

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:12 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated "In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Municipal Complex at 7:00 p.m. on April 24, 2007. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the Pledge of Allegiance and Mr. Prasad led the Invocation.

The Township Clerk called the roll.

Present: Ms. Danile, Ms. Eberle, M. Glicklich, Mayor Levine, Mr. Prasad, Deputy Mayor Ritchie, Mr. Sumter, Mr. Vassanella

Absent: Mr. McKenzie

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

### **PROCLAMATIONS**

#### **National Safe Kids Week**

Mayor Levine read the following proclamation:

**WHEREAS**, unintentional injury is the number one killer of children 14 and under and each year more than 5,000 children 14 and under die from unintentional injuries; and

**WHEREAS**, emergency rooms experience nearly 2.4 million visits from children 14 and under each summer, and 90 percent of these injuries and deaths are preventable; and

**WHEREAS**, 41 percent of these deaths occur during "trauma season"- the months of May, June, July and August; and

**WHEREAS**, the risk areas that show the greatest seasonal surge in deaths and injuries between May and August compared to the rest of the year are biking, drowning, pedestrian, motor vehicle accidents and falls; and

**WHEREAS**, Safe Kids Worldwide and Safe Kids New Jersey, led by the New Jersey State Safety Council, promote childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and

**WHEREAS**, Safe Kids New Jersey has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2007 in an effort to educate families about summer safety.

**NOW, THEREFORE, BE IT RESOLVED** That, I, Brian D. Levine, Mayor of the Township of Franklin, on behalf of the Township Council do hereby proclaim

#### **APRIL 28 - MAY 6, 2007 AS NATIONAL SAFE KIDS WEEK**

in New Jersey and call upon all the residents of the Township of Franklin to join with me in supporting the efforts and activities of Safe Kids New Jersey to prevent childhood injury.

### **MAYOR'S REPORT**

Mayor Levine presented the following report:

- Welcomed those attending the meeting and those watching the meeting on television.
- Thanked all the FTTV-25 volunteers and staff.
- Explained how the meeting would be conducted.
- Reminded everyone that Council meetings are generally the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month. He stated the meeting listings are on FTTV-25 and the Township's website. In regards to the Township's website, one can sign up for updates of meetings, minutes, etc. as well as view the agenda, ordinances and pending resolutions. He stated that if anyone was interested in volunteering to serve on a board or commission to contact any Councilperson.
- Spoke on issue that relates to public comment expressed to him regarding the excess length of the Council meeting. He stated that when one talks and tries to make a point, Council is not always sure they have gotten their point across, therefore, during Council discussions, if he feels that a Councilperson's point has come across, he would at that point move on to the next person desiring to speak.
- Reported on the Flood that occurred on April 15, 2007. The damage report as of the past weekend includes 60 people displaced by flood, mostly in Zarephath; approximately 300 flooded basements reported; damage to Franklin residents estimated at about \$3.6 million. He stated the Township has requested financial aid from New Jersey. He Township utilized all available personnel in police, public works and others to combat flood problems. The Township helped neighboring towns such as Manville and Bound Brook. The major communication to everyone came through the media: "Stay off Roads". There were multiple traffic diversions off Cedar Grove Lane and Canal Road, which led to increased congestion. Again, safety and cleanup would have proceeded at a quicker pace if residents left their cars at home. He commended the Police for an excellent job. He asked that everyone obey road closure signs.
- Spoke on the tragedy that occurred at Virginia Tech. He stated the Township is making safety at schools a top priority. The Township has Police Officers in the schools and regularly patrol the lots. He stated that of utmost importance is prevention services. The Township must endeavor to stop tragedies before they happen. To accomplish this he proposed satellite services in Franklin of the kind of services supplied at Richard Hall Community Mental Health Center, which is located in Bridgewater. The facility in Bridgewater is often difficult for residents of Franklin to reach. He stated the Township needs to supply services for individual counseling; family counseling; DYFS referrals and prevention services for our youth. He stated this could prevent a tragedy. He stated it is now his goal to work with Somerset County to make this necessity a reality.

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

Deputy Mayor Ritchie made the following report:

- Added to the Mayor's Report that the Youth Services Commission has discussed the satellite office to offer more services to Franklin.
- Reported she notices on Somerset County's agenda money to be appropriated to Richard Hall Mental Health Clinic and noted support for more local services.
- Acknowledged Virginia Woodbury receiving the Senior Employee Award from Somerset County. She stated that Ginny is a valuable employee to the Township.

- Recommended that flags be flown half-staffed until all the troops in Iraq come home.

**COMMITTEE REPORTS**

**Financial Oversight Committee**

Ms. Danile presented the following report:

“The Finance Oversight Committee met at 7:00 p.m. on Wednesday, April 18, 2007. Present were: Mayor Levine, Deputy Mayor Ritchie, Councilwoman Danile, Township Manager Daly and Grants Coordinator Bonnie von Ohlen.

**CDBG.** Ms. von Ohlen reviewed the staff recommendations on the allocation of CDBG funds for program year September 1, 2007 - August 31, 2008. After some discussion, the Committee recommended that the \$1600 still not allocated in the staff recommendation be added to the ARISE Program. The Committee’s recommendations are attached. These recommendations will be published in the newspaper and there will be a public hearing in June after which Council will act on the CDBG program year plan.

**Dog licenses.** State law has changed the maximum allowable dog license fee from \$7.00 to \$21.00 per year. The Committee recommends the introduction of an ordinance to raise the fee to \$21.00 to cover the costs of processing the licenses. The Township does provide free rabies vaccinations each year to dog owners.

