

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:05 p.m.

Mayor Levine called the Work 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 25, 2008. 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 Councilman Mettler led the Invocation.

The Township Clerk called the roll.

Present: Ms. Eberle, Ms. Francois, Mr. Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter, Deputy Mayor Vassanella

Absent: Ms. Danile

Also present: Leslie G. London, Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

### **PROCLAMATIONS**

#### **Albert Senna – World War II Veteran**

Deputy Mayor Vassanella presented the following proclamation:

**WHEREAS**, America's former prisoners of war set an example of vision, valor, and unshakeable love of country that inspires our citizens; and

**WHEREAS**, through unspeakable conditions, they upheld their oath to defend America with honor and dignity; and

**WHEREAS**, their extraordinary spirit, patriotism, and resolve helped defeat tyranny and build democratic and just societies, enabling decent men and women around the world to live in freedom; and

**WHEREAS**, thousands of World War II prisoners of war endured the infamous Bataan Death March and years of captivity; and

**WHEREAS**, Albert Senna served in the Army Corps of Engineers during World War II and was captured by the Japanese in Bataan in April 1942; and

**WHEREAS**, during his three-and-a-half years as a prisoner of war, he survived the Bataan Death March, imprisonment in Camp O'Donnell and Cabantuann in the Philippines, the Haro Maru Hell Ship and enslavement in Japan; and

**WHEREAS**, President Harry S. Truman appointed him National Commander of the American Defenders of Bataan and Corregidor, a prisoners of war organization, with which he has stayed active for over 50 years, attending reunions and working to obtain aid and assistance for his fellow veterans;

**NOW, THEREFORE, WE, BRIAN D. LEVINE, MAYOR & JAMES VASSANELLA, DEPUTY MAYOR,** on behalf of the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, urge all citizens of the Township of Franklin to honor Albert Senna for his extraordinary sacrifices in defense of democracy and liberty and extend to him our undying gratitude.

**Environmental Commission Commendations**

Arnold Vernick, Chairman of the Environmental Commission presented the 2008 Environmental Awards to Advanced Food Systems for solar panel installation and the individual award to Doris Bennett for all her environmental work.

**ENVIRONMENTAL RESOURCE INVENTORY PRESENTATION**

Members of the Environmental Commission made a presentation of the Environmental Resource Inventory as prepared by Amy S. Greene Environmental Consultants, Inc. dated July 8, 2008. Said document was prepared with the aid of a Smart Growth Planning Grant from the Association of New Jersey Environmental Commissions. A copy of which is on file of the Township Clerk.

**MAYOR'S REPORT**

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month. Public is invited and encouraged to attend.
- One can see listings on FTTV-25 and the Township website. On the Township's website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- Announced he has a Mayor's Blog through the Home News. He would be periodically list happenings and opinions on the Home News blog. He invited comments, answers and suggestions. Also announced there would be a Mayor's column in *The Spectator*.

**DEPUTY MAYOR'S REPORT**

Deputy Mayor Vassanella made the following report:

- Reported on the educational seminars at the NJ League of Municipalities Convention held last week.
- Reported on the Somerset County 2009 Recycling brochure and urged residents to read the valuable information contained in it.

**PUBLIC DISCUSSION**

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

Ted Chase, 150 Old Georgetown Road, spoke on the Environmental Commission presentations. He also spoke on the \$175,000 grant from the Somerset County Planning Board for open space for the Scalzone property.

Ronald Pavone, DeMott Lane, spoke on Thanksgiving and what it means.

John McConville, 5 Stone Leigh Way, spoke on the increasing budget and the need to stop spending.

Phillip Kramer, 429 Canal Road, TUF, asked Council not to give themselves raises or at least put them as a separate vote. He asked Council not to hire an additional police officer. Mayor Levine noted they have stopped all raises except for contractual raises.

