

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 7:05 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 May 26, 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 Councilman Mettler led the Invocation.

The Township Clerk called the roll.

Present: Ms. Eberle, Ms. Francois, Deputy Mayor Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad (arrived at 7:26 p.m.), Mr. Vassanella

Absent: Ms. Danile, Mr. Sumter

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

COMMENDATIONS/PROCLAMATIONS

Curbing Hunger Month - June

Mayor Levine, along with Ms. Eberle, presented the following proclamation:

WHEREAS, the United States enjoys the highest standard of living and the finest quality of life in the world, yet millions of Americans don't have enough to eat; and

WHEREAS, food banks and pantries support over 400,000 New Jersey residents; and

WHEREAS, a study by the Food Research and Action Center estimates that 292,000 children go to bed hungry every night in New Jersey; and

WHEREAS, although annual food drives during the winter holidays help to replenish the shelves of many food banks, supplies are critically short or completely depleted by summer; and

WHEREAS, Somerset County food pantries continue to face growing food shortages similar to other areas of the United States; and

WHEREAS, due to economic downturn, the Food Bank Network of Somerset County has seen an increase of more than 10 percent in the number of clients it serves; and

WHEREAS, because hunger never takes a vacation, Curbing Hunger Inc. was formed in Somerset County in 1995 to help meet the need to restock the shelves of food banks and pantries during the summer and fall; and

WHEREAS, since its inception and through partnering with the Somerset County Board of Chose Freeholders, Somerset County Public Works Department and Somerset County Recycling Division, Curbing Hunger Inc. has collected more than half a million pounds of food in Somerset County; and

WHEREAS, since its inception, Curbing Hunger Inc. has collected and distributed 1.85 million pounds of food statewide, valued at over \$2.5 million dollars; and

NOW, THEREFORE, BE IT RESOLVED THAT I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby proclaim June 2009 as

"CURBING HUNGER MONTH IN FRANKLIN TOWNSHIP"

and urge all residents to support this worthwhile effort by filling the colorful plastic bags distributed by the Somerset County Recycling Division with contributions of canned goods to restock supplies in the food bank and local food pantries. Bags should be left at the curb on residents' regular recycling pickup days from June 1 through June 26, 2009.

SNAP! Handwashing Awards

Mayor Levine, along with Ms. Eberle, presented the following:

"Franklin Township Health Department is a partner in a school handwashing initiative developed by the Centers for Disease Control and the Soap and Detergent Association.

It's a SNAP! Is a program to encourage students to use their creativity to promote clean hands and help keep their schools healthy.

All public and private K-12 schools in Franklin Township were provided with information and resources on the healthy advantages of good handwashing, and students were encouraged to launch their own handwashing projects. Many of these projects are on display in the lobby.

Schools submitted information on these projects to the Health Department to be judged for creativity and appropriate clean hands messages. According to the Centers for Disease Control, handwashing is the most important thing anyone can do for good health, and to prevent diseases such as colds and flu.

All the students and their entries were creative and outstanding, and tonight we'd like to recognize our 2009 *Franklin Township Handwashing – It's a SNAP!* winners.

Student Handwashing projects:

First Place: Krisztina Mathe, Sampson G. Smith School, Teacher: Ms. Grinberg

Second Place: Jaime Rudbart, Sampson G. Smith School, Teacher: Mrs. Carolla

Third Place: Christian Washington, Sampson G. Smith School, Teacher: Ms. Grinberg

Honorable Mention: Davon Williams & Shayla Williams, Sampson G. Smith School

Classroom Handwashing projects:

The Adventures of Soaper Woman and Sanitizer Sidekick, Kaz Wright, Teacher, Sampson G. Smith School

Poster Project, Ms. Grinberg, Teacher, Sampson G. Smith School

Poster Project, Ms. Christopher, Central Jersey College Prep Charter School

School Handwashing Spirit Award

New Road School of Somerset, Mr. B. Duz, Principal."

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.

Mr. Prasad arrived at 7:26 p.m.

DEPUTY MAYOR'S REPORT

Deputy Mayor Glicklich reported on the success of the Memorial Day Parade. He urged residents to participate in the Curb Hunger Month. He provided the telephone number of SCCOACH for information regarding foreclosures.

