

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:07 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on April 28, 2009. 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 Mayor Levine led the Invocation.

The Township Clerk called the roll.

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

Absent: Ms. Danile, Mr. Sumter

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

MAYOR'S REPORT

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Gave a brief overview of how the meeting would be conducted.
- Reminded all meetings are public. Council meetings generally are held on the 2nd and 4th Tuesdays of the month. Public is invited and encouraged to attend.
- One can see listings on FTTV-25 and the Township website. On the Township's website, one can sign up for updates of meetings, minutes, etc. One can view the agenda with pending ordinances and resolutions.
- With Mr. Vassanella, presented a proclamation for the Open Space Program Achievement in Planning Award to Randy Jones, Open Space Advisory Committee Chairman.
- Congratulated all those who participated in the Tour de Franklin.
- Announced various events being held by the Meadows Foundation.
- Reported on the Swine Flu, noting there have been no reported cases in Franklin and there is much information on the Township's website.
- Announced that three (3) Police Officers are participating in the 2009 Police Unity Tour.

DEPUTY MAYOR'S REPORT

Deputy Mayor Glicklich reported on last night's special meeting regarding Middlebush Park. He stated he would like two (2) more public meetings regarding Middlebush Park. He commended the Department of Public Works, noting they are not always recognized for their hard work. He spoke of the Every 15 Minutes program held at the High School regarding alcohol related accidents involving teens.

PUBLIC DISCUSSION

Deputy Mayor Glicklich moved to open the meeting for public discussion. Said motion was seconded by Mr. Vassanella and carried unanimously upon voice vote.

William Kempton, 31 Hill Avenue, spoke on the increased costs involving the convenience center. He opposed the high costs.

Nina Bloustein, 9 Raines Court, spoke of a meeting she had with the Tax Assessor regarding her realization that she had been over assessed for two (2) years. She wanted to know why she could not receive a rebate for the over assessment. Deputy Mayor Glicklich explained that state statute prohibits such rebate. Mr. Vassanella urged all property owners to review their property record cards to ensure they are correct.

Jerry LaSalva, Ambrose Street, DPW Local Representative, spoke of the rumors and possible layoffs township wide and anticipated budget cuts. Mr. Daly reported he would be meeting with the unions and Council would be meeting in Executive Session to provide direction.

Susan Goldey, 281 Abbey Drive, District 40, requested sidewalks for Cedar Grove Lane and asked if there were any grants available for said sidewalks. Mr. Daly replied they would be looking for grants and if no grants are available, a special assessment could be charged to the property owners.

Keith Stewart, 26 Atlantic Road, spoke of the special meeting regarding Middlebush Park. He expressed his confusion as to why he has to keep attending meetings to ask for funding for things everyone knows is needed. He supported the improvements to Middlebush Park and supported the idea that the park be done all at once.

Janet Parker, 100 Phillips Road, agreed with Mr. Stewart regarding Middlebush Park. She spoke of the Advisory Recreation Council meetings and the need for cricket fields. Mr. Daly replied the Recreation Director is working to get things completed.

Tom Canales, 105 South Lawrence Avenue spoke on his opposition to the proposed GPS system. He spoke on the possible increased crime activities that occur when the weather is warmer.

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

Mr. Daly responded to the many issues raised during the public discussion.

COUNCIL COMMENTS

Mr. Prasad announced the tax appeal deadline is May 1st. He spoke of the Middlebush Park Improvements. He wished all mothers a happy mother's day. He spoke in favor of the proposed GPS system.

Ms. Eberle spoke on the proposed improvements to Middlebush Park and the obligation to hear from all residents.

Mr. Mettler expressed his wish to have a better name than convenience center. He spoke of his opposition to the proposed GPS system. He spoke of the economic problems facing the Township and his aim not to lay anyone off or to furlough employees.

Mr. Vassanella spoke in support of the proposed GPS system. He spoke of the Township's current hiring freeze. He commented on the Middlebush Park improvements and the need for the increased costs to the convenience center. He announced that a SCCOAH workshop being held on May 16th.

Deputy Mayor Glicklich commented on the SCCOAH workshop. He stated that data is still needed before they can vote on the proposed GPS system at the next meeting. He stated they will be discussing personnel in relation to the budget in executive session. He spoke on tax assessments.

Mayor Levine spoke on the Department of Public Works and the convenience center.

Ms. Francois returned to the meeting at 8:25 p.m.

COUNCIL DISCUSSION ITEMS

Standing Subcommittee Guidelines

After a brief discussion, it was the consensus of Council to form an adhoc subcommittee to review the Council's standing committees and the boards and commissions and report back to Council with their recommendations. Mayor Levine, Deputy Mayor Glicklich and Mr. Vassanella, along with the Township Clerk and Manager will meet to discuss these matters.