Alvin Levine, 15 Schindler Court, spoke of the country's declining economy and how neighboring towns are taking decisive actions to cut costs. He spoke on the number of police cars and the possible closing of the mini dump. He urged Council to make strong moves to decrease expenditures and stated it is not a time to increase taxes.

Keith Stewart, 26 Atlantic Road, spoke on parks and how Somerset County is helping to supplement costs of park improvements and asked Council to look into those monies, especially for Middlebush Park.

Scott Ludwigsen, 12 Smithwold Road, encourage by comments regarding parks and fields.

Deputy Mayor Vassanella moved to close the public discussion portion of the meeting. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

### COUNCIL COMMENTS

Mr. Prasad wished everyone a happy thanksgiving and holiday. He stated Council will do everything in its power to streamline the budget during these tough economic times.

Ms. Francois agreed with not hiring a police officer. She stated there will be no promotions and they did implement a hiring freeze. She stated that did make cuts to the budget and will continue to do more. She wished everyone a happy thanksgiving.

Ms. Eberle wished everyone a happy thanksgiving. She spoke on the great educational experiences at the League of Municipalities Convention. She stated they are all working hard on the budget and will continue to do so.

Mr. Mettler stated he enjoyed the Environmental Commission presentation. He stated there are great people on this board and on past boards. He wished everyone a happy thanksgiving.

Mr. Sumter wished everyone a happy thanksgiving. He spoke on the hiring freeze.

Mr. Glicklich spoke on the Environmental awards and presentation. He agreed with the comments regarding the educational programs at the League of Municipalities Convention. He commented on the County Recycling program and the drop off site in Bridgewater. He addressed the need to set priorities regarding fields. He wished everyone a happy thanksgiving.

Deputy Mayor Vassanella spoke about World War II Veteran, Albert Senna. He spoke about the budget process and suggested they go back and make more cuts to the budget. He commended the Environmental Commission for the great work they have been doing.

Mayor Levine announced the budget is scheduled for adoption on December 9<sup>th</sup>. He stated that the Township has been addressing the issues at hand and they need to take one year at a time.

### COUNCIL DISCUSSION ITEMS

#### Green and Solar Initiatives

Deputy Mayor Vassanella spoke on the need to start green and solar programs in the Township. He reported he has been working with the Township Attorney regarding ordinances that need to be adopted. He spoke on legislation that has been introduced to provide for an exemption from the municipal construction permit fee in regards to renewable energy systems. He stated he would keep Council informed regarding the status of this matter.

### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$21,530,027.52 for November 25, 2008 to the Township Council for payment:

1	Current	21,119,111.10
2	Grant	73,547.16
3	Tax Title Lien	
4	General Capital	587.80
5	Water	111,181.57
6	Water Capital	
11	Recreation Trust	2,967.35
12	Trust Others	7,327.66
13	Unemployment	
15	Redevelopment	60.00
17	Animal Control	
19	Self Insurance	2,476.28
20	Affordable Housing	
30	Payroll	33,878.04
35	Hist Preservation	
39	Workers Compensation	
40	Open Space	6,685.21
42	Redevelopment E	
50	County Imp Auth Fund	125,547.00
	Subtotal	21,483,369.17
	Escrows	46,658.35
	Grant Total	21,530,027.52

Mr. Prasad moved that warrants in the amount of \$21,530,027.52 for November 25, 2008 to be paid. Said motion was seconded by Ms. Eberle 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

### ORDINANCES – PUBLIC HEARING & FURTHER CONSIDERATION

#### Ordinance No. 3793

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 112 THEREOF, ENTITLED LAND DEVELOPMENT, AMEND SUBSECTIONS 112-280(L) – LEEWOOD RENAISSANCE AT FRANKLIN REDEVELOPMENT AREA.**

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

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

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

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

Ms. Francois moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Mettler 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

**Ordinance No. 3797**

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 226, TRAFFIC AND VEHICLES, SECTION 226-13 – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS – BERRY STREET.**

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

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

There being no public discussion, Mr. Mettler 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. Prasad moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Glicklich 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	Francois			Danile