PUBLIC DISCUSSION

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

John Villa, Somerset Run, on behalf of its Board of Directors, asked Council to postpone adoption of Ordinance No. 3829 for a month until residents have a chance to speak with the Traffic Bureau. Mayor Levine advised that this discussion should be conducted during the public hearing for the ordinance.

Carol Prevoznak, 93 Emerson Road, Second Chance for Animals, spoke of her concerns regarding recent staff cuts to the animal shelter and requested the positions be reinstated.

Tom Gale, Ford Avenue, expressed his concerns regarding parking and noise during the St. Sharbel Festival and asked Council to adopt a more restrictive resolution. Mr. Vassanella asked that the resolution regarding the special event permit for the St. Sharbel Festival, Resolution #09-245 be removed from the consent agenda and voted on separately.

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

COUNCIL COMMENTS

Mr. Vassanella spoke on the concerns brought by Second Chance for Animals regarding the personnel cuts to the animal shelter. He thanked Deputy Mayor Glicklich for his announcement regarding SCCOAH and foreclosures.

Mr. Mettler spoke of the success of the Memorial Day Parade. He spoke of the executive session to be held the next day, noting the animal shelter is high on the list and commended Second Chance for Animals for their support. He suggested Council adopt a similar resolution to the 2007 resolution for St. Sharbel. In regards to Somerset Run, he finds no reason not to give affected residents more time to review the ordinance before it is adopted.

Ms. Eberle spoke about the Memorial Day Parade and Service. She thanked the animal shelter for all its hard work. She commended the children involved in the Handwashing contest.

Ms. Francois stated she has been impressed with the work of the animal shelter and noted Council has had to make some painful cuts.

Mr. Prasad spoke of the success of the Memorial Day Parade. In regards to Second Chance for Animals, he stated they would try to help the best they can. In regards to St. Sharbel, they have made arrangements of off-site parking and shuttle busing and agreed to keep the noise down. He announced that June 2nd is Primary Day.

Mayor Levine noted they would listen and try to work with the animal shelter. He spoke of the Memorial Day Parade.

APPROVAL OF MINUTES

Mayor Levine presented the minutes of the March 24, 2009 Work Session/Regular Meeting & Executive Session and the April 3, 2009 Special Meeting for approval.

Deputy Mayor Glicklich moved the approval of the minutes of the March 124, 2009 Work Session/Regular Meeting & Executive Session and the April 3, 2009 Special Meeting. 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		Levine (4/3)	Danile
Glicklich	Levine (3/24)			Sumter
Mettler	Prasad			
Vassanella				

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$1,958,535.26 for May 26, 2009 to the Township Council for payment:

1	Current	507,787.51
2	Grant	14,700.23
3	Tax Title Lien	
4	General Capital	86,141.84
5	Water	22,627.18
6	Water Capital	39,878.00
11	Recreation Trust	4,626.16
12	Trust Others	262,967.14
13	Unemployment	
15	Redevelopment	481.00
17	Animal Control	
19	Self Insurance	7,391.72
20	Affordable Housing	7,000.00
30	Payroll	979,388.58
35	Hist Preservation	
37	Police Forfeiture	127.76
40	Open Space	25,418.14
42	Redevelopment E	
50	County Imp Auth Fund	
	Subtotal	1,958,535.26
	Escrow	
	Grand Total	1,958,535.26

Mr. Vassanella moved that warrants in the amount of \$1,958,535.26 for May 26, 2009 to be paid. 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				

PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND 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 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.

Mr. Prasad moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Mettler 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.

Ainsley Reynolds, 321 Ralph Street, asked if the ordinance also pertains to cricket fields.

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

Ms. Francois moved the final passage of the ordinance and publication in accordance with law. 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				

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 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 Glicklich moved to open the public hearing on the ordinance. Said motion was seconded by Mr. Vassanella 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.

Bob Seskin, 412 Breakers Lane, Somerset Run, stated there are errors in some of the speed limits listed in the ordinance, noting they are inconsistent with their by-laws. He asked for a meeting with the Traffic Bureau. Mr. Vassanella asked the Township Manager to set up a meeting with Somerset Run and the Traffic Bureau to review changes.

