

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 8:05 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 July 14, 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 Councilwoman Francois led the Invocation.

The Deputy Township Clerk called the roll.

Present: Ms. Francois, Deputy Mayor Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter, Mr. Vassanella (present telephonically until 8:40 pm)

Absent: Ms. Danile, Ms. Eberle

Also present: Leslie G. London, Township Attorney, Kenneth W. Daly, Township Manager, Virginia M. Woodbury, Deputy Township Clerk

PROCLAMATION/COMMENDATIONS

Assemblyman Upendra Chivukula was present at the meeting and read a Joint Legislative Resolution that he presented to former Franklin Township Dispatcher Nicole DeBiase, Police Officers Brandon Domotor and Timothy Hutson who had, by their actions, saved the life of Jack Barrett, who was suffering a heart attack. Mr. Barrett is the father and father-in-law of Lisa and Frank Scalese of Franklin Park.

Mayor Levine and Deputy Mayor Glicklich also presented a commendation to former Dispatcher DeBiase and Officers Brandon Domotor and Timothy Hutson.

Deputy Mayor Glicklich read the following commendation:

WHEREAS, On March 14, 2009 an emergency call was received by 911 Dispatcher Nicole DeBiase regarding a Branchburg resident who suffered a heart attack while visiting his daughter and son-in-law in Franklin Park; and

WHEREAS, Dispatcher DeBiase, who responded in a calm and reassuring manner, collected the necessary information and immediately transmitted details to Officers Brandon Domotor and Timothy Hutson who quickly responded to the scene; and

WHEREAS, Employing techniques recently learned in a CPR course, Officers Domotor and Hutson successfully used a defibrillator to save the victim's life; and

WHEREAS, Dispatcher Nicole DeBiase, Officer Brandon Domotor and Officer Timothy Hutson are to be commended for their genuinely selfless actions that manifested their deep respect and caring for their fellow citizens,

NOW, THEREFORE, I, BRIAN D. LEVINE, MAYOR of the Township of Franklin, on behalf of the Township Council and all residents of the Township of Franklin, do hereby thank and commend

***DISPATCHER NICOLE DeBIASE
OFFICER BRANDON DOMOTOR
OFFICER TIMOTHY HUTSON***

and wish them continued safety, success and happiness in their careers as "Servants of the People".

Assemblyman Upendra Chivukula, Mayor Levine and Deputy Mayor Glicklich and members of the Township Council offered their congratulations to Ms. DeBiase, Officers Domotor and Hutson.

Due to the length of the Board of Health Meeting, the start of the Work Session/Regular Meeting was delayed until 8:05 pm. Mayor Levine proposed a resolution amending the agenda by deleting the Executive Session (Personnel/Health Department). Deputy Mayor Glicklich moved the resolution.

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>
Francois	Glicklich			Danile
Levine	Mettler			Eberle
Prasad	Sumter			
Vassanella				

Mayor Levine also moved to delete the Mayor's Report and the Deputy Mayor's Report from the agenda.

Mayor Levine explained that on advice of the Township Attorney, Ordinance #3843 (Authorize Interlocal Services Agreement with Somerset County for Health Department Services for the period of October 1, 2009 through December 31, 2011) was changed to Resolution #09-371.

Ms. Francois moved a resolution to amend the agenda. 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>
Francois	Glicklich			Danile
Levine	Mettler			Eberle
Prasad	Sumter			
Vassanella				

PUBLIC DISCUSSION

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

Anthony Ganim, 142 Cedar Grove Lane, spoke regarding the deer problem. Mr. Ganim presented the Council with copies of several articles from newspapers that reported problems that people have had because of the overpopulation of deer in residential neighborhoods. Mr. Ganim made several suggestions that he hoped would help control the deer population.

Courtney Throckmorton, 591 Somerset Street, stated that he has attempted to start a scholarship fund to which merchants and the Township might donate for the family of Police Officer Tom Kooledge.

Mr. Throckmorton also spoke about the deer problem and the threat of Lyme disease. He also spoke on the issue of the physical move of the Health Department and the loss of the supervisor. Mr. Throckmorton noted that he is in favor of keeping personnel of the Health Department in the municipal office.

Regarding the issue of the Tax Assessor, Mr. Throckmorton stated that people cannot forget the problems that were experienced during the tenure of the former Tax Assessor, adding that "something was wrong". He noted that people have persevered over those problems and favored a complete review. Mr. Throckmorton expressed his hope that he could look forward to an open and fair assessment.

Tom Canales, 1057 Lawrence Avenue, agreed with other speakers that deer are a nuisance and specifically mentioned their affect on traffic and the danger of accidents.

Mr. Canales spoke about the Health Department issue and stated that he was not for or against the resolution but asked a question with regard to the necessity of traveling to Somerville if services are not available on the local level.

Anthony Mazzola, 51 Zeller Drive, also spoke on the deer problem and the affects of the overpopulation on residential areas.

Mr. Mazzola gave a summary of his experience in the health field. He noted that the Council has made the choice to serve roads, etc. and not the people. Noting that the Township of Franklin comprises 1/5th of Somerset County, Mr. Mazzola stated that the residents need the Health Department in the Township to care for the large population. He noted that the H1N1 virus was present six years ago and there was then a shortage of resources and a boy died. Mr. Mazzola admonished the Council not to pave the municipal parking lot – to take care of people.

Mark Greico, 21 Cooper Avenue, noted that, in conversation with Deputy Mayor Glicklich, the Deputy Mayor had said good things regarding the people of the Health Department. Mr. Greico asked why the Council would send the department to County to save \$100,000 if in-house changes could save \$80,000. Mr. Greico noted also that the County will pay nurses. Stating that, although John Horensky said his intent is good, Mr. Greico agreed with Mr. Mazzola that County will probably use our resources in places other than Franklin and this is a risky course in the midst of a pandemic. Mr. Greico noted that John Horensky is Health Officer of all of Somerset County and he has said he would spend 20% of his time (8 hours a week) focused on Franklin. Mr. Geico urged the Council not to go with the County proposal, especially in the midst of a pandemic, because the residents of Franklin are not going to get the services they need.

Michael Kalafer, 582 Post Lane, noted that Mr. Prasad and Mr. Vassanella wanted to spend \$100,000 on GPS's, but they changed their minds in view of the economic environment. Mr. Kalafer also noted that the Township could have saved another \$25,000 by eliminating the fire works. The life of every citizen is worth more than GPS's or fire works; Mr. Kalafer stated and offered to write a check to keep the Health Department here.

Mr. Kalafer asked if anyone had called Councilwoman Danile to ask her to be here to vote.

Robert Burkowitz, 540 Post Lane, offered a summary of his background in the health related field. Mr. Burkowitz was an active licensed Pharmacist, who retired 8 ½ years ago to be with his grandchildren. As a member of the Medical Reserve Corps, he had participated in the operation of a Township flu clinic and was asked to join the Advisory Board of Health. Mr. Burkowitz stated that it is a mistake to take the department away; citing the opinion that he has no clue how John Horensky can run the Township Health department if the personnel are in Somerville.

Pat Giannoto, 602 Somerset Street, noted that the “customer service” aspect is very important and that would suffer if the Health Department is not in Franklin Township.

Phil Kramer, 429 Canal Road, stated that he could not say that the County cannot do as well as Franklin Township in operating the Health Department. Mr. Kramer explained that he spent time writing the questions that he submitted to Council and would like to have firm answers from Mr. Horensky.

Virginia Ganim, 142 Cedar Grove Lane, noted that the threat of swine flu will have to be addressed. Mrs. Ganim expressed her desire to keep the Health Department here in Franklin Township because they do an excellent job. Keep them here, she added.

Skip Schaeffer, 2 Laird Terrace, explained that he attends many Board of Education meetings and has been frustrated by the level of communication of the Board of Education with parents regarding H1N1. Mr. Schaeffer noted that rumors fly among parents as the Board of Education reacts to Health Department information. Parents rely on updates from

the Board of Education and communication would lessen if health department were not here. Mr. Schaeffer added that because the elderly and young are more susceptible to health issues, the health of kids needs quick response.