Alternate Public Education Funding

Mr. Prasad led a discussion regarding drafting a resolutions regarding alternative public education funding. After a brief discussion, Council directed the Township Attorney to draft a resolution urging alternate public education funding and the need for a constitution convention.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,368,739.07 for April 28, 2009 to the Township Council for payment:

1	Current	145,125.39
2	Grant	28,456.36
3	Tax Title Lien	
4	General Capital	3,711.00
5	Water	25,845.40
6	Water Capital	7,496.00
11	Recreation Trust	23.05
12	Trust Others	6,973.55
13	Unemployment	
15	Redevelopment	380.00
17	Animal Control	815.00
19	Self Insurance	454.98
20	Affordable Housing	1,755.00
30	Payroll	1,090,842.35
35	Hist Preservation	
37	Police Forfeiture	
40	Open Space	7,936.65
42	Redevelopment E	1,950.00
50	County Imp Auth Fund	729.14
	Subtotal	1,322,494.87
	Escrow	46,244.20
	Grant Total	1,368,739.07

Mr. Prasad moved that warrants in the amount of \$1,368,739.07 for April 28, 2009 to be paid. Said motion was seconded by Ms. Francois and carried as follows upon call of the roll:

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

PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

Ordinance No. 3823

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR VARIOUS 2009 CAPITAL IMPROVEMENTS FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$482,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$482,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS 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. Francois moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

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

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

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

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

INTRODUCTION OF ORDINANCE ON FIRST READING

Ordinance No. 3828

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 260, PARKS AND RECREATION, SECTION 260-11, EXCLUSIVE-USE PERMITS FOR PARK FACILITIES AND SECTION 260-15, REVIEW BY DIRECTOR.

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 May 26, 2009 at 7:00 p.m. in the Municipal Complex.

Deputy Mayor Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 26, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

Ordinance No. 3829

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY CHAPTER 226, VEHICLES AND TRAFFIC, SECTION 226-31C – REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON ALL OTHER PRIVATE PROPERTY – ADDING SOMERSET RUN.

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 May 26, 2009 at 7:00 p.m. in the Municipal Complex.

Deputy Mayor Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 26, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

CONSENT AGENDA ITEMS

Upon motion by Mr. Prasad seconded by Ms. Francois, the following consent agenda items were adopted as follows upon call of the roll:

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

Resolution #09-170 Authorize Change Order – CDBG Rehabilitation Contract – J&A Renovations – 13 Angel Place in the amount of \$1,800.00.

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

J&A Renovation 156 Dayton Avenue Somerset, NJ 08873	13 Angel Place	Original Contract: \$11,550.00
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WHEREAS, it could not be determined until the work began that additional work and supplies were needed, this requiring a Change Order #1 as follows:

13 Angel Place	Change Order #1: \$1,800.00	New Contract: \$13,350.00
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WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

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

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

Resolution #09-171 Award Bid – Metro PCS – Co-Location on the Police Cell Tower – Five Years from Date Co-Locator’s Equipment is Operational – Renewable for Four Additional Five-Year Terms – Amount: \$2,500.00 per month for initial five-years.

WHEREAS, a notice to bidders for the receipt of bids for Co-Location on Police Cell Tower was published in the Courier News and posted on the Township’s website on December 18, 2008, one addendum on January 16, 2009 for receipt on January 29, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for the Co-Location on Police Cell Tower for the contract period of five-years from the date the co-locator’s equipment is operational and renewable for four additional five-year terms:

METRO PCS

5 Skyline Drive, Hawthorne, NY 10532
\$2500.00 per month for 5-years and additional 3% for each new 5-year term

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

Resolution #09-173 Authorize Issuance of Special Events Permit – Meadows Foundation – Hageman Farm Garden Workshop – May 30, 2009 – 1-4 pm.

WHEREAS, a request has been received from the Meadows Foundation for permission to conduct the Hageman Farm Garden Workshop on May 30, 2009 at the Hageman Farm, South Middlebush Road from 1:00 pm – 4:00 pm; 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 the Meadows Foundation to conduct the Hageman Farm Garden Workshop on May 30, 2009 from 1:00 PM to 4:00 PM, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-174 Authorize Issuance of Special Events Permit – Renaissance Community Development Credit Union – 2nd Annual Bike-a-thon – September 19, 2009 – 8:30-2:30 pm.

WHEREAS, a request has been received from the Renaissance Community Development Credit Union for permission to conduct the 2nd Annual Bike-A-Thon on September 19, 2009 assembling at 55 Fuller Street and at the First Baptist Church Parking Lot at 771 Somerset Street and traveling several local roads 8:30 AM to 2:30 PM; 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 the Renaissance Community Development Credit Union to conduct a Bike-A-Thon on September 19, 2009 from 8:30 AM to 2:30 PM, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-175 Authorize Issuance of Special Events Permit – Hamilton Street Business and Community Corp. – Cruise Night Car Shows – may 6, June 3, July 1, August 5, September 2, October 7, 2009 – 6:30-9:00 pm.

WHEREAS, a request has been received from the Hamilton Street Business and Community Corp. for permission to conduct Cruise Night Car Shows on the aforementioned

dates at 621 Hamilton Street, Somerset (Nora's Shopping Center) from 6:30 PM to 9:00 PM; 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 the Hamilton Street Business and Community Corp. to conduct Cruise Night Car Shows on the aforementioned dates from 6:30 PM to 9:00 PM, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-176 Authorize Issuance of Special Events Permit – Hamilton Street Business and Community Corp. – Farmer's Market – Subway Parking Lot – 921 Hamilton Street – Saturdays – May to November 2009 – 9 am to 3 pm.

