

**WORK SESSION/REGULAR MEETING OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**NOVEMBER 26, 2002**

The Work Session/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 7:13 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 Mr. Mazzola.

The Township Clerk called the roll.

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

Absent: No one

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

**COMMENDATION – WESLEY GILES, EAST MILLSTONE RESIDENT**

Mr. Mettler and Mr. Giles were absent at this time and this commendation was deferred until later in the meeting.

**REVIEW PREPARED AGENDA**

**7. APPROVAL OF MINUTES**

Township Clerk Pellicane noted that the amendments to the October 1<sup>st</sup> Work Session and October 8<sup>th</sup> Regular Meeting suggested by Mr. Levine were again sent to Council with their packets. Since Mr. Levine was absent at this time, this item was deferred to later in the meeting.

**17E PURCHASE – EXPANETS, INC. VOICE/DATA EQUIPMENT FOR 12 BERRY STREET - \$12,191.25 STATE CONTRACT**

Township Manager Daly noted that the bond ordinance providing funding for this purchase has not yet been adopted. Therefore, this item has been deferred until January.

**17F PURCHASE – EMTEC – COMPUTER EQUIPMENT FOR POLICE DEPARTMENT/DOMAIN CONTROLLER - \$83,000.00 - \$18,000.00 – STATE CONTRACT**

Township Manager Daly noted that the bond ordinance providing funding for most of these purchases has not yet been adopted. Therefore, this resolution has been amended to include only that portion of the purchases for which funding is available, and the balance has been deferred until January.

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**17K AGREEMENT – CENTRAL JERSEY JOINT INSURANCE FUND MEMBERSHIP – 7/01/02 TO 7/01/05**

Deputy Mayor Grippo noted the memo received from the Township Manager providing information on the many thousands of dollars saved by the Township over the past three years by insuring with the JIF and requested Township Manager Daly to issue a press release on this matter.

**17S PERFORMANCE GUARANTEE RELEASE/\$1,380,748.30; ACCEPT TWO-YEAR MAINTENANCE BOND/\$138,072.82; AUTHORIZE FINAL PAYMENT – SANTOS BROTHERS CO. INC - REHABILITATION OF NAAMAN WILLIAMS PARK**

In response to a question from Mr. Sumter, Township Manager Daly advised that the contractor has completed the work as required under their contract for the rehabilitation of Naaman Williams Park and will be posting a two-year maintenance bond for repair of anything in the construction found to be defective during the period of the maintenance bond. The Township's DPW, not the contractor, is providing routine maintenance such as grass cutting, etc.

**6. COUNCIL DISCUSSION ITEMS:**

**A. PRESENTATION – DAN DERMER – FIRE CHIEFS' ASSOCIATION**

Township Manager Daly advised that Mr. Dermer has cancelled his appointment to attend this meeting.

**B. ILLEGAL USE OF SINGLE FAMILY DWELLING AS MULTIPLE FAMILY**

Ms. Barrier noted getting a number of complaints about single-family homes, especially in the area close to New Brunswick, being used as multi-family dwellings, to the detriment of quality of life issues and to the taxpayers. A petition is being circulated by residents requesting the Township to enforce the zoning in this area. Township Manager Daly is seeking information on these zoning violations and will deal with the owners on individual basis and is checking to see what other towns do to enforce these zoning regulations.

Township Manager Daly noted that one of the issues raised is that residents are afraid to report cases. The adequacy of our current ordinance to deal with these issues is being reviewed. Residents and Councilmembers are urged to bring situations of over-crowding to his attention or to the attention of the Health Officer. In response to a question from Mr. Chivukula, Township Manager Daly noted that in some cases an absentee owner is renting a dwelling out to multiple parties. Enforcement of the ordinance is easy where there have been structural modifications such as multiple kitchens/bathrooms.

Township Attorney Rainone noted that circumstances such as this triggered our newly adopted inspection ordinance.

Mr. Sumter questioned the status of mother/daughter dwellings. Township Attorney Rainone noted that the biggest enforcement problem is the definition of a family unit since a family cannot be defined as having blood ties. A mother/daughter dwelling is considered a single family dwelling unless conversions to create separate entrances or separate kitchens have been made.

Mr. Levine arrived during the above discussion.

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**C. DISCUSSION RE: JOHN CARLANO**

Mr. Mazzola noted the desire of the Advisory Board of Health to find ways to honor John Carlano, our first Health Officer, founding member of the Marconi Foundation, founder and organizer of many Community Clean Up campaigns. It has been suggested to re-name the multipurpose building at 935 Hamilton Street which houses the Health Department in his honor.

Mr. Mazzola moved to direct the Township Clerk to prepare for Council to execute any documents necessary to do this. Deputy Mayor Grippo seconded the motion. Members of Council noted additional contributions made to the community by Mr. Carlano and commended Mr. Mazzola for the suggestion. Mr. Mazzola requested that this matter be handled as soon as possible because of Mr. Carlano's declining health.

**C. MORRISON ESTATES, II – FUTURE MAINTENANCE OF DETENTION BASIN**

Township Attorney Rainone reiterated the request for waiver from Morrison Estates as set forth at the November 7<sup>th</sup> Work Session and noted that Township Engineer Joseph Russo has no objection to an ordinance permitting the waiver in light of a proposed Developer's Agreement. If the proposal is acceptable to Council, Council can direct preparation of an ordinance and a resolution authorizing the Developer's Agreement for January.

Mr. Mazzola noted discussion at the November 7<sup>th</sup> Work Session that this was not the preferred way of handling the detention basin and his concern with future home owners knowing and accepting the responsibility for maintenance of the basin. Township Manager Daly questioned what protections will be afforded to the Township for future maintenance.

Township Attorney Rainone responded that, while not the preferred way, because of the amount of land in the development and its configuration, Township Engineer Russo felt this was a better design. The waiver will be recited as a deed restriction in the deeds and will be made known to potential purchasers. Should the homeowners' association default in the future, the Township would have the option of maintaining the basin and placing the cost of maintenance as a lien against the homeowners in the development.

**7. APPROVAL OF MINUTES**

***October 1<sup>st</sup> Work Session/October 8<sup>th</sup> Regular Meeting***

Mr. Levine moved to amend the subject minutes to reflect his suggestions. Mr. Mazzola seconded the motion.

Mr. Chivukula and Deputy Mayor Grippo noted that Mr. Levine's amendment notes his objection since the Committee created to search for a Township Clerk is not bi-partisan. The Committee consists of two Democratic members, one Republican member and the Mayor as ex-officio. Since both political parties are represented, the Committee is "bi-partisan". A statement that the Committee does not provide equal representation would be more accurate.

At the suggestion of Township Attorney Rainone, approval/amendment of these minutes was deferred to the next meeting so members can consider the above discussion.

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*November 7<sup>th</sup> Work Session/November 12<sup>th</sup> Regular Meeting/November 7<sup>th</sup> Executive Session*

Motion was made by Mr. Mazzola and seconded by Ms. Barrier to approve the Minutes of the November 7<sup>th</sup> Work Session, November 12<sup>th</sup> Regular Meeting and the November 7<sup>th</sup> Executive Session. Motion was carried unanimously by those members present at those meetings.

**8. WARRANTS – NOVEMBER 26, 2002**

**Read by Township Clerk Pellicane**

1	Current Fund	1,062,249.33
5	Water Operating	329,593.42
6	Water Capital	0
4	General Capital	134,392.47
15	General Trust	2,822.25
18	Self Insurance Trust Fund	4,079.40
21	Recreation Trust	143.50
12	Open Space Trust	3,500.00
2	Grant Fund	10,046.43
17	Workers' Compensation	2,785.70
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	27,469.42
	Public Assistance	0
	Assessment Trust	0
14	Dog Revenue	108.90
	Community Foundation	0
22	General Ledger: Current	0
13	Redevelopment Agency	0
23	Agency	102,990.41
	<b>SUB-TOTAL</b>	<b>1,680,181.23</b>
25	Escrow Accounts	12,475.00
19	Voided Checks	0
20	Adjustments	0
	<b>GRAND TOTAL</b>	<b><u>\$1,692,656.23</u></b>

Mr. Mettler arrived at this time

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

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

Motion was carried.

**COMMENDATION – WESLEY GILES, EAST MILLSTONE RESIDENT**

**Read by Mayor Eberle**

**WHEREAS**, on October 27, 2002, a Burglary and Theft occurred at Chester's Market located at 30 Market Street in East Millstone, New Jersey; and

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**WHEREAS**, East Millstone resident Wesley Giles observed suspicious behavior on the part of two individuals, selflessly took actions to thwart the perpetrators, resulting in an assault on his person; and

**WHEREAS**, Wesley Giles supplied the Franklin Township Police Department with a partial license plate number and assisted the FTPD by positively identifying one of the perpetrators through a photo line-up; and

**WHEREAS**, Wesley Giles' concern and quick action enabled the FTPD to solve a series of smash and grabs that had been occurring in Somerset County;

**NOW, THEREFORE, THE TOWNSHIP COUNCIL** of the Township of Franklin, County of Somerset, State of New Jersey, does hereby commend

***WESLEY GILES***

for his service to the community and his fellow residents through his bravery and caring.

The Commendation was presented to Wesley Giles by Mayor Eberle and Councilman Mettler.

**9. ORDINANCE HEARING –LEASE ORDINANCE – ACQUISITION OF TRUNKED RADIO SYSTEM THROUGH SOMERSET COUNTY IMPROVEMENT AUTHORITY - \$3,200,000.00 – PUBLIC HEARING CONDUCTED 11/12/02**

Township Clerk Pellicane read by title:

**"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, 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 was conducted on the ordinance on November 12, 2002.

Motion was made by Mr. Chivukula 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:

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

Motion was carried.

**10. ORDINANCE HEARING – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112-34.04 – SOMERSET/DOUGLAS INTERSECTION**

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 112, DEVELOPMENT – ARTICLE V, SPECIAL REQUIREMENTS – SECTION 112-32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN – SUBSECTION I, LAND USE PLAN – PARAGRAPH 6, RENAISSANCE COMMERCIAL – SUB-PARAGRAPHS A AND B (ADD BLOCK 171.02/LOTS 1, 2, 3, 4,**

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**236.02 & 238.02)**". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

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

Motion was carried.

**11. ORDINANCE HEARING – AUTHORIZE AND EXPAND LEASE – FRANKLIN TOWNSHIP LITTLE LEAGUE**

Township Clerk Pellicane read by title:

**"AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN PREMISES OWNED BY THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY TO THE FRANKLIN TOWNSHIP LITTLE LEAGUE FOR UTILIZATION AS A LITTLE LEAGUE BASEBAL COMPLEX"**. Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mazzola 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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<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>
Ms. Barrier	Mr. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie		<b><u>ABSENT</u></b>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

**12. ORDINANCE HEARING – ACCEPT DEDICATION – RUKH ENTERPRISES, INC. – DAVIDSON AVENUE RIGHT OF WAY – BLOCK 502/LOT 47.02**

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF ADDITIONAL RIGHT OF WAY WIDTH – DAVIDSON AVENUE – RUKH, INCORPORATED – BLOCK 502/LOT 47.02". 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. Sumter to open the public hearing; the motion was carried unanimously.

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

No one from the public spoke.

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

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

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

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

Motion was carried.

**13. ORDINANCE HEARING – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-25, BUS STOPS**

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 226, VEHICLES & TRAFFIC – SECTION 226-25, BUS STOPS ". 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.

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

Motion was made by Mr. Levine 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:

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

Motion was carried.

**14. PUBLIC DISCUSSION**

Motion was made by Mr. Mazzola and seconded by Ms. Barrier 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.

Lucretia Cortelyou, 1892 Amwell Road, spoke in objection to the request of the Library Board for additional funding for the expansion/renovations of their building based on its impact on other capital improvement projects, increased taxes, increased maintenance costs.

Barbara Lawrence, 383 South Middlebush Road, Co-Chair of Friends of the Library, spoke in favor of the expansion and its importance to the quality of life and educational/recreational needs of the Township.

John Grosso, 61 Hollywood Avenue:

1. Questioned if the purpose of Item 9 on the agenda, (Ordinance Hearing – Lease Ordinance – Acquisition of Trunked Radio System through Somerset County Improvement Authority - \$3,400,000.00) is to acquire a radio system and if the system will be purchased or leased. Township Manager Daly responded that this is the purpose of the ordinance and the financing mechanism is a lease/purchase mechanism.
2. Questioned the purpose of Consent Agenda Item L (Agreement – Somerset County – Interlocal Services – Trunked Radio System). Township Manager Daly advised that this agreement provides for the Township to use County equipment for processing our radio system at great cost saving to the Township.
3. Questioned if the work performed for Consent Agenda Item S (Performance Guarantee Release/\$1,380,748.30; Accept Two-Year Maintenance Bond/\$138,072.82; Authorize Final Payment – Santos Brothers Co., Inc. – Rehabilitation of Naaman Williams Park) could have been done by the Township

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staff. Township Manager Daly replied that the work was the rehabilitation of Naaman Williams Park and could not be done by staff.

4. Need to keep the pool in Naaman Williams Park open more than 6 weeks in the summer. Township Manager Daly advised that the Council added \$10,000 to the budget for that purpose.
5. Objected to an increase in the funding provided for the library expansion.

John McConville, 9 Stoneleigh Way:

1. Questioned the schedule for the resurfacing of Treptow Road. Township Manager Daly responded that the final resurfacing is awaiting the completion of other work and a final deadline has not been determined.
2. Questioned if the fire hydrant marker installation has been completed, what the final cost is, what plans have been made to replace broken/missing markers and Township liability if they are not replaced. Township Manager Daly responded that the total bid is the final cost, and he will check on the status of the installation.
3. Noted his objection to proposals in other communities to sell advertising on police cars but questioned the viability of the proposal for other Township vehicles. Township Manager Daly responded that both scenarios are equally inappropriate.
4. Questioned the cost of the 180' communications tower being constructed in the municipal complex. Township Manager Daly advised that the tower is being constructed at no cost to the Township by the potential user of the tower, and the tower will also provide income to the Township since space on the tower can be leased out by the Township to other users
5. Questioned if funding for the trunked radio system will be bonded or paid for through the capital budget. Township Manager Daly responded that the system will be bonded through a lease/purchase system with the Somerset County Improvement Authority.

Matthew Perry, Peoples Line Road, advised Council that the Franklin Township Pop Warner Junior Midget Football Team will play for the Eastern Regional Championship and a possible trip to Orlando, Florida to play for the national championship. If the team is successful, they will need funding for the trip to Florida. A budget in the amount of \$33,400 has been proposed and needs to be funded by parents, fundraising by the league members, sponsorship by local business and a contribution from the Township in the amount of \$3,500 to cover the cost of bus transportation.

Richard Hemmingway, 246 Park Street, spoke in support of the Pop Warner request for the contribution.

Don Schilke, 1621 Amwell Road, spoke in reference to the need for the Township to explore the use of the public access Channel 14 for community needs.

Victoria Metz, 53 Livingston Avenue, East Millstone:

1. Supported the Pop Warner request for the contribution.
2. Noted problems faced by Cub Pack 113 when utilizing the Community/ Senior Center, specifically inability to use the stage area; children not being allowed in the building at certain hours; children in the recreation program not being allowed to use the restrooms.

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John Grosso, 61 Hollywood Avenue and President of Senior Advisory Board, noted that the Board is unaware of the information presented by Ms. Metz. Since all decisions of the various senior clubs supposedly go through the Senior Advisory Board, he requested further information on the problems.

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

Deputy Mayor Grippo moved to authorize the donation of \$3,500.00 to the Pop Warner Football League for the trip to Florida when they win the Eastern Regional championship. Mr. Sumter seconded the motion.

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

Motion was carried.

**15. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-30, ON-STREET HANDICAPPED PARKING – 228 HILLCREST AVENUE & 113 BROOKLINE AVENUE**

Township Clerk Pellicane read by title:

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES AND TRAFFIC, SECTION 226-30 (ON-STREET HANDICAPPED PARKING SPACE (ADD 113 BROOKLINE AVENUE AND 228 HILLCREST AVENUE))" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003.

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. Levine	No One	No One
Mr. Chivukula	Mr. Mazzola		
Mayor Eberle	Mr. McKenzie	<b><u>ABSENT</u></b>	
Mr. Grippo	Mr. Mettler		
	Mr. Sumter	No One	

Motion was carried.

**16. ORDINANCE INTRODUCTION – LEASE – TRAP ROCK INDUSTRIES – COMMUNICATIONS EQUIPMENT**

Township Clerk Pellicane read by title:

"AN ORDINANCE AUTHORIZING A LEASE AMENDMENT FOR CERTAIN PREMISES OWNED BY TRAP ROCK INDUSTRIES, INCORPORATED, TO THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY, FOR THE INSTALLATION OF COMMUNICATIONS ANTENNA AND TRANSMISSION LINE/RRECEIVING EQUIPMENT" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003.

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

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

Motion was carried.

**17. 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:

LaFerrara – Block 20.03/Lot 9.03 C2604 - \$407.86 – 12 Gregory Lane  
 Smith – Block 20.10/Lot 11.02 C0215 - \$105.64 – 32 Columbus Drive  
 Martin – Block 34.05/Lot 52.05 C0110 - \$275.71 – 20-110 DeLar Pky (1995)  
 Martin – Block 34.05/Lot 52.05 C0110- \$412.37 – 20-110 DeLar Pky (1997)  
 Martin – Block 34.05/Lot 52.05 C0110- \$328.78 – 20-110 DeLar Pky (2000)  
 Martin – Block 34.05/Lot 52.05 C0110- \$276.54 – 20-110 DeLar Pky (2001)  
 Martin – Block 34.05/Lot 52.05 C0110- \$278.11 – 20-110 DeLar Pky (2002)  
 Wood West Realty – Block 37.02/Lot 5.05 - \$2,072.34 – 2601 Route 27  
 Montemurno – Block 40/Lot 11 - \$16,800.78 – 71 Vermont Avenue  
 Elgazi – Block 95/Lot 7.01 - \$2,268.65 – 192 Churchill Avenue  
 Haywood – Block 194/Lot 47 - \$1,468.51 – 131 Green Street  
 Dixon – Block 296/Lot 14 - \$1,209.53 – 400 Hillcrest Avenue  
 Triggs – Block 298/Lot 11 - \$164.22 – 23 Millstone Road  
 Eleam – Block 329/Lot 22 - \$608.56 – 24 Appleman Road  
 Chiles – Block 340/Lot 1.01 - \$317.35 – 272 Lenox Place  
 Collymore – Block 345/Lot 28 - \$474.47 – 375 West Point Avenue

B. Tax Overpayments - Various

C. FY2003 Budget – Insertion in Budget – NJDMV Drunk Driving Enforcement Grant - \$9,433.89

D. FY2003 Budget – Insertion in Budget – NJ Department of Health & Senior Services Grant – additional ~~\$600.00~~ **\$602.00**

~~E. Purchase – Expanets, Inc. – Voice/Data Equipment for 12 Berry Street – \$12,191.25 – State Contract~~

F. Purchase – Emtec – Computer Equipment for Police Department/ **Domain Controller** - \$83,000.00 **\$18,000.00** – State Contract

G. Purchase – Atlantic Salt, Inc. – Rock salt for Ice Control - \$80,000 - \$31.89 per ton – Somerset County Cooperative Pricing

H. Purchase/Exception to Bid Threshold – Elizabethtown Water Co. – Fire Service Fees 7/1/02 to 6/30/03 - \$1,535.68 per month/\$18,440.16

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- I. Purchase – DelCasale Contracting, Inc. – Demolition of Garage/Township Open Space formerly Toto) - \$13,600.00 – Section 3-13
  - J. Contract Amendment – Communications Specialists, Inc. – Service and Maintenance of DPW Radios – 12/2/02 to 11/30/03 - Add \$7,000.00 for on- call repair
  - K. Agreement - Central Jersey Joint Insurance Fund Membership – 7/1/02 to 7/1/05
  - L. Agreement – Somerset County – Interlocal Services – Trunked Radio System
  - M. Grant Agreement – Somerset County Municipal Planning Partnership Program – Franklin Township Economic Development Plan - \$16,485.00
  - N. Grant Application – NJ Juvenile Justice Commission – Juvenile Accountability Incentive Block Grant – ARISE Program for 1/1/03 to 12/31/03 - \$11,715.00 Grant/ \$1,302 Township Match
  - O. Grant Application – NJDEP Office of Natural Lands Management Recreation Trail Program – Trails at Middlebush Park - \$25,000.00
  - P. Grant Application – NJDEP Environmental Services – Environmental Commission program of Water Quality Monitoring - \$2,500.00
  - Q. Escrow Release – Construction Water:  
Brunswick Soil Crete - \$1,884.50
  - R. Escrow Release – Plan Review:  
Zamorski - \$100.00
  - S. Performance Guarantee Release/\$1,380,748.30; Accept 2-year Maintenance Bond/\$138,072.82; Authorize Final Payment – Santos Brothers Co., Inc. – Rehabilitation of Naaman Williams Park
  - T. Performance Guarantee Release – SKN Builders – Docket #P99014SPF - \$92,934.00
  - U. Authorize Auction of Abandoned Motor Vehicles by FTPD
  - V. Discharge of Affordable Housing Mortgage – Cameron to Bustamante – Block 34.01/Lot 16.02 C3213 – 57 Taylor Drive
  - W. Discharge of Affordable Housing Mortgage – Griess to Hutty/Lawrence – Block 386/17/Lot 271 – 271 Resnick Court
  - X. Support NJDOT Report as amended by Kingston Village Advisory Committee – Kingston Pedestrian/Bicycle Report
- A. 02-510 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:

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<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 13, 2002	20.03/9.03 C2604	LaFERRARA, SYLVIA 12 Gregory Lane Franklin Park NJ 08823	\$ 407.86
<b>PAID:</b>	<b>November 7, 2002</b>	<b>CERT #020003</b>	
<b>LIENHOLDER:</b>	<b>James Pilewski</b> <b>3 Devon Lane</b>	<b>Warren NJ 07059</b>	
June 13, 2002	20.10/11.02 C0215	SMITH SONDA D. 32 Columbus Drive Franklin Park NJ 08823	105.64
<b>PAID:</b>	<b>October 25, 2002</b>	<b>CERT #020007</b>	
<b>LIENHOLDER:</b>	<b>American Tax Funding</b> <b>PO Box 862658</b>	<b>Orlando FL 32888-2658</b>	
April 06, 1995	34.05/52.05 C0110	Martin, Joan K.	275.71
April 10, 1997		20-110 DeLar Parkway	412.37
June 08, 2000		Franklin Park NJ 08823	328.78
June 07, 2001			276.54
June 13, 2002			278.11
<b>PAID:</b>	<b>October 30, 2002</b>	<b>CERT #95-65; 97-112; 20-90; 01-51; 020019</b>	
<b>LIENHOLDER:</b>	<b>JNH Funding Corporation</b> <b>90 Dayton Avenue, Building 6 C</b>	<b>Passaic NJ 07055</b>	
June 13, 2002	37.02/5.05	WOOD WEST REALTY, LLC 90 Woodbridge Center Drive Suite 600 Woodbridge NJ 07095 2601 Route 27	2,072.34
<b>PAID:</b>	<b>November 6, 2002</b>	<b>CERT #020039</b>	
<b>LIENHOLDER:</b>	<b>Wachovia CA/SASS IV</b> <b>123 South Broad Street, PA 1328</b>	<b>Philadelphia PA 19109</b>	
June 07, 2001	40/11	MONTEMURNO, PETER & PAT 71 Vermont Avenue Franklin Park NJ 08823	16,800.78
<b>PAID:</b>	<b>October 30, 2002</b>	<b>CERT #01-187</b>	
<b>LIENHOLDER:</b>	<b>Plymouth Financial Company</b> <b>PO Box 2288</b>	<b>Morristown NJ 07962-2288</b>	
April 11, 1996	95/7.01	ELGAZI, ALY & SANDRA 192 Churchill Avenue Somerset NJ 08873	2,268.65
<b>PAID:</b>	<b>November 4, 2002</b>	<b>CERT #96-28</b>	
<b>LIENHOLDER:</b>	<b>FUNB Cust. Fundco Incorporated</b> <b>3950 RCA Boulevard, Suite 5001</b>	<b>Palm Beach Gardens FL 33410</b>	
June 7, 2001	194/47	HAYWOOD, ALWIN 131 Green Street Somerset NJ 08873	1,468.51
<b>PAID:</b>	<b>November 18, 2002</b>	<b>CERT #01-44</b>	
<b>LIENHOLDER:</b>	<b>JN Properties</b> <b>175 Market Street, Suite 301</b>	<b>Paterson NJ 07505</b>	
June 10, 1999	296/14	DIXON, WILBUR 400 Hillcrest Avenue Somerset NJ 08873	1,209.53

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<b>PAID:</b>	November 6, 2002	CERT #99-234	
<b>LIENHOLDER:</b>	George Shrier		
	201 South 2 <sup>nd</sup> Avenue, Box 16	Highland Park NJ 08904	
June 13, 2002	298/11	TRIGGS, ARTHUR JR. 23 Millstone Road Somerset NJ 08873	164.22
<b>PAID:</b>	October 30, 2002	CERT #020139	
<b>LIENHOLDER:</b>	James Pilewski		
	3 Devon Land`	Warren NJ 07059	
June 07, 2001	329/22	ELEAM, ALEXANDER 24 Appleman Road Somerset NJ 08873	608.56
<b>PAID:</b>	November 12, 2002	CERT #01-164	
<b>LIENHOLDER:</b>	James Pilewski		
	3 Devon Land`	Warren NJ 07059	
June 13, 2002	340/1.01	CHILES, ELLA & CONSTANCE 272 Lenox Place Somerset NJ 08873	317.35
<b>PAID:</b>	October 25, 2002	CERT #020148	
<b>LIENHOLDER:</b>	James Pilewski		
	3 Devon Land`	Warren NJ 07059	
June 13, 2002	345/28	COLLYMORE, DEBRA 375 West Point Avenue Somerset NJ 08873	474.47
<b>PAID:</b>	October 25, 2002	CERT #020152	
<b>LIENHOLDER:</b>	James Pilewski		
	3 Devon Land`	Warren NJ 07059	

**B. 02-511 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
11.09/13	COUNTRY WIDE FUNDING CORP ATTN: TAX DEPT. MSN 24 PO Box 10211 Van Nuys Ca 91410-0211	4/02	7,082.54
34.08/54.01 C4403	SCHOP & PLESKOW, LLP Brisbane Building 403 Main Street, Suite 605 Buffalo NY 14203	4/02	865.91
350/15	ROBICHEAU, PHILLIP & SOPHIE 30 Spring Street Somerset NJ 08873	4/02	1,889.76
362/36	LAWYERS TITLE C/O LAND AMERICA REGIONAL LENDER DIVISION 333 City Blvd, W, Ste. 702 Orange CA 92868	4/02	1,369.89
417.01/22.08	NASELLI, VINCENT & LINDA 132 Charles Street Somerset NJ 08873	4/02	3,825.38

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417.01/22.41	PATEL, MAYANK & SUNITA 129 Charles Street Somerset NJ 08873	4/02	1,261.71
424.10/303 C0026	MAIN STREET TITLE AGENCY, INC 210 River Street Hackensack NJ 07601	4/02	901.04
424.18/5	WANG, VICTOR & CLAUDIA 9 Rue Chagall Somerset NJ 08873	4/02	2,420.79
425.03/14	JAMES & CATHERINE GERMAIN 149 Walnut Avenue Somerset NJ 08873	4/02	1,410.63
451/7.01	SCHNEIDER & BIRNBERG, LLC ATTORNEYS AT LAW 557 Cranbury Road, Suite 15 East Brunswick NJ 08816	4/02	1,355.09

**C. 02-512 RESOLUTION – INSERTION IN BUDGET – STATE OF NEW JERSEY - DIVISION OF MOTOR VEHICLES DRUNK DRIVING ENFORCEMENT FUND - \$9,433.89**

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

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

**WHEREAS,** the Township of Franklin in the County of Somerset, State of New Jersey will receive \$9,433.89 for **STATE OF NEW JERSEY - DIVISION OF MOTOR VEHICLES DRUNK DRIVING ENFORCEMENT FUND**, and wishes to amend its 2003 Budget to include 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 2003 in the sum of \$9,433.89 which is now available as revenue from:

**STATE OF NEW JERSEY - DIVISION OF MOTOR VEHICLES  
DRUNK DRIVING ENFORCEMENT FUND**

**BE IT FURTHER RESOLVED** that a like sum of \$9,433.89, for **STATE OF NEW JERSEY - DIVISION OF MOTOR VEHICLES DRUNK DRIVING ENFORCEMENT FUND**, be and the same is hereby appropriated under the caption of:

**STATE OF NEW JERSEY - DIVISION OF MOTOR VEHICLES  
DRUNK DRIVING ENFORCEMENT FUND**

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

**D. 02-513 RESOLUTION – INSERTION IN BUDGET – STATE OF NEW JERSEY - DEPARTMENT OF HEALTH - FAMILY PLANNING OUTREACH PROGRAM - \$602.00**

**WHEREAS, N.J.S.A. 40A: 4-87** provides 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

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WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$602.00 for STATE OF NEW JERSEY DEPARTMENT OF HEALTH - FAMILY PLANNING OUTREACH PROGRAM, and wishes to amend its 2003 Budget to include 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 2003 in the sum of \$602.00 which is now available as revenue from:

**STATE OF NEW JERSEY DEPARTMENT OF HEALTH**  
**FAMILY PLANNING OUTREACH PROGRAM**

BE IT FURTHER RESOLVED that a like sum of \$602.00, for STATE OF NEW JERSEY DEPARTMENT OF HEALTH - FAMILY PLANNING OUTREACH PROGRAM be and the same is hereby appropriated under the caption of:

**STATE OF NEW JERSEY DEPARTMENT OF HEALTH**  
**FAMILY PLANNING OUTREACH PROGRAM**

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

**E.** Removed from Agenda

**F.** 02-514 **RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - EMTEC - COMPUTER EQUIPMENT FOR POLICE DEPARTMENT - AN AMOUNT NOT TO EXCEED \$18,000.00**

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

**VENDOR:** EMTEC  
817 East Gate Drive  
Mt. Laurel NJ 08054  
State Contract No. A81212

**ITEMS:** Computer Equipment for the Franklin Township Police Department/Domain Controller

**COST:** An amount not to exceed \$18,000.00

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

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

**G.** 02-515 **RESOLUTION - AUTHORIZE PURCHASE UNDER SOMERSET COUNTY COOPERATIVE - ATLANTIC SALT, INCORPORATED - ROCK SALT FOR ICE CONTROL - AN AMOUNT NOT TO EXCEED \$80,000.00**

WHEREAS, the Township of Franklin desires to purchase items as follows through Somerset County Cooperative, which items exceed the prevailing bid threshold:

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**VENDOR: ATLANTIC SALT, INCORPORATED**  
**130 Plain Street PO Box 269**  
**Lowell MA 01853**  
**Somerset County Cooperative No. 2-SOCCP, CC-50-02**

**ITEMS: Rock Salt for ice control**

**COST: An amount not to exceed \$80,000.00**

**WHEREAS**, the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, that funds are available and the Municipal Attorney has reviewed said certificate and is satisfied that said certificate is in proper form; and

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

**H. 02-516 RESOLUTION - AUTHORIZE PURCHASE - EXCEPTION TO BID THRESHOLD/OVER \$4,500.00 - ELIZABETHTOWN WATER COMPANY - MUNICIPAL FIRE SERVICE FEES - AN AMOUNT NOT TO EXCEED \$18,440.16 - JULY 1, 2002 TO JUNE 30, 2003**

**WHEREAS**, the Township of Franklin desires to purchase items as follows which are an exception to the bid threshold as set forth in NJSA 40A:11-5(2) but which exceed the limits set forth in Chapter 3, Section 3-13; and

**VENDOR: ELIZABETHTOWN WATER COMPANY**  
**600 South Avenue POB 788**  
**Westfield NJ 07091-0788**

**ITEMS: Water Service for Fire Hydrants in the South Bound Brook and Kingston areas, Elizabethtown owned water mains:**

**@ \$1,536.68 per month from July 1, 2002 to June 30, 2002**  
**Total \$18,440.16**

**COST: Not to exceed \$18,440.16; and**

**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.

**I. 02-517 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/OVER \$8,500.00 - DEL CASALE CONTRACTING, INCORPORATED - DEMOLITION OF GARAGE/TOTO PROPERTY - AN AMOUNT NOT TO EXCEED \$13,600.00**

**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: DEL CASALE CONTRACTING, INCORPORATED**  
**232 Bennetts Lane**  
**Somerset NJ 08873**

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**ITEMS: Demolition of garage on Toto property (Township's Open Space)**

**COST: An amount not to exceed \$13,600.00**

**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.

**J. 02-518 RESOLUTION - CONTRACT AMENDMENT - COMMUNICATIONS SPECIALISTS, INCORPORATED - MAINTENANCE OF DEPARTMENT OF PUBLIC WORKS RADIOS - DECEMBER 1, 2002 TO NOVEMBER 30, 2003 - AN AMOUNT NOT TO EXCEED AN ADDITIONAL \$7,000.00**

**WHEREAS**, bids for the Maintenance of Department of Public Works Radios was awarded by resolution adopted October 10, 2000 to Communications Specialist, Incorporated and extended for the one year period December 1, 2002 to November 30, 2003 by resolution adopted October 22, 2002 in the amount of \$2,457.60 for monthly maintenance; and

**WHEREAS**, there is need to provide additional funding for this contract to provide for on-call 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;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey that the following contract be amended:

**COMMUNICATIONS SPECIALIST, INC.**  
**11C Harts Lane**  
**East Brunswick NJ 08816**

**On-Call Maintenance of Department of Public Works Radio for the period December 1, 2002 to November 30, 2003 in an additional amount not to exceed \$7,000.00; 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 company.

**K. 02-519 RESOLUTION - RENEWAL OF MEMBERSHIP IN THE CENTRAL JERSEY JOINT INSURANCE FUND**

**WHEREAS**, the Township of Franklin is a member of the Central Jersey Joint Insurance Fund; and

**WHEREAS**, said membership terminated as of June 28, 2002 unless earlier renewed by agreement between the Township and the Fund; and

**WHEREAS**, the Township desires to renew said membership;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

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1. The Township of Franklin agrees to renew its membership in the Central Jersey Joint Insurance Fund and to be subject to the By-laws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Central Jersey Joint Insurance Fund evidencing the Township's intention to renew its membership.

**L. 02-520 RESOLUTION - AGREEMENT - COUNTY OF SOMERSET AND THE TOWNSHIP OF FRANKLIN - SHARING OF COUNTY'S RADIO SYSTEM SMART ZONE CONTROLLER**

**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 a joint venture with the County of Somerset as follows:

The Township will share the County's Radio System Smart Zone Controller; 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.

**M. 02-521 RESOLUTION - GRANT AGREEMENT - SOMERSET COUNTY - MUNICIPAL PLANNING PARTNERSHIP GRANT PROGRAM 2002 - FRANKLIN TOWNSHIP ECONOMIC DEVELOPMENT PLAN - \$16,485.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council does hereby authorize the Mayor and Township Clerk to execute on its behalf a Grant Agreement with Somerset County for the Municipal Planning Partnership Grant Program for the Franklin Township Economic Development Plan in the amount of \$16,485.00 for 2002.

**N. 02-522 RESOLUTION - GRANT APPLICATION - NJ JUVENILE JUSTICE COMMISSION - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT - ARISE PROGRAMS - \$11,715.00 GRANT/\$1,302.00 TOWNSHIP MATCH**

**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 authorizes the filing of a grant application with the New Jersey Juvenile Justice Commission - Juvenile Accountability Incentive Block Grant for ARISE Programs in the amount of \$11,715.00 with a \$1,302.00 Cash Match; and

**BE IT FURTHER RESOLVED** that the appropriate officials of the Township are authorized to execute this grant application.

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**Q. 02-523 RESOLUTION - GRANT APPLICATION - NJDEP - OFFICE OF NATURAL LAND MANAGEMENT RECREATION TRAIL PROGRAM - MIDDLEBUSH PARK TRAILS - \$25,000.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey authorizes the filing of a grant application with the New Jersey Department of Environmental Protection for Office of Natural Land Management Recreation Trail Program - Middlebush Park Trails in the amount of \$25,000.00; and

**BE IT FURTHER RESOLVED** that the appropriate officials of the Township are authorized to execute this grant application.

**P. 02-524 RESOLUTION - GRANT APPLICATION - NJDEP - ENVIRONMENTAL SURVEY GRANT - ENVIRONMENTAL COMMISSION/WATER QUALITY MONITORING - \$2,500.00**

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey authorizes the filing of a grant application with the New Jersey Department of Environmental Protection for Environmental Survey Grant - Environmental Commission/Water Quality Monitoring in the amount of \$2,500.00; and

**BE IT FURTHER RESOLVED** that the appropriate officials of the Township are authorized to execute this grant application.

**Q. 02-525 RESOLUTION - RELEASE OF CONSTRUCTION WATER METER ESCROW MONIES**

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

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

APPLICANT: BRUNSWICK SOIL CRETE

ADDRESS: 38 Inverness Court  
Jamesburg NJ 08831

AMOUNT DEPOSITED:	\$2,145.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$ <u>260.50</u>
AMOUNT TO BE REFUNDED:	\$1,884.50

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

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

**R. 02-526 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - ROBERT ZAMORSKI - DOCKET NO. ZBA2002-0163 - \$100.00**

**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 112-29 of the Code of the Township of Franklin; and

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**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: ROBERT ZAMORSKI  
 ADDRESS: 27 Irvington avenue  
 Somerset NJ 08873

DOCKET NO: ZBA2002-0163  
 BLOCK/LOT: 320/28-32  
 LOCATION: 27 Irvington Avenue  
 AMOUNT DEPOSITED: \$300.00  
 AMOUNT CHARGED: 200.00  
 AMOUNT TO BE REFUNDED: \$100.00

**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.

**S. 02-527 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - SANTOS BROTHERS COMPANY INCORPORATED - NAAMAN WILLIAMS PARK REHABILITATION PROJECT - \$1,380,728.30**

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

**ITEM:** PERFORMANCE & PAYMENT BOND  
**NAME OF APPLICANT:** SANTOS BROTHERS COMPANY INCORPORATED  
**ADDRESS OF APPLICANT:** POB 1248  
 Whitehouse Station NJ 08889  
**NUMBER:** PA4514854  
**INSURANCE COMPANY:** The Insurance Company of the State of Pennsylvania  
 PO Box 4270 Cherry Hill NJ 08034  
**IN THE AMOUNT OF:** \$1,380,728.30

**FOR:** Naaman Williams Park Rehabilitation Project; and

**WHEREAS**, the aforesaid Contractor has requested release of the aforesaid Performance Guarantee and the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$138,072.83, which Maintenance Bond has been filed with the Township Clerk; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant since the required maintenance bond has been received; and

**BE IT FURTHER RESOLVED** that the Township Treasurer be and he is hereby authorized to make final payment to the Contractor of the balance due for the construction in the amount of \$36,133.41 plus \$10,500.00 for Change Order No. 1.

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**T. 02-528 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - SKN BUILDERS, INCORPORATED - DOCKET #99014SPF - \$92,934.00**

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

**ITEM:** PERFORMANCE BOND

**NAME OF APPLICANT:** SKN BUILDERS, INCORPORATED  
c/o Mr. Nicholas T. Kehayas

**ADDRESS OF APPLICANT:** PO Box 98  
Somerset NJ 08875

**NUMBER:** S05166

**INSURANCE CO./BANK:** First Indemnity of America  
119 Littleton Road Parsippany NJ 07054

**IN THE AMOUNT OF:** \$92,934.00

**FOR:** Site Improvements for Docket No. 99014SPE (Roadway, Water, Storm, Street Trees) - Block 286/Lots 1-6, Belmar 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;

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 subject to receipt of two (2) year Maintenance Guarantee in the amount of \$13,940.10.

**U. 02-529 RESOLUTION - AUTHORIZE AUCTION OF ABANDONED TANGIBLE PERSONAL PROPERTY - TUESDAY, DECEMBER 10, 2002**

BE IT RESOLVED That the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize a Public Auction of automobiles which came into the possession of the Franklin Township Police Department through abandonment or failure of owners to claim in accordance with N.J.S.A. 39:10A-1 (Laws of the State of New Jersey) as follows:

Date: Tuesday, December 10, 2002  
Time: 10:00 am  
Place: Township Impound Yard  
40 Churchill Avenue Somerset NJ 08873

<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>STYLE</u>	<u>VIN. NUMBER</u>
1991	Toyota/Corolla	4 door Blue	2TAE94AXMC116802
1988	Mazda/MX6	2 door White	JM1GD3137J1525775
1986	Mazda/626	2 door White	JM1GC3115G1809884
1986	Mazda/B2000	Pickup Gray	JM2UF1116G0641981
1985	Honda/Accord	2 door Blue	1HGAD5329FA060236
1988	Ford/Taurus	4 door Gray	1FABP53U7JA279139
1990	Honda/Accord	2 door Tan	1HGCB7251LA053198
1986	Ford/Taurus	4 door Silver	1FABP29U4GG200232
1989	Ford/Aerostar	Van Red	1FMDA11U3KZA37754

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1986	Dodge/Ram	Pickup Blue	1B7FD04H4GS022242
1991	Mercury/Cougar	White	1MEPM6048MH626992
1979	Buick/Regal	2 door Gray	4347Y96150609
1988	Nissan/Maxima	4 door White	JN1HU11P4JT642670
1992	Hyundai/Excel	2 door Blue	KMHVD12J9NU169421
1985	Suburu/GL	4 door Black	JF1AC43B6FC236567
1984	Chevy/Caprice	4 door White	1G1AN6993EH151524
1982	Datsun/Stanza	2 door Gray	JN1HT14S8CT016304
1990	Buick/Skylark	4 door Red	1G4NV54U8LM031796
1988	Jeep/Cherokee	Blue	1JCMR7818JT206761
1988	Nissan/Sentra	4 door Brown	1N4PB21S4JC753377

**ALL VEHICLES HAVE TRANSFERABLE/REGULAR TITLES**

**Vehicles may be viewed at the location noted above for the one (1) hour period preceding the auction.**

**BE IT FURTHER RESOLVED** that Notice of Auction pursuant to Statute shall be published in the official newspaper of the Township in accordance with law.

**V. 02-530 RESOLUTION - DISCHARGE OF MORTGAGE – LISA CAMERON TO KATHERINE BUSTAMANTE - BLOCK 34.01/LOT 16.02 C3213 - 57 TAYLOR DRIVE, FRANKLIN PARK NJ**

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage for the premises known as 57 Taylor Drive, Block 34.01/Lot 16.02 C3213 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

**W. 02-531 RESOLUTION - DISCHARGE OF MORTGAGE – YOUNAN & HODA GREISS TO MILLARD A. LAWRENCE & DANINE N. HUTTY - BLOCK 386.17/LOT 271 - 271 RESNIK COURT, SOMERSET NJ**

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Management Services Mortgage for the premises known as 271 Resnik Court, Block 386.17, Lot 271 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

**X. 02-532 RESOLUTION - SUPPORT VILLAGE OF KINGSTON PEDESTRIAN/ BICYCLE CIRCULATION STUDY**

**WHEREAS**, the Township Council supports the preservation and enjoyment of the historic Village of Kingston as a walkable and bikeable community of place; and

**WHEREAS**, the Township Council supports the vitality of the small businesses in the Village of Kingston and believes that improved pedestrian and bicycle access in and around the Village would help those small businesses to flourish; and

**WHEREAS**, the State Department of Transportation has issued the Final Report of its Bicycle and Pedestrian Circulation Study for the Village of Kingston; and

**WHEREAS**, the Kingston Village Advisory Committee (KVAC), an appointed body of this Township, has reviewed the Final Report and made useful recommendations on that report to the Council, which were presented to the Council in a letter from the KVAC dated October 1, 2002; and

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**WHEREAS**, the Township Council has reviewed both the Final Report and KVAC's recommended amendments to that report and finds that the implementation of the measures in the NJDOT report, as amended by the KVAC recommendations, are sound and will help to improve present conditions in Kingston and encourage pedestrian and bicycle access to the Village;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby support the implementation of the measures presented in the Final Report, as amended by the referenced recommendations of the Kingston Village Advisory Committee, to aid pedestrian and bicycle mobility under present conditions;

**BE IT FURTHER RESOLVED** that the Township will cooperate with the State Department of Transportation and KVAC in implementing these measures.

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

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

Motion was carried.

**18. COUNCIL COMMENTS**

Mr. McKenzie:

1. Questioned the status of a request received from a resident in need of senior citizen bus transportation. Township Manager Daly responded that Director of Parks & Recreation Alice Osipowitz is researching the request.
2. Supported all recreational opportunities for Township children and youth and commended the Pop Warner Football League for their success.
3. Supported the Township's membership in Central Jersey Joint Insurance Fund and commended the Council for selecting that program.

Mr. Chivukula:

1. Commended Township Manager Daly and Economic Development Coordinator Frank Hasner for the article in the Star Ledger commending the Township's economic development plan.
2. Extended Happy Thanksgiving wishes to the Council and the audience.
3. Noted that there is need to let the public know that the public portion of the 4<sup>th</sup> Tuesday meeting begins at 7:00 p.m. instead of 8:00 p.m.

Mr. Sumter, Mr. Grippo and Mr. Mettler extended Happy Thanksgiving wishes.

Ms. Barrier:

1. Noted tonight's example of good government with speakers on both sides of issues and problems to be investigated and resolved.

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2. Concurred with Mr. Schilke's comments on the need to use Channel 14 to reach out to the public and to televise meetings and noted that the Township is seeking volunteer services in this area.
3. Congratulated and extended best wishes to the Pop Warner Football League.
4. Extended Happy Thanksgiving wishes.

Mr. Mazzola:

1. Noted that the Advisory Board of Health, in addition to the newly approved services of a staff Health Educator, expressed the desire to solicit sponsoring by corporations involved in health care to hand out literature in exchange for financial support of health clinics.
2. Questioned the survey stakes on the Scott property at the VanCleeef Road/Amwell Road intersection, identified for farmland preservation and contained in the Open Space Acquisition Ordinance. Township Manager Daly responded that he is investigating this situation.
3. Noted that the Cable Advisory Committee is looking into the televising of Council meetings.
4. Extended Happy Thanksgiving and Hanukkah greetings.

Mr. Levine:

1. Congratulated the Rotary Club on their successful pancake breakfast for charity.
2. Extended sympathies to the families of victims of last week's accident on Route 287 and noted the need to pursue our work to improve safety on Route 287 and to prohibit billboards.
3. Extended Happy Thanksgiving wishes, noting that Thanksgiving was established by Abraham Lincoln as a way for Americans to remember the less fortunate.

Mayor Eberle:

1. Extended Happy Thanksgiving wishes.
2. Commended the Franklin Township Pop Warner Football League.
3. Invited the audience and Councilmembers to the Township's Tree Lighting Ceremony at 7:00 p.m. on December 3<sup>rd</sup>.

Council took a recess from 8:54 p.m. to 9:01 p.m., with all members returning.

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

**Read by Township Clerk Pellicane**

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey is subject to certain requirements of the **Open Public Meetings Act, NJSA 10:4-6, et seq.**; and

**WHEREAS**, **Open Public Meetings Act, NJSA 10:12**, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

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WHEREAS, it is necessary for the Township Council of the Township of Franklin to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12b and designated below:

**Property Acquisition –**

**Carrol  
Puskas  
Negri  
Nepote  
Tulipwood  
Chichowski**

**Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:** Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

**Police Tactics and Techniques**

**Matters Relating to Public Safety and Property:** Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violation of the law.

**Labor Negotiations**

**Senior Management Union**

**Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:** Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, assembled in public session on this 26<sup>th</sup> day of November, 2002, that an Executive Session closed to the public shall be held on November 26, 2002, at 9:01 pm in the Franklin Township Municipal Complex, 475 DeMott Lane Somerset New Jersey for the discussion of matters relating to the specific items designated above.

It is anticipated at this time that the above-stated subject matter will be made public:

With respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

With respect to acquisition of property at such time as the property is acquired or the acquisition is abandoned;

With regard to personnel and or employment relationship matters at such time as the affected employee shall authorize the release of such information, and/or in accordance with **South Jersey Pub. Co. v. NJ Expressway Auth., 124 NJ 478 (1991)**.

This Resolution shall take effect immediately.

Motion was made by Mr. Mazzola and seconded by Deputy Mayor Grippo. Motion was carried unanimously.

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Council adjourned to Executive Session at 9:01 p.m. Meeting resumed and was immediately adjourned at 9:27 p.m.

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**SHIRLEY EBERLE, MAYOR**

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**JEAN C. PELLICANE, RMC, TOWNSHIP CLERK**