Mr. Mettler moved that the public hearing on the ordinance be continued to June 9, 2009. Said motion was seconded by Mr. Vassanella and carried unanimously upon call of the roll.

INTRODUCTION OF ORDINANCE ON FIRST READING

Ordinance No. 3832

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY BY ADDING A NEW CHAPTER, MORE PARTICULARLY CHAPTER 109, CHARITABLE CLOTHING BINS.

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 June 23, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Vassanella moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on June 23, 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				

Ordinance No. 3833

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY BY AMENDING CHAPTER 85, FALSE ALARMS.

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 June 23, 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 June 23, 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 Deputy Mayor Glicklich seconded by Ms. Prasad, 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 #09-232 Authorize Submission of Grant Application – 2010 Recreational Opportunities for Individuals with Disabilities (ROID) Program – Harmony Club.

WHEREAS, the Township of Franklin, Somerset County desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$10,000.00 State with \$2,000.00 local share for a total contract of \$12,000.00 in 2010 to run Harmony Club. Harmony Club is a group of disabled residents, ages 6-92, that meet monthly to participate in adapted social; athletic; recreational; and educational activities;

BE IT THEREFORE RESOLVED,

1. That the Township of Franklin, Somerset County does hereby authorize the application for such grant; and

2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between Franklin Township and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Resolution #09-233 Authorize Submission of Grant Application – 2009 Competitive Grant Program – Somerset County Youth Service Commission.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission Competitive Grant Program to apply for funds in the amount of \$10,000.00 to support afterschool activities for teens to include the Boys Council and Girls Circle Program, character education, leadership development, community service and general recreation and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #09-234 Authorize Submission of Grant Application – 2009 Annual Grant Program – Somerset County Youth Service Commission.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the Somerset Youth Service Commission Annual Grant Program to apply for funds for the following:

1. \$1,000 for the Edgemere Learning Center to help pay for utilities for the center
2. \$1,000 for the ARISE Program for activities and program supplies
3. \$1,000 Parkside Learning Center for seasonal staff
4. \$1,000 Women to Girls Programs at FMS for supplies and activities
5. \$1,000 Franklin Township Youth Council for ongoing activities

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

Resolution #09-235 Authorize Submission of Grant Application – Department of Justice – BJA FY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant – One (1) fully outfitted Police Cruiser – Grant Amount: \$54,306.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the US Department of Justice BJA FY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program to apply for funds in the amount of \$54,306.00 for one (1) fully outfitted Police Cruiser and does authorize the appropriate Township officials to execute these grant applications on its behalf.

Resolution #09-236 Authorize Submission of Grant Application – Department of Justice – COPS Hiring Recovery Program Grant – Three (3) Police Officers (Salaries & Benefits) for three (3) years – Grant Amount: \$727,329.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to the US Department of Justice COPS Hiring Recovery Program Grant to apply for funds in the amount of \$727,329.00 for three (3) police officers (salary and benefits) for three years with the condition the officers are retained by the Township for

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

Resolution #09-237 Authorize Insertion into FY2009 Budget – Chapter 159 – Lead Identification and Field Testing Grant - \$8,000.00.

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 \$8,000.00 which is now available from the NJDCA Lead Identification and Field Testing Grant in the amount of \$8,000.00;

BE IT FURTHER RESOLVED that the like sum of \$8,000.00 is hereby appropriated under the caption of NJDCA Lead Identification and Field Testing Grant; and

BE IT FURTHER RESOLVED that the above is a result of funds from the NJDCA Lead Identification and Field Testing Grant in the amount of \$8,000.00.

Resolution #09-238 Renew Member in the Central Jersey Joint Insurance Fund – July 1, 2009 to July 1, 2012.

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

WHEREAS, said renewed membership terminates as of June 30, 2009 unless earlier renewed by agreement between the Township and the Fund; and

WHEREAS, the Township desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

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

Resolution #09-239 Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider – Recycling/Convenience Center – Pursuant to PL 1981, Amended by 1987, c102.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to a reasonable accurate estimates in advance; and

WHEREAS, P.L. 1981, c.278 amended by 1987, c.102, allows municipalities to receive amounts for costs incurred for Recycling/Convenience Center; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Recycling/Convenience Center as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Township of Franklin is hereby directed to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

Resolution #09-240 Authorize Release of Planning/Building Escrows and Inspection Fees.

