

REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
DECEMBER 10, 2002

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:00 P.M.

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

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

The invocation was given by Councilman Mettler.

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

Absent: No One

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

4. COMMENDATION – MARIANNE REGAN & BRUCE MEDLEY – MEDICAL EMERGENCY AT THE COMMUNITY/SENIOR CENTER

Read by Mayor Eberle

WHEREAS, on December 3, 2002, a medical emergency involving a Senior Citizen occurred during a meeting of the Franklin Township Senior Citizen Club in the Community Senior Center; and

WHEREAS, Marianne Regan, Senior Citizen Program Coordinator and Bruce Medley, Recreation Program Coordinator, responded to said emergency; and

WHEREAS, the efforts of Marianne Regan and Bruce Medley resulted in minimizing the severity of the permanent effects which the Senior Citizen would have suffered;

NOW, THEREFORE, I, SHIRLEY EBERLE, MAYOR of the Township of Franklin in the County of Somerset, State of New Jersey on behalf of the Township Council, staff and our Senior Community do hereby commend

BRUCE MEDLEY
RECREATION PROGRAM COORDINATOR

MARIANNE REGAN
SENIOR CITIZEN PROGRAM COORDINATOR

for his/her quick and effective life saving measures and for his/her dedication to the senior citizens he/she serves as employees of the Township of Franklin.

Mayor Eberle presented the Commendations to Marianne Regan and Bruce Medley.

Ann Chiavaroli, President of the Franklin Township Senior Citizens Clubs added her personal commendation on behalf of the Franklin Township Senior Citizens Clubs.

REGULAR MEETING – DECEMBER 10, 20025. MINUTES – WORK SESSION – 10/01/02; REGULAR MEETING – 10/08/02; WORK SESSION/REGULAR MEETING – 11/26/02; EXECUTIVE SESSION – 11/26/02

Mayor Eberle noted that the minutes of the November 26th Work Session/Regular Meeting and Executive Session have been removed from the agenda for approval due to the illness/absence of Ms. Woodbury in the Clerk's office last week. These minutes will be distributed for review and approval on January 14th.

Mr. Chivukula moved to:

- a. Amend the minutes of the October 1, 2002 Work Session, Council comments, Search Committee – Township Clerk, as suggested by Mr. Levine and modified by Mr. Chivukula as follows:

~~*Mr. Levine and Ms. Barrier noted the importance of the work of the search committee and suggested that the committee should consist of equal representation from both parties as was done when the Township Manager was hired and his performance evaluated.~~

*Mr. Levine suggested that the search committee for a new Clerk remain with four members as suggested by Mr. Grippo, but ~~be bi-partisan~~ consisting of equal representation from both political parties and be comprised of two Democratic Party members and two Republican Party members rather than ~~three~~ two Democratic Party members, ~~and~~ one Republican Party member and the Mayor as ex-officio member. Mr. Grippo stated that ~~this was not a bi-partisan committee~~ both parties were not equally represented since the Democratic Party was in control. Mr. Levine and Ms. Barrier objected, stating that this was an important position for Franklin and politics should not enter into the decision. Mr. Grippo stated that he would not change his position.**

**Amendments suggested by Mr. Levine.*

**Modified Amendments suggested by Mr. Chivukula.*

- b. Amend the minutes of the October 8, 2002 Regular Meeting, Council Comments, as suggested by Mr. Levine and modified by Mr. Chivukula follows:

*Suggested that the search committee for a new Clerk ~~be bi-partisan~~ provide equal representation to both political parties by being comprised of two Democratic Party and two Republican Party Members, since is was to consist of four members, rather than ~~three~~ two Democratic Party, ~~and~~ one Republican Party member and the Mayor as ex-officio member as proposed. He appealed to the Mayor's sense of fair play by changing the composition.**

**Amendments suggested by Mr. Levine.*

**Modified Amendments suggested by Mr. Chivukula*

- c. Approve the minutes as amended. Mr. Mazzola seconded the motion.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. 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.

REGULAR MEETING – DECEMBER 10, 2002**6. WARRANTS – DECEMBER 10, 2002****Read by Mayor Eberle**

1	Current Fund	584,748.65
5	Water Operating	114,176.97
6	Water Capital	2,172.80
4	General Capital	11,466.76
15	General Trust	87,929.04
18	Self Insurance Trust Fund	5,369.10
21	Recreation Trust	656.40
12	Open Space Trust	13,399.00
2	Grant Fund	3,676.02
17	Workers' Compensation Unemployment Trust	0
	Employee Payroll Deduction	0
3	Collector Trust	12,157.63
14	Dog Revenue	533.11
	Community Foundation	0
22	Payroll	0
13	Redevelopment Agency	2,652.95
23	Agency	0
	SUB-TOTAL	\$838,938.43
25	Escrow Account	41,880.76
19	Voided Checks	0
20	Adjustments	0
	GRAND TOTAL	<u>\$880,819.19</u>

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

7. ORDINANCE HEARING – AMEND CODE – CHAPTER 77 – AMUSEMENT DEVICES AS AMENDED – NOVEMBER 12, 2002

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 77, AMUSEMENT DEVICES – SECTION 7-7, APPLICATION MATERIALS – SECTION 77-8, APPROVAL AND ISSUANCE OF CERTIFICATION OF PREMISES FOR INSTALLMENT OF MACHINES OR DEVICES; INSPECTION OF PREMISES". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

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

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

<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.

8. ORDINANCE HEARING – ACCEPT CONSERVATION EASEMENT – STEPHEN & KATHRYN ORLANDO – BEDFORD ROAD

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF CONSERVATION EASEMENT – BEDFORD ROAD – STEPHEN & KATHRYN ORLANDO – BLOCK 386.17/LOT 132.02". Township Clerk Pellicane noted that the Township Attorney has approved the Affidavit of Publication and that a public hearing on the ordinance is in order.

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

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

No one from the public spoke.

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

Motion was made by Mr. Mazzola 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:

<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.

9. ORDINANCE HEARING – AMEND CODE – CHAPTER 44, PERSONNEL POLICIES – SECTION 44-6, ADMINISTRATION – SECTION 44-9.1, PERIODIC OBJECTIVE EMPLOYEE EVALUATIONS

Township Clerk Pellicane read by title:

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"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 44, PERSONNEL POLICIES – SECTION 44-6, ADMINISTRATION – SECTION 44-9.1, EMPLOYEE EVALUATIONS". 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 Deputy Mayor Grippo 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 Deputy Mayor Grippo and seconded by Ms. Barrier 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:

<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.

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

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 9, CABLE TELEVISION COMMITTEE – SECTION 9-3, MEMBERSHIP (ADD COUNCIL LIAISON)". 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. Chivukula and seconded by Ms. Barrier to close the public hearing; motion was carried unanimously.

Motion was made by Mr. Mazzola 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:

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<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.

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

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE UNDERTAKING OF A FEASIBILITY STUDY RELATING TO THE CONSTRUCTION OF A FRANKLIN TOWNSHIP SENIOR AFFORDABLE HOUSING FACILITY, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$78,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$74,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF". 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 Deputy Mayor Grippo 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.

John Grosso, 61 Hollywood Avenue noted that the appropriation for this study was originally \$100,000.00 and questioned the current \$78,000.00. Mr. Chivukula responded that the reduction was recommended by the Council’s Financial Oversight Subcommittee and has been determined as sufficient to obtain the study.

Motion was made by Mr. Chivukula 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:

<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.

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

Township Clerk Pellicane read by title:

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"BOND ORDINANCE PROVIDING FOR THE PURCHASE AND INSTALLATION OF INFORMATION SERVICES EQUIPMENT FOR VARIOUS DEPARTMENTS, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$164,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$155,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF". 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. Chivuluka and seconded by Mr. Mazzola to open the public hearing; the motion was carried unanimously.

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

No one from the public spoke.

Motion was made by Mr. Chivukula and seconded by Mr. Sumter 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:

<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.

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

Township Clerk Pellicane read by title:

"BOND ORDINANCE PROVIDING FOR THE DESIGN AND CONSTRUCTION DOCUMENT PREPARATION RELATING TO THE IMPROVEMENT AND EXPANSION OF THE TOWNSHIP ANIMAL CONTROL FACILITIES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$52,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$49,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF". 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 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.

