

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:10 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 Franklin Township Municipal Complex at 7:00 p.m. on January 10, 2012. 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 Sherman led the Invocation.

The Township Clerk called the roll.

Present: Mr. Chase, Ms. Francois, Mr. Kramer, Mayor Levine, Deputy Mayor Prasad, Ms. Sherman, Mr. Vassanella (arrived at 7:27 p.m.), Mr. Wright

Absent: Mr. Regan

Also present: Craig R. Novick, Township Manager, Louis N. Rainone, Township Attorney and Ann Marie McCarthy, Township Clerk.

#### **MAYOR'S REPORT**

Mayor Levine made the following report:

- Welcomed all those attending and TV viewers.
- Explained how the meeting is conducted and announced it is live.
- Reminded all that most of the meetings are public and are generally held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month with the exception of July, August and December.

#### **DEPUTY MAYOR'S REPORT**

Deputy Mayor Kramer spoke of the tragic homicide that occurred two week previous and commended the Police Department for their hard work in solving the case. He also reported that Mr. Regan's brother was involved in a serious car accident that morning.

#### **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

##### **Public Hearing on Analysis of Impediments to Fair Housing Report**

Deputy Mayor Kramer moved to open the meeting for a public hearing on the Analysis of Impediments to the Fair Housing Report. Said motion was seconded by Ms. Sherman and carried unanimously upon voice vote.

There being no comments from the public, Mr. Wright moved to close the meeting for a public hearing on the Analysis of Impediments to the Fair Housing Report. Said motion was seconded by Ms. Sherman and carried unanimously upon voice vote.

**Resolution #12-007** Approval and Submission of Analysis of Impediments to Fair Housing Report

Mayor Levine presented the following resolution to Council:

**WHEREAS**, as a requirement for receiving grant funding under the Housing and Community Development Act of 1974, each federal grantee is required to certify that the awarded grant will be carried out and administered according to the Fair Housing Act and that the grantee will work diligently to affirmatively further fair housing; and

**WHEREAS**, under the Township's Consolidated Plan, HUD recipients are required to:

1. Examine and attempt to alleviate housing discrimination within their jurisdiction;
2. Promote fair housing choice for all persons;
3. Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin;
4. Promote housing that is accessible to and usable by persons with disabilities; and
5. Comply with the non-discrimination requirements of the Fair Housing Act; and

**WHEREAS**, the following impediments have been identified in the Township's Fair Housing Study:

1. Lack of Education regarding Fair Housing Laws.
2. Complaint Process – There is a general confusion on where to file a complaint when a violation occurs.
3. Bias in Lending – The most common denial is lack of credit history or poor credit history.
4. The need for decent affordable housing – the study finds that 43% of Franklin Township renters pay more than 30% of their income on housing costs (compared to 46% nationwide according to the American Community Survey 2006). A greater percentage of Franklin owner occupied households are “housing-cost burdened” than the national average. Nearly 43% of Franklin owner occupied households pay more than 30% of their income on housing costs compared to 37% nationwide. Further nearly 30% of Franklin households without a mortgage pay 50% or more in housing costs compared to 16% nationwide.

**WHEREAS**, the following actions will be conducted to address the aforesaid impediments:

1. Distribution of more information about fair housing utilizing the services of Central Jersey Housing Resource Center and Frank Piazza Associates to conduct presentations on fair housing through mailings, seminars and outreach programs.
2. Continue to fund the Central Jersey Housing Resource Center (CJHRC) to provide credit and budget counseling to Franklin Township residents and work in conjunction with the CJHRC to ensure that residents are aware of the services available to them.
3. Continue to implement its Fair Share Housing Plan for the Planning Cycle 2008-2018.
4. Continue its Housing Rehabilitation of eligible low and moderate income persons.
5. Continue the construction of new affordable housing units.
6. Land improvements to be used for low and moderate income housing.
7. Infrastructure improvements for affordable housing sites.

8. Continue to work with local non-profits to produce affordable housing.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby approves the analysis conducted on the Township's Fair Housing Study and the actions needed to address the impediments to the Fair Housing Study subject to the approval by the US Department of Housing and Urban Development Office on Fair Housing.

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

<u>AYES</u>	<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chase	Francois	Kramer			Regan
Levine	Prasad	Sherman			
Vassanella	Wright				

### PUBLIC DISCUSSION

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

Mayor Levine announced the meeting is open for the public discussion. Anyone interested in speaking to please raise their hand and when recognized, state their name and address.

There being no comments from the public, Mr. Wright moved to close the public discussion portion of the meeting. The motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

### STANDING COMMITTEE REPORTS

#### Financial Oversight

Deputy Mayor Kramer reported on the following:

- Announced that many items discussed by the Financial Oversight Committee need to be discussed in Executive Session.
- Reported it is the recommendation of the Financial Oversight Committee to appropriate \$15,000 in 2012 for the Ethics Board Attorney.
- Reported it is the recommendation of the Financial Oversight Committee to move forward in purchasing the hot box in Public Works.

#### Advisory Board of Health

Deputy Mayor Kramer stated the annual Board of Health Meeting needs to be scheduled for 2012. After a brief discussion by Council, the meeting was scheduled for June 12, 2012 at 6 p.m.

#### Administration

Ms. Francois reported the Administration Committee has not met this year and announced its next meeting is scheduled for Thursday, January 12, 2012 at 6 p.m.

#### Public Safety

Ms. Sherman reported there are personnel issues that need to be discussed in Executive Session.

Mr. Vassanella announced the East Millstone First Aid Squad would be appearing before Council at a meeting in February to update Council on their obtaining a new building or land for a new building.

### **Land Use, Open Space, Parks and Recreation**

Mr. Wright announced that the Land Use, Open Space, Parks and Recreation Committee has not met this year, however, their main focus has been on the Recreation Needs Assessment.

### **Public Works**

Mr. Chase announced that the Public Works Committee has not met this year. He noted the road repaving program is to be discussed in the near future.

## **COUNCIL COMMENTS/REPORTS**

Mr. Prasad announced the Township has received a beam from the World Trade Center to be part of a memorial. He also announced that Idaherma Williams is having an art gallery opening from January 10 through February 16, 2012 entitled, "A Discovery of Woodblock Prints in Color" at the Art Gallery at Villanova University.

Mr. Chase spoke on and supported the resolution listed on tonight's agenda regarding Franklin Township support in concept the Sustainable Raritan River Initiative, and work as an active member of the Raritan River Collaborative to promote efforts to restore and protect the River in accordance with the goals as outlined in the Sustainable Raritan River Action Plan.

Mr. Wright announced that Giuseppe "Joey" Di Meglio, a junior at Franklin High School, was named the winner of the Somerset County Sheriff's Office 300th Anniversary Patch Contest. He stated that children in grades 6 to 12 throughout Somerset County submitted designs for a special uniform-style patch to commemorate the sheriff's office's tercentennial. He reported that Joey was honored at an awards ceremony at the Somerset County Courthouse on Dec. 28. He stated the winning design will be used on all printed materials from the sheriff's office. Lastly, he stated Joey was invited to spend a day with Sheriff Frank Provenzano and be sworn in as "Sheriff for a Day."