WHEREAS, a request has been received from the Hamilton Street Business and Community Corp. for permission to conduct the Farmers' Market at 921 Hamilton Street, Somerset (Subway Parking Lot) every Saturday, May through November, 2009, from 9:00 AM to 3:00 PM; 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 the Hamilton Street Business and Community Corp. to conduct the Farmers' Market every Saturday, May through November 2009 from 9:00 AM to 3:00 PM, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-177 Authorize Issuance of Special Events Permit – Paws for a Cause – Dog Walk-a-thon – Colonial Park – Knob Hill Parking Lot – Sunday, May 3, 2009 – 11 am to 2 pm.

WHEREAS, a request has been received from Second Chance for Animals organization for permission to conduct the Paws for a Cause – Dog Walk-A-Thon on May 3, 2009 at Colonial Park Knob Hill Picnic Grove from 11:00 am – 2:00 pm; 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 the Second Chance for Animals organization to conduct the Paws for a Cause – Dog Walk-A-Thon on May 3, 2009 from 11:00 AM to 2:00 PM, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-178 Authorize Issuance of Special Events Permit – Franklin Township Derasar Ground Breaking Celebration – Jain Center of New Jersey – 111 Cedar Grove Lane – May 2, 2009 – 9 am to 3:00 pm.

WHEREAS, a request has been received from the Jain Center of New Jersey for permission to conduct the Franklin Township Derasar Ground Breaking Celebration on May 2, 2009 at 111 Cedar Grove Lane, Somerset, from 9:00 am – 3:00 pm; 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 the Jain Center of New Jersey to conduct the Franklin Township Derasar Ground Breaking Celebration on May 2, 2009 from 9:00 am to 3:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-179 Authorize Issuance of Special Events Permit – First Baptist Church of Lincoln Gardens – Blessing of Bicycles – Church Parking Lot – May 17, 2009 -

WHEREAS, a request has been received from First Baptist Church of Lincoln Gardens for permission to conduct their 3rd Annual Biker's Blessing on May 17, 2009 from 2:00 p.m. to 6:00 p.m. at the Church's Parking Lot; 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 the First Baptist Church of Lincoln Gardens to conduct their 3rd Annual Biker's Blessing on May 17, 2009 from 2:00 p.m. to 6:00 p.m. at the Church's Parking Lot, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-180 Authorize Issuance of Special Events Permit – Meadows Foundation – Revolutionary War Re-Enactment – 2371 Amwell Road – June 6 & 7, 2009 – 10 am to 4 pm.

WHEREAS, a request has been received from the Meadows Foundation for permission to allow the Outwater's Militia, an organization of Revolutionary War re-enactors to conduct the a Revolutionary War Re-enactment at 2371 Amwell Road, (Franklin Inn), Somerset, June 6 & 7, 2009, from 10:00 AM to 4:00 PM; 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 the Meadows Foundation to allow the Outwater's Militia to conduct a Revolutionary War re-enactment from 10:00 AM to 4:00 PM on June 6 & 7, 2009 subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-181 Authorize Issuance of Special Events Permit – The Amy Foundation – Bicycle Ride to Promote Early Detection of Breast Cancer – Start in South Brunswick and Ends in Griggstown – May 3, 2009 – 8 am to 1 pm.

WHEREAS, a request has been received from The Amy Foundation for permission to conduct a bicycle ride to promote early detection of breast cancer that will begin in South Brunswick and terminate at Canal Road, Griggstown on May 3, 2009 from 8:00 AM to 1:00 PM; 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 The Amy Foundation to conduct a bicycle ride to promote early detection of breast cancer on May 3, 2009 from 8:30 AM to 1:00 PM, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

Resolution #09-182 Award Bid – Road Resurfacing – Matilda Avenue – Fischer Contracting – Amount Not to Exceed \$144,027.00.

WHEREAS, a notice to bidders for the receipt of bids for Matilda Avenue Resurfacing was published in the *Courier News* and posted on the Township's website on March 19, 2009, one addendum on March 27, 2009 and receipt was on April 9, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Matilda Avenue Resurfacing:

VENDOR:	FISCHER CONTRACTING, INC.
ADDRESS:	10 Short Hills Lane Scotch Plains, NJ 07076
ITEM:	Matilda Avenue Resurfacing
AMOUNT:	Amount Not to Exceed \$144,027.00

WHEREAS, continuation of the terms of this contract beyond June 30, 2009 is contingent upon availability of funds in the 2010 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

BE IT FURTHER RESOLVED that 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.

Resolution #09-183 Approve Plan Design – Road Resurfacing – Matilda Avenue.

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design or public property or any improvement thereto where the plan or design was approved in advance of construction by the Township Council or a public employee exercising discretionary authority on its behalf or where such plan or design was prepared in conformity with standards previously approved by the Township Council; and

WHEREAS, the following improvement to public property has been designed by the Franklin Township Engineering Department; and

WHEREAS, the Township Council wishes to record its approval of said design.

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

1. Plans and specifications entitled “Street Resurfacing for 2009 – Matilda Avenue” and prepared by the Franklin Township Engineering Department dated November 26, 2008 and amended January 16, 2009 be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.
3. The Township Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

Resolution #09-184 Award Bid – Appraisal Services – Appraisal Consultant Corp. and Martin Appraisal Associates, Inc. – Amount Not to Exceed \$124,000.00 – May 1, 2009 to April 30, 2009.