Carol Prevozak, 93 Emerson Road, representing Second Chance for Animals, spoke in support of the expansion and renovation of the facility. Ms. Prevozak noted that the present facility was built in 1976 with donated materials and labor and that, while the community and the number of animals in need has grown over the past 30 years, the facility has not, resulting in employees having to make hard decisions when space is not

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available. Ms. Prevozak noted the accomplishments of Second Chance for Animals work with shelter employees including staff training, education programs for the public and animal owners, increased adoption rates, institution of volunteer foster care, and grants from Petco and Pet Smart Charities in the amount of \$15,000 to support animal spay and neutering clinics. Significant strides have been made in animal care and welfare, and there is need for the Township Council to continue to focus on and support the expansion.

John Grosso, 61 Hollywood Avenue, noted that while he is not opposed to the animal shelter:

- a. Questioned the \$52,000.00 for design instead of having the design done in house by Jim Pettit, Capital Project Engineer. Township Manager Daly responded that Mr. Pettit is overloaded on projects and is working to draw down the current backlog. In addition, the shelter is a specialized facility and the professional selected to do the project must have experience in designing animal shelters. The Capital Budget for 2003 includes an estimate of \$500,000 for the construction of the shelter but, until the design is done, a more specific figure cannot be determined.
- b. Questioned the expenditure of public money on expansion of the shelter at a time when many residents are unemployed and in need of essentials. Township Manager Daly responded that the current building was built 30 years ago and has not been expanded. The proposed building will provide basic space to allow animals to be held long enough to be adopted rather than euthanized. Mr. Grippo added that there is need for humane treatment of animals and that fundraising can help offset the cost to the taxpayers.

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. Mazzola and seconded by Mr. Mettler 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. 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.

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

Township Clerk Pellicane read by title:

"CAPITAL ORDINANCE PROVIDING FOR THE INSTALLATION OF 3,500 FEET OF SIDEWALKS ALONG BOTH SIDES OF LAUREL AVENUE FROM ROUTE 27 (MAIN STREET) TO CHURCH STREET AND ON ONE SIDE FROM CHURCH STREET TO THE ROCKINGHAM HISTORIC SITE AND THE INSTALLATION OF CROSSWALKS, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$207,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP TO PAY FOR THE COST THEREOF". 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. Mazzola to open the public hearing; the motion was carried unanimously.

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

Charles Seigel, Franklin Greens, noted his support for the construction of an expanded animal shelter but questioned the spending of taxpayer money to install sidewalks in Kingston when other requests for sidewalks, such as the one from Presbyterian Homes for their affordable senior housing project, have been denied. Township Manager Daly, Mr. Chivukula and Mayor Eberle responded that \$150,000.00 funding for the sidewalks is from a federal grant, with \$57,000.00 coming from the taxpayers and that the installation of sidewalks is desirable to provide safe access to the historic Rockingham House, currently being renovated for reopening to the public.

Motion was made by Mr. Chivukula 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:

<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.

PUBLIC DISCUSSION

Motion was made by Mr. Chivukula and seconded by Mr. Sumter 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.

Charles Seigle, Franklin Greens noted that the Township should be proud of the Franklin High School Madrigal Singers who will be performing at the United Nations and the White House.

Harold Leventhal, 360 DeMott Lane, commended the Madrigal Singers and their teacher/instructor, but noted that the lack of a piano player, limited rehearsal time and lack of a good leader have deteriorated the performance abilities of the Swingin’ Seniors.

Martha Belnavis, 152 Berger Street, questioned the reason for the old schoolhouse in the Municipal Complex, what can be done to remove its current eyesore appearance and its rumored connection to the Ku Klux Klan. Mr. Mettler responded that the building is not the last example of a one-room schoolhouse since one still exists in Griggstown, and that the building was used as a community center for debates and other activities in the early 1900’s by people who became prominent. Mr. Mettler noted Ku Klux Klan activities in the Township but is not aware of any connection with the Pleasant Plains Schoolhouse.

James Darby, 103 Phillips Road, noted that the left turn function of the traffic signal at the intersection of Route 27/Veronica Avenue/How Lane does not operate at all times. Township Manager Daly responded that he will request the Police Department to have NJDOT check the signal.

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John Grosso, 61 Hollywood Avenue:

1. Questioned when Council meetings will be televised. Mr. Grippo responded that the Cable Television and the Public Relations Committees are working on this project.
2. Questioned the implications of Consent Agenda Item D to adjust water charges. Township Manager Daly responded that when there are malfunctions or problems with water bills, the Township adjusts the cost to the consumer to reflect what the Township pays to our bulk supplier.
3. Requested an update on the research for the extension of water facilities to the Easton Farms area. Township Manager Daly responded that the Easton Farms water project is in the 2004 Water Capital Plan. The total proposal for the entire Township is estimated at \$40 million, with the Easton Farms portion estimated at \$4 million. In addition, this project needs to be synchronized with street and drainage projects.
4. Questioned Mr. Levine on the status of the investigation to eliminate the closing of one lane of Easton Avenue to facilitate traffic exiting Rutgers Preparatory School. Mr. Levine responded that this matter is being investigated by Township Manager Daly at his request. Township Manager Daly responded that this matter has been brought to the attention of school officials and the school will be hiring a traffic consultant to evaluate the situation and suggest solutions. When the study is completed, it will be reviewed by the Township Police and Public Works Departments as well as the County.
5. Questioned the success of the 2002 Farmer's Market project. Ms. Barrier responded that the project was very successful.
6. Questioned the status of the Easton Farms drainage study. Township Manager Daly responded that the research has been done and a report with a cost estimate and specifications is being prepared for presentation in early 2003.
7. Noted the need for a policy to provide for the installation of sidewalks to be paid for by the benefiting property owners in an equitable manner.
8. Noted the lack of a report on the progress of the Veterans Memorial Committee and the importance of appropriating funds for this memorial to honor the people who defended our freedom.
9. Thanked Council for the wonderful job they have done in 2002 and wished them health and happiness in 2003.

Shirley Petrucka, 49 Ninth Street:

1. In reference to the Affordable Senior Housing Study, questioned if a Request for Proposals has been prepared and if the study will include the legality of the proposal to limit availability of the housing to Franklin residents. Township Manager Daly responded that the RFP is being prepared at this time and will be brought to Council in January. The Feasibility Study will include the legality of the residency requirement reflected in the 2002 referendum.
2. Supported the installation of sidewalks to Rockingham.
3. Commended the Council, Township Manager and Township Clerk for their work.
4. Noted that residents are asked to contribute towards the Veterans Memorial and the library expansion despite their contributions as taxpayers and, while she has strong respect for those who served in our Armed Forces, the tremendous number of unemployed and impact of spending decisions on their lives must be considered, especially since Congress has failed to extend unemployment benefits.

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Lucretia Cortelyou, 1892 Amwell Road, questioned actions in response to her request at the last meeting for press coverage. Mr. Grippo responded that, while the Council cannot control what newspapers cover, there have been many news stories in recent weeks regarding Township activities as well as the Public Relations Committee's newsletter.

John Clyde, 18 Sweetbriar Road thanked the Council for their work done in 2002 and commended Mayor Eberle for activities as Mayor and 1st Ward Council representative.

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

Council took a brief recess from 9:23 p.m. to 9:31 p.m. Meeting resumed with a roll call.

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

Absent: No one

16. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – SECTION 112-9A(3), KEEPING LIVESTOCK & BEES

Township Clerk Pellicane read by title:

"AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – SECTION 112-9, SUPPLEMENTARY REGULATIONS – SUB-SECTION 9A(3) KEEPING OF LIVESTOCK AND BEES (ADD CP ZONE)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003.

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

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

Motion was carried.

17. ORDINANCE INTRODUCTION – ACCEPTS DEEDS – PIZZO/MINDEL/EASTERN HILL LLC

Township Clerk Pellicane read by title:

"AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE FROM EASTERN HILL, LLC (PIZZO & PIZZO) OF CONSERVATION EASEMENTS (6) & DEED OF DEDICATION (1)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003.