Mr. Wright spoke of the Fireworks Committee meeting and announced the tentative date for the fireworks display is June 29<sup>th</sup> with a rain date of July 6<sup>th</sup>.

Ms. Sherman provided an update on the Cultural Arts Commission. She spoke on the FYI Job and Career Expo scheduled for April 17<sup>th</sup> at the Community Center and the Training Session on March 31<sup>st</sup>. She urged residents to sign up for web/email alerts.

Mr. Vassanella spoke on the progress of the Hamilton Street Business and Community Corporation and the need for bus stops on Hamilton Street. He spoke of the legislation expected to be signed by the Governor regarding moving the School Board Election to November.

Ms. Francois expressed her concerns found in the Township's Fair Housing Report and the needs for affordable housing.

Deputy Mayor Kramer spoke on the County Initiative regarding Half to Go (taking half your meal home from a restaurant). He spoke on Ms. Nelson's concerns regarding fracking. He announced that at the last meeting in 2011, he received calls from 12 viewers.

Mayor Levine spoke on the re-warding of election wards and announced the report is on file in the Clerk's Office.

**COUNCIL DISCUSSION ITEM**

**2012 Fire District Commissioner Salaries**

Mayor Levine reviewed the annual compensation of Fire Districts 1, 3 and 4 noting there is no increase over last year. He noted they have not received Fire District 4’s annual compensation. A resolution will be scheduled for January 24<sup>th</sup> approving said compensations.

**APPROVAL OF MINUTES**

Mayor Levine presented the following minutes for approval:

- a) *Amended September 27, 2011 Executive Session*
- b) *November 10, 2011 Work Session/Regular Meeting & Executive Session*
- c) *November 22, 2011 Work Session/Regular Meeting & Executive Session (Amended)*

Upon motion by Deputy Mayor Kramer, seconded by Ms. Sherman, the aforesaid minutes were approved as follows upon call of the roll:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Chase	Francois	Kramer	Vassanella (a)	Prasad (b)	Regan
Prasad (a/c)	Levine	Sherman			
Vassanella (b/c)	Wright				

**APPROVAL OF WARRANTS**

Mayor Levine presented the following warrants in the amount of \$13,905,113.35 for January 10, 2012 to the Township Council for payment:

1	Current	11,421,988.29
2	Grant	5,785.18
3	Tax Title Lien	719,552.58
4	General Capital	9,354.57
5	Water	547,853.51
6	Water Capital	
7	Water Assessment	
11	Recreation Trust	1,070.00
12	Trust Others	9,472.06
13	Unemployment	
15	Redevelopment	
17	Animal Control	24.00
19	Self Insurance	3,416.05
20	Affordable Housing	5,670.00
30	Payroll	1,143,788.68
37	Police Forfeiture	7,717.00
39	Worker’s Comp	
40	Open Space	18,912.32
42	Redevelopment Escrow	
50	County Imp Auth Fund	5,524.67
	Subtotal	13,900,128.91
	Escrow	4,984.44
	Grand Total	13,905,113.35

Mr. Prasad moved that warrants in the amount of \$13,905,113.35 for January 10, 2012 to be paid. Said motion was seconded by Ms. Francois and carried as follows upon call of the roll:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Chase	Francois	Kramer			Regan
Levine	Prasad	Sherman			
Vassanella	Wright				

**ORDINANCE ON INTRODUCTION AND FIRST READING****Ordinance No. 3959-12**

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 112, DEVELOPMENT, ARTICLE XII, SIGN REGULATIONS, AND ARTICLE XXXIX, ENFORCEMENT; PENALTIES.**

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 February 28, 2012 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 28, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Wright and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chase	Francois	Kramer			Regan
Levine	Prasad	Sherman			
Vassanella	Wright				

**Ordinance No. 3961-11**

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-20 – STOP INTERSECTIONS AND SECTION 226-21 – YIELD INTERSECTIONS. (HAWTHORNE DRIVE AREA).**

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 February 14, 2012 at 7:00 p.m. in the Municipal Complex.

Mr. Vassanella moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 14, 2012 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>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chase	Francois	Kramer			Regan
Levine	Prasad	Sherman			
Vassanella	Wright				

**Ordinance No. 3962-11**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING CODE CHAPTER 284, RECYCLING, OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, ARTICLE II, RECYCLING AND TRANSFER CENTER, SECTION 284-8.1, DAYS AND HOURS OF OPERATION (CONVENIENCE CENTER).**

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 February 14, 2012 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 14, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Sherman and carried as follows upon call of the roll:

<u><b>AYES</b></u>	<u><b>AYES</b></u>	<u><b>AYES</b></u>	<u><b>NAYS</b></u>	<u><b>ABSTAIN</b></u>	<u><b>ABSENT</b></u>
Chase	Francois	Kramer			Regan
Levine	Prasad	Sherman			
Vassanella	Wright				

**CONSENT AGENDA**

Upon motion by Mr. Prasad, seconded by Ms. Sherman, the following Consent Agenda was adopted as follows upon call of the roll:

<u><b>AYES</b></u>	<u><b>AYES</b></u>	<u><b>AYES</b></u>	<u><b>NAYS</b></u>	<u><b>ABSTAIN</b></u>	<u><b>ABSENT</b></u>
Chase	Francois	Kramer			Regan
Levine	Prasad	Sherman			
Vassanella	Wright				

**Resolution #12-008** Authorize Change Order – CDBG Rehabilitation Contract – Neumann Construction – 124 Clifton Street – Original Contract: \$5,620.00 – Change Order: \$2,600.00 – New Contract Total: \$8,220.00.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, authorized the awarding of a contracts to and determined that additional work was needed, resulting in a change orders as follows:

**VENDOR:** Neumann Construction  
**ADDRESS:** 429 David Street, South Amboy, NJ 08879  
**ITEM:** 124 Clifton Street  
**AMOUNT:** \$5,620.00  
**CHG ORDER #1** \$2,600.00  
**NEW TOTAL:** **\$8,220.00**

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

**WHEREAS**, continuation of the terms of this contract beyond December 31, 2012 is contingent upon availability of funds in the 2013 CY 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 authorize the issuance of the Change Order to the aforementioned vendor and contract; and

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

**Resolution #12-009** Award Lease Agreements – Township Owned Farmland – Lawrence Terhune (Lot 1 at \$28 per tillable acre & Lot 2 at \$40 per tillable acre) – George Manioudakis (Lot 3 at \$53 per tillable acre).

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following leases for Township Owned Farmland be awarded to:

**LESSEE:** Lawrence Terhune, 826 Canal Road, Princeton, NJ 08540  
**FARMLAND:** Action Lot 1 (Canal Road):

<u>Block/Lot</u>	<u>Location</u>	<u>Total/Tillable</u>
19/31	1030 Canal Road	15.0/5
19/34	960 Canal Road	27.9/10
33.01/1.01	Suydam Road	43.25/43
33.01/1.02	Canal Road	24.0/24
33.01/14.17	Butler Road	34.436/17
33.01/15.01	200 Butler Road	36.415/36

**TERM:** March 1, 2012 to February 28, 2015  
**COST:** \$28.00 per tillable acre x 135 = \$3,780.00 per year

**LESSEE:** Lawrence Terhune, 826 Canal Road, Princeton, NJ 08540  
**FARMLAND:** Action Lot 2 (Jacques Lane):

<u>Block/Lot</u>	<u>Location</u>	<u>Total/Tillable</u>
36.01/2	681 Canal Road	84.1/60
36.01/4.01	69 Jacques Lane	35.3/30

**TERM:** March 1, 2012 to February 28, 2015  
**COST:** \$40.00 per tillable acre x 90 = \$3,600.00 per year

**LESSEE:** George Manioudakis, 155 Cedar Grove Lane, Somerset, NJ 08873  
**FARMLAND:** Auction Lot 3 (Suydam Road)

<u>Block/Lot</u>	<u>Location</u>	<u>Total/Tillable</u>
36.01/20.01	South Middlebush Road	77.79/25*

**TERM:** March 1, 2012 to February 28, 2015  
**COST:** \$53.00 per tillable acre x 25 = \$1,325.00 per year

\*Rectangle formed where property meets the intersection of South Middlebush Road and Suydam Road, the sides of which are 1,000 linear feet along Suydam Road and 1,500 linear feet along South Middlebush Road; and

**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a lease agreements for a period of three-year beginning March 1, 2012 to February 28, 2015 with the above listed lessees form subject to approval by the Township Attorney.

**Resolution #12-010** Authorize Tax Title Lien Redemptions – Outside Buyers.

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

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

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

<u>CERTIFICATE</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TY-11735	Us Bank Cust/Crestar	<b>96,174.14</b>
09-332 Premium	Crusader Lien Services	<b>278,073.97</b> <b>900.00</b>
TY-11370	Dais, Lafaye	<b>197.84</b>



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TY-11727	US Bank Cust/Emp IV	5,591.71
TY-11738		2,033.81
TY-11422		6,159.25
TY-11244		3,237.21
Total		<b>17,021.98</b>
Premium		<b>14,000.00</b>
TY-11165	FNA Jersey Boi, LLC	4,154.92
TY-11648		258.03
TY-11196		383.24
Total		<b>4,796.19</b>
Premium		<b>14,500.00</b>
11-00188	Frank J. Festa	<b>20,025.43</b>
11-00373	Gharro, LLC	839.47
TY-11377		169.73
TY-11428		219.04
TY-11586		195.01
TY-11176		646.01
Total		<b>2,069.26</b>
Premium		<b>900.00</b>
TY-11056	JNH Funding	194.83
TY-11649		373.12
TY-11524		327.41
10-383		4,319.47
Total		<b>5,214.83</b>
Premium		<b>5,800.00</b>
TY-11467	John LaFlamme	221.18
TY-11115		147.48
Total		<b>368.66</b>
TY-11702	Elliot Loeb-Keogh Plan	178.45
TY-11469		217.38
TY-11028		433.24
Total		<b>829.07</b>
Premium		<b>5,100.00</b>
TY-11575	John Palumbo	316.89
TY-11635		346.31
TY-11583		351.42
TY-11540		152.77
11-00034		529.78
Total		<b>1,697.17</b>
Premium		<b>600.00</b>
11-00251	US Bank Cust for Pro Capital	1,578.62
10-199		33,334.47
Total		<b>34,913.09</b>
Premium		<b>5,500.00</b>
TY-11713	SB Muni Cust %LBNJ	19,261.61
TY-11219		196.70
TY-11460		5,655.69
Total		<b>25,114.00</b>
Premium		<b>9,700.00</b>
11-00075	Sequoia	<b>1,920.32</b>
Premium		<b>300.00</b>

11-00124 Premium	Ace Plus LLC	<b>668.55</b> <b>400.00</b>
TY-11231 TY-11299 Total Premium	Stonefield Investment	423.64 357.18 <b>780.82</b> <b>400.00</b>
TY-11168 TY-11567 TY-11423 TY-11242 TY-11485 Total Premium	US Bank for Tower	3,790.59 297.59 3,446.27 920.12 1,955.76 <b>10,410.33</b> <b>31,600.00</b>
TY-11205 TY-11511 TY-11605 TY-11554 Total Premium	Trade Money LLC	258.23 466.44 316.01 158.89 <b>1,199.57</b> <b>300.00</b>
TY-11012 TY-11452 Total Premium	Virgo Municipal Finance	784.44 156.95 <b>941.39</b> <b>1,500.00</b>

**Resolution #12-011** Authorize Stipulation of Settlement – Tax Appeal – Sterling Oversight, LLC (Huntingdon Life Sciences Inc. - tenant) – 101 Mettler’s Road – Block 511, Lot 1.02 – Year 2011.

**WHEREAS**, Sterling Oversight, LLC, is the owner and Huntingdon Life Sciences, Inc. is the tenant of certain property located at 101 Mettlers Road, Somerset, which is identified as Block 511, Lot 1.02 on the tax maps of Franklin Township; and

**WHEREAS**, Huntington Life Sciences, Inc. (tenant) and Sterling Oversight, LLC (landlord), filed an appeal to the Tax Court of New Jersey for said premises for the 2011 tax year; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>2011</u>	<u>Original Assessment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 4,380,000.00	\$ 4,380,000.00
Improvements:	\$ 7,900,000.00	\$ 5,620,000.00
Total:	\$12,280,000.00	\$10,000,000.00

**WHEREAS**, the parties further agree that the assessment to be listed on the roll of the municipality for 2012 shall be a total of \$7,000,000; and

**WHEREAS**, the Tax Assessor for the Township of Franklin shall implement this agreement by placing on the 2012 tax list for the Township the agreed upon assessment of \$7,000,000 for the subject property; and

**WHEREAS**, no party shall challenge the agreed upon assessment reflected in this stipulation for the tax year 2012 by the filing of a tax appeal other than to implement this settlement;

**WHEREAS**, the check for the refund for the tax year 2011 shall be mailed directly to Gibbons P.C., attorneys for Huntingdon Life Sciences, Inc.; and

**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred; and

**WHEREAS**, based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

**WHEREAS**, Prejudgment interest on any refund is waived by the taxpayer provided the refund is paid within 60 days from the date of the Judgment pursuant to N.J.S.A. 54:3-27.2;

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-012** Authorize Stipulation of Settlement – Tax Appeal – Three Zero Two M. Franklin Twp. – 8 Heller Park Lane – Block 514, Lot 10.11 – Years 2010-2011.

**WHEREAS**, Three Zero Two M Franklin Township is the owner of certain property located at 8 Heller Park Lane, Somerset, which is identified as Block 514, Lot 10.11 on the tax maps of Franklin Township; and

**WHEREAS**, Three Zero Two M Franklin Township filed an appeal to the Tax Court of New Jersey for said premises for the 2010 and 2011 tax years; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 3,736,000.00	Direct Appeal	\$ 3,736,000.00
Improvements:	\$ 9,464,000.00		\$ 9,464,000.00
Total:	\$13,200,000.00		\$ 13,200,000.00
<u>2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 3,736,000.00	Direct Appeal	\$ 3,736,000.00
Improvements:	\$ 9,464,000.00		\$ 7,384,400.00
Total:	\$13,200,000.00		\$11,120,400.00

**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation. The assessor of

the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred; and

**WHEREAS**, based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

**WHEREAS**, statutory interest, pursuant to N.J.S.A. 54:3-27.2, is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 60 days from the date of the Judgment; and

**WHEREAS**, the parties agree that the property’s 2012 total assessment shall be \$10,039,300 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$10,039,300 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

**WHEREAS**, all funds as a result of the settlement set forth herein shall be paid by refund check, made payable to “Zipp & Tannenbaum, L.L.C., Attorney Trust Fund”, and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within sixty (60) days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2;

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-013** Authorize Stipulation of Settlement – Tax Appeal – Heller VII Partnership, LP – 11 Heller Park Lane – Block 514, Lot 10.12 – Years 2010-2011.

**WHEREAS**, Heller VII Partnership, LP is the owner of certain property located at 11 Heller Park Lane, Somerset, which is identified as Block 514, Lot 10.12 on the tax maps of Franklin Township; and

**WHEREAS**, Heller VII Partnership, LP filed an appeal to the Tax Court of New Jersey for said premises for the 2010 and 2011 tax years; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,964,000.00	Direct Appeal	\$2,964,000.00
Improvements:	\$4,336,000.00		\$4,336,000.00
Total:	\$7,300,000.00		\$7,300,000.00
<u>2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,964,000.00	Direct Appeal	\$2,964,000.00
Improvements:	\$4,336,000.00		\$3,207,200.00
Total:	\$7,300,000.00		\$6,171,200.00

**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information

with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred; and

**WHEREAS**, based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

**WHEREAS**, statutory interest, pursuant to N.J.S.A. 54:3-27.2, is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 60 days from the date of the Judgment; and

**WHEREAS**, the parties agree that the property's 2012 total assessment shall be \$5,571,200.00 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$5,571,200.00 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

**WHEREAS**, all funds as a result of the settlement set forth herein shall be paid by refund check, made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund", and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within sixty (60) days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2;

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-014** Authorize Stipulation of Settlement – Tax Appeal – 101 Mettler's Road, c/o SJP Properties – 101 Mettler's Lane – Block 511, Lot 1.01 – Years 2008-2010.

**WHEREAS**, 101 Mettlers Road, c/o SJP Properties is the owner of certain property located at 101 Mettlers Lane, which is identified as Block 511, Lot 1.01 on the tax maps of Franklin Township; and

**WHEREAS**, 101 Mettlers Road, c/o SJP Properties filed an appeal to the Tax Court of New Jersey for said premises for the 2008-2010 tax years; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>Year - 2008</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$ 897,500.00	Direct	\$ 897,500.00
Improvements:	\$13,302,500.00	Appeal	\$13,302,500.00
Total:	\$14,200,000.00		\$14,200,000.00

<u>Year - 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$ 4,380,000.00	Direct	\$ 4,380,000.00
Improvements:	\$12,230,000.00	Appeal	\$ 6,620,000.00
Total:	\$16,610,000.00		\$11,000,000.00

<u>Year - 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$ 4,380,000.00	Direct	\$ 4,380,000.00
Improvements:	\$12,230,000.00	Appeal	\$ 5,620,000.00
Total:	\$16,610,000.00		\$10,000,000.00

**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation; and

**WHEREAS**, the Township Tax Assessor has been consulted by the Township Attorney with respect to said settlement and has concurred; and

**WHEREAS**, all refunds as a result of the settlements set forth herein shall be payable to McCarter & English, LLP, attorneys for Plaintiff, and forward to Frank E. Ferruggia, Esq., McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, PO Box 652, Newark, NJ 07101-0652, within sixty (60) days of the date of any entry judgment; and

**WHEREAS**, statutory interest, pursuant to NJSA 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment; and

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-015** Authorize Stipulation of Settlement – Tax Appeal – Heller II Partnership, LP – 15 Heller Park Lane – Block 514, Lot 10.13 – Years 2010-2011.

**WHEREAS**, Heller II Partnership, LP is the owner of certain property located at 11 Heller Park Lane, Somerset, which is identified as Block 514, Lot 10.13 on the tax maps of Franklin Township; and

**WHEREAS**, Heller II Partnership, LP filed an appeal to the Tax Court of New Jersey for said premises for the 2010 and 2011 tax years; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,553,000.00	Direct Appeal	\$2,553,000.00
Improvements:	\$4,147,000.00		\$4,147,000.00
Total:	\$6,700,000.00		\$6,700,000.00

  

<u>2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,553,000.00	Direct Appeal	\$2,553,000.00
Improvements:	\$4,147,000.00		\$3,073,700.00
Total:	\$6,700,000.00		\$5,626,700.00

**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred; and

**WHEREAS**, based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

**WHEREAS**, statutory interest, pursuant to N.J.S.A. 54:3-27.2, is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 60 days from the date of the Judgment; and

**WHEREAS**, the parties agree that the property's 2012 total assessment shall be \$5,079,700.00 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$5,079,700.00 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

**WHEREAS**, all funds as a result of the settlement set forth herein shall be paid by refund check, made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund", and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within sixty (60) days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2;

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-016** Authorize Stipulation of Settlement – Tax Appeal – 561 Somerset Partners LLC #1151 – 561 Somerset Street – Block 166, Lot 17 – Years 2009-2012.

**WHEREAS**, 561 Somerset Partners LLC is the owner of certain property located at 561 Somerset Street, which is identified as Block 166/Lot 17 on the tax maps of Franklin Township; and

**WHEREAS**, 561 Somerset Partners LLC filed an appeal to the Tax Court of New Jersey for said premises for the 2009, 2010 & 2011 tax years; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$117,000.00	\$117,000.00	\$117,000.00
Improvements:	\$464,000.00	\$464,000.00	\$333,000.00
Total:	\$581,000.00	\$581,000.00	\$450,000.00
<u>2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$117,000.00	\$117,000.00	\$117,000.00
Improvements:	\$308,000.00	\$308,000.00	\$308,000.00
Total:	\$425,000.00	\$425,000.00	\$425,000.00
<u>2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$117,000.00	\$117,000.00	\$117,000.00
Improvements:	\$308,000.00	\$308,000.00	\$308,000.00

Total:	\$425,000.00	\$425,000.00	\$425,000.00
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**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred; and

**WHEREAS**, based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

**WHEREAS**, all funds as a result of the settlement set forth herein shall be paid by refund check, made payable to 'Michael I. Schneck, Esq., Attorney for 561 Somerset Partners LLC #1151', and forwarded to Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, NJ 07039 within sixty (60) days of the date of the Judgment; and

**WHEREAS**, statutory interest, pursuant to N.J.S.A. 54:3-27.2, is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 60 days from the date of the Judgment; and

**WHEREAS**, the parties agree that the property's 2012 total assessment shall be \$375,000 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$375,000 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property; and

**WHEREAS**, the provisions of the aforesaid paragraphs shall survive Judgment even if not included on the Judgment issued by the Tax Court of New Jersey; and

**WHEREAS**, all counterclaims will be withdrawn as part of this settlement;

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-017** Authorize Release of Performance Guarantees.

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

DATE RECEIPT BY ENGINEERING:	04/12/11
NAME OF APPLICANT:	SHI, International Corp.
ADDRESS OF APPLICANT:	33 Knightsbridge Road, Piscataway, NJ 08856
ITEM:	Performance Bond #401377
DOCKET:	TRC-11-0004
IN THE AMOUNT OF:	\$30,702.00
FOR:	Site Improvements – Block 468.12, Lot 11.02 – 290 Davidson Avenue

DATE RECEIPT BY ENGINEERING:	11/19/09
NAME OF APPLICANT:	NJ Congregation of Jehovah's Witness
ADDRESS OF APPLICANT:	94 Claremont Road, Franklin Park, NJ 08823
ITEM:	Performance Bond #105347942
DOCKET:	TRC-09-0005
IN THE AMOUNT OF:	\$46,783.44



FOR: Site Improvements – Block 37.02, Lots 25.01 – 94  
Claremont Road

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantees as directed above; 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 Guarantees be released to the aforesaid applicants as directed above.

**Resolution #12-018** Authorize Release of Planning and Building Review Escrows & Inspection Fees.

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

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

DATE REC'D BY ENGINEERING: 03/18/10  
APPLICANT: Franklin Park Jehovah Witness  
ADDRESS: PO Box 727, Franklin Park, NJ 08823  
DOCKET NO. TRC-09-0005  
BLOCK/LOT: 37.02/25.01  
LOCATION: 94 Claremont Road  
TYPE: Inspection Fees  
AMOUNT DEPOSITED: \$4,900.00 (Twp.)  
AMOUNT CHARGED: 1,397.72  
AMOUNT TO BE REFUNDED: \$3,502.28

DATE REC'D BY ENGINEERING: 04/12/11  
APPLICANT: SHI International Corp.  
ADDRESS: 33 Knightsbridge Road, Piscataway, NJ 08854  
DOCKET NO. TRC-11-0004  
BLOCK/LOT: 468.12/11.02  
LOCATION: 290 Davidson Avenue  
TYPE: Inspection Fees  
AMOUNT DEPOSITED: \$1,535.10  
AMOUNT CHARGED: 1,058.67  
AMOUNT TO BE REFUNDED: \$ 476.43

DATE REC'D BY ENGINEERING: 02/04/10  
APPLICANT: Maser Consultants (Automan Warehouse)  
ADDRESS: 331 Nenman Springs Rd., Ste. 203, Red Bank, NJ 07701  
DOCKET NO. PLN2004-0062  
BLOCK/LOT: 517.04/2.13  
LOCATION: 850 Randolph Road  
TYPE: Inspection Fees  
AMOUNT DEPOSITED: \$7,351.78 (Twp.)  
AMOUNT CHARGED: 7,227.80  
AMOUNT TO BE REFUNDED: \$ 123.98

**Resolution #12-019** Authorize Issuance of Bingo and Raffle Licenses.

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

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

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

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

<u><b>NAME OF ORGANIZATION</b></u>	<u><b>DATE OF RAFFLE/BINGO</b></u>
Temple Beth El of Somerset 1489 Hamilton Street, Somerset Off-Premise Raffle – RL#1954 Off-Premise 50/50 – RL#1955 Drawings: 1489 Hamilton Street	May 26, 2012 8:00 pm
PeopleCare Center for Nonprofits, Inc. 120 Finderne Avenue, Bridgewater, NJ Off-Premise 50/50 – RL#1956 Off-Premise Raffle – RL#1957 Drawings: The Palace at Somerset Park	May 21, 2012 8:15 pm
Franklin Township Senior Citizens Club 505 DeMott Lane, Somerset Senior Citizen 50/50 – RL#1958 Drawings: Community/Senior Center	<u><b>2012</b></u> Jan. 3,10,17,24,31 Feb. 7,14,21,28 Mar. 6,13,20,27 Apr. 3,10,17,24 May 1,8,15,22,29 June 5,12,19,26 July 3,10,17,24,31 Aug. 7,14,21,28 Sept. 4,11,18,25 Oct. 2,9,16,23,30 Nov. 6,13,20,27 Dec. 4,11,18,25
Franklin Park Senior Citizens Club 505 DeMott Lane, Somerset Senior Citizen 50/50 – RL#1959 Drawings: Community/Senior Center	Jan. 4,11,18,25 Feb. 1,8,15,22,29 Mar. 7,14,21,28 Apr. 4,11,17,25 May 2,9,16,23,30 June 6,13,20,27 July 4,11,18,25 Aug. 1,8,15,22,29 Sept. 5,12,19,26 Oct. 3,10,17,24,31 Nov. 7,14,21,28 Dec. 5,12,19
Franklin High School Choir Parents Assoc. 500 Elizabeth Avenue, Somerset On-Premise 50/50 – RL#1960 Drawings: Franklin High School	January 20 & 21, 2012 7:00 pm – 8:00 pm
Bridgewater Raritan Athletic Club, Inc. a/k/a Bridgewater Raritan Pop Warner P.O. Box 6614, Bridgewater, NJ On-Premise 50/50 – RL#1963 Drawings: DoubleTree Hotel, Somerset	February 5, 2012 9:00 am – 12:00 pm

**Resolution #12-020** Authorize Refund of Construction Water Meter Escrows.

**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 applicants:

APPLICANT: Renda Roads Inc.  
ADDRESS: PO Box 89, Whitehouse, NJ 08888

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

**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 applicants; and

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

**Resolution #12-021** Award Purchase Over \$8500 – Dyntek – Communication and Network Equipment – Amount Not to Exceed \$15,268.20.

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

**VENDOR:** Dyntek  
5 Greentree Centre, Suite 310, Marlton, NJ 08053  
**ITEMS:** Communications and Network Equipment  
**COST:** Not To Exceed \$15,268.20

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

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

**WHEREAS**, continuation of the terms of this contract beyond December 31, 2012 is contingent upon availability of funds in the 2013 CY 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** 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 #12-022** Extend Contract – Services at the Convenience Center – Midco Waste System – March 1, 2012 to February 28, 2013 – Fees to be Paid through User Fees.

**WHEREAS**, a contract was awarded to Midco Waste System for services at Convenience Center including Rental of Compactor, Containers and Hauling of Filled Containers or the period of March 1, 2010 to February 29, 2012 on February 23, 2010; and

**WHEREAS**, the original specifications included language that allowed for the annual extension for up to two additional years at the existing terms and conditions if mutually accepted to the vendor and Township; and

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

**WHEREAS**, continuation of the terms of this contract beyond December 31, 2012 is contingent upon availability of funds in the 2013 CY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract;

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

**MIDCO WASTE SYSTEM**

5 Industrial Drive

New Brunswick NJ 08901

Services at Convenience Center including Rental of Compactor, Containers and Hauling of Filled Containers for the period March 1, 2012 to February 28, 2013

Amount to be Paid through User Fees

**BE IT FURTHER RESOLVED** that the Mayor and the Township Clerk be and the same are hereby authorized to execute said contract with the above listed company.

**Resolution #12-023** Authorize Reimbursement of Repairs to Van Liew-Suydam House – Meadows Foundation – Amount Not to Exceed \$9,204.00.

**WHEREAS**, the Can Liew-Suydam House, located at 280 South Middlebush Road, sustained damage to the roof and the water heaters during Hurricane Irene; and

**WHEREAS**, roof repairs were made by Jeff Alte Roofing, Inc. in the amount of \$8,275.00 and water heater repairs were made by Jack Dolan & Sons, Inc. in the amount of \$929.00; and

**WHEREAS**, payment for these repairs was made by the Meadows Foundation who is awaiting for payment from the insurance company; and

**WHEREAS**, the Meadows Foundation has requested reimbursement as soon as possible and the Township of Franklin will receive reimbursement for the damages from the insurance company;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, State of Jersey that it hereby authorized the reimbursement of \$9,204.00 be made to the Meadows Foundation for work done to Van Liew-Suydam House from the damage of the roof and water heaters resulting from Hurricane Irene.

**Resolution #12-024** Authorize Reduction of Performance Guarantees.

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

DATE REC'D BY ENGINEERING:	01/28/11
NAME OF APPLICANT:	Summerfields at Franklin LLC
ADDRESS OF APPLICANT:	820 Morris Turnpike, Short Hills, NJ 07078
ITEM:	Performance Bond
NUMBER:	#912-SB
INSURANCE COMPANY:	Union Center National Bank
DOCKET:	PLN-09-000029

FOR:	Site
	Improvements – Block 516, Lots 4.04, 6.04 & 15
AMOUNT:	\$2,827,885.20
REDUCTION AMOUNT:	<u>\$1,979,519.64</u>
REMAINING AMOUNT:	\$ 848,365.56

**WHEREAS**, the Township Engineer, after inspection, recommends reduction of the aforesaid Performance Guarantee in the aforesaid amount;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be reduced in the aforesaid amount.

**Resolution #12-025** Authorize Stipulation of Settlement – Tax Appeal – Public Service Electric & Gas Company – Belmont Drive – Block 517.05, Lot 35.13 – Year 2011.

**WHEREAS**, Public Service Electric & Gas Company is the owner of certain property located at Belmont Drive, which is identified as Block 517.05, Lot 135.13 on the tax maps of Franklin Township; and

**WHEREAS**, Public Service Electric & Gas Company filed an appeal to the Tax Court of New Jersey for said premises for the 2011 tax year; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$3,468,000.00	Direct Appeal	\$3,468,000.00
Improvements:	0.00		0.00
Total:	\$3,468,000.00		\$3,468,000.00

**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred; and

**WHEREAS**, based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

**WHEREAS**, statutory interest, pursuant to N.J.S.A. 54:3-27.2, is waived by the taxpayer and shall not be paid on the condition the refund is received within 60 days from the date of the entry of the Tax Court Judgment; and

**WHEREAS**, the parties agree that the property's 2012 total assessment shall be \$1,100,000.00 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$1,100,000.00 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

**WHEREAS**, all funds as a result of the settlement set forth herein shall be paid by refund check, made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund", and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg,

New Jersey 08831 within sixty (60) days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2;

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-026** Authorize Stipulation of Settlement – Tax Appeal – Commerce Bank – 3221 Route 27 – Block 34.08, Lot 55 – Years 2009-2011.

**WHEREAS**, Commerce Bank, N.A. is the owner of certain property located at 3221 Route 27, which is identified as Block 34.08, Lot 55 on the tax maps of Franklin Township; and

**WHEREAS**, Commerce Bank, N.A. filed an appeal to the Tax Court of New Jersey for said premises for the 2009, 2010 & 2011 tax years; and

**WHEREAS**, the parties have engaged in settlement negotiations;

**WHEREAS**, it is hereby stipulated and agreed that the assessment for the aforesaid property be adjusted and a judgment be entered as follows:

<u>2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 997,500.00	N/A	Withdrawn
Improvements:	\$ 675,500.00		
Total:	\$1,673,000.00		
<u>2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 997,500.00	N/A	Withdrawn
Improvements:	\$ 675,500.00		
Total:	\$1,673,000.00		
<u>2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 997,500.00	N/A	\$ 997,500.00
Improvements:	\$ 675,500.00		\$ 602,500.00
Total:	\$1,673,000.00		\$1,600,000.00

**WHEREAS**, as a material part of this settlement the parties further agree that the assessment for the 2012 tax year will be reduced to \$1,400,000.00 from \$1,673,000.00 and the parties further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the assessment agreed upon herein and this agreement shall be binding upon all assignees, tenants and successors in interest with regard to the subject property; and

**WHEREAS**, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred; and

**WHEREAS**, based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

**WHEREAS**, statutory interest, pursuant to N.J.S.A. 54:3-27.2, is waived by the taxpayer and shall not be paid provided that the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment; and

**WHEREAS**, all refunds due as a result of this settlement will be made payable to Bruce J. Stavitsky, Esq., for the benefit of “TD Bank, NA”, Stavitsky & Associates, LLC, 341 Broad Street, Clifton, NJ 07013;

**NOW, THEREFORE, BE IT RESOLVED** this 10<sup>th</sup> day of January 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #12-027** Authorize Stormwater Detention Facility Maintenance Agreement – 495 Weston Canal Road, LLC & 465 Meadow Lane, LLC TIC – Docket #PLN-11-00004 – Block 516, Lot 7.01 – 495 Weston Canal Road.

**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 Detention Facility Maintenance Agreement 495 Weston Canal Road, LLC and 465 Meadow Lane, LLC whose address is c/o Russo Development, LLC, 570 Commerce Boulevard, Carlstadt, NJ 07072 for property known as Block 516, Lot 7.01, also known as 495 Weston Canal Road pursuant to the Planning Board Resolution approval dated July 27, 2011 in connection with the construction of two (2) two-story buildings for the purposes of the creation of a data center 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 #12-028** Support in Concept for the Sustainable Raritan River Initiative.

**WHEREAS**, the Raritan River is an asset to the region and to Franklin Township, and it would benefit the community to increase awareness and use of the River via local access points and trails; and

**WHEREAS**, upgrades to current river access points are desirable and the need for ongoing plans for development of future recreational uses are of value to Franklin Township; and

**WHEREAS**, protection and preservation of habitat and biodiversity in our river ecosystem will provide recreational and natural assets to Franklin Township; and

**WHEREAS**, upgrades to current river access points are desirable and plans for development of future recreational uses are of value to Franklin Township; and

**WHEREAS**, protection and preservation of habitat and biodiversity in our river ecosystem will provide recreational and natural assets to Franklin Township; and

**WHEREAS**, the goals of restoration, rehabilitation and regeneration of compromised areas of lands in public ownership will benefit present and future residents; and

**WHEREAS**, best management practices for habitat enhancement in the maintenance and management of open space are available and when applied would benefit departments of township government and the quality of life to all Franklin Township residents; and

**WHEREAS**, properties that are deemed brownfields because they are contaminated, abandoned or underutilized, detract from the economic vitality of active businesses, and need attention to be remediated and returned to valuable uses; and

**WHEREAS**, practices to prevent future pollution are known and could be applied for the benefit of management operations and residents of the area; and

**WHEREAS**, stormwater runoff is a significant contribution to flooding, solid waste and streets in our communities, and further damages the Raritan River, and the Raritan River Action Plan (Reclaiming the Raritan: a Restoration and Sustainable Reuse Plan ) encourages improvements in this area; and

**WHEREAS**, the overall restoration and protection of the watershed area that provides water to area residents and the Raritan River should be promoted; and

**WHEREAS**, redevelopment needs to provide economic benefits without further damaging, and ideally restoring, the ecology of the Raritan River and its shores in Franklin Township,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Franklin, Somerset County, State of New Jersey that Franklin Township supports in concept the Sustainable Raritan River Initiative, and will work as an active member of the Raritan River Collaborative to promote efforts to restore and protect the River in accordance with the goals as outlined in the Sustainable Raritan River Action Plan.

**Resolution #12-029** Approve Submission of Grant Application & Execution of Grant Contract with NJDOT for the Installation on a Crossing Signal and other Safety Improvements at the Intersection of Claremont Road and Baylor Avenue.

**NOW, THEREFORE BE IT RESOLVED**, that the Council of the Township of Franklin formally approved the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Council and the Clerk are hereby authorized to submit an electronic grant application identified as SRS-I-2012-Franklin Township-00210 to the New Jersey Department of Transportation on behalf of the Township of Franklin;

**BE IT FURTHER RESOLVED** that the Township Council and Clerk are hereby authorized to sign the grant agreement on behalf of the Franklin Township Council and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**Resolution #12-030** Authorize Agreement between Somerset County and Franklin Township – Recycling Services – January 1, 2012 to December 31,2012 - \$23.85 per household per year.

**WHEREAS**, the County of Somerset provides recycling services to the Township of Franklin and has submitted a renewal agreement for the period January 1, 2012 to December 31, 2012 with Somerset County Recycling located at 40 Polhemus Lane, Bridgewater NJ 08807;

**NOW, THEREFORE, 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 behalf of the Township Agreement with the County of Somerset providing for Recycling Services for 2012 at a rate of \$23.85 per household per year.

**Resolution #12-031** Authorize Budget Transfers – TY2011 Municipal Budget.

**BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey, that the following transfers be made from the Transition Year 2011 Municipal Budget Appropriations:



Account #	Description	Expense	From	To
1-2012-200-110-2	Mayor & Council	O & E	500.00	
1-2012-200-110-1	Mayor & Council	S & W		500.00
1-2012-200-120-2	Municipal Clerk	O & E	3,000.00	
1-2012-200-120-1	Municipal Clerk	S & W		3,000.00
1-2012-250-240-1	Police	S & W	1,800.00	
1-2012-250-250-1	Dispatch	S & W		1,800.00
1-2012-270-345-2	Community Resources	O & E	2,000.00	
1-2012-270-345-1	Community Resources	S & W		2,000.00
40-2012-288-366-2	Open Space	O & E	1,100.00	
40-2012-288-366-1	Open Space	S & W		1,100.00
			<b>\$ 8,400.00</b>	<b>\$ 8,400.00</b>

**Resolution #12-032** Amend Temporary Emergency Budget – CY2012 Municipal Budget.

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

**NOW, THEREFORE, BE IT RESOLVED** that the following 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	CY – 2012 EMERGENCY TEMPORARY BUDGET			
	Description	Salary & Wages	Other Expenses	Total
	Hot Box-Pot Hole Repair Equipment		30,000.00	30,000.00
			30,000.00	30,000.00
		-	30,000.00	30,000.00
	Total Appropriation within CAPS		<b>30,000.00</b>	<b>30,000.00</b>

**Resolution #12-033** Accept Resignation – Berit Marshall – Agricultural Advisory Committee.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Berit Marshall from the Agricultural Advisory Committee, effective immediately.

**Resolution #12-034** Authorize Street Opening Permit Escrow Releases.

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

DATE RECEIPT BY ENGINEERING: March 17, 2010  
 NAME OF APPLICANT: Level 3 Communications LLC (Metro Optics LLC)  
 ADDRESS OF APPLICANT: PO Box 275, Whitehouse Station, NJ 08889  
 ITEM: #K08305006  
 PERMIT: #10-00008  
 IN THE AMOUNT OF: \$6,500.00  
 FOR: Block 500 – Howard Avenue N/O campus Drive –  
 Installation of 4” PVC Conduit for Fiber Optic Cable

DATE RECEIPT BY ENGINEERING: March 17, 2010  
 NAME OF APPLICANT: Level 3 Communications LLC (Metro Optics LLC)  
 ADDRESS OF APPLICANT: PO Box 275, Whitehouse Station, NJ 08889  
 ITEM: #102187  
 PERMIT: #10-00008  
 IN THE AMOUNT OF: \$1,564.00  
 FOR: Block 500 – Howard Avenue N/O campus Drive –  
 Installation of 4” PVC Conduit for Fiber Optic Cable

DATE RECEIPT BY ENGINEERING: September 14, 2009  
 NAME OF APPLICANT: Pim Brands (TP Trezza)  
 ADDRESS OF APPLICANT: 500 Pierce Street, Somerset, NJ 08873  
 ITEM: Check #1487773  
 PERMIT: #09-00047  
 IN THE AMOUNT OF: \$750.00  
 FOR: Block 517.02/Lot 15.06 – 500 Pierce Street –  
 Surety Bond Street Opening

DATE RECEIPT BY ENGINEERING: November 30, 2010  
 NAME OF APPLICANT: J&L Communications Group  
 ADDRESS OF APPLICANT: 68 Fanny Road, Boonton, NJ 07005  
 ITEM: Check #2650  
 PERMIT: #11-00022  
 IN THE AMOUNT OF: \$2,422.50  
 FOR: Pierce Street – Street Opening

DATE RECEIPT BY ENGINEERING: January 8, 2010  
 NAME OF APPLICANT: Norman Ray Fisher Electric  
 ADDRESS OF APPLICANT: 373 Elizabeth Avenue, Somerset, NJ 08873  
 ITEM: #A13456  
 PERMIT: #09-00058  
 IN THE AMOUNT OF: \$750.00  
 FOR: Belmont Drive – Street Opening

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Street Opening Permit Fees; 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 Street Opening Permit Fees be release to the aforesaid applicant.

