

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:13p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on August 9, 2005. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Councilman Sumter led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Ms. Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Ms. Ashley-Williams; Mr. Regan

Also present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

#### ADMINISTER OATH OF OFFICE

The Township Clerk administered the oath of office to Councilman Vassanella.

#### PROCLAMATION

##### *Praise Presbyterian Church*

Mayor Levine and Mr. Vassanella presented the following proclamation:

**WHEREAS, THE PRAISE PREBYTERIAN CHURCH OF SOMERSET, NEW JERSEY,** has contributed significantly to events and activities of the Township of Franklin; and

**WHEREAS,** the Church has recognized the need for technological support for various Township supported programs; and

**WHEREAS,** the Church's donation of computers to the Senior Citizen Computer Lab at Somerset Residence, the Senior/Community Center, the ARISE Program, the Parkside After-School Program and the Edgemere Learning Center will help to expand and enhance these programs; and

**WHEREAS,** program users will be able to increase general knowledge and computer skills,

**NOW, THEREFORE, BE IT RESOLVED** that I, Brian D. Levine, Mayor of the Township of Franklin, on behalf of the Township Council, hereby recognizes **PRAISE PRESBYTERIAN CHURCH** for their generous donation to these programs and commends **PRAISE PRESBYTERIAN CHURCH** for their commitment to the community. The Church and its members are hereby acknowledged for exemplifying the true meaning of Community.

### **MAYOR'S REPORT**

Mayor Levine made the following report:

- Welcome to those attending and TV viewers.
- Thanked the FTTV-25 volunteers.
- Explained how the meeting is conducted for the benefit of audience and viewers.
- Announced that there would be no Council meetings on the 4<sup>th</sup> Tuesday of this month.
- In regards to the Griggstown Causeway:
  - Built in 1890
  - Will close in about two (2) weeks to be re-built by Somerset County
  - Will re-open around mid-December
  - Blackwell's Mills Causeway and Route 518 are alternatives.
- In regards to the tax bills that have been received by taxpayers:
  - Many are quite high.
  - Majority of tax increase is new high school construction and affect of school budget in April, which was slightly modified by Mayor and Council.
  - Tax calculation – according to his calculation – was incorrect when released to the public by the Board of Education. The actual increase was about double the announced amount.
- Announced that the “Meet the Mayor” tour will start this weekend. He stated that he would bring government to the people, so they do not have to come to us. The first location is New Johnnie's on Route 27 on Saturday, August 13 from 8:00 a.m. to 10:00 a.m. More locations in the future. The people are invited to come and give thoughts, complaints, questions, etc. Any Councilperson or Board Member, etc, in Franklin is invited to come and join him.

### **DEPUTY MAYOR REPORT**

Deputy Mayor McKenzie reported that the Operation Cooperation and National Night Out held on August 2<sup>nd</sup> was a huge success. He reported that the improvements to Middlebush Park are underway. He noted that on the agenda is the purchase of some skate park equipment.

### **COMMITTEE REPORTS**

Mayor Levine announced he would have reports from the Hamilton Street Business & Community Corporation and Youth Services Commission ready for the next meeting.

Ms. Ritchie reported that a tree appeal hearing was held at the Land Use Committee meeting and a amenable settlement was reached.

Ms. Danile asked Mayor Levine if he had his report regarding the Board of Education retreat. Mayor Levine replied he would have a report at the next meeting.

### **REVIEW OF THE PREPARED AGENDA**

Mayor Levine led the following review of the prepared agenda:

Ms. Ritchie asked that Planning Board reports in connection with Development Ordinances be submitted in a timely manner.

Ordinance #3558 Amend Development Ordinance, Chapter 112, Section 112-8, General Regulations (Schedule I – Body Art Establishments as an Exception in Business Districts).

Mr. Daly, in response to the Planning Board's comments, asked if the definition of body art should be included in the ordinance. Mr. Rainone replied in the negative.

Ordinance #3564 Ordinance to Exceed the Municipal Budget Cost of Living Allowance (COLA) and to Establish a Cap Bank when the COLA is equal to or less than 2.5 percent (NJSA 40A:4-45.14)

Ms. Ritchie asked for clarification of the ordinance. Mr. Daly explained that the ordinance authorizes the Township to go above the cap from 1.5 to 3 percent.

Resolution #05-344 Authorize Person-to-Person/Place-to-Place Liquor License Transfer – McAteers (Expansion of Premises).

Mr. Rainone reported that there was an issue regarding making the effective date contingent on the sale of the license. He stated that is not allowed according to state statute. Mr. Lanfrit, attorney for the buyer and seller, stated there were title issues regarding the sale and it has been postponed until next week. He requested Council to hold a special meeting just to approve the license transfer. It would take only five minutes. A brief discussion by Council ensued regarding the availability of Council members for a special meeting.

Ms. Ritchie asked various questions regarding resolutions on the Consent Agenda. All questions were satisfactorily answered by Mr. Daly.

#### **EXECUTIVE SESSION**

The following resolution was moved by Deputy Mayor McKenzie, seconded by Mr. Sumter and carried upon voice vote:

**WHEREAS**, Section 8 of the Open Public Meetings Act, (NJSA 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

**WHEREAS**, the Township Council is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters:
2. The general nature of the subject matter to be discussed is as follows: *Potential Litigation/Attorney-Client Privilege.*
3. The Township Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussion shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This resolution shall take effect immediately.

The meeting adjourned to Executive Session at 8:00 p.m. Deputy Mayor McKenzie moved to resume the meeting at 8:25 p.m. Said motion was seconded by Ms. Eberle and carried unanimously upon voice vote.

**APPROVAL OF MINUTES**

Mayor Levine asked for a motion to approve the April 26, 2005 and July 12, 2005 Work Session/Regular Meeting minutes and the July 12, 2005 Special Meeting/Budget Hearing minutes, as amended. Ms. Danile moved for the approval of the April 26, 2005 and July 12, 2005 Work Session/Regular Meeting minutes and the July 12, 2005 Special Meeting/Budget Hearing minutes, as amended. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**APPROVAL OF WARRANTS**

Mayor Levine presented the following warrants in the amount of \$7,842,992.75 for August 9, 2005 to the Township Council for payment:

1	Current	6,841,421.79
5	Water Operating	127,413.50
6	Water Capital	366.48
4	General Capital	606,031.97
15	Trust Others	1,950.79
18	Self Insurance Trust	117.00
21	Recreation Trust	4,545.23
12	Open Space Trust	42,264.07
2	Grant	49,301.67
26	Affordable Housing	3,134.19
14	Dog Revenue	166.20
	Sub-Total	7,676,712.89
25	Escrow Account	166,279.86
	Grand Total	7,842,992.75

Ms. Ritchie asked various questions regarding different bills. After a brief discussion, Purchase Order #06-00048 to the Franklin Township Sewerage Authority in the amount of \$1,988.00 was pulled from the warrant list.