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

COUNCIL COMMENTS ON HEALTH DEPARTMENT RESOLUTION

Deputy Mayor Glicklich noted that if the Council needed answers to Mr. Kramer's questions, Mr. Horensky, Somerset County Health Officer, should be asked to answer them. Deputy Mayor Glicklich, in answer to Mr. Kalafer's question stated that he called Councilwoman Danile to ask if she would be at the meeting, saying more people, more ideas.

Mr. Prasad suggested that the questions Deputy Mayor Gicklich was asking and the questions presented to Council by Mr. Kramer be asked of Mr. Horensky.

Mr. Horensky noted that when he first talked to staff of Franklin Township, he was told that the Board of Health (Township Council) would make the decision whether or not to contract with Somerset County Health Department. Mr. Horensky explained that it will be necessary for him to evaluate the personnel that would be working in his office. He stated that there would be cross-training and all personnel would be prepared across the board. On the subject of having a satellite office in Franklin, Mr. Horensky said that even if the personnel did not go back to Somerset there would be no difference in the level of service to Franklin Township. Again, Mr. Horensky mentioned that if the Township wants a satellite office here he did not have a problem with that except that doing the required evaluations might be difficult.

Mr. Mettler asked if there were a satellite office in Franklin Township, would residents call the satellite office or would they call Somerset County Health Department.

Mr. Horensky answered that his staff in Somerville can help answer questions from Franklin residents. He stated that people call Bedminister Board of Health and calls are transferred to County.

Deputy Mayor Glicklich cited a situation where a neighbor wants to report an environmental emergency and asked, who does that person call?

Mr. Horensky answered that a call would go the cell phone of a staff Environmental Inspector in the area to cover the call.

Mayor Levine asked if County inspectors would go to other more threatening emergencies.

Mr. Horensky answered that if Franklin Township people had an emergency, other staff members would be sent to help.

Deputy Mayor Glicklich noted that Mr. Mazzola stated that Franklin Township has more resources here than County does. He asked what would happen in the case of an epidemic and the Health Officer got sick?

Mr. Horensky answered that only the most important things would get done – inspections would not be done and other routine matters would be put off until the emergency is over.

Deputy Mayor Glicklich asked if Health Department remained in Franklin, would the Acting Director or personnel call the County if we had an epidemic.

Mr. Horensky answered that the County would deal with the Township Board of Health and the Superintendent of Schools as partners to assist in an epidemic.

Deputy Mayor Glicklich, agreeing with Mr. Mazzola that people who suffer most are the poor who are possibly uninsured, asked Mr. Horensky how the County would deal with that problem.

Mr. Horensky noted that Somerset County runs Somerset Medical Centers to treat non-insured persons.

Mayor Levine asked Mr. Horensky if he felt that anyone's health would be in jeopardy if the Township were to approve the contract with Somerset County Health Department.

Mr. Horensky answered that he cannot stop people from getting sick or dying, but no one's health would be in jeopardy because of the structure of the Health Department.

Mr. Prasad noted that there was no leadership in the Township Health Department and Somerset County is the best choice of outsources. Mr. Prasad stated that the GPS's would have saved money, but the Council chose to forgo them to save \$150,000 and four jobs. Mr. Prasad stated that he supported the contract with the Somerset County Health Department because he did not believe that it would compromise health care of Township residents.

Mr. Mettler asked for an accounting of the statement that a six figure savings would be realized by the approval of the contract with Somerset County.

Deputy Mayor Levine noted that the elimination of the Health Officer's salary and benefits is a large part of the \$200,000 savings.

Mr. Mettler argued that he had a problem with the process that was followed and not having met with Mr. Horensky before tonight's meeting to learn about the details of the change. Mr. Mettler stated that he felt "sandbagged" and expressed his upset at losing the historic process of replacing one Township Health Officer – (Carlano with Galanowsky, Galanowsky with Elliot) – with another. Mr. Mettler asked if the public is really stronger for losing the local Health Department; he stated "we won't have any troops".

Ms. Francois agreed with Mr. Mettler that the figures that were presented concerning the savings that would be realized just did not add up. She noted that, if the Health Department was mismanaged, it was no reason to outsource it and that a certified Health Office is already on staff. Ms. Francois suggested that volunteers spend time with the planning board and Council preparing plans on how to proceed in the face of a pandemic. If Somerset County Health Department takes on more municipalities, we will not have management dedicated to Franklin Township, Ms. Francois said.

Mr. Vasanella noted that he felt confused regarding the question of how resources of the County would be dedicated to Franklin Township and how services to Franklin residents would not be affected by the change.

Mr. Horensky stated categorically that services to the residents of Franklin Township would not be lessened; employees would be hired on current salary fringe and they will get raises and have representation. Employees would get properly trained and some may be moved to other areas of service and County would reduce their fee.

Ms. Francois asked Mr. Daly to comment on his feelings regarding the proposed contract. Mr. Daly cited his comments of the last Council meeting; this decision is a difficult one but it must be made by the Board of Health (the Township Council), and it is only the first of many hard decisions that will have to be made this year in light of the economic crisis.

Resolution - #09-371 Authorize Interlocal Services Agreement with Somerset County for Health Services

WHEREAS, the Somerset County Board of Chosen Freeholders created the Somerset County Health Department pursuant to N.J.S.A. 26:3A2-1 *et seq.*; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A: 65-1 *et seq.* authorizes public entities to enter into inter-local agreements for shared or consolidated services that would result in reduced property taxes through the reduction of local expenses; and

WHEREAS, the Township and the County desire to enter into a contract whereby the County through the Somerset County Department of Health shall furnish health services of a technical and professional nature as hereinafter set forth to the Township, in consideration of payment as hereinafter provided, all in accordance with N.J.S.A. 26:3A2-1 *et seq.*, N.J.S.A. 40A:65-1 *et seq.* and N.J.S.A. 26:1A-15.

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

1. The County shall participate with the Township of Franklin's Emergency Management Coordinator in the preparation of the Public Health Annex to the Township's Emergency Management Plan.
2. The County shall provide properly licensed personnel within the territorial jurisdiction of the Township as necessary to carry out such public health activities as requested by the Township in the manner described in "*Public Health Practice Standards of Performance for Local Boards of Health in New Jersey.*" Such activities include, but are not limited to the following program areas:
 - a. ADMINISTRATION
 - b. HEALTH EDUCATION AND PROMOTION
 - c. ENVIRONMENTAL HEALTH
 - d. PUBLIC HEALTH NURSING
 - e. COMMUNICABLE DISEASE (N.J.A.C. Title 8, Chapter 57)
 - f. MATERNAL AND CHILD HEALTH
 - g. ADULT HEALTH AND PREVENTATIVE HEALTH SERVICES
 - h. HOUSING INSPECTIONS / COMPLAINTS

The Somerset County Department of Health will perform the following activities:

- Chapter 24 Inspections
- Demolition Inspections
- Hotel Inspections
 - Lead Investigations
- Multiple Dwelling Re-occupancy Inspections
- 5 yr. Common Area Inspections for Multiple Dwellings
- Massage Parlor Inspections
- Recreational Bathing Inspections
- Septic (installation, abandonment, repair, permeability test witnessing, plan reviews)
- Tattoo Parlor Inspections
- Well (installation and abandonment)
- Youth Camp Inspections
- Property Maintenance Complaints
- Public Health Nuisance Complaints
- Review of Planning and Zoning Board Applications
- Represent Department at LEPC, MAPSA , Technical Review Committee and Special Events Committee
- CDRSS Investigations
- Noise Complaints
- Temporary Food Inspections
- Hotel Inspections
- Recreational Bathing Inspections

3. The Township shall designate, during the life of this agreement, the Somerset County Health Officer as the fulltime Health Officer and Chief Executive Officer for all public health services of the Township of Franklin. The Somerset County Health Officer or his/her designee shall respond 24/7/365 with a 3X3 redundancy/back-up (3 staff with 3 means of contact) for all emergencies, disasters and/or hazardous situations.
4. During the term of this Agreement, all present and future public health employees, contracted public health employees or contracted public health agencies of the Township shall be under the administrative direction of the Health Officer.
5. The term of this contract shall be two (2) years and three (3) months, commencing October 1, 2009 and terminating December 31, 2011, renewable annually unless terminated earlier, as set forth in Paragraph 7. The base cost for the provision of the services set forth in this agreement shall be as follows:

October 1, 2009 through December 31, 2009	\$130,685.50
January 1, 2010 through December 31, 2010	\$553,355.00
January 1, 2011 through December 31, 2011	\$569,805.00

It is understood that the above base costs have been based on the best estimates of salary, and fringe benefits, before the 2009 budget has been approved. The base costs shall be adjusted by an amount equal to the actual increase or decrease in cost to the county to provide services under this contract. The County shall provide the Township such cost adjustment not later than January 31 of the contract year and will be reflected in the next monthly payment. The amount paid in 2009 pursuant to this agreement shall be paid on a monthly basis, in the first year the amount of **\$43,561.83** per month due on the first day of each month upon receipt of a voucher from the County, and in subsequent years increased or decreased pursuant to annual renewals.