Glicklich	Levine
Mettler	Prasad
Sumter	Vassanella

**Ordinance No. 3798**

Mayor Levine presented the following ordinance:

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, CHAPTER 46, PERSONNEL POLICIES, SECTION 46-11, EMPLOYMENT BENEFITS – ADD NEW SUBSECTION O – DONATED LEAVE PROGRAM.**

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

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

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

Ms. Francois moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Mettler 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

**INTRODUCTION OF ORDINANCES ON FIRST READING**

**Ordinance No. 3803**

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 1, GENERAL PROVISIONS, ARTICLE II, GENERAL PENALTY, SUBSECTION 1-3, VIOLATIONS AND PENALTIES; CHAPTER 260, PARKS AND RECREATION, ARTICLE II, RULES AND REGULATIONS, SUBSECTION 260-6, PROHIBITED ACTIVITIES; ARTICLE VI, GRIGGSTOWN NATIVE GRASSLAND PRESERVE (PART OF TEN MILE RUN GREENWAY), SUBSECTION 260-32, VIOLATIONS AND PENALTIES; ARTICLE VII, NEGRI-NEPOTE NATIVE GRASSLAND PRESERVE (PART OF THE MIDDLEBUSH GREENWAY), SUBSECTION 260-40, VIOLATIONS AND PENALTIES.**

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 January 6, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Mettler moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on January 6, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad.

A brief discussion ensued regarding the fines for these type of violations and Council directed the Township Attorney to review them.

Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Francois	Vassanella		Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter				

**Ordinance No. 3804**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF TOWNSHIP OWNED LAND LOCATED IN BLOCK 552, LOT 22 LOCATED ON LEONA STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

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 January 6, 2009 at 7:00 p.m. in the Municipal Complex.

MR. Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on January 6, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

**Ordinance No. 3805**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AUTHORIZING THE PUBLIC AUCTION OF TOWNSHIP OWNED LAND LOCATED IN BLOCK 536.01, LOT 2.03 ALSO KNOWN AS 201 CAMPUS DRIVE IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

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 January 6, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on January 6, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Glicklich 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	Francois			Danile
Glicklich	Levine			

Mettler	Prasad
Sumter	Vassanella

**Ordinance No. 3806**

Mayor Levine presented 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, ARTICLE XXXIII AFFORDABLE HOUSING DEVELOPMENT FEES.**

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 January 6, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on January 6, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Mettler 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

**Ordinance No. 3807**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY – CHAPTER 121, BUILDINGS, NUMBERING OF, TO ADD ENFORCEMENT SECTION**

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 January 6, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on January 6, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Glicklich 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

**Ordinance No. 3808**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, CHAPTER 5, ARTICLE II, EXECUTIVE AND LEGISLATIVE, MEETINGS OF TOWNSHIP COUNCIL**

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 January 6, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on January 6, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

#### CONSENT AGENDA ITEMS

Upon motion by Mr. Glicklich, seconded by Mr. Prasad, 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	Francois			Danile
Glicklich	Levine			
Mettler	Prasad			
Sumter	Vassanella			

**Resolution #08-615** Authorize Tax Remittals.

**WHEREAS**, there appears on the books of the Collector of Revenue, taxes to be remitted, as a result of Common Elements; and

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
180/5	Ethel Bodo	3/08	\$1,026.79
	522 Hamilton Street	4/08 – 100%	\$1,759.92
	Somerset, NJ 08873	Disabled Veteran	

**Resolution #08-616** 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>
417.02/235	Joseph M. Rasa, Esq. 565 Newark Pompton Tpke. Pompton Plains, NJ 07444	4/06 Rebate to Attorney	\$1,180.75
513.31/17	Giuseppe C. Randazzo, LLC 99 Passaic St., Ste. 101 Garfield, NJ 07026	4/08 Attorney and Mortgage Co. Paid	\$1,856.35

