

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:05 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated “In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on January 24, 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 7:08 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.

COMMENDATIONS

Environmental Commission

Arnold Vernick, Chairman of the Environmental Commission, along with Mr. Chase and Mayor Levine presented Barbara Beringer with a plaque in commemoration of her 17 years of service on the Environmental Commission.

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 2nd and 4th Tuesdays of the month with the exception of July, August and December.
- Reported on the Annual Martin Luther King, Jr. Scholarship Breakfast.
- Reported on the Governor speaking in Bridgewater Township at a Town Hall Meeting.
- Asked residents to keep him informed of upcoming events.
- Announced that the League Magazine had two articles – one written by himself and the other by the Township Purchasing Agent, Joyce Miller.
- Announced he has a facebook page named “Mayor Brian Levine”.

DEPUTY MAYOR'S REPORT

Deputy Mayor Kramer announced that he, Mr. Wright and the Township Attorney are using lap tops and trying a paperless agenda packet. He spoke of the Elizabeth Avenue Fire Company's installation dinner and the inspiring number of hours and calls the volunteers from that company respond to.

PUBLIC DISCUSSION

Mr. Prasad moved to open the meeting for public discussion. Said motion was seconded by Mr. Vassanella 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.

Manijeh Saba, 146 Emerson Road, expressed her concerns regarding the number of foreclosures in the Township and asked Council for assistance.

John Tibbs, 25 Parkside Street, Apt. 322, disliked the laptops in front of the Council members. He expressed the need of a building for the Somerset Community Action Program in the 4th Ward.

Liz Nelson, 408 Skillman Lane, expressed her concerns regarding gas fracking in the State.

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.

COUNCIL COMMENTS/REPORTS

Ms. Francois reported that the Somerset Community Action Program Board is looking for building options and alternatives for the 429 Lewis Street building at this time. Ms. Francois announced the opening of the Teen Drop-in Center that will be used primarily for the Boys Council and Girls Circle activities in the afternoons. She stated that FYI is in need for more participation when they are expanding the programs. She indicated the hope in the future is for a full day drop-in center to be used on weekends.

Mr. Vassanella responded to Ms. Saba and Ms. Nelson that while Council has no jurisdiction over their topics, they can draft and send supporting resolutions. He spoke of the housing assistance programs that just started in Franklin to help families with practical ways to assist with house payments and expenses. He reported on the volunteer video program and noted the first training session is scheduled for Thursday, January 26th. He reported on the Hamilton Street Business and Community Corporation and their request for new bus stops on Hamilton Street. He announced that Mayo Sisler, a dedicated resident passed away at 89.

Ms. Sherman reported on FYI and the upcoming Job/Career expo on April 19 at the Community Center. She spoke of the new Teen Drop-in Center and how it came to be. She spoke on fracking, calling it a blight on environment and stated it needs to be stopped and support comments by Ms. Nelson. She reported on the Cultural Arts Committee and asked the community what they would like to see the program look like and asked the residents to contact her. She stated that residents should utilize township system for alerts and register for them on the website for information, noting it is a great to stay in touch

Mr. Wright reported on the Redevelopment Agency. He summarized the last Land Use Committee meeting where they discussed the historical structure draft report where 21 buildings were identified and costs evaluations and suggestions made. The draft report was sent back to the consultant to work with Historic Preservation Advisory Commission. Mr. Wright spoke on the need to abate Alex Place and noted an ordinance would be drafted

in the near future for consideration. Mr. Wright spoke on the allocation of money in the affordable trust funds in relation to housing needs and the development of two group homes.

Mr. Chase reported on the Open Space Advisory Committee meeting held on January 17th where they were updated on the improvements to Middlebush Park. He stated that more input for given on the recreation needs assessment and the last meeting before public review and hearing will be on January 31st. He spoke on the NJ Audubon Society programs and the possibility of running educational programs at the Township's Environmental Center. He reported the Township Planner is revising the Township's Ecotourism maps. He spoke of property on Elizabeth Avenue, north of the high school on the east side that the Open Space Advisory Committee is interested in purchasing. He noted possibilities for uses on the property such as group homes or the East Millstone First Aid and Rescue Squad. He reported on the Public Works Committee and the ordinance changing the convenience center's hours and the purchasing of the hotbox. He noted the staff and the committee are reviewing proposals for engineering services.

Mr. Prasad stated they would do anything they could do to support those in need and being foreclosed on. He stated they could do a similar resolution regarding fracking. He gave his support for the youth community center and commended Ms. Francois and Ms. Sherman for their work. He reported on the Human Relations Commission who has again partnered with the High School to help publicize their public service play regarding teen self esteem which will be shown on February 17 and 18 at 7:30 p.m. at the High School.

Deputy Mayor Kramer reported that at the Board of Education meeting they provided a summation with their facilities investigation which showed that the student population has increased beyond capacity and a new school will be needed in the next few years and recreation sites, such as the SGS fields are being used by soccer club which will need to be expanded in the near future. He reported the planning of the 2012 Canal Fest has begun.

Ms. Sherman reported on a meeting to be held on Thursday, January 26th at 10 am in the Large Conference Room to review and give input on the Recreation Needs Assessment.

Mayor Levine asked that Ms. Nelson continue to update Council on fracking issues. He stated that SCAP is doing all they can about 429 Lewis Street. In response to Ms. Saba, they will certainly look and see what they can do in regards to foreclosures and sympathized with residents who lost their homes.

COUNCIL DISCUSSION ITEMS

Digital Signs (Gasoline Stations)

Ms. Sherman spoke on the Township's prohibition of digital signs at gas stations and stated they need to reconsider this issue. She stated these signs are not a blight or eyesore. She stated they are not allowed in current ordinance and suggested this matter be reconsider and scheduled as a discussion item.

Ms. Vassanella agreed and clarified that the digital signs be only allowed for gasoline stations. He stated the digital pricing signs are safer for people looking for gas costs. He stated he would like to hear from the Township Attorney on this matter.

Mr. Rainone stated they can change the ordinance for gasoline states and provide limitations and restrictions. He stated there are zoning and planning issues regarding size and height, etc. He suggested that he and the Township Planner draft an ordinance as present it to the Land Use Committee.

Mr. Vassanella expressed his concerns that gasoline station digital signs and digital signs in general will not be considered two separate matters to discuss. Mr. Rainone stated he would speak with the Township Planner and draft an ordinance for either the Land Use Committee or Council to review.

Mr. Prasad asked why it should be limited to gas stations only. He suggested movie theaters, hotels and banquet halls be included. He also asked that the Township Municipal Building be considered.

Mr. Wright suggested the Attorney and Planner draft an ordinance and send it to the proper committee for review and report back to Council.

Mayor Levine asked if they want to fast track gas stations or consider the broader picture.

Mr. Vassanella stated there is a consensus to deal with gas stations separate and the other issues separately. He stated he is not for or against other options; however the gas station matter will take less time and is less complex.

Ms. Sherman suggested stopping this discussion and sending draft ordinance to Planning Board. Ms. Francois stated it should go to the Land Use Committee first.

Council Strategy Session

Deputy Mayor Kramer reported that he and Mayor Levine had discussed the possibility of renaming the Council Retreat to Council Strategy Session. He stated it could be held on a Sunday or another day where Council would send in a list of ideas, select 5 top ideas and set them as their goals for the next year. This also could be included in a regular meeting as a 45 minute segment or at a special meeting on a Tuesday night. A brief discussion ensued by Council and it was the consensus of the majority of the members, to leave the Council Retreat name and format as is. Council members were to send their top five topics to the Township Clerk by 4:30 p.m. on Thursday so that the Mayor and Deputy Mayor could set the agenda for Sunday's Retreat.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$10,765,644.79 for January 24, 2012 to the Township Council for payment:

1	Current	8,732,093.39
2	Grant	40,038.64
3	Tax Title Lien	2,214.20
4	General Capital	415,146.13
5	Water	326,444.44
6	Water Capital	
7	Water Assessment	
11	Recreation Trust	2,822.50
12	Trust Others	16,614.21
13	Unemployment	
15	Redevelopment	
17	Animal Control	2,240.00
19	Self Insurance	3,806.88
20	Affordable Housing	
30	Payroll	
37	Police Forfeiture	
39	Worker's Comp	
40	Open Space	1,222,207.40
42	Redevelopment Escrow	1,691.00
50	County Imp Auth Fund	326.00
	Subtotal	10,765,644.79
	Escrow	
	Grand Total	10,765,644.79

Mr. Prasad moved that warrants in the amount of \$10,765,644.79 for January 24, 2012 to be paid. Said motion was seconded by Ms. Sherman 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 ON INTRODUCTION AND FIRST READING

Ordinance No. 3960-12

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING THE MUNICIPAL CODE, CHAPTER 345, TAXATION, WITH A NEW ARTICLE III, DEVELOPMENT AND REDEVELOPMENT TAX ABATEMENTS AND/OR TAX EXEMPTIONS THAT WOULD ESTABLISH A POLICY AND PROCEDURE FOR THE TOWNSHIP’S RECEIPT, REVIEW AND CONSIDERATION OF APPLICATIONS FOR TAX ABATEMENTS AND/OR TAX EXEMPTIONS.

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 24, 2012 at 7:00 p.m. in the Municipal Complex.

Mr. Wright 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				

CONSENT AGENDA

Upon motion by Mr. Prasad, seconded by Mr. Vassanella, the following Consent Agenda was adopted 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				

Resolution #12-037 Approval of Annual Compensation for Boards of Fire Commissioners for the Year 2012.

WHEREAS, NJSA 40A:14-88 provides in pertinent part:

"EACH MEMBER OF THE BOARD OF FIRE COMMISSIONERS SHALL RECEIVE AS COMPENSATION SUCH AMOUNT AS THE BOARD SHALL FIX SUBJECT TO REVIEW BY THE GOVERNING BODY WHEREIN THE FIRE DISTRICT IS LOCATED;" and

WHEREAS, the Board of Commissioners of the following Fire Districts have proposed Annual Compensation for various members of their Board of Fire Commissioners for 2012 as follows:

Fire District No. 1	\$5,000.00 each	
Fire District No. 2	\$5,000.00 each	
Fire District No. 3	\$7,002.00 each	
Fire District No. 4	\$ 300.00 each;	and

WHEREAS, the Township Council has carefully considered such proposed salaries; and

WHEREAS, the Township Council is of the opinion that the public interest would be best served by the approval of said proposed salaries;

NOW, THEREFORE, BE IT RESOLVED THIS 24th DAY OF JANUARY 2012 by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that the Township Council does hereby approve payment of the 2012 Annual Compensation as follows:

Fire District No. 1	\$5,000.00 each
Fire District No. 2	\$5,000.00 each
Fire District No. 3	\$7,002.00 each
Fire District No. 4	\$ 300.00 each

Resolution #12-038 Appointment of 2012 Senior Citizens Advisory Committee Members.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, Somerset County, State of New Jersey that the following appointments to the Senior Citizen Advisory Committee, each for a one-year term ending January 31, 2013 are hereby approved:

Dale Woltz, Parkside Club, Regular Member
Beverly Greene, Parkside Club, Alternate Member
Jean Doyle, Franklin Twp. Club, Regular Member
Tom Bardarik, Franklin Twp. Club, Alternate Member
Irene Calafiore, Franklin Park Club, Regular Member
Mary Liuzzi, Franklin Park Club, Alternate Member
Margaret Sumpter, United Seniors, Regular Member
Sue Krempasky, United Seniors, Alternate Member

Resolution #12-039 Appointment of 2012 Youth Services Commission/Alliance Against Drug Abuse Members.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, Somerset County, State of New Jersey that the following appointments to the Youth Services Commission/Alliance Against Drug Abuse, each for a one-year term ending December 31, 2012 are hereby approved:

<i>Craig R. Novick</i>	<i>Township Manager</i>
<i>Doris Robinson</i>	<i>ARISE Program</i>
<i>Young Kim</i>	<i>Clergy Representative</i>
<i>Sinclair Bishop</i>	<i>Clergy Representative</i>
<i>Diane Leach-Thompson</i>	<i>Community Resource Representative</i>
<i>Rachel Backer-Blackwell</i>	<i>Community Resource Representative</i>
<i>Stacey Pelham Hale</i>	<i>FHS SAC</i>
<i>Michele Samarya-Timm</i>	<i>Health Educator</i>
<i>Patti Elliot</i>	<i>Health Representative</i>
<i>Hazel Davis</i>	<i>Housing Authority Director</i>
<i>Alice Osipowitz, Chair</i>	<i>Parks & Recreation Director</i>
<i>Lawrence Roberts</i>	<i>Police Chief</i>
<i>Richard Grammar</i>	<i>Police Representative</i>
<i>Sean Hebbon</i>	<i>Police Representative</i>
<i>Kris Durham</i>	<i>Police Representative</i>
<i>Neely Hackett</i>	<i>Principal, FHS</i>

<i>Taletha Brown</i>	<i>Board of Education President</i>
<i>Valerie Northey, Co-Chair</i>	<i>Public Member, Ele SAC</i>
<i>Eva Nagy</i>	<i>Board of Education Member</i>
<i>Cindy Britt</i>	<i>SCYSC Representative</i>
<i>Ronnie Weiner</i>	<i>Somerset County Alliance Member</i>
<i>Edward Seto</i>	<i>Superintendent of Schools</i>
<i>Martha Camarda</i>	<i>Public Member</i>
<i>Bruce McCracken</i>	<i>Public Member</i>
<i>Marie Thompson</i>	<i>Public Member</i>
<i>Ava Stanley</i>	<i>Public Member</i>
<i>Bruce Medley</i>	<i>Public Member</i>
<i>Phyllis Beals</i>	<i>Public Member</i>
<i>Janet Walton</i>	<i>Public Member</i>
<i>Euline Jackson</i>	<i>Public Member</i>
<i>Daniel Glicklich</i>	<i>Public Member</i>

Resolution #12-040 Authorize Release of Certain Executive Session Minutes.

WHEREAS, the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, as permitted by the Open Public meetings Act (NJSA 10:4-6 et. seq.), conducts meetings closed to the public on matter of:

<u>Date</u>	<u>Type</u>	<u>Subject(s)</u>
01/11/05	Potential Litigation	Library Contract
01/18/05	Potential Litigation	Library Contract
08/11/09	Litigation	DesLauriers Municipal Solutions v. Township of Franklin

WHEREAS, also in accordance with the Open Public Meetings Act, minutes of closed sessions must be released to the public when:

With respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

With respect to acquisition of property at such time as the property is acquired or the acquisition is abandoned;

With regard to personnel and or employment relationship matters at such time as the affected employee shall authorize the release of such information, and/or in accordance with **South Jersey Pub. Co. v. NJ Expressway Auth., 124 NJ 478 (1991)**.

With respect to matters required by law to be Confidential, Public Safety, receipt of Government Funds or the imposition of a penalty at such time as the need for confidentiality no longer exists.

WHEREAS, minutes of closed sessions involving the such matters set forth below have been determined by the Township Attorney to meet the criteria for release to the public as set forth above;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that Executive Session Meetings heretofore held on the foregoing subjects be and they are hereby released to the public.

Resolution #12-041 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: 08/12/10
 NAME OF APPLICANT: EFG Realty Company
 ADDRESS OF APPLICANT: 1233 Highway 27, Somerset, NJ 08873
 ITEM: Performance Bond #836
 DOCKET: PLN2005-0048
 IN THE AMOUNT OF: \$9,603.90
 FOR: Site Improvements – Block 88.02, Lot 12&95 – 1233 Hwy. 27

DATE RECEIPT BY ENGINEERING: 08/12/10
 NAME OF APPLICANT: EFG Realty Company
 ADDRESS OF APPLICANT: 1233 Highway 27, Somerset, NJ 08873
 ITEM: Performance Bond #B98808-021312
 INSURANCE COMPANY: American Southern Insurance Company
 DOCKET: PLN2005-0048
 IN THE AMOUNT OF: \$86,435.10
 FOR: Site Improvements – Block 88.02, Lot 12&95 – 1233 Hwy. 27

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 #12-042 Authorize Refund of Tax Overpayments.

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

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

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

BLOCK/LOT	NAME/ADDRESS	QTR/YR	AMOUNT
7534-0 WATER	US BANK CUST FOR TOWER TBW 50 SOUTH 16 TH STREET SUITE 1950-TOW PHILADELPHIA, PA 19102	4/2011 LIENHOLDER AND OWNER PAID	42.90
37961-0 WATER	CANAL WALK ASSOCIATES 812 CENTRAL AVENUE WESTFIELD, NJ 07090	4/2011 INCORRECT METER READING	362.29
TRUST ACCOUNT	US BANK CUST/CRESTAR CAP LLC 2 LIBERTY PLACE 50 SOUTH 16 TH ST SUITE 1950 PHILADELPHIA, PA 19102	TAX SALE OVERPAYMENT	150.52
TRUST ACCOUNT	TRADE MONEY LLC 29 PALISADES ROAD OLD BRIDGE, NJ 08857	TAX SALE OVERPAYMENT	468.75

TRUST ACCOUNT	HERBERT SEHGEL PO BOX 284 KINGSTON, NJ 08528	TAX SALE OVERPAYMENT	1,125.81
TAX SALE CERT. 87.04/17 159/28	FTSA 70 COMMERCE DRIVE SOMERSET, NJ 08873	TAX SALE 12/30/11	469.12
424.08/14.01C001 0 15/58	WELLS FARGO HOME MORTGAGE 1 HOME CAMPUS MAC-X2301-03B/ARU DES MOINES, IA 50328-0001	4/11 DOUBLE PAYMENT 12/1 11/4 DOUBLE PAYMENT	857.74 2,063.98 8.19
34.05/52.04	V.K.R.M. INVESTORS, LLC & SKOLOFF 7 WOLFE P.C. 293 EISENHOWER PKWY LIVINGSTON, NJ 07039	4/10 4/11 TAX APPEAL	4,794.51 6,848.64
34.10/59.01C0313	CORELOGIC 8435 STEMMONS FWY DALLAS, TX 75247	4/11 DOUBLE PAYMENT	1,127.02
89.03/10.09	IRWIN LAW FIRM, P.A. & MERIDIAN ASSOCIATES 80 MAIN ST. SUITE 410 WEST ORANGE, NJ 07052	4/11 TAX APPEAL	8,899.56
101/89	VAKHARIA, MUKESH JASVANTLAL 11 COLGATE CT. SOMERSET, NJ 08873	4/11 TITLE AND MORT. CO. PAID	3,019.11
144/21	ESTATE OF ALBERT J. SENNA 58 OLD YORK ROAD RINGOES, NJ 08551	4/11 TAX APPEAL	2,433.18
193/30	GASS, DAVID 124 BURNS ST. SOMERSET, NJ 08873	3/11 TAX EXEMPT	380.45
193/30	VAN DE VAARST, HOWARD 124 BURNS ST. SOMERSET, NJ 08873	1/12 HOMESTEAD REBATE TO SELLER	551.26
386.08/12	BATSON, CORNELIUS & MARILYN 19 MAGNOLIA ROAD SOMERSET, NJ 08873	4/10 1/11 1/12 TAX	763.01 4,696.04 870.04

		EXEMPT HOMESTEAD REBATE	
424.10/269	CAPONE, CARRIE BETH 34 SQUIRE HILL ROAD LONG VALLEY, NJ 07853	4/11 DOUBLE PAYMENT	1,450.85
457/10	BAC TAX SERVICES CORP. CA6-913-LB-01 PO BOX 10211 VAN NUYS, CA 91499-6089	4/11 PAID EXTRA	107.56
467/1.02	WOLFF & SAMSON P.C. & TORANCO SOMERSET LLC ONE BOLAND DRIVE WEST ORANGE, NJ 07052	4/10 4/11 TAX APPEAL	45,536.20 68,800.80
468.08/15.02	BAC TAX SERVICES CORP. 2375 N. GLENNVILLE DRIVE BLDG A RICHARDSON, TX 75082	1/12 PAID TWICE	3,392.76
468.11/15	MICHAEL I. SCHNECK & FIRST INDUSTRIAL LP 301 SOUTH LIVINGSTON AVE LIVINGSTON, NJ 07039	4/11 TAX APPEAL	16,011.44
470/2	AURORA BANK 1 CORE LOGIC DRIVE WESTLAKE, TX 76262	4/11 PAID TWICE	2,255.28
513.27/17	BILT, MATTHEW & SUSAN 15 JAYS CORNER SOMERSET, NJ 08873	1/12 PAID EXTRA	240.10

Resolution #12-043 Award Non-Fair and Open Professional Services Agreement – Public Defender – Dennis Auciello – Amount Not to Exceed \$17,000.00.

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 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

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:	DENNIS AUCIELLO, ESQ.
ADDRESS:	PO Box 528/60 Paterson Street New Brunswick, NJ 08903-0528
CONTRACT AMOUNT:	Amount Not to Exceed \$17,000.00 (Year 2012)
SERVICE:	Public Defender - 2012

Resolution #12-044 Award Non-Fair and Open Professional Services Agreement – Bond Counsel – Wilentz, Goldman & Spitzer, P.A.

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, 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 certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, Wilentz, Goldman & Spitzer, P.A. has completed and submitted a Business Entity Disclosure Certification which certified that Wilentz, Goldman & Spitzer, P.A. has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Wilentz, Goldman & Spitzer, P.A. from making any reportable contributions through the term of the contract;

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.

- (2) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP**, as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR: Wilentz, Goldman & Spitzer, P.A.
 Everett M. Johnson, Esq.
 90 Woodbridge Center Drive, Suite 900, Box 10
 Woodbridge, NJ 07095

CONTRACT AMOUNT: As per Agreement

CONTRACT PERIOD: January 1, 2012 thru December 31, 2012

SERVICE: Bond Counsel Services as Agreement

Resolution #12-046 Authorize Stipulation of Settlement – Tax Appeal – First Industrial – 26 World’s Fair Drive – Block 468.11, Lot 16 – Years 2010-2011.

WHEREAS, First Industrial , LP is the owner of certain property located at 26 World’s Fair Drive, which is identified as Block 468.11, Lot 16 on the tax maps of Franklin Township; and

WHEREAS, First Industrial, LP filed an appeal to the Tax Court of New Jersey for said premises for the 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>2010 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$1,023,000.00	0	\$1,023,000.00
Improvements:	\$3,498,000.00	0	\$3,498,000.00
Total:	\$4,521,000.00	0	\$4,521,000.00
<u>2011 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$1,023,000.00	0	\$1,023,000.00
Improvements:	\$3,498,000.00	0	\$2,737,000.00
Total:	\$4,521,000.00	0	\$3,760,000.00

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, 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 FIRST INDUSTRIAL”, 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 \$3,290,000 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 \$3,290,000 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 24th 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 #12-047 Authorize Stipulation of Settlement – Tax Appeal – First Industrial – 22 World’s Fair Drive – Block 468.11, Lot 14 – Year 2011.

WHEREAS, First Industrial , LP is the owner of certain property located at 22 World’s Fair Drive, which is identified as Block 468.11, Lot 14 on the tax maps of Franklin Township; and

WHEREAS, First Industrial, LP 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:

2011	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
<u>Judgment</u>			
Land:	\$1,068,000.00	0	\$1,068,000.00
Improvements:	\$3,741,000.00	0	\$2,932,000.00
Total:	\$4,809,000.00	0	\$4,000,000.00

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. 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 FIRST INDUSTRIAL”, 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 \$3,500,000 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 \$3,500,000 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 24th 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 #12-048 Authorize Stipulation of Settlement – Tax Appeal – 600 Apgar Road, LLC – 600 Apgar Road – Block 517.01, Lot 3.16 – Years 2010-2011.

WHEREAS, 600 Apgar Road, LLC is the owner of certain properties located at 600 Apgar Drive, Somerset, which is identified as Block 517.01, Lot 3.16 on the tax maps of Franklin Township; and

WHEREAS, 600 Apgar Road, LLC 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:

Year 2010

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$2,799,000		\$2,799,000
Improvements:	<u>\$6,201,000</u>	DIRECT	<u>\$5,201,000</u>
Total	\$9,000,000	APPEAL	\$8,000,000

Year 2011

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$2,799,000		\$2,799,000
Improvements:	<u>\$6,201,000</u>	DIRECT	<u>\$4,201,000</u>
Total	\$9,000,000	APPEAL	\$7,000,000

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.

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

WHEREAS, based upon the foregoing, both parties represent to the Court that the said 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, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days for the date of entry of the Tax Court Judgment; and

WHEREAS, the parties agree that the property’s 2012 total assessment shall be \$6,000,000 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 affirm the \$6,000,000 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 5 regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

WHEREAS, all refunds as a result of the settlement set forth herein shall be payable to “Zipp & Tannenbaum, LLC Attorney Trust Fund”, and forwarded to Zipp & Tannenbaum, LLC, 166 Gatzmer Avenue, Jamesburg, New Jersey 08831, within sixty (60) days of the date of any entry of judgment;

NOW, THEREFORE, BE IT RESOLVED this 24th 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 #12-049 Authorize Stipulation of Settlement – Tax Appeal – Heller VIII Partnership, LP – 245 Belmont Drive – Block 518.06, Lot 1 – Years 2010-2011.

WHEREAS, Heller VIII Partnership, LP is the owner of certain properties located at 245 Belmont Drive, Somerset, which is identified as Block 518.06, Lot 1 on the tax maps of Franklin Township; and

WHEREAS, Heller VIII 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:

Year 2010

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$2,286,000		\$2,286,000
Improvements:	<u>\$2,514,000</u>	DIRECT	<u>\$1,898,700</u>
Total	\$4,800,000	APPEAL	\$4,184,700

Year 2011

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$2,286,000		\$2,286,000
Improvements:	<u>\$2,514,000</u>	DIRECT	<u>\$1,300,900</u>

Total	\$4,800,000	APPEAL	\$3,586,900
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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.

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

WHEREAS, based upon the foregoing, both parties represent to the Court that the said 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, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days for the date of entry of the Tax Court Judgment; and

WHEREAS, the parties agree that the property’s 2012 total assessment shall be \$3,188,400 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 affirm the \$3,188,400 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 5 regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

WHEREAS, all refunds as a result of the settlement set forth herein shall be payable to “Zipp & Tannenbaum, LLC Attorney Trust Fund”, and forwarded to Zipp & Tannenbaum, LLC, 166 Gatzmer Avenue, Jamesburg, New Jersey 08831, within sixty (60) days of the date of any entry of judgment,

NOW, THEREFORE, BE IT RESOLVED this 24th 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 #12-050 Authorize Stipulation of Settlement – Tax Appeal – Apple Six Hospitality Ownership, Inc./Homewood Suites – 101 Pierce Street – Block 468.09, Lot 46 – Years 2009-2011.

WHEREAS, Apple Six Hospitality Ownership, Inc./Homewood Suites is the owner of certain property located at 101 Pierce Street, Somerset, which is identified as Block 468.09, Lot 46 on the tax maps of Franklin Township; and

WHEREAS, Apple Six Hospitality Ownership, Inc./Homewood Suites 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 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 2,460,000.00	0	\$2,460,000.00
Improvements:	\$ 9,540,000.00	0	\$7,140,000.00
Total:	\$12,000,000.00	0	\$9,600,000.00
<u>2010 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 2,460,000.00	0	\$2,460,000.00
Improvements:	\$ 8,540,000.00	0	\$6,640,000.00
Total:	\$11,000,000.00	0	\$9,100,000.00

<u>2011 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$ 2,460,000.00	0	\$2,460,000.00
Improvements:	\$ 8,540,000.00	0	\$6,640,000.00
Total:	\$11,000,000.00	0	\$9,100,000.00

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, all funds as a result of the settlement set forth herein shall be paid by refund check, made payable to Apple Six Hospitality Ownership, Inc./Homewood Suites through its attorney, Gregory G. Lotz, Esq. Of Garippa, Lotz & Giannuario, 66 Park Street, (P.O. Box 1584) Montclair, New Jersey 07042 within sixty (60) days of the date of the Judgment; and

WHEREAS, the parties agree that the property's 2012 total assessment shall be: \$2,460,000.00 Land; \$5,790,000.00 Improvements; \$8,250,000.00 Total 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 \$8,250,000.00 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property; and

NOW, THEREFORE, BE IT RESOLVED this 24th 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 #12-051 Authorize Stipulation of Settlement – Tax Appeal – Two World's Fair Realty, LLC – 2 World's Fair Drive – Block 468.10, Lot 1.01Q – Year 2010.

WHEREAS, Two Worlds Fair Realty LLC is the owner of certain properties located at 2 World's Fair Drive, Somerset, which is identified as Block 468.10, Lot 1.01 on the tax maps of Franklin Township; and

WHEREAS, Two Worlds Fair Realty LLC filed an appeal to the Tax Court of New Jersey for said premises for the 2010 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>Year 2010</u>	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$1,452,000		\$1,452,000
Improvements:	<u>\$5,548,000</u>	DIRECT	<u>\$5,548,000</u>
Total	\$7,000,000	APPEAL	\$7,000,000

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.

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

WHEREAS, based upon the foregoing, both parties represent to the Court that the said 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, the parties agree that the 2011 assessment of Block 468.10, Lot 1.01 shall not exceed \$5,300,000 and the taxpayer may only file an appeal in 2011 for the purpose of obtaining a judgment affirming the assessment. Defendant will not object to the entry of a judgment affirming the assessment obtained as set forth in this provision. Notwithstanding the foregoing, in the event the improvements are demolished in whole or in part or a condemnation action is filed prior to April 1, 2011 the Plaintiff shall also have the right to file an appeal to challenge the assessment; and

WHEREAS, all refunds as a result of the settlement set forth herein shall be payable to “Brach Eichler L.L.C. and Two Worlds Fair Realty LLC” and forwarded to Daniel J. Pollak, within sixty (60) days of the date of any entry of judgment;

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

NOW, THEREFORE, BE IT RESOLVED this 24th 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 #12-052 Authorize Stipulation of Settlement – Tax Appeal – 701 Cottontail Lane Assoc., LLC – 701 Cottontail Lane – Block 517.01, Lot 8.08 – Years 2009-2010.

WHEREAS, 701 Cottontail Lane Associates LLC is the owner of certain property located at 701 Cottontail Lane, Somerset, which is identified as Block 517.01, Lot 8.08 on the tax maps of Franklin Township; and

WHEREAS, 701 Cottontail Lane Associates LLC filed an appeal to the Tax Court of New Jersey for said premises for the 2009 and 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>2009 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,646,000.00	0	\$2,646,000.00
Improvements:	\$3,681,000.00	0	\$3,154,000.00
Total:	\$6,327,000.00	0	\$5,800,000.00

<u>2010 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,646,000.00	0	\$2,646,000.00
Improvements:	\$3,154,000.00	0	\$2,454,000.00
Total:	\$5,800,000.00	0	\$5,100,000.00

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, 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 701 Cottontail Lane Associates LLC”, 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 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 24th 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 #12-053 Authorize Stipulation of Settlement – Tax Appeal – Kharbanda, Basant – 230 Belmont Drive – Block 517.05, Lot 35.12 – Years 2009-2011.

WHEREAS, Basant Kharbanda is the owner of certain property located at 230 Belmont Drive, Somerset, which is identified as Block 517.05, Lot 35.12 on the tax maps of Franklin Township; and

WHEREAS, Basant Kharbanda 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 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,808,000.00		\$2,808,000.00
Improvements:	0	Direct Appeal	0
Total:	\$2,808,000.00		\$2,808,000.00
<u>2010 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,808,000.00		\$2,808,000.00
Improvements:	0	Direct Appeal	0
Total:	\$2,808,000.00		\$2,808,000.00
<u>2011 – Judgment</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Request Tax Court Judgment</u>
Land:	\$2,808,000.00		\$2,808,000.00
Improvements:	0	Direct Appeal	0
Total:	\$2,808,000.00		\$2,808,000.00

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, the parties agree provided there is no material physical change in the property between October 1, 2011 and January 1, 2012 within the meaning of N.J.S.A. 54:4-25.1, the property's 2012 total assessment shall be \$2,246,400. Either party shall have the right to file a tax appeal for 2012 solely to obtain a judgment to implement, enforce and/or confirm the \$2,246,400 assessment; and

WHEREAS, the provisions of this Stipulation not contained in the Tax Court Judgment shall survive the entry of judgment.; and

WHEREAS, plaintiff waives interest on the tax savings refund if mailed within sixty (60) days of the date of entry of judgment, as required by law. All refunds should be mailed to Blau & Blau, attorneys for Plaintiff;

NOW, THEREFORE, BE IT RESOLVED this 24th 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 #12-054 Authorize Stipulation of Settlement – Tax Appeal – One Wiley Drive, LLC – 1 Wiley Drive – Block 523.03, Lot 35.08 – Years 2009-2010.

WHEREAS, One Wiley Drive, LLC is the owner of certain properties located at 1 Wiley Drive, Somerset, which is identified as Block 523.03/Lot 35.08 on the tax maps of Franklin Township; and

WHEREAS, One Wiley Drive, LLC filed an appeal to the Tax Court of New Jersey for said premises for the 2009 and 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:

Year 2009

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 4,478,000		\$ 4,478,000
Improvements:	<u>\$ 7,128,000</u>	DIRECT	<u>\$ 6,022,000</u>
Total	\$11,606,000	APPEAL	\$10,500,000

Year 2010

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$4,478,000		\$4,478,000
Improvements:	<u>\$5,422,000</u>	DIRECT	<u>\$5,422,000</u>
Total	\$9,900,000	APPEAL	\$9,900,000

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.

WHEREAS, based upon the foregoing, both parties represent to the Court that the said 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, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days for the date of entry of the Tax Court Judgment; and

WHEREAS, all refunds as a result of the settlement set forth herein shall be payable to “Zipp & Tannenbaum, LLC Attorney Trust Fund”, and forwarded to Zipp & Tannenbaum, LLC, 166 Gatzmer Avenue, Jamesburg, New Jersey 08831, within sixty (60) days of the date of any entry of judgment;

NOW, THEREFORE, BE IT RESOLVED this 24th 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#12-055 Authorize Release of Special Event Escrow – Celeste Twamley – Kingston Volunteer Fire Company #1 Annual Community Barbeque.

WHEREAS, by resolution adopted on July 12, 2011 the Township Council granted permission for Kingston Volunteer Fire Company #1 to conduct the Annual Community Barbeque on Saturday, September 10, 2011 from 3:00 pm to 7:00 pm; and

WHEREAS, Celeste Twamley deposited with the Township Clerk the amount required by Ordinance No. 526 guaranteeing maintenance of the grounds on which the event was conducted; and

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

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, Somerset County does hereby authorized the Township Treasurer to issue a check to Celeste Twamley in the amount of \$300.00 representing return of escrow monies being held as maintenance guarantees for the event.

Resolution #12-056 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

Franklin Park School PTO
30 Eden Street, Franklin Park
On-Premise Raffle – RL#1961
On-Premise 50/50 – RL#1962
Drawings: 30 Eden St., Franklin Park

DATE OF RAFFLE/BINGO

March 24, 2012
5:00 pm – 9:00 pm

St. Peter & Paul Church
285 Hamilton Street, Somerset

Add Dec. 31, 2011 to
Schedule

Resolution #12-059 Award Housing Rehabilitation Contracts – Neumann Construction (1124 Hamilton Street - \$9,540.00 & 57 Blair Avenue - \$11,250.00) – Property Improvement (41 Welsh’s Lane - \$11,400.00).

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 CDBG Grant for Rehabilitation Contracts, copies of which are on file with the Township Clerk and available for public inspection:

CONTRACTOR: Neumann Construction
429 David Street, South Amboy, NJ 08879
PROJECT/AMOUNT: 1124 Hamilton Street/Not to Exceed\$7,950.00 plus 20% = \$9,540.00
57 Blair Avenue/Not to Exceed \$9,375.00 plus 20% = \$11,250.00

CONTRACTOR: Property Improvement
PO Box 7261, North Brunswick, NJ 08902
PROJECT/AMOUNT: 41 Welsh’s Lane/Not to Exceed \$9,500.00 plus 20% = \$11,400.00

Resolution #12-060 Authorize CY2012 Emergency Temporary 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
Mayor & Council		2,500.00	2,500.00
Purchasing		10,000.00	10,000.00
		12,500.00	12,500.00
		12,500.00	12,500.00
Total Appropriation within CAPS	-	12,500.00	12,500.00

RESOLUTION TO BE VOTED ON SEPARATELY

Resolution #12-045 Award Non-Fair and Open Professional Services Agreement – Litigation and Tax Appeal Attorney – Shain, Schaffer & Rafanello – Amount Not to Exceed \$160,000.00.