6. During the period that the County provides public health services in accordance with the terms of this agreement, any State Aid received by the Township of Franklin or the Township for health services covered by this Agreement shall be paid to the County, and the County shall credit the State Aid toward the Township's annual cost for public health services.
7. Either party may terminate this contract upon 6 months written notice to the other. It is understood that should the Township terminate the contract prior to December 31 of any year, it shall pay the County such expenses as the County incurred in anticipation of its performance of services under this agreement. The County shall provide the Township with an accounting of any such expenses it claims to have incurred.
8. The County shall be responsible for the following health related duties:
 - A. Investigation of all animal bite complaints in accordance with all State statutes and regulations. The Township will provide the County with a copy of the most recent version of the quarantine procedure.
 - B. The Township shall contract for veterinary services for the purpose of preparing specimens for rabies investigation by the State Health Department. The County shall be responsible for transferring the specimen to the state laboratory in accordance with applicable regulations.
 - C. The Health Officer and/or other professional staff shall conduct investigations and/or supervise personnel in the making of investigations and inform the Township regarding violations of statutes, regulations or ordinances related to public health and assist the Township's attorney in obtaining compliance with the law.
 - D. The health officer and/or other professional staff shall furnish the Township with a written monthly report of all services rendered by the health officer and staff under the terms of this Agreement.

- E. The County or its representative shall, at the pleasure of the Township, attend monthly meetings of the local Advisory Board of Health and shall prepare a written report to the Franklin Township Board of Health and Board of Chosen Freeholders at least annually. Copies of said report shall be furnished to the Advisory Board of Health.
- F. The Township will issue retail food licenses, and the County shall review and approve plans and perform necessary inspections and investigate any violations. Any applicant for a temporary or permanent retail food license shall file its application with the Township of Franklin, and pay the appropriate license fee. The license shall then be sent to the County for signature, and follow up inspection. The County shall advise the Township of any immediate health hazard violations within 48 hours of the inspection.

The County will also perform inspections at special public events to assure that catered food is properly prepared and does not violate any retail food licensing requirements.

- G. The County will refer residents of Franklin Township to community wide health screening events.
 - H. The County will conduct general housing inspections in response to complaints and as provided for in the Code Book of the Township of Franklin.
 - I. The County will organize and conduct a yearly flu/pneumonia vaccination clinic on location in the Township of Franklin.
 - J. The County will assume the Township's existing contracts to fulfill the Township's obligations for public health nursing and physician services, as required by N.J.A.C. Title 8 Chapter 52.
 - K. Fulfillment of the Township's Public Health responsibilities as defined in the Emergency Operations Plan Annex for Public Health.
9. The County Department of Health will specifically not be responsible for providing the following services to the Township:
- A. Registrar of Vital Statistics.
 - B. Animal licensing and animal control services, including dead animal pick-up.
 - C. Hazardous Materials Response Services, which is the responsibility of another County department.
 - D. NJ Right to Know and PEOSHA compliance.
 - E. Township licensing activities.
 - F. Any other service not set forth in N.J.A.C. 8:51-1 *et seq.* NJAC 8:52-1
10. Any health services requested by the Township of the County, but not specifically covered by this Agreement will be negotiated separately, and separately billed at a rate agreed upon by the parties.
11. Designated representatives of the County and the Township will meet quarterly or more frequently as needed to address mutual problems and needs, objectives and methods of attaining objectives, and evaluation of accomplishments and adjustment and amendment of payments, if appropriate.
12. If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which said judgment has been rendered.

- 13. This Agreement and any amendments made hereto shall be subject to the formal approval by the Board of Chosen Freeholders and the Township of Franklin Board of Health.
- 14. This Agreement shall be subject to approval of the New Jersey State Commissioner of Health.
- 15. The Township may withdraw from this Agreement as set forth in Paragraph 7 in order to establish its own local health agency or to join with another municipality to establish a local health agency by adoption of a Resolution in accordance with N.J.S.A. 26:3A2-12. A certified copy of the Resolution must be submitted to the County at least six months prior to the date of withdrawal.

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

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

APPROVAL OF MINUTES

Mayor Levine presented the minutes of the following Work Session/Regular Meetings and Special Meetings for approval:

- a) April 14, 2009 Executive Session
- b) April 28, 2009 Work Session/Regular Meeting
- c) April 28, 2009 Executive Session
- d) May 11, 2009 Special Meeting
- e) May 11, 2009 Executive Session
- f) May 12, 2009 Work Session/Regular Meeting
- g) May 12, 2009 Executive Session
- h) May 26, 2009 Work Session/Regular Meeting
- i) May 27, 2009 Special Meeting
- j) May 27, 2009 Executive Session

Mr. Prasad moved the approval of the minutes of the aforementioned Work Session/Regular Meetings and Special Meetings. Said motion was seconded by Mr. Vassanella and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Glicklich	Levine		Vassanella	Danile
Mettler	Prasad		05/11 & 12/09	Eberle
Sumter	Vassanella		Sumter 05/11/09	
			Levine 05/12/09	

PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

Ordinance No. 3830

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY MORE PARTICULARLY CHAPTER 13, BOARDS AND COMMISSIONS, ARTICLE VII, EMERGENCY LIFE SUPPORT DELIVERY COMMITTEE

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. Sumter and carried unanimously upon call of the roll.

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

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

Mr. Sumter moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by 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>
Glicklich	Levine			Danile
Prasad	Sumter			Eberle
Vassanella				Francois
				Mettler

Ordinance No. 3834

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF STORM SEWER EASEMENT – JUANA CERDA – BLOCK 94/LOTS 27.01, 28.01, 29.01 AND 31.01 (F/K/A 27, 28, 29, 30 AND 31)

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. Sumter 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. Sumter 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. Sumter and carried as follows upon call of the roll:

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

Ordinance No. 3835

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226, TRAFFIC AND VEHICLES, SECTION 226-17 – VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS

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. Sumter 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. Sumter 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. 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>
Glicklich	Levine			Danile
Mettler	Prasad			Eberle
Sumter	Vassanella			Francois

Deputy Mayor Glicklich left the meeting at 10:10 pm.

Ordinance No. 3836

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 13, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, CABLE TELEVISION COMMITTEE

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. Mettler 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.

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

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

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

Ordinance No. 3837

Mayor Levine presented the following ordinance:

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

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. 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.

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.