Deputy Mayor McKenzie moved that warrants, as amended, in the amount of \$7,840,994.75 for August 9, 2005 to be paid. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**ORDINANCES – PUBLIC HEARING**

**Ordinance No. 3555**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6B(1), OFFICIAL ZONING MAP.**

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

Deputy Mayor McKenzie moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

Frank Linnus, 21 Clyde Road, representing property owners of the Lemontovich Farm, Block 74.01/Lot 8.01, approximately 57.67 acres. He provided to Council a copy of a current zone location map. He stated his clients are opposing the zoning even though it was recommended in the 1999 Master Plan and is consistent with the 1999 Master Plan. He stated that his clients are challenging the rationale of the 1999 Master Plan. He stated that the rezoning of these properties will penalize his clients for holding on to the property. He stated that the property is under contract and his clients fear that the change of zoning will not yield the proper value.

Deputy Mayor McKenzie asked if these concerns were brought up in 1999. Mr. Linnus stated that Mrs. Lemontovich was alive then and he is unsure because he did not represent them at that time.

Ms. Ritchie asked the Township Attorney to explain the vote on the ordinance when a petition is filed. Mr. Rainone explained that since a petition was filed, the ordinance would need a vote of a super majority for adoption. This would be six (6) votes.

Deputy Mayor McKenzie asked if the rezoning of this property would prevent the owners from getting market value. Mr. Rainone stated that the ordinance is being amended to make the effective date December 31, 2005 and the property owners would get the value of R-40 property.

A brief discussion ensued regarding the rezoning of the property and whether the rezoning would cause a loss of value to the property owners. Mr. Rainone explained that the value of the property should not be considered. The 1999 Master Plan recommends that this property be rezoned and this is an appropriate ordinance to be acted upon by Council.

Ken Wagner, Property Owner, stated they are obligated to provide information while the property is under contract. He stated the property has been in the family for 100 years and the rezoning would be taking away the value of the property if the ordinance is adopted.

Council continued the discussion of rezoning the property as per the recommendation of the Planning Board in the 1999 Master Plan from R-40 to A.

Ms. Ritchie read the following excerpt from Michael Orsini, Vice Chairman of the Planning Board:

“The Planning Board discussion cited the following planning reasons why this rezoning is complicit with the Master Plan adopted in 1999 and under revision currently: 1) identified as parcels that should be rezoned from R-40 to A in Master Plan; 2) will fulfill Master Plan aim of preserving greenbelt around historic Middlebush; 3) are consistent with land use patterns in the area abutting Six Mile Run; 4) to help preserve agricultural uses and sensitive environment in

this area. All of these goals are identified clearly in the Master Plan, and all members voted (with one abstention) that Ordinance 3555 is consistent with the Master Plan.

Although not a planning consideration, you may hear that such rezoning is “downzoning” and will rob farmers of their equity in the land, their estates, and the ability to use the land as they please. As pointed out by several members during the meeting, the rezoning under consideration will not affect the ability of the landowner to be compensated at the prior zone density (R-40) for a period of at least one year after rezoning. The rezoning simply removes the potential ability to build at the denser R-40 compared to A (1 house/acre compared to 1 house/6 acres). Were the township to acquire the land in question, the owner would be compensated as though the land was still zoned R-40. In addition, the owner receives significant tax advantages for preservation.”

There being no further comments by the public, Deputy Mayor McKenzie moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Ritchie and carried unanimously upon call of the roll.

Upon motion by Ms. Ritchie, seconded by Ms. Eberle to amend the ordinance to include that the effective date of the ordinance would be December 31, 2005. Said motion carried unanimously upon voice vote.

Deputy Mayor McKenzie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Ritchie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3556**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, STATE OF NEW JERSEY FOR PARKS AND/OR CONSERVATION PURPOSES**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Ms. Ritchie and carried unanimously upon call of the roll.

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

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

Deputy Mayor McKenzie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3557**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED ON FEBRUARY 8, 2005 TO AMEND THE DESCRIPTION THEREOF**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

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

Deputy Mayor McKenzie moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3558**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT SECTION 112-8, GENERAL REGULATIONS**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

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

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3559**

Mayor Levine offered the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM THE PRINCETON HIGHLAND ESTATES II – DOCKET NO. ZBA 2003-0942 – THIRTEEN (13) CONSERVATION EASEMENTS; SEVEN (7) DRAINAGE EASEMENTS; TWO (2) DRAINAGE & ACCESS EASEMENTS; TWO (2) UTILITY EASEMENTS; ONE (1) AMENDED UTILITY EASEMENT AND THREE (3) DEEDS OF DEDICATION.**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

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

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3560**

Mayor Levine offered the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 112, DEVELOPMENT – ADD NEW SECTION 112-38 D – TAX MAP AND GEOGRAPHIC INFORMATION SYSTEM (GIS) MAINTENANCE FEES.**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

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

Mr. Sumter moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3561**

Mayor Levine offered the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (DELETE 63 HOME STREET))**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

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

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3562**

Mayor Levine offered the following ordinance:

**ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FRANKLIN, NEW JERSEY FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

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

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3563**

Mayor Levine offered the following ordinance:

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3345 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON DECEMBER 10, 2002 ENTITLED, "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," AS AMENDED BY BOND ORDINANCE NUMBER 3428 FINALLY ADOPTED ON FEBRUARY 10, 2004, TO INCREASE THE APPROPRIATION THEREIN BY \$313,325**

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

Ms. Danile moved to open the meeting for a public hearing on the ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

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

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

Ms. Danile moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

#### PUBLIC DISCUSSION

Ms. Ritchie moved to open the meeting for public discussion. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

Mayor Levine announced that this meeting is open for public discussion on any item of interest, which does not have a public hearing of its own. He stated that if anyone was interested in speaking to raise their hand and when recognized, state their name and address.

Tom Gruenewald, 6 Castle court, expressed his concerns regarding increased property taxes. He indicated he had spoke with the Tax Assessor. He asked how long could taxes keep increasing at this rate and how is the money spent.

Mr. Daly explained the property tax system in the State of New Jersey. He also distributed a fact sheet regarding Franklin Township Property Tax. This spreadsheet is attached to the end of these minutes.

Nora Breen, 62 Hollywood Avenue, thanked Council for their support regarding improvements to the Animal Shelter Facility.

Carol Peterson, 12 Lake Avenue, thanked Council for their help with Molecuwire. She expressed her concerns regarding how they are closing the factory. She asked if there was record of what chemicals they were using. She stated that there is trash dumped on the property. Ms. Peterson expressed her concerns regarding how senior citizens on fixed incomes would be able to pay increased taxes.

John McConville, 5 Stone Leigh Way, expressed his concern regarding high taxes and noted that not only the elderly are affected. He stated that the bottom line is that there is too much spending and too much bonding. He stated that something has to be done.