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

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

Motion was carried.

18. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 3, ADMINISTRATION – CHANGE NAME OF CODE ENFORCEMENT DIVISION TO CONSTRUCTION CODE ENFORCEMENT DIVISION

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 3, ADMINISTRATION – ARTICLE IV, LAND USE AND ENFORCEMENT – CHANGE CODE ENFORCEMENT DIVISION TO CONSTRUCTION CODE ENFORCEMENT DIVISION" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003.

Mr. McKenzie noted that Section 3-28A of the ordinance requires the Municipal Construction Official to be "competent" but does not require the Official to be "licensed" as required by Statute. Mr. Chivukula responded that the requirement for licensing is located in Section 3-28B.

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

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

Motion was carried.

19. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 112, DEVELOPMENT – REZONING ELIZABETH AVENUE/GRANT STREET

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 – SECTION 112-6, ZONING DISTRICTS – PORTION OF BLOCK 502, ELIZABETH AVENUE/ROUTE 287/DAVIDSON AVENUE FROM CB (CORPORATE BUSINESS) TO M-2 (LIGHT MANUFACTURING)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003.

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

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<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. 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.

20. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-19, THROUGH STREETS (CEDAR AVENUE, MAPLE AVENUE, MARCY STREET, THOMAS ROAD AND FORDHAM ROAD); SECTION 226-20, STOP INTERSECTIONS (NASSAU AVENUE & GRIGGS STREET; NASSAU AVENUE & FORT STREET; NORFOLK ROAD & DARWIN ROAD)

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 & TRAFFIC – SECTION 226-19, THROUGH STREETS (ADD CEDAR AVENUE; MAPLE AVENUE; MARCY STREET; THOMAS ROAD & FORDHAM ROAD) – SECTION 226-20, STOP INTERSECTIONS (NASSAU AVENUE & GRIGGS STREET; NASSAU AVENUE & FORT STREET; NORFOLK ROAD & DARWIN ROAD)" which is presented to Council for adoption on first reading, posting, publication in accordance with law for public hearing on January 14, 2003.

Mr. Mazzola so moved. Mr. Chivukula 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		<u>ABSENT</u>
Mr. Grippo	Mr. Mettler		
	Mr. Sumter		No One

Motion was carried.

RESOLUTION - CONSENT AGENDA

Ms. Barrier requested confirmation that the approval of Resolution J (Purchase – Motorola Communications, Inc. – Trunked Radio System - \$2,700,000.00) tonight will result in a saving of \$500,000.00 for the Township. Township Manager Daly confirmed that this is correct.

Mr. Mazzola noted that the subordination of mortgage by Resolution U (Subordination of CDBG Mortgage – Block 288/Lot 35 – 41 Holly Street) involves a property owner who has changed her name and received and previously abandoned a subordination for this same property. Township Clerk Pellicane responded that the property owner and mortgage company have submitted legal proof of the property owner’s name change and acknowledgement that the previous subordination has been abandoned in lieu of the present subordination. Township Attorney Rainone confirmed this information.

Township Clerk Pellicane requested that Council amend the Consent Agenda to add a new resolution AA (Authorize Auction of Abandoned Tangible Personal Property – Tuesday, December 30, 2002). A resolution authorizing the auction of abandoned vehicles was adopted on November 26th, however, the time for advertising was incorrectly calculated and the sale was cancelled. This new resolution will allow the sale

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to be held prior to the end of 2002. Mr. Mettler moved to amend the consent agenda accordingly. Ms. Barrier seconded the motion; motion was carried.

Mr. Levine questioned who determines if a water charge should be adjusted and what criteria is used, noting that this high water charge was based on a running toilet. Township Manager Daly responded that in cases where the Water Department determines that a mistake in the billing or a circumstance unavoidable by the property owners occurs, a recommendation to Council is made to adjust the billing to reflect only the cost to the Township of the water used. A report from the Tax Collector to explain the procedure used will be provided to Council. Mr. Levine requested that the resolution be deferred to January 14th to allow Council time to review the procedure. Council concurred.

Mr. Mettler thanked Township Manager Daly for his research and the report from Sgt. Vornlocker of the FTPD explaining the situation with the crosswalk and resulting in the removal of the resolution from the Council's agenda as unnecessary.

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:
 Gupta – Block 34.08/Lot 9.01 C2616 - \$275.89 – 130 Lindsey Court
 Jenkins – Block 189/Lot 40 - \$7,425.83 – 89 Highland Avenue
 Gobac – Block 194/Lot 33 - \$196.18 – 132 Green Street
 Greene – Block 295/Lot 20 - \$3,934.51 – 425 Girard Avenue
- B. Tax Overpayments – Various
- C. Tax Remittals – Various
- D. Removed from Consent Agenda/Deferred to January 14, 2003
- E. Budget – FY2003 Insertion – Somerset County Municipal Planning Partnership Grant - \$16,485.00
- F. Budget – FY2003 Insertion – Public Health Priority Funding - \$18,674.00
- G. Budget – FY2003 Change in Title/Text – Public Health Priority Funding Grant - \$5,000.00
- H. Purchase – White Brothers – \$10,000.00 - Snow Removal – Section 3-13
- I. Purchase – Ray's Sport Shop – Ammunition - \$12,602.73 – State Contract
- J. Purchase – Motorola Communications, Inc. – Trunked Radio System - \$2,700,000.00 – State Contract
- K. Purchase/Competitive Contract – Middle Earth - \$60,000 – Development and Administration of Youth Engaged in Service Program – 10/1/02 to 9/30/03
- L. Grant Application – Federal Transit Administration Section 5310 – Senior Bus
- M. Grant Application – NJDCA – Smart Growth Planning Grant – Parking/Traffic Calming Plan for Hamilton Street - \$45,000
- N. Escrow Release – Plan Review:
 Texas Eastern Transmission, LP – PLN1001-0067 - \$3,746.25 & \$519.26

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- O. Escrow Release – Inspection Fees:
 K. Hovnanian Co. – Town & Country Estates, Sections VI-X - \$11,339.25
 20 Commerce Drive LLC – Docket #614A - \$30.00
- P. Performance Guarantee Release Rejection – Pizzo/Mindel Tract C – Docket # P97056P - \$322,897.00; \$8,500.00; \$12,800.00
- Q. Performance Guarantee Release Rejection – Pizzo/Mindel Tract A/ Monument & Open Space Markers - Docket # P97056P - \$4,500.00 & \$3,050.00
- R. Performance Guarantee Reduction – Ten Mile Run Developers/Section 1 – Docket #P2000061SF – from \$600,824.60 to \$180,247.38
- S. Performance Guarantee Reduction – Ten Mile Run Developers/Section 3 – Docket #P2000061SF – from \$847,000.00 to \$254,100.00
- T. Discharge of Affordable Housing Mortgage – Peter & Allison Chen to Wuan-Chi Chen – Block 34.02/Lot 16.03 C2724 – 36 Fisher Drive
- U. Subordination of CDBG Mortgage – Block 288/Lot 35 – 41 Holly Street
- V. Authorize Application to NJDEP – Tree City USA Designation by Shade Tree Commission
- W. ~~Concur with Somerset County Request to NJDOT – Mid Block Crosswalk – Amwell Road west of Market Street - *not required*~~
- X. Adoption of Risk Management/Loss Control Plan of Employment Practice Issues
- Y. Adopt Policies:
 Whistle Blower Policy
 Life Threatening Disease
 Anti-Harassment Policy
- Z. Discharge of Affordable Housing Mortgage – William D. Carnevale, III – Block 20.10/Lot 11.02 C1704 – 177 Columbus Drive
- AA. Authorize Auction of Confiscated/Abandoned Vehicles by Franklin Township Police Department

A. 02-533 RESOLUTION - TAX TITLE LIEN REDEMPTION - OUTSIDE BUYER

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

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

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

<u>DATE OF SALE</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
June 11, 1998	34.08/9.01 C2616	GUPTA, VIPIN 4 Rolling Road Somerset NJ 08873	275.89

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PAID: November 27, 2002 CERT #98-178
LIENHOLDER: Herbert Sehgel
 PO Box 284 Kingston NJ 08528