Mr. Prasad 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>
Levine	Mettler			Danile
Prasad	Sumter			Eberle
Vassanella				Francois
				Glicklich

Ordinance No. 3838

Mayor Levine presented the following ordinance:

AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR AFFORDABLE HOUSING PURPOSES AND TO AUTHORIZE THE SALE OF CERTAIN PREMISES IN THE TOWNSHIP OF FRANKLIN PURSUANT TO NJSA 40A:12-13(a) - BLOCK 34.01, LOT 59.01 C1219 ALSO KNOWN AS 73 AMETHYST WAY, UNIT G-1, FRANKLIN PARK

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. Mettler 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. Sumter moved to close the public hearing on the ordinance. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Mr. Sumter moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by 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>
Levine	Mettler			Danile
Prasad	Sumter			Eberle
Vassanella				Francois
				Glicklich

ORDINANCES ON INTRODUCTION AND FIRST READING

Ordinance No. 3839

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 5, ADMINISTRATION OF GOVERNMENT, ARTICLE II EXECUTIVE AND LEGISLATIVE, SECTION 5-4, MEETINGS OF TOWNSHIP COUNCIL, SUBSECTION B – AGENDA AND SUBSECTION F – STANDING COMMITTEES

Mr. Prasad moved to table the ordinance to the next Council meeting. 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>
Levine	Mettler			Danile
Prasad	Sumter			Eberle
Vassanella				Francois
				Glicklich

Ordinance No. 3840

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMSET AND STATE OF NE WJERSEY, MORE PARTICULARLY CHAPTER 226 – VEHICLES AND TRAFFIC, SECTION 226-20 – STOP INTERSECTIONS AND SECTION 226-31 (C) - REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON ALL OTHER PRIVATE PROPERTY

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 August 11, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Sumter moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 11, 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>	<u>ABSENT</u>
Levine	Mettler			Danile	Eberle
Prasad	Sumter			Francois	Glicklich
Vassanella					

Ordinance No. 3841

Mayor Levine presented the following ordinance:

AN ORDINANCE AUTHORIZING FIRST AMENDMENT TO THE APRIL 10, 1994 LEASE BETWEEN THE TOWNSHIP OF FRANKLIN AND THE EAST FRANKLIN FIRE COMPANY

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 August 11, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Sumter moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 11, 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>	<u>ABSENT</u>
Levine	Mettler			Danile	Eberle

Prasad Sumter
Vassanella

Francois Glicklich

Ordinance No. 3842

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLI, COUNTY OF SOMERSET, NEW JERSEY CHAPTER 226, VEHICLES AND TRAFFIC, SECTION 226-31(C) – REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON ALL OTHER PRIVATE PROPERTY – DELETING SOMERSET GLENN

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 August 11, 2009 at 7:00 p.m. in the Municipal Complex.

Mr. Sumter moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on August 11, 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>	<u>ABSENT</u>
Levine	Mettler			Danile	Eberle
Prasad	Sumter			Francois	Glicklich
Vassanella					

CONSENT AGENDA ITEMS

Due to the fact that Deputy Mayor Glicklich left the meeting before the moving of the Consent Agenda for approval, Resolution (#09-366) was added back into the Consent Agenda. Deputy Mayor Glicklich does not vote on Canal Walk Associate issues because he lives in Canal Walk Development.

Motion was made by Mr. Vassanella and seconded by Mr. Prasad to amend the agenda to insert Resolution #09-366 into the Consent Agenda. Motion was carried unanimously upon a voice vote.

Upon motion by Mr. Vassanella seconded by Mr. 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>
Levine	Mettler			Danile
Prasad	Sumter			Eberle
Vassanella				Francois
				Glicklich

Resolution #09-330 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:

NAME OF ORGANIZATION
Somerset Hills Learning Institute
1810 Burnt Mills Road, Bedminster

DATE OF RAFFLE/BINGO
October 23, 2009
11:00 pm

Off-Premise Raffle – RL#1778
Drawing: The Palace at Somerset Park

Franklin Township Pop Warner
P.O. Box 6644, Somerset
Off-Premise Raffle – RL#1779
Drawing: Franklin Middle School

August 28, 2009
7:30 pm

Renaissance at Raritan Valley Women's Club
1 Renaissance Blvd., Somerset
On-Premise 50/50 – RL#1780
On-Premise Raffle – RL#1781
Drawings: 1 Renaissance Blvd., Somerset

Oct. 20, Dec. 16, 2009
Jan. 20, Feb. 17, Mar. 17, April 21,
2010 7:00 pm
Oct. 10, 2009 7:00 – 11:00 pm

Resolution #09-331 Authorize Tax Title Lien Redemptions – Outside Buyer.

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

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

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

Date of Sale: 06/08/07
Block/Lot: 89.01/1.01C1002
Name & Address: AMALAZARI, BALACHANDRA & SUREKHA
Amount: \$ 1,534.75
Make Check Payable To: JAMES C. OLDER
Certificate No.: 070071
Payment Received: 06/01/09

Date of Sale: 06/08/07
Block/Lot: 89.01/1.01C1004
Name & Address: AMALAZARI, BALACHANDRA & SUREKHA
Amount: \$ 1,332.35
Make Check Payable To: DAXUAN WANG
Certificate No.: 070072
Payment Received: 06/01/09

Date of Sale: 06/08/09
Block/Lot: 34.09/59.02C0171
Name & Address: ABBAS, GHULAM & ANISA; 138 TOPAZ DRIVE
Amount: \$ 508.04
Make Check Payable To: US BANK CUST FOR CCTS CAPITAL
Certificate No.: 09-046
Payment Received: 06/12/09

Date of Sale: 06/08/00
Block/Lot: 386.08/95
Name & Address: DILEO, CARLOS & ZBRANAK, JENNIFER; 16 ELLISON ROAD
Amount: \$ 2,263.84
Make Check Payable To: SOGIMA L-A LLC C/O YELLOW PAD
Certificate No.: 20-149
Payment Received: 06/12/09

Date of Sale: 06/09/05

Block/Lot: 190/23
Name & Address: BROWNE, BARBARA; 34 HAWTHORNE DRIVE
Amount: \$ 47,468.59
Make Check Payable To: ATFH REAL PROPERTY, LLC
Certificate No.: 05-049
Payment Received: 06/12/09

Date of Sale: 06/08/09
Block/Lot: 180/157
Name & Address: CORDERO, MARIA; 49 KOSSUTH STREET
Amount: \$ 343.27
Make Check Payable To: US BANK CUST FOR CCTS CAPITAL
Certificate No.: 09-133
Payment Received: 06/12/09

Date of Sale: 06/08/09
Block/Lot: 150/94
Name & Address: MARTIN, CLENTON D.; 11 CHESTER AVENUE
Amount: \$ 363.04
Make Check Payable To: GHARRO LLC
Certificate No.: 09-109
Payment Received: 06/12/09

Date of Sale: 06/08/09
Block/Lot: 172/24
Name & Address: DAVID, ROLANDO A.; 1 HENRY STREET
Amount: \$ 6,402.21
Make Check Payable To: PLYMOUTH FINANCIAL CO.
Certificate No.: 09-128
Payment Received: 06/15/09

Date of Sale: 06/08/09
Block/Lot: 119/47
Name & Address: ROLMAR LLC; 12 BLAIR AVENUE
Amount: \$ 3,095.03
Make Check Payable To: U.S. BANK-CUST/SASS MUNI V DTR
Certificate No.: 09-097
Payment Received: 06/15/09

Date of Sale: 06/08/09
Block/Lot: 37.02/5.04C1154
Name & Address: KILBURN, PETER N. & NICOLE M; 54 VICTORIA DRIVE
Amount: \$ 190.24
Make Check Payable To: JOHN LAFLAMME
Certificate No.: 09-056
Payment Received: 06/15/09

Date of Sale: 06/08/09
Block/Lot: 468.05/11
Name & Address: BATHAN, OSCAR & LEOMINDA; 22 EMERALD PLACE
Amount: \$ 346.59
Make Check Payable To: DAXUAN WANG
Certificate No.: 09-324
Payment Received: 06/16/09

Date of Sale: 06/08/09
Block/Lot: 34.05/53.01
Name & Address: BEEKMAN PLAZA ASSOCIATES, LLC; 3211 RT 27
Amount: \$ 54,230.08
Make Check Payable To: CRUSADER LIEN SERVICES, LLC
Certificate No.: 09-035
Payment Received: 06/16/09

Date of Sale: 06/08/09
Block/Lot: 386.10/48
Name & Address: MORONDA, FARAI R.; 48 ALMOND DRIVE
Amount: \$ 509.44
Make Check Payable To: MELISSA COMRIE
Certificate No.: 09-263
Payment Received: 06/17/09

Date of Sale: 06/08/09
Block/Lot: 20.03/9.03C2816
Name & Address: PYRAM, MICHELLE; 63 GREGORY LANE
Amount: \$ 331.88
Make Check Payable To: JOHN LAFLAMME
Certificate No.: 09-012
Payment Received: 06/17/09

Date of Sale: 06/08/09
Block/Lot: 242/9
Name & Address: KANE, TIMOTHY J SR & HARKAY, J A K; 103 HIGHLAND AVE
Amount: \$ 8258.17
Make Check Payable To: US BANK CUST FOR PHOENIX
Certificate No.: 09-181
Payment Received: 06/17/09