Philip Kramer, 429 Canal Road, TUF, indicated that residents have not seen all of the increased school taxes. He contested the Township Attorney's statements that debates were not allowed on the government access channel. He indicated that he contacted the FCC and they

actually encourage debates be televised. He asked for a legal opinion of what uses were allowed on the government access channel. He asked those running for re-election how they felt about debates being televised on the government access channel. Ms. Ritchie stated that she would be going house to house in her ward and is not in favor of televising debates due to the costs of filming and conducting the debates on the access channel. Mr. Vassanella had questions regarding the type of debate. Ms. Eberle stated that she would not be opposed to a debate. Mr. Kramer stated that debates are legal and condoned by the FCC and the residents of Franklin deserve to have debates televised to hear the issues and the positions of those running for office.

Percy Sanders, Evergreen Road, asked for Council's support of the resolution issuing the special event permit for the Week of the People events. He asked that the release of escrow for Somerset Community Action Program be approved. He indicated that taxpayers on fixed incomes are finding it extremely hard to pay their taxes.

Warner Liebig, Garden Hills Drive, expressed his concerns regarding tax increases and asked how the money is spent. Mr. Daly replied that property taxes are not based on a fixed rate, they are based on spending. He reviewed the fact sheet regarding Franklin Township Property Tax, which is at the end of these minutes.

Andy Green, 4 Castle Court, expressed his concerns regarding tax increases and spending. He asked what the Township was going to do to lower taxes. Mr. Daly replied the Township would be making cuts to the proposed budget and look to increasing revenues.

Mark Greico, 21 Cooper Avenue, asked when Cooper Avenue would be scheduled for resurfacing. He stated the road is in terrible condition. He supported the proposal of hiring ten (10) new police officers.

Michael Goldman, 378 Windfall Lane, asked that Council not exceed the cap and hold it at 1 ½ percent. He asked that Council look into different options regarding health benefits, such as employees paying for them and eliminate pensions and go to a 401K.

Don Schilke, Amwell Road, supported the concept of televising debates on the access channel.

Nish Desai, 29 Cornelius Way, stated he received the flyer regarding tax increases and by attending this meeting has learned a lot and would like to get more involved. He stated that he respected Ms. Ritchie's questions. He stated that something needs to be done regarding property taxes, especially for the elderly.

Deadra Sanders, 18 Cornelius Way, supported the school budget. She suggested that the Planning Board not approve applications from hotels because when there are vacancies, the tax burden goes to the taxpayers. She recommended that the Township should be looking at ways to bring more income into town. She thanked Council for their hard work.

Margaret Graham, 5 Clover Hills Drive, expressed her concerns regarding high taxes and the probability that she will have to leave New Jersey because of the high taxes, which will take her away from her family.

Deputy Mayor McKenzie moved to close the public discussion portion of the meeting. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

#### COUNCIL COMMENTS

Ms. Eberle expressed her contentment that the animal shelter is progressing. She indicated that taxpayers contact their legislators regarding the property tax convention where they would be collecting solutions and different ways to fund education.

Ms. Ritchie appreciated all the public comments regarding taxes. She asked Mr. Daly to provide a list of actual expenditures from FY05 broken down line item by line item.

Mr. Vassanella addressed Mr. Kramer's comments regarding debates televised on the government access channel. He indicated that more research needs to be done regarding this issue. He stated that there are many issues that need to be addressed regarding the format of the debate and who would be running it.

Mr. Vassanella indicated that there are areas in the 5<sup>th</sup> Ward that were left out of the resurfacing project. Mr. Daly reviewed the priority process and the survey of road conditions that was prepared by the Township Engineer.

Mr. Vassanella thanked the Second Chance for Animals and stated that the improvements to the animal shelter are long overdue.

Ms. Danile thanked Mrs. Peterson for her comments and updates regarding Molecuwire. Ms. Danile responded to Mr. McConville's comments regarding too much spending and too much bonding. She stated that at the municipal level they are working to find ways of offset spending by making budget cuts in other areas of the budget. She stated that people are still confused regarding tax increases and tax assessment. She requested that the Tax Assessor attend the next meeting and make a presentation regarding tax assessment.

Ms. Danile expressed her opinion that debates are an inappropriate use of the government access channel. She requested that the meetings start at 7:00 p.m. so not to keep the public waiting. She indicated that meetings have been starting late. She asked that during when a public speaker makes insulting remarks of another person, they be precluded from speaking in the future.

Deputy Mayor McKenzie stated that issues regarding increasing taxes should be addressed to State legislators and the property tax reform convention. He expressed his opinion that debates on the access channel would be an inappropriate use of the TV station.

Mayor Levine explained that 2/3 of the budget increase from the school is the new high school. He agreed that spending is the bottom line. He stated that debates on the access channel can be discussed at the September 6<sup>th</sup> Public Relations Committee meeting.

A brief discussion ensued regarding a date and time to hold a special meeting to approve the McAteer's liquor license transfer. The special meeting would be noticed for Tuesday, August 16 at 6:30 p.m. in Council Chambers. Members of Council would contact the Township Clerk as to their availability to attend the special meeting.

### ORDINANCE INTRODUCTIONS

#### Ordinance No. 3564

Mayor Levine presented the following ordinance as amended:

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40A:4-45.14)**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on September 13, 2005.

Ms. Eberle moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on September 13, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by

Deputy Mayor McKenzie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Ordinance No. 3565**

Mayor Levine presented the following ordinance as amended:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 226, VEHICLES & TRAFFIC – SECTION 226-17, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED (BEEKMAN LANE – SOCIETY HILL BOULEVARD – STEWART AVENUE)**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on September 13, 2005.

Ms. Ritchie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on September 13, 2005 at 7:00 p.m. in the Council Chambers, Municipal Building. Said motion was seconded by Ms. Eberle and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**CONSENT AGENDA ITEMS**

Upon motion by Ms. Ritchie, seconded by Deputy Mayor McKenzie, the following consent agenda items (except “b”) were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

**Resolution #05-343** Authorize 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 will 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:

**Date of Sale:** June 8, 2004  
**Block/Lot:** 147/29  
**Name & Address:** Astrorquiza, Ricardo  
 127 Victor Street  
 Somerset NJ 08873  
**Amount:** \$327.86  
**Make Check Payable To:** Chong Xu  
 609 Lancaster Court  
 Belle Mead, NJ 08502  
**Certificate No.:** 04-046  
**Payment Received:** July 13, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 20.03/9.03C2510  
**Name & Address:** Clark, Jon & Lillian  
 14 Arthur Glick Blvd.  
 Franklin Park, NJ 08823  
**Amount:** \$12,605.91  
**Make Check Payable To:** American Tax Funding, LLC  
 P.O. Box 862658  
 Orlando, FL 32886-2658  
**Certificate No.:** 05-008  
**Payment Received:** July 5, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 34.03/16.01C0297  
**Name & Address:** Grace, Trisha M.  
 92 Crabapple Lane  
 Franklin Park, NJ 08823  
**Amount:** \$14,001.12  
**Make Check Payable To:** American Tax Funding, LLC  
 P.O. Box 862658  
 Orlando, FL 32886-2658  
**Certificate No.:** 05-014  
**Payment Received:** July 8, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 34.07/16.07C0025  
**Name & Address:** Gurney, Karen A.  
 77 Chelsea Court  
 Franklin Park, NJ 08823  
**Amount:** \$362.49  
**Make Check Payable To:** James Pilewski  
 346 South Avenue  
 Fanwood, NJ 07023  
**Certificate No.:** 05-016  
**Payment Received:** July 11, 2005

**Date of Sale:** June 8, 2004  
**Block/Lot:** 386.17/129.74  
**Name & Address:** Manning, Wilma  
 16 DePalma Court  
 Somerset, NJ 08873  
**Amount:** \$679.47  
**Make Check Payable To:** Mabel M. Arinzeh  
 108 Drake Road  
 Somerset NJ 08873

**Certificate No.:** 04-098  
**Payment Received:** July 11, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 386.17/129.74  
**Name & Address:** Manning, Wilma  
 16 DePalma Court  
 Somerset, NJ 08873

**Amount:** \$2,170.46

**Make Check Payable To:** Almar  
 2 Kiel Ave. #202  
 Kinnelon, NJ 07405

**Certificate No.:** 05-087  
**Payment Received:** July 11, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 341/4  
**Name & Address:** Rodriguez, Victoriano  
 300 Girard Avenue  
 Somerset, NJ 08873

**Amount:** \$756.58

**Make Check Payable To:** James C. Older  
 87 East Mountain Road  
 Hillsborough, NJ 08844

**Certificate No.:** 05-082  
**Payment Received:** July 13, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 386.08/77.06  
**Name & Address:** K. Gadek Devel. Inc.  
 Box 6602  
 Somerset NJ 08875  
 (For 79 Gates Road)

**Amount:** \$16,840.54

**Make Check Payable To:** Crusader Servicing Corp.  
 179 Washington Lane  
 Jenkintown PA 19046

**Certificate No.:** 05-086  
**Payment Received:** July 18, 2005

**Date of Sale:** June 8, 2004  
**Block/Lot:** 361/17  
**Name & Address:** Valentin, Nelson & Y.  
 10 Boulder Lane  
 Somerset NJ 08875

**Amount:** \$7,302.11

**Make Check Payable To:** Sequoia Investments  
 P.O. Box 5600  
 Woodbridge NJ 07095

**Certificate No.:** 04-091  
**Payment Received:** July 21, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 300/55  
**Name & Address:** Satellite Builders, LLC  
 192 Rt. 22 W/Suite 1-R  
 Green Brook NJ

(For 260 Girard Avenue)  
**Amount:** \$3,942.22  
**Make Check Payable To:** Fidelity Tax LLC  
 P.O. Bo 5707, Ft. Lauderdale, FL 33310  
**Certificate No.:** 05-074  
**Payment Received:** July 21, 2005

**Date of Sale:** June 7, 2001  
**Block/Lot:** 75/9  
**Name & Address:** Francis, Russ & Carol A.  
 82 Smith Road  
 Somerset NJ 08873

**Amount:** \$18,595.02  
**Make Check Payable To:** Beyond Redemption, LLC  
 88 E. Main St., #315  
 Mendham NJ 07945  
**Certificate No.:** 01-113  
**Payment Received:** July 22, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 211/23  
**Name & Address:** Navarro, Epidio  
 59-61 Lafayette Avenue  
 Somerset NJ 08873

**Amount:** \$869.22  
**Make Check Payable To:** JNH Funding Corp.  
 90 Dayton Avenue, Bldg. 6C  
 Passaic NJ 07055  
**Certificate No.:** 05-054  
**Payment Received:** July 22, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 248/34  
**Name & Address:** Egemba, C. & Ezekewu, J.  
 94 Rodney Avenue  
 Somerset NJ 08873  
**Amount:** \$1,905.25

**Make Check Payable To:** Sanjoy LLC  
 11 Stoneleigh Drive  
 Scotch Plains, NJ 07076  
**Certificate No.:** 05-064  
**Payment Received:** July 22, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 156/21.01  
**Name & Address:** Guzman, Waldo & Et Al  
 17 Ray Street  
 Somerset NJ 08873

**Amount:** \$482.47  
**Make Check Payable To:** Sanjoy LLC  
 11 Stoneleigh Drive  
 Scotch Plains, NJ 07076  
**Certificate No.:** 05-039  
**Payment Received:** July 22, 2005

**Date of Sale:** June 9, 2005  
**Block/Lot:** 151/3

**Name & Address:** Ali-Sanders, Lisa R.  
26 Pine Street  
Somerset, NJ 08873

**Amount:** \$232.25

**Make Check Payable To:** James Pilewski  
3 Devon Lane  
Warren, NJ 07059

**Certificate No.:** 05-035

**Payment Received:** July 25, 2005

  

**Date of Sale:** June 9, 2005

**Block/Lot:** 424.08/31

**Name & Address:** Gutierrez-Seamon, L.  
31 Avebury Place  
Somerset, NJ 08873

**Amount:** \$1,031.43

**Make Check Payable To:** James C. Older  
87 East Mountain Road  
Hillsborough, NJ 08844

**Certificate No.:** 05-093

**Payment Received:** July 6, 2005

**Resolution #05-345** Award Professional Services Agreements for Nursing Services, FY06 to Valerie Sparendero; Bonnie Merrit and Susan Gaccione.

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

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

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.

- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME:** VALERIE SPARENDERO  
**ADDRESS:** 5 Arrowhead Drive  
 Neshanic Station, NJ 08853-1428  
**CONTRACT AMOUNT:** Amount Not to Exceed \$19,500.00  
**SERVICE:** Nursing Services

**VENDOR NAME:** BONNIE MERRITT  
**ADDRESS:** 18 Newport Avenue  
 Somerset, NJ 08873  
**CONTRACT AMOUNT:** Amount Not to Exceed \$25,000.00  
**SERVICE:** Nursing Services

**VENDOR NAME:** SUSAN GACCIONE  
**ADDRESS:** 29 Rittner Lane  
 Old Bridge, NJ 08857  
**CONTRACT AMOUNT:** Amount Not to Exceed \$7,500.00  
**SERVICE:** Nursing Services

**Resolution #05-346** Authorize Purchase Over \$8,500 to JDL Contracting Co. Inc. for Rehabilitation (Affordable Housing) in the amount of \$25,535.78.

**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:** JDL Contracting Co., Inc.  
 4 Timothy Avenue  
 Kendall Park, NJ 08824  
**ITEMS:** Rehabilitation (Affordable Housing)  
**COST:** Not to exceed \$25,535.78

**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.

**Resolution #05-347** Authorize Release of Planning/Building Review Escrows.

**WHEREAS**, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 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: John D. Panchery  
 ADDRESS: 14 Monet Court  
 Somerset, NJ 08873  
 DOCKET NO. ZBA2002-0497  
 BLOCK/LOT: 424.12/2.22  
 LOCATION: 14 Monet Court  
 AMOUNT DEPOSITED: \$300.00  
 AMOUNT CHARGED: 200.00  
 AMOUNT TO BE REFUNDED: \$100.00

APPLICANT: The Briad Group  
 ADDRESS: 78 Okner Parkway  
 Livingston, NJ 07039  
 DOCKET NO. PLN2002-0011  
 BLOCK/LOT: 468.09/46  
 LOCATION: 101 Pierce Street  
 AMOUNT DEPOSITED: \$9,375.00 <Schoor>  
 AMOUNT CHARGED: 7,223.50  
 AMOUNT TO BE REFUNDED: \$2,151.50

APPLICANT: Somerset County Action Program  
 ADDRESS: 429 Lewis Street  
 Somerset, NJ 08873  
 DOCKET NO. PLN2002-0021  
 BLOCK/LOT: 528.06/5.07  
 LOCATION: 113 Belmont Drive  
 AMOUNT DEPOSITED: \$19,500.00 <In-Hse> \$1,000.00 <Heyer>  
 AMOUNT CHARGED: 10,550.00 540.00  
 AMOUNT TO BE REFUNDED: \$ 8,950.00 \$ 460.00

APPLICANT: Kenneth & Belinda Hall  
 ADDRESS: 60 Britton Street  
 Staten Island, NY 10310  
 DOCKET NO. PLN2004-0034  
 BLOCK/LOT: 223/9-11, 32-34  
 LOCATION: 25 Martin Street  
 AMOUNT DEPOSITED: \$300.00 <In-Hse> \$1,250.00 <Heyer> \$1,300.00 <Schoor>  
 AMOUNT CHARGED: 220.00 750.00 630.00  
 AMOUNT TO BE REFUNDED: \$ 80.00 \$ 500.00 \$ 670.00

APPLICANT: National Pools & Spas  
 ADDRESS: 1220 Route 130  
 Robbinsville, NJ 08691  
 DOCKET NO. BRA02-012  
 BLOCK/LOT: 84.02/36.56  
 LOCATION: 53 Margaret Drive  
 AMOUNT DEPOSITED: \$100.00 <In-Hse>  
 AMOUNT CHARGED: 87.50  
 AMOUNT TO BE REFUNDED: \$ 12.50

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

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

**Resolution #05-348** Authorize Reduction of Performance Guarantee – Jain Center of NJ – Docket #P2000033P – Block 468.07/Lot 45 – Cedar Grove Lane – Site Improvements – From \$889,353.60 to \$266,806.08.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Jain Center of New Jersey
ADDRESS OF APPLICANT:	233 Runneymeade Road, Essex Fells, NJ 07021
SITE PLAN DOCKET:	P2000033P
NUMBER:	B2 1850192
INSURANCE CO./BANK:	Gulf Insurance Company
IN THE AMOUNT OF:	\$889,353.60
FOR:	Site Improvements – Block 468.07/Lot 45 – Cedar Grove Lane

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Bond;

**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 Bond be reduced to \$266,806.08 to the above named applicant.

**Resolution #05-349** Authorize Release of Performance Guarantee (Cash) – Somerset County Action Program – Docket #PLN2002-0021 – Block 528.06/Lot 5.07 – 113 Belmont Street – Site Improvements - \$221,400.00.

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

ITEM:	Performance Guarantee (Cash)
NAME OF APPLICANT:	Somerset County Action Program
ADDRESS OF APPLICANT:	429 Lewis Street, Somerset, NJ 08873
NUMBER:	PLN2002-0021
INSURANCE CO./BANK:	First Union National Bank
IN THE AMOUNT OF:	\$221,400.00
FOR:	Site Improvements on 113 Belmont Drive (Block 528.06/Lot 5.07)

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

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

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

**Resolution #05-350** Award State Contract –Purchase of Police Equipment and Supplies – Total Amount Not to Exceed \$50,000 – Various Vendors - (General Sales Administration – Lawman Supply – Rays Sport Shop – East Coast Emergency Lighting – Lanigan – Gen El Industries – Samzies Uniform – Kaldor Emergency Lights).

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

<b>VENDORS:</b>	<b>General Sales Administration</b> t/a Major Police Supplies 47 N. Dell Avenue Kenvil, NJ 07847 SC 60538	<b>Lanigan</b> 496 Shrewsbury Avenue Red Bank, NJ 07701 SC 60534
	<b>Lawman Supply</b> 5521 White Horse Pike Egg Harbor City, NJ 08215 SC 60529	<b>Gen El Industries</b> 1248 Sussex Parkway Randolph, NJ 07869 SC 60546
	<b>Rays Sport Shop</b> 559 Route 22 West North Plainfield, NJ 07060 SC 60531	<b>Samzies Uniform</b> 28 Scotch Road West Trenton, NJ 08628 SC 60694
	<b>East Coast Emergency Lighting</b> 160 Liberty Street Metuchen, NJ 08840 SC 60539	<b>Kaldor Emergency Lights</b> 19 Vanderburg Road/PO Box 167 Marlboro, NJ 07746 SC 60541

**ITEMS:** Police Equipment & Supplies

**COST:** \$50,000.00

**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 under State Contract; and

**Resolution #05-351** Award Purchase – Elizabethtown Water Company – Water Service for Fire Hydrants in the South Bound Brook and Kingston Area (Elizabethtown Water Mains) – An Amount Not to Exceed \$30,000.00.

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

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

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

**COST:** **Not to exceed \$30,000.00; and**

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



**ITEMS:** Copy Paper for all Departments  
**COST:** An amount not to exceed \$15,000.00 for all vendors

**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 and Somerset County Cooperative Bid.

**Resolution #05-354** Award Somerset County Cooperative Bid – Purchases of Ice Control Sand and Rock Salt – Total Amount Not to Exceed \$125,000.00 – Various Vendors – (Pinnacle Materials, Inc. – Atlantic Salt – Tilcon – International Salt – T&B Specialists).

**WHEREAS,** the Township of Franklin desires to purchase items as follows through State Contract and/or Somerset County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR: PINNACLE MATERIALS, INCORPORATED**  
39 Edgeboro Road East Brunswick NJ 08816  
**Somerset County CC-33-04**

**ATLANTIC SALT**  
130 Plain Street Lowell MA 01851  
**State Contract No. 60446 & Somerset County CC-33-04**

**TILCON**  
PO Box 120 Oxford NJ 07863  
**State Contract No. 58126**

**INTERNATIONAL SALT**  
655 Northern Boulevard Clarks Summit PA 18411  
**State Contract No. 60444**

**T&B SPECIALISTS**  
479 Wright Debow Road Jackson, NJ 08527  
**State Contract No. 60448**

**ITEMS:** Ice control sand and rock salt  
**COST:** An amount not to exceed \$125,000.00

**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 under State Contract and Somerset County Cooperative Bid.

**Resolution #05-355** Award State Contract – Purchase of Office Supplies – Total Amount Not to Exceed \$50,000.00 – Somerset Office Supplies – Various Vendors –

(State of NJ Distribution and Support – W.B. Mason – Triangle Blue Print).

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

<b>VENDOR:</b>	<b>Triangle Blue Print</b> PO Box 8079 Princeton, NJ 08543 State Contract No. 49028	<b>Somerset Office Supplies</b> 101 Cedar Grove Lane, Suite D1 Somerset NJ 08873-4500 State Contract No. 59753
	<b>State of NJ Distribution &amp; Support</b> PO Box 234 Trenton NY 08625 State Contract No. 59749	<b>W.B. Mason</b> 210 Meadowlands Parkway Secaucus NJ 07094-49010 State Contract No. 49010

**ITEM:** Purchase of Office Supplies for all Departments  
**COST:** An amount not exceed \$50,000.00 for all vendors

**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.

**Resolution #05-356** Award State Contract – Purchases for Snow Plow/Grader Blades and Edges and Snow Plow Parts – Total Amount Not to Exceed \$30,000.00 – Various Vendors – (Seely Equipment & Supply Company – Cliffside – Eagle Equipment).

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

<b>VENDOR:</b>	<b>SEELY EQUIPMENT &amp; SUPPLY COMPANY</b> 1325 Highway 34 Farmingdale NJ 07727-37619 <b>State Contract No. A59354</b>
	<b>EAGLE EQUIPMENT</b> 3388 Route 22W Branchburg NJ 08876 <b>State Contract No. A59358</b>
	<b>CLIFFSIDE</b> 130 Broad Avenue Fairview, NJ 07022 <b>State Contract No. A59359</b>

**ITEMS:** Snow plow/graders blades and edges and snow plow parts  
**COST:** An amount not to exceed \$30,000.00

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and

Township Clerk to execute a contract with the above named vendor to purchase the specified items under State Contract.

**Resolution #05-357** Award State Contract – Purchases for Radio Communications Equipment and Accessories – Total Amount Not to Exceed \$46,000.00 – Motorola Inc. and Garden State Battery.

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

**VENDORS: MOTOROLA, INCORPORATED**  
PO Box 305  
Bordentown NJ 08505  
State Contract No. 53804

**GARDEN STATE BATTERY**  
PO Box 738  
Bloomsbury, NJ 08804  
State Contract No. A5376

**ITEMS:** Radio Communications Equipment and Accessories  
**COST:** An amount not to exceed \$46,000.00

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

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

**Resolution #05-358** Award State Contract – Purchases for Parts for Agricultural and Lawn and Garden Equipment – Total Amount Not to Exceed \$30,000.00 – Various Vendors – (Seely Equipment & Supply Co. – Fingers Radiator – Cherry Hill Tractor – Hoffman Equipment – Storr Tractor – Trenton Tractor – Wainwright awn – Wilfred MacDonald).

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

<b>VENDORS: Seely Equipment &amp; Supply Co.</b> 1325 Highway 34 Farmingdale, NJ 07727-37619 SC A58291	<b>Storr Tractor</b> 3191 US Highway 22 Somerville, NJ 08876 SC A58309
<b>Fingers Radiator</b> 2006 Route 1 North North Brunswick, NJ 08902 SC A58318	<b>Trenton Tractor</b> PO Box 5687 Trenton, NJ 08638
<b>Cherry Hill Tractor</b> 35 Route 70W Marlton, NJ 08053 SC A58292	<b>Wainwright Lawn</b> 2126 Old York Road Bordentown, NJ 08505 SC A58310
<b>Hoffman Equipment</b> 300 South Randolph Road	<b>Wilfred MacDonald</b> 19 Central Blvd.

Piscataway, NJ 08855  
SC A58304

So. Hackensack, NJ 07606  
SC A58307

**ITEMS:** Parts for Agricultural, Lawn and Garden Equipment

**COST:** Not to Exceed \$30,000.00

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

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

**Resolution #05-359** Award Somerset County Cooperative Bid – Purchases for Tires and Tubes – Total Amount Not to Exceed \$30,000.00 – Various Vendors – (Goodyear – Michelin North America Inc. – Bridgestone Firestone).

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

**VENDOR: GOOD YEAR**  
114 East Market  
Akron OH 44316  
State Contract No. A61419

**MICHELIN NORTH AMERICA, INCORPORATED**  
PO Box 19001  
Greenville SC 29602-9002  
State Contract No. A61420

**BRIDGESTONE FIRESTONE**  
280 Broadway  
Elmwood Park, NJ 07407

**ITEMS:** Tire and Tubes

**COST:** An Amount Not to Exceed \$30,000.00

**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 under State Contract.

**Resolution #05-360** Award State Contract – Maintenance of Township Telephone System – Total Amount Not to Exceed \$32,000.00 – Avaya, Inc.

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

**VENDOR: AVAYA, INCORPORATED**  
**124 Gaither Drive**

**Mt. Laurel NJ 08054  
State Contract No. 42285**

**ITEMS: Maintenance of Township Telephone Systems**  
**COST: An amount not to exceed \$12,000.00 for Police Department; \$20,000.00 for Municipal (DPW, Health, Recreation & Municipal Building)**

**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.

**Resolution #05-361** Award State Contract – Photocopiers for all Departments who have Existing Contracts – Total Amount Not to Exceed \$40,000.00 – Various Vendors – (IKON – Minolta – Xerox).

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

**VENDORS: IKON**  
587 Route 46 West  
Fairfield, CY 07004  
State Contract No. SCA46631

**Minolta**  
100 Williams Drive  
Ramsey, NJ 07447  
State Contract No. SCA46622

**Xerox**  
PO Box 827598  
Philadelphia, PA 19182  
State Contract No. SCA53586

**ITEMS: Photocopiers for all departments with existing contracts**  
**COST: \$40,000.00 total for all departments**

**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.

**Resolution #05-362** Award Purchase – Kulinski Memorials – Planters and Memorial Columns for Veterans Memorial – An Amount Not to Exceed \$16,200.00.

**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:** Kulinski Memorials  
809 South Main Street  
Manville, NJ 08835

**ITEMS:** Planters & Memorial Columns for Veterans Memorial

**COST:** Not to exceed \$16,200.00

**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.

**Resolution #05-363** Approval of Fireworks Celebration – The Palace at Somerset Park – Saturday, August 27, 2005 (Fireworks will be over prior to 10:00 p.m.) – Khanduala Wedding.

**WHEREAS**, The Palace at Somerset Park has made application for permission to hold a fireworks display on Saturday, August 27, 2005 in conjunction with the Khanduala Wedding Celebration to be conducted at The Palace at Somerset Park, 333 Davidson Avenue, Somerset; and

**WHEREAS**, the Uniform Fire Code (NJAC 5:18 et seq.) and the New Jersey Fireworks Act (NJSA 21:2-1 et. seq.) provides that the Governing Body of the Municipality may, upon application in writing, grant permission for a public display of fireworks by organizations or groups of individuals;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to The Palace at Somerset Park to hold a public display of fireworks on Saturday, August 27, 2005 in conjunction with the Khanduala Wedding Celebration to be conducted at The Palace at Somerset Park, 333 Davidson Avenue, Somerset subject to the following conditions:

- (1) **Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;**
- (2) **Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;**
- (3) **Submission of Certificate of Insurance by The Palace at Somerset Park covering the fireworks; and**
- (4) **Submission of Surety as per N.J.S.A. 21:3-5.**

**Resolution #05-364** Authorize Extension of Contract Period for contract with NJ Audubon Society.

**WHEREAS**, the Township of Franklin awarded a contract to the New Jersey Audubon Society for certain open space projects from September 1, 2004 through August 31, 2005 in an amount not to exceed \$50,000.00; and

**WHEREAS**, there a need exists to extend the contract period of said contract to complete said open space projects with no increase to the contract amount; and

**WHEREAS**, the Open Space Advisory Committee Chairman recommends that the contract period be extended contract to complete said open space projects with no increase to the contract amount;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby extends the contract period for the contract with the New Jersey Audubon Society from September 1, 2005 through August 31, 2006 contract to complete said open space projects with no increase to the contract amount.

**Resolution #05-365** Authorize Interest Rate/Grace Period for Third Quarter Taxes 2005.

**WHEREAS**, 2005 third quarter tax is payable August 1, 2005; and

**WHEREAS**, due to late mailing of the tax bills, it has been deemed that the penalty for the late payment of third quarter tax shall be set at .001%;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey, that the interest rate for late payment of 2005 third quarter tax is .001%; and

**BE IT FURTHER RESOLVED** that this resolution shall expire on August 25, 2005.

**Resolution #05-366** Authorize Release of Special Event Escrow – Franklin Township Food Bank, Inc. – Tour de Franklin – April 24, 2005 - \$300.00.

**WHEREAS**, by resolution of the Township Council permission was granted for the following Organization to conduct a Special Event on the date indicated below; and

**WHEREAS**, the Organization deposited with the Township Clerk the amount required by Ordinance No.526 guaranteeing maintenance of the grounds on which the Special Event was conducted; and

**WHEREAS**, approval has been received from the Franklin Township Health Department that the grounds on which the event was held have been inspected and restored to the original condition;

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, Somerset County does hereby authorize the Township Treasurer to issue a check to the following Organization representing return of escrow monies being held as maintenance guarantees for the Special Event:

**Tour de Franklin – April 25, 2005  
Franklin Township Food Bank, Inc.  
60 Millstone Road, P.O. Box 333  
Somerset NJ 08875-0333**

**Resolution #05-367** Authorize Issuance of Raffle/Bingo Licenses

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

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

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

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

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

The Metuchen Congregation of the Oratory  
Of St. Philip Neri, Inc.  
2301 Highway 27, Somerset, NJ 08873  
On-Premise 50/50 – RL#1500  
Drawing: Bunker Hill Golf Course, Somerset

September 23, 2005  
6:00 am – 3:00 pm

Second Chance for Animals, Inc.  
P.O. Box 5172, Somerset, NJ  
On-Premise 50/50 – RL#1501  
On-Premise Raffle – RL#1502  
Drawings: Community/Senior Center

November 4, 2005  
6:00 pm – 11:00 pm

Knights of Columbus St. Matthias  
168 JFK Boulevard, Somerset, NJ  
Off-Premise 50/50 – RL#1503  
Drawing: St. Matthias School

December 16, 2005  
8:00 pm

Franklin Township Food Bank, Inc.  
60 Millstone Road, Somerset, NJ  
Off-Premise Raffle – RL#1504  
Drawing: McAteer's Restaurant

October 15, 2005  
7:00 pm

**Resolution #05-368** Authorize Release of Street Opening Escrow Deposits.

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

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

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

<b><u>NAME/ADDRESS</u></b>	<b><u>PERMIT#</u></b>	<b><u>DEPOSIT/SURETY</u></b>
Hughes, Vincent 485 Elizabeth Avenue Somerset NJ 08873 (For 9 Waldorf Street Somerset NJ 08873)	6342	\$470/\$470

**Resolution #05-369** Authorize Release of Water Escrow Monies.

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

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

APPLICANT: Country View Inc.  
ADDRESS: 780 New Brunswick Road  
Somerset, NJ 08873

AMOUNT DEPOSITED:	\$2,145.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	\$ 264.50
AMOUNT TO BE REFUNDED:	\$1,880.50

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

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

**Resolution #05-370** Award Somerset County Cooperative Bid – Diesel Fuel – July 1, 2005 through June 30, 2006 – Allied Oil Company – Not to Exceed \$40,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract and/or Somerset County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR:**     **ALLIED OIL COMPANY**  
215 Old Camplain Road  
Hillsborough NJ 08844  
                  **Somerset County CC-41-04**

**ITEMS:**       Diesel Fuel

**COST:**         An amount not to exceed \$40,000.00

**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 under Somerset County Cooperative Bid.

**Resolution #05-371** Awarding Professional Services Agreement – Louis N. Rainone, Esq. – Township Attorney – July 1, 2005 thru June 30, 2006 – Amount not to exceed \$320,000.00.

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

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

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

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

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

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

**VENDOR NAME:** LOUIS N. RAINONE, ESQUIRE  
DeCOTIIS, FITZPATRICK & COLE & WISLER, LLP

**ADDRESS:** Glenpointe Center West  
500 Frank W. Burr Blvd. Teaneck NJ 07666

**CONTRACT AMOUNT:** An amount not to exceed \$320,000.00 in addition to the retainer provided in the Salary Ordinance for Meeting Attendance.

**SERVICE:** Legal Services for the Township of Franklin, in the County of Somerset as Township Attorney for the period July 1, 2005 to June 30, 2006.

**Resolution #05-372** Approve Donation of "Homemade" Fire Safety Trailer to Montgomery Township.

**WHEREAS**, the Township has a homemade fire safety trailer that has been replaced by a fire safety trailer donated to the Township by a local developer; and

**WHEREAS**, Montgomery Township has expressed an need for a fire safety trailer; and

**WHEREAS**, NJSA 40A:11-36 (2) allows municipalities to dispose of personal property by donating to another contracting unit without advertising;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County that it hereby authorize the disposition of the homemade fire safety trailer by donation to Montgomery Township.

**Resolution #05-373** Award Contract to Spohn Ranch for the purchase of equipment for the Middlebush Park Skate Park Facility in an amount not to exceed \$156,384.84.

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

**VENDOR:** Spohn Ranch  
**ITEMS:** Equipment for Middlebush Park Skate Park Facility  
**COST:** Not to Exceed \$156,384.84

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

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

**Resolution #05-374** Award Contract to Carrier Corporation for HVAC repairs in the computer server room in the Municipal Building in an amount not to exceed \$10,756.00.

**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:** Carrier Corporation  
**ITEMS:** HVAC Repairs in Computer Server Room in Municipal Building  
**COST:** Not to Exceed \$10,756.00

**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.

**Resolution #05-375** Authorize Refund of Tax Overpayments

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

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

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

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>QTR/YR</b>	<b>AMOUNT</b>
20.02/28	Medina, Iris 250 Bunkerhill Road Princeton, NJ 08540	3/05 Homeowner And Mort. Co. Paid	\$1,829.87

**Resolution #05-376** Authorize Issuance of Special Event Permit – Word of Mouth Support Group – 2<sup>nd</sup> Year Anniversary – Naaman-Williams Park – August 20, 2005 – 10am to 6pm.

**WHEREAS**, a request has been received from Word of Mouth Support Group for permission to have their Second Year Anniversary on August 20, 2005 at Naaman-Williams Park from 10:00 a.m. to 6:00 p.m.; and,

**WHEREAS**, has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Word of Mouth Support Group for permission to have their Second Year Anniversary on August 20, 2005 at Naaman-Williams Park from 10:00 a.m. to 6:00 p.m., subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police; Director of Fire Prevention and Health Director; and,

**BE IT FURTHER RESOLVED** that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

**BE IT FURTHER RESOLVED** that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

**Resolution #05-377** Authorize Issuance of Special Event Permit – Economic Development/Human Relations Commission – Inter-Cultural Celebration/Day of Remembrance – John’s Plaza, 720 Hamilton Street – September 11, 2005 – 11am to 6pm.

**WHEREAS**, a request has been received from Economic Development/Human Relations Commission for permission to have their Inter-Cultural Event/Day of Remembrance on September 11, 2005 at John’s Plaza, 720 Hamilton Street from 11:00 a.m. to 6:00 p.m.; and,

**WHEREAS**, has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Economic Development/Human Relations Commission for permission to have their Inter-Cultural Event/Day of Remembrance on September 11, 2005 at John’s Plaza, 720 Hamilton Street from 11:00 a.m. to 6:00 p.m., subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police; Director of Fire Prevention and Health Director; and,

**BE IT FURTHER RESOLVED** that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

**BE IT FURTHER RESOLVED** that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises

to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;

- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

**Resolution #05-378** Authorize Issuance of Special Event Permit – Multi-Cultural Event – Week of the People – August 13 & 14, 2005 at Naaman-Williams Park from 12 Noon to 8pm; August 20, 2005 at Inman Park from 12 Noon to 8pm; August 21, 2005 at Bascom Park from 12 Noon to 8:00 pm.

**WHEREAS**, a request has been received from Somerset County Action Program for permission to have their Multi-Cultural Event/Week of the People on the following:

- ❑ August 13 & 14, 2005 at Naaman-Williams Park from 12 Noon to 8:00 p.m.
- ❑ August 20, 2005 at Inman Park from 12 Noon to 8:00 p.m.
- ❑ August 21, 2005 at Bascom Park from 12 Noon to 8 p.m.; and

**WHEREAS**, has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Somerset Community Action Program to have their Multi-Cultural Event/Week of the People on:

- ❑ August 13 & 14, 2005 at Naaman-Williams Park from 12 Noon to 8:00 p.m.
- ❑ August 20, 2005 at Inman Park from 12 Noon to 8:00 p.m.
- ❑ August 21, 2005 at Bascom Park from 12 Noon to 8 p.m.,

subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police; Director of Fire Prevention and Health Director; and,

**BE IT FURTHER RESOLVED** that the permit fee of \$125.00 be waived since said organization is a non-profit organization; and

**BE IT FURTHER RESOLVED** that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;
- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

### **APPOINTMENTS**

Deputy Mayor McKenzie moved the following appointments:

- Dennis Sanders as a Regular Member of the Housing Authority for a five-year term ending February 8, 2010.

- Hector Rodriquez as Municipal Prosecutor for the period of July 1, 2005 through June 30, 2006.

Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ashley-Williams
Levine	McKenzie			Regan
Ritchie	Sumter			
Vassanella				

### ADJOURNMENT

Deputy Mayor McKenzie moved to adjourn the meeting at 11:07 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon call of the roll.

Approved:

Brian D. Levine, Mayor

Date:

Ann Marie McCarthy, Township Clerk

#### FRANKLIN TOWNSHIP PROPERTY TAX FACT SHEET

TAX LEVY	2003	2004	2005	2004-2003	2005-2004	2005-2003	% Increase	Share Increase
<b>Municipal</b>	23,544,813	21,182,985	25,820,920	(2,361,828)	4,637,935	2,276,107	0.10	0.11
<b>County</b>	18,406,053	19,837,445	21,250,937	1,431,392	1,413,492	2,844,884	0.15	0.14
<b>County OS</b>	1,728,549	1,784,258	2,043,664	55,679	259,406	315,085	0.18	0.02
<b>Schools</b>	78,970,458	84,115,613	92,270,019	5,145,155	8,154,406	13,299,561	0.17	0.67
<b>Fire</b>	3,819,838	3,855,287	4,195,977	35,449	340,690	376,139	0.10	0.02
<b>Municipal OS</b>	2,880,966	3,163,752	3,726,593	282,786	562,841	845,627	0.29	0.04
<b>TOTAL LEVY</b>	129,350,707	133,939,340	149,309,110	4,588,633	15,368,770	19,957,403	0.15	1.00
<b>Valuation</b>	5,761,931,443	6,327,503,738	7,453,186,258	1.10	1.18	1.29		

NOTE: IN CALENDAR 2004, THE TOWNSHIP ACTUALLY REDUCED ITS LEVY BY \$2,361,828. THAT'S ONE REASON TO LOOK AT THREE-YEAR PERIOD. OF THE INCREASE FROM 2003 TO 2005, THE SCHOOL DISTRICT ACCOUNTED FOR 67% AND THE COUNTY FOR 14%, WHILE THE TOWNSHIP SHARE WAS 11%. OPEN SPACE TAXES ACCOUNTED FOR 6% OF THE INCREASE IN TAXES OF THE LAST TWO YEARS.

Why has municipal levy increased \$2,276, 107 between 2003 and 2005?

	2003	2005	Increase	Comment
<b>Police Salaries and Wages</b>	8,558,311	10,307,922	1,749,611	Contractual. PBA contract in line with trends. Plus added five officers.
<b>Health Insurance</b>	3,908,226	4,865,674	957,448	FY 2006 budgets holds this line to no increase.
<b>Library Operating Contribution</b>	1,520,191	1,949,236	429,045	Set by State formula.
<b>Reserve for Uncollected Taxes</b>	3,124,175	3,784,650	660,475	Set by State formula.
<b>Police Retirement System</b>	268,000	382,047	114,047	Amount set by State.
			3,910,626	

#### TALKING POINTS:

- Sum of these budget increases is more than the increase in levy because of cuts Council has made elsewhere in budget
- During this time, Council has made significant initiatives to improve services:
  - Added five (5) police officers (included in Police salaries and wages above)
  - Added two (2) 9-1-1 telecommunicators (funded by cuts elsewhere)
  - Added one (1) health inspector (funded by cuts elsewhere)
  - Added one (1) laborer in Public Works (funded by cuts elsewhere)
  - Increased the budget for economic development marketing to bring more ratables (funded by cuts elsewhere)
  - Re-organized Public Works and Engineering to make more effective use of resources, inflationary increases offset by cuts elsewhere
  - Re-organized Planning, Zoning, and Construction Code into Community Development, improving efficiency with all costs paid by developer fees