**Lobbyist.** The Committee reviewed a proposal from the Washington lobbyist, which had successfully obtained federal grants for South Brunswick Township. The annual retainer for this lobbyist would amount to \$120,000 per year. The Committee raised a number of questions about this proposal. No action was taken.

**School Budget.** The Committee discussed process and schedule for dealing with the defeated school budget. The Committee will be meeting with the school district on Wednesday evening, April 25, to begin analysis of the school budget. After the school district leaves, the Committee will continue its deliberations with the auditor and staff. (If Councilman McKenzie is well enough to attend on Wednesday, he would make the fourth member of the Council-BOE joint committee.)

The Committee recommends to the full Council that there be a special Council meeting at 7:00 p.m. on May 1, 2007. The special meeting would open with a brief presentation by the school board. Questions and Answers between Council and the School Board, public comments, then Council direction to the Committee on changes to the school district budget for Council action at the May 8 meeting. The Committee also discussed the advisability of Council’s giving the Committee a target when this report is presented on April 24.

**HOUSING AND COMMUNITY DEVELOPMENT PROGRAM  
 CONSOLIDATED PLAN PROGRAM FY 2007 - FINANCE COMMITTEE  
 RECOMMENDED  
 PROGRAM YEAR: September 1, 2007 - August 31, 2007**

<b><u>PROJECT</u></b>	<b><u>REQUEST</u></b>	<b><u>RECOMM.</u></b>
<b><u>REHABILITATION/PRESERVATION ACTIVITIES</u></b>		
FRANKLIN TOWNSHIP Housing Rehabilitation Deferred Loan Program Code Enforcement in CDBG Area	\$191,303	\$191,303
<b><u>PUBLIC FACILITIES/INFRASTRUCTURE</u></b>		
GREAT EXPECTATIONS Fence and Playground	25,000	25,000
		<b>\$216,303</b>
<b><u>TOTAL PUBLIC FACILITIES</u></b>		
<b><u>SERVICES</u></b> (15% budget maximum or \$49,915)		
FAMILY AND COMMUNITY SERVICES OF SC P/T Youth Counselor	17,300	18,945

SC COALITION FOR AFFORDABLE HOUSING Housing Counseling	13,470	13,470
HOMESHARING INC. Homesharing Program	7,500	7,500
MAJOR GROUP FOUNDATION Youth Connection After School Program	10,000	10,000
FRANKLIN TWP. - REC. DEPT. Senior Wellness	5,000	0
RESOURCE CENTER Transitional Housing Program	10,000	0
NEW JERSEY ORATORS INC. Public Speaking Program	10,000	0
SWS ORGANIZATION Helping Hands Program	30,000	0
<b><u>TOTAL PUBLIC SERVICES</u></b>	<b>(SUB)</b>	<b>\$49,915</b>
<b><u>PLANNING &amp; ADMINISTRATION</u></b>		
FRANKLIN TOWNSHIP Planning/Administration	<b>(SUB)</b>	66,554
<b><u>TOTAL</u></b>		<b>\$332,772"</b>

Mr. Vassanella proposed that Council consider hiring an outside consultant to review the defeated school budget. Ms. Danile stated the Township's Auditor has been engaged in the past to do this function.

Mr. Vassanella asked if the schedule for the review of the school budget indicated that Council would be voting on reductions at their meeting on May 8. Ms. Danile replied yes.

Mayor Levine clarified the following:

- Council's resolution has to be adopted by May 21<sup>st</sup>
- Financial Oversight Committee is meeting with the School Board on April 25
- Special Council Meeting on May 1
- May 8<sup>th</sup> Regular Council Meeting - Vote or Schedule another Special Meeting

Ms. Danile stated the Financial Oversight Committee is looking for direction and recommendations from Council. She noted there is a small window of time to review the defeated school budget which is the reason the Township uses the Township Auditor. She stated that she is unsure what could be accomplish in such a small time frame. She stated that she does not oppose a fresh objective look at the school budget.

Mr. Glicklich stated he telephoned the County School Superintendent, Mr. Livingston to ask if he could recommend a specialist that reviews defeated school budget. Mr. Glicklich stated he has a name and asked for Council's consent to telephone the specialist to see if they are available.

Ms. Danile asked what credentials the specialist has. Mr. Glicklich stated the firm is Nisivoccia & Company who specializing in reviewing defeated school budgets. He stated if he received Council's consent, he would get back to the Financial Oversight Committee and Mr. Daly.

Mr. Daly reminded Council of non-fair and open contract requirements for contracts over \$17,500. He stated the recommendations by the Township Auditor are usually more than what Council adopts.

Mr. Glicklich stated that he would make the call, but it may be a mute point if the contract amount does not meet the non-fair and open contract parameters. Mr. Daly stated if the contract is under \$8500 he would be able to approve it administratively if it is the consensus of Council to hire an expert. Mr. Daly noted that the Township Auditor has received the information from the School Board and has already started reviewing it.

Mr. Vassanella stated that there is no time to review the defeated school budget properly and it would be beneficial to hire an expert to assist Council.

Ms. Danile asked if Council has parameters regarding hiring an outside consultant.

Deputy Mayor stated it is not necessary for an additional expert especially since Council doesn't usually accept all of the Township Auditor's recommendations.

Mr. Glicklich made a motion to contact an outside consultant to review the defeated school budget within the contract parameters. Said motion was seconded by Mr. Vassanella 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>
Glicklich	Levine		Danile	McKenzie
Prasad	Sumter		Eberle	
Vassanella		Ritchie		

Mr. Prasad supported getting a second opinion to see what is available and to serve the taxpayers the best way they can.