WHEREAS, a notice to bidders for the receipt of bids for Appraisal Services was posted on the Township’s website on April 9, 2009 for receipt on April 23, 2009;

BE IT FURTHER RESOLVED that 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.

WHEREAS, continuation of the terms of this contract beyond June 30, 2009 is contingent upon availability of funds in the 2010 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for Appraisal Services for the contract period of May 1, 2009 to April 30, 2010:

APPRAISAL CONSULTANTS CORP.
2893 Eisenhower Parkway, Suite 200
Livingston, NJ 07039-1711
\$175 per hour

MARTIN APPRAISAL ASSOCIATES, INC.
123 Franklin Corner Road, Suite 203
Lawrenceville, NJ 08648
\$150 per hour

Amount Not to Exceed \$124,000.00

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

Resolution #09-185 Authorizing the Execution of an Agreement between the State of New Jersey Department of Transportation in connection Police Officers utilized as Traffic Directors in connection with Rt. 287 vicinity of Stelton Road to vicinity of Main Street Resurfacing Project.

WHEREAS, the State of New Jersey intends to construct RT. 287 Vicinity of Stelton Road to Vicinity of Main St. Resurfacing project within the Township of Franklin; and

WHEREAS, the project proposed by the State of New Jersey Department of Transportation may require the limited use of municipal police as Traffic Directors for work zone safety operations supplementing the traffic control plan established under the contract for construction of the project; and

WHEREAS, the State of New Jersey Department of Transportation has requested that the Township of Franklin enter into a Police Agreement for use of Township officers as Traffic Directors,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin, in the County of Somerset in the State of New Jersey, that the appropriate municipal official(s) **Mayor, Brian Levine and Township Clerk Ann McCarthy** are hereby authorized to execute an agreement between the State of New Jersey Department of Transportation and the Township of Franklin to provide Police Officers as Traffic Directors.

The costs incurred by the Township of Franklin for use of its officers in connection with the State construction project shall be paid directly to the Township of Franklin by the State of New Jersey Department of Transportation pursuant to the agreement attached hereto.

In addition, the Township of Franklin authorizes the following individuals to submit and execute State Payment Vouchers, PV-C, on behalf of agreement signatory.

- Lt. Robert Vornlocker – Franklin Twp. Police Dept.
- Sgt. Brian Farrar – Franklin Twp. Police Dept.

Resolution #09-186 Amend Bid Award – Water Works Supplies – April 1, 2009 to March 31, 2009 – The Lee Company/HD Supply Waterworks, Ltd/Raritan Supply Company/Brent Material Company – Amount Not to Exceed \$228,000 for 12-month contract for all companies combines.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids award for Water Works Supplies for the contract period of April 1, 2009 to January 31, 2010 be amended as follows:

RARITAN SUPPLY COMPANY
301 Meadow Road
Edison, NJ 08817
Categories: B, ~~DD~~, N1

THE LEE COMPANY
Route #46/PO Box 40
Denville NJ 07834
Categories: E, K, M, N, BB, NN, P, Q, R, S, **DD**

HD SUPPLY WATERWORKS, LTD
228 Willamstown Road
Berlin, NJ 08009
Categories: D, F, I, CC, EE, FF, GG, HH,

BRENT MATERIAL COMPANY
741 Northfield Avenue
West Orange, NJ 07052
Categories: C, J, AA, AAA, LL, MM

II, JJ, KK, PP, L, N2

The Summary for Award of Contract is referenced hereto and made part of said resolution. Amount Not to Exceed \$228,000.00 for a 12-Month Contract for all companies combined.

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

BE IT FUTHER RESOLVED that 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; and

WHEREAS, continuation of the terms of this contract beyond June 30, 2009 is contingent upon availability of funds in the 2010 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

Resolution #09-187 Award Bid – Tree Trimming and Removal Services – May 1, 2009 to April 30, 2011 – Andy-Matt, Inc. – Amount Not to Exceed \$60,000.00 for two-years.

WHEREAS, a notice to bidders for the receipt of bids for Tree Trimming and Removal Services was published in the *Courier News* and posted on the Township's website on march 3, 2009, two addenda on March 13, 2009 and March 24, 2009 for receipt on April 9, 2009;

WHEREAS, continuation of the terms of this contract beyond June 30, 2009 is contingent upon availability of funds in the 2010 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

WHEREAS, that 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.

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids be awarded for Tree Trimming and Removal Services for the contract period of May 1, 2009 to April 30, 2011:

ANDY-MATT, INC.

19 Scrub Oaks Road, Mine Hill, NJ 07803

Amount Not to Exceed \$60,000.00 for the two-year contract period

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

Resolution #09-188 Authorize Release of Planning Review and Building Escrows.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-214 of the Code of the Township of Franklin; and

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

APPLICANT:	Barry Rubin		
ADDRESS:	9 Pinewood Road, Milford, NJ 08848		
DOCKET NO.	ZBA-06-00023		
BLOCK/LOT:	429/12.01 & 14.01		
LOCATION:	79 14 th Street		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$375.00 (Heyer)	\$1,625.00	(In-Hse)

AMOUNT CHARGED:	<u>375.00</u>	<u>529.20</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$1,095.80

APPLICANT:	Steve & Maria Patti	
ADDRESS:	6 Heather Drive, Somerset, NJ 08873	
DOCKET NO.	PLN2003-0050	
BLOCK/LOT:	386.01/1.04	
LOCATION:	6 Heather Drive	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$1,770.00 (Heyer)	\$1,405.00 (In-Hse)
AMOUNT CHARGED:	<u>1,770.00</u>	<u>\$ 240.00</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$1,165.00

Resolution #09-189 Authorize Refund of Tax Overpayments.