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:	All Brunswick Investment	
ADDRESS:	3 Angelo Court, Monroe, NJ 08831	
DOCKET NO.	P2000076P	
BLOCK/LOT:	130/20-24	
LOCATION:	Somerset Street	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$7500.00 (CME)	
AMOUNT CHARGED:	<u>2776.50</u>	
AMOUNT TO BE REFUNDED:	\$4723.50	

APPLICANT:	All Brunswick Investment	
ADDRESS:	3 Angelo Court, Monroe, NJ 08831	
DOCKET NO.	P2000076P	
BLOCK/LOT:	130/20-24	
LOCATION:	Somerset Street	
TYPE:	Inspection Fees	
AMOUNT DEPOSITED:	\$1280.00 (Atty)	\$3720.00 (In-Hse)
AMOUNT CHARGED:	<u>1280.00</u>	<u>569.30</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$3150.70

Resolution #09-241 Authorize Release of Performance Guarantee - Matson Construction - Docket ##PLN2002-0009 - 178 Cedar Grove Lane - \$500.00 - 2 Monuments.

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

NAME OF APPLICANT:	Matson Construction
ADDRESS OF APPLICANT:	4 Nevins Court, Hillsborough, NJ 08844
ITEM:	Other - Monument
NUMBER:	Check # 3019
INSURANCE CO./BANK:	Public Service Federal Credit Union
DOCKET:	PLN2002-0009
IN THE AMOUNT OF:	\$500.00
FOR:	Block 424.12/Lot 3 - 178 Cedar Grove Lane - 2 Monuments @ \$250.00 each

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 Guarantee be release in the amount of \$500.00 to the above named applicant.

Resolution #09-242 Authorize Release of Maintenance Bond – U.S. Home Corp. – Bennetts Village – Docket #PLN2001-0003 – Maintenance Bond - \$160,179.28 – Site Improvements.

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

NAME OF APPLICANT:	US Home Corp. (Bennetts Village)
ADDRESS OF APPLICANT:	800 West Main Street, Freehold, NJ 07728
ITEM:	Maintenance Bond
NUMBER:	#1045856729
INSURANCE CO./BANK:	Travelers Casualty & Surety Co. of America
DOCKET:	PLN2001-0003
IN THE AMOUNT OF:	\$160,179.28
FOR:	Block 86.01/Lot 9.39 – Bennetts Village

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Maintenance Bond; 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 Maintenance Bond be release in the amount of \$160,179.28 to the above named applicant.

Resolution #09-243 Authorize Reduction of Performance Guarantee – Somerset-Douglas Realty, LLC – Docket #PLN2004-0064 – Somerset/Douglas – From \$1,600,000.00 to \$1,142,240.00 – Site Improvements.

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

NAME OF APPLICANT:	Somerset-Douglas Realty, LLC
ADDRESS OF APPLICANT:	11 Springfield Avenue, Somerset, NJ 08873
ITEM:	Irrevocable Letter/Credit
DOCKET:	PLN2004-00
FOR:	Block 237.02, 238.02/Lots 1-4 – Somerset Street
NUMBER:	08-001
INSURANCE CO./BANK:	New Millennium Bank
IN THE AMOUNT OF:	\$1,600,000.00

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

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 reduced from \$1,600,000.00 to \$1,142,240.00 to the above named applicant.

Resolution #09-244 Authorize Release of Performance Guarantee – 821 Somerset Street, LLC (formerly All Brunswick) – Docket #P2000076P - \$119,511.560 – Site Improvements (Withdrawn).

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

NAME OF APPLICANT:	821 Somerset St., LLC (Formerly All Brunswick)
ADDRESS OF APPLICANT:	c/o Peter Camamis, 3 Angelo Court, Monroe, NJ 08831
ITEM:	Irrevocable Letter/Credit

NUMBER: #90366
INSURANCE CO./BANK: Brunswick Bank & Trust
DOCKET: P2000076P
IN THE AMOUNT OF: \$119,511.60
FOR: Block 130/Lot 20-26 - 821 Somerset Street - Site Improvements

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee because the application has been withdrawn; 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 Guarantee be release in the amount of \$119,511.60 to the above named applicant.