Deputy Mayor Ritchie asked if there are other firms available to have the opportunity to choose. Mr. Glicklich stated he would provide a resume of the firm.

Mayor Levine asked Council what parameters. Mr. Vassanella stated he shares most concerns as Council and would not consider looking at mandated expenses or reducing teachers. Mayor Levine asked if anyone had a dollar amount. Mr. Prasad stated it would be unfair to pull a number out of the sky without looking at the Auditor's recommendations. Mr. Glicklich stated he felt hard pressed to give any recommendations at this time. Mayor Levine agreed with Mr. Vassanella's philosophy. Deputy Mayor Ritchie stated the Financial Oversight Committee is looking for Councilmember's opinions such as keeping the budget as-is or make reductions, etc. Mr. Prasad stated Council needs to rely on its experts.

Mayor Levine clarified that the Special Meeting would be scheduled for Tuesday, May 1<sup>st</sup> at 7:00 p.m. in Council Chambers. The May 8<sup>th</sup> Regular Meeting would be tentative for action or to add another special meeting.

Mr. Prasad supported hiring a lobbyist such as the one in South Brunswick who obtained millions in grant monies. He supported that the Financial Oversight Committee to explore hiring a lobbyist further.

Mr. Vassanella stated this idea originated from a subcommittee of a municipal democratic part who thought outside the box to receive/save millions of dollars. He stated it is worth exploring. He stated he knew of no particular firms and some towns have been very successful. Deputy Mayor Ritchie stated that she is not in favor of a lobbyist and that all this is hearsay. She stated the Township has a grants writer and elected officials to bring money to the Township.

Ms. Danile asked if there is any information regarding the lobbyist she would find it useful and asked that it be forwarded to the Financial Oversight Committee. Mr. Vassanella encouraged any information to be forwarded to Council. Mr. Prasad stated it is not hearsay, there are references, track records and resumes. Ms. Danile stated that the Financial Oversight Committee does not have any information, when it does it would be reviewed and explored. Mr. Prasad stated that it is worth exploring.

Ms. Danile stressed the importance of looking at the school board budget information and to look closely at the numbers. She suggested they don't totally rely on outside experts. She stated it would be good to get a fresh perspective.

**Administration Standing Committee**

Ms. Danile presented the following report:

"The Administration Committee met on Wednesday, April 18, 2007, after the Finance Oversight Committee meeting to discuss the questions of joint meetings between the Township Council and various boards and committees. After the last Township Council meeting where this issue was discussed and referred to the Administration Committee, some members mentioned that the impetus for these joint meetings seemed to come from the dissatisfaction of some of the boards and committees with the effectiveness of their council liaisons. The committee talked about ways in which the role of council liaisons could be made more effective. The Administration Committee is recommending to Township Council that the agenda for each Council meeting should include under "Committee Reports" a list of the boards and committees which have met since the last Council meeting along with the name of the Council liaison to each board and committee. The Council Liaisons would be expected to present reports, preferably written, on the board and committee meetings they attended. If a board or committee had a specific issue on which they felt a joint meeting would be productive, the Council liaison could bring that request to Council. Conversely, if Council wanted to have a joint meeting with a board or committee, the liaison would bring this back to the board or committee and coordinate scheduling of the joint meeting."

A brief discussion ensued regarding the new agenda format. Mr. Vassanella clarified that the reports would be sent to the Township Clerk to be included in the packets. Mr. Prasad commended the Financial Oversight Committee for their approach in taking steps to make council liaisons accountable. He suggested that Council minutes be distributed to the various boards and commissions. Since the Council minutes are on the Township's website, it was suggested that board/commission members be encouraged to read Council minutes.

Ms. Danile pointed out that committee reports usually inform the public of what is going on, for example, Parks and Recreation - they are looking at different types of sports that Middlebush Park can be used for.

### **Fire Prevention Board**

Ms. Danile reported that the Fire Prevention Board met on April 12<sup>th</sup>. She reported that the Fire Chiefs are still uneasy with the July 4<sup>th</sup> Celebration policy. She recommended that future 4<sup>th</sup> of July Celebrations be scheduled as a discussion item on the May 8<sup>th</sup> agenda to discuss and review Council's policy. The Fire Chiefs have asked that all 4<sup>th</sup> of July celebrations be scheduled the Friday before the 4<sup>th</sup> of July so that the firefighters could spend the holiday with their families.

Ms. Danile stated that at the March 27<sup>th</sup> Council meeting, their life insurance was discussed with no conclusion. She suggested that if they need to look at further that they do so. Ms. Danile stated the main issue was that the firefighters be covered when they are home on leave from Iraq when they respond to calls.

### **National River Cleanup Week**

Mr. Vassanella announced that National River Cleanup Week is June 2-10, 2007. There is a clean-up scheduled in Franklin on June 9<sup>th</sup> from 9am to 11am from Seeley's Brook upstream from Easton Road. Additional information can be found on the Stony Brook-Millstone Watershed Association's website.

### **Public Safety**

Mr. Vassanella reported the Public Safety Standing Committee met today but needs to schedule another meeting as a result of a staff member not being able to attend. He implored to everyone the importance of wearing seat belts, noting the Governor's accident. He asked that everyone obey the no cell phone while driving law. He stated this would be addressed at the next Public Safety Standing Committee meeting.

### **Human Relations Commission**

Mr. Prasad reported that the Human Relations Commission met last night and distributed the minutes from that meeting to Council. He reported that the Commission agreed that there is a need to promote and publicize the role and

mission of the Human Relations Commission. Some suggestions were to post information about the Commission in the Township's newspaper, website, television and all Township media outlets.

