

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Deputy Mayor Glicklich at 7:08 p.m.

Deputy Mayor Glicklich called the Work Session/Regular Meeting of the Township Council to order. Deputy Mayor Glicklich 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 August 11, 2009. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Councilwoman Danile led the Invocation.

The Deputy Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, Deputy Mayor Glicklich, Mr. Mettler, Mr. Prasad, Mr. Sumter, Mr. Vassanella

Absent: Ms. Francois, Mayor Levine

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

### **PROCLAMATION**

#### **Rakshabandhan**

Deputy Mayor Glicklich and Mr. Prasad presented the following proclamation:

**WHEREAS**, the Brahma Kumaris World Spiritual Organization recognizes the intrinsic worth of every human being and seeks to help everyone rediscover one's potential for greatness by encouraging and facilitating a process of spiritual awakening; and

**WHEREAS**, in the United States, the Brahma Kumaris World Spiritual Organization has had a presence since 1978 and has approximately 26 centers throughout the country; and

**WHEREAS**, the Brahma Kumaris World Spiritual Organization serves the world through meditation classes for inner harmony to enjoy a life of powerful positivity; special workshops for women to strengthen their authentic self by discovering their true worth; and workshops on positive thinking, energy management, anger management, stress-free living and much more ; and

**WHEREAS**, today, we are here to celebrate Rakshabandhan, a bond of protection, a very sacred and holy celebration expressed through the tying of a 'rakhi' - a bracelet - a link of love; and

**WHEREAS**, Rakshabandhan celebrates the victory of the human mind over its senses so that true brotherhood can be practiced universally, in a natural way; symbolizes the unmitigated purity, unconditional affection, and fearless respect that exists between a brother and a sister, in thoughts, words and actions; and is reminiscent of a time when under the supreme guidance of God, the entire humanity found itself tied in this, the one and only, bondage of love and safety and experienced true freedom;

**NOW, THEREFORE, I, DANIEL GLICKLICH, DEPUTY MAYOR and RAJIV PRASAD, COUNCILMAN** of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council do hereby extended our deepest appreciation for allowing the Township Council to share in your celebration of Rakshabandhan, and further proclaim

that we, as citizens of the Township of Franklin, should strive to embody the principles of love, affection and protection promoted through this celebration.

Red ribbons were given to the members of the Mayor and Council.

### **PUBLIC DISCUSSION**

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

Ellie Weber, 15 Culvert Street and 543 Somerset Street, spoke of the increased assessment and taxes from 2008 to 2009. She asked Council what they were going to do to help businesses.

Charles Seigel, Franklin Greens, spoke on the disrepair of the municipal parking lot and that it needs to be repaved.

Regina Doyle, 127 Winchester Way, Chairman of the Senior Citizens Advisory Committee asked how moving the Health Department to the County was going to affect the senior citizens of the Township.

Al Levine, 15 Schindler Court, asked for the status of the organizational audit and if the Township was applying for all the stimulus grants it could.

Harry Weber, Route 27 Property, spoke on his 85% increase in taxes, the moving of the Health Department to Somerset County. He asked if the Library was next to be given away. He noted that people will have to move out of the Township as a result of increased taxes.

Manny Manioudakis, South Middlebush Road, stated it was a losing battle to fight against increasing taxes and the appeal process was futile. He spoke on his opposition to the proposed Phil Marden Reserve trails. He reported the Agricultural Advisory Committee is opposed to these trails.

Robert Puskas, Agricultural Advisory Committee, concurred with Mr. Manioudakis and noted the low usage of current Township trails.

Theodore Chase, 159 Old Georgetown Road, stated it is important to approve the Phil Marden Reserve site plan and noted the location of the trail is important. He stated the site plan needs to be approved in order to apply for the grant.

Anthony Albero, 33 Sherborne Street, spoke of the unfair sign ordinance and the disparity of where sandwich board signs are allowed.

Mark Fortin, 115 Sunnyvale Court, Trails Advisory Committee, addressed questions regarding the Phil Marden Reserve. He stated that a public hearing would be required since it is Green Acres property. He acknowledged the importance of connections within the Township and supported the proposed trails.

John Tibbs, 107 Mark Street, thanked Council for the roads that have been repaved; spoke of the turning of services to the County; and an agency in the Township that is not providing the required services.

Randy Jones, Open Space Advisory Committee, spoke on the Phil Marden Reserve; the required public hearing and the deadline of December for the grant. He addressed usage concerns.

Adam White, 3703 Route 27, spoke about the violations occurring at the property next to his, IHOP property. He stated that the agreed upon fencing was not properly installed. He stated garbage pickup for IHOP is being picked up prior to 7 a.m. He spoke of the color of the building is not as approved and that the zoning officer was removed from the case.

John Walker, 63 Claremont Road, clarified some issues regarding the IHOP and stated it has become a quality of life issue. He stated something needs to be done and more attention is required of the Township. He stated there are environmental issues and the Planning Board resolution needs to be enforced.

Pat Giannotto, Chairman, Hamilton Street Business and Community Corporation, asked for more policing in the Hamilton Street area.

Mark Greico, 21 Cooper Street, state public safety is the #1 issue and there is a lack of support of the Police Department. He opposed the moving of the Health Department to Somerset County.

Phillip Kramer, 429 Canal Road, Council candidate, welcomed Shirley Eberle back. He agreed with Mr. Puskas regarding the proposed trails. He stated the sign ordinance is inappropriate and reiterated his opposition to it. He asked for support of Council regarding the resolution opposing the closure of the East Millstone Postal Office. He submitted petitions opposing said closure.

Courtney Throckmorton, 591 Somerset Street, spoke on the IHOP issue and the need for police in the 4<sup>th</sup> and 5<sup>th</sup> Wards. He stated Council does not prioritize their resources properly and need to follow-up on matters is needed. He stated the re-assessment in the Township is going to destroy the Hamilton Street District. He spoke on the open space funding and how it should be used to buy up as much property as possible.

Skip Schaeffer, 2 Laird Terrace, spoke on the former Chauncey's issue and the IHOP issue. He disagreed with the decision to turn the Health Department over to Somerset County. He asked for particulars regarding the interlocal agreement with Somerset County.

Melba Battin, Open Space Advisory Committee, stated the Committee though long and hard on the Phil Marden Reserve matter and decided it is sensible. She noted the property needs to be kept up; maintained and taken care of.

Tom Canales, 105 South Lawrence Avenue, expressed his opinion that a speaker from the public should face both the public and Council and that the member of Council are not any better than members of the public. He stated it was disrespectful if a speaker cannot face the public. He asked for the format and rules for a speaker from the public. He spoke on the need to allow sandwich board signs in the 4<sup>th</sup> and 5<sup>th</sup> Wards. He spoke of speed limits on Hamilton Street and Franklin Boulevard.

Ainsley Reynolds, 321 Ralph Street, spoke on the need for more police in the 4<sup>th</sup> and 5<sup>th</sup> Ward and asked for a status report on the operational audit.

Rozalyn Sherman, 529 Rosecliff Court, stated she felt it was neither disrespectful nor malicious for a public speaker to be asked to address Council and that she felt it was disrespectful for a public speaker to move the dais.

Nancy Cole, 1 Bolton Court, active in the community, life-long resident, saddened by encroachment of houses, Trails Advisory Committee member, appreciative of open space and that it should be accessible to everyone. She noted the lack of recreational use of the open space in the Township is offensive.

### **COUNCIL COMMENTS**

Donna Vieiro, Assistant Township Manager, reported the municipal parking lot is scheduled to be repaved starting August 17<sup>th</sup>.

Deputy Mayor Glicklich stated his understanding is that there will be no change with the Township's Board of Health and Advisory Board of Health. He stated there is an opt-out clause in the interlocal services agreement. He stated there will be a satellite office

in the Township. He stated that many sets of figures regarding this matter were provided. (Mr. Mettler noted he did not receive the figures given to Mr. Prasad or Mayor Levine.)

Deputy Mayor Glicklich reported the sign ordinance is being revisited by the Planning Board and will be provided to Council shortly.

Deputy Mayor Glicklich spoke on taxes and the appeals process. He reported that the Financial Oversight Committee would be discussing a payment plan option for those who cannot pay their taxes in one payment. He recommended that residents attend meetings of the other agencies that make up their taxes, such as the school board and the county board of freeholders.

Mr. Vassanella spoke on the White issue and voiced his concerns regarding the violations, noting it is clear by the photographs that they are in violation of the time when garbage is being collected. He spoke on the need for more police in the 4<sup>th</sup> and 5<sup>th</sup> Wards as well as the draft operational audit. He spoke on grants and noted without a grants coordinator they have been dispersed among the various departments. He cautioned that not all grant money is free money.

Mr. Prasad welcomed back Ms. Eberle. He recommended the Council candidates disclose themselves when speaking during the public discussion portion of the meeting.

Ms. Eberle noted she was not aware of the IHOP matter and suggested that all parties meet and address these issues. She asked that the Assistant Township Manager set up a meeting with all the parties involved. She noted that it has been a policy for years that members of the public when speaking address the Council.

Mr. Mettler noted it was great to have both Ms. Eberle and Mr. Leventhal back at the Council meetings. He stated Council should meet as the Board of Health in November to monitor the status of the County's takeover of the Health Department. He endorsed the resolution opposing the closure of the East Millstone Post Office as well as Mr. Kramer's petition.

Ms. Danile spoke of the Phil Marden Preserve and stated that both the Open Space Advisory Committee and the Trails Advisory Committee gave compelling arguments. She stated that safety for the public is the most important. She concurred that additional police is needed in the 4<sup>th</sup> and 5<sup>th</sup> Wards. She stated she is not in favor of decreasing the police force. She announced that she is not running for Ward 2 Council and announced that Michael Kalafer is running for that seat.

Mr. Sumter expressed his concerns with increased taxes and the Special Improvement Assessment. He asked Council to do something about both. He announced he is also not running for re-election.

Deputy Mayor Glicklich clarified that the object someone speaking during the public session is to present their issue to the Council and not make speeches to the public. He noted that would be a town meeting format. He apologize if he gave the wrong impression earlier in the evening when he asked a member of the public to address the Council and not the public.

## **DISCUSSION ITEMS**

### **Phil Marden Preserve Proposed Site Plan**

Randy Jones, Chairman of the Open Space Advisory Committee, spoke on the Phil Marden Preserve Proposed Site Plan and led the discussion as per the following memorandum from John Loos, Consultant to Franklin Township dated April 28, 2009:

"Based upon our conversation about this matter, I am proposed a bit more information about the TAC/OSAC recommendations for this project. Perhaps this may assist the Land Use Committee in their deliberations. And I am available to attend their next meeting if you wish.

The site plan can be separated into four specific proposals.

**1. Construction of a better public access area.**

- a. The current access driveway is at an unsafe location on Amwell Road. I have discussed this with Lt. Vornlocker and the OSAC members and all agree.
- b. The proposed access area on Van Cleef has good site lines on a much less-traveled roadway.
- c. The existing driveway can be chained and maintained as an emergency access driveway.

**2. Construction of a parking lot.**

- a. There currently is not a parking lot. There is an area that people park in at the end of the current driveway. This is a nice wooded grove and having parking in this area is a detriment to the visual delight of this portion of the property.
- b. Having a parking area on the interior of the property (not visible from the road) tends to invite problems as what is done there, say, after hours, cannot be seen. Locating the parking area along Van Cleef eliminates this problem. I have discussed this with Lt. Vornlocker and the OSAC members and all agree.
- c. Originally, the proposal was to locate the parking area as indicated in Figure 1 of the memorandum. As an alternative to that, I have discussed with the OSAC, my recommendation to move the parking area closer to the roadway, as shown in the following map. OSAC was supportive of this alternative. (Figure 2 of the memorandum.) The advantage of this location is that it avoids the need for a driveway to enter the property – making the project cheaper and resulting in less impervious coverage. Also it is more visible from the roadway.

**3. Cleaning up the area around the existing pond and creating a “calm area”.**

The area around the pond is quite attractive and some who have visited it have suggested it is quite a soothing place. Large trees are scattered throughout and there is a large grassy area on one side of the pond. The specific proposals for this area include:

- a. Removing the invasives around the pond edge – mostly *multiflora rose*.
- b. Planting some ornamental native shrubs and/or grasses around the pond. (I have taken representatives of the NRCS and the NJ Audubon Society out to the site and the three of us would make recommendations regarding species to plant.)
- c. Improving the turf around the pond area – not to high quality grass that needs to be fertilized, but a better ground cover than the weeds that are there now.

**4. Creating paths.**

- a. The paths link to the existing path along Van Cleef Road. The reason these paths link on Van Cleef is so that users can come out to a signalized intersection at the corner of Van Cleef and Amwell Road. If the user then wanted to continue east on Amwell, there is an existing bike path along Old Amwell that then links to the bike path on Amwell that runs in front of the Memorial Forest.
- b. The Township may be eligible for grants to assist in paying for this path; however, until the “green light” is given in favor of this plan, it makes no sense to apply for any such funding.

A lengthy discussion ensued regarding the pros and cons of this proposal among members of the Open Space Advisory Committee, Trails Advisory Committee, Agricultural Advisory Committee and the Township Council.

Ms. Danile left the meeting at 9:44 p.m.

At the conclusion of the discussion, Deputy Mayor Glicklich announced the next step would be to hold a public hearing in a town meeting format and draft a resolution and/or ordinance to move forward with this matter.

### **Fire District Interlocal Services Draft Agreement**

Deputy Mayor Glicklich reported the Mayor and Council have received a draft interlocal services agreement with the Fire Districts. He stated it is currently being reviewed by the Fire Districts. He stated the next step would be review by the Public Safety Committee and a final version to be adopted at the last meeting in September.

### **Shared Services between Municipalities and Counties**

Mr. Prasad reported on the following email sent by Freeholder Jack Ciattarelli:

"See below, especially red highlights. Consolidating one municipal service to create one county-operated shared service is not a panacea to NJ's property tax crisis, but certainly a very big step in terms of providing relief and streamlining public sector operations. Then again, consolidating various municipal services (e.g., dispatch, board of health, law enforcement, tax assessors, municipal courts) in the name of various county-operated shared services certainly has "panacea potential." By the way, all 24 municipalities in Gloucester use county-dispatch for police, fire, rescue squad, and 911; Gloucester County is responsible for all EMS; and now, as per below, Gloucester County is responsible for tax assessment. "The only thing to fear is . . . . Jack

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### **Corzine set to OK countywide property tax assessor for Gloucester**

Monday, August 03, 2009

By **Pete McCarthy**

**@sjnewsco.com**

In the coming weeks, Gov. Jon Corzine is expected to sign legislation to make Gloucester County the first in the state to have a countywide tax assessor.

The proposed bill, which has passed through the Legislature, is on the governor's desk and ready to go, according to Senate Majority Leader Stephen Sweeney.

"There's no issue about the bill being signed into law," said Sweeney, who also serves as Gloucester County's freeholder director. "The governor's office is very supportive."

Once it gets the governor's approval, the county will work to have the program running by January.

Under the bill, all 24 towns will be on a three-year cycle for revaluations. The state has agreed to pay \$8.8 million to get the program started. If this effort proves successful, other counties would make the move, but not with the same state support.

**Under this bill, county taxpayers are expected to save an estimated \$1.5 million annually.**

Ed Burek, who is currently the county's tax administrator, will assume the role of county assessor, according to deputy county Administrator Gerald White. He will have a staff that includes a part-time ombudsman who will be responsible for coming to the aid of taxpayers trying to appeal. That person will also advise tax board members.

There will also be a deputy assessor as well as a handful of certified tax assessors brought on to get the work done for the county.

The county will be divided into three regions. Each region will have its own team designed

to update the tax assessments on a three-year cycle.

It is not certain which towns will go first, according to White. The county is waiting for a determination about the nine communities already under orders to begin property reassessments.

"The county will be 100 percent reimbursed for the cost of the revaluations," said White.

To accommodate all residents, the main office for the county assessor will be in Clayton, but there will be satellite offices in at least two other communities. Staff members will also agree to travel to any town that wants on-site staff stopping by to help with questions from residents.

Many of these details still need to be ironed out, according to White, who said the first issue will be deciding the order for these revaluations.

It will be difficult, White said, to have certain towns completed in the same year because of population.

"Whatever the transition plan is ultimately determined to be, it has to be efficient and it should make sense in terms of doing towns with similar market characteristics at the same time," said White.

**There has been some dissension from those who criticize the plan, but the municipal leaders in all 24 towns have signed off on the program.**

"Some people are comfortable with the system they have in place even when it's dysfunctional," said Sweeney. "There is no reason why this can't work."

When legislative approval was first sought, a bipartisan group of county mayors went to Trenton to testify in favor of the plan.

Republican Harrison Township Mayor Lou Manzo was one of those asked to speak.

Harrison happens to be in the middle of a very expensive revaluation process. Once the governor signs the bill, it would put the township in place to get refunded for the effort to stabilize tax bills.

**"At least it will be fair across the board and a more consistent revaluation on an ongoing basis," said Manzo. "We can save tax dollars, it will be more efficient and we don't lose services. I wish every decision was that easy."**

Deputy Mayor Glicklich stated the Township is currently working with Somerset County regarding the shared services of police dispatch. He noted that sharing services doesn't always save money.

Mr. Vassanella congratulated Mr. Prasad for his work regarding shared services agreements. He noted it is important to the survival of local government to have these shared services agreements. He stated that there is no plan, none in the works as far as he knows to farm out police dispatch.

Deputy Mayor Glicklich noted that the best shared services agreement currently is the County Recycling Program which has become a model statewide. He also spoke of the Trunked Radio System with the County.

### **APPROVAL OF MINUTES**

Deputy Mayor Glicklich presented the minutes of the following Work Session/Regular Meetings; Special Meetings and Executive Sessions for approval:

- a) June 9, 2009 Work Session/Regular Meeting
- b) June 23, 2009 Work Session/Regular Meeting
- c) June 23, 2009 Executive Session

- d) June 25, 2009 Special Meeting
- e) June 25, 2009 Executive Session
- f) July 14, 2009 Work Session/Regular Meeting
- g) July 14, 2009 Executive Session

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

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Glicklich	Mettler		Eberle	Danile
Prasad	Sumter		Glicklich (7/14 ES)	Francois
Vassanella			Prasad (6/23)	Levine
			Vassanella (6/25)	

**APPROVAL OF WARRANTS**

Deputy Mayor presented the following warrants in the amount of \$36,682,259.44 for August 11, 2009 to the Township Council for payment:

1	Current	32,697,956.11
2	Grant	79,614.88
3	Tax Title Lien	262,051.53
4	General Capital	551,491.21
5	Water	1,245,817.53
6	Water Capital	47,357.11
11	Recreation Trust	25,674.70
12	Trust Others	8,754.58
13	Unemployment	
15	Redevelopment	90.95
17	Animal Control	2,132.85
19	Self Insurance	2,349.90
20	Affordable Housing	86.26
30	Payroll	1,694,919.75
37	Police Forfeiture	
39	Worker's Comp	693.41
40	Open Space	32,094.77
42	Redevelopment Escrow	65.95
50	County Imp Auth Fund	
	Subtotal	36,651,151.49
	Escrow	31,107.95
	Grand Total	36,682,259.44

Mr. Mettler moved that warrants in the amount of \$36,682,259.44 for August 11, 2009 to be paid. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

**PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND READING**

**Ordinance No. 3840**

Deputy Mayor Glicklich presented the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 -**

**VEHICLES AND TRAFFIC, SECTION 226-20 – STOP INTERSECTIONS AND SECTION 226-31 (C) – REGULATIONS FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON ALL OTHER PRIVATE PROPERTY.**

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

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

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

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

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

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

**Ordinance No. 3841**

Deputy Mayor Glicklich presented the following ordinance:

**ORDINANCE AUTHORIZING FIRST AMENDMENT TO THE APRIL 10, 1995 LEASE BETWEEN THE TOWNSHIP OF FRANKLIN AND THE EAST FRANKLIN FIRE COMPANY.**

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

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

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

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

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

**Ordinance No. 3842**

Deputy Mayor Glicklich presented the following ordinance:

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

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

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

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

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

Mr. Mettler 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>	<u>ABSENT</u>
Eberle	Glicklich			Danile	Francois
Mettler	Prasad			Levine	
Sumter	Vassanella				

**ORDINANCES ON INTRODUCTION AND FIRST READING**

**Ordinance No. 3839**

Deputy Mayor Glicklich presented the following ordinance:

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

Deputy Mayor Glicklich 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 September 8, 2009 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 September 8, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Mettler and carried as follows upon call of the roll:

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

**Ordinance No. 3843**

Deputy Mayor Glicklich 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 REGARDING SMALL WIND ENERGY SYSTEMS.**

Deputy Mayor Glicklich 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 September 22, 2009 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 September 22, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Vassanella and carried as follows upon call of the roll:

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

**Ordinance No. 3844**

Deputy Mayor Glicklich presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE XI, PARKING.**

Deputy Mayor Glicklich 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 September 22, 2009 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 September 22, 2009 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>	<u>ABSENT</u>
Eberle	Glicklich			Danile	Francois
Mettler	Prasad			Levine	
Sumter	Vassanella				

**Ordinance No. 3845**

Deputy Mayor Glicklich presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE VI, WIRELESS COMMUNICATIONS ANTENNAS.**

Deputy Mayor Glicklich 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 September 22, 2009 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 September 22, 2009 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:

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

**Ordinance No. 3846**

Deputy Mayor Glicklich 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 112-4, DEFINITIONS, AND SCHEDULE 2, LOT AND YARD REQUIREMENTS**

Deputy Mayor Glicklich 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 September 22, 2009 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 September 22, 2009 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Mettler and carried as follows upon call of the roll:

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

**CONSENT AGENDA ITEMS**

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

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

**Resolution #09-371** 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:

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
Second Chance for Animals P.O. Box 5172, Somerset On-Premise 50/50 – RL#1782 On-Premise Raffle – RL#1783 Drawings Rutgers Preparatory School	October 24, 2009 6:00 pm – 11:00 pm
University Medical Center at Pct. Auxiliary 253 Witherspoon Street, Princeton, NJ Off-Premise 50/50 – RL#1784	Nov. 7, 2009 6:30 pm – 11:00 pm

Drawing: The Palace At Somerset Park

Franklin Warrior Parents Club	Sept. 12 & 19, 2009	1-5 pm
424 Vanderbilt Avenue, Somerset	Oct. 17, 24, 2009	1-5pm
On-Premise 50/50 – RL#1785	Dec. 22, 2009	5-9 pm
Drawings: Franklin Middle School &	Jan. 4, 5, 15, 21, 2010	5-9 pm
Franklin High School	Jan. 26, 2010	2-9pm
	Feb. 2, 6, 13, 2010	2-9 pm
	Feb. 27, 2010	1-8 pm

**Resolution #09-372** Authorize Issuance of Special Event Permit – New Brunswick PBA Locals 23 & 23A – East Franklin Firehouse & Consovoy Park – August 30, 2009 – Noon to Dusk.

**WHEREAS**, a request has been received from New Brunswick Policemen’s Benevolent Association Local 23 & 23A for permission to conduct the Annual Family Picnic at Consovoy Park and the East Franklin Firehouse from 12:00 pm to dusk on Sunday, August 30, 2009; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to conduct the Annual Picnic of New Brunswick PBA Local 23 & 23A, on August 30, 2009 from 12:00 pm to dusk, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

**Resolution #09-373** Recognize Complete Count Committee for 2010 Census and Partner with US Census Bureau.

**WHEREAS**, an accurate census count is vital to our community and residents’ well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation’s growing and changing population; and

**WHEREAS**, more than \$435 billion per year in federal and state funding is allocated to states and communities based, in part, on census data; and

**WHEREAS**, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts; and

**WHEREAS**, the 2010 Census creates jobs that stimulate economic growth and increase employment; and

**WHEREAS**, the information collected by the census is confidential and protected by law;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Franklin is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate county in 2010 and will

- Support the goals and ideals for the 2010 Census and disseminate 2010 census information to encourage those in our community to participate;
- Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census;
- Support census takers as they help our community complete an accurate count;
- Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete Count Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census; and

**BE IT FURTHER RESOLVED** that copies of this resolution be transmitted to Geraldine Clark, Partnership Coordinator of the U.S. census Bureau and the New Jersey League of Municipalities.

**Resolution #09-375** Authorize Designation of Representatives to negotiate on Township's behalf in connection with objections to the Township's petition of Substantive Certification with the Council on Affordable Housing.

**WHEREAS**, the Township of Franklin, County of Somerset, State of New Jersey, has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

**WHEREAS**, N.J.A.C. 5:96-3.6 requires a 45-day period of public review of the petition and Housing Element and Fair Share Plan and all supporting documentation; and

**WHEREAS**, objection(s) to the Township of Franklin's Housing Element and Fair Share Plan were filed, consistent with N.J.A.C. 5:96-4.1(a); and

**WHEREAS**, N.J.A.C. 5:96-8.1 requires that COAH meet with representatives of the municipality and the objectors and attempt to mediate a resolution of the objections; and

**WHEREAS**, the Township of Franklin is further required by N.J.A.C. 5:96-8.2(d) 2 to adopt a resolution designating representatives to act on its behalf concerning such mediation.

**NOW, THEREFORE BE IT RESOLVED** that the following persons shall constitute the representatives of the Township of Franklin, County of Somerset, State of New Jersey, and are authorized to act on its behalf and to attend, as deemed necessary and prudent, the mediation sessions:

1. *Brian D. Levine, Mayor*
2. *Dr. Theodore Chase, Planning Board Chairman*
3. *Leslie G. London, Township Attorney*
4. *Mark Healey, Township Planner*

[NOTE: N.J.A.C. 5:96-8.2(c) states "A municipality shall have a mediation team comprised of two representatives in addition to a member of the municipal planning board and a member of the municipal governing body (who shall not be the same individual)."]

**BE IT FURTHER RESOLVED** that Township Council and Planning Board consent shall be obtained prior to the mediation team agreeing to any major changes to the affordable housing plan during the mediation process.

**Resolution #09-376** Authorize Discharge of Affordable Housing Agreement & Second Repayment Mortgage – 151 Columbus Drive, Franklin Park.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge of Second Repayment Mortgage for the premises known as 151 Columbus Drive, Franklin Park, on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

**Resolution #09-377** Authorize Tax Court Stipulation of Settlement – Provident Som. Part. – Block 517.05, Lot 35.08 – 19 Schoolhouse Road – Tax Years 2009-2010.

**WHEREAS**, Provident Som. Part. is the owner of certain property located at 19 Schoolhouse Road, which is identified as Block 517.05, Lot 35.08 on the tax maps of Franklin Township; and

**WHEREAS**, Provident Som. Part. filed an appeal to the Tax Court of New Jersey for said premises for the 2009 tax year; and

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

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

<u>2009 Assessment</u>	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	3,285,000.00	3,285,000.00
Improvements:	7,350,000.00	6,715,000.00
<b>Total:</b>	<b>10,635,000.00</b>	<b>10,000,000.00</b>

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

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

**WHEREAS**, 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**, interest on the refund is waived by the taxpayer provided the refund is paid as described below; and

**WHEREAS**, both parties agree that the property's 2010 total assessment shall be \$9,400,000.00 and further agree that either party shall have the right to file a tax appeal for the 2009 tax year to obtain a judgment to implement, enforce and/or confirm the \$9,400,000.00 assessment agreed upon herein and said agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property; and

**WHEREAS**, all refunds as a result of said settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the judgment pursuant to N.J.S.A. 54:3-27-2.;

**NOW, THEREFORE, BE IT RESOLVED** this 11<sup>th</sup> day of August 2009 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #09-378** Authorize Tax Court Stipulation of Settlement – IA Orchard Hotels Somerset, LLC – Block 468.09, Lot 49, 37 World's Fair Drive – Year 2009.

**WHEREAS**, IA Orchard Hotels Somerset, LLC is the owner of certain property located at 37 World's Fair Drive, which is identified as Block 468.09, Lot 49 on the tax maps of Franklin Township; and

**WHEREAS**, IA Orchard Hotels Somerset, LLC an appeal to the Tax Court of New Jersey for said premises for the 2009 tax year; and

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

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

<u>2009 Assessment</u>	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	2,160,000.00	2,160,000.00
Improvements:	10,410,000.00	9,340,000.00
<b>Total:</b>	<b>12,570,000.00</b>	<b>11,500,000.00</b>

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

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

**WHEREAS**, 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**, interest on the refund is waived by the taxpayer provided the refund is paid as described below; and

**WHEREAS**, all refunds as a result of said settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the judgment pursuant to N.J.S.A. 54:3-27-2.;

**NOW, THEREFORE, BE IT RESOLVED** this 11<sup>th</sup> day of August 2009 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #09-379** Authorize Tax A Court Stipulation of Settlement – Somerset Grand. LLC – Block 424.01, Lot 39.07 – 1350 Easton Avenue – Tax Year 2009.

**WHEREAS**, Somerset Grand, LLC is the owner of certain property located at 1350 Easton Avenue, which is identified as Block 424.01, Lot 39.07 on the tax maps of Franklin Township; and

**WHEREAS**, Somerset Grand, LLC an appeal to the Tax Court of New Jersey for said premises for the 2009 tax year; and

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

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

<u>2009 Assessment</u>	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	8,000,000.00	6,169,000.00
Improvements:	11,000.00	11,000.00
<b>Total:</b>	<b>8,011,000.00</b>	<b>6,180,000.00</b>

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

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

**WHEREAS**, 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**, interest on the refund is waived by the taxpayer provided the refund is paid as described below; and

**WHEREAS**, all refunds as a result of said settlement set forth herein are to be made payable to “Zipp & Tannenbaum, L.L.C., Attorney Trust Fund” and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the judgment pursuant to N.J.S.A. 54:3-27-2.;

**NOW, THEREFORE, BE IT RESOLVED** this 11<sup>th</sup> day of August 2009 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

**Resolution #09-380**

Authorize Hold Harmless Agreement with Somerset County – Township Police Officers who provide services at the Somerset County Police Academy and Somerset County Organized Crime; Narcotics Task Force and Somerset County Emergency Response Teams.

**WHEREAS**, the County provides various services and functions which require the use of municipal police officers; and

**WHEREAS**, the County uses additional trained police personnel including municipal police personnel for such programs and services as assistance and training at the Somerset County Police Academy; Somerset County Organized Crime and Narcotics Task Force; Somerset County Emergency Response Teams (S.C.E.R.T), which includes the S.W.A.T. Team and Crisis Negotiation Team, Dive Rescue Team and the Somerset County Vehicular Homicide Task Force, Collision Analysis and Reconstruction (C.A.R.) Team and Arson Task Force; and

**WHEREAS**, the County is desirous of continuing those programs and services but requires the continued use of municipal police officers to supplement its own force in order to effectively perform those functions; and

**WHEREAS**, the Township of Franklin is willing to provide municipal police officers on an "as available" basis for use by the Somerset County Prosecutor's Office on a "as needed" basis subject to the terms and conditions of this Agreement;

**NOW, THEREFORE**, it is agreed as follows:

1. The Township of Franklin agrees to provide on an "as available" basis municipal police officers for use by the Somerset County Prosecutor's Office for the following purposes and functions:
  - A. Assistance and training at the Somerset County Police Academy;
  - B. Somerset County Organized Crime and Narcotics Strike Force;
  - C. Somerset County Emergency Response Teams (S.C.E.R.T.), which includes the S.W.A.T. Team and Crisis Negotiation Team;
  - D. Somerset County Vehicular Homicide Task Force and Collision Analysis and Reconstruction Team (C.A.R.); and
  - E. Arson Task Force.
2. The County shall, from time to time on an as needed basis, request from the Township of Franklin, municipal police officers for use by the Somerset County Prosecutor's Office for one of the purposes enumerated above. The determination of whether the municipal police officers are available for use shall be determined solely and exclusively by the municipality.

3. The County, in consideration, agrees to indemnify and hold harmless the Township of Franklin, its officers, directors and employees (including but not limited to, any municipal police department employees which are provided for use by the County in accordance with this agreement) from any liability or claims arising out of their action or service for the Somerset County Prosecutor's Office for the purposes of functions described in paragraph 1 above. The County's obligation to indemnify shall include and not be limited to, the provision of legal defense by counsel chosen and/or approved by the County, at its own cost and expense. The County reserves the right as legally and ethically as possible, to defend and indemnify the Township of Franklin, its officers, directors and employees with the same legal counsel that it has retained in the action and shall provide legal counsel for that purpose. In the event any claim or action brought against the Township of Franklin and/or their officer, director or employee(s) as a result of actions or services performed in accordance with the terms of this agreement, result in a judgment against the Township of Franklin or the officer, director or employee(s), the County of Somerset shall indemnify and hold the Township of Franklin and its officer, director or employee harmless from the payment of any claim or judgment by immediately paying said claim or posting necessary bonds or sureties during the pendency of any appeal so that neither the Township of Franklin and/or the officer, director or employee is required to pay any portion of the judgment from their own funds.
4. The County's obligation to indemnify and hold the Township of Franklin, its officers, directors and employees harmless shall not apply to any actions in which the Township of Franklin and/or its officers, directors or employee(s) perform acts or actions which are outside the scope of their respective responsibilities as assigned to them by the County to perform acts or actions which are unlawful, illegal or contrary to the policy of the County or Somerset County.
5. The County and the Township of Franklin each bind themselves and their successors and assigns and legal representatives of the other party respecting all covenants and agreements and obligations of this Agreement.
6. The terms of this Agreement shall be construed and interpreted, and all respective rights and duties of the parties shall be governed by the laws of the State of New Jersey.
7. This Agreement shall terminate at such time as the County discontinues its use of the Franklin Township Police Officers as contemplated in this Agreement or upon written notification of its termination by either party. In the event the County and the Township of Franklin are unable to agree, in writing, on the terms of an extension of this Agreement in the event of termination, the County agrees to continue to indemnify the Township of Franklin, its employees, officers and directors for past activities performed by the Municipal Police Officers for the County pursuant to this Agreement.

**Resolution #09-381**

Extend Interlocal Services Agreement – Millstone Borough – Police Services.

**BE IT AND IT IS HEREBY RESOLVED** that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township Council an extended interlocal service agreements with the Borough of Millstone as permitted by NJSA 40A65-1 et. seq. for Route Targeted Traffic Enforcement in an amount not to exceed \$15,950.00.

**Resolution #09-383**

Authorize Grant Application – Somerset County Drug Enforcement Demand Reduction Funds (DEDR) – 2010 – Grant amount of \$43,870.00 with a 25% cash match of \$10,967.00 and in-kind match of \$32,903.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the submission of a grant application to Somerset County FOR 2010 FOR Drug Enforcement Demand

Reduction Funds in the amount of \$43,870.00 with a 35% cash match of \$10,967.00 and in-kind services match of \$32,903.00 and does authorize the appropriate Township officials to execute these grant applications on its behalf.

**Resolution #09-384** 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.

<b><u>BLOCK/LOT</u></b>	<b><u>NAME/ADDRESS</u></b>	<b><u>QTR/YR</u></b>	<b><u>AMOUNT</u></b>
1.02/14	Trap Rock Industries Laurel Avenue Kingston, NJ 08528	2/09 Overbilled	38.81
5.02/112.03	Laurel Ave Corp Inc. Box 419 Kingston, NJ 08528	2/09 Overbilled	39.66
8/4-5 9/1	Stavola, Inc. Joseph & William PO Box 419 Kingston, NJ 08528	2/09 Overbilled	1,258.93
153/23 162/34 162/36	Alexander Ave LLC 11 Springfield Ave. Somerset, NJ 08873	2/09 overbilled	186.32
194/40	JNH Funding Corp. 90 Dayton Avenue Bldg. 6C Passaic, NJ 07055	2/09 Overbilled	587.83
423.01/4	Quagliano, Walter 310 Cedar Grove Lane Somerset, NJ 08873	2/09 Overbilled	1,111.02
Various	Canal Plaza LLC 812 Central Avenue Westfield, NJ 07090	2/09 Overbilled	21,021.60
198/35	Torres, Thomas & Way, Esther 184 Harrison Street Somerset, NJ 08873	Prior Years 100% Disabled Veteran	6,376.87

**Resolution #09-385** Authorize Interest Rate – 2009 Third Quarter Tax and Extend Grace Period to August 28, 2009.

**WHEREAS**, 2009 Third Quarter Taxes are payable August 1, 2009; and

**WHEREAS**, due to late mailing of the tax bills, it has been deemed that the penalty for the payment of Third Quarter Taxes shall be set at .001%;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, in the County of Somerset and State of New Jersey that the interest rate for late payment of 2009 Third Quarter Taxes is .001%; and

**BE IT FURTHER RESOLVED** that this resolution shall expire on August 28, 2009.

**Resolution #09-386** Authorize Release of Soil Improvements Bond – Suzanne & Dave Nosworthy – Block 451/Lot 1.01 – 115 4<sup>th</sup> Street - \$200.00.

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

**NAME OF APPLICANT:** Suzanne and Dave Nosworthy  
**ADDRESS OF APPLICANT:** 115 4<sup>th</sup> Street, Somerset, NJ 08873  
**ITEM:** Soil Improvement Bond  
**NUMBER:** 1402252997  
**INSURANCE CO./BANK:** Wachovia Bank  
**DOCKET:** SI08-031  
**IN THE AMOUNT OF:** \$200.00  
**FOR:** Block 451/Lot1.01 – Bonding Soil Improvement

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Soil Improvement Bond; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Soil Improvement Bond be release in the amount of \$200.00 to the above named applicant.

**Resolution #09-387** Authorize Release of Planning/Building Review Escrows and Inspection Fees.

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

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

**APPLICANT:** U.S. Home Corp. (Bennetts Village)  
**ADDRESS:** 800 West Main Street, Freehold, NJ 07728  
**DOCKET NO.** PLN2001-0003  
**BLOCK/LOT:** 86.01/9.39  
**LOCATION:** Dahmer Road and Bennetts Lane  
**TYPE:** Performance Guarantee  
**AMOUNT DEPOSITED:** \$64,325.68 (CME)  
**AMOUNT CHARGED:** 59,753.38  
**AMOUNT TO BE REFUNDED:** **\$4,572.30**

**APPLICANT:** Jacob Kuriakose  
**ADDRESS:** 18 Wildwood Terrace, Watchung, NJ 07069  
**DOCKET NO.** PLN-07-00019  
**BLOCK/LOT:** 386.17/133.01  
**LOCATION:** 1174 Easton Avenue  
**TYPE:** Plan Review  
**AMOUNT DEPOSITED:** \$512.50 (Atty)                      \$3487.50 (In-Hse)  
**AMOUNT CHARGED:** 512.50                                      3315.83  
**AMOUNT TO BE REFUNDED:** \$ 0.00                                      \$ 171.67

**APPLICANT:** Franklin Shopping Center Partners  
**ADDRESS:** 1260 Stelton Road, Piscataway. NJ 08854  
**DOCKET NO.** ZBA-08-00036  
**BLOCK/LOT:** 88.02/13  
**LOCATION:** 83 Veronica Avenue  
**TYPE:** Plan Review  
**AMOUNT DEPOSITED:** \$312.50 (Atty)                      \$2687.50 (In-Hse)

AMOUNT CHARGED:	<u>312.50</u>	<u>\$ 298.23</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$2389.27

APPLICANT: Themistokles Kehayas  
 ADDRESS: 790 Hamilton Street, Somerset, NJ 08873  
 DOCKET NO. PLN-07-00038  
 BLOCK/LOT: 100/23-27  
 LOCATION: Corner of Annapolis 7 Delmonico  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$450.00 (Atty)      \$1550.00 (In-Hse)  
 AMOUNT CHARGED: 450.00      828.52  
 AMOUNT TO BE REFUNDED: \$ 0.00      \$ 721.48

APPLICANT: J.P. Nash, c/o Eric Bran & Co.  
 ADDRESS: 27 Berkshire, Princeton Junction, NJ 08850  
 DOCKET NO. PLN2003-0017  
 BLOCK/LOT: 88.02/13 & 17  
 LOCATION: Route 27 & 45 Veronica Avenue  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$3000.00 (In-Hse)  
 AMOUNT CHARGED: 200.00  
 AMOUNT TO BE REFUNDED: \$2800.00

APPLICANT: Franklin Park Properties  
 ADDRESS: 24 Franklin Drive, Plainsboro, NJ 08536  
 DOCKET NO. PLN2005-0031  
 BLOCK/LOT: 468.01/47  
 LOCATION: Pierce Street & Worlds Fair Drive  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$1647.00 (CME)      \$765.00 (Heyer)      \$3088.00 (In-Hse)  
 AMOUNT CHARGED: 1647.00      765.00      188.50  
 AMOUNT TO BE REFUNDED: \$ 0.00      \$ 0.00      \$2899.50

APPLICANT: Jozsef & Irene Nemeth  
 ADDRESS: 3832 Route 27, Princeton, NJ 08540  
 DOCKET NO. PLN2001-0001  
 BLOCK/LOT: 219/2.09  
 LOCATION: 24 Baier Avenue  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$5738.75 (Keller & Kirkpatrick)      \$1761.25 (In-Hse)  
 AMOUNT CHARGED: 5738.75      0.00  
 AMOUNT TO BE REFUNDED: \$ 0.00      \$1761.25

APPLICANT: Hierung, Dupignac, Stanzione & Dunn Attorney Trust  
 ADDRESS: Acct on behalf of Verizon Wireless (NYSMSA)  
 64 Washington Street, CN 2015, Toms River, NJ  
 08754-2015  
 DOCKET NO. PLN2002-0008  
 BLOCK/LOT: 89.03/10.09  
 LOCATION: Clyde Road & Jiffy Road  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$1000.00 (In-Hse)  
 AMOUNT CHARGED: 437.50  
 AMOUNT TO BE REFUNDED: \$ 562.50

APPLICANT: Hierung, Dupignac, Stanzione & Dunn Attorney Trust  
 ADDRESS: Acct on behalf of Verizon Wireless (NYSMSA)  
 64 Washington Street, CN 2015, Toms River, NJ  
 08754-2015  
 DOCKET NO. ZBA2002-0692  
 BLOCK/LOT: 386.17/137  
 LOCATION: 1100 Easton Avenue  
 TYPE: Plan Review

AMOUNT DEPOSITED:	\$775.00 (Ritchie)	\$192.50 (Stern)	\$1532.50 (In-Hse)
	<u>775.00</u>	<u>192.50</u>	<u>125.00</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 0.00	\$1407.50

**Resolution #09-388** Award Purchase – Courier News - Legal Ads for FY2010 – Amount Not to Exceed \$15,425.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13:

**WHEREAS**, pursuant to NJSA 40A:11-5(j), the publishing of legal notices in newspapers as required by law is exempt from public bidding;

**VENDOR:** Courier News  
3601 Highway 66  
Neptune, NJ 07754  
**ITEMS:** Legal Notices FY2010  
**COST:** \$15,425.00

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

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

**Resolution #09-389** Award Purchase – General Code – Codification Services and Printing of Development Chapter for FY2010 – Amount Not to Exceed \$15,800.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

**WHEREAS**, pursuant to NJSA 40A:11-5(x), the printing of municipal ordinances or other services necessarily incurred in connection with the revision and codification of municipal ordinances is exempt from public bidding;

**VENDOR:** General Code Publishers  
72 Hinchey Road  
Rochester, NY 14624-2991  
**ITEMS:** Municipal Code Services  
Printing of Land Development Code Pamphlets  
FY2010  
**COST:** \$15,800.00

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

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

**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 vendors to purchase the specified items.

**Resolution #09-390** Award State Contract and Somerset County Co-Op Purchases – Office Supplies for FY2010 – State of NJ Distribution and Support and W.B. Mason (Somerset County Co-Op Bid CC-02-08) – Amount Not to Exceed \$70,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract and/or Somerset County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR: State of NJ Distribution and Support**  
PO Box 234  
Trenton, NJ 08625

**VENDOR: W.B. Mason**  
210 Meadowlands Parkway  
Secaucus, NJ 07094-49010  
**Somerset County Coop Bid CC-02-08**

**ITEMS:** Purchase of Office Supplies for All Departments – FY2010  
**COST:** \$70,000.00

**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 and Somerset County Cooperative Bid.

**Resolution #09-391** Award State Contract & Somerset County Co-Op Purchases – Copy Paper for All Departments for FY2010 – Paper Mart (SC CC-78-08); Paterson Papers (SC CC-78-08); and W.B. Mason (SC CC-78-08 & Mercer/Middlesex County Co-Op) – Amount Not to Exceed \$40,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract and/or Somerset County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR: Paper Mart**  
151 Ridgedale Avenue  
East Hanover, NJ 07936  
**Somerset County CC-78-08**

**VENDOR: Paterson Papers**  
730 Madison Avenue  
Paterson, NJ 07509  
**Somerset County CC-78-08**

**VENDOR: W.B. Mason**  
210 Meadowlands Parkway  
Secaucus, NJ 07094-9010  
**Somerset County CC-79-08**

**ITEMS:** Purchase of Copier Paper for All Departments – FY2010  
**COST:** \$40,000.00

**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 and Somerset County Cooperative Bid.

**Resolution #09-392** Award State Contract Purchases – Tires and Tubes for FY2010 – Goodyear (SC71688); Bridgestone Firestone (SC71687); and Michelin North America, Inc. (SC71689) – Amount Not to Exceed \$50,000.00.

**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:

**VENDORS:**

**Goodyear**  
114 East Market  
Akron, OH 44316  
**SC 71688**

**Michelin North America Inc.**  
PO Box 19001  
Greenville, SC 29602-9002  
**SC 71689**

**Bridgestone Firestone**  
280 Broadway  
Elmwood Park, NJ 07407  
**SC 71687**

**ITEMS:** Purchases of Tires and Tubes – FY2010  
**COST:** \$50,000.00

**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 #09-393** Award State Contract Purchases – Police Equipment and Supplies for FY2010 – General Sales Administration (SC74011); Lawman Supply (SC73995); East Coast Emergency Lighting (SC74184); Lanigan (SC 73093); Kaldor Emergency Lights (SC74012); and Warnock (SC74001) -- Amount Not to Exceed \$15,000.00.

**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:**

**General Sales Administration**  
t/a Major Police Supplies  
47 N. Dell Avenue  
Kenvil, NJ 07847  
**State Contract #74011**

**Lanigan**  
496 Shrewsbury Avenue  
Red Bank, NJ 07701  
**State Contract #73093**

**Lawman Supply**  
5521 White Horse Pike  
Egg Harbor City, NJ 08215  
**State Contract #73995**

**Kaldor Emergency Lights**  
19 Vanderburg Road  
P.O. Box 167  
Marlboro, NJ 07746  
**State Contract #74012**

**East Coast Emergency Lighting**  
160 Liberty Street  
Metuchen, NJ 08840  
**State Contract #74184**

**Warnock**  
175 Route 10  
East Hanover, NJ 07936  
**State Contract #74001**

**ITEMS:** Purchases of Police Equipment and Supplies – FY2010  
**COST:** \$15,000.00

**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 #09-394** Award State Contract Purchases – Radio Communications Equipment and Accessories for FY2010 – Motorola, Inc. (SC A53804) – Amount Not to Exceed \$10,000.00.

**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: MOTOROLA INC.**  
PO Box 305  
Bordentown, NJ 08505  
**State Contract No. A53804**

**ITEMS:** Maintenance and Parts for Radio Communications Equipment and Accessories – FY2010

**COST:** \$10,000.00

**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 #09-395** Award Somerset County Co-Op Bid – Gasoline and Diesel Fuel for FY2010 – Allied Oil Company (SC CC-05-08 & CC-30-7) – Amount Not to Exceed \$40,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through Somerset County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR: Allied Oil Company**  
25 Old Camplain Road  
Hillsborough, NJ 08844  
**Somerset County Coop Bid CC-05-08**  
**Somerset County Coop Bid CC-30-7**

**ITEMS:** Purchase of Gasoline and Diesel Fuel – FY2010

**COST:** \$40,000.00

**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 and Somerset County Cooperative Bid.

**Resolution #09-396** Authorize Purchase of Water Supply Services – Annual Fire Hydrant Charges – FY2010 – New Jersey American Water Company - Amount Not to Exceed \$22,364.16.

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

**VENDOR:** New Jersey American Water  
P.O. Box 371476  
Pittsburgh, PA 15250-7350  
**ITEMS:** Fire Hydrant Charges – FY2010  
**COST:** \$22,364.16

**WHEREAS**, this purchase is exempt from bidding as per N.J.S.A. 40A:11-5(z); and

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

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

**Resolution #09-397** Authorize Co-Op Purchases – Ice Control Sand and Rock Salt for FY2010 – Atlantic Salt (Morris County #3 & Somerset County CC-65-08; International Salt (Morris County #3 & Somerset County CC-65-08); James Reed Sales, Inc. (Morris County #3); Innovative Municipal Products, (US) Inc. (Morris County #3); and Cargill Deicing Technology (Mercer/Middlesex County #61) – Amount Not to Exceed \$125,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract and/or Morris and Somerset County Cooperative Bids, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDOR:** Atlantic Salt  
130 Plain Street, Lowell, MA 01851  
**Morris County No. 3/ Somerset County CC-65-08**

**VENDOR:** International Salt  
655 Northern Blvd., Clarks Summit, PA 18411  
**State Contract 72593/ Somerset County CC-65-08**

**VENDOR:** James Reed Sales Inc.  
Union Street, Athens, NY 12015  
**Morris County No. 3**

**VENDOR:** Innovative Municipal Products (US) Inc.  
Niagara falls, NY 14302-0712  
**Morris County No. 3**

**VENDOR:** Cargill Deicing Technology  
24950 Country Club Road, No. Olmstead, OH 44070  
**Mercer/Middlesex County No. 61**

**ITEMS:** Purchase of Ice Control Sand and Rock Salt – FY2010  
**COST:** \$125,000.00

**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 and/or Mercer/Middlesex, Morris and Somerset County Cooperative Bids.

**Resolution #09-398**

Authorize State Contract & Somerset County Co-Op Purchases – Janitorial Supplies – FY2010 – Allen Paper & Supply (Morris County Co-Op #25); Bio-Shine, Inc. (Morris County Co-Op #25); Mooney General Paper Company (Morris County Co-Op #25); Eagle Maintenance Supply (Morris County Co-Op #25); Central Poly Corp; (Somerset County CC-86-08); Eastern Bag and Paper Group (Somerset County CC-86-08); Jersey Paper Company (Somerset County CC-86-08) – Amount Not to Exceed \$20,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract and/or Somerset County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDORS:** Allen Paper & Supply, PO Box 1262, Morristown, NJ 07962  
Morris County Coop No. 25

Bio-Shine, Inc., 190 Summerhill Rd., Spotswood, NJ 08884  
Morris County Coop No. 25

Mooney General Paper Co., 1451 Chestnut Ave., Hillside, NJ 07205  
Morris County Coop No. 25

Eagle Maintenance Supply, 80 Twinbridge Dr., Pennsauken, NJ 08110  
Morris County Coop No. 25

Central Poly Corp., 18 Donaldson Place, Lined, NJ 07036  
Somerset County CC-86-08

Eastern Bag and Paper Group, 200 Research Drive, Milford, CT 06460-2880  
Somerset County CC-86-08

Jersey Paper Company, PO Box 6508, Edison, NJ 08818-6508  
Somerset County CC-86-08

**ITEMS:** Purchase of Janitorial Supplies – FY2010

**COST:** \$20,000.00

**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 and Somerset County Cooperative Bid.

**Resolution #09-399**

Award State Contract and Co-Op Purchases – Parts for Agricultural and Lawn and Garden Equipment for FY2010 – Seely Equipment & Supply Co. (SC67755); Cherry Hill Tractor (SC67756); Storr Tractor (SC67764 & Morris County Co-Op #48); Pennington Sales (SC67769); Trenton Tractor (SC67771); and Power Place (Morris County Co-Op #48) – Amount Not to Exceed \$30,000.00.

**WHEREAS**, the Township of Franklin desires to purchase items as follows through State Contract and/or Morris County Cooperative Bid, which items when combined with prior purchases exceed the prevailing bid threshold:

**VENDORS:**

**Seely Equipment & Supply**  
1325 Highway 34, Farmingdale, NJ 07727-37619  
**SC 67755**

**Cherry Hill Tractor**  
35 Rt. 70W, Marlton, NJ 08053  
**SC 67756**

**Storr Tractor**  
3191 US Hwy. 22, Somerville, NJ 08876  
**SC 67764 & MCC #48**

**Trenton Tractor**  
PO Box 5687, Trenton, NJ 08638  
**SC 67771**

**Pennington Sales**  
63 Rt. 31 North, Pennington, NJ 08534  
**SC 67769**

**Power Place**  
319 Rt. 46, Rockaway, NJ 07866  
**MCC #48**

**ITEMS:** Purchase of Parts for Agricultural and Lawn and Garden Equipment – FY2010

**COST:** \$30,000.00

**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 and/or Morris County Cooperative Bid.

**Resolution #09-400** Award State Contract Purchases – Supplies and Accessories for Computers for FY2010 – Dell Marketing (SC70256 & SC72727); and Hewlett Packard (SC70262) – Amount Not to Exceed \$100,000.00.

**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:

**VENDORS:**

**Dell Marketing**  
One Dell Way, Round Rock, TX 78662  
**SC 70256 & 72727**

**Hewlett Packard**  
108810 Forman Drive, Omaha, NE 68514  
**SC 70262**

**ITEMS:** Purchases of Supplies and Accessories for Computers, Printers, Software Maintenance – FY2010

**COST:** \$100,000.00

**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 #09-401**

Award State Contract – Snow Plow/Grader Blades and Edges and Snow Plow Parts for FY2010 – Seely Equipment & Supply Co. (SC 70290); Cornell Equipment (SC70293); A&K Equipment (SC70294); and Briston Donald (SC70288) – Amount Not to Exceed \$40,000.00.

**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:

**VENDORS:**

**Seely Equipment & Supply Company**  
1325 Highway 34, Farmingdale, NJ 07727  
**SC 70290**

**Cornell Equipment**  
47 Dell Avenue, Kenville, NJ 07847  
**SC 70293**

**A&K Equipment**  
221 Westcott Drive, Rahway, NJ 07065  
**SC 70294**

**Bristol Donald**  
50 Roanoke, Newark, NJ 07105  
**SC 70288**

**ITEMS:** Purchases of Snow Plow/Grader Blades and Edges and Snow Plow Parts – FY2010

**COST:** \$40,000.00

**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 and/or Somerset County Cooperative Bid.

**Resolution #09-402**

Authorize Change Order – Route 518 Water Main Improvements – P.M. Construction Corp. – Reduction of Contract Amount from \$114,359.64 to \$109,007.17.

**WHEREAS**, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, has on September 23, 2008, authorized the awarding of a contract to

**VENDOR:** P.M. CONSTRUCTION CORPORATION  
**ADDRESS:** 1310 Central Avenue, Hillside, NJ 07205  
**ITEM:** Rt. 518 Water Main Improvements  
**AMOUNT:** Amount Not to Exceed \$114,359.64

**WHEREAS**, the contract awarded to P.M. Construction Corporation for the Route 518 Water Main Improvements is in need of a change order as a result of a reduction of \$5,352.47 from the total contract amount resulting in a new contract total of \$109,007.17; and

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

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

**Resolution #09-403**

Authorize Contract – FY2010 Medical Health Insurance Policies – Horizon Blue Cross and Blue Shield of NJ – Amount Not to Exceed \$6,000,000.00.

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

<b>Horizon Blue Cross Blue Shield of NJ</b> Three Penn Plaza East Newark, NJ 07105-2200	Medical Insurance	Not to Exceed \$6,000,000.00
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**WHEREAS**, the Chief Financial Officer has certified hereon, that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset that the above purchases be authorized subject to the following provisions:

- (1) These contracts are awarded without competitive bidding as an exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m).
- (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 vendors 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 contract authorized herein.
- (4) The vendors 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 contract authorized herein.

**Resolution #09-404** Authorize Contract – FY2010 Prescription Insurance Policies – Benecard – Amount Not to Exceed \$2,000,000.

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

<b><u>VENDOR</u></b>	<b><u>ITEM</u></b>	<b><u>COST</u></b>
<b>Benecard</b> Benecard Services Inc. 3131 Princeton Pike Bldg. #2B, Suite 203 Lawrenceville, NJ 08648	Prescription Insurance	Not to Exceed \$2,000,000.00

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset that the above purchases be authorized subject to the following provisions:

- (1) These contracts are awarded without competitive bidding as an exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m).
- (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 vendors 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 contract authorized herein.
- (4) The vendors 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 contract authorized herein.

**Resolution #09-405** Authorize Contract – FY2010 Dental Insurance Policies – Blue Cross/Blue Shield Dental and Cigna Dental – Amount Not to Exceed \$389,000.00.

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

<b><u>VENDOR</u></b>	<b><u>ITEM</u></b>	<b><u>COST</u></b>
<b>Blue Cross/Blue Shield Dental</b> Horizon Blue Cross Blue Shield of NJ PO Box 1738 Newark, NJ 07101-1738	Dental Insurance	\$380,000.00
<b>Cigna Dental</b> CGLIC-Bloomfield EASC 5082 Collection Center Drive Chicago, IL 60693-0050	Dental Insurance	\$9,000.00

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset that the above purchases be authorized subject to the following provisions:

- (1) These contracts are awarded without competitive bidding as an exemption under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1)(m).
- (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 vendors 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 contract authorized herein.

- (4) The vendors 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 contract authorized herein.

**Resolution #09-406** Authorize Emergency Temporary Budget – FY2010.

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

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

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

CURRENT FUND BUDGET	SFY - 2009 EMERGENCY TEMPORARY BUDGET		
Description	Salary & Wages	Other Expenses	Total
Grant			
Neighborhood Preservation Program 2006		100,000.00	100,000.00
Neighborhood Preservation Program 2008		100,000.00	100,000.00
Neighborhood Preservation Program 2009		25,000.00	25,000.00
<b>Total Appropriations</b>		<b>250,000.00</b>	<b>250,000.00</b>

**Resolution #09-407** Oppose Proposed Closing of District Postal Office located in Edison, New Jersey.

**WHEREAS,** the U.S. Postal Service has announced plans to move mail sorting operations currently performed at the Kilmer P&DC Facility in Edison to Trenton P&DC in Trenton or Dominick V. Daniels P&DC in Kearny both approximately 30 miles away; and

**WHEREAS,** the closing of the Kilmer P&DC facility would cause mail delays for the residents in Franklin Township;

**WHEREAS,** the U.S. Postal Service has failed to provide any evidence that closing the Kilmer P&DC Facility would save money or that the current level of service could be maintained;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby opposes the closing of the Kilmer P&DC Facility located in Edison, New Jersey;

**BE IT FURTHER RESOLVED** that this resolution be forwarded to Senators Frank Lautenberg and Robert Menendez and to Congressmen Frank Pallone, Leonard Lance, Rodney P. Frelinghuysen and Rush Holt.

**Resolution #09-408** Oppose Closing of East Millstone Postal Branch.

**WHEREAS,** the U.S. Postal Service appears poised to close the postal branch in East Millstone; and

**WHEREAS**, the summer hours imposed on the postal branch in East Millstone will reduce its use and thus by its nature increase the likelihood of its closure; and

**WHEREAS**, the Village of East Millstone in Franklin Township has had a postal branch for over one hundred years; and

**WHEREAS**, East Millstone is a designated historic community and the postal branch is an integral part of its history and character; and

**WHEREAS**, a sense of community is the foundation of the American ideal that is slowly being chipped away from us; and

**WHEREAS**, that character is the basis of planned future economic development in the area; and

**WHEREAS**, the location of the postal branch leads itself to the inhabitants of the village walking as opposed to driving this reducing traffic, fuel consumption and pollution while increasing fitness;

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

1. Opposes the closing of the East Millstone Postal Branch; and
2. Calls upon our state and national legislators to join us in opposition to such closing; and
3. Calls upon the U.S. Postal Services to allow the East Millstone Postal Branch to remain open.

**Resolution #09-409**            Reject Bids – Administration CDBG Program.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey does hereby reject bids received and opened for Administration of CDBG Program (September 1, 2009 to August 31, 2010).

**Resolution #09-410**            Award Bid – Douglas Avenue Sidewalks – R&B Builders, Inc. – Amount Not to Exceed \$59,885.00.

**WHEREAS**, a notice to bidders for the receipt of bids for Douglas Avenue Sidewalks was published in the *Courier News* and posted on the Township's website on July 27, 2009 and receipt was on August 7, 2009;

**BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid be awarded for the Douglas Avenue Sidewalks:

<b>VENDOR:</b>	R&B Builders Inc.
<b>ADDRESS:</b>	21 First Street, South River, NJ 08882
<b>ITEM:</b>	Douglas Avenue Sidewalks
<b>AMOUNT:</b>	Amount Not to Exceed \$59,885.00

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

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

**BE IT FUTHER RESOLVED** that the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form.

**Resolution #09-411** Approve Plan and Design – Douglas Avenue Sidewalks.

**WHEREAS**, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design or public property or any improvement thereto where the plan or design was approved in advance of construction by the Township Council or a public employee exercising discretionary authority on its behalf or where such plan or design was prepared in conformity with standards previously approved by the Township Council; and

**WHEREAS**, the following improvement to public property has been designed by the Franklin Township Engineering Department; and

**WHEREAS**, the Township Council wishes to record its approval of said design.

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

1. Plans and specifications entitled “Douglas Avenue Sidewalk Construction” and prepared by the Township Engineer’s Office dated July 24, 2009 be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.
3. The Township Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

**Resolution #09-412** Award Contract – Condition Assessment and Recommendation for Township-Owned Canal Houses – Farewell Mills Gatsch Architects, LLC – Amount Not to Exceed \$13,625.00.

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

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

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

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

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

**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 vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.

- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDOR NAME:** FAREWELL MILLS GATSCH ARCHITECT, LLC  
**ADDRESS:** 200 Forrestal Road  
 Princeton, NJ 08540  
**CONTRACT AMOUNT:** \$13,625.00  
**SERVICE:** Condition Assessment and Recommendation for Township-Owned Canal Houses

**Resolution #09-415** Authorize Tax Remittals.

**WHEREAS**, there appears on the books of the Collector of Revenue, taxes to be remitted, as a result of Common Elements; and

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
198/35	Torres, Thomas & Way, Esther 184 Harrison Street Somerset, NJ 08873	1/08	400.90
		2/08	1,186.18
		3/08	1,242.83
		4/08	1,242.82
		1/09	1,152.07
		2/09	1,152.07
		3/09	951.18
		4/09 100%	951.18
			Disabled Veteran

**Resolution #09-416** Authorize Tax Title Redemptions – Outside Buyers.

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

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

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

**Date of Sale:** 06/09/08  
**Block/Lot:** 6/23  
**Name & Address:** MADDEN, PETER; 4306 RT. 27  
**Amount:** \$ 13,560.42  
**Make Check Payable To:** PLYMOUTH PARK TAX SERVICES LLC  
**Certificate No.:** 08-001  
**Payment Received:** 07/02/09

**Date of Sale:** 06/08/09

**Block/Lot:** 96/15  
**Name & Address:** BARAHONA, SANTOS G. & MIRNA; 136 DELMONICO AVENUE  
**Amount:** \$ 874.66  
**Make Check Payable To:** DAXUAN WANG  
**Certificate No.:** 09-092  
**Payment Received:** 07/07/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 508.02/3.23  
**Name & Address:** DABNEY, WILLIAM & JANINE; 46 VALLEY WOOD DRIVE  
**Amount:** \$ 543.10  
**Make Check Payable To:** US BANK CUST FOR CCTS CAPITAL  
**Certificate No.:** 09-335  
**Payment Received:** 07/07/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 37.02/7.35  
**Name & Address:** FAUST, ANTONIO & JACQUELINE; 18 DEBORAH DRIVE  
**Amount:** \$ 793.69  
**Make Check Payable To:** US BANK CUST FOR CCTS CAPITAL  
**Certificate No.:** 09-058  
**Payment Received:** 07/09/09

**Date of Sale:** 06/08/06  
**Block/Lot:** 85/56.03C0233  
**Name & Address:** ZIELLA, FRANK G.; 233 KINGSBERRY DRIVE  
**Amount:** \$ 2,412.96  
**Make Check Payable To:** SEQUOIA INVESTMENTS  
**Certificate No.:** 06-053  
**Payment Received:** 07/13/09

**Date of Sale:** 06/08/07  
**Block/Lot:** 435/6  
**Name & Address:** PATEL, HIRABEN; 133 WALNUT AVENUE  
**Amount:** \$ 56,484.75  
**Make Check Payable To:** PLYMOUTH PARK TAX SERVICES, LLC  
**Certificate No.:** 070241  
**Payment Received:** 07/16/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 193/18.01  
**Name & Address:** HERRERA, MARILYN & CLARK, RUFUS; 69 HIGHLAND AVE  
**Amount:** \$ 223.90  
**Make Check Payable To:** JAMES C. OLDER  
**Certificate No.:** 09-144  
**Payment Received:** 07/17/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 100/7.01  
**Name & Address:** SANDERS, PAULA M. & DENNIS P.; 124 CODINGTON AVENUE  
**Amount:** 995.10  
**Make Check Payable To:** SEQUOIA INVESTMENTS  
**Certificate No.:** 09-095  
**Payment Received:** 07/17/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 386.08/77.07  
**Name & Address:** SHARPE, JOHN E. JR; 23 RENFRO ROAD  
**Amount:** \$ 801.54  
**Make Check Payable To:** JAMES C. OLDER  
**Certificate No.:** 09-261  
**Payment Received:** 07/20/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 361/31  
**Name & Address:** OPONG, DICKSON & NIAMKEY, DOROTHY; 15 MACAFEE ROAD  
**Amount:** \$ 801.54  
**Make Check Payable To:** JAMES C. OLDER  
**Certificate No.:** 09-247  
**Payment Received:** 07/20/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 340/51  
**Name & Address:** ROBINSON, PAULETTE; 238 LENOX PLACE  
**Amount:** \$ 3,967.97  
**Make Check Payable To:** STUART LASHER  
**Certificate No.:** 09-231  
**Payment Received:** 07/24/09

**Date of Sale:** 06/08/09  
**Block/Lot:** 130/15  
**Name & Address:** HOOPER, CURLEY C/O THELMA SESSIONS; 765 FRANKLIN BLVD.  
**Amount:** \$ 26,545.60  
**Make Check Payable To:** PLYMOUTH FINANCIAL CO.  
**Certificate No.:** 09-098  
**Payment Received:** 07/27/09

**Resolution #09-417** Extend Competitive Contract – Design & Print Newsletter – Extend to September 2010 – Graphicolor – Amount Estimated at \$10,000.00 per issue.

**WHEREAS**, Resolution #07-452 awarded a contract for the design and printing of the Township Newsletter, *Franklin Times* on September 18, 2007; and

**WHEREAS**, as a competitive contract, the contract can be up to five years and the original specifications stated that the contract could be extended on an annual basis at the existing terms and conditions if mutually acceptable to the Township and vendor; 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 bids be extended:

**GRAPHICOLOR**  
 3490 North Mill Road  
 Vineland Industrial Park  
 Vineland, NJ 08360-1594

**Design and Print Newsletter  
 To September 2010**

**Amount not to exceed \$10,000.00 per issue**

**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 #09-418** Accept Resignation of Arnell Jenkins from Rent Leveling Board.

**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 Arnell Jenkins as Rent Leveling Board Citizen Member, effective immediately.

**Resolution #09-420** Authorize FY2009 Budget Transfers.

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

<b>Account #</b>	<b>Description</b>	<b>Expense</b>	<b>From</b>	<b>To</b>
1-2009-230-220-2-0092	Group Insurance-Medical	O & E	100,000.00	
1-2009-250-240-1-0011	Police	S & W	55,000.00	
1-2009-310-435-2-00075	Street Lights	O & E		155,000.00

**Resolution #09-421** Authorize Issuance of Special Event Permit – Harris House Inc. & University Heights Church – Children Event at Naaman Williams Park – September 6, 2009 – 10 am to 3:00 pm.

**WHEREAS**, a request has been received from Evelyn L. Harris of Harris House, Inc. & University Heights Church for permission to conduct a special event for the children of the community at Naaman Williams Park on September 6, 2009 from 10:00 am to 3:00 pm; and

**WHEREAS**, Mrs. Harris and the volunteers of Harris House, Inc. will distribute backpacks containing school supplies to the children of the immediate neighborhood of Naaman Williams Park and will serve the children hot dogs and hamburgers and present a health professional who will discuss healthful living with those present,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Harris House, Inc. & University Heights Church to conduct an event for children of the neighborhood of Naaman Williams Park on Sunday, September 6, 2009, from 10:00 am to 3:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

**Resolution #09-422** Authorize Issuance of Special Event Permit – Shop Rite’s “Partners-in-Caring” Flea Market – August 23, 2009 – 10 am to 3:00 pm.

**WHEREAS**, a request has been received from Shop Rite’s “Partners-in-Caring” for permission to conduct a Flea Market in the parking lot of Shop Rite at 435 Elizabeth Avenue, Somerset on August 23, 2009 from 10:00 am to 3:00 pm, for the benefit of the Franklin Township Food Bank; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Shop Rite’s “Partners-in-Caring” to conduct a Flea Market on Sunday, August 23, 2009 at 435 Elizabeth Avenue, Somerset, from 10:00 am to 3:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Zoning Officer, Director of Health and Director of Fire Prevention.

**Resolution #09-423** Approval of Fireworks Displays – The Palace at Somerset Park – 9:00 p.m. (10-12 minute displays) – Brown/Gryboski Wedding on 09/11/09 – Brillhart/McClearn Wedding on 09/27/09 – Boulos/Morgan Wedding on 10/11/09.

**WHEREAS**, The Palace has made application for permission to hold a fireworks displays in conjunction with: Brown/Gryboski Wedding – Friday, September 11, 2009; Brillhart/McClearn Wedding – Sunday, September 27, 2009; and Boulos/Morgan Wedding – Sunday, October 11, 2009, all to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m.; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby grant permission to The Palace to hold a fireworks displays in conjunction with: Brown/Gryboski Wedding – Friday, September 11, 2009; Brillhart/McCleary Wedding – Sunday, September 27, 2009; and Boulos/Morgan Wedding – Sunday, October 11, 2009, all to be conducted at The Palace, 333 Davidson Avenue, Somerset at 9:00 p.m.; subject to the following conditions:

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

**Resolution #09-424**

Authorize Application to Local Finance Board for private sale of its Water Utility Bonds in the amount of \$750,000 to finance the construction of an interconnection with New Brunswick through the Year 2009 NJ Environmental Infrastructure Trust Financing Program and the approval of a nonconforming maturity schedule.

**WHEREAS**, the Township of Franklin, in the County of Somerset, State of New Jersey (the “Township”) desires to make application to the Local Finance Board for (i) the private sale of its Water Utility Bonds in the aggregate principal amount not to exceed \$750,000 to provide funds to finance the construction of an interconnection with the City of New Brunswick including, but not limited to, the installation of a water main and booster pump station through the Year 2009 New Jersey Environmental Infrastructure Trust Financing Program pursuant to the provisions of N.J.S.A. 58:11B-9(a) and (ii) the approval of a nonconforming maturity schedule pursuant to N.J.S.A. 40A:2-26(e).

**WHEREAS**, the Township believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purposes or improvements are for the health, wealth, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township;

**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:

**Section 1.** The application to the Local Finance Board (the “Application”) is hereby approved, and the Township’s Bond Counsel, Wilentz, Goldman & Spitzer, P.A. (“Bond Counsel”), along with other officials and representatives of the Township, are hereby authorized and directed to prepare and submit such Application, to appear before the Local Finance Board and to represent the Township in matters pertaining thereto.

**Section 2.** The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

**Section 3.** A certified copy of this resolution shall be filed with the Local Finance Board with the Application of the Township.

**Section 4.** The preparation of the Application by Bond Counsel of the Township in consultation with the Chief Financial Officer of the Township and Hodulik & Morrison, P.A., the Auditor of the Township, is hereby ratified and confirmed, *nunc pro tunc*, and its submission to the Local Finance Board is hereby authorized.

Section 5. This resolution shall take effect immediately.

**RESOLUTIONS VOTED ON SEPARATELY**

**Resolution #09-419** Extend Contract – Administration of Tennis Program – Fall 2009 through Summer 2010 – Sports for Life! Inc. – Amount Not to Exceed \$30,000.00.

Deputy Mayor Glicklich presented the following resolution for adoption:

**WHEREAS**, Resolution #08-495 awarded a contract for the contracting for the administration of the tennis program on September 9, 2008; and

**WHEREAS**, as a competitive contract, the contract can be up to five years and the original specifications stated that the contract could be extended on an annual basis at the existing terms and conditions if mutually acceptable to the Township and vendor; 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

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

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

**SPORTS FOR LIFE! INC.**

290 River Road #E5  
Piscataway, NJ 08854

**Amount not to exceed \$30,000.00 for Fall 2009 and Summer 2010; and**

**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.

Mr. Vassanella expressed concern of approving a contract and appropriating funds that would continue under a different Council. Ms. McCarthy and Ms. Vieiro clarified that the funding for the tennis program is fee-based through the Recreation Trust.

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

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

**Resolution #09-425** Authorize Release of Winter Bonds – Canal Walk Association LLC - \$500.00 – 24 Freedom Lane.

Deputy Mayor Glicklich presented the following resolution for adoption:

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

NAME OF APPLICANT: Canal Walk Associates  
 ADDRESS OF APPLICANT: 112 Schoolhouse Road, Somerset, NJ 08873  
 ITEM: Winter Bond  
 NUMBER: #4649 & 4651  
 INSURANCE CO./BANK: JP Morgan Chase Bank, N.A.  
 DOCKET: P98050  
 IN THE AMOUNT OF: \$500.00  
 FOR: Block 513.36/Lot 2 – 24 Freedom Lane

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Winter Bond; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Winter Bond be release in the amount of \$500.00 to the above named applicant.

The aforesaid resolution was moved by Mr. Prasad, 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	Mettler		Glicklich	Danile
Mettler	Sumter			Francois
Vassanella				Levine

### **APPOINTMENTS**

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

#### **Cable Television Advisory Committee**

Mr. Prasad nominated Saleem A. Malkana as a Regular Member of the Cable Television Advisory Committee for an unexpired two-year term ending December 31, 2009. Said nomination was seconded by Mr. Sumter and carried upon acclamation.

#### **Senior Citizen Advisory Committee**

Mr. Prasad nominated Carl R.A. Wright as a Non-Senior Club Member of the Senior Citizen Advisory Committee for an unexpired one-year term ending December 31, 2009. Said nomination was seconded by Mr. Vassanella and carried upon acclamation.

### **EXECUTIVE SESSION**

Deputy Mayor Glicklich 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:
  - a) Kings Row Homes, LLC v. Township of Franklin, et al. Docket No.: SOM-L-953 & SOM-L-954-09

- b) DesLauriers Municipal Solutions v. Township of Franklin, et al. – Docket No. 3-06 cv 00919 (U.S. District Court)
  - c) LeMieux v. Rutgers, John Van Cleef, Bonnie Van Cleef & Township of Franklin – Docket No. C-12114-08
  - d) Construction Code Matters: Pulte Homes Appeal
  - e) NJDEP/Water Compliance & Enforcement – OAL Docket No. ECEWE 02292-2009S
  - f) Real Property Tax Appeals
- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The aforesaid resolution was moved by Mr. Prasad, seconded by Mr. 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	Glicklich			Danile
Mettler	Prasad			Francois
Sumter	Vassanella			Levine

The meeting adjourned into Executive Session at 10:42 p.m.

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

Deputy Mayor Glicklich announced that the Township Council discussed the following:

- a) Kings Row Homes, LLC v. Township of Franklin, et al. Docket No.: SOM-L-953 & SOM-L-954-09
- b) DesLauriers Municipal Solutions v. Township of Franklin, et al. – Docket No. 3-06 cv 00919 (U.S. District Court)
- c) LeMieux v. Rutgers, John Van Cleef, Bonnie Van Cleef & Township of Franklin – Docket No. C-12114-08
- d) Construction Code Matters: Pulte Homes Appeal
- e) NJDEP/Water Compliance & Enforcement – OAL Docket No. ECEWE 02292-2009S
- f) Real Property Tax Appeals

The minutes of these discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

### **ADJOURNMENT**

Mr. Prasad moved to adjourn the meeting at 11:00 p.m. Said motion was seconded by Mr. Mettler and carried unanimously upon call of the roll.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *September 8, 2009*

Ann Marie McCarthy, Township Clerk