287.02/41	Robert C. Nisenson, Esq. 10 Auer Court East Brunswick, NJ 08816	2/06 Rebate to Attorney	\$1,017.17
180/5	Ethel Bodo 522 Hamilton Street Somerset, NJ 08873	3/08 Tax Exempt	\$1,026.79

**Resolution #08-617** Authorize Release of Planning Review and Building 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:	SADG-2, Schoolhousing, LP			
ADDRESS:	100 Colliery Road Dickinson, PA 18519			
DOCKET NO.	PLN2006-0031			
BLOCK/LOT:	514/25, 26.02 & 25.03			
LOCATION:	Schoolhouse Road and Elizabeth Avenue			
TYPE:	Plan Review			
AMOUNT DEPOSITED:	\$31,406.00 (SD)	\$1,425.00 (Atty)	\$5,420.00 (HG)	\$5,429.00 (In-Hse)
AMOUNT CHARGED:	<u>31,406.00</u>	<u>1,425.00</u>	<u>5,420.00</u>	<u>3,390.30</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$ 0.00	\$1,858.70

**Resolution #08-618** Support Installation of Traffic Signal Preemption Devices at the following locations: Amwell Road/Cedar Grove Lane; Amwell Road/Thompson Parkway; and Amwell Road/DeMott Lane.

**WHEREAS**, a traffic conditions exist at the intersections of Amwell Road/Cedar Grove Lane; Amwell Road/Thompson Parkway; and Amwell Road/DeMott Lane, Township of Franklin, Somerset County which requires the installation of an emergency pre-emption operation in addition to the semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

**WHEREAS**, the Franklin Township Fire District #1 has said devices;

**BE IT RESOLVED** by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby supports the installation of the following emergency pre-emption operation in addition to the semi-actuated traffic control signal with pedestrian push buttons at the following intersections: Amwell Road/Cedar Grove Lane; Amwell Road/Thompson Parkway; and Amwell Road/DeMott Lane, Township of Franklin, Somerset County by the Franklin Township Fire District #1 in order to minimize the possibility of accidents

**Resolution #08-619** Authorize Shared Services Agreement between Township of Franklin and Housing Authority with respect to Relocation of Parkside Village Residents.

**WHEREAS**, the Housing Authority is interested in utilizing the services of the Township of Franklin for the provision of relocation assistance services with respect to the relocation of Parkside Village residents; and

**WHEREAS**, the Township of Franklin is willing to provide such Services to the Housing Authority under the terms and conditions of the attached Shared Services Agreement; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, NJSA 40A:65 et seq . permits a local unit of this State to enter into an agreement with any other local unit for the joint provision within their combined jurisdiction of any service which any party to the agreement is empowered to render within its own jurisdiction;

**NOW, THEREFORE, BE IT RESOLED** that the Mayor and Council of the Township of Franklin, County of Somerset does hereby authorize the Mayor and Township Clerk to execute agreements which is on file with the Township Clerk, to provide relocation services with respect to the relocation of Parkside Village residents on behalf of the Housing Authority.

**Resolution #08-620** Authorize Purchase – Insulation of DPW’s Berry Street Pole Barn – State Insulation Corp. – Amount Not to Exceed \$9,137.84.

**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:**     **State Insulation Corporation**  
                  525 Johnstone Street  
                  Perth Amboy, NJ 08861-3341  
**ITEMS:**     Insulation of DPW’s Berry Street Pole Barn  
**COST:**       \$9,137.84

**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;

**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 vendors to purchase the specified items.

**Resolution #08-621** Authorize Purchase – Tractor Mower Main-Frame Assembly – Cammps Hardware and Lawn – Amount Not to Exceed \$13,880.00.

**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:**     **Cammps Hardware and Lawn**  
                  2160 US Highway 206  
                  Belle Mead, NJ 08502-4008  
**ITEMS:**     Tractor Mower Main-Frame Assembly  
**COST:**       \$13,880.00

**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;

**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 vendors to purchase the specified items.

**Resolution #08-622** Award CDBG Rehabilitation Contracts – 13 Angel Place – 310 Cedar Grove Lane – 119 Henry Street – 94 Main Street.

**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 and NPP Grant for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

**CONTRACTOR:** Stormbringer  
35 Como Drive  
Somerset, NJ 08873

**PROJECT:** 119 Henry Street  
**AMOUNT:** \$14,120.00

**CONTRACTOR:** ARK Building and Remodeling, LLC  
756 Garden Street  
Rahway, NJ 07065

**PROJECT:** 94 Main Street  
**AMOUNT:** \$4,139.59

**CONTRACTOR:** J&A  
156 Dayton Avenue  
Somerset, NJ 08873

**PROJECT:** 13 Angel Place  
**AMOUNT:** \$11,550.00  
**PROJECT:** 310 Cedar Grove Lane  
**AMOUNT:** \$4,900.00

**Resolution #08-623** Authorize CDBG Rehabilitation Contract Change Order #1 – ANPE Corp. – 155 Churchill Avenue – Additional \$1,575.00 – New Total Amount: \$13,325.00 – Unforeseen Problems with Roof.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on October 14, 2008, authorized the awarding of a contract to

**ANPE Corp.**  
**25 Sandra Lane**  
**Wayne, NJ 07470**

**Amount: \$11,750.00**

**WHEREAS**, it could not be determined until the work began that additional work and supplies were needed in connection with the roof decking, this requiring a Change Order #1 in the amount of \$1,575.00 new total amount of \$13,326.00.00; 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;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Orders No. 1 to the contract with ANPE Corp.; and

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

**Resolution #08-624** Authorize CDBG Rehabilitation Contract Change Orders #1 & #2 – ANPE Corp. – 440 Wheeler Place – Additional \$3,943.87 – New Total Amount: \$25,343.87 – Unforeseen Problems/Credit.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on May 13, 2008, authorized the awarding of a contract to

**ANPE Corp.**  
**25 Sandra Lane**  
**Wayne, NJ 07470**

**Amount: \$21,400.00**

**WHEREAS**, it could not be determined until the work began that additional work and supplies were needed as well as a credit, thus requiring a Change Order #1 and #2 in the amount of \$3,943.87 new total amount of \$25,343.87; 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;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Orders No. 1 and No. 2 to the contract with ANPE Corp.; and

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

**Resolution #08-625** Authorize CDBG Rehabilitation Contract Change Order #1 – J&A Renovations – Additional \$300.00 – New Total Amount: \$9,950.00 – Unforeseen Work.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, authorized the awarding of a contract to

**J&A RENOVATIONS**  
**PO Box 1518**  
**New Brunswick, NJ 08903**

**Amount: \$9,650.00**

**WHEREAS**, it could not be determined until the work began that additional work and supplies were needed, this requiring a Change Order #1 in the amount of \$300.00 new total amount of \$9,950.00; 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;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, does hereby authorize the issuance of Change Orders No. 1 to the contract with J&A Renovations; and

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

**Resolution #08-626** Support of the Somerset County Partnership's Green Toolkit Sustainable Public Building Guidelines.

**WHEREAS**, the Township of Franklin has recognized the need to preserve and properly manage our local natural resources; and

**WHEREAS**, the Township of Franklin has made strides in preserving and managing these natural resource; and

**WHEREAS**, the Township of Franklin recognizes the need to embrace sustainable design in all future municipal facilities; and

**WHEREAS**, the Township of Franklin is aware of the efforts of the Somerset County Business Partnership in the development of their Green Toolkit; and

**WHEREAS**, the Green Toolkit recommends the use of the United States Green Building Council Leadership in Energy and Environmental Design Rating System in the design of facilities; and

**WHEREAS**, the Green Toolkit recommends applications of the LEED guidelines that will reduce the cost of facility operation, while enhancing both the interior and exterior work environment; and

**WHEREAS**, the Somerset County Business Partnership's Green Toolkit has been accepted by the Somerset County Board of Chosen Freeholders as a guide in the design for all future county facilities;

**NOW, THEREFORE BE IT RESOLVED**, that the Township of Franklin recognizes the efforts of the Somerset County Business Partnership in the development of the Green Toolkit, and

**BE IT FURTHER RESOLVED**, that the Township of Franklin supports the recommendations found in the Somerset County Business Partnership's Green Toolkit in the design of new public facility construction as a means of demonstrating environmental stewardship by the Township of Franklin.

**Resolution #08-627** Authorize Settlement – Matson v. Franklin Township Board of Adjustment et al – Docket No. SOM-L-1578-05.

**BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

1. The Township does hereby authorize the Settlement of \$90,000.00 in connection with the Matson v. Franklin Township Board of Adjustment et al., Docket No. SOM-L-1578-05.
2. The Mayor and Township Clerk are hereby authorized to execute said Stipulation of Dismissal and Form of Release.

**Resolution #08-628** Accept Grant from the Hazardous Discharge Site Remediation Fund Public Entity Program – NJ Economic Development Authority & NJDEP – Onka Property - \$75,802.00.

**WHEREAS**, the Township of Franklin has applied for and has been awarded a grant in the amount of \$75,802.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the site investigation along with report preparation of the Onka Property;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative, as the representative for the Township of Franklin.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

**Resolution #08-629** Authorize Grant Agreement – Green Acres – Recreation and Open Space Inventory.

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Franklin desires to further the public interest by obtaining a grant of \$3,900.00 from the State to fund the following project: Open Space Plan Acquisition;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that Brian D. Levine, Mayor of the Township of Franklin is hereby authorized to:

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

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

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above names project;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council:

- 1) That the Mayor of the Township of Franklin is hereby authorized to execute an agreement and any amendment thereto with the State known as Open Space Plan Acquisition; and
- 2) That the applicant has its matching share of the project, if a match is required, in the amount of \$3,900.00.
- 3) That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
- 4) The applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project.
- 5) That this resolution shall take effect immediately.

**Resolution #08-630** Authorize Issuance of Raffles Licenses.

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

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

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

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

**NAME OF ORGANIZATION**

Franklin Park School PTO  
 30 Eden Street, Franklin Park  
 On-Premise 50/50 Raffle – RL#1746  
 On-Premise Raffle – RL#1747  
 Drawings: Franklin Park School

**DATE OF RAFFLE/BINGO**

May 16, 2009  
 6:00 pm – 9:00 pm

St. Matthias Knights of Columbus Council #9925  
 162 JFK Boulevard, Somerset, NJ  
 Off-Premise 50/50 – RL#1748  
 Drawing: Rutgers Prep. Field House

December 30, 2008  
 8:00 PM

**Resolution #08-631** Authorize ROID Grant - \$9,600.00 (State) and \$1,920 (Local), Grant Total: \$11,520.00.

**WHEREAS**, the Township of Franklin, Somerset County desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$9,600.00 State with \$1,920.00 local share for a total contract of \$11,520.00 in 2009 to run Harmony Club. Harmony Club is a group of disabled residents ages 6-92 that meets monthly to participate in adapted social, athletic, recreational, and educational activities.

**BE IT AND IT IS HEREBY RESOLVED**

- 1) that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the application for such a grant; and
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between Franklin Township and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED** that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

**Resolution #08-632** Request Review and Approval of Development Fee Ordinance.

**WHEREAS**, the Governing Body of Franklin Township, Somerset County will petition the Council on Affordable Housing (COAH) for substantive certification on December 9, 2008; and

**WHEREAS**, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

**WHEREAS**, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);

3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

**WHEREAS**, Franklin Township has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Franklin Township, Somerset County requests that COAH review and approve Franklin Township's development fee ordinance.

### ADJOURNMENT

Ms. Francois moved to adjourn the meeting at 9:06 p.m. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *February 10, 2009*

Ann Marie McCarthy, Township Clerk