June 13, 2002 189/40 JENKINS, M. & HILL, L. 7,425.83
 89 Highland Avenue
 Somerset NJ 08873

PAID: November 20, 2002 CERT #020098
LIENHOLDER: American Tax Funding
 PO Box 862658 Orlando FL 32888-2658

June 13, 2002 194/33 GOBAC, S.H. & I 196.18
 140 Green Street
 Somerset NJ 08873
 (132 Green Street)

June 13, 2002 295/20 GREENE, BERNARD F. 3,934.51
 425 Girard Avenue
 Somerset NJ 08873

PAID: November 21, 2002 CERT #020137
LIENHOLDER: Sequoia Investments
 PO Box 5600 Woodbridge NJ 07095

B. 02-534 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
20.03/9.03 C1914	BALDINO, MARIA 70 Gregory Lane Franklin Park NJ 08823	4/02	250.00
34.03/16.01 C0201	MACYS, IRENE & MICHAEL 17 Crabapple Lane Franklin Park NJ 08823	4/02	250.00
34.09/59.02 C0584	SHARAK, MATTHEW & JOSEPHINE 207 Sapphire Lane Franklin Park NJ 08823	4/02	1,290.50
36.01/64	ARON, LESLIE 21 Saw Mill Drive Somerset NJ 08873	4/02	874.08
37.02/3.01 C0087	BIANCA, ANTHONY & BARBARA 58 Sherborne Street Somerset NJ 08873	4/02	200.00
323/28	WILSON, FRANK & CATHERINE 7 Winthrop Road Somerset NJ 08873	4/02	200.00
325/1	SMITH ANNE 15 Beverly Avenue Somerset NJ 08873	4/02	200.00
417.02/444 0041	CLEAR ADVANTAGE TITLE AGEN 242 Washington Avenue, Suite B Nutley NJ 07110	4/02	575.18

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471/20	MATHEWS, FREDERICK & DIANA 84 Marcy Street Somerset NJ 08873	4/02	200.00
443/12	SAGGESE, VITO & OLGA 59 Thirteenth Street Somerset NJ 08873	1/01 2/01 3/01 4/01 1/02 2/02 3/02 4/02	375.10 1165.64 1321.57 1321.57 1276.73 1276.72 1497.24 1497.24

C. 02-535 RESOLUTION - TAX REMITTAL

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted as follows:

<u>YEAR</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
2001	433/12	SAGGESE, VITO & OLGA	Disabled	\$4,183.88
2002		59 Thirteenth Street Somerset NJ 08873	Veteran	\$5,547.93

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County that the Collector of Revenue be and she is hereby directed to remit the amount so stated.

D. Removed from Agenda**E. 02-536 RESOLUTION – INSERTION IN BUDGET – SOMERSET COUNTY MUNICIPAL PLANNING PARTNERSHIP GRANT – FRANKLIN TOWNSHIP ECONOMIC DEVELOPMENT PLAN - \$16,485.00**

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 \$16,485.00 with a match of \$0.00 from the Matching Funds for Grant for **SOMERSET COUNTY MUNICIPAL PLANNING PARTNERSHIP GRANT – FRANKLIN TOWNSHIP ECONOMIC DEVELOPMENT PLAN**, for a total of \$16,485.00, and wishes to amend its SFY-2003 Budget to include a portion of this additional amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year SFY 2003 in the sum of \$16,485.00, which is now available as revenue from:

**SOMERSET COUNTY MUNICIPAL PLANNING PARTNERSHIP GRANT
FRANKLIN TOWNSHIP ECONOMIC DEVELOPMENT PLAN**

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

REGULAR MEETING – DECEMBER 10, 2002**E. 02-537 RESOLUTION – INSERTION IN BUDGET – STATE OF NEW JERSEY, DEPARTMENT OF HEALTH AND SENIOR SERVICES - PUBLIC HEALTH PRIORITY FUNDING GRANT - CALENDAR YEAR 2003 - \$18,674.00**

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 \$18,674.00 with a match of \$5,000.00, from the Matching Funds for Grant for STATE OF NEW JERSEY, DEPARTMENT OF HEALTH AND SENIOR SERVICES, PUBLIC HEALTH PRIORITY FUNDING GRANT, CALENDAR YEAR 2003, for a total of \$18,674.00, and wishes to amend its SFY-2003 Budget to include a portion of this additional amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year SFY-2003 in the sum of \$18,674.00, which is now available as revenue from:

**STATE OF NEW JERSEY, DEPARTMENT OF HEALTH AND SENIOR
SERVICES, PUBLIC HEALTH PRIORITY FUNDING GRANT
CALENDAR YEAR 2003**

BE IT FURTHER RESOLVED that a like sum of \$18,674.00, with a match of \$5,000.00 for STATE OF NEW JERSEY, DEPARTMENT OF HEALTH AND SENIOR SERVICES, PUBLIC HEALTH PRIORITY FUNDING GRANT, CALENDAR YEAR 2003 for a total contract of \$18,674.00 and the same is hereby appropriated under the caption of:

**STATE OF NEW JERSEY, DEPARTMENT OF HEALTH AND SENIOR
SERVICES, PUBLIC HEALTH PRIORITY FUNDING GRANT
CALENDAR YEAR 2003**

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

G. 02-538 RESOLUTION - CORRECTION TO FY03 BUDGET – PUBLIC HEALTH PRIORITY FUNDING GRANT - \$5,000.00

WHEREAS, NJS 40A:4-85 provides that the Director of the Division of Local Finance may, at the request of, or with the consent of the Governing Body of the County or Municipality, make such correction of the title, text or amount of an appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose of purposes required for the needs of any such County or Municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of NJS 40A:4-85, the Township of Franklin in the County of Somerset, State of New Jersey hereby request the Director of the Division of Local Finance to make the following corrections in the budget of the year FY03:

From: Matching Funds for Grants	\$5,000.00
To: Public Health Priority Funding	\$5,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by the statute above referred to, and is necessary for

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the orderly operation of the Township of Franklin, Somerset County for the reasons hereinafter set forth: **matching funds required for Public Health Priority Funding Grant.**

H. 02-539 RESOLUTION - AUTHORIZE PURCHASE UNDER BID THRESHOLD/ OVER \$8,500.00 - WHITE BROTHERS CONSTRUCTION - SNOW REMOVAL - AN AMOUNT NOT TO EXCEED \$10,000.00

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: WHITE BROTHERS CONSTRUCTION
442 Calvert Road North Brunswick NJ 08902

ITEMS: Snow Removal

COST: Not to exceed \$10,000.00

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.

I. 02-540 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT - RAY SPORTS SHOP - AMMUNITION - AN AMOUNT NOT TO EXCEED \$12,602.73

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

VENDOR: RAYS SPORT SHOP
559 Route 22
North Plainfield NJ 07060
State Contract No. A46903

ITEMS: Ammunition

COST: An amount not to exceed \$12,602.73

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.

J. 02-541 RESOLUTION - AUTHORIZE PURCHASE UNDER STATE CONTRACT & THROUGH SOMERSET COUNTY IMPROVEMENT AUTHORITY - MOTOROLA - TRUNKED RADIO SYSTEM - AN AMOUNT NOT TO EXCEED \$2,700,000.00

WHEREAS, the Township of Franklin desires to purchase items which exceed the prevailing bid threshold and which are available on State Contract as noted below, and

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WHEREAS, the Somerset County Improvement Authority will purchase the Trunked Radio System, with the Township of Franklin acting as the Purchasing Agent for the Authority;

MOTOROLA
85 Harristown Road
Glen Rock NJ 07452
State Contract No. A42364

ITEMS: Trunked Radio System

COST: \$2,700,000.00

WHEREAS, funding for this purchased has been appropriated by Ordinance No. 3334 authorizing the lease of certain capital equipment by the Township from the Somerset County Improvement Authority and Agreement relating thereto, adopted by the Township Council on November 26, 2002; and

WHEREAS, the 20 day period during which a suit, action or proceeding questioning the validity of such ordinance can be commenced will expire on December 18, 2002 and, if no such suit, action or proceeding is filed, the ordinance will become effective on that date; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that, upon expiration of the aforesaid 20 day period with no suit, action or proceeding filed, funds will be 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, on behalf of the Somerset County Improvement Authority, a contract with the above named vendor to purchase the specified items under State Contract and to forward invoices for payment for this trunked radio system to the Somerset County Improvement Authority for payment/reimbursement by the Township in accordance with the Township's lease agreement with the Somerset County Improvement Authority; and

BE IT FURTHER RESOLVED that this authorization is subject to the expiration of the 20 day period during which a suit, action or proceeding questioning the validity of such ordinance can be commenced without any such suit, action or proceeding being filed.

K. 02-542 RESOLUTION - COMPETITIVE CONTRACT – MIDDLE EARTH – DEVELOPMENT AND ADMINISTRATION OF YOUTH ENGAGED IN SERVICE PROGRAM - OCTOBER 1, 2002 TO SEPTEMBER 30, 2003 - AN AMOUNT NOT TO EXCEED \$60,000.00

WHEREAS, the Township of Franklin is desirous of contracting for the Development and Administration of Youth Engaged in Service Program; and

WHEREAS, NJSA 40A:11-4 et. seq. provides that the provision of specialized goods and services requires sealed bids, and that price and other factors can be considered when awarding a contract; and

WHEREAS, quotations for the provision of Development and Administration of Youth Engaged in Service Program was publicized:

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

MIDDLE EARTH
P.O. Box 1111
98 Grove Street
Somerville, NJ 08876

Amount not to exceed \$60,000.00; and

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

L. 02-543 RESOLUTION - GRANT APPLICATION – FEDERAL TRANSIT ADMINISTRATION SECTION 5310 - SENIOR BUS

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Federal Transit Administration Section 5310 for a bus to coordinate transportation services to senior citizens and persons with disabilities and does authorize the appropriate Township official to execute this grant application on its behalf.

M. 02-544 RESOLUTION - GRANT APPLICATION – NJ DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF SMART GROWTH PLANNING GRANTS - \$45,000.00

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the NJ Department of Community Affairs, Office of Smart Growth Planning Grants for plan for parking and traffic calming plan for Hamilton Street in the amount of \$45,000.00 and does authorize appropriate Township official to execute this grant application on its behalf.

N. 02-545 RESOLUTION - RELEASE OF PLAN REVIEW ESCROW - TEXAS EASTERN TRANSMISSION, LP - DOCKET NO. PLN2001-0067 - \$4,265.51

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

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: TEXAS EASTERN TRANSMISSION, LP
ADDRESS: 5400 Westheimer Court PO Box 1640
Houston Texas 7056-5310

DOCKET NO: PLN2001-0067

BLOCK/LOT: 511/5 & 6

LOCATION: Weston Road

AMOUNT DEPOSITED:	\$5,000.00	\$12,500.00
AMOUNT CHARGED:	<u>1,253.75</u>	<u>11,980.74</u>
AMOUNT TO BE REFUNDED:	\$3,746.25 In-House Plan Review	\$ 519.26 Schoor DePalma Plan Review

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 to Meyner & Landis LLP, One Gateway Center, Suite 2500, Newark NJ 07102.

REGULAR MEETING – DECEMBER 10, 2002**O. 02-546 RESOLUTION - RELEASE OF ESCROW MONIES – K. HOVNANIAN COMPANIES aka TOWN & COUNTRY - DOCKET NO. P94052SF - \$11,339.25 & 20 COMMERCE DRIVE, LLC - DOCKET NO. 614-A - \$30.00**

WHEREAS, the Township of Franklin, Somerset County 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: K. HOVNANIAN COMPANIES
ADDRESS: 110 Fieldcrest Avenue Edison NJ 08818-7825

DOCKET NO: P94052SF
BLOCK/LOT: 33.02/19.00: 33.01/35-39
AMOUNT TO BE REFUNDED: \$11,339.25

APPLICANT: 20 COMMERCE DRIVE, LLC
ADDRESS: 401 Cleveland Avenue Highland Park NJ 08904

DOCKET NO: 614-A
BLOCK/LOT: 86.02/3.02
LOCATION: 20 Commerce Drive
AMOUNT DEPOSITED: \$2,627.50
AMOUNT CHARGED: 2,597.50
AMOUNT TO BE REFUNDED: 30.00

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.

P. 02-547 RESOLUTION - PERFORMANCE GUARANTEE REJECT - PIZZO/MINDEL TRACT C/EASTERN HILL LLC - DOCKET NO. P97057SP - VARIOUS AMOUNTS

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: PIZZO/MINDEL TRACT C / EASTERN HILL LLC

ADDRESS OF APPLICANT: 1065 Route 22 West Bridgewater NJ 08807

INSURANCE CO./BANK: Universal Bonding Insurance Company
518 Stuyvesant avenue PO Box 615 Lyndhurst NJ 07071

NUMBER: UB1004335
IN THE AMOUNT OF: \$322,897.00
FOR: Site Improvements

NUMBER: UB1004336
IN THE AMOUNT OF: \$ 8,500.00
FOR: Monuments

NUMBER: UB1004512
IN THE AMOUNT OF: \$ 12,800.00

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FOR: Monuments for Docket No. P97056P - Block 417.01/Lots 4.04 & 22, Charles Street; and

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

WHEREAS, by report dated November 21, 2002 the Township Engineer recommends rejection of the request based upon incomplete improvements as set forth in November 18, 2002 report from CME Associates; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from Pizzo/Mindel Tract C/Eastern Hill LLC to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

Q. 02-548 RESOLUTION - PERFORMANCE GUARANTEE REJECT - PIZZO/MINDEL TRACT A/EASTERN HILL LLC - DOCKET NO. P97057SP - VARIOUS AMOUNTS

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

ITEM:	PERFORMANCE BONDS
NAME OF APPLICANT:	PIZZO/MINDEL TRACT A / EASTERN HILL LLC
ADDRESS OF APPLICANT:	1065 Route 22 West Bridgewater NJ 08807
INSURANCE CO./BANK:	Universal Bonding Insurance Company 518 Stuyvesant Avenue PO Box 615 Lyndhurst NJ 07071

NUMBER: UB1004334
IN THE AMOUNT OF: \$ 4,500.00
FOR: Monuments

NUMBER: UB1004513
IN THE AMOUNT OF: \$ 3,050.00
FOR: Open Space Markers for Docket No. P9705SP - Block 417.01/Lots 4.04 & 22, Charles Street; and

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

WHEREAS, by report dated November 22, 2002 the Township Engineer recommends rejection of the request based upon incomplete improvements as set forth in November 19, 2002 report from CME Associates; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County, New Jersey does hereby reject the request from Pizzo/Mindel Tract A/Eastern Hill LLC to release the aforesaid referenced Performance Guarantees for the reasons set forth above.

R. 02-549 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - TEN MILE RUN DEVELOPERS, LLC - SITE PLAN DOCKET NO. P99028P SECTION I - \$847,000.00 - MINUS \$592,900.00 - BALANCE REMAINING \$254,100.00

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

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ITEM: PERFORMANCE BOND

NAME OF APPLICANT: TEN MILE RUN DEVELOPERS, LLC

ADDRESS OF APPLICANT: 812 Central Avenue
Westfield NJ 07090

NUMBER: 3SM 045 243 00

INSURANCE CO./BANK: American Motorist Insurance Company
7470 N. Figueroa Los Angeles CA 90041

IN THE AMOUNT OF: \$847,000.00

FOR: Site Improvements for Site Plan Docket No. P99028P Section I - Block 20.02/Lots 12.02, 12.04, 13.01, South Middlebush Road, Franklin Park NJ

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$254,100.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant upon receipt of a reduced performance guarantee in the amount of \$254,100.00.

S. 02-550 RESOLUTION - PERFORMANCE GUARANTEE REDUCTION - TEN MILE RUN DEVELOPERS, LLC - SITE PLAN DOCKET NO. P2000061SF SECTION III - \$600,824.60 - MINUS \$420,577.22 - BALANCE REMAINING \$180,247.38

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

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: TEN MILE RUN DEVELOPERS, LLC

ADDRESS OF APPLICANT: 812 Central Avenue
Westfield NJ 07090

NUMBER: BE2617950

INSURANCE CO./BANK: Gulf Insurance Company
110 West "A" Street #1805 San Diego CA 92101

IN THE AMOUNT OF: \$600,824.60

FOR: Site Improvements for Site Plan Docket No. P2000061SF Section III - Block 20.02/Lots 12.02, 12.04, 13.01, South Middlebush Road, Franklin Park NJ

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

WHEREAS, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee to the amount of \$180,247.38;

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

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released to the above named applicant upon receipt of a reduced performance guarantee in the amount of \$180,247.38.

T. 02-551 RESOLUTION - DISCHARGE OF MORTGAGE – PETER & ALLISON CHEN TO WAU-CHI CHEN - BLOCK 34.02/LOT 16.03 C2724 - 36 FISHER 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 36 Fisher Drive, Block 34.02/Lot 16.03 C2724 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.

U. 02-552 RESOLUTION - AUTHORIZE EXECUTION OF A SUBORDINATION OF MORTGAGE – MARY ANN BUTTS - BLOCK 288/LOT 35 – 41 HOLLY STREET

WHEREAS, the Township of Franklin holds Rehabco Mortgages in the amounts of \$5,770.00 and \$1,890.00 regarding Lot 35 in Block 288, 41 Holly Street in the Township of Franklin, assessed to Mary Ann Butts; and

WHEREAS, the property owner is seeking an additional Mortgage for an amount of \$187,000 to Ameriquist Mortgage Company; and

WHEREAS, Ameriquist Mortgage Company has requested that the Township of Franklin subordinate its Rehabco Mortgage to Ameriquist Mortgage Company; and

WHEREAS, the Tax Assessor's Office has advised the fair market value of Lot 35 in Block 288 is approximately \$217,900; and

WHEREAS, it has been determined that there is enough equity in the above mentioned premises to subordinate the Township's Rehabco Mortgage to Ameriquist Mortgage Company's Mortgage;

WHEREAS, by resolution adopted October 23, 2001, the Township Council authorized the subordination of the Township's CDBG Mortgage to a mortgage in the amount of \$165,750 to Ameriquist Mortgage Company for the subject property in the name of Carol Butts; and

WHEREAS, it has been determined that Mary Ann Butts and Carol Butts are one and the same property owner and that the proposed 2001 mortgage in the amount of \$165,750 has been abandoned by the property owner and the Township's subordination to same is specifically rescinded by the adoption of this current subordination;

NOW, THEREFORE, BE IT RESOLVED this 10th day of December, 2002 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Mayor and Township Clerk of the Township of Franklin are hereby authorized and directed to execute the Subordinate of Mortgage whereby the Township of Franklin shall subordinate its Rehabco Mortgage to Ameriquist Mortgage Company's Mortgage in the amount of \$187,000 regarding Lot 35 in Block 288, located in the Township of Franklin.

V. 02-553 RESOLUTION - APPLICATION FOR NJDEP "TREE CITY DESIGNATION" - SHADE TREE COMMISSION

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Shade Tree Commission to make application for NJDEP Tree City Designation, which award recognizes communities that manage their public tree resources effectively and encourages tree management based on Community Forestry Standards; and

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BE IT FURTHER RESOLVED that the appropriate officials of the Township are hereby authorized to execute said application on behalf of the Township if required.

W. Removed from Agenda**X. 02-554 RESOLUTION - ADOPT RISK MANAGEMENT/LOSS CONTROL PLAN OF EMPLOYMENT PRACTICE ISSUES**

WHEREAS, the Township of Franklin, Somerset County desires to be eligible for Employment Practices Liability Coverage as a member of the Central Jersey Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, loss prevention, risk management and loss control are essential components of employment practices liability coverage; and

WHEREAS, comprehensive plans, procedures, methods and training or educational resources effectively deal with and minimize the potential for employment practices liability claims; and

WHEREAS, the Township of Franklin recognizes the advantage of involving a Personnel Officer, a Labor Consultant, a Labor Attorney and/or Municipal Attorney to review, screen and investigate any actual or potential employment practice claim; and

WHEREAS, the Township of Franklin acknowledges the benefit of standard employment application forms, comprehensive and well-documented personnel employment files, periodic employment practices education, written employment policies and procedures which are available to the employees through an encompassing manual and distributed in individual handbooks and that an annual formal review of the plan will help it stay contemporary; and

WHEREAS, employees of the Township of Franklin have a responsibility to report employment practices which they feel may be improper, that their assertions will be investigated, appropriate responsive action taken and that the complaining employee will be informed of the claim determination;

NOW, THEREFORE, BE IT RESOLVED that the Township of Franklin in the County of Somerset, State of New Jersey adopts a Risk Management/Loss Control Employment Plan as outlined above; and

BE IT FURHTER RESOLVED that the Mayor, Township Manager and Municipal Clerk are hereby authorized to execute an application for employment practices liability coverage with the Municipal Excess Liability Joint Insurance Fund.

LOSS CONTROL POLICY**PURPOSE**

The Township of Franklin recognizes the importance of loss control management particularly in the area of employment practices liability. Consequently, the Township has developed a comprehensive loss control plan. This loss control plan is an essential element of the Township personnel management intended to limit if not prevent employment practices liability exposures from developing into litigation.

INTENT

Franklin Township believes that a comprehensive and well monitored Risk Management and Loss Control Plan is extremely important to minimizing the risk of employment practice liability. Consequently, a comprehensive risk control plan has been developed with the following principles:

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To reduce the risk associated with the revolving nature of employment practices liability, which continues to expand the obligations and potential liability of employers, supervisory personnel and employees.

To increase the awareness of the potential liability of supervisors, employees and the Township from wrongful employment practices.

To develop comprehensive plans, procedures and training/educational resources to effectively manage employment practices and reduce risk of potential liability.

ESSENTIAL ELEMENT OF THE RISK CONTROL PLAN**Personnel Available to Address Potential Employment Practices Liability Claims**

To ensure appropriate personnel are available to address potential or actual employment practices liability claims, Franklin has designated the Township Manager or his designee as the Personnel Officer in accordance with Chapter 44 Section 6 Administration. To provide the necessary legal advice the Township has retained a municipal attorney along with a consulting labor attorney.

Mechanism For Employee Complaints

All employees have a right to informally or formally report any and all statements, acts or behavior by a co-employee or employee, supervisory employee, appointed official or visitor, which are deemed by the affected employee to be an improper employment practice of any nature.

All employees are assured that any complaint which they make will be taken seriously and promptly and carefully investigated. Employee shall not be subject to any reprisal or retaliation by any co-employee, management personnel or appointed official in reporting a complaint.

Any employee complaint of an improper employment practice shall be reported to the Supervisor/Department Head immediately and no later than 3 days following the occurrence of an event. The Department Head shall immediately report the complaint to the personnel officer. The Personnel Officer will conduct preliminary discussion with the complaining employee and any supervisory personnel to identify the nature of the claim and the appropriate plan of investigation. The plan of investigation may include, but not be limited to, investigation by the Personnel Officer as outlined below or the use of an applicable labor grievance procedure.

Investigation Procedures

1. The Personnel Officer is responsible for documenting the complaint and determining, with such consultation, as he or she deems appropriate, who will conduct the investigation. In the event the allegations personally involves the Personnel Officer the Township will designate an alternate investigator.
2. The Personnel Officer or other designated investigator will provide all parties involved the opportunity to present their side of the incident. The investigation will include separate interviews with the complainant, the accused, and any other relevant witnesses as appropriate under the circumstances.
3. The Personnel Officer or other designated investigator will provide a written statement of the finding of facts and his/her determination. In addition, the Personnel Officer or other investigator shall develop a corrective action plan if required.
4. Upon resolution of the investigation, all investigative reports, notes, evidence and records will be maintained with the Personnel Office of the Township as needed to investigate and respond to other complaints, or as compelled to produce the files through legal process. Documentation regarding disciplinary action taken as a result of a substantiated harassment complaint will be maintained in the employee's personnel file.

REGULAR MEETING – DECEMBER 10, 2002**Confidentiality**

In its own actions and the actions of its official representatives, the Township will maintain the confidentiality of all investigations to the extent possible, consistent with the Township's need to conduct an adequate investigation and to take prompt corrective action to rectify any violation of employment practices policies which is found to have taken place. However, the Township cannot guarantee that confidentiality will be maintained by other employees who may need to be questioned about the allegation, or the parties directly involved in the investigation, although the Township will advise all concerned to keep investigative matters confidential and not to discuss them elsewhere.

Corrective Action

Appropriate corrective action will be initiated whenever the evidence warrants it. Violation of the Township's policies will subject an employee to sanction up to and including termination of employment.

Anti-Retaliation Statement

Any form of retaliation against those who in good faith bring forward complaints or allegations, or who participate in an investigation is strictly prohibited.

False Allegations Made in Bad Faith

If the investigation reveals that a complainant, victim, or witness has made a knowingly false allegation in bad faith, disciplinary or other appropriate action against this person may be imposed.

Employment Practices Training

As an effort to prevent employment practices claims the Township shall provide employees, supervisors and managers with employment practices training on a regular basis.

Annual Update of Risk Management Loss Control Plan

The Loss Control Plan shall be reviewed annually and updated as necessary.

Y. 02-555 RESOLUTION – ADOPT POLICIES – LIFE THREATENING DISEASE POLICY, WHISTLE BLOWER POLICY, & ANTI-HARASSMENT POLICY

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, does hereby adopt the following policies set forth below and make said policies effective for the Township of Franklin:

LIFE THREATENING DISEASE POLICY

Franklin Township does not discriminate against a qualified individual with a disability with regard to job application, hiring, advancement, access, need for special equipment, discharge, compensation, training, or other terms, conditions, and privileges of employment. Further, Franklin Township recognizes that employees with life-threatening illnesses including, but not limited to, cancer, HIV/AIDS, and heart disease may wish and be physically able to work .

Franklin Township will seek to accommodate such employees by allowing them to work for as long as they are able to perform essential job functions (with or without reasonable accommodation) provided medical evidence establishes that continuing to work does not present a direct health threat to the affected employee or others, and further provides that offering such accommodations as may be necessary to facilitate continued employment does not present an undue hardship to Franklin Township.

While Franklin Township wishes, wherever possible, to accommodate the needs of employees with life-threatening diseases and disabilities, the Township also recognizes its obligation to provide a safe work environment for all employees. Therefore, managers should seek appropriate

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direction, when necessary, to ensure that an employee's condition does not pose a substantial or unreasonable risk of harm to himself/herself or others.

Franklin Township offers the following resources to assist employees and their supervisors in dealing with these issues:

- Management and employee education and information on life-threatening illnesses.
- Confidential referrals, on request, to supportive services available to employees and their dependents affected by life-threatening illnesses.

[Employee Assistance Program, Somerset Medical Center (908) –526-4400]

Franklin Township recognizes the sensitive and confidential nature of medical information and pledges to treat any such information divulged to it with sensitivity and full adherence to all legal obligations regarding confidentiality. Franklin Township employees are likewise urged to respect the privacy interests of their co-workers and to refrain from speculating or inquiring regarding a co-worker's health condition.

Guidelines for Managers and Supervisors

When dealing with situations involving employees with life-threatening diseases and disabilities, Franklin Township expects its managers and supervisors to follow these guidelines:

Confidentiality. Information voluntarily divulged by the employee or obtained as a result of a permissible medical examination should be treated as confidential medical information and maintained in separate medical files.

Seeking assistance. If you need guidance in managing a situation that involves an employee with a life-threatening illness, contact Assistant Township Manager. Do not offer or refuse special accommodations without first obtaining authorization from the Assistant Township Manager.

Reasonable accommodations. Franklin Township will honor its legal obligation to make reasonable accommodations to disabled employees who wish to continue working and are able, with such accommodations, to perform the essential functions of the job. Reasonable accommodations will be made, consistent with the business needs of the unit or department, for disabled employees on a case-by-case basis.

When an employee requests such accommodation, his or her supervisor should meet with the employee to determine what he or she feels capable of, and whether a medical or disability leave would be preferred. If the employee wishes to continue working with accommodations, ask for the employee's input regarding the type of accommodations that the employee feels are required. Be sure the employee understands that these discussions must be disclosed to Assistant Township Manager to obtain approval for any special accommodations or medical or disability leave requested. After gaining a full understanding of the employee's needs, limitations, and preferences, seek guidance from Assistant Township Manager, who will work with you and the employee to implement mutually agreed upon accommodations that are consistent with the business needs and legal obligations of Franklin Township.

Concerns of co-workers. If any co-workers of an employee with a life-threatening illness come to you with concerns regarding their own safety, be sensitive to such concerns and advise the employees of any education and information available from Assistant Township Manager on safety issues in the workplace. However, do not confirm or deny co-workers' suspicions regarding the health status of any other employee and do not under any circumstances divulge confidential medical information. Special accommodations may not be offered to workers who feel threatened by a co-worker's illness. Such concerns should be referred to Assistant Township Manager.

WHISTLE BLOWER POLICY

Franklin Township recognizes its obligation under the New Jersey Conscientious Employee Protection Act (CEPA) and all employees are urged to immediately report any violation of law or violation of public policy to their immediate supervisor

The supervisor shall be required to report this action to the department head who will institute corrective actions. Should the department head fail to take action or if the employee is reasonably certain that the immediate supervisor has neglected to report his/her complaint to the

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Township management, the employee shall report the violation directly to the Township Manager.

Under no circumstance shall such employee be subject to retaliatory action, including, but not limited to discharge, suspension or demotion, for disclosing or threatening to disclose to a supervisor any practice the employee reasonably believes is a violation of law.

ANTI - HARASSMENT POLICY*PURPOSE*

To establish the Township's Policy Anti – Harassment Policy

POLICY

The Township of Franklin has established the following anti harassment policy that is guided by the elements listed below:

THE TOWNSHIP'S PROHIBITS HARASSMENT OF ANY TYPE

The Township of Franklin will not tolerate harassment based on sex (with or without sexual conduct) race, color, religion, national origin, age, disability and protected activity (i.e. the opposition to prohibited discrimination or participation in the statutory complaint process)

THE TOWNSHIP SHALL PROTECT EMPLOYEE AGAINST RETALIATION

The Township of Franklin will not tolerate adverse treatment of an employee because he/she has reported harassment or provided information related such complaints

THE TOWNSHIP WILL PROVIDE AN EFFECTIVE COMPLAINT PROCESS

The Township has established an effective complaint procedure (see section 2) that ensures the following:

1. That the complaint process shall be clearly explained and free of unreasonable obstacles to bringing forth complaints
2. The complaint procedure shall provide accessible points of contact for the initial complaint.
- 3 The Township shall designate a Township official authorized to take complaints of harassment.

THE TOWNSHIP WILL PROTECT THE CONFIDENTIALITY OF HARASSMENT ALLEGATIONS TO THE EXTENT IT CAN

The Township of Franklin will protect the confidentiality of harassment allegations to the extent possible. The Township cannot guarantee complete confidentiality, since it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses.

The Township will ensure that information about the allegation of harassment is shared only with those who need to know. The Township shall also take the same care with all records relating to harassment complaints.

THE TOWNSHIP SHALL EFFECTIVELY INVESTIGATE ALLEGATIONS OF HARASSMENT

The Township shall provide a prompt, thorough and impartial investigation into alleged harassment.

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Upon notification by an employee of an allegation the Township shall immediately launch a fact-finding investigation. The Township shall also undertake immediate measures to ensure further harassment does not occur.

The Township shall also ensure the individual who conducts the investigation will objectively gather and consider the relevant facts.

**THE TOWNSHIP SHALL ASSURE AN IMMEDIATE AND APPROPRIATE
CORRECTIVE ACTION**

The Township of Franklin shall undertake immediate and appropriate actions, including discipline, whenever it determines that harassment has occurred in violation of the anti-harassment policy.

The Township shall also undertake corrective measures designed to stop the harassment, correct its effects on the employee, and ensure that the harassment does not recur.

Reporting a Complaint

If an individual believes he/she is the victim of harassment or sexual harassment or retaliation, he/she is encouraged to report such a complaint immediately. The Township has designated the Personnel Officer to receive all employee complaints, verbal or written.

An alternate choice for reporting a complaint directly to the Personnel Officers is to contact the Township Manager, or a department director who will inform the Personnel Officer.

Once the Township has knowledge of a complaint, the Township is obligated to investigate the allegation. Employees who become aware of potential harassment of others, which may be in violation of this policy, are encouraged to report such conduct. Supervisors have an obligation to immediately report any potential instances of harassment involving employees or others to the Personnel Officer.

Investigation Procedures

1. The Personnel Officer is responsible for documenting the complaint and determining, with such consultation as he or she deems appropriate, who will conduct the investigation. In the event the harassment allegations personally involves the Personnel Officer the Township will designate an alternate investigator.
2. The Personnel officer or other designated investigator will provide both parties the opportunity to present their side of the incident. The investigation will include separate interviews with the complainant, the accused, and any other relevant witnesses as appropriate under the circumstances.
3. Before a final decision is made or corrective action taken against the accused, a written summary of the allegations upon which the corrective action is based will be delivered to the accused for his/her opportunity to respond (within a reasonable time to be determined by the Personnel Officer or designee) if he/she so chooses.
4. The Personnel Officer or other designated investigator will consult with the supervisor in charge of the accused employee's department/division prior to the implementation of a corrective action against the accused. Corrective action, if any, against the accused will be determined based on the seriousness of the offense, the employee prior history, and other relevant circumstances.
5. Upon resolution of the investigation, all investigative reports, notes, evidence, and records will be maintained within the Personnel Office of the Township as needed to investigate and respond to other complaints, or as compelled to produce the files through legal process. Documentation regarding disciplinary action taken as a result of a substantiated harassment complaint will be maintained in the employee's personnel file.

REGULAR MEETING – DECEMBER 10, 2002**Confidentiality**

In its own actions and the actions of its official representatives, the Township will maintain the confidentiality of all harassment investigations to the extent possible, consistent with the Township's need to conduct an adequate investigation and to take prompt corrective action to rectify any harassment in violation of this policy which is found to have taken place. However, the Township cannot guarantee that confidentiality will be maintained by other employees who may need to be questioned about the allegation, or the parties directly involved in the investigation, although the Township will advise all concerned to keep investigative matters confidential and not to discuss them elsewhere.

Corrective Action

Appropriate corrective action will be initiated whenever the evidence warrants it. Violation of the Township's anti-harassment or sexual harassment policy will subject an employee to sanction up to and including termination of employment.

Anti-retaliation Statement

Any form of retaliation against those who in good faith bring forward complaints or allegations, or who participate in an investigation of discrimination or harassment, is strictly prohibited.

False Allegations Made in Bad Faith

If the investigation reveals that a complainant, victim, or witness has made a knowingly false allegation in bad faith, disciplinary or other appropriate action against this person may be imposed.

DEFINITIONS**Harassment**

Harassment is verbal or physical conduct that demeans or shows hostility, or aversion, toward an individual because of his/her race, color, religion, gender, national origin, age, sexual orientation, or disability and that has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to the following:

Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile acts that relate to a person's race, color, religion, gender, national origin, age, sexual orientation, or disability.

Written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, sexual orientation, or disability and is posted on walls, bulletin boards, e-mail or elsewhere on the Township premises or is circulated within the Township.

Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

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- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a coworker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Anti Harassment Training

As of the Township's efforts to prevent harassment, substantive training of employees shall be provided on a regular basis.

Z. 02-556 RESOLUTION - DISCHARGE OF MORTGAGE – WILLIAM D. CARNEVALE, III – BLOCK 20.10/LOT 11.02 C1704 – 177 COLUMBUS 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 177 Columbus Drive, Block 20.10/Lot 11.02 C1704 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.

AA. 02-557 RESOLUTION – AMEND AUTHORIZATION FOR AUCTION OF ABANDONED TANGIBLE PERSONAL PROPERTY – CHANGE DATE TO TUESDAY, DECEMBER 30, 2002

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the resolution adopted November 26, 2002 authorizing the auction of abandoned tangible personal property on December 10, 2002 is amended is follows:

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 30, 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
1986	Dodge/Ram	Pickup Blue	1B7FD04H4GS022242
1991	Mercury/Cougar	White	1MEPM6048MH626992
1979	Buick/Regal	2 door Gray	4347Y96150609

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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.

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>
Ms. Barrier	Mr. 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.

SCHEDULING OF DAYTIME COUNCIL MEETING – JUNE, 2003

Township Clerk Pellicane noted that Council determined to conduct the second meeting in June, 2003 as a morning meeting in the Community Senior Center to accommodate our senior residents. The Tuesday date, June 24th, conflicts with a regularly scheduled meeting of the Franklin Township Senior Citizen Club also held in the Community Senior Center. In prior years, this morning meeting was moved to Thursday to avoid this conflict. Township Clerk Pellicane questioned if Council wished to move this meeting for 2003. Council concurred with the change, however, Mr. Levine noted that he may be away on the Thursday and unable to attend the meeting.

COUNCIL COMMENTS

Mayor Eberle announced that this will be the last meeting at which she will preside since on January 1st, she will be relinquishing the gavel and will nominate Councilman Sumter to serve as Mayor in 2003. Mayor Eberle noted that serving as Mayor has been a pleasurable experience and thanked the Council and public for the opportunity to serve.

Mr. Mettler:

1. Suggested that Council consider amending its future agenda so Council Comments follow the public discussion portion. This would allow the Council to respond to issues raised at the public discussion portion before many of the residents in the audience have left the meeting.
2. Commended Mayor Eberle for her mayoral services and for her strong stands on issues involving Ward 1.

Ms. Barrier added her thanks to Mayor Eberle and extended Holiday and New Year wishes to Council to continue to serve the residents to the best of their ability.

REGULAR MEETING – DECEMBER 10, 2002

Mr. Mazzola:

1. Extended blessings of the season to all, noting that every major religion celebrates during this darkest time of the year, which can serve to bring us together.
2. Extended prayers and blessings to the tens of thousands of American men and women over seas and the many more to be called to serve.
3. Commended Mayor Eberle for her services.

Mr. Levine:

1. Commended Mayor Eberle for her services.
2. Extended Holiday wishes to all.
3. Noted the diversity of the Township's population and the Council's efforts to recognize this diversity by inviting Swami Tadatmananda of the Arsha Bodha Center, a Hindu Temple, to present the invocation at the January 1st Reorganization Meeting.

Mr. Grippo commended Mayor Eberle as a woman of strength, quoting a speech by his wife, Kris, regarding the difference between a strong woman - someone who tells you what to do - and a woman of strength who inspires you.

Mr. Sumter:

1. Thanked Mayor Eberle for her efforts and his hope to carry the torch into 2003 as well as she has.
2. Expressed Holiday wishes to all.

Mr. Chivukula:

1. Noted difficult times in the community, state and the world and the need for Council to think hard when spending money, especially since there is no property tax relief in sight and the failure of congress to extend unemployment benefits.
2. Congratulated Mayor Eberle for an outstanding job.
3. Extended Holiday wishes and prayers for people serving overseas to defend our freedom and the freedom of the world.

Mr. McKenzie:

1. Concurred with Mr. Mettler's suggestion about moving Council comments to immediately after public discussion on the agenda.
2. Supported recommendations of Chief of Police Novick relative to sacrifices made by our police force during the Huntingdon Life Science demonstration.
3. Requested that a commendation be given to Officer Lipowski for his efforts in collecting and distributing toys to needy children.
4. Commended Mayor Eberle for her services and her recognition of the accomplishments of others.

REGULAR MEETING – DECEMBER 10, 2002**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

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 –
Negri

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.

Labor Negotiations –
Blue Collar Local 911
Fireman Mutual Benefit Benevolent Association

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 10th day of December, 2002, that an Executive Session closed to the public shall be held on December 10, 2002, at 9:58 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;

This Resolution shall take effect immediately.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Mazzola unanimously. Council adjourned to Executive Session at 9:58 p.m. Meeting resumed and was immediately adjourned at 10:38 p.m.

SHIRLEY EBERLE, MAYOR

JEAN C. PELLICANE, RMC, TOWNSHIP CLERK