Mr. Prasad reported that a resident has offered to donate radiation dosimeters to all first responders. He thanked Mr. Patel for the donation. Mr. Vassanella stated the appropriate venue to discuss this would be at the ELS Committee.

Mr. Prasad announced the next Human Relations Commission is scheduled for May 21<sup>st</sup>.

### **REVIEW OF THE PREPARED AGENDA**

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

A motion was made by Ms. Danile to add to Council Discussion Items - Cedar Grove Lane Sidewalks. Said motion was seconded by Mr. Glicklich and carried unanimously upon voice vote.

Mr. Glicklich expressed his concern regarding Ordinance #3682 which adds two members to the Trails Advisory Committee. He asked if the membership is increased to 9 does that mean a quorum would be 5. Mayor Levine replied yes.

Mr. Daly referred Council to a memorandum from the Township Engineer regarding Bond Ordinance No. 3684 - 2007 Capital Improvements - Water Utility. Mr. Vassanella asked that a copy of the memorandum be sent to Mr. McConville.

Mayor Levine stated that Ordinance Nos. 3696 and 3687 are in regard to property being conveyed to the Raritan Valley Habitat for Humanity for affordable housing.

Mr. Daly recommended that Ordinance Nos. 3688; 3689 and 3690 not be acted upon after their public hearings are held. He reported that issues have arisen regarding the Sewerage Authority and them not paying for the pump station. He stated that he would have more information after a meeting with the Sewerage Authority scheduled for April 25<sup>th</sup>. Deputy Mayor Ritchie expressed her disappointment that this project was not moving forward. Mr. Sumter agreed.

Mr. Vassanella requested that Ordinance No. 3663 - Pay to Play for Redevelopers be tabled until he and the Township Attorney could further review and tweak the ordinance. He stated that they were unable to discuss the ordinance and asked that it be placed on the Special Meeting of May 1, 2007 agenda. Deputy Mayor Ritchie disagreed and asked that it be placed on the May 8<sup>th</sup> agenda so that the May 1<sup>st</sup> agenda would solely be the review of the school budget. Mr. Vassanella asked that it be placed on the May 1<sup>st</sup> agenda.

Mr. Daly explained the public safety concerns that caused Resolution #07-226 - Further supporting and recommending approval of the reconstruction of Amwell Road from Cedar Grove Lane to DeMott Lane to the Commissioner of the NJ Department of Environmental Protection.

Mr. Daly apologized for the last minute addition of Resolution #07-227 - Award Contract to PTS Solutions Inc. for the Server Room UPS. He stated that something needs to be done with the server room before the weather gets hot.

Mr. Rainone asked that "King's Row vs. Franklin Township" be added as the reason for the Executive Session.

### **COUNCIL DISCUSSION ITEMS**

#### **Cedar Grove Lane Sidewalks**

Ms. Danile reported that cost estimates were prepared by the Township Engineer - \$206,850 for concrete sidewalks and \$112,200 for asphalt sidewalks. She requested approval by Council for the sidewalks.

Mr. Rainone reviewed the options of how the sidewalks could be paid for such as the Township paying; assessing the property owners; a combination of both; developer paying or a grant.

Ms. Danile proposed the concrete sidewalks for Council approval. Mr. Vassanella stated that Council should find out the costs of the various payment options. Mayor Levine stated that it would be in next year's budget which would not be adopted until October or November. He stated that would be enough time to get feedback to the Township Manager for the draft budget. Mr. Daly stated he would research assessment and asked that Council provide direction when preparing the budget what option to be used to pay for the project. Mayor Levine stated that more information needs to be gathered.

Ms. Danile clarified that she was looking for approval by Council to appropriate funds for the sidewalks now. Mr. Daly stated that if it were added to this year's budget, the down payment for the project would be needed. He would have to look for funding and a transfer would have to be made in May or June.

Mr. Vassanella stated that while he is in agreement that these sidewalks need to be done, he feels that this project should not bump other projects or take a higher priority over other projects. Ms. Danile stated that she never said that other projects should be bumped in order to fund this project.

A brief discussion continued amongst Council members and the Township Manager regarding how to fund the project and what budget it would be funded in. The discussion concluded with the Township Manager researching different options to fund the project and provide the information to Council.

### **APPROVAL OF WARRANTS**

Mayor Levine presented the following warrants in the amount of \$2,416,117.71 for April 24, 2007 to the Township Council for payment:

1	Current	1,523,924.13
5	Water Operating	142,543.23
6	Water Capital	164.66
4	General Capital	14,392.40
15	Trust Others	32,694.58
18	Self Insurance Trust	1,500.00
12	Open Space Trust	82,040.30
2	Grant	44,241.38
17	Workmens Compensation	788.56
3	Collector Trust	71,653.81
14	Dog Revenue	1,345.90
30	Payroll Agency	452,742.64
	Subtotal	2,368,031.59
25	Escrow Account	48,086.12
	Grand Total	2,416,117.71

Ms. Danile moved that warrants in the amount of \$2,416,117.71 for April 24, 2007 to be paid. Said motion was seconded by Mr. Prasad 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>
Danile	Eberle			McKenzie
Glicklich	Levine			
Prasad	Ritchie			
Sumter	Vassanella			

### **ORDINANCES - PUBLIC HEARING & FURTHER CONSIDERATION**

#### **Ordinance No. 3678**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-23 - PARKING OF VEHICLES**

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

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

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

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

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

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

**Ordinance No. 3680**

Mayor Levine presented the following ordinance:

**ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 180, FEES, ARTICLE IV, MISCELLANEOUS FEES, SECTION 180-9 - WEDDINGS BY MAYOR AND DEPUTY MAYOR. (ADD CIVIL UNION AND AMEND TO DEPOSIT FEES INTO THE GENERAL FUND.)**

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

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

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

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

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

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

**Ordinance No. 3681**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 222, TREES**

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

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

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

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

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

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

**Ordinance No. 3682**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 13, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE XXI, TRAILS ADVISORY COMMITTEE, SECTION 13-88, MEMBERSHIP AND SECTION 13-89, TERM OF OFFICE. (INCREASE 7 REGULAR MEMBERS TO 9 REGULAR MEMBERS.)**

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

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

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

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

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

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

**Ordinance No. 3684**

Mayor Levine presented the following ordinance:

**BOND ORDINANCE PROVIDING FOR VARIOUS 2007 CAPITAL IMPROVEMENTS FOR THE WATER UTILITY OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,848,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,848,000 BONDS OR NOTES OF THE WATER UTILITY OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF**

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

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

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

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

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

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

**Ordinance No. 3685**

Mayor Levine presented the following ordinance:

**AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREETS KNOWN AS A PORTION OF GIRARD AVENUE AND CLIFTON STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY.**

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

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

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

Pam Ely, Executive Director, Raritan Valley Habitat for Humanity, spoke briefly about the program and thanked Council for the properties.

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

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

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

**Ordinance No. 3686**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF TOWNSHIP OWNED LAND LOCATED IN BLOCK 307, LOT 7 (141 GIRARD AVENUE); BLOCK 308, LOT 36.01 (130 GIRARD AVENUE); BLOCK 308, LOT 37.01 (140 GIRARD AVENUE); BLOCK 309, LOT 1 (131 GIRARD AVENUE); AND BLOCK 320, LOTS 38 & 39.01 (37 IRVINGTON SREET) IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY**

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

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

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

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

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

<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>
Danile	Eberle			McKenzie
Glicklich	Levine			
Prasad	Ritchie			
Sumter	Vassanella			

**Ordinance No. 3687**

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF DEED OF DRAINAGE EASEMENT AND DEED OF UTILITY EASEMENT - RACHEL MANOR PROPERTIES - DOCKET #PLN2005-0039.**

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

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

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

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

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

<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>
Danile	Eberle			McKenzie
Glicklich	Levine			

Prasad  
Sumter

Ritchie  
Vassanella

**Ordinance No. 3688**

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO AUTHORIZE ACQUISITION OF EASEMENTS ON CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, FOR THE PURPOSE OF CONSTRUCTING A FORCE MAIN FOR THE PINE STREET SEWER PUMP STATION-BLOCK 151 LOT 24, BLOCK 150 LOT 53(69), BLOCK 150, LOT 84(172), BLOCK 150 LOT 95(132), BLOCK 150 LOT 126(211), BLOCK 150 LOT 137(183)**

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

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

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

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

Mr. Glicklich moved to table Ordinance No. 3688. Said motion was seconded by Mr. Prasad 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>
Danile	Eberle			McKenzie
Glicklich	Levine			
Prasad	Ritchie			
Sumter	Vassanella			

**Ordinance No. 3689**

Mayor Levine presented the following ordinance:

**AN ORDINANCE THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY GRANTING AN EASEMENT TOTHE FRANKLIN TOWNSHIP SEWERAGE AUTHORITY, FOR THE PURPOSE OF CONSTRUCTING A FORCE MAIN FOR THE PINE STREET SEWER PUMP STATION-BLOCK 150 LOT 42**

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

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

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

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

Mr. Prasad moved to table Ordinance No. 3689. Said motion was seconded by Mr. Glicklich 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>
Danile	Eberle			McKenzie
Glicklich	Levine			
Prasad	Ritchie			

Sumter Vassanella

**Ordinance No. 3690**

Mayor Levine presented the following ordinance:

**CAPITAL ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$117,000 THEREFOR TO PAY THE COST THEREOF**

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

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

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

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

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

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

**Ordinance No. 3691**

Mayor Levine presented the following ordinance:

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$857,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

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

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

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

Phillip Kramer, 429 Canal Road, questioned what the useful life pertains to. Mr. Daly replied the asset. Mr. Kramer suggested the interest rate be part of the ordinance. Mr. Daly stated that they don't know what the rate is until they go out for bonds.

There being no further public discussion, Deputy Mayor Ritchie 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. Glicklich moved the final passage of the ordinance and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

**AYES**

Danile  
Glicklich  
Prasad  
Sumter

**AYES**

Eberle  
Levine  
Ritchie

**NAYS**

Vassanella

**ABSTAIN**

**ABSENT**

McKenzie

**PUBLIC DISCUSSION**

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

Phillip Kramer, 429 Canal Road, supported the Cedar Grove Lane Sidewalk project and suggested Council use creative methods to fund the project such as asking the storeowners in the strip mall to fund it. Mr. Kramer asked who requested the sidewalks and Ms. Danile replied the seniors from Bob Franks Way.

Steven Rubin, Cedar Grove Lane, King's Row Homes, asked Council to look at his letter of April 20, 2007 to see how it addresses sidewalks on Cedar Grove Lane.

Richard Blew, 16 Lake Avenue, spoke of the school budget and the May 1<sup>st</sup> Special Meeting. He stated that Council should be able to recommend cuts and to also find a compromise.

Deputy Mayor Ritchie moved to close the meeting for public discussion. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

**COUNCIL COMMENTS**

Mr. Glicklich stated that he was glad to be back. He expressed his support of satellite services from Richard Hall Mental Health facility. He looked forward to attending the next Youth Services Commission meeting.