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
11.07/5	TOWNSHIP OF FRANKLIN	2/09 Water To Tax	36.47
424.13/201C0026	Perry, George 26 Beaconsfield Place Somerset, NJ 08873	1/09 100% Disabled Veteran	689.13

Resolution #09-190 Authorize Tax Remittals.

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
424.13/301C0026	Perry, George 26 Beaconsfield Place Somerset, NJ 08873	1/09 2/09 100% Disabled Veteran	689.13 689.13

Resolution #09-191 Authorize Submission of Grant Applications in connection with Gunther House – Somerset County 2009 Historic Preservation Grant Program in the amount of \$252,902.00 and the Historic Site Management Grants from the Garden State Preservation Trust in the amount of \$50,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of the following grant applications in connection with the Gunther House:

1. Somerset County 2009 Historic Preservation Grant Program in the amount of \$252,902.00
2. Historic Site Management Grants from the Garden State Preservation Trust in the amount of \$50,000.00

and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #09-192 Certification of Review of Annual Report of Audit – FY2008.

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for FY2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each Municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled: “ Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum, the Annual Report of Audit and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

Resolution #09-193 Authorize Corrective Action Plan in connection with FY2008 Audit Recommendations.

WHEREAS, the Local Finance Notice No. 92-15 requires the Governing Body to adopt a Corrective Action Plan in relation to recommendations contained in a Municipality's Audit; and;

WHEREAS, the Township's SFY 2008 Audit included certain recommendations, which require the adoption of a Corrective Action Plan;

NOW, THEREFORE, BE IT RESOLVED that the following Corrective Action Plan be adopted by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey; and

CORRECTIVE ACTION PLAN FOR SFY-2008 AUDIT REPORT

BE IT FURTHER RESOLVED that two (2) certified copies be forwarded to the Division of Local Government Services; and

**CORRECTIVE ACTION PLAN –SFY 2008 AUDIT
AUDIT RECOMMENDATIONS**

1. FINDINGS:

That the Municipal court open bail list be proved to the account balance on a monthly basis.

CORRECTIVE ACTION PLAN:

The Municipal Court Administrator and the Finance Office will review the court bail account and prove the open bail list to the account balance. The Court Administrator will be required to submit a copy of all the bank reconciliation statement to the Finance Office for further review

IMPLEMENTATION DATE: May 2008

STATUS:

Completed Prior to Audit

2. FINDINGS:

That accounts receivable balances for all funds be reviewed as to their current status and appropriate action taken.

CORRECTIVE ACTION PLAN:

The Finance Department is in the process of reviewing all accounts receivable balances in all the funds as to their status. The status will be reconfirmed with the respective government agencies, before action is taken. The review will be done routinely on a monthly basis.

IMPLEMENTATION DATE: May 2009

STATUS:

This is a work in progress. The Chief Financial Officer will continue reviewing the balances and will submit a resolution to Township Council for cancellation of some of the balances when all the reconciliations are completed.

3. FINDINGS:

That a review of accounts payable balances be made to determine the validity of the accounts payable balance.

CORRECTIVE ACTION PLAN:

The Finance Office will review monthly all accounts payable balances with Heads of department to determine the validity of the balances. A report will be generated from the new financial system to all departments with accounts payable balances for their review and comments.

IMPLEMENTATION DATE: June 2009

STATUS:

The Chief Financial Officer will cancel accounts payable balances that are not valid.

4. FINDINGS:

That all bank reconciliations be performed and agreed to the general ledger.

CORRECTIVE ACTION PLAN:

This is a work in progress. The Chief Financial Officer will make sure the bank reconciliation statements agree with the general ledger.

IMPLEMENTATION DATE: June 2009

STATUS:

The Chief Financial Officer will continue to work on adjusting reconciling items in the general ledger.

5. FINDINGS:

That reconciling items be adjusted in the general ledger on a timely basis, in order to bring the general ledger in proof with the bank reconciliation.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer will continue to retrain staff to post transactions correctly and on a timely basis to avoid having reconciling items. All reconciling items will be adjusted by the Chief Financial Officer when reviewing of all bank reconciliation statements.

IMPLEMENTATION DATE: June 2009

STATUS:

The Chief Financial Officer is reviewing all reconciling items in the general ledger.

6. FINDINGS:

That the monthly reports from third party for the Flexible Spending Account be downloaded so the correct amount of disbursements for the month can be posted to the general ledger.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer has complied with the above findings.

IMPLEMENTATION DATE: June 2008

STATUS:

Done

7. FINDINGS:

That the signature used on the Flexible Spending Account checks be updated for the current CFO.

CORRECTIVE ACTION PLAN: Done

IMPLEMENTATION DATE: March 2008

STATUS:

Done.

