

Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on January 23, 2007. 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 Mr. Vassanella led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Prasad, Mr. Regan (arrived at 7:20 p.m.), Mr. Sumter, Mr. Vassanella

Absent: Deputy Mayor Ritchie

Also present: Louis N. Rainone, Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

MAYOR'S REPORT

Mayor Levine made the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Explained how the meeting would be conducted.
- Reminded everyone that Council meetings are generally the 2nd and 4th Tuesdays of the month. He stated the meeting listings are on FTTV-25 and the Township's website. In regards to the Township's website, one can sign up for updates of meetings, minutes, etc. as well as view the agenda, ordinances and pending resolutions. He stated that if anyone was interested in volunteering to serve on a board or commission to contact any Councilperson.
- Announced that there is a Mayor's Blog offered by the Home New Tribune at Thnt.com. He stated that he would periodically list happenings and opinions on it. He invited comments, answers and suggestions from the public.
- Reported that the Martin Luther King Breakfast was a success and the keynote speaker was Reverend Zollie Smith.
- Announced that February is Black History Month which is celebrated nationwide and certainly in Franklin. Events in Franklin are held each Saturday in February.
- Later in the meeting, the Council Retreat will be scheduled.

COMMITTEE REPORTS

Financial Oversight

Ms. Danile made the following report:

- Present were Manager Ken Daly, Assistant Manager Donna Vieiro, CFO Van Khurana, Mayor Levine, Councilwomen Ritchie and Danile.
- The first item on the agenda was a budget status review, where the new CRO took the committee through the status of significant budget line items.
- The Investment Report highlighted cash balances and interest earned.
- A list of debt capital priorities was examined. The estimated total cost for current year action items is \$3.6 million; only \$2 million was selected.
- The committee looked at a preliminary budget calendar. The Township Manager would like to start the process later but still schedule the budget adoption for October 23rd.
- The township is seeking a comptroller with license qualifications, such as a CPA and/or RMA. Such expertise will make the finance function more effective. In the meantime, a consultant was approved to assist.
- Finally, Mr. Daly took the committee through his fiscal planning worksheet, explaining assumptions used in his calculations. The worksheet shows estimates through the year 2013.

Mr. McKenzie asked who the new CFO was. Ms. Danile replied that Vandana Khurana was promoted to CFO. Mr. Vassanella asked for clarification of the comptroller position. Ms. Danile replied it would be someone who possesses certifications such as CPA and RMA to support the CFO and aid in maintaining the office. It would replace the Treasurer position, thus enhancing the position. Mr. Daly stated the salary amendment ordinance would be prepared to create the position for introduction on February 13th, then they would advertise for the position. This adds more expertise to the position.

Land Use & Open Space Committee

The following was reported from the Land Use and Open Space Committee:

- Recommended the adoption of the Stream Corridor Protection Ordinance.
- Opposed two land requests.
- Recommended the vacation of a portion of Adams Street
- Recommended the lifting of a deed restriction at 136 Main Street.

Emergency Life Support Committee

Mr. Vassanella reported he attended the reorganization meeting of the East Millstone First Aid Squad where Paul Hooper was elected President. He announced that Daniel Kushinsky was re-elected for his 7th term as Fire Chief of the East Franklin Fire Company.

Community Foundation

Mr. Vassanella reported that the Community Foundation has not selected a project at this time, but they are aggressively looking for a project that serves both seniors and youths.

Hamilton Street Business Community Corporation

Mr. Vassanella reported of an event that recognized Frank Hasner who retired from the Township after 25 years.

REVIEW OF THE PREPARED AGENDA

Mayor Levine led the following discussion regarding the review of the prepared agenda:

Resolution #07-042 Award Non-Fair and Open Extraordinary Unspecifiable Services Agreement – LDP Consulting Group Inc. – Medical Insurance Broker.

Mr. McKenzie made a motion to table this resolution and refer it back to the Administration Standing Committee for review and reschedule it for February 13, 2007. Said motion was seconded by Ms. Danile and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle	Vassanella	Regan	Ritchie
Levine	McKenzie			
Prasad	Sumter			

Nominations for 2007 Appointments and Appointments to the Senior Citizen Advisory Committee and the Youth Services Commission/Alliance Against Drug Abuse

Mr. Vassanella made a motion to move Nominations for 2007 Appointments and Appointments to the Senior Citizen Advisory Committee and the Youth Services Commission/Alliance Against Drug Abuse on the agenda from the end of the meeting to right after the review of the agenda. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

At this time, Mr. Regan announced his resignation from the Township Council due to work commitments effect February 17, 2007 at 12:01 a.m. He expressed his honor in serving the Township and commended Mr. Daly for being able to handle the difficult situation of having nine bosses.

Mayor Levine asked the Township Attorney to explain the vacancy law. Mr. Rainone replied that after February 17, 2007, the Township Clerk notifies the Chairman of the Democratic Party of Mr. Regan's resignation. The Democratic Party has 15 days to submit three names. Council then has 15 days to select a nominee. If no action by Council in 15 days, the Democratic Party has 15 days to appoint nominee. Since this is the last year of his term, the person filling the unexpired term serves until December 31, 2007.

APPOINTMENTS

Nominations for 2007 Appointments

Ms. Danile nominated Raymond Betterbid as a regular member of the Board of Adjustment for an unexpired four-year term ending December 31, 2008.

Ms. Eberle nominated Lauren O'Neil as the Franklin Township member of the Joint Advisory Committee/Village of Kingston for an unexpired three-year term ending December 31, 2009.

Mr. Prasad nominated Michael Orsini as the Shade Tree Commission member of the Open Space Advisory Committee for a term concurrent with his Shade Tree Commission term.

Mayor Levine nominated James Vassanella as the Council Liaison to the Cable TV Advisory Committee for a one-year term ending December 31, 2007.

Upon motion by Mr. Vassanella, seconded by Mr. Prasad, the aforesaid appointments were made unanimously upon acclamation.

Appointments of the Senior Citizen Advisory Committee and the Youth Services Commission/Alliance Against Drug Abuse

Upon motion by Mr. McKenzie, seconded by Mr. Prasad, the following appointments were made unanimously by acclamation:

A. *Senior Citizen Advisory Committee*

Term: One-Year 02/01/07 to 01/31/08

Franklin Township Senior Citizens Club	Charles Seigel, Regular Member Tom Allaway, Alternate Member
Franklin Park Senior Citizens Club	Sue Krempasky, Regular Member Cynthia Williams, Alt. Member
Somerset Residence Senior Citizen Club	Jackie Buik, Regular Member Barbara Roth, Alternate Member
Parkside Senior Citizens Club	Beverly Greene, Regular Member Flossie Chapman, Alt. Member

B. *Youth Services Commission*

Term: each for a one-year term ending 12/31/07:

Craig Novick	Chief of Police
Eva Nagy	School Board President
William Westfield	Superintendent of Schools
Valerie Northey, FHS	Student Assistance Coordinator
Jeffrey C. Green, Esq.	Municipal Court Judge
Walter Galanowsky	Director of Health
Michele Samarya-Timm	Health Department Representative
Hazel Davis	Housing Authority Executive Director
Kenneth W. Daly	Township Manager
Susan Kamins	Somerset Cnty Youth Svs. Commission
Dianne Leach-Thompson	Community Resource Representative
Stacy Pelham Hale, SGSS	Student Assistance Coordinator
Austin Shafer	Youth Ministry
Reverend Buster Soaries	Clergy Representative
Sinclair Bishop	Clergy Representative
Richard Grammar	Police Department Representative
Sean Hebbon	Police Department Representative
Kristen Durham	Police Department Representative
Orvyl Wilson	Franklin High School Principal
Ronnie Weiner	Somerset County Alliance
Paul Hoffman	Library Representative
Martha Camarda	General Public Representative
Bruce McCracken	General Public Representative
Marie Thompson	General Public Representative
Doris Robinson	General Public Representative
Ava Stanley	General Public Representative

Bruce Medley
Phyllis Beals
Janet Walton
Charline Foendoe
Euline Jackson
Young Kim

General Public Representative
General Public Representative
General Public Representative
General Public Representative
General Public Representative
General Public Representative

COUNCIL DISCUSSION ITEMS

Pay-to Play Redevelopers

Mr. Rainone reviewed the proposed ordinance for pay-to-play fore redevelopers he drafted. He reviewed the changes he made to the ordinance regarding property owners who are designated redevelopers of their properties. After a brief discussion, it was the consensus to introduce the ordinance at the February 13, 2007 meeting.

Standing Committees

Mr. Vassanella stated that the Senior Services, Parks and Recreation Standing Committee did not meet in 2006 and recommended that the committee be deleted. Ms. Eberle disagreed, stating that she attends the Senior Citizen Advisory Committee and Parks and Recreation meetings as a member of the Senior Services, Parks and Recreation Standing Committee. She stated that she attends the board meetings. She asked that the standing committee not be disbanded. Ms. Danile stated that she is the liaison to the Advisory Recreation Council and the Senior Affordable Housing Advisory Committee and Ms. Eberle is the liaison to the Senior Citizen Advisory Committee. She suggested that each liaison meet as the standing committee.

Mr. Vassanella recommended that the Administration and Financial Oversight Standing Committees merge together. He also recommended that science, technology, environmental issues (“green initiatives”) be added to the scope of responsibilities of the Public Works Standing Committee.

Mr. Vassanella moved to add “green initiatives” to the scope of responsibilities of the Public Works Standing Committee. Said motion was seconded by Ms. Danile and the motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Levine	Eberle		Ritchie
McKenzie	Prasad			Sumter
Regan	Vassanella			

Fourth of July Celebration

A discussion ensued regarding if, when the 4th of July would be celebrated and if so, how it would be funded. It was also discussed alternating the celebrations of the 4th of July and Op Cop to save money.

Mr. Vassanella moved to have the 4th of July celebration on July 3, 2007 and to find ways to raise money to offset the costs of the celebration. Said motion was seconded by Mr. Regan and carried unanimously upon voice vote.

The discussion continued regarding who would be leading the efforts to get sponsorships for the 4th of July celebration. Mr. Daly explained that this would something the staff and the Business & Industry Advisory Committee and Chamber of Commerce are not structured to do. Mr. Vassanella recommended that their be a structure to obtaining sponsorships.

Mr. Vassanella suggested that a cap be set on the costs. Mr. Daly provided a line by line budget for the fireworks that totaled \$40,000.00 as follows:

Fireworks	\$15,000.00	Overtime – Police	\$10,000.00
Inflatable Rides	5,000.00	Overtime – DPW	1,500.00
Flyers	2,000.00	Overtime – Recreation	2,000.00
Miscellaneous	1,900.00	Overtime – Fire Prevention	1,200.00
POJ	350.00		
Signs	750.00		

Mr. Daly stated the overtime costs are FY2008 costs and the other costs are FY2007 costs.

FEMA Revised Flood Insurance Rate Map Proposed Flood Elevation Determinations

Mr. Daly reported that the Federal Emergency Management Agency has revised the proposed Flood Insurance Maps for the Township. The maps include revised flood elevation determinations for the Township. The revised mapping includes corrections to the flood profile for the Millstone River based on the backwater effect of the Raritan River. If the Township wishes to appeal or comment on the changes it must be done in writing no later than 90 days following the December 20, 2006 publication date in the Courier News. There are two changes proposed in the base flood elevations located on the Millstone River within the Township. The first is at the confluence with the Raritan River. In this area the base flood elevation has been increased from 39 feet to 41 feet. The second location is at the confluence with the Royce Brook. At this location the base flood election has been increased from 40 feet to 41 feet. The Township Engineer recommended that the Township not appeal the revisions. No action was taken by Council.

4 Connections Telecommunications Services

Mr. Daly explained that there is a general procedure for telecommunications in the Township. If it were the consensus of the Council, the Township Attorney and Township Manager would draft the proper ordinance.

Mr. Regan made a motion to support the drafting of an ordinance for 4 Connections Telecommunications Services. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

Schedule Council Retreat

After a brief discussion by Council, it was their consensus to send their February schedules to the Township Manager and he would schedule the Council Retreat on a day that all was available.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$2,559,241.55 for January 23, 2007 to the Township Council for payment:

1	Current	1,737,248.19
5	Water Operating	458,836.19
6	Water Capital	68,336.67
4	General Capital	17,352.00
15	Trust Others	42,966.36
18	Self Insurance Trust	8,000.00
12	Open Space Trust	9,163.99
2	Grant	22,862.96
17	Workers' Compensation	

3	Collector Trust	94,366.50
14	Dog Revenue	1,350.00
30	Payroll Agency	26,277.15
	Subtotal	2,486,735.01
25	Escrow Account	72,506.54
	Grand Total	2,559,241.55

Mr. Sumter moved that warrants in the amount of \$2,559,241.55 for January 23, 2007 to be paid. Said motion was seconded by Mr. McKenzie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ritchie
Levine	McKenzie			
Prasad	Regan			
Sumter	Vassanella			

ORDINANCES, PUBLIC HEARINGS AND ADOPTION

Ordinance No. 3652

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-17 – LOT FRONTAGE; SECTION 112-49 – RESIDENTIAL CLUSTER AND TOWNHOUSE DEVELOPMENT; SECTION 112-66 – ABANDONMENT; AND SECTION 112-199 – REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT.

Mayor Levine stated that this ordinance is called up for second reading and final passage. He stated that the Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

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

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

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

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ritchie
Levine	McKenzie			
Prasad	Regan			
Sumter	Vassanella			

Ordinance No. 3653A

A motion was made by Mr. Regan to postpone the public hearing on Ordinance No. 3653A to February 13, 2007. Said motion seconded by Mr. Prasad and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ritchie
Levine	McKenzie			
Prasad	Regan			
Sumter	Vassanella			

Ordinance No. 3654

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF BLOCK 72, LOTS 1.01, 1.02, 1.03 AND 7.01 FROM ZONE DESIGNATON A TO RR3).

Mayor Levine stated that this ordinance is called up for second reading and final passage. He stated that the Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

Mr. Prasad moved to open the public hearing on the ordinance. Said motion was seconded by Ms. Danile and carried unanimously upon call of the roll.

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

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

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Danile	Eberle			Ritchie
Levine	McKenzie			
Prasad	Regan			
Sumter	Vassanella			

Ms. Danile left the meeting at 9:24 p.m.

PUBLIC DISCUSSION

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

Lauren O'Neil, 69 Laurel Avenue, Kingston, requested use of the Kingston School for a group of dancers once a week. She stated that they are a non-profit organization with little funding, but are fully insured. They have used the school in the past. She had the key previously and there were never any incidents.

Saul Teodulo, Basin Street, asked that his dance group be able to use the Kingston School to they could expand their talents and entertain others.

Idaherma Williams, 61 Coppermine Road, asked to be appointed as a regular member of the Historic Preservation Commission. She stated that she was appointed as an alternate last year and thought she would have been appointed as a regular member when there was a vacancy. She stated that new members have been appointed as regular members instead of herself. She provided Council with her qualities and experience to be a regular member. She stated that she feels she deserves to be a full voting member.

Mr. Regan left the meeting at 9:32 p.m.

Rodney Robinson, 2 Gary Court, works for BGIA, one of the insurance brokers being considered by the Township. He stated he was born and raised in the Township and has been serving the Township for nine years. He stated he was pleased that the resolution was removed from the agenda for further review.

Chip Hoever, 9 Stallion Court/80 Veronica Avenue, stated he was sorry to hear of Councilman Regan's resignation. He stated that 4th of July should be celebrated every year and funds should be collected annually. He stated that the Kingston School should be used by the people of Kingston with no supervision. He had comments for Ms. Danile and Ms. Ritchie who both were not at the meeting at this time (Ms. Ritchie was absent due to work commitments and Ms. Danile left the meeting at 9:24 p.m.). He commented on a flyer that was being distributed in the third ward in response to the recall petition.

Jane McCarthy, 70 Coppermine Road, echoes the sentiments of others that the Kingston School should be used and would appreciate its use without fees.

A motion was made by Mr. McKenzie to close the meeting to the public. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Daly updated Council regarding the use of the Kingston School. He reported that Ms. Danile is working with the Parks and Recreation Committee and they continue to work to get a tenant to keep it open for the community.

Mr. Sumter suggested changing the agenda so that the public would have the opportunity to speak earlier in the meeting. He stated that he was sorry to see Councilman Regan resign from Council.

Mr. Vassanella stated he would be happy to nominate Idaherma Williams to a regular member position on the Historic Preservation Commission when one becomes available. He stated that he would like to find a way for the dancers to use the Kingston School without any cost and he asked them to be patient. He stated that he has met Rodney Robinson briefly. He stated that the process for looking for an insurance broker was a thorough and he is comfortable if Council wants to re-examine the matter to get the best value for the town. In regards to Mr. Hoever's comments, he was unsure of the details of the comments, but noted that information provided should be correct. In regards to the resignation of Councilman Regan, Mr. Vassanella expressed his hope that Council appoint someone with his quality and insightfulness. He stated that Mr. Regan inspired and motivated him in getting involved in local politics. He stated that Mr. Regan will be missed.

Ms. Eberle stated that when there is an opening on the Historic Preservation Commission for a regular member she would be happy to appoint Idaherma Williams to that position. She expressed her hope that the Kingston School would be used the way it was intended to be used.

Mr. McKenzie concurred that when there is a vacancy for a regular member of the Historic Preservation Commission, Ms. Williams would be appointed to that position. He stated that the utilization of Kingston School needs to be worked out. He stated that Mr.

Regan made valuable contributions during his tenure as Councilman and thanked him for his service.

Mr. Prasad stated that Mr. Regan inspired him to become more involved in public service, he will be missed and wished him success. He stated that he hopes that the Kingston School matter is worked out. He stated that it was an oversight that Ms. Williams was not appointed as a regular member of the Historic Preservation Commission and it would be corrected when a vacancy opens. He commended the success of the Martin Luther King breakfast. He suggested a Council proclamation in January for Peace and Non-Violence month. He suggested memorials be built honoring Ghandi and Martin Luther King funded with private funds. He recommended a proclamation in February for Black History Month.

Mayor Levine echoed the sentiments regarding Mr. Regan's resignation and thanked him for his service to the community. He agreed that the use of Kingston School needs to be addressed. He also agreed that Ms. Williams should be appointed when a vacancy occurs.

INTRODUCTION OF ORDINANCES

Ordinance #3657

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 5, ADMINISTRATION OF GOVERNMENT, SECTION 5-4, MEETINGS OF TOWNSHIP COUNCIL, SUBSECTION D – MINUTES.

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 27, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on February 27, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Sumter	Vassanella			Ritchie

Ordinance #3659

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, SCHEDULE 7, FEES.

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 March 13, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 13, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Sumter	Vassanella			Ritchie

Ordinance #3660

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, SECTION 112-6(B), OFFICIAL ZONING MAP (CHANGE ZONE DESIGNATION OF BLOCK 468.12, LOT 1.01 FROM CB WITH A SCV OVERLAY TO CB).

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 March 13, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. McKenzie moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 13, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Sumter	Vassanella			Ritchie

Ordinance #3661

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY, CHAPTER 112 THEREOF, ENTITLED LAND DEVELOPMENT, DELETE SUBSECTIONS 112-280 (C) – SENIOR HOUSING; 112-280 (E) – GATEWAY COMMERCIAL; AND 112-280 (G) - COMMERCIAL/INDUSTRIAL AND ADD SUBSECTION 112-280 – (K) CHURCHILL-MILLSTONE REVELOPMENT AREA AND SUBSECTION 112-280 (L) – LEEWOOD RENAISSANCE AT FRANKLIN REDEVELOPMENT AREA AND AMEND ATTACHMENT 20, EXHIBIT 6 – RENAISSANCE 2000 LAND USE PLAN.

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 March 13, 2007 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 March 13, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Sumter	Vassanella			Ritchie

CONSENT AGENDA ITEMS

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Eberle	Levine			Danile
McKenzie	Prasad			Regan
Sumter	Vassanella			Ritchie

Resolution #07-034 Accept Resignation of Daniel Glicklich as Alternate #2, effective immediately. (Two-Year Term Ending 12/31/08).

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 Daniel Glicklich as Alternate No. 2 Member of the Planning Board (two-year term ending December 31, 2008), effective immediately.

BE IT FURTHER RESOLVED that the Township Council does hereby thank and commend Daniel Glicklich for services performed on behalf of said Township.

Resolution #07-035 Authorize Discharge of Affordable Housing agreement and Second Repayment Mortgage – Desai – Block 20.10/Lot 11.02.172.

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 169 Columbus Drive, Block 20.10, Lot 11.02.172 on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #07-036 Approve Retaining Virginia Woodbury as Deputy Clerk.

WHEREAS, under N.J.P.E.R.S. RULES, an employee must be retired when they attain the age of seventy (70) years unless the employing agency files a written notice certifying approval for an extension of employment for full year and thereafter on a yearly basis for one (1) year; and

WHEREAS, VIRGINIA M. WOODBURY, who has been a Clerical in the Township Clerk's Office since June 1985, will attained the age of seventy-two in February 2007 and has requested that she not be required to retire at this time; and

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County has recommended that she be permitted to continue her employment with the Township of Franklin for the period February 2, 2007 and continuing until February 1, 2008;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey does hereby recommend that **VIRGINIA M. WOODBURY** be retained as Deputy Township Clerk in the Township Clerk's Office for the period February 2, 2007 and continuing until February 1, 2008.

Resolution #07-037 Authorize Insertion into FY2007 Municipal Budget (Chapter 159) – FY2007 Recreational Opportunities for Individuals with Disabilities Grant in the amount of \$6,862 with a Township Match of \$1,373.00.

WHEREAS, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any

County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

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

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$6,862.00 with \$1,373.00 match for **FY2007 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT** and wishes to amend its 2007 Budget to include a portion of this additional amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2007 in the sum of \$6,862.00, which is now available as revenue from:

**FY2007 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES
GRANT**

BE IT FURTHER RESOLVED that a like sum of \$6,862.00, – **FY2007 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT**, be and the same is hereby appropriated under the caption of:

**FY2007 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES
GRANT**

BE IT FURTHER RESOLVED that the Township Clerk forward **CERTIFICATION – GRANTS/SPECIAL ITEM OF REVENUE AND APPROPRIATION** endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #07-038 Authorize Refund Tax Title Lien Redemption – Outside Buyer.

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

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

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

Date of Sale:	June 9, 2003
Block/Lot:	180/159
Name & Address:	Peguero, Zeneida 61 Kossuth Street Somerset, NJ 08873
Amount:	\$674.18
Make Check Payable To:	James Pilewski 346 South Avenue Fanwood, New Jersey 07023
Certificate No.:	05-045
Payment Received:	January 5, 2007

Date of Sale: June 8, 2000
Block/Lot: 263.01/74
Name & Address: Bell, Genetter
 608 Easton Avenue
 Somerset, New Jersey 08873
Amount: \$106.67
Make Check Payable To: James Pilewski
 346 South Avenue
 Fanwood, New Jersey 07023
Certificate No.: 20-193
Payment Received: January 9, 2007

Date of Sale: June 8, 2006
Block/Lot: 7.02/3.01C0064
Name & Address: House, Leonard J.
 49 Talbot Street
 Somerset, New Jersey 08873
Amount: \$417.42
Make Check Payable To: James Pilewski
 346 South Avenue
 Fanwood, New Jersey 07023
Certificate No.: 06-030
Payment Received: January 10, 2007

Date of Sale: June 8, 2006
Block/Lot: 349.01/1
Name & Address: Patti, Paolo
 1307 Hamilton Street
 Somerset, New Jersey 08873
Amount: \$181.79
Make Check Payable To: Michael Fabrikant
 62 E. Main Street
 Freehold, New Jersey 07728
Certificate No.: 06-162
Payment Received: January 10, 2007

Date of Sale: June 8, 2006
Block/Lot: 235/31
Name & Address: Chiles, Carrie
 1325 Wynn Road
 Williamston, North Carolina 27892
 (For 441 Ralph Street)
Amount: \$293.39
Make Check Payable To: Fidelity Tax LLC
 P.O. Box 5707
 Ft. Lauderdale, FL 33310
Certificate No.: 06-122
Payment Received: January 12, 2007

Date of Sale: June 9, 2005
Block/Lot: 235/31
Name & Address: Chiles, Carrie
 1325 Wynn Road
 Williamston, North Carolina 27892
Amount: \$28,612.45
Make Check Payable To: Fidelity Tax LLC
 P.O. Box 5707
 Ft. Lauderdale, FL 33310

Certificate No.: 05-062
Payment Received: January 12, 2007

Date of Sale: June 8, 2006
Block/Lot: 73.03/2
Name & Address: Wusu, Neil O.
 2 Grouser Road
 Somerset, New Jersey 08873

Amount: \$44,494.06
Make Check Payable To: American Tax Funding
 P.O. Box 862658
 Orlando, FL 32886-2658

Certificate No.: 06-043
Payment Received: January 12, 2007

Date of Sale: June 8, 2006
Block/Lot: 417.02/252
Name & Address: Ayyala, Krishmna & Laxmi
 47 Cape May Drive
 Marlboro, New Jersey 07746
 (For 252 Glastonbury Lane)

Amount: \$11,844.95
Make Check Payable To: Plymouth Financial Co.
 P.O. Box 2288
 Morristown, New Jersey 07962-2288

Certificate No.: 06-183
Payment Received: January 12, 2007

Date of Sale: June 9, 2005
Block/Lot: 471/57
Name & Address: Hunt, Kathy
 33 Fordham Drive
 Somerset, NJ 08873

Amount: \$894.99
Make Check Payable To: James Pilewski
 346 South Avenue
 Fanwood, NJ 07023

Certificate No.: 05-098
Payment Received: January 2, 2007

Date of Sale: June 8, 2006
Block/Lot: 20.10/11.02 C1714
Name & Address: Hart, Tracey A.
 179 Columbus Drive
 Franklin Park, NJ 08823

Amount: \$369.71
Make Check Payable To: Chun, T. Li
 9 Maljim Court
 Wayne, NJ 07470

Certificate No.: 06-006
Payment Received: January 2, 2007

Date of Sale: June 8, 2006
Block/Lot: 34.04/8.01 C0136
Name & Address: Otoo-Addo, Fredericka
 106 Holland Drive
 Somerset, NJ 08873
 (For 102 Pear Tree Lane)

Amount: \$436.72
Make Check Payable To: George B. Shrier
 201 South 2nd Avenue, Box 16
 Highland Park, NJ 08904
Certificate No.: 06-018
Payment Received: January 9, 2007

Date of Sale: June 8, 2006
Block/Lot: 237/11
Name & Address: Oppong, Dan
 165 Phillips Road
 Somerset, NJ 08873

Amount: \$573.91
Make Check Payable To: James C. Older
 87 East Mountain Road
 Hillsborough, NJ 08844
Certificate No.: 06-123
Payment Received: January 9, 2007

Date of Sale: June 8, 2006
Block/Lot: 386.18/53
Name & Address: Graber, Ann
 53 Croyden Court
 Somerset, NJ 08873

Amount: \$306.60
Make Check Payable To: Chun T. Li
 9 Maljim Court
 Wayne, NJ 07470
Certificate No.: 06-181
Payment Received: January 9, 2007

Date of Sale: June 8, 2006
Block/Lot: 272/7
Name & Address: Maroun, Nassif & Nawal
 155 Arlington Avenue
 Somerset, NJ 08873

Amount: \$1,213.14
Make Check Payable To: Daxuan Wang
 11 Walnut Street
 Livingston, NJ 07039
Certificate No.: 06-131
Payment Received: January 9, 2007

Date of Sale: June 8, 2006
Block/Lot: 287.01/13
Name & Address: Amoo-Achampong, P&R
 11 Tall Oaks Road
 Somerset, NJ 08873

Amount: \$3,220.29
Make Check Payable To: Daxuan Wang
 11 Walnut Street
 Livingston, NJ 07039
Certificate No.: 06-133
Payment Received: January 9, 2007

Date of Sale: June 8, 2006
Block/Lot: 424.14/97 C1175
Name & Address: Nettingham, Louise

74 Eton Way
Somerset, NJ 08873
Amount: \$726.23
Make Check Payable To: Daxuan Wang
11 Walnut Street
Livingston, NJ 07039
Certificate No.: 06-196
Payment Received: January 9, 2007

Resolution #07-039 Award Contract – Winner Ford of Cherry – Twelve (12) 2006 Police Vehicles – Amount Not to Exceed \$255,393.44.

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

VENDORS: **Winner Ford of Cherry Hill**
250 Haddonfield-Berlin Road
Cherry Hill, NJ 08034
SC 45069
ITEMS: Twelve (12) Police Vehicles
COST: Not to Exceed \$255,393.43

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

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

Resolution #07-040 Award State Contract – Motorola Inc. – Mobile Radios for New Police Vehicles – Amount Not to Exceed \$16,036.00.

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

VENDORS: **Motorola**
P.O. Box 29
Chester, NJ 07930-0029
SC 53804
ITEMS: Mobile Radios for New Police Vehicles
COST: Not to Exceed \$16,036.00

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

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

Resolution #07-041 Award Risk Manager Consultant Agreement – Abe Suydam Associates for the period of January 1, 2007 through June 30, 2007.

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-20.4; 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, Suydam Insurance Agency has completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Franklin in the previous one year, and that the contract will prohibit Suydam Insurance Agency 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: SUYDAM INSURANCE AGENCY
ADDRESS: 1743 Route 27
Somerset, NJ 08873
CONTRACT AMOUNT: N/A
SERVICE: Risk Manager Consultant

Resolution #07-043 Authorize Change Order #1 – Hamilton Street Pavement Markings – Original Contract Amount: \$25,380.00; Change Order Amount: \$9,372.50 – New Contract Amount: \$34,752.50.

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on June 29, 2006, authorized the awarding of a contract to

**Traffic Lines Inc.
5100 Asbury Road
Farmingdale, NY 07727**

An amount not to exceed \$25,380.00 and

WHEREAS, during the course of the contract, it was discovered after work began the need for additional handicap ramps resulting in the need to increase the contract as follows:

CHANGE ORDER NO. 1: Hamilton Street Pavement Markings – Amount not to exceed \$9,372.50 - **New Contract Total not to exceed \$34,742.50;** and

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

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

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

Resolution #07-044 Authorize Extension of Contract – Carrier Corporation (Township Buildings) and Binsky Services (Public Safety Building) – Extension of HVAC Contract from February 1, 2007 through April 1, 2007.

WHEREAS, the Township Council awarded a contract on January 11, 2005 for the following:

**BINSKY SERVICES (Public Safety Building)
281 Centennial Avenue
Piscataway, NJ 08854**

Total amount not to exceed \$42,235

**CARRIER CORPORATION (All Other Township Buildings)
14-30 Madison Road
Fairfield, NJ 07004**

Total amount not to exceed \$33,350

WHEREAS, the original specifications allowed for the Township to extend the contract for one (1) additional year, February 1, 2006 to January 31, 2007; and

WHEREAS, the Township is currently in the process of rebidding HVAC Maintenance for all Township Buildings and there will not be a contract in place before the current contract expires on January 31, 2007; and

WHEREAS, the Purchasing Administrator recommends the extension of said contracts; and

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

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following contracts be extended for the February 1, 2007 to April 1, 2007 contract period:

**BINSKY SERVICES (Public Safety Building)
281 Centennial Avenue**

Piscataway, NJ 08854

Total amount not to exceed \$7,000.00

CARRIER CORPORATION (All Other Township Buildings)

14-30 Madison Road

Fairfield, NJ 07004

Total amount not to exceed \$5,560.00

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

Resolution #07-045 Authorize Purchase – Elizabethtown Water Company – Fire Hydrant Charge from July 2006 to June 2007 – Amount Not to Exceed \$21,393.00.

WHEREAS, the Township of Franklin desires to purchase items as follows which items exceed the prevailing bid threshold:

VENDOR: ELIZABETHTOWN WATER COMPANY
PO Box 5079
Cherry Hill, NJ 08034

ITEMS: Fire Hydrant Charges – July 2006 to June 2007

COST: Not to exceed \$21,393.00; and

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

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 #07-046 Award Bid – W.E. Timmerman co., Inc. – Vacuum Street Sweeper with trade in of 1990 Sweeper – Amount Not to Exceed \$198,300.00 (with trade in).

WHEREAS, a Notice to Bidders was published in the Courier News and posted on the Township website on December 20, 2006 for a January 3, 2007 bid opening; and

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

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

W.E. Timmerman Company, Inc.
3554 Route 22 West – PO Box 71
Whitehouse, NJ 08888

Vacuum Street Sweeper with trade in of 1990 sweeper

Amount Not to Exceed \$198,300 with trade in

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

Resolution #07-047 Award Bid – Cammps Hardware and Lawn Products – Utility Tractor with Side-Mount Fair Mower – Amount Not to Exceed \$58,990.00.

WHEREAS, the Township of Franklin is desirous of contracting for the purchase of a utility tractor with side-mount flail mower; and

WHEREAS, NJSA 40A:11-4 et. seq. provides that the provision of specialized goods and services requires sealed bids, and that price and other factors can be considered when awarding a contract; and

WHEREAS, quotations for the provision of the utility tractor with side-mount flail mower were publicized in the Courier News and posted on the Township website on December 20, 2006, for receipt of bids on January 3, 2007;

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

CAMMPS HARDWARE AND LAWN PRODUCTS	
2160 US HIGHWAY 206	
BELLE MEAD, NEW JERSEY 08502-4008	\$58, 990.00

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the official Township newspaper as required by law.

Resolution #07-048 Authorize Release of Performance Guarantee – EDRA/Rolling Hills/FLAMA – Block 57/Lots 30.03 & 34 – Route 27 – 2-Year Maintenance Bond.

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

ITEM:	Maintenance Bond
NAME OF APPLICANT:	EDRA/Rolling Hills/FLAMA
ADDRESS OF APPLICANT:	PO Box 41 – 2 Yolanda Drive Edison, NJ 08818
DOCKET NO.	646
NUMBER:	C28326M
INSURANCE CO./BANK:	First Indemnity of America Insurance Co.
IN THE AMOUNT OF:	\$266,350.65
FOR:	Block 57/Lots 30.03 & 34 – Route 27

WHEREAS, the aforesaid applicant has requested release of the aforesaid Maintenance Bond; and

WHEREAS, the Township Engineer, after inspection, recommended release of the aforesaid Maintenance Bond;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Maintenance Bond in the amount of \$266,350.65 be released to the above named applicant.

Resolution #07-049 Authorize Reduction of Performance Bond – Construction & Maintenance Corp. – Block 90/Lot 7 – Churchill Avenue & Shirley Avenue – Site Improvements – From \$81,310.00 to \$32,845.80.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Construction & Maintenance Corp.
ADDRESS OF APPLICANT:	45 North Gaston Avenue Suite 2A Somerville, NJ 08876
DOCKET NO.	SP 650
NUMBER:	S05102
INSURANCE CO./BANK:	First Indemnity of America Insurance Company
IN THE AMOUNT OF:	\$81,310.00
FOR:	Site Improvements – Block 90/Lot 7 – Churchill and Shirley Avenues

WHEREAS, the aforesaid applicant has requested reduction of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommended reduction of the aforesaid Performance Guarantee;

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 in the amount of \$81,310.00 be reduced to \$32,845.80 for the above named applicant.

Resolution #07-050 Authorize Reduction of Performance Bond – Center for Great Expectations – Block 424.01/Lot 39.06 – Dellwood Lane – Site Improvements – From \$250,000.00 to \$75,000.00.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Center for Great Expectations
ADDRESS OF APPLICANT:	1 Easter Avenue & 88 West End Avenue Somerville, NJ 08876
DOCKET NO.	ZBA2004-1547
NUMBER:	F17948
INSURANCE CO./BANK:	Acstar Insurance Company
IN THE AMOUNT OF:	\$250,000.00
FOR:	Site Improvements – Block 424.01/Lot 39.06 – Churchill and Dellwood Lane

WHEREAS, the aforesaid applicant has requested reduction of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommended reduction of the aforesaid Performance Guarantee;

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 in the amount of \$250,000.00 be reduced to \$75,000.00 for the above named applicant.

Resolution #07-051 Authorize Release of Planning and Building Escrows.

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

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

APPLICANT:	Carteret Die Casting Corp.
ADDRESS:	74 Veronica Avenue Somerset, NJ 08873
DOCKET NO.	PLN2003-0016
BLOCK/LOT:	88.01/47
LOCATION:	74 Veronica Avenue
TYPE:	Inspection Fees
AMOUNT DEPOSITED:	\$3,909.89 (Schoor)
AMOUNT CHARGED:	<u>2,922.50</u>
AMOUNT TO BE REFUNDED:	\$ 987.39

APPLICANT:	T-Mobile USA, Inc. (Omnipoint)
ADDRESS:	4 Sylvan Way Parsippany, NJ 07054
DOCKET NO.	PLN2002-0004
BLOCK/LOT:	467/1.01
LOCATION:	110 Davidson Avenue
TYPE:	Planning Review
AMOUNT DEPOSITED:	\$5,000.00 (In-Hse)
AMOUNT CHARGED:	<u>125.00</u>
AMOUNT TO BE REFUNDED:	\$4,875.00

Resolution #07-052 Authorize Release of Performance Guarantee – Carteret Die Casting Co. – Block 88.01/Lot 47 – 74 Veronica Avenue – Site Improvements - \$132,395.40.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Carteret Die Casting Company
ADDRESS OF APPLICANT:	74 Veronica Avenue Somerset, NJ 08873
DOCKET NO.	PLN2003-0016
NUMBER:	2000-1701-ACC1717
INSURANCE CO./BANK:	Allegheny Casualty Co.
IN THE AMOUNT OF:	\$132,395.40
FOR:	Block 88.01/Lot 47 – 74 Veronica Avenue

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

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

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 in the amount of \$132,395.40 be released to the above named applicant.

Resolution #07-053 Authorize Maintenance Bond Release – Eastern Hill, LLC – Glen Eyre Tract B – Block 424.12/Lot 2.02 – Treptow Road - \$6,264.72.

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

ITEM:	Maintenance Bond
NAME OF APPLICANT:	Eastern Hill, LLC – Glen Eyre Tract B
ADDRESS OF APPLICANT:	1065 Route 22 West, Bridgewater, NJ 08807
NUMBER:	371172
INSURANCE CO./BANK:	International Fidelity Insurance Company
IN THE AMOUNT OF:	\$6,264.72
FOR:	Two (2) Year Maintenance – Water Line & Trenches – Block 424.12/Lot 2.02 – Treptow Road

WHEREAS, the aforesaid applicant has requested release of the aforesaid Maintenance Bond; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Maintenance Bond;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Maintenance Bond be released to the above named applicant.

Resolution #07-054 Authorize Release of Performance Bond and Acceptance of Streets – Bennetts Village - Block 86.01/Lots 9.39 – Brina Drive; Kristen Court; Kasey Court.

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

ITEM:	Performance Guarantee
NAME OF APPLICANT:	US Home Corp - Bennetts Village
NUMBER:	104184550
DOCKET:	PLN2001-0003
INSURANCE CO./BANK:	Travelers Casualty & Surety Co. of America
IN THE AMOUNT OF:	\$320,358.56
FOR:	Site Improvements – Block 86.01/Lots 9.39

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$160,179.28

WHEREAS, in connection with the improvements required by said Performance Guarantee, the following described road or portion of roads have been dedicated to the Township:

BRINA DRIVE

A 50 feet wide road beginning at its intersection with Dahmer Road, said intersection being approximately 850 northerly from Bennetts Lane, and extending southeasterly, a distance of approximately 210 feet to another intersection with Kristen Court.

KRISTEN COURT

A 50 feet wide road located off Brina Drive and extending southwesterly a distance of approximately 420 feet to its terminus in a cul-de-sac and extending northeasterly a distance of approximately 350 feet to its terminus in a cul-de-sac.

KASEY COURT

A 50 feet wide road beginning with its intersection with Kristen Court and extending southeasterly a distance of approximately 440 feet to its terminus in a cul-de-sac.

The above named roads as laid out on a certain map entitled, "Final Subdivision Plat, Major subdivision of Block 86.01, Lot 9.39, Situated in Franklin Township, Somerset County, New Jersey", prepared by The Reynolds Group, Inc., dated may 30, 2001, revised to October 23, 2003 and filed in the Somerset County Clerk's Office on January 22, 2004 as Map No. 2004005462.

WHEREAS, said roads or portion of roads have been duly inspected by the Township Engineer and the Director of Public Works and determined to be in conformity with applicable Township standards, and said persons have recommended acceptance of such roads or portion of roads as municipal roads;

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 released to the above named applicant upon receipt of the aforesaid Maintenance Bond;

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby accepts the dedication of the above listed roads or portion of roads as municipal roads open to the public as of the date of this resolution.

Resolution #07-055 Authorize Release of Performance Bond and Acceptance of Streets – Woodfield Developers, LLC. – Block 11.01/Lot 10 – Woodfield Court; Summerfield Drive; Allison Way; Fieldcrest Drive; Brookside Drive; Colts Run Court and Stump Road.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Woodfield Developers LLC
NUMBER:	SD00036282
DOCKET:	P97050SF
INSURANCE CO./BANK:	Frontier Insurance Company
IN THE AMOUNT OF:	\$317,070.00
FOR:	Site Improvements – Block 11.01/Lot 10; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of a two (2) year Maintenance Bond in the amount of \$158,535.00; and

WHEREAS, in connection with the improvements required by said Performance Guarantee, the following described road or portion of roads have been dedicated to the Township:

WOODFIELD COURT

A 50 feet wide road beginning at its intersection with Bunker Hill Road, extending southwesterly a distance of approximately 1300 feet to its terminus in a cul-de-sac.

SUMMERFIELD DRIVE

A 50 feet wide road with its intersection with Woodfield Court, extending southwesterly a distance of approximately 620 feet to its intersection with Brookside Drive.

ALLISON WAY

A 50 feet wide road beginning with its intersection with Woodfield Court, extending southerly a distance of approximately 630 feet its intersection with Brookside Drive.

FIELDCREST DRIVE

A 50 feet wide road beginning with its intersection with Woodfield Court, extending southwesterly a distance of approximately 550 feet to its intersection with Brookside Drive.

BROOKSIDE DRIVE

A 50 feet wide road beginning at a cul-de-sac 180 feet westerly of its intersection with Fieldcrest Drive, extending easterly approximately 1600 feet to its terminus in a cul-de-sac.

COLTS RUN COURT

A 50 feet wide road beginning with its intersection with Woodfield Court, extending southwesterly a distance of approximately 1800 feet to its current terminus.

STUMP ROAD

A 50 feet wide road beginning with its intersection with Brookside Drive, extending southwesterly a distance of approximately 310 feet to its current terminus.

The above named roads as laid out on a certain map entitled, "Final Plat Major Subdivision, Woodfield Estates, Lot 10.01, Block 11.01, situated in Franklin Township, Somerset County, New Jersey", prepared by Flannery, Webb and Hansen, P.A. dated December 12, 1997, Revised to march 28, 2000 and filed in the Somerset County Clerk's Office on May 25, 2000 as Map No. 3503.

WHEREAS, said roads or portion of roads have been duly inspected by the Township Engineer and the Director of Public Works and determined to be in conformity with applicable Township standards, and said persons have recommended acceptance of such roads or portion of roads as municipal roads;

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 released to the above named applicant upon receipt of the aforesaid Maintenance Bond;

BE IT FURTHER RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby accepts the dedication of the above listed roads or portion of roads as municipal roads open to the public as of the date of this resolution.

Resolution #07-056 Authorize Release of Performance Bond (Castle Senior Living LLC in the amount of \$2,907,093.60) and Authorize Replacement Performance Bond (Somerset Grand LLC in the amount of \$3,363,495.00) – Block 424.01/Lot 39.07 – Easton Avenue/DeMott Lane.

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

ITEM: Performance Bond
NAME OF APPLICANT: Castle Senior Living LLC
NUMBER: 400KD6665
DOCKET: P98077P
INSURANCE CO./BANK: United States Fidelity & Guaranty Company
IN THE AMOUNT OF: \$2,907,093.60
FOR: Site Improvements – Block 424.01/Lot 39.07; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee subject to receipt of replacement bond from Somerset Grand, LLC in the amount of \$3,363,495.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant upon receipt of the replacement bond from Somerset Grand, LLC in the amount of \$3,363,495.00

Resolution #07-057 Approval of Bulk Water Supply Contract with New Brunswick for 2007 through 2011.

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 an Agreement with the City of New Brunswick for the provision of potable water to the Township of Franklin as follows: Establishing the rates for the purchase of water for five (5) years (2007-2011) of the contract as follows:

2007 – \$1,521.45 per million gallons
 2008 – \$1,597.52 per million gallons
 2009 – \$1,597.52 per million gallons
 2010 – \$1,677.39 per million gallons
 2011 – \$1,761.26 per million gallons

Resolution #07-058 Authorizing Release of Special Event Permit Escrow – Party Gems – Vendors Party Picnic – September 23, 2006 - \$300.00.

WHEREAS, by resolution of the Township Council permission was granted for Lisa Sanders-Ali, President of The Party Gems, to conduct the Vendor Party Picnic, a Special Event, on September 23, 2006 at Naaman Williams Park from 8:00 am to 7:00 pm; and

WHEREAS, the organization deposited \$300.00 with the Township Clerk as required by Ordinance No. 526 guaranteeing maintenance of the grounds on which Special Events were conducted; and

WHEREAS, approval has been received from the Franklin Township Health Department that the grounds on which the events were 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 in the amount of \$300.00 to the subject organization representing return of escrow monies being held as maintenance guarantees for the Special Event.

Resolution #07-059 Authorize Refund of Tax Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue refunds due

resulting from Tax Overpayments; and

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
507.29/2..10	Chase P.O. Box 961227 Fort Worth, Texas 76161	1-2/07 Mortgage Co. Paid Added Twice	\$4,508.04

Resolution #07-060 Award State Contract – Stewart Industries – Two (2) Photocopiers for Police – Professional Services Division and Records Bureau – Amount No to Exceed \$14,000.00 over three years.

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

VENDOR: **Stewart Industries**
77 Elbo Lane
Mt. Laurel, NJ 08054
State Contract No. 64041

ITEMS: Two (2) Photocopiers for Police Professional Services Division and Records Bureau

COST: \$14,000.00

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

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

Resolution #07-061 Award State Contract – Major Police Supply – Emergency Equipment for Police Vehicles – Amount Not to Exceed \$115,000.00.

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

VENDOR: **Major Police Supply**
47 N. Dell Avenue
Kenvil, NJ 07847
State Contract No. 46912

ITEMS: Emergency Equipment for Police Vehicles

COST: \$115,000.00

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

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

Resolution #07-062 Award State Contract – Motorola – Ten (10) Radios for New Police Officers – Amount Not to Exceed \$441,983.10.

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

VENDOR: **MOTOROLA**
 PO Box 29
 Chester, NJ 07930-0029
 State Contract No. 53804

ITEMS: Ten (10) Radios for the New Police Officers

COST: \$41,983.10

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

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

ADJOURNMENT

Mr. McKenzie moved to adjourn the meeting at 10:13 p.m. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *February 27, 2007*

Ann Marie McCarthy, Township Clerk