Mayor Levine presented the following resolution:

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

WHEREAS, 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 certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, Shain, Schaffer & Rafanello, PC has completed and submitted a Business Entity Disclosure Certification which certified that Shain, Schaffer & Rafanello, PC has not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Shain, Schaffer & Rafanello, PC from making any reportable contributions through the term of the contract;

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

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

VENDOR NAME:	Shain, Schaffer & Rafanello, PC
ADDRESS:	Suite 105, 150 Morristown Road Bernardsville, New Jersey 07924
CONTRACT AMOUNT:	Amount not to exceed \$160,000.00
SERVICE:	Litigation/Tax Appeal Attorney Services January 1, 2012 to December 31, 2012

Mayor Levine stated he was not accusing anyone of doing anything improper, but he felt the award of this contract makes the Township look bad. He stated that one of the partners is the Somerset County Democratic Chair. He stated the award of this contract will result in the residents losing confidence in the Council. He stated that he preferred not to award contract. He stated he will meet with the Chair. He stated award of the contract gives the wrong perception.

Mr. Wright took offense to Mayor Levine's comments and disagreed. He stated that if the Mayor felt the other members were doing something wrong he should call on it or move the resolution to a vote.

Mayor Levine stated if he could write the laws he would make this contract illegal. He stated he could not support the resolution.

Ms. Sherman stated she appreciated the Mayor's concerns on this matter. She stated that in some instances public perception is considered. She stated the County makes contributions to both parties. She stated the contract is what is best for the Township to support and defend it against tax appeals.

Mayor Levine appreciated Ms. Sherman's comments.

Mr. Vassanella stated this is the first time this firm has applied for legal work in Franklin. They have considered the quality of law firm which is at or above standard and is what they want. He stated they are being more proactive and involved with Council and it is only a one year contract. He suggested they work on more pay to play reform for township.

Mayor Levine stated that the Deputy Mayor offered a meeting with the Chair and himself.

Deputy Mayor Kramer stated they are holding the contract to \$160,000 and called the question.

Mr. Prasad moved the aforesaid resolution for adoption. 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	Levine		Regan
Prasad	Sherman	Vassanella			
Wright					

OLD BUSINESS

Advisory Recreation Council

Mr. Wright nominated **Lewis Hurd** as a Regular Member of the Advisory Recreation Council for a three-year term ending December 31, 2014. Said appointment was carried upon acclamation.

Mr. Chase nominated **Jonelle Melecio** as the Non-Voting Teen Public School Female Member of the Advisory Recreation Council for a one-year term ending December 31, 2012. Said appointment was carried upon acclamation.

Agricultural Advisory Committee

Deputy Mayor Kramer nominated **Gary Randolph** as a Regular Member of the Agricultural Advisory Committee for an unexpired one-year term ending December 31, 2012. Said appointment was carried upon acclamation.

Human Relations Commission

Mr. Prasad nominated **Shirin Poustchi** as a Regular Member of the Human Relations Commission for an unexpired three-year term ending December 31, 2013. Said appointment was carried upon acclamation.

Planning Board

Township Manager Novick reported he was finalizing the appointment of the Class II (Township Official) Member of the Planning Board and would have an appointment ready for the next meeting.

Mayor Levine stated he would have an appointment ready by week's end for the Class I (Mayor or designee) Member of the Planning Board.

East Millstone First Aid & Rescue Squad Building

Mr. Vassanella reported that at the second meeting in February (28th), the East Millstone First Aid and Rescue Squad would be attend to update Council on their meetings with the Township Manager and staff regarding finding land for a new building.

Raritan & Millstone Flood Control Commission

Mr. Chase nominated John Clyde and Scott Thomas as the Franklin Township Regular Representatives to the Raritan & Millstone Flood Control Commission, each for a five-year term ending December 31, 2016 and Theodore Chase and James Vassanella as Franklin Township Alternate Representatives to the Raritan & Millstone Flood Control Commission, each for a one-year term ending December 31, 2012. Said appointments carried upon acclamation.

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
2. The general nature of the subject matter to be discussed is as follows:

Litigation: Personnel; Kings Row Homes; Pulte Homes/Somerset Run/Township of Franklin; and E&J Equities Update
Personnel: CFO Tenure Appointment
Contract Negotiations: SOA/PBA

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 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				

The meeting adjourned to Executive Session at 9:15 p.m.

Upon motion by Mr. Prasad, seconded by Mr. Vassanella, the meeting reconvened at 10:55 p.m.

Mayor Levine announced the discussion during Executive Session was as follows:

Litigation: Personnel; Kings Row Homes; Pulte Homes/Somerset Run/Township of Franklin; and E&J Equities Update
Personnel: CFO Tenure Appointment
Contract Negotiations: SOA/PBA

ADJOURNMENT

Motion was made by Mr. Wright and seconded by Mr. Prasad to adjourn to the meeting at 10:56 p.m. Motion was carried unanimously.

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

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