITLE AGENCY 223 Wanaque Avenue Pompton Lakes NJ 07442	4/02	2,291.79
404/11	BARROOD & BARROOD, P.C. ATTORNEYS AT LAW 699 Georges Road North Brunswick NJ 08902	4/02	2,120.55
517.03/3.12	KATZ, ETTIN & LEVINE 905 North Kings Highway Cherry Hill NJ 08034	4/01	8,786.25
424.02/11.213	SHEIKH, ASHAR 9641 Nature Trail Way Elk Grove CA 95758	4/02	1,183.03

REGULAR MEETING – NOVEMBER 12, 2002**C. 02-488 RESOLUTION - WATER OVERPAYMENT**

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
417.02/27	COLLECTOR OF REVENUE	Water to Taxes	\$ 37.08

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

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

D. 02-489 RESOLUTION – INSERTION IN BUDGET - STATE OF NEW JERSEY - JUVENILE JUSTICE DELINQUENCY PREVENTION PROGRAM - \$75,000.00

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 \$75,000.00 with a match of \$0.00, from the Matching Funds for Grant for STATE OF NEW JERSEY - JUVENILE JUSTICE DELINQUENCY PREVENTION PROGRAM, for a total of \$75,000.00, and wishes to amend its SFY-2003 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 SFY-2003 in the sum of \$75,000.00 which is now available as revenue from:

**STATE OF NEW JERSEY - JUVENILE JUSTICE DELINQUENCY
PREVENTION PROGRAM**

BE IT FURTHER RESOLVED that a like sum of \$75,000.00, with a match of \$0.00 from \$0.00 for STATE OF NEW JERSEY - JUVENILE JUSTICE DELINQUENCY PREVENTION PROGRAM for a total contract of \$75,000.00 and the same is hereby appropriated under the caption of:

**STATE OF NEW JERSEY - JUVENILE JUSTICE DELINQUENCY
PREVENTION PROGRAM**

BE IT FURTHER RESOLVED that the Township Clerk forward three (3) copies of this Resolution to the Director of Local Government Services.

E. 02-490 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 - LAWMEN SUPPLY COMPANY - AN AMOUNT NOT TO EXCEED \$17,209.00

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;

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VENDOR: LAWMEN SUPPLY COMPANY
5521 White Horse Pike
Egg Harbor City NJ 08215

ITEMS: 100 Glock Model 23 .40S&W Caliber Semiautomatic Pistols @ \$172.09
Purchase includes trade in of 100 existing Glock Model 23 .40 weapons

COST: Not to exceed \$17,209.00

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.

F. 02-491 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/
OVER \$8,500.00 - CERTIFIED SPEEDOMETER SERVICE - AN AMOUNT
NOT TO EXCEED \$17,500.00

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: CERTIFIED SPEEDOMETER SERVICE
9 Jay Street
Old Tappan NJ 07625

ITEMS: Message Board Sign Trailer

COST: Not to exceed \$17,500.00

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.

G. 02-492 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/
OVER \$8,500.00 - EDMUNDS & ASSOCIATES, INCORPORATED - AN
AMOUNT NOT TO EXCEED \$16,025.00

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: EDMUNDS & ASSOCIATES, INCORPORATED
333 Tilton Road
Northfield NJ 08225

ITEMS: Maintenance for the Edmunds Software used by Tax, Finance and
Water Utility for the period January 1, 2003 to December 31, 2003

COST: Not to exceed \$16,025.00

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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.

H. 02-493 RESOLUTION - AUTHORIZE PURCHASE/COMPETITIVE CONTRACT - COMMUNITY DEVELOPMENT CONCEPTS, LLC – CDBG HOUSING REHABILITATION PROGRAM ADMINISTRATION - \$15,000.00 & HOUSING AND COMMUNITY DEVELOPMENT SERVICES, INC. – CDBG ADMINISTRATIVE SERVICES - \$21,665.00

WHEREAS, the Township is desirous of obtaining the services of Consultants to administer the CDBG Housing Rehabilitation Program and for CDBG Administration Services; and

WHEREAS, NJSA 40A:11-4 et seq. provides that a competitive contract can be utilized for any good or service that is exempt from bidding pursuant to NJSA 40A:11-5, Extraordinary Unspecifiable Services were publicized; and

WHEREAS, quotations for the provisions of obtaining the service of Consultants to administer the CDBG Housing Rehabilitation Program and for the CDBG Administration Services; 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; and

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

COMMUNITY DEVELOPMENT CONCEPTS, LLC

20 Birch Run Drive
Piscataway NJ 08854

CDBG Housing Rehabilitation Program Administration

HOUSING & COMMUNITY DEVELOPMENT SERVICES, INCORPORATED

4 Sloan Street
South Orange NJ 07079

CDBG Administration Services

Amounts: Housing Administration - Community Development Concepts, LLC - \$15,000
Rehabilitation Program Administration - Housing & Community Development Services - \$21,665; and

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

BE IT FURTHER RESOLVED that notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law.

I. Removed from Agenda

J. Removed from Agenda

K. 02-494 RESOLUTION - AGREEMENT - TOWNSHIP OF NORTH BRUNSWICK AND THE TOWNSHIP OF FRANKLIN - PROVISION TO FRANKLIN OF POTABLE WATER

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

WHEREAS, the Township of Franklin is desirous of entering into an agreement with the Township of North Brunswick for the provision of potable water to Franklin for the ten year period with two five year automatic renewals commencing November 1, 2002; and

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

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

L. 02-495 RESOLUTION – AMEND AGREEMENT – ELIZABETHTOWN WATER CO. AND THE TOWNSHIP OF FRANKLIN - DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO BELMONT DRIVE - \$363,072.56/ADDITIONAL \$8,000.00

WHEREAS, by resolution adopted December 11, 2001, the Township Council authorized an agreement with Elizabethtown Water Company to proceed with the project as a Joint Venture, with Elizabethtown Water Co. providing for the design, bidding/specification process and contract award and construction, with approval of the Township, and the Township providing for NJDOT approval and reimbursement to Elizabethtown Water Co. of a sum equal to 58 percent of the final construction cost; and

WHEREAS, said resolution provided that the Township's portion of the cost for said joint venture shall not exceed \$363,072.56, based upon the cost estimate supplied by Elizabethtown's Engineer and including an amount of \$135,000.00 to be received by the Township as an NJDOT State Aid Grant; and

WHEREAS, bids for the improvements received by Elizabethtown Water Co. were higher than the originally estimated amount by \$3,665.70 necessitating an increase in the amount cited in the original contract, and staff has recommended that the contract amount be increased by \$8,000.00 to include any other contingencies that occur without the need to amend the original agreement again;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk of the Township of Franklin in the County of Somerset and State of New Jersey are hereby authorized and directed to execute an Amended Agreement the Elizabethtown Water Co. reflecting an additional \$8,000.00 as the Township's portion of the cost.

M. 02-496 RESOLUTION ENDORSING THE AWARD OF BID TO DELLA PELLO CONTRACTING COMPANY, INC., BY ELIZABETHTOWN WATER COMPANY FOR THE RECONSTRUCTION OF BELMONT DRIVE FROM PIERCE STREET TO CAMPUS DRIVE

WHEREAS, a notice to bidders for the receipt of bids for the reconstruction of Belmont Drive from Pierce Street to Campus Drive was published in the Courier News, by Elizabethtown Water Company on September 26, 2002 for receipt of bids at 2:00 PM, prevailing time, on October 11, 2002 at the offices of Elizabethtown Water Company located at 1341 North Avenue, Plainfield New Jersey 07062 and,

WHEREAS, after the receipt of bids, at the time, place and on the date specified and the analysis of all bids received as well as a review of the relevant documents required by law, it was determined that the lowest responsible bidder was Della Pello Contracting Company, Inc.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Franklin, in Somerset County, in the State of New Jersey, does hereby endorse the contract, in the

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amount of \$632,290.18, by and between Elizabethtown Water Company and Della Pello Contracting Company, Inc. and,

BE IT FURTHER RESOLVED that, in accordance with an agreement by and between the Township of Franklin and Elizabethtown Water Company, authorized by resolution adopted December 11, 2001, executed on July 9, 2002, and authorized to be amended on November 12, 2002 to add \$8,000.00 to the not to exceed value contained in the contract, Franklin Township will pay 58% of the final construction with said payment not to exceed \$371,072.56 and,

BE IT FURTHER RESOLVED that James P. Pettit, PE/PP/CME, Capital Projects Engineer, shall send a copy of this resolution, together with such other documents as they may be required, directly to NJDOT.

N. 02-497 RESOLUTION - GRANT AGREEMENT - NJ DEPARTMENT OF LAW & PUBLIC SAFETY - JUVENILE JUSTICE DELINQUENCY PREVENTION GRANT - \$75,000 / \$37,000 TOWNSHIP IN-KIND MATCH

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 Grant Agreement with the NJ Department of Law and Public Safety Partnership providing to the Township a grant of \$75,000.00 with an in-kind match of \$37,000.00 for the Juvenile Justice Delinquency Prevention Program.

O. 02-498 RESOLUTION - SUBGRANT AGREEMENTS 2002 CDBG PROGRAM

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

1. Somerset County Coalition for Affordable Housing for housing counseling - \$7,500.00
2. Franklin Township Food Bank for freezer improvements - \$15,000.00
3. Somerset Community Action Program for renovations to their childcare facility - \$33,760.00

P. 02-499 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - OSWALD SKAAR - DOCKET NO. BRA02-009 - \$12.50

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

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

APPLICANT: OSWALD SKAAR
ADDRESS: 47 Stockton Avenue Princeton NJ 08540

DOCKET NO: BRA02-009
BLOCK/LOT: 20.02/37
LOCATION: 47 Stockton Avenue
AMOUNT DEPOSITED: \$100.00
AMOUNT CHARGED: 87.50
AMOUNT TO BE REFUNDED: \$ 12.50

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

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

Q. 02-500 RESOLUTION - RELEASE OF ESCROW MONIES

WHEREAS, the Township Clerk of the Township of Franklin, County of Somerset and State of New Jersey, has received escrow monies for purposes of anticipated inspection fees as noted below; 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: ROTOR CLIP COMPANY, INCORPORATED

ADDRESS: PO Box 318 South Bound Brook NJ

DOCKET NO: Z99009UP
 BLOCK/LOT: 502/34.01, 35.02 & 36.02
 LOCATION: Davidson Avenue
 AMOUNT DEPOSITED: \$3,000.00
 AMOUNT CHARGED: 2,962.50
 AMOUNT TO BE REFUNDED: \$ 37.50

APPLICANT: FRANKLIN INDUSTRIAL PARTNERS/FRANK GREEK & SON

ADDRESS: 33 Cotters Lane East Brunswick NJ 08816

DOCKET NO: P99054P
 BLOCK/LOT: 517.01/2.02
 LOCATION: Pierce Street
 AMOUNT DEPOSITED: \$19,999.00
 AMOUNT CHARGED: 18,041.50
 AMOUNT TO BE REFUNDED: \$ 1,957.50

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

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

R. 02-501 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - ROTOR CLIP COMPANY, INCORPORATED - DOCKET NO. Z99009UP - \$87,863.04

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

ITEM: CASH PERFORMANCE GUARANTEE
 NAME OF APPLICANT: ROTOR CLIP COMPANY, INCORPORATED
 ADDRESS OF APPLICANT: Box 318 South Bound Brook NJ 08880-0318
 NUMBER: Cash Check No. 28076
 INSURANCE CO./BANK: Fleet Freehold NJ
 IN THE AMOUNT OF: \$87,863.04

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FOR: Site Improvements - Docket No. Z99009UP, Block 502/Lot 34.01, 35.02, 36.02; and

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

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

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

BE IT FURTHER RESOLVED that the Township Treasurer be and he is authorized to issue a check to Rotor Clip Company, Incorporated in the amount of \$87,863.04 representing release of this performance guarantee.

S. 02-502 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - 20 COMMERCE DRIVE LLC - DOCKET NO. 614A - \$99,269.80

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

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: 20 COMMERCE DRIVE LLC
 ADDRESS OF APPLICANT: 401 Cleveland Avenue Highland Park NJ 08904
 NUMBER: CSB 08290709
 INSURANCE CO./BANK: United Pacific Insurance Company
 IN THE AMOUNT OF: \$99,269.80

FOR: Site Improvements - Docket No. 614A, Block 86.02/Lot 3.02, 20 Commerce Drive; and

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

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

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

T. 02-503 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - FRANKLIN INDUSTRIAL PARTNERS/FRANK GREEK & SON - DOCKET NO. P99054P - \$804,733.26

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

ITEM: PERFORMANCE BOND
 NAME OF APPLICANT: FRANKLIN INDUSTRIAL PARTNERS/FRANK GREEK & SON
 ADDRESS OF APPLICANT: 33 Cotters Lane East Brunswick NJ 08816
 NUMBER: SO5451

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INSURANCE CO./BANK: First Indemnity of America Insurance Company
119 Litton Road Parsippany NJ 07054

IN THE AMOUNT OF: \$804,733.26

FOR: Site Improvements - Docket No. P99054P, Block 517.01/Lot 2.02, Pierce Street; and

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

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

WHEREAS, all inspections for release were made prior to September 30th subject to receipt of a reduced performance bond in the amount of \$124,751.00 for a parking lot expansion, which reduced bond was received on October 4, 2002;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant effective October 4, 2002.

U. 02-504 RESOLUTION - PERFORMANCE GUARANTEE REJECTION - WHITEHALL MANOR, INCORPORATED - SITE PLAN DOCKET NO. 507 SECTION 8 - \$302,557.80

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: WHITEHALL MANOR, INCORPORATED

ADDRESS OF APPLICANT: 820 Morris Turnpike
Short Hills NJ 07078

NUMBER: AMSI-000052 SD

INSURANCE CO./BANK: The Mountbattan Surety Company, Incorporated
33 Rock Hill Road Cynwyd PA

IN THE AMOUNT OF: \$302,557.80

FOR: Site Improvements for Docket No. 507, Section 8 - Block 37/Lot 3, Route 27/Cortelyou Lane; and

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

WHEREAS, by report dated October 18, 2002, the Township Engineer recommends rejection of the request based upon deficiencies noted by Hank Kolakowski, Superintendent/Roads Franklin Township Department of Public Works; and

WHEREAS, the **Municipal Land Use Law** requires the Governing Body, by resolution, to release or reject the release of Performance Guarantees within forty five (45) days of the report from the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from Whitehall Manor, Incorporated to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

REGULAR MEETING – NOVEMBER 12, 2002**V. 02-505 RESOLUTION - AUTHORIZE RAFFLE/BINGO**

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

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

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

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

NAME OF ORGANIZATION**DATE OF RAFFLE/BINGO**

St. Peter & Paul Catholic Church
285 Hamilton Street, Somerset, NJ
Bingo - BL#1369
Drawings: St. Peter & Paul Auditorium
- 5pm - 11pm

BINGO/2003
Jan. 2, 9, 16, 23, 30
Feb. 6, 13, 20, 27
Mar. 6, 13, 20, 27
April 3, 10, 24
May 1, 8, 15, 22, 29
June 5, 12, 19, 26
July 3, 10, 17, 24, 31
Aug. 7, 14, 21, 28
Sept. 4, 11, 18, 25
Oct. 2, 9, 16, 23, 30
Nov. 6, 13, 20
Dec. 4, 11, 18

St. Peter & Paul Altar Rosary Society
285 Hamilton Street, Somerset, NJ
Bingo - BL#1370
Drawings: St. Peter & Paul Auditorium
- 11am - 5pm

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

St. Peter & Paul Altar Rosary Society
Special Bingo - BL#1371
Drawings: St. Peter & Paul Auditorium

Jan. 1
May 26
Sept. 1
- 11am - 5pm

W. 02-506 RESOLUTION - DISCONTINUANCE OF WATER EMERGENCY/ WATER BAN UPON ISSUANCE OF BAN BY STATE OF NEW JERSEY

WHEREAS, by resolution adopted June 13, 2002 the Township promulgated emergency restrictions and a ban on the use of water from private wells and the Franklin Township water system; and

WHEREAS, subsequent thereto, the NJDEP of the State of New Jersey issued a Water Emergency for the entire State;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the water emergency and ban promulgated June 13, 2002 by the Township Council shall be ended since the NJDEP has issued Statewide water restrictions.

REGULAR MEETING – NOVEMBER 12, 2002**X. 02-507 RESOLUTION - SPECIAL EVENT PERMIT - EDGEMERE TENANTS ASSOCIATION - BLOCK PARTY/BAIER AVENUE - SATURDAY, OCTOBER 26, 2002**

WHEREAS, by resolution adopted October 22, 2002 permission was granted to Edgemere Tenants Association to conduct a Block Party on Saturday, October 26, 2002 and the closing of Baier Avenue from Phillips Road to Franklin Boulevard, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

WHEREAS, said Block Party was postponed to November 1, 2002 because of inclement weather;

NOW, THEREFORE, BE IT RESOLVED that the Township Council does hereby retroactively amend said resolution to add thereto a "rain date" of November 1, 2002.

Y. 02-508 RESOLUTION - ENDORSE PLAN BY NJDOT TO CONSTRUCT ROUTE 27 BRIDGE OVER SIX MILE RUN

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby endorse the plan prepared by Baher Girdis, Project Engineer, New Jersey Department of Transportation, and Michael Baker, Jr. Incorporated, for the constructing of a new bridge on Route 27 over Six Mile Run.

Z. Removed from Agenda**AA. 02-509 RESOLUTION - CHANGE ORDER NO. 1 - SANTOS BROTHERS, INCORPORATED - REHABILITATION OF NAAMAN WILLIAMS PARK - AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,500.00**

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey has, on October 10, 2000, authorized the awarding of a contract to Santos Brothers, Incorporated, PO Box 1248, Whitehouse Station NJ 08889 in the amount of \$380,203.30 for the Rehabilitation of Naaman Williams Park; and

WHEREAS, during the course of the project the necessity of demolition of dwellings located within the Park at 42 Matilda Avenue and 88 Matilda Avenue, resulting in an increase in the contract by \$10,500.00, became known;

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 issuance of Change Order No. 1 to the contract with Santos Brothers, Incorporated as noted above;

BE IT FURTHER RESOLVED that the Township Manager be and he is authorized to sign said Change Order on behalf of the Township.

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

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

Motion was carried.

21. COUNCIL COMMENTS

Mr. McKenzie noted the importance of providing information and addressing concerns of residents and business owners in the Renaissance 2000 Redevelopment area.

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Mr. Mettler concurred with Mr. McKenzie's comments and noted that the Redevelopment Agency needs to proceed with great sensitivity for the residents. The Township Council must be advised of events such as the choosing of a redeveloper and impact of redevelopment on Township facilities before press releases are issued.

Ms. Barrier concurred with the need for information from the Redevelopment Agency and the major problems created by the lack of newspaper communication in the Township. The publication of a legal notice on an ordinance is not sufficient to alert residents of proposals and the lack of communication causes problems and undue stress. The Township's official newspaper must be encouraged to provide coverage as well as efforts to find other ways to get information out to residents.

Mr. Mazzola noted that the issue of the Redevelopment Agency's actions and the lack of public debate are going to haunt the Council. Residents have not had adequate opportunity for understanding and communication for an informed consent to the Redevelopment Plan.

Mr. Levine concurred on the Redevelopment Agency issues and commended/congratulated all who participated in the November 5th General Election for their efforts.

Ms. Eberle noted the need to make clear to residents that the Redevelopment Agency meetings are open to the public and residents should attend and discuss proposed activities.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 10:56 p.m.

SHIRLEY EBERLE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK