

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
NOVEMBER 27, 2001

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:03 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 Deputy Mayor Eberle.

The Township Clerk called the roll.

Present: Mayor Clyde, Deputy Mayor Eberle, Ms. Barrier, Mr. Chivukula, Mr. Grippo, Mr. Levine, Mr. Mazzola, Mr. Mettler, Mr. Sumter

Absent: No One

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

ADMINISTRATION OF OATHS OF OFFICE - FRANKLIN TOWNSHIP POLICE DEPARTMENT PERSONNEL

Township Clerk Pellicane administered the Oaths of Office to the following newly promoted Township Police personnel:

Lieutenant Lawrence Roberts
 Sergeant Darren Russo
 Sergeant Maurice Guglielmo

and the newly appointed Patrol Officer Stacey M. Grant.

Mayor Clyde, Councilmen Mettler and Sumter offered congratulations to the officers.

COMMENDATION - HAROLD LEVENTHAL, SENIOR CITIZEN ADVISORY COMMITTEE

Deputy Mayor Eberle and Councilwoman Barrier presented a plaque to Harold Leventhal to commemorate his years of service on the Senior Citizen Advisory Committee. Mayor Clyde presented Mr. Leventhal with a commendation and Councilmen Chivukula and Levine added their congratulations and thanked him for his dedication to the community.

MINUTES - WORK SESSION - 11/08/01; EXECUTIVE SESSIONS 11/08/01 & 11/13/01

Motion was made by Mr. Sumter and seconded by Deputy Mayor Eberle to approve the Minutes of the Work Session of November 8, 2001 and the Executive Sessions of November 8 and November 13, 2001. Motion was carried by those members of Council present at those meetings.

WARRANTS - NOVEMBER 27, 2001

Read by Mayor Clyde

1	Current Fund	3,798,384.09
5	Water Operating	85,122.59
6	Water Capital	0

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4	General Capital	69,706.05
15	General Trust	146,321.73
18	Self Insurance Trust	0
21	Recreation Trust	60.00
12	Open Space Trust	0
2	Grant Fund	2,666.25
17	Workers' Compensation	0
	Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	27,031.18
	Public Assistance	0
	Assessment Trust	0
14	Dog Revenue	615.00
	Community Foundation	0
22	General Ledger: Current	225,285.08
13	Redevelopment Agency	0
25	Escrow Account	27,594.00
23	Agency	144,558.78
	SUB-TOTAL	4,527,344.75
19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u>4,527,344.75</u>

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

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

Motion was carried.

ORDINANCE HEARING – AMEND CODE - CHAPTER 151, HOUSING STANDARDS - SECTION 151-9B & D, NOTICE OF VIOLATIONS, SUMMONS, EMERGENCY ORDERS; CHAPTER 183, PROPERTY MAINTENANCE - SECTION 183-9, VIOLATIONS AND PENALTIES; CHAPTER 201, SEWERS AND SEWAGE DISPOSAL, SECTION 201-3, VIOLATIONS AND PENALTIES

Mayor Clyde read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 151, HOUSING STANDARDS - SECTION 151-9B & D, NOTICE OF VIOLATIONS, SUMMONS, EMERGENCY ORDERS; CHAPTER 183, PROPERTY MAINTENANCE - SECTION 183-9, VIOLATIONS AND PENALTIES; CHAPTER 201, SEWERS AND SEWAGE DISPOSAL, SECTION 201-3, VIOLATIONS AND PENALTIES". 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.

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Motion was made by Mr. Sumter and seconded by Ms. Barrier 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:

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

Motion was carried.

ORDINANCE HEARING – AMEND CODE - CHAPTER 44, PERSONNEL - SECTION 44-10, EMPLOYMENT BENEFITS - SUBSECTION L, MILITARY LEAVES

Mayor Clyde 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 44, PERSONNEL POLICIES - SECTION 44-10, EMPLOYMENT BENEFITS - SUBSECTION L, MILITARY LEAVE". 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. Levine and seconded by Mr. Sumter to close the public hearing; motion was carried unanimously.

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

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

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

Motion was carried.

ORDINANCE HEARING – CHAPTER 115, DOGS & OTHER ANIMALS - ADD PROHIBITION OF FEEDING OF DEER, CANADA GEESE OR WILD TURKEY - EXCEPT IN ACCORDANCE WITH NJ DIVISION OF FISH AND WILDLIFE PROVISIONS

Mayor Clyde read by title:

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"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 115, DOGS & OTHER ANIMALS - ARTICLE I, GENERAL PROVISIONS - SECTION 115-1, COMPLIANCE WITH REGULATIONS REQUIRED; CONSTRUAL (PROHIBITION OF FEEDING OF DEER, CANADA GEESE OR WILD TURKEY)". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

Ryke Suydam, Chair of the Agricultural Advisory Committee, listed the reasons for the Committee's support of the ordinance: (1) 70% of wildlife damage to crops in Central New Jersey is caused by deer, followed by Canada Geese and groundhogs; (2) the damage losses in Central New Jersey range from \$2 to \$3.5 million per year; (3) 33% acres of tillable acres are impacted by deer, (4) 25% of our farmers have abandoned acres because of the cost to combat this impact; (5) there is sufficient refuge area for deed in parks, forests, and private preserves; (6) the feeding of deer by residents increases the damage to private property; (7) grain, fruit, vegetables and nursery products eaten by deer annually cost farmers substantial moneys; (8) the facts and figures presented above are considered conservative.

Motion was made by Mr. Chivukula and seconded by Ms. Barrier 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:

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

Motion was carried.

ORDINANCE HEARING – ACCEPT EASEMENT - VAN DEURSEN - DEN HERDER DRIVE DRAINAGE EASEMENT - BLOCK 82/LOT 12

Mayor Clyde read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE FROM DONALD & DOROTHY VAN DEURSEN A DRAINAGE EASEMENT THROUGH BLOCK 82/LOT 12, DEN HERDER DRIVE". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

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No one from the public spoke.

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

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

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

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

Motion was carried.

Mayor Clyde called for a recess at 8:30 p.m. to allow time for the partaking of refreshments. Meeting was resumed at 8:47 p.m. with all members returning.

PUBLIC DISCUSSION

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

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

Township Manager Daly noted potential comments from the public on the need to repair the garage door in the Municipal Building used by the East Millstone First Aid Squad and noted that this repair is included in the improvements to the building which will be authorized by the bond ordinance on tonight's agenda.

Matthew Perry, President of the Franklin Township Pop Warner:

1. Advised Council that our team has won the Eastern Regional Pop Warner Championship and will be going to Florida next week for the national championship.
2. Introduced the following:
 - Marcus Bond - Athletic Director
 - Clarence Wallace - Head Coach
 - Kalvin Thompson - Defense Coordinator
 - Benny Stanley - Defense Coach
 - Larry Long - Offence Coordinator
 - Bob Roberts - Special Teams Coach
 - Lois Roberts - Business Manager
3. Noted the expenses to be incurred for the trip, including two busses at \$9,000 each and requested financial support from the Council. The contracts for the busses are still being negotiated.

Mr. Grippo expressed his commendations to the League and moved to authorize the Township to contribute one bus for the trip. Mr. Sumter seconded the motion.

Township Attorney Rainone advised that Council can authorize the purchase of the services of one bus for the trip. Since the cost exceeds the administration's ability to purchase without Council approval, at the conclusion of the public discussion portion of

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the meeting, Council can amend the agenda to add a resolution authorizing the purchase of the bus service subject to certification of the Chief Financial Officer of the availability of funds.

Township Manager Daly advised Council that the only possible source of funding for this expenditure is the Parks & Recreation Budget.

Chip Hoever, 9 Stallion Ct., President of the Countryside at Franklin Condo Association:

1. Congratulated the Pop Warner League and offered complimentary printing services.
2. Reported on the status of problems at the housing development:

The Association has submitted its recommendation to Township Manager Daly on the proposed locations for the dumpster and is awaiting a report from the Health Department. Township Manager Daly responded that the report is due by December 14th, after which he will seek a report from the Township Attorney on the Township's legal options.

The Association thanked the Council for adopting the resolution to permit the Township to provide snow plowing services on Rolling Hills Road.

Correspondence on the grading problems between the Township Engineer, Developer's Engineer and Bonding Company are on-going.

Status of the summonses issued to the Association for the stairs/stoops violations is unknown. Township Attorney Rainone responded that the Association was served with notices to correct, not summonses, and it is his understanding that the notices have been withdrawn.

The Association is making no contact with any contractors working on the site on behalf of the developer. No work has been done since October. Township Attorney Rainone requested a report from the Association for the Construction Official on what percentage of the work has been done.

John Grosso, 61 Hollywood Avenue:

1. Congratulated the Pop Warner Football League;
2. Commended Township Manager Daly on police hirings and promotions;
3. Suggested various means for financing a building for the Franklin Somerset First Aid Squad including lease/purchase; contributions from developers through developer agreements; placement on the ballot for voter approval; bonding.
4. Reiterated his request that a driveway to the Dunham-Lebed Park behind the Kozar dwelling be provided and concurred with the need for fencing, and buffering of the Barmouth Court residents.
5. Questioned the purpose of Consent Agenda Resolution M. Township Manager Daly responded that April Keenan provided these drafting services for all phases of the waterline relining program since staff can not accommodate the project.

Richard Hemmingway, 246 Park Street, expressed his pride in the current Township leadership in Franklin and their support of the Pop Warner Football League and suggested that a contribution more than \$9,000 be made if possible.

Harold Leventhal, 360 DeMott Lane:

1. Thanked Council for the refreshments provided after his plaque presentation.

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2. Commended Mayor Clyde for his mayoral services.
3. Questioned the adequacy of street lighting along Easton Avenue which appears dim except by shopping centers. Mayor Clyde requested Township Manager Daly to provide a report on this question.
4. Noted that the Presbyterian Homes affordable senior housing project will break ground in March 2002.

Motion was made by Mr. Grippo and seconded by Mayor Clyde to close the public portion of the meeting. Motion was carried unanimously.

01-517 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/ OVER \$8,500.00 - ACADEMY BUS - AN AMOUNT NOT TO EXCEED \$9,000.00

In response to a question from Mr. Mazzola, Township Manager Daly advised that the FY2002 Recreation Other Expenses budget is \$151,000 for the year. Use of the \$9,000 now could impact Spring Recreation Programs unless money from other accounts is available for transfer to Recreation in March.

Mayor Clyde questioned the ability to use Recreation Trust funds for this purpose. Township Manager Daly responded that all Recreation revenues are deposited in the Recreation Trust which is outside the Township cap. While the revenue/expenses of this account are probably equal, Alice Osipowitz, Director of Parks & Recreation will be requested to investigate if there is enough cash flow in that account which can be used to mitigate the impact.

In response to a question from Mayor Clyde, Township Manager Daly advised that private donations can be made to Recreation Trust. Mayor Clyde noted that fundraising activities can be used to offset the cost.

Mr. Grippo moved to amend the agenda to add a resolution authorizing the purchase of bus services for the Pop Warner Football League in the amount of \$9,000 subject to receipt of a certification of the availability of funds from the Chief Financial Officer. Mr. Sumter seconded the motion. The Clerk polled the Board, the vote being as follows:

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

Motion was carried.

Read by Mayor Clyde

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: ACADEMY BUS
 111 Paterson Avenue
 Hoboken NJ 07030

ITEMS: Pop Warner Transportation to Championship Games

COST: Not to exceed \$9,000.00

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

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

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

Motion was carried.

RESOLUTION - CONSENT AGENDA

Read by Mayor Clyde

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.

I move that the Consent Agenda Resolutions as they appear on the prepared agenda be and the same are hereby approved:

- A. Tax Title Lien Redemptions:
 - Desai – Block 34.09/Lot 59.02 C0142 - \$170.79 – 108 Topaz Drive
 - Price – Block 34.07/Lot 59.02 C0288 - \$210.12 – 18 Topaz Drive (1998)
 - Price – Block 34.07/Lot 59.02 C0288 - \$96.69 – 18 Topaz Drive (2001)
 - Lysy – Block 87.02/Lot 28.01 - \$840.69 – 1504 Hamilton Street (1999)
 - Lysy – Block 87.02/Lot 28.01 - \$2,167.01 – 1504 Hamilton Street (2000)
 - Keller – Block 118/Lot 1 - \$802.74 – 853 Somerset Street
 - Keller – Block 118/Lot 6- \$802.74 – 853 Somerset Street
 - Keller – Block 118/Lot 54 - \$571.10 – Voorhees Avenue
 - Ashley – Block 122/Lot 3 - \$287.75 – 130 Fuller Street (2000)
 - Ashley – Block 122/Lot 3 - \$135.24 – 130 Fuller Street (2001)
 - Adkinson – Block 161/Lot38 - \$392.15 – 53 Eugene Avenue (1997)
 - Adkinson – Block 161/Lot38 - \$233.52 – 53 Eugene Avenue (1998)
 - Adkinson – Block 161/Lot38 - \$397.52 – 53 Eugene Avenue (1999)
 - Adkinson – Block 161/Lot38 - \$931.44 – 53 Eugene Avenue (2001)
 - Sodowick – Block 171.02/Lot 237.03 C0501 - \$2,162.74 – 475 Somerset St
 - Murphy – Block 184/Lot 13 - \$1,251.09 – 9 Home Street
 - Huderski/Carberry – Block 201/Lot 58 - \$890.84 – 172 Alcorne St
 - Burton/Young – Block 227/Lot 1 - \$3,269.39 – 484 Ralph St
 - Feliciano – Block 508.02/Lot 51.01 - \$9,441.29 – 615 Elizabeth Ave
- B. Tax Overpayments - Various
- C. Child Passenger Safety Education Grant - \$4,200.00

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- D. Bid Award – Cellular Tower Company a/k/a AT&T Wireless – Cellular Tower Replacement and Construction Equipment – payment to Township of \$18,000.00 per year
- E. Purchase – Tab – Public Safety Building/Mobile Filing System for Evidence Room - \$16,379.79 – Section 3-13
- F. Change Orders 1 & 2 – Icon Construction Corporation – Additions/ Alterations Community Senior Center - \$1,610.07 & \$5,889.93
- G. Escrow Release – Street Opening Permits:
 Colonial Homes, Inc. - #5758 – Cedar Street - \$1,000/\$1,000
 Edwin A. Shaw, III - #5926 – 3 Jean Road - \$100/\$100
- H. Escrow Release – Inspection Fees – Cosmair-Loreal – Docket #P90070PW - \$915.00
- I. Escrow Release – Inspection Fees – Kinder Care Learning Center, Inc. – Docket #P2000052PD - \$125.00
- J. Performance Guarantee Release – Cosmair Inc. – Docket #P99008P & P99009O - \$201,728.00
- K. Grant Agreement – Juvenile Accountability Incentive Block Grant – ARISE Program - \$11,168.00 Grant/\$1,241.00 Township Match
- L. Authorize Raffle/Bingo Licenses
- M. Professional Service Agreement – April Keenan – Drafting Services/Water Main Cleaning & Relining, Phase VII - \$10,000.00

THE FOLLOWING ARE THE ITEMS OF THE CONSENT AGENDA:

A. 01-504 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER

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

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

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

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 07, 2001	34.09/59.02 C0142	DESAI, JATIN 108 Topaz Drive Franklin Park NJ 08823	\$ 170.79
CHECK #	PAID:	November 5, 2001	
CERT #01-52	LIENHOLDER:	JNH Funding Corporation 90 Dayton Avenue, #6C Passaic NJ 07055	
June 11, 1998	34.09/59.02 C0288	PRICE, FRANCIS	210.12
June 07, 2001		& SHIRLEY ANN 18 Topaz Drive Franklin Park NJ 08823	96.69
CHECK #	PAID:	November 5, 2001	
CERT #98-180	LIENHOLDER:	Herbert Sehgel	

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CERT #01-234		PO Box 284 Kingston NJ 08528	
June 10, 1999	87.02/28.01	LYSY, STEVEN & DONNA	840.69
June 08, 2000		1504 Hamilton Street Somerset NJ08873	2,167.91
CHECK # CERT #99-172 CERT #20-219		PAID: October 31, 2001 LIENHOLDER: Herbert Sehgel PO Box 284 Kingston NJ 08528	
June 08, 2000	118/1	KELLER, IRMA	802.74
June 08, 2000	118/6	170 Cherrywood Drive	802.74
June 08, 2000	118/1	Maitland FL 32751 (853 Somerset Street) (863 Somerset Street) (Voorhees Avenue)	571.10
CHECK # CERT #20-220 CERT #20-221		PAID: November 7, 2001 LIENHOLDER: Herbert Sehgel PO Box 284 Kingston NJ 08528	
CHECK # CERT #20-185		PAID: November 7, 2001 LIENHOLDER: James Pilewski 346 South Avenue Fanwood NJ 07023	
June 08, 2000	122/3	ASHLEY, EDDIE EXR	287.75
June 07, 2001		200 Hunt Avenue Syracuse NY 13207 (130 Fuller Street)	135.24
CHECK # CERT #20-17 CERT #01-20		PAID: November 2, 2001 LIENHOLDER: Frank E. Bachkai 2 Gleneagles Drive Lebanon NJ 08833	
April 10, 1997	161/38	ADKINSON, DONALD W.	392.15
June 11, 1998		& QUEEN E.	233.52
June 10, 1999		53 Eugene Avenue	397.52
June 07, 2001		Somerset NJ 08873	931.44
CHECK # CERT #97-118 CERT #98-95 CERT #99-92 CERT #01-56		PAID: November 5, 2001 LIENHOLDER: JNH Funding Corporation 90 Dayton Avenue, #6C Passaic NJ 07055	
June 08, 2000	171.02/237.03 (C0501)	SODOWICK, LESTER	2,162.74
		7 Juniper Drive Cedar Knolls NJ 07927 (475 Somerset Street)	
CHECK # CERT #20-116		PAID: November 1, 2001 LIENHOLDER: NTAC 30 Federal Street Boston MA 02110	
April 7, 1993	184/13	MURPHY, JAMES P.	1,251.09
		9 Home Street Somerset NJ 08873	
CHECK # CERT #6998		PAID: November 15, 2001 LIENHOLDER: TSC 1, LLC PO Box 169 Oakhurst NJ 07755	

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June 10, 1999	201/58	HUDERSKI, W. & J. & CARBERRY, J. 61-74 78 th Street Middle Village NY 11379 (172 Alcorne Street)	890.84
CHECK #	PAID:	November 7, 2001	
CERT #99-229	LIENHOLDER:	George Shrier 201 South 2nd Avenue, Box 16 Highland Park NJ 08904	
June 10, 1999	227/1	BURTON, DIANE & YOUNG, HATTIE 484 Ralph Street Somerset NJ 08873	3,269.39
CHECK #	PAID:	November 1, 2001	
CERT #99-134	LIENHOLDER:	James C. Olders 87 East Mountain Road Hillsborough NJ 0888	
June 08, 2000	508.02/51.01	FELICIANO, JOSEFINO 615 Elizabeth Avenue Somerset NJ 08873	9,441.29
CHECK #	PAID:	November 1, 2001	
CERT #20-49	LIENHOLDER:	Breen Capital Group 101 Farnsworth Avenue Bordentown NJ 08505	

B. 01-505 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
99999/98	TRANSAMERICA REAL ESTATE TAX SERVICE 172 EAB Plaza W Tower 15 TH Floor Union dale NY 11556-0172	4/01	26,647.96
99999/98 207/9.19	PROFESSIONAL TITLE 145 West End Avenue Somerville NJ 08876	4/01	1,308.57
99999/98	LERETA CORP. PO Box 875 Oaks PA 19456	4/01	9,402.18
99999/98	WELLS FARGO REAL ESTATE TAX MAC X2502-011 1 Home Campus Des Moines IA 50328-0001	4/01	2,851.09
99999/98	FIRST AMERICAN REAL ESTATE TAX SERVICE	4/01	24,188.77
99999/98	MORTGAGE ACCESS PO Box 5452 Mt. Laurel NJ 08054-5452	4/01	4,510.61
85/56.03C0092	FRANKLIN TOWNSHIP 475 DeMott Lane Somerset NJ 08873	2/01	123.78
11.01/71 11.01/81	PRINCETON HIGHLANDS, L.L.C. 820 Morris Turnpike, Suite 202 Short Hills NJ 07078	4/01	3,370.22 2,175.84

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34.09/59.02C0 116	KISHOR PATEL 82 Topaz Drive Franklin Park NJ 08823	3/01	491.72
73.01/17	ANTHONY NATALE 216 North Avenue East Cranford NJ 07016	4/01	132.67
386.18/68	GERARD CONNELLY 20 Gunther Loop Somerset NJ 08873	4/01	1,074.67
468.09/48	HPT CWII PROPERTIES TRUST & BRACH, EICHLER, ROSENBERG, SILVER, BERNSTEIN, HAMMER & GLADSTONE 101 Eisenhower Parkway Roseland NJ 07068-1067	4/01	3,514.50
508.02/48	MICHAEL TOTO P.C. 317 Rues Lane East Brunswick NJ 08816	4/01 4/01	1969.91 534.85

C. 01-506 RESOLUTION – INSERTION IN BUDGET – STATE OF NEW JERSEY - DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY - CHILD PASSENGER SAFETY EDUCATION PROGRAM - \$4,200.00

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

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

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$4,200.00 for **STATE OF NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY - CHILD PASSENGER SAFETY EDUCATION PROGRAM**, and wishes to amend its 2002 Budget to include a portion of this additional amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2002 in the sum of \$4,200.00 which is now available as revenue from:

**STATE OF NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF HIGHWAY SAFETY
CHILD PASSENGER SAFETY EDUCATION PROGRAM**

BE IT FURTHER RESOLVED that a like sum of \$4,200.00, for **STATE OF NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF HIGHWAY SAFETY - CHILD PASSENGER EDUCATION PROGRAM** be and the same is hereby appropriated under the caption of:

**STATE OF NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF HIGHWAY PUBLIC SAFETY
CHILD PASSENGER SAFETY EDUCATION PROGRAM**

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

D. 01-507 RESOLUTION - AWARD BID – CELLULAR TOWER COMPANY a/k/a AT&T WIRELESS - CELLULAR TOWER REPLACEMENT & CONSTRUCTION EQUIPMENT - AT&T WIRELESS TO PAY TOWNSHIP \$18,000.00 PER YEAR FOR LOCATION ON THE TOWER, PAYMENT TO BEGIN AFTER TOWER IS COMPLETED

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WHEREAS, a notice to bidders for the receipt of bids for Cellular Tower Replacement and Construction was published in the Courier News on October 4, 2001 for receipt on October 18, 2001;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for five years from date of acceptance and renewable for four more additional five-year periods for a total of twenty five years:

CELLULAR TOWER COMPANY a/k/a AT&T WIRELESS
15 East Midland Avenue
Paramus NJ

Amount: No Charge to the Township
AT&T Wireless to pay the Township \$18,000 per year for location on the Tower, payment to begin after tower is completed; and

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

E. 01-508 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/ OVER \$8,500.00 - TAB - AN AMOUNT NOT TO EXCEED \$16,379.79

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: TAB
1132 Spruce Drive Suite 2C
Mountainside NJ 07092

ITEMS: Police Department Evidence Room Filing System

COST: Not to exceed \$16,379.79

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

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

F. 01-509 RESOLUTION - CHANGE ORDERS NO. 1 & 2 - ICON CONSTRUCTION CORPORATION - ADDITION & ALTERATIONS - COMMUNITY/ SENIOR CENTER - AN AMOUNT NOT TO EXCEED \$1,610.07 PLUS \$5,889.93

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey has on November 14, 2000, authorized the awarding of a contract to

ICON CONSTRUCTION CORPORATION
218 North Wood Avenue
Linden NJ 07036

In the amount of \$258,000 and \$22,000 for Additions and Alterations for Community/Senior Center and for the Kitchen; and

WHEREAS, during the course of the project the desirability for certain changes in the additional alteration plans have been determined, resulting in an increase in the contract as follows:

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CHANGE ORDER NO. 1:

Stage Curtain Color Change \$1,610.07

CHANGE ORDER NO. 2:

Pre-rinse Faucet Assembly 386.95
 Fire-rated Door at existing Changing Room 1,018.14
 Fire-rated Assembly 2,709.03
 Sprinkler Heads at Stage 1,775.81

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 & 2 to the contract with ICON Construction Corporation; and

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

G. 01-510 RESOLUTION - RELEASE OF STREET OPENING ESCROW DEPOSIT

WHEREAS, the following have deposited Escrow Funds for Street Opening Permits; and

WHEREAS, notification has been received from the Department of Public Works stating that all work has been completed in accordance with Standards of Ordinance No. 599;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that the Finance Officer is hereby authorized to release Street Opening Escrow Funds to the following:

<u>NAME/ADDRESS</u>	<u>PERMIT#</u>	<u>DEPOSIT/SURETY</u>
COLONIAL HOMES, INCORPORATED PO Box 4139 Highland Park NJ 08904	5758 Cedar Street	\$1,000.00/\$1,000.00
EDWIN A. SHAW III 3 Jean Road Somerset NJ 08873	5926 3 Jean Road	\$100.00/\$100.00

H. 01-511 RESOLUTION - RELEASE OF INSPECTION ESCROW MONIES - COSMAIR -LOREAL - DOCKET NO. P90070PW - \$915.00

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

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

APPLICANT: COSMAIR-LOREAL
ADDRESS: 100 Commerce Drive
 Somerset NJ 08873

DOCKET NO: P90070PW
BLOCK/LOT: 86.03/10.14 & 10.29
LOCATION: Commerce Drive
AMOUNT DEPOSITED: \$1,500.00
AMOUNT CHARGED: 585.00
AMOUNT TO BE REFUNDED: \$ 915.00

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

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

I. 01-512 RESOLUTION - RELEASE OF INSPECTION ESCROW MONIES - KINDER CARE LEARNING CENTER, INCORPORATED - DOCKET NO. P2000052PD - \$125.00

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

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

APPLICANT: KINDER CARE LEARNING CENTER, INCORPORATED
ADDRESS: 650 N E Holladay, Suite 1400
 Portland OR 97232

DOCKET NO: P2000052PD
BLOCK/LOT: 417.01/4.03
LOCATION: 435 DeMott Lane
AMOUNT DEPOSITED: \$500.00
AMOUNT CHARGED: 375.00
AMOUNT TO BE REFUNDED: \$125.00

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.

J. 01-513 RESOLUTION - PERFORMANCE GUARANTEE RELEASE - COSMAIR INC. - DOCKET P99008P & P99009O - \$201,728.00

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

ITEM: IRREVOCABLE LETTER OF CREDIT

NAME OF APPLICANT: COSMAIR, INCORPORATED

ADDRESS OF APPLICANT: 133 TERMINAL AVENUE, CLARK NJ 07066

NUMBER: 9910191S172

INSURANCE CO./BANK: Credit Lyonnais - 1301 Avenue of the Americas
 New York NJ 10019

IN THE AMOUNT OF: \$201,728.00

FOR: Site Improvements for Docket No. P99008P & P99009O - Block 86.01/Lot 10.30, Commerce Drive; and

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

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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.

K. 01-514 RESOLUTION - GRANT AGREEMENT - JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT/ARISE PROGRAM - \$11,168.00 GRANT; \$1,241.00 TOWNSHIP MATCH

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to sign Grant Agreement with the New Jersey Department of Law & Public Safety for the Juvenile Accountability Incentive Block Grant for the ARISE Program in the amount of \$11,168.00/\$1,241.00 Township Match.

L. 01-515 RESOLUTION - AUTHORIZE RAFFLE/BINGO

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

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

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

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

<u>NAME & ADDRESS OF ORGANIZATION</u>	<u>DATE OF BINGO/RAFFLE</u>
FRANKLIN TOWNSHIP FOOD BANK, INC. 60 MILLSTONE ROAD, SOMERSET, NJ OFF-PREMISE RAFFLE - RL#1313A DRAWING: McATEER'S RESTAURANT	MARCH 8, 2002 7:30 P.M. AMEND LICENSE - PLACE OF DRAWING CHANGED

M. 01-516 RESOLUTION - PROFESSIONAL SERVICE - APRIL C. KEENAN - DRAFTING SERVICES - \$25.00 PER HOUR; WATER MAIN CLEANING & LINING, PHASE VII PROJECT - AN AMOUNT NOT TO EXCEED \$10,000.00

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

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

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

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

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- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: APRIL C. KEENAN
ADDRESS: 116 Johnson Road Highland Park NJ 08904
CONTRACT AMOUNT: \$25.00 per hour, An amount not to exceed \$10,000.00
SERVICE: Drafting Services - Water Main Cleaning and Lining, Phase VI Project

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

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

Motion was carried.

COUNCIL COMMENTS

Ms. Barrier expressed her pride in the Township Police Department and the Pop Warner Football League.

Mr. Levine expressed Happy Thanksgiving and Happy Holidays greetings.

Mr. Grippo noted the need to raise motorist awareness of safety at bus stops and that he is working with Chief Novick on plans to intensify the safety of bus stops and bus routes.

Mr. Chivukula noted an application before the Planning Board involving the need for a Traffic Signal at Route 27 and Vliet Road which cannot be approved by NJDOT without intersection improvements. Mr. Chivukula suggested a letter from Council urging NJDOT to require the improvements before approval of the signal. Mayor Clyde requested a report from Township Manager Daly on the issues involved.

Mr. Sumter commended the Pop Warner Football League.

Deputy Mayor Eberle expressed her pride in the Township and its police department and in the Pop Warner Football League.

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Mr. Mazzola concurred with the need to raise motorist awareness of school bus and bus stop safety and suggested a joint Township/Board of Education film on safety for school buses for the local cable television channel.

Township Manager Daly advised that we have become aware of another resident victim of the World Trade Center terrorism, Gannesh Lodka, Somerset Mews, who is missing. Mayor Clyde noted that this name will be added to the memorial being planned.

Mayor Clyde commended the Pop Warner Football League and its President, Matt Perry.

Upon a motion made, seconded and unanimously agreed, the Regular Meeting was adjourned at 9:46 p.m.

JOHN CLYDE, MAYOR

JEAN C. PELLICANE, RM., TOWNSHIP CLERK