Date of Sale: 06/08/09
Block/Lot: 96/13
Name & Address: COLLINS, SHAWN; 146 DELMONICO AVENUE
Amount: \$ 536.37
Make Check Payable To: JAMES C. OLDER
Certificate No.: 09-091
Payment Received: 06/17/09

Date of Sale: 06/08/09
Block/Lot: 192/33
Name & Address: WROTEN, JAMES & WILLIE MAE; 14 COOPER AVENUE
Amount: \$ 7,989.05
Make Check Payable To: U.S. BANK CUST FOR PHOENIX
Certificate No.: 09-143
Payment Received: 06/17/09

Date of Sale: 06/08/09
Block/Lot: 423.01/17.08
Name & Address: HANKERSON, ROBBIN; 4 MICHAELANGELO CT.
Amount: \$ 248.55
Make Check Payable To: FRANK J. FESTA, JR
Certificate No.: 09-290
Payment Received: 06/18/09

Date of Sale: 06/08/09
Block/Lot: 34.08/54.01C4410
Name & Address: CABRERA, JUAN D.; 139 RACHEL CT.
Amount: \$ 283.41
Make Check Payable To: NITHI SERVICES LLC
Certificate No.: 09-043
Payment Received: 06/18/09

Date of Sale: 06/08/09
Block/Lot: 34.05/52.05C0106
Name & Address: CREA, CARMEN; 20-106 DELAR PARKWAY
Amount: \$ 2,286.62
Make Check Payable To: STUART LASHER
Certificate No.: 09-028
Payment Received: 06/18/09

Date of Sale: 06/08/09
Block/Lot: 157/36
Name & Address: MIDDLETON, SHERROD & GLIZER; 111 S. DOVER AVENUE
Amount: \$ 691.37
Make Check Payable To: DAXUAN WANG
Certificate No.: 09-114
Payment Received: 06/18/09

Date of Sale: 06/08/09
Block/Lot: 34.05/52.05C0601
Name & Address: ALLEN, ANDREA; 20-601 DELAR PARKWAY
Amount: \$ 312.53
Make Check Payable To: US BANK CUST FOR CCTS CAPITAL
Certificate No.: 09-032
Payment Received: 06/19/09

Date of Sale: 06/08/09
Block/Lot: 566/17
Name & Address: CASTRO, THERESA L.; 222 SANDERS AVENUE
Amount: \$ 223.90
Make Check Payable To: FRANK J. FESTA, JR
Certificate No.: 09-343
Payment Received: 06/19/09

Date of Sale: 06/08/09
Block/Lot: 424.04/192
Name & Address: SALZILLO, MICHAEL J.; 192 DICKENS CT
Amount: \$ 2,904.64
Make Check Payable To: STAPLE SEWING AIDS PENSION
Certificate No.: 09-300
Payment Received: 06/22/09

Date of Sale: 06/08/09
Block/Lot: 200/4
Name & Address: DUMBAYA, AMINATA; 68 HIGHLAND AVENUE
Amount: \$ 1,145.59
Make Check Payable To: JNH FUNDING CORP
Certificate No.: 09-155
Payment Received: 06/22/09

Date of Sale: 06/08/09
Block/Lot: 183/52
Name & Address: NADZAK, GZIM; 35 HOME ST
Amount: \$ 348.02
Make Check Payable To: US BANK CUST FOR CCTS CAPITAL
Certificate No.: 09-137
Payment Received: 06/24/09

Date of Sale: 06/08/09
Block/Lot: 200/15.01
Name & Address: KOROMA, EDWARD & CONTEH, RUKOH; 167 WINSLOW AVE
Amount: \$ 898.86
Make Check Payable To: DAXUAN WANG
Certificate No.: 09-157
Payment Received: 06/25/09

Date of Sale: 06/08/09
Block/Lot: 345/30
Name & Address: MUNOZ, ROBERT O & SANTA; 156 FARRELL STREET
Amount: \$ 7,972.84
Make Check Payable To: ELLIOT LOEB
Certificate No.: 09-237

Payment Received: 06/26/09
Date of Sale: 06/08/09
Block/Lot: 517.04/2.10
Name & Address: BNY-SOMERSET NJ LLC, C/O BANK OF NY; 636-640 PIERCE ST
Amount: \$ 122.64
Make Check Payable To: KAVITA & GHANSHANM CHAINANI
Certificate No.: 09-337
Payment Received: 06/26/09

Date of Sale: 06/08/09
Block/Lot: 507.17/175
Name & Address: CHAMBERS, KEVIN & VALERIE JEAN; 184 STONE MANOR DR
Amount: \$ 106.60
Make Check Payable To: KAVITA & GHANSHANM CHAINANI
Certificate No.: 09-333
Payment Received: 06/26/09

Date of Sale: 06/08/09
Block/Lot: 34.09/59.02C4716
Name & Address: ADAMS-HUFF, SANDRA
Amount: \$ 687.98
Make Check Payable To: DAXUAN WANG
Certificate No.: 09-051
Payment Received: 06/30/09

Date of Sale: 06/09/08
Block/Lot: 34.09/59.02C5718
Name & Address: FRANCIS, JAMES M.
Amount: \$ 146.91
Make Check Payable To: ATF, LLC BMO CAP MKTS COR AS SP
Certificate No.: 08-041
Payment Received: 06/30/09

Resolution #09-332 Amend FY2010 Temporary Budget.

WHEREAS, RS 40A:4-19 of the Local Budget Act provides that emergency temporary appropriations should be made for the purpose and amounts required;

NOW, THEREFORE, BE IT RESOLVED that the following emergency temporary appropriations be made; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Finance Officer of the Township of Franklin, County of Somerset, New Jersey:

CURRENT FUND BUDGET	SFY – 2009 EMERGENCY TEMPORARY BUDGET		
Description	Salary & Wages	Other Expenses	Total
Grant Obey the Signs or Pay the Fines	4,000.00		4,000.00
Total Appropriations	4,000.00		4,000.00

Resolution #09-333 Amend Contract amount to \$63,870.00 and Authorize Change Order – Energy Management System for Public Safety Building – Automated Building Controls, Inc. – Amount Not to Exceed \$9,809.00

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on July 8, 2008, authorized the awarding of a contract to Automated Building Controls, Inc., 3320 Route 66, Neptune, NJ 07753, Contract Amount: \$163,870.00 was incorrect; the correct amount of the contract was \$63,870.00; and

WHEREAS, the contract awarded to Automated Building Controls, Inc. for Energy Management System for the Public Safety Building is in need of a change order as a result of unforeseen additional work needed to complete the installation of the system in the amount of \$9,809.00 resulting in a new contract total of \$73,679.00; and

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

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.

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 amend the contract amount to \$63,870.00 and authorize the issuance of Change Order No. 1 to the contract with Automated Building Controls, Inc.;

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

Resolution #09-334 Award Bid – Repaving of the Municipal Parking Lot – Stilo Excavation – Amount Not to Exceed \$279,069.69.

WHEREAS, a notice to bidders for the receipt of bids for Repaving of the Municipal Parking Lot was published in the *Courier News* and posted on the Township's website on June 17, 2009 and receipt was on July 1, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for the Repaving of the Municipal Parking Lot:

VENDOR: Stilo Excavation
ADDRESS: 2907 S. Clinton Avenue
South Plainfield, New Jersey 07080
ITEM: Repaving of the Municipal Parking Lot
AMOUNT: Amount Not to Exceed \$279,069.69

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 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 FUTURE 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 #09-335 Approve Plan and Design – Repaving of the Municipal Parking Lot.

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 “Municipal Parking Lot Resurfacing” and prepared by the Township Engineer’s Office dated March 31, 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 #09-336 Award Bid – Resurfacing of Dahmer Road Area – A. Montone, Inc. – amount Not to Exceed \$407,110.12

WHEREAS, a notice to bidders for the receipt of bids for the Resurfacing of the Dahmer Road Area was published in the *Courier News* and posted on the Township’s website on June 17, 2009 and receipt was on July 1, 2009;

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

VENDOR: A. Montone Incorporated
ADDRESS: P.O. Box 760
 Holmdel, New Jersey 07733
ITEM: Resurfacing of the Dahmer Road Area
AMOUNT: Amount Not to Exceed \$407,110.12

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 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 #09-337 Approve Plan and Design – Resurfacing of Dahmer Road Area.

WHEREAS, a notice to bidders for the receipt of bids for the Resurfacing of the Dahmer Road Area was published in the *Courier News* and posted on the Township’s website on June 17, 2009 and receipt was on July 1, 2009;

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

VENDOR: A . Montone Incorporated
ADDRESS: P.O. Box 760
Holmdel, New Jersey 07733
ITEM: Resurfacing of the Dahmer Road Area
AMOUNT: Amount Not to Exceed \$407,110.12

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 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 #09-338 Award Bids - Housing Rehabilitation Projects - Neighborhood Preservation Program and CDBG - Ark Building and Remodeling, LLC for 83 Fuller Street in an amount not to exceed \$11,616.71 and 38 Douglas Avenue in an amount not to exceed \$18,795.00 - Neumann Construction for 113 Drake Road in an amount not to exceed \$18,450.00; 79 Meadow Avenue in an amount not to exceed \$14,050.00 and 20 Oliver Street in an amount not to exceed \$8,425.00.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf the following NPP (NHRP) and/or CDBG Grants for Rehabilitation, copies of which are on file with the Township Clerk and available for public inspection:

CONTRACTOR: Ark Building and Remodeling, LLC
756 Garden Street, Rahway, NJ 07065
PROJECT/AMOUNT: 83 Fuller Street/\$11,616.71
PROJECT/AMOUNT: 38 Douglas Avenue/\$18,795.00

CONTRACTOR: Neumann Construction
429 David Street, Perth Amboy, NJ 08879
PROJECTAMOUNT: 113 Drake Road/\$18,450.00
PROJECT/AMOUONT: 79 Meadow Avenue/\$14,050.00
PROJECT/AMOUNT: 20 Oliver Street/\$8,425.00

Resolution #09-339 Award Professional Services Contract - Preparation of Energy Efficiency and Conservation Block Grant - energy Solve Demand Response, LLC - Amount Not to Exceed \$16,550.00

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, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract; and

WHEREAS, funds are approved contingent upon receiving grant monies,

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) 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.
- (3) 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.
- (4) 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: ENERGY SOLVE DEMAND RESPONSE, LLC
ADDRESS: One Executive Drive, Suite 401, Somerset, NJ 08873
CONTRACT AMOUNT: Amount Not to Exceed \$16,550.00
SERVICE: Preparation of Energy Efficiency and Conservation Block Grant

Resolution #09-340 Award State Contract – Dell Marketing, LP – Servers for IT – Amount Not to Exceed \$13,713.00

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 Marketing LP, PO Box 64361, Pittsburgh, PA 15264-3561
State Contract 70256
ITEMS: Servers for IT
COST: Amount Not to Exceed \$13,713.00

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

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 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 #09-341 Award Professional Services Agreement – Land Preservation Consultant – Loos Consulting – Amount Not to Exceed \$70,000.00.

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

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

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract;

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" must be publicly advertised;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) 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.
- (3) 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.
- (4) 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:	<i>Loos Consulting</i>
ADDRESS:	39 Fisher Drive, Franklin Park, NJ 08823
CONTRACT AMOUNT:	Amount Not to Exceed \$ 70,000.00
SERVICE:	Open Space Consultant – FY2010

Resolution #09-342 Award Bid – Hamilton Street Streetscape Project – Caro Corporation – amount Not to Exceed \$194,434.21

WHEREAS, a notice to bidders for the receipt of bids for the Hamilton Street Streetscape Project was published in the *Courier News* and posted on the Township's website on May 18, 2009 and receipt was on June 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 the Hamilton Street Streetscape Project:

VENDOR:	Caro Corporation
ADDRESS:	70-76 Passaic Avenue, Florham Park, NJ 07932
ITEM:	Hamilton Street Streetscape Project
AMOUNT:	Amount Not to Exceed \$194,434.21

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 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 #09-343 Authorize Submission of Grant Application – Somerset County Youth Athletic Field Grant - \$15,000.00

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

Infield Mix for nine (9) Township Ballfields - \$15,000.00

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

Resolution #09-344 Authorize Release of Planning and Inspection Fees 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:	Chestnut Avenue Assoc V, LP		
ADDRESS:	171 Route 173, Suite 201, Asbury, NJ 08802		
DOCKET NO.	PLN2005-0027		
BLOCK/LOT:	528.05/130.01		
LOCATION:	Howard Avenue		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$8374.50 (Schoor)	\$1575.00 (Heyer)	\$5550.00 (In-Hse)
AMOUNT CHARGED:	<u>8374.00</u>	<u>1575.00</u>	<u>0.00</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$5550.00

APPLICANT:	World's Fair Drive, LLC		
ADDRESS:	77 Union Street, Dover, NJ 07801		
DOCKET NO.	ZBA-07-00007		
BLOCK/LOT:	468.11/18.06		
LOCATION:	34 World's Fair Drive		
TYPE:	Inspection Fees		
AMOUNT DEPOSITED:	\$20,799.00 (In-Hse)		
AMOUNT CHARGED:	<u>16,919.29</u>		
AMOUNT TO BE REFUNDED:	\$ 3,879.71		

APPLICANT:	Summerfields @ Franklin		
ADDRESS:	812 Central Avenue, Westfield, NJ 07090		
DOCKET NO.	PLN2006-0016		
BLOCK/LOT:	514/4.01-4.02		
LOCATION:	Schoolhouse Road and Randolph Road		
TYPE:	Plan Review		
AMOUNT DEPOSITED:	\$6833.50 (Schoor)	\$725.00 (Atty)	\$687.50 (Heyer)
AMOUNT CHARGED:	<u>6833.00</u>	<u>725.00</u>	<u>687.50</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$ 0.00

TYPE: Plan Review

AMOUNT DEPOSITED: \$2754.00 (In-Hse)
AMOUNT CHARGED: 393.35
AMOUNT TO BE REFUNDED: \$2360.65

APPLICANT: Hugo & Grace Florez
ADDRESS: 488 North Bridge Street, Bridgewater, NJ 08807
DOCKET NO. ZBA2006-0737
BLOCK/LOT: 235/9-10
LOCATION: 453-455 Franklin Blvd.
TYPE: Plan Review
AMOUNT DEPOSITED: \$125.00 (Atty) \$2401.00 (CME) \$1225.00 (Heyer)
AMOUNT CHARGED: 125.00 2401.00 1225.00
AMOUNT TO BE REFUNDED: \$ 0.00 \$ 0.00 \$ 0.00

AMOUNT DEPOSITED: \$2249.00 (In-Hse)
AMOUNT CHARGED: 915.12
AMOUNT TO BE REFUNDED: \$1333.88

APPLICANT: Lennar (formerly US Homes) (Bennetts Village)
ADDRESS: 800 West Main Street, Freehold, NJ 07728
DOCKET NO. PLN2001-0003
BLOCK/LOT: 86.01/9.39
LOCATION: Dahmer Road & Bennetts Lane
TYPE: Inspection Fees
AMOUNT DEPOSITED: \$59,753.28 (CME) \$4572.40 (In-Hse)
AMOUNT CHARGED: 59,753.28 0.00
AMOUNT TO BE REFUNDED: \$ 0.00 \$4572.40

APPLICANT: NJ Chinese Community Center
ADDRESS: 17 Schoolhouse Road, Somerset, NJ 08873
DOCKET NO. ZBA2004-0106
BLOCK/LOT: 517.05/35.11
LOCATION: 17 Schoolhouse Road
TYPE: Plan Review
AMOUNT DEPOSITED: \$564.50 (CME) \$860.00 (Heyer) \$1575.50 (In-Hse)
AMOUNT CHARGED: 564.50 860.00 0.00
AMOUNT TO BE REFUNDED: \$ 0.00 \$ 0.00 \$1575.50

Resolution #09-345 Authorize Release of Performance Guarantee – Worlds Fair Drive, LLC – Docket No. ZBA-07-00007 – 34 World’s Fair Drive – Remainder of Site Improvements - \$10,000.00.

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

NAME OF APPLICANT: World’s Fair Drive LLC
ADDRESS OF APPLICANT: P.O. Box 1235, Madison, NJ 07940
ITEM: Performance Bond
NUMBER: 1653
INSURANCE CO./BANK:
DOCKET: ZBA-07-00007
IN THE AMOUNT OF: \$10,000.00
FOR: Block 468.11/Lot 18.06
Remainder of Site Improvements

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 \$10,000.00 to the above named applicant.

Resolution #09-346 Authorize Release of Road Opening Permit – Cedar Manor, LLC – Permit #08-00016 – 102 Pierce Street - \$6,300.00

WHEREAS, the following have deposited a Bond Surety for Road Opening Permits; and

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

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

Permit Number:	08-00016
Opening Location:	102 Pierce Street
Block/Lot:	468.08/1&2.01
Applicant's Name & Address:	Cedar Manor LLC 812 Central Avenue, Westfield, NJ 07090
Escrow/Bond Surety:	\$6,300.00

Resolution #09-347 Approval of Stormwater Infiltration/Detention Facility Maintenance Agreement – Somerset Elizabeth II, LLC – Docket #PLN07-00020.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Stormwater Infiltration/Detention Facility Maintenance Agreement with Somerset Elizabeth, LLC, with offices located at 20 Ridge Road, Suite 210, Mahwah, NJ 07430-2007 for property known as Block 507.15, Lot 1.01, also known as 759 Elizabeth Avenue pursuant to the Planning Board Resolution approval dated March 5, 2008 in connection with the construction of a 43,364 square-foot retail area and a free-standing 4.025 square-foot Wachovia Bank with three (3) drive-thru lanes and a by-pass lane on the property subject to form approved by the Township Attorney, a copy of which is on file in the office of the Township Clerk and available for public inspection.

Resolution #09-348 Authorize Consent of the North Brunswick Water NJDEP Treatment Works Permit Application for a Proposed Clear Well Overflow Dechlorination Chamber for Their Water Treatment Plant Located on Canal Road.

WHEREAS, the Township of North Brunswick must install a dechlorinating chamber at their water treatment plant located on Canal Road in Franklin Township; and

WHEREAS, the construction of a dechlorination system requires the submission of a NJDEP Treatment Works Application (TWA) for a construction permit; and

WHEREAS, the application requires that consent be obtained where the facility is located in Franklin Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that consent is hereby given to North Brunswick's NJDEP Treatment Works Application for a construction permit in connection with the installation of a dechlorination chamber at their water treatment plant located on Canal Road in Franklin Township; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the appropriate Township officials to execute these applications on its behalf.

Resolution #09-349 Confirm Appointment of Tax Assessor – Richard Carabelli

WHEREAS, pursuant to N.J.S.A. 40A:9-146, the governing body or chief executive, as shall be appropriate to the form of government of the municipality shall provide for the appointment of a tax assessor; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, every municipal tax assessor shall hold his office for a term of four years from the first day of July next following his appointment and vacancies other than due to expiration of term shall be filled by appointment for the unexpired term; and

WHEREAS, the Township Manager has appointed Richard Carabelli as Tax Assessor for an unexpired four-year term ending June 30, 2012;

BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby confirms the appointment of Richard Carabelli as Tax Assessor of the Township of Franklin for an unexpired four-year term ending June 30, 2012.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Somerset County Board of Taxation.

Resolution #09-350 Authorize Discharge of Affordable Housing Agreement and Repayment Mortgage – 239 Rachel Court, Franklin Park.

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 239 Rachel 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 #09-351 Award Bid – HVAC – Maintenance for All Buildings – Carrier Corporation – Amount Not to Exceed \$15,850.00

WHEREAS, a notice to bidders for the receipt of bids for the HVAC Maintenance for all Municipal Buildings was published in the *Courier News* and posted on the Township's website on June 3, 2009, addendum on June 11, 2009 and receipt was on June 25, 2009;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for the HVAC Maintenance for all Municipal Buildings

VENDOR: Carrier Corporation
ADDRESS: 14-30 Madison Road, Fairfield, NJ 07004
ITEM: HVAC Maintenance for all Municipal Buildings
AMOUNT: Amount Not to Exceed \$15,850.00

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 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 #09-352 Reject Bids – HVAC Minor Repairs.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby reject the minor repairs portion of the bids received and opened for HVAC maintenance for all Municipal Buildings and Minor Repairs.

Resolution #09-353 Authorize Mortgage Subordination – 54 DeWald Avenue.

WHEREAS, the Township of Franklin holds a CDBG House Rehabilitation Deferred Payment Loan in the amount of \$24,825.00 regarding Lot 14 in Block 222, 54 Dewald Avenue in the Township of Franklin, assessed to Anna Johnson; and

WHEREAS, the property owner is seeking an additional Mortgage for an amount of \$211,000.00 from Center Street Mortgage ISAOA/ATIMA; and

WHEREAS, Center Street Mortgage ISAOA/ATIMA has requested that the Township of Franklin subordinate its Mortgage to Center Street Mortgage; and

WHEREAS, the Tax Assessor's Office has advised the fair market value of Lot 14 in Block 222 is approximately \$275,000.00; and

WHEREAS, it has been determined that there is enough equity in the above mentioned premises to subordinate the Township's Mortgage to Center Street Mortgage ISAOA/ATIMA;

NOW, THEREFORE, BE IT RESOLVED this 14th day of July, 2009 by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Mayor and Township Clerk of the Township of Franklin are hereby authorized and directed to execute the Subordination of Mortgage whereby the Township of Franklin shall subordinate its Mortgage to Center Street Mortgage ISAOA/ATIMA regarding Lot 14 in Block 222, located in the Township of Franklin.

Resolution #09-354 Authorize Use of Township Equipment and Facilities for Council Candidate Debates.

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby authorizes the use of Township video equipment and facilities for the 2009 Township Council Debates;

BE IT FURTHER RESOLVED that any expenses incurred for said debates will be paid by both Township political parties;

BE IT FURTHER RESOLVED that the Township's political parties will provide a complete and broadcast ready copy to the Township for viewing.

Resolution #09-355 Authorize Agreement between Second Chance for Animals, Inc. and the Township – Funding for Two (2) Additional Part-Time Workers for Animal Shelter.

WHEREAS, Franklin Township is desirous of hiring an additional two (2) part-time animal control workers to assist staffing the Animal Shelter; and

WHEREAS, Second Chance for Animals, Inc. is desirous of providing funding to the township to enable it to hire an additional two (2) part-time animal control workers to assist staffing the Animal Shelter; and

WHEREAS, the Interlocal Services Act (Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et seq)) authorizes and empowers the Township of Franklin and Second Chance for Animals Inc. to enter into such an agreement;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Franklin, County of Somerset does hereby authorize the Mayor and Township Clerk to execute said interlocal agreements, as approved by the Franklin Township Attorney and to be on file with the Township Clerk.

Resolution #09-357 Authorize Membership in the New Jersey Sustainable Energy Management Joint Meeting.

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the Township Council of the Township of Franklin has determined that membership in the Joint Meeting is in the best interest of the Township of Franklin;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other municipalities in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage municipalities to cooperate in seeking ways to jointly implement sustainable energy alternatives;

BE IT FURTHER RESOLVED that the Mayor is authorize to execute the Joint Meeting Contract, attached hereto, and that Kenneth W. Daly is hereby designated to represent the Township of Franklin as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the initial membership fee of \$600.00 as required by the NJSEM's by-laws and to deliver same to the Executive Director of the NJSEM.

Resolution #09-359 Authorize Display of Fireworks – The Palace at Somerset Park – Dall/Harlan Wedding on July 24, 2009 and Inumerable/Nucum Wedding on July 26, 2009

WHEREAS, The Palace has made application for permission to hold a fireworks displays in conjunction with:

Dall/Harlan Wedding – Saturday, July 24, 2009
Inumerable/Nucum Wedding – Sunday, July 26, 2009

all to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m.; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to The Palace to hold a fireworks displays in conjunction with:

Dall/Harlan Wedding – Saturday, July 24, 2009
Inumerable/Nucum Wedding – Sunday, July 26, 2009

all to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m.; subject to the following conditions:

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

Resolution #09-360 Award State Contract – Maintenance of Police Department Trunked Radio System – FY2010 – Motorola – Amount Not to Exceed \$139,019.04.

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: Motorola
1307 East Algonquin Rd., Schaumburg, IL 60196
State Contract 53804

ITEMS: Maintenance of Police Department Trunked Radio System – FY2010

COST: Amount Not to Exceed \$139,019.04

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, 2010 is contingent upon availability of funds in the 2011 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 #09-361 Award Contract – Support/Maintenance of Police Mobile Computers – FY2010 – Bio-Key International Inc. – Amount Not to Exceed \$14,066.78

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

VENDOR: **Bio-Key International Inc.**
300 Nickerson Road, Marlborough, MA 01752

ITEMS: Support/Maintenance of Police Mobile Computers – FY2010

COST: Not to Exceed \$14,066.78

WHEREAS, this purchase is exempt from bidding as per N.J.S.A. 40A:11-5(dd); 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 #09-362 Award State – Police Software Maintenance Agreement - FY2010 – Queues Enforth Development, Inc. – Amount Not to Exceed \$22,974.00

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: Queues Enforth Development Inc.
14 Summer Street, Malden, Massachusetts 02148
State Contract 69836
ITEMS: Police Software Maintenance Agreement – FY2010
COST: Amount Not to Exceed \$22,974.00

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

WHEREAS, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 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 #09-363 Award Contract – Alignment and Spring Work on Township Vehicles as Needed – Two-Year Contract – Perth Amboy Spring Works – amount Not to Exceed \$24,000.00

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

VENDOR: **Perth Amboy Spring Works**
185 Sheridan Street, Perth Amboy, NJ 08861
ITEMS: Alignment and Spring Work on Township Vehicles as Needed – 2-year Contract
COST: Not to Exceed \$24,000.00 for two-years

WHEREAS, this purchase is exempt from bidding as per N.J.S.A. 40A:11-4; 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 #09-364 Authorize Refund of Deposits for Construction Water Meters.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 384-11 of the Code**; and

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

APPLICANT: Rezkom Enterprises (Society Hill I)
ADDRESS: 11 Cindy Lane Suite 7, Ocean, NJ 07712
AMOUNT DEPOSITED: \$ 850.00

AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 135.00
AMOUNT TO BE REFUNDED: \$ 715.00

APPLICANT: CP Painting Inc.
ADDRESS: 134 Kenvil Avenue, Unit 7, Kenvil, NJ 07847
AMOUNT DEPOSITED: \$ 850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 150.00
AMOUNT TO BE REFUNDED: \$ 700.00

APPLICANT: MJB Contractors
ADDRESS: 11 Jackson Street, Suite 2C, South River, NJ 08882
AMOUNT DEPOSITED: \$ 850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT
FOR SERVICE CHARGE & WATER USAGE \$ 135.00
AMOUNT TO BE REFUNDED: \$ 715.00

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

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

Resolution #09-366 Authorize Release of Winter Bonds – Canal Walk Association, LLC
- \$500.00 – 11 Mayflower Court

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

NAME OF APPLICANT: Canal Walk Associates
ADDRESS OF APPLICANT: 112 Schoolhouse Road, Somerset, NJ 08873
ITEM: Winter Bond
NUMBER: #4649 & 4651
INSURANCE CO./BANK: JP Morgan Chase Bank, N.A.
DOCKET: P98050
IN THE AMOUNT OF: \$500.00
FOR: Block 513.38/Lot 21 – 11 Mayflower Court

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Winter 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 Winter Bond be release in the amount of \$500.00 to the above named applicant.

Resolution #09-367 State Contract – M. M. Wertheim, Inc. – Installation of Stage 2 Vapor Recovery System – (NJDEP Mandate) – Township Gas Tanks
– Amount Not to Exceed \$184,204.38

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: M. M. Wertheim, Inc.
ADDRESS: 580 Union Avenue
Bridgewater, New Jersey 08807
State Contract #63630
ITEMS: Installation of Stage 2 Vapor Recovery Systems – Township Gas Tanks
COST: Amount Not to Exceed \$184, 204.38

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 #09-368 Professional Services Agreement – Nursing Services – Valerie Sparandero, Susan Gaccione and Bonnie Merritt – August 1, 2009 through September 20, 2009 - \$27.25 per hour, Not to Exceed \$9,600.00

WHEREAS, the Township of Franklin is desirous of extending the contract for the Nursing Services for two months, from August 1, 2009 to September 30, 2009; and

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

Bonnie Merritt, 18 Newport Avenue, Somerset, NJ 08873

Valerie Sparandero, 5 Arrowhead Drive, Neshanic Station, NJ 08853

Susan Gaccione, 29 Rittner Lane, Old Bridge, NJ 08857

Nursing Services for August 1, 2009 to September 30, 2009, at current rate of \$27.25 per hour, not to exceed \$9,600.00.

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 provider.

BE IT FURTHER RESOLVED, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

my hand and affixed the seal of said Township this 15th day of July 2009.

Resolution #09-369 Professional Services Agreement – Physician Services – Dr. Rohini Jobanputra – August 1, 2009 – September 30, 2009 - \$200.00 per clinic. Not to Exceed \$2,800.00

WHEREAS, the Township of Franklin is desirous of extending the contract for the Physician Services for two months, August 1, 2009 to September 30, 2009; and

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

Rohini Jobanputra, MD, 1982 Holland Drive, Somerville, NJ 08876

Physician Services for August 1, 2009 to September 30, 2009 at current rate of \$200 per clinic, not to exceed \$2,800.00.

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 provider.

BE IT FURTHER RESOLVED, continuation of the terms of this contract beyond June 30, 2010 is contingent upon availability of funds in the 2011 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

Resolution #09-370 Authorize Issuance of 2009-2010 Liquor License – Crowne Plaza Somerset.

WHEREAS, application has been received for one (1) Plenary Retail Consumption License, issued under the Hotel-Motel Exception; and

WHEREAS, the application has been made to the Township Clerk and filing fees have been paid to the Township and to the State of New Jersey, Division of Alcoholic Beverages; and

WHEREAS, the Health Officer, the Chief of Police and Fire Inspector have inspected the applicants' property and have approved them as per letters filed with the Township Clerk; and

WHEREAS, no objections have been filed with the Township Clerk; and

WHEREAS, said application has been examined by the Township Council and the Township Council finds that:

The submitted application forms are complete in all respects:

The applicant is qualified to be licensed according to all statutory, regulatory and Local Government Alcoholic Beverage Control Laws and Regulations;

The applicant has disclosed and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business; and

NOW, THEREFORE, BE IT RESOLVED this 14th day of July, 2009 by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey that the Township Clerk be and she is hereby instructed to issue one (1) Plenary Retail Consumption License under the Hotel/Motel exception to the following:

1808-36-044-001 Somerset Banquets, LLC t/a Crowne Plaza Somerset

APPOINTMENTS

Mayor Levine called for nominations for appointments to the Boards and Commission as listed on the Agenda:

Mr. Mettler nominated Jan ten Broeke as Franklin Township Representative to the Somerset County Cultural & Heritage Advisory Council for a one-year term ending December 31, 2009. Mr. ten Broeke was approved by unanimous voice vote.

Mayor Levine congratulated Mr. ten Broeke.

Mr. Prasad nominated Azim Uddin as Citizen Member of the Rent Leveling Board for an unexpired three (3) year term ending December 31, 2010. Mr. Uddin was approved by unanimous voice vote.

Mayor Levine congratulated Mr. Uddin.

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:

Litigation:

DesLauriers Municipal Solutions v. Twp. of Franklin, et al – Docket No. 3-06 cv 00919 (US District Court)

- 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 Mr. Vassanella, seconded by Deputy Mayor Glicklich and carried as follows upon call of the roll:

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

The meeting adjourned into Executive Session at 10:40 p.m.

Upon motion by Mr. Prasad and seconded by Mr. Vassanella, the meeting reconvened at 11:00 p.m. Said motion carried unanimously upon call of the roll.

Mayor Levine announced that the Township Council discussed the following:

Litigation:

DesLauriers Municipal Solutions v. Twp. of Franklin, et al – Docket No. 3-06 cv 00919 (US District Court)

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. Mettler moved to adjourn the meeting at 11:05 p.m. Said motion was seconded by Mr. Vassanella and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Date: *August 11, 2009*

Brian D. Levine, Mayor

Virginia M. Woodbury,
Deputy Township Clerk