**Resolution #12-035** Support of the “PGIA”S and “LPA”S identified by the County Planning Board in Coordination with Township Representatives.

**WHEREAS**, as a follow up to the County’s December 7, 2011 meeting on Priority Growth Investment Areas, the County seeks municipal confirmation of its support for the County Planning Division’s efforts to identify **Priority Growth Investment Areas (PGIAs)** consistent with the intent of the Draft Final State Strategic Plan, as well as **Local Priority Areas (LPAs)** countywide; and

**WHEREAS**, Franklin supports the inclusion of the PGIAs and LPAs that are listed in the “PGIA Pre-Screening Criteria Table” for Franklin Township in the “Countywide **PGIA** and **LPA** Framework”, which will be adopted as part of the County’s Strategic Plan Update . This table has been reviewed and refined by Township representatives; and

**WHEREAS**, Franklin also supports the use of the “Countywide **PGIA** and **LPA** Framework” in the Somerset County Business Partnership’s Comprehensive Economic Development Strategy (CEDS) initiative, which is recently underway. Toward this goal, Franklin will work with the County Planning Division during the coming month to define appropriate parcel-based boundaries for these areas; and

**WHEREAS**, supports the County’s efforts to have these **PGIAs** recognized by the State, and therefore become eligible for state incentives and targeted economic growth opportunities pursuant to the Final Draft State Strategic Plan, as well as enhance the local and regional economy; and

**WHEREAS**, Franklin understands that once the Final Draft State Strategic Plan is adopted, we may be required to work with the County to address any additional State requirements associated with substantiating the **PGIAs** and demonstrating municipal support, in order for our **PGIAs** to be formally accepted by the State, and therefore eligible for new State incentives and priority investments; and

**WHEREAS**, the Township looks forward to working in partnership with the County Planning Board in the immediate future to complete this initiative;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that Franklin Township supports the County’s efforts to have these PGIAs recognized by the State, and therefore become eligible for state incentives and targeted economic growth opportunities pursuant to the Final Draft State Strategic Plan, as well as enhance the local and regional economy, supports the inclusion of the PGIAs and LPAs that are listed in the “PGIA Pre-Screening Criteria Table” for Franklin Township in the “Countywide PGIA and LPA Framework”, and supports the use of the “Countywide PGIA and LPA Framework” in the Somerset County Business Partnership’s Comprehensive Economic Development Strategy (CEDS) initiative;

**BE IT FURTHER RESOLVED**, the above not-with-standing, the Township questions whether the R-O-L zoned land north of Kingston should be identified in the Sustainable Economic Growth Opportunities" map as the growth potential of this area is understood to be rather limited due to infrastructure constraints (e.g., sewer) and recommends that the County investigate this further.

**Resolution #12-036** Award Fair and Open Extraordinary, Unspecifiable Services Agreements for the following Recreation Programs: Tennis; Art; Sports; Basketball Camp and Science.

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

**WHEREAS**, the Chief Financial Officer has certified in writing, a copy of which certification is attached hereto, that funds are available; and

**WHEREAS**, that continuation of the terms of this contract beyond December 31, 2012 is contingent upon availability of funds in the 2013 CY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract; and

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

**WHEREAS**, the contracts to be awarded are being awarded as Fair and Open Extraordinary, Unspecifiable Service contracts pursuant to the Pay to Play Laws, P.L. 2004, C. 19; and

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreements with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Extraordinary, Unspecifiable Services under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (3) A notice of this action shall be printed in the LEGAL NEWSPAPER OF THE TOWNSHIP as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: 15 Love Tennis, LLC  
 ADDRESS: 573 Broughton Ave., Ste 21A, Bloomfield, NJ 07003  
 CONTRACT AMOUNT: Not to Exceed \$35,000.00  
 PROGRAM: Tennis Program  
 TERM: January 10, 2012 to December 31, 2012

VENDOR NAME: Art-4-All, School of Fine Arts  
 ADDRESS: 265 East Main Street, Somerville, NJ 08876  
 CONTRACT AMOUNT: Not to Exceed \$20,000.00  
 PROGRAM: Art Program  
 TERM: January 10, 2012 to December 31, 2012

VENDOR NAME: US Sport Institute  
 ADDRESS: 12 Maiden Lane, Suite 3, Bound Brook, NJ 08805  
 CONTRACT AMOUNT: Not to Exceed \$35,000.00  
 PROGRAM: Sports Program  
 TERM: January 10, 2012 to December 31, 2012

VENDOR NAME: Ball-U-Man, LLC  
 ADDRESS: PO Box 338, Monmouth Junction, NJ 08852  
 CONTRACT AMOUNT: Not to Exceed \$20,000.00  
 PROGRAM: Basketball Camp  
 TERM: January 10, 2012 to December 31, 2012

VENDOR NAME: Super Science Programs for Kids, LLC  
 ADDRESS: 52 Slope Drive, Hackettstown, NJ 07840  
 CONTRACT AMOUNT: Not to Exceed \$35,000.00  
 PROGRAM: Science Program  
 TERM: January 10, 2012 to December 31, 2012

**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:

*Personnel - CY2012 Municipal Budget  
Litigation – Update on Ghasan Sudah  
Contract Negotiations – SOA/PBA  
Litigation – E&J Equities*

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. Prasad, seconded by Mr. Chase and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chase	Francois	Kramer			Regan
Levine	Prasad	Sherman			
Vassanella	Wright				

The meeting adjourned to Executive Session at 8:30 p.m.

Upon motion by Ms. Sherman, seconded by Mr. Prasad, the meeting reconvened at 10:00 p.m.

Mayor Levine announced the discussion during Executive Session was *Personnel - CY2012 Municipal Budget; Litigation – Update on Ghasan Sudah; Contract Negotiations – SOA/PBA; and Litigation – E&J Equities.*

**ADJOURNMENT**

Motion was made by Ms. Sherman and seconded by Mr. Prasad to adjourn to the meeting at 10:01 p.m. Motion was carried unanimously.

Approved: *As Submitted.* Brian D. Levine, Mayor

Date: *February 15, 2012* Ann Marie McCarthy, Township Clerk