8. FINDINGS:

That Township take proper steps to obtain reimbursement from the SCIA for payments the Township made to vendors for equipment purchases.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer has submitted all the bills for payments made by the Township for equipment purchases to the SCIA for reimbursements. The SCIA now has a third party financial institution to make payments directly to the Vendors after approval from the Township.

IMPLEMENTATION DATE: June 2009

STATUS:

The Chief Financial Officer and the SCIA are working together to reconcile this account.

9. FINDINGS:

That prior year's grants receivable balances and unexpended grant reserve balances are reviewed for proper disposition.

CORRECTIVE ACTION PLAN:

The Grant Coordinator is scheduled to go on disability shortly. The Grant Office is in the process of being restricted. A grant manual has been prepared and will be implemented shortly. The Chief Financial Officer will coordinate with the Grant Office in reviewing all the grant balances and their current status. Upon completion of the Chief Financial Officer will recommend proper disposition of grant balances to Township Council.

IMPLEMENTATION DATE: June 2009.

STATUS:

A resolution recommending the disposition of some of the prior year grants is being reviewed and will be submitted to Township council.

10. FINDINGS:

That all transactional activity be recorded for developer's escrow and that the escrow accounts for the amounts deposited for less than \$5,000.00 be reconciled to subsidiary accounts.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer will make sure all transactional activity for developers escrow accounts are recorded and reconciled to subsidiary accounts.

IMPLEMENTATION DATE: June 2009.

STATUS:

The process is ongoing.

11. FINDINGS:

That the employees listed on the health insurance be compared to payroll records for the same period to insure that the correct adjustment have been made to the bill for that quarter.

CORRECTIVE ACTION PLAN:

The Chief Financial Officer and the Assistant Manager will develop a system to reconcile payroll records for the same period with health insurance records.

IMPLEMENTATION DATE: June 2009.

STATUS:

This is a work in progress.

Resolution #09-194 Authorize Insertion into FY2009 Municipal Budget – Chapter 159 – Summer Lunch Program - \$11,549.03.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division

of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2009 in the sum of \$11,549.03 which is now available from the 2009 Summer Food Service Program in the amount of \$11,549.03;

BE IT FURTHER RESOLVED that the like sum of \$11,549.03 is hereby appropriated under the caption of 2009 Summer Food Service Program; and

BE IT FURTHER RESOLVED that the above is a result of funds from the **2009 Summer Food Service Program** in the amount of **\$11,549.03**.

Resolution #09-195 Authorize Interlocal Services Agreement – New Brunswick Public Schools – Purchase of Lunches for Summer Lunch Program – Amount Not to Exceed \$5,437.50.

BE IT AND IT IS HEREBY RESOLVED that the Township Manager is hereby authorized to execute on behalf of the Township Council interlocal service agreement with the New Brunswick Public Schools as permitted by NJS 40A:65-4 et. seq. for the 2009 Summer Lunch Program.

Resolution #09-196 Authorize Insertion into FY2009 Municipal Budget – Chapter 159 – Recycling Tonnage Grant - \$85,912.23.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2009 in the sum of \$85,912.23 which is now available from the Recycling Tonnage Grant in the amount of \$85,912.23;

BE IT FURTHER RESOLVED that the like sum of \$85,912.23 is hereby appropriated under the caption of Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that the above is a result of funds from the **Recycling Tonnage Grant** in the amount of **\$85,912.23**.

Resolution #09-197 Authorize Insertion into FY2009 Municipal Budget – Chapter 159 – Drunk Driving Fund - \$6,109.15.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of fiscal year 2009 in the sum of \$6,109.15 which is now available from the Drunk Driving Fund in the amount of \$6,109.15;

BE IT FURTHER RESOLVED that the like sum of \$6,109.15 is hereby appropriated under the caption of Drunk Driving Fund; and

BE IT FURTHER RESOLVED that the above is a result of funds from the **Drunk Driving Fund** in the amount of **\$6,109.15**.

Resolution #09-198 Authorize Issuance of Raffles Licenses.

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

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

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

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

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
New Jersey Right to Life Committee 242 Old New Brunswick Road, Piscataway, NJ Off-Premise Raffle – RL#1767 Drawing: Holiday Inn, Somerset	November 20, 2009 7:00 pm – 10:00 pm

Resolution #09-199 Authorize Discharge of Affordable Housing Agreement and Second Repayment Mortgage – 71 Caitlin Court.

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 71 Caitlin Court, Franklin Park, on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #09-200 Authorize Extension of Contract – Water Meters – HD Supply Waterworks – April 1, 2009 to March 31, 2010 – Amount Not to Exceed \$400,000.00.

WHEREAS, a contract was awarded to HD Supply Waterworks for Water Meters for a one-year contract on February 27, 2007 and extended for an additional year on February 12, 2009; and

WHERE, the original specifications stated said contract could be extended on an annual basis for up to an additional two years at the existing terms and conditions if mutually acceptable to the Township and vendor;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following contract for Water Meters be extended:

VENDOR:	HD SUPPLY WATERWORKS
ADDRESS:	228 Williamstown Road, Berlin, NJ 08009
ITEMS:	Water Meters
AMOUNT:	Not to Exceed \$400,000.00 annually for the period of April 1, 2009 to March 31, 2010.

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

BE IT FUTHER RESOLVED that 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; and

WHEREAS, continuation of the terms of this contract beyond June 30, 2009 is contingent upon availability of funds in the 2010 FY Budget, and in the event of

unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

Resolution #09-201 Award State Contract – Renovation to 935 Hamilton Street Multi-Purpose Building – Carpet Showcase – Amount Not to Exceed \$11,497.19.

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

VENDORS:	Carpet Showcase 1488 Route 22 East, Bridgewater, NJ 08807 SC No.65750
ITEMS:	Renovations to 935 Hamilton Street Multi-Purpose Building
COST:	Not to Exceed \$11,497.19

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 #09-203 Award Bid – Mark Street Resurfacing Project – S. Brothers Inc. – Amount Not to Exceed \$436,798.72.

WHEREAS, a notice to bidders for the receipt of bids for Mark Street Resurfacing was published in the *Courier News* and posted on the Township's website on March 26, 2009 and receipt was on April 23, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for Mark Street Resurfacing:

VENDOR:	S. BROTHERS, INC.
ADDRESS:	16 Sobechko Road Manalapan, NJ 07726
ITEM:	Mark Street Resurfacing
AMOUNT:	Amount Not to Exceed \$436,798.72

WHEREAS, continuation of the terms of this contract beyond June 30, 2009 is contingent upon availability of funds in the 2010 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

BE IT FUTHER RESOLVED that 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.

Resolution #09-204 Approve Plan Design – Mark Street Resurfacing Project.

WHEREAS, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design or public property or any improvement thereto where the plan or design was approved in advance of construction by the Township Council or a public employee exercising discretionary authority on its behalf or where such plan or design was prepared in conformity with standards previously approved by the Township Council; and

WHEREAS, the following improvement to public property has been designed by the Franklin Township Engineering Department; and

WHEREAS, the Township Council wishes to record its approval of said design.

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

1. Plans and specifications entitled "Street Resurfacing for 2009 – Mark Street" and prepared by the Franklin Township Engineering Department dated November 26, 2008 be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.
3. The Township Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

Resolution #09-205 Authorize Grant Application – 2009 Somerset County Open Space Partnership Grant – Lake Property – Grant Amount: \$200,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of the 2009 Somerset County Open Space Partnership Grant in the amount of \$200,000.00 in connection with the Lake Property and does authorize the appropriate Township officials to execute these grant applications on its behalf.

RESOLUTION TO BE VOTED ON SEPARATELY

Resolution #09-150 Amend Fair and Open Professional Services Agreements – Engineering Consultant Services – Carroll Engineering/Birdsall Engineering Group/Gannett Fleming/Remington, Vernick & Vena Engineers/CME/CMZ – Amount Not to Exceed \$200,000.00 total amongst all vendors.

Mayor Levine presented the following resolution:

WHEREAS, a need exists to amend the Fair and Open Contracts 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, a copy of which certification is attached hereto, 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 contracts to be awarded are being awarded as Fair and Open Professional Service contracts pursuant to the Pay to Play Laws, P.L. 2004, C. 19; and

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

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

- (1) Said contract is amended by changing the amount not to exceed from \$70,000.00 to \$70,000.00 each vendor with a total aggregate amount not to exceed of \$200,000.00.

- (2) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (3) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (4) 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	Address
Carroll Engineering	105 Raider Blvd., Ste. 206, Hillsborough, NJ 08844
Birdsall Engineering Group	65 Jackson Drive, Cranford, NJ
Gannet Fleming	Southfield Ctr., Ste. 205, One Cragwood Rd., S. Plainfield, NJ 07080
Remington & Vernick	232 Kings Highway East, Haddonfield, NJ 08033
CME	3141 Bordentown Avenue, Parlin, NJ 08859
CMX (Current Projects Only)	41 South Main Street, Phillipsburg, NJ 08865

CONTRACT AMOUNT: \$70,000.00 per vendor with a total aggregate amount not to exceed \$200,000.00

SERVICE: Engineering Consultant Services, as needed
December 1, 2008 to November 30, 2009

The aforesaid resolution was moved by Mr. Vassanella and seconded by Mr. Prasad. Said resolution carried as follows upon call of the roll:

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

Resolution #09-166 Confirm GPS Policy for Township Vehicles

Deputy Mayor Glicklich moved to table Resolution #09-166 until the May 12th meeting so Council may have time to review additional information. Said motion was seconded by Mr. Mettler. Said motion carried as follows upon call of the roll:

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

Resolution #09-202 Authorize Release of Performance Guarantee – Canal Walk Associates, LLC – Installation of Pump Station #1 – Weston Road-Schoolhouse Road-Weston Canal Road-Mettlers Lane – Docket No. P200001P - \$6,637.86.

Mayor Levine presented the following resolution:

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

NAME OF APPLICANT:	Canal Walk Associates, LLC
ADDRESS OF APPLICANT:	812 Central Avenue, Westfield, NJ 07090
ITEM:	Performance Bond
NUMBER:	706-SB
INSURANCE CO./BANK:	Greenwich Insurance Company
DOCKET:	P200001P
IN THE AMOUNT OF:	\$6,637.86
FOR:	Block 513/1,2,4,10,11,12.01,13.01 & 15 – Weston Road-Schoolhouse Road – Weston Canal Road – Mettlers Lane – Installation of Pump Station #1

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

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 release in the amount of \$6,637.86 to the above named applicant.

The aforesaid resolution was moved by Mr. Prasad and seconded by Ms. Francois. Said resolution carried as follows upon call of the roll:

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

Resolution #09-172 Award Alternative Professional Services Agreement – Farewell Mills Gatsch – Franklin Inn, East Millstone – Preparation of a Historic Structure Report – Amount Not to Exceed \$54,975.00.

Mayor Levine presented the following resolution:

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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, Farewell Mills Gatsch has completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Farewell Mills Gatsch from making any reportable contributions through the term of the contract;

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) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (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: FAREWELL MILLS GATSCH
ADDRESS: 200 Forrestal Road
 Princeton, NJ 08540
CONTRACT AMOUNT: \$54,975.00
SERVICE: Franklin Inn (Cornelius Van Liew House) Preparation of a Historic Structure Report

The aforesaid resolution was introduced by Mr. Prasad and seconded by Mr. Mettler. Said resolution carried as follows upon call of the roll:

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

Resolution #09-209 Removal of Members from Advisory Recreation Council

Mayor Levine presented the following resolution:

BE IT RESOLVED that the following members are in violation of the Township’s Code Chapter 13, Boards and Commissions, Absenteeism Policy and are hereby removed as members of the Advisory Recreation Council: Brien O. Rourke, Reverend Evelyn Johnson, Anthony Rossi and Vincent Gardner.

APPOINTMENTS

Advisory Recreation Council

Mr. Prasad nominated the following as members of the Advisory Recreation Council:

Janet Parker	Regular Member	3-year term (unexpired term)	Expires 12/31/2009
Nancy Sayre	Regular Member	3-year term	Expires 12/31/2011
Anil Takkallapalli	Regular Member	3-year term (unexpired term)	Expires 12/31/2010

Said nomination was seconded by Deputy Mayor Glicklich and carried upon acclamation.

Cable Television Advisory Committee

Mr. Vassanella nominated Naomi Nerenberg as a member of the Cable Television Advisory Committee for an unexpired two-year term ending December 31, 2009. Said nomination was seconded by Mr. Mettler and carried upon acclamation.

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

WHEREAS, Section 8 of the Open Public Meetings Act, (N.J.S.A. 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 of the Township of Franklin 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:

A) *Contract negotiations/personnel – FY2010 budget*

b) *Litigation*

- *Kings Row Homes, LLC v. Township of Franklin, et al. Docket No.:SOM-L-1810-05 & SOM-L-313-06*
 - *Kings Row Homes, LLC – COAH Appeal*
 - *DesLauriers Municipal Solutions v. Twp. of Franklin, et al – Docket No. 3-06 cv 00919 (US District Court)*
 - *Louise LeGoff v. Franklin Township Planning Board & Franklin Township – Docket No. SOM-L-258-09*
 - *World's Fair Drive v. Director of Taxation, Township of Franklin and Tax Assessor –State Tax Court*
 - *LeMieux v. Rutgers, John Van Cleef, Bonnie Van Cleef & Township of Franklin – Docket No. C-12114-08*
 - *Construction Code Matters – Pulte Homes Appeal*
 - *AFSCME Grievances*
 - *OAL/DEP – Water Compliance*
 - *JIF Matters*
 - *Real Property Tax Appeals*
- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
 - 4 The minutes of the discussions 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 aforesaid resolution was moved by Deputy Mayor Glicklich, seconded by Mr. Prasad and carried as follows upon call of the roll:

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

The meeting adjourned into Executive Session at 9:35 p.m.

Upon motion by Mr. Prasad and seconded by Mr. Mettler, the meeting reconvened at 10:52 p.m. Said motion carried unanimously upon call of the roll.

Mayor Levine announced that the Township Council discussed the following:

- A. *Contract negotiations/personnel – FY2010 budget*
- b. *Litigation*
 - *Kings Row Homes, LLC v. Township of Franklin, et al. Docket No.:SOM-L-1810-05 & SOM-L-313-06*
 - *Kings Row Homes, LLC – COAH Appeal*
 - *DesLauriers Municipal Solutions v. Twp. of Franklin, et al – Docket No. 3-06 cv 00919 (US District Court)*
 - *Louise LeGoff v. Franklin Township Planning Board & Franklin Township – Docket No. SOM-L-258-09*
 - *World's Fair Drive v. Director of Taxation, Township of Franklin and Tax Assessor –State Tax Court*
 - *LeMieux v. Rutgers, John Van Cleef, Bonnie Van Cleef & Township of Franklin – Docket No. C-12114-08*
 - *Construction Code Matters – Pulte Homes Appeal*
 - *AFSCME Grievances*
 - *OAL/DEP – Water Compliance*
 - *JIF Matters*
 - *Real Property Tax Appeals*

The minutes of these discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

ADJOURNMENT

Mr. Prasad moved to adjourn the meeting at 10:55 p.m. Said motion was seconded by Deputy Mayor Glicklich and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *July 14, 2009*

Ann Marie McCarthy, Township Clerk