Resolution #09-246 Award State Contract - Motorola, Inc. - Radio Repeater for the Police UHF Radio System - Amount Not to Exceed \$16,388.80.

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: **Motorola Inc.**
PO Box 29, Chester, NJ 07930-0029
SC No. A53804

ITEMS: Radio Repeater for the Police UHF Radio System
COST: Not to Exceed \$16,388.80

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 #09-247 Authorize Change Order #1 & Final - Reclamation of Cortelyou Lane - Della Pello Paving Inc. - Contract decreased from \$177,430.00 to \$149,690.40.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on June 24, 2008, authorized the awarding of a contract to

Della Pello Paving, Inc.
40 Milltown Road, Union, NJ 07083
Contract Amount: \$177,430.00

WHEREAS, the contract awarded to Della Pello Paving, Inc. for the Reclamation of Cortelyou Lane is in need of a change order as a result of a reduction in the total contract amount resulting in a new contract total of \$149,690.40; and

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 Order No. 1 & Final to the contract with Dello Pello Paving Inc.; and

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

Resolution #09-248 Authorize Purchase - Dell - ASAP Software - Amount Not to Exceed \$27,918.36.

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:

- VENDOR:** Dell, One Dell Way – MS 8723, Round Rock, TX 78682
State Contract 70256
- ITEMS:** MS SQL Device Client Software, MS Exchange Device Client Software & Exchange Server Enterprise Software Assurance from Dell ASAP
- COST:** Amount Not to Exceed \$27,918.36

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.

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; 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 #09-249 Authorize Change Order #1 & Final – 2008 Resurfacing Program, Ethel Area – Contract decreased from \$410,378.50 to \$393,216.39.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on August 12, 2008, authorized the awarding of a contract to

- VENDOR:** TILCON NEW YORK, INC.
- ADDRESS:** 625 Mount Hope Road
Wharton, NJ 07885
- ITEM:** 2008 Resurfacing Program, Ethel Area
- AMOUNT:** Amount Not to Exceed \$410,378.50

WHEREAS, the contract awarded to Tilcon New York, Inc. for the 2008 Resurfacing Program, Ethel Area is in need of a change order as a result of a reduction in the total contract amount resulting in a new contract total of \$393,216.39; and

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 Order No. 1 & Final to the contract with Tilcon New York, Inc.; and

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

Resolution #09-250 Authorize Transfer of Funds.

BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Fiscal Year 2009 Municipal Budget Appropriations:

Account #	Description	Expense	From	To
1-2009-230-210-2	Group Insurance-Liability	O & E	111,093.90	
1-2009-220-195-1	Construction	S & W	15,000.00	
1-2009-250-240-1	Police	S & W	150,000.00	
1-2009-250-245-1	Crossing Guards	S & W	5,000.10	
1-2009-310-446-2	Gasoline	O & E	100,000.00	
1-2009-270-335-2	Visiting Nurse	O & E	4,000.00	

1-2009-200-155-2	Legal	O & E	25,456.00	
1-2009-200-170-1	Economic Development	S & W		750.00
1-2009-210-185-1	Zoning Board	S & W		9,000.00
1-2009-270-332-1	Environmental Health	S & W		5,000.00
1-2009-270-330-1	Board of Health	S & W		2,700.00
1-2009-430-490-1	Municipal Court	S & W		2,000.00
1-2009-230-220-2	Group Insurance-Medical	S & W		250,000.00
1-2009-200-105-1	Human Resource	S & W		7,500.00
1-2009-200-102-1	Purchasing	S & W		4,500.00
1-2009-200-120-1	Municipal Clerk	S & W		4,100.00
1-2009-200-145-1	Tax Collector	S & W		20,000.00
1-2009-200-165-1	Engineering	S & W		25,000.00
1-2009-260-310-2	Buildings & Grounds	O & E		10,000.00
1-2009-310-435-2	Street Lights	O & E		50,000.00
1-2009-310-440-2	Telephone	O & E		20,000.00
			\$410,550.00	\$410,550.00

Resolution #09-251 Authorize Issuance of Special Event Permit – NJ Bocce Invitational Fundraising Event for “Operation Shoebox” – Boy’s and Girl’s Clubs – Colonial Park – June 20, 2009 – 8:00 am to 6:00 pm.

WHEREAS, a request has been received from the organizers of New Jersey Bocce Invitational for permission to conduct fundraising for Operation “Shoe Box” and Boys & Girls Clubs of New Jersey on June 20, 2009 at Colonial Park from 8:00 am to 6:00 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 organizers of New Jersey Bocce Invitational to conduct fundraising for Operation “Shoebox” and Boys & Girls Clubs of New Jersey on June 20, 2009 at Colonial Park from 8:00 am to 6:00 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 #09-252 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Tax/Water 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>
34.08/54.01C4222	BRERETON, JOHN 215 RACHEL COURT FRANKLIN PARK, NJ 08823	3/09 MORT. & TITLE CO. PAID	1,029.43
34.09/59.02C4715	MCDONALD, JOSEPH & NANCY 14 VILLAGE ROAD KENDALL PARK, NJ 08824	3/09 MORT. & TITLE CO. PAID	1,050.14
248/21	AYUBE, KADIR & YOLANDA 79 MARVIN AVENUE SOMERSET, NJ 08873	3/09 MORT. & TITLE CO. PAID	1,535.36
335/3	KONL, SERGIO & JESSICA 23 INDIANA ROAD SOMERSET, NJ 08873	3/09 MORT. & TITLE CO. PAID	1,876.38

348/30.01	BROOKS, ANTHONY 431 WEST POINT AVENUE SOMERSET, NJ 08873	3/09 MORT. & TITLE CO. PAID	2,119.15
386.10/88	MC CARTHY, BARBARA 88 ALMOND DRIVE SOMERSET, NJ 08873	3/09 MORT. & TITLE CO. PAID	1,066.22
386.17/129.104	WELLS FARGO REAL ESTATE 1 HOME CAMPUS DES MOINES, IA 50328	2/09 MORT. CO. PAID TWICE	1,477.40
371/43	SPENCE, CHRISTINE 25 MAYNARD ROAD SOMERSET, NJ 08873	3/09 OLD AND NEW MORT. CO. PAID	2,024.94

Resolution #09-253 Authorize Tax Appeal Settlement – Sutton, A.D. & Sons – Block 103/Block 8.01 – 55 School Street – Year 2009.

WHEREAS, Sutton, A.D. & Sons is the owner of certain property located at 55 School Street, which is identified as Block 103 Lot 8.01 on the tax maps of Franklin Township; and

WHEREAS, Sutton, A.D. & Sons filed an appeal to the Tax Court of New Jersey for said premises for the 2009 tax year; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, the following reduced assessment has been proposed:

<u>2009 Assessment</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
Land:	\$5,387,500.00	\$5,387,500.00
Improvements:	4,872,500.00	4,212,500.00
Total:	\$10,260,000.00	\$9,600,000.00

WHEREAS, the owner has agreed to waive all interest due on any refund provided same is paid within sixty (60) days from the date the Tax Court issues a judgment; and

WHEREAS, the Township Attorney, the Tax Assessor and Franklin Township’s Appraisal Consultant have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 26th day of May 2009 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #09-254 Authorize Tax Appeal Settlement – Equistar Somerset – Block 467/Lot 1.01 – 110 Davidson Avenue – Year 2008.

WHEREAS, Equistar Som is the owner of certain property located at 110 Davidson Avenue, which is identified as Block 467 Lot 1.01 on the tax maps of Franklin Township; and

WHEREAS, Equistar Som filed an appeal to the Tax Court of New Jersey for said premises for the 2006, 2007 and 2008 tax year; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, the tax appeals filed for the 2006 and 2007 tax year have been withdrawn; and

WHEREAS, as a result of those settlement negotiations, the following reduced assessment has been proposed:

<u>2008 Assessment</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
Land:	\$ 2,522,200.00	\$ 2,522,200.00
Improvements:	19,508,800.00	16,508,800.00
Total:	\$22,030,000.00	\$19,030,000.00

WHEREAS, the owner has agreed to waive all interest due on any refund provided same is paid within thirty (30) days from the date the Tax Court issues a judgment; and

WHEREAS, all tax overpayments and interest shall be by refund to the account of The Davidson Legal Group Attorney Trust Account FBO Somerset Plaza Partners, LLC as successor in interest to Equistar SOM, Plaintiff without any offsets or deductions whatsoever for any unpaid taxes or municipal charges for tax years subsequent to the tax years covered by this Stipulation; and

WHEREAS, as a material part of this settlement the parties agree that a County Board Petition will be filed by the Taxpayer Plaintiff on or before May 1, 2009 and the Assessor and the Township agree to settle such 2009 assessment at \$13,500,000 by County Board Judgment.

WHEREAS, the Township Attorney, the Tax Assessor and Franklin Township's Appraisal Consultant have recommended that said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED this 23rd day of September 2008 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #09-255 Authorize Issuance of Special Event Permit – Hamilton Street Business & Community Corporation – Caribbean Heritage Festival – June 27, 2009 from 11 am to 7 pm – 720 Hamilton Street.

WHEREAS, a request has been received from Hamilton Street Business & Community Corp. for permission to conduct the Caribbean Heritage Festival on June 27, 2009 from 11:00 am to 7:00 pm at 720 Hamilton Street; 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 & Community Corp. to conduct the Caribbean Heritage Festival on June 27, 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 #09-256 Authorize Issuance of Special Event Permit – Rocky Hill Cycling Classic – Annual Bike-a-thon – June 20, 2009 from 8:30 am to 1:00 pm.

WHEREAS, a request has been received from the Rocky Hill Cycling Classic Fund for permission to conduct the 3rd Annual Bike-A-Thon on June 20, 2009 traveling several roads within the Township of Franklin from 8:30 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 Rocky Hill Cycling Classic Fund to conduct a Bike-A-Thon on June 20, 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 #09-257 Authorize Purchase Over \$8500.00 – Upgrade to HVAC at the Multi-Purpose Building, 935 Hamilton Street – Nastus Brothers – Amount Not to Exceed \$22,750.00.

WHEREAS, the Township of Franklin desires to purchase items as follows:

VENDOR: **Nastus Brothers Inc.**
PO Box 7479, North Brunswick, NJ 08902

ITEMS: Upgrade to HVAC at the Multi-Purpose Building, 935 Hamilton Street

COST: Not to Exceed \$22,750.00

WHEREAS, this purchase is exempt from bidding as per N.J.S.A. 40A:11-3; and

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

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

Resolution #09-258 Authorize Purchase Over \$8500.00 – Survey Inspections for Somerset Run (Pulte) – Amount Not to Exceed \$15,200.00.

WHEREAS, the Township of Franklin desires to purchase items as follows:

VENDOR: **Steven Winter Assoc., Inc.**
307 7th Avenue, No. 1201, NY, NY 10001

ITEMS: Survey Inspections for Somerset Run (Pulte)

COST: Not to Exceed \$15,200.00

WHEREAS, this purchase is exempt from bidding as per N.J.S.A. 40A:11-3; and

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

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

Resolution #09-259 Authorize Issuance of Raffles License.

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
Operation Shoebox New Jersey

DATE OF RAFFLE/BINGO
June 20, 2009

152 US Highway 206
Hillsborough, NJ 08844
Drawing: Colonial Park

8:00 am to 6:00 pm
On-premises Raffle

RESOLUTION TO BE VOTED ON SEPARATELY

Resolution #09-245 Authorize Issuance of Special Event Permit – St. Sharbel Maronite Catholic Church Festival – Church Grounds – June 26-28, 2009.

Mayor Levine presented the following resolution:

WHEREAS, a request has been received from St. Sharbel Maronite Catholic Church for permission to conduct the Church Festival on the above mentioned dates and times at St. Sharbel Church Grounds; 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 St. Sharbel Maronite Catholic Church to conduct the St. Sharbel Church Festival on June 26, 27 & 28, 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.

After a very brief discussion, Mr. Vassanella moved to table the aforesaid resolution and directed it be sent back to the Technical Review Committee for further review. Said motion was seconded by Mr. Mettler and carried unanimously upon voice vote.

ADJOURNMENT

Ms. Francois moved to adjourn the meeting at 8:26 p.m. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *July 14, 2009*

Ann Marie McCarthy, Township Clerk