Mr. Sumter congratulated himself and Mr. Vassanella for getting the bathroom for Naaman Williams Park included in the capital budget. He thanked Council for their approval.

Ms. Danile stated she looks for an amicable resolution in regards to the Cedar Grove Lane sidewalks project. She did not imply bumping other projects. She noted that there are also streets in Ward 2 that need paving. She stated that they all want the best for the Township. She supports an outside consultant to review the school budget. She noted that it is a good thing to get a fresh look.

Mr. Vassanella thanked the volunteer fire companies for pumping out flood basements after the storm. He apologized if he offended anyone when he used the term "bumping". He stated that he wanted to express that he did not want to put a new project ahead of others and make them wait. He stated that he and Mr. Sumter toured their wards together and worked together to get something done. He extended an invitation to other Council members to work together.

Ms. Eberle reported she attended a meeting with Somerset County regarding shared services. She stated that the Township participates in all shared services. She reported she attended a Millstone Valley Association meeting where the proposed cell tower on Canal Road was discussed. She stated that a point to remember is that it is one tower, not two. She stated the application has not been submitted yet and she would keep track of the matter. She thanked the Kingston Fire Company for their wonderful pancake breakfast.

Mayor Levine referred to the school board election held last week and congratulated all the candidates. He also congratulated the high school on their production of Peter Pan. He spoke of the Board of Education candidate's forum on their access channel and hoped the Council could do the same.

Mr. Vassanella thanked Ms. Brooks and Kanarak for their service on the board. Mr. Sumter asked for clarification of the sample ballot issue. Deputy Mayor replied that there were sample ballots that were never delivered to voters as a result of error by the printing company. Mayor Levine added that a judge ruled there was not a need for a special election. Mr. Prasad acknowledged Ms. Exeter for her service on the board.

**ORDINANCES - INTRODUCTIONS**

**Ordinance No. 3679**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING ORDINANCE NO. 3540 ENTITLED, "AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY CREATING A SPECIAL IMPROVEMENT DISTRICT FOR THE TOWNSHIP OF FRANKLIN - HAMILTON STREET BUSINESS COMMUNITY," ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN ON APRIL 26, 2005 (AMEND SCHEDULE A IN ITS ENTIRETY).**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 22, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 22, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

<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>
Danile	Eberle			McKenzie
Glicklich	Levine			Ritchie
Prasad	Sumter			
Vassanella				

**Ordinance No. 3698**

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO ACQUIRE BY PURCHASE OR CONDEMNATION CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY FOR AFFORDABLE HOUSING PURPOSES AND TO AUTHORIZE THE SALE OF CERTAIN PREMISES IN THE TOWNSHIP OF FRANKLIN PURSUANT TO NJSA 40A:12-13(a) - BLOCK 34.03 LOT 16.01 C0317 - 108 CRABAPPLE LANE, FRANKLIN PARK**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 8, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. Sumter moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 8, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

<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>
Danile	Eberle			McKenzie
Glicklich	Levine			Ritchie
Prasad	Sumter			
Vassanella				

**Ordinance No. 3699**

Mayor Levine presented the following ordinance:

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-10 - NO STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS"**

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 22, 2007 at 7:00 p.m. in the Municipal Complex.

Mr. Glicklich moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 22, 2007 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

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

**CONSENT AGENDA ITEMS**

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

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

**Resolution #07-206** Authorize Release of Planning Review/Building Escrows.

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

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

APPLICANT:	Temple Beth El of Somerset
ADDRESS:	1489 Hamilton Street Somerset, NJ 08873
DOCKET NO.	ZBA2004-0513
BLOCK/LOT:	386.01/2
LOCATION:	1489 Hamilton Street
TYPE:	Inspection Fees
AMOUNT DEPOSITED:	\$2,514.09 <In- Hse>
AMOUNT CHARGED:	<u>1,350.00</u>
AMOUNT TO BE REFUNDED:	\$1,164.09

**Resolution #07-207** Authorize Release of Performance Bond - Temple Beth-El - ZBA2004-0513 - Block 386.01/Lot 2 - 1489 Hamilton Street - \$100,563.60 - Site Improvements.

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

ITEM:	Performance Bond
NAME OF APPLICANT:	Temple Beth El of Somerset
ADDRESS OF APPLICANT:	1489 Hamilton Street Somerset, NJ 08873
DOCKET NO.	ZBA2005-0513
NUMBER:	SB318732
INSURANCE CO./BANK:	Pennsylvania National Insurance Company
IN THE AMOUNT OF:	\$100,563.60
FOR:	Block 386.01, Lot 2 - 1489 Hamilton Street - Site Improvements

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$100,563.60 be released to the above named applicant.

**Resolution #07-208** Authorize Execution of Interlocal Services Agreement with Somerset County for Amwell Road Water Main Improvements.

**WHEREAS**, the Township of Franklin has a water main on Amwell Road and it is beneficial to expand the scope of the construction of the Amwell Road reconstruction project to include water main and service improvements and it is the responsibility of the Township of Franklin to pay the costs for approximately six side road water main extensions and twenty-five house services; and

**WHEREAS**, the County of Somerset is in the process of undertaking a reconstruction of a portion of Amwell Road; and

**WHEREAS**, the County of Somerset is desirous of entering into a joint venture with the Township of Franklin for the construction of the water main improvements; and

**WHEREAS**, it has been determined that the most expeditious way to proceed with the project would be as a Joint Venture with Somerset County and the Township of Franklin paying their jurisdictional costs for the construction of the water main improvements as specifically set forth in the attached agreement; and

**WHEREAS**, it is the purpose of said agreement to set forth the various duties, responsibilities and obligations of the parties hereto; and

**WHEREAS**, the Interlocal Service Act (N.J.S.A. 40:8A-1, et seq.) authorizes and empowers the County and the Township to enter into this Agreement for the purposes of having the County provide services contemplated by this Agreement to the Township;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that it hereby authorizes the Township of Franklin to enter into an Interlocal Service Agreement with the County of Somerset for the design and construction of water main improvements on Amwell Road;

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute and the Township Clerk to witness, an Interlocal Services Agreement between the Township of Franklin and the County of Somerset.

**Resolution #07-209** Authorize Tax Title Lien Redemption - 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:** June 8, 2006  
**Block/Lot:** 552/1  
**Name & Address:** Whiterock Ptrs. LLC

**Amount:** \$1,528.94  
**Make** **Check** Sam Development Group  
**Payable To:** P.O. Box 720  
 Belle Mead, New Jersey 08502  
**Certificate No.:** 06-211  
**Payment Received:** April 5, 2007

**Date of Sale:** June 7, 2001  
**Block/Lot:** 349.01/50  
**Name & Address:** Hewins, Wm. & Dolores  
 362 West Point Avenue  
 Somerset, New Jersey 08873

**Amount:** \$44,698.62  
**Make** **Check** American Tax Funding  
**Payable To:** P.O. Box 862658  
 Orlando, FL 32886-2658  
**Certificate No.:** 01-01  
**Payment Received:** April 5, 2007

**Date of Sale:** June 8, 2006  
**Block/Lot:** 552/7  
**Name & Address:** Grayrock Ptrs. LLC  
 929 Washington Avenue  
 Greenbrook, New Jersey 08812  
 (For 107 Leona Avenue)

**Amount:** \$721.14  
**Make** **Check** Michael Fabrikant  
**Payable To:** 62 E. Main Street  
 Freehold, New Jersey 07728  
**Payment Received:** April 5, 2007

**Date of Sale:** June 8, 2006  
**Block/Lot:** 77/6  
**Name & Address:** Patti, Paolo  
 1820 Amwell Road  
 Somerset, New Jersey 08873

**Amount:** \$24,705.11  
**Make** **Check** Plymouth Financial Co.  
**Payable To:** P.O. Box 2288  
 Morristown, New Jersey 07962-2288  
**Payment Received:** April 13, 2007

**Resolution #07-210** Authorize Release of Winter Bond - Stacey Manley - \$500.00 - Block 39/Lot 10.01 - 65 Meadow Avenue - Installation of Apron and Drainage Pipe.

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

ITEM: Winter Bond  
 NAME OF APPLICANT: Stacey Manley  
 ADDRESS OF APPLICANT: 53 Lear Court  
 East Brunswick, NJ 08816-1852  
 NUMBER: Ck# 1050  
 INSURANCE CO./BANK: N/A  
 DOCKET: N/A  
 IN THE AMOUNT OF: \$500.00  
 FOR: Installation of Apron and Drainage Pipe in Rear Yard  
 of 160 Bennington Parkway

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

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

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

Performance Guarantee in the amount of \$500.00 be released to the above named applicant.

**Resolution #07-211** Accept Resignation of John Clyde from Open Space Advisory Committee, effective April 18, 2007.

**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 John Clyde as Environmental Commission Member of the Open Space Advisory Committee (Term concurrent with Environmental Commission term).

**Resolution #07-212** Provide Endorsement of Franklin Township of the East Coast Greenway's Traveler's Guide and Delaware & Raritan Canal Tow Path alternative "on-road" option.

**WHEREAS**, the Township of Franklin adopted a resolution on October 12, 2004 that endorsed the concept of the East Coast Greenway and the routing of the portion that passes within its borders; and

**WHEREAS**, the New Jersey Committee for the East Coast Greenway's most recent effort involves creating a set of maps and directions (a "Traveler's Guide") showing these routes and also show an additional route option; and

**WHEREAS**, the alternate route is an "on road" route option that parallels the Delaware & Raritan Canal Tow Path between the Landing Lane Bridge in New Brunswick and Mulberry Street in Trenton; and

**WHEREAS**, said "on road" route option is primarily for bicyclists who prefer to ride on a paved surface; and

**WHEREAS**, said on-road alternate to the Delaware & Raritan Canal Tow Path is a new alignment option; and

**WHEREAS**, the Franklin Township Police Department recommends that traffic use Davidson Avenue;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby endorses the East Coast Greenway Traveler's Guide and the additional alternative routing segment of the Delaware & Raritan Canal Tow Path alternative "on-road" option.

**Resolution #07-213** Authorize Release of Performance Guarantee - Canal Walk Associates, LLC - Docket #P200006P - Block 513/Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 - Weston Road & Schoolhouse Road/Weston Canal Road & Mettlers Lane - Site Improvements - North Entrance Gate - \$4,520.88.

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

ITEM:	Irrevocable Letter of Credit
NAME OF APPLICANT:	Canal Walk Associates LLC
ADDRESS OF APPLICANT:	820 Morris Turnpike Short Hills, NJ 07078
DOCKET NO.	P200006P
NUMBER:	703-SB
INSURANCE CO./BANK:	Union Center National Bank
IN THE AMOUNT OF:	\$4,520.88
FOR:	Block 513, Lots 1, 2, 4, 10, 11, 12.01, 13.01 & 15 - Weston Road & Schoolhouse Road/Weston Canal Road & Mettlers Lane - Site Improvements

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee in the amount of \$4,520.88 be released to the above named applicant.

**Resolution #07-214** Approval of 2007 Fire District Tax Rate for Fire District #4.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2007 within Fire District No. 4 amounts to \$6,173,304.00; and

**WHEREAS**, the voters of Fire District No. 4 have approved a Budget of \$28,792.00 for the Calendar Year 2007; and

**NOW, THEREFORE, BE IT RESOLVED** that the sum of \$28,792.00 be allotted to Fire District No. 4 for the Calendar Year 2007 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 4 in the year 2007, in April, 2007 and the balance of the remaining portion of the Fire District No. 4 Budget as approved by the voter, in August, 2007; and

**BE IT FURTHER RESOLVED** that the Assessor be and he is hereby directed to levy an assessment against Fire District No. 4 of the Township of Franklin at a rate of .052 per hundred dollars valuation to realize the sum of \$29,210.00.

April 2007 - \$14,396.00  
August 2007 - \$14,396.00

**Resolution #07-215** Authorize Grant Application - Somerset County Board of Chosen Freeholders Economic Development Incentive Grant (EDIP) Pre-Application - Hamilton Street Business and Community Corporation Streetscape Implementation - \$153,600.00.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin does hereby authorize the grant application for the Somerset County Board of Freeholders Economic Development Incentive Grant in the amount of \$153,600.00 for the Hamilton Street Streetscape implementation plan.

**Resolution #07-216** Authorize Grant Application - Somerset County County/Municipal Open Space Partnership Grant - Acquisition of the Kumar Property near West Point Avenue.

**WHEREAS**, the County of Somerset has created and funded the County/Municipal Open Space Partnership Program to provide direct funding to municipalities for local open space acquisition;

**WHEREAS**, the Township of Franklin is seeking funding from the County of Somerset for reimbursement for the acquisition of the Kumar Property near West Point Avenue;

**WHEREAS**, this project preserves much needed open space in the Township;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Franklin that the Mayor is hereby authorized to file an application with the County of Somerset County/Municipal Open Space Partnership Program for reimbursement for the acquisition of the Kumar Property;

**BE IT FURTHER RESOLVED** that the Township Council expresses the Township's long-term commitment to manage the Kumar Property;

**BE IT FURTHER RESOLVED** that the Franklin Township Council hereby directs the Clerk to forward a copy of the resolution to the Somerset County Planning Board.

**Resolution #07-217** Authorize Refund of Tax Overpayments.

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
36.01/73	Township of Franklin	4/06	284.40
552/11		2/06	46.35
552/7		2/06 move credits	132.68
386.14/9	Princeton, Jean & Carmelle 541 New Brunswick Road Somerset, NJ 08873	2/07 3/07 Homeowner & Mortgage Co. Paid	2,269.35 .01
507.16/12	Chase Home Finance LLC 3415 Vision Drive Columbus, Ohio 43219- 6009	2/07 Homeowner & Mortgage Co. Paid	3,539.15

**Resolution #07-218** Establish Petty Cash Funds and Authorize Custodians.

**WHEREAS**, N.J.S.A. 40A:5-21 authorizes the establishment of a petty cash fund in any county or municipality by application and resolution; and

**WHEREAS**, it is desire of the Township of Franklin, County of Somerset to establish such a fund for the following departments in the following amounts:

Finance Department	\$500.00
Police Department	\$500.00
Department of Public Works	\$200.00
Recreation Department	\$150.00

**WHEREAS**, the custodian for these funds are as follows:

Finance Department	Vandana Khurana
Police Department	Lt. Robert Vornlocker
Department of Public Works	Thomas Zilinek
Recreation Department	Susan van Aken

such custodians shall maintain records for these funds in a manner conducive to proper accounting and auditing procedures;

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Franklin hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

**Resolution #07-219** Authorize Issuance of Special Event Permit - Rocky Hill Cycling Classic - June 30, 2007 - 7 a.m. to 1 p.m.

**WHEREAS**, a request has been received from for permission to have a Bicycle Road Race on Sunday, June 30, 2007 from 7:00 am to 1:00 pm, to be conducted on the following roadways within the Township of Franklin:

Griggstown Causeway  
 Canal Road  
 Old Georgetown Road  
 Carol Place ; 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 Event Management Group, LLC (Rocky Hill Cycling Classic) to conduct a Bicycle Road Race on June 30, 2007, to be conducted on the above-mentioned roadways within the Township of Franklin, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

**BE IT FURTHER RESOLVED** that the conduct of this special event requires the closing of Canal Road, Laurel Avenue, and Old Georgetown Road, public roadways of the Township of Franklin, and said closings are subject to the following conditions:

- (1) Said public roadways shall be closed to traffic between the hours when the event commences and the time the event will be totally finished;
- (2) The closings of said public roadways in conjunction with said event shall be accomplished in a manner whereby access by emergency vehicles is easily maintained at all times;
- (3) The Applicant shall notify all persons and businesses affected by said road closings. Said notices shall be in writing and served upon the persons/businesses in person or by certified mail at least ten (10) days prior to the event. Affidavit of Service to said affected persons/businesses shall be prepared by the Applicant and filed with the Township Clerk at least five (5) days prior to the event;
- (4) Applicant shall provide an Insurance Policy to cover the event and the closings of the aforesaid public roadways in conjunction therewith in the amount of \$1,000,000. Said policy shall name the Township of Franklin as additionally insured and a Certification of same shall be filed with the Township Clerk at least 5 day prior to the event.

The road closures shall be accomplished as required by the Manual on Uniform Traffic Control Devices and the Police Department Traffic Safety Bureau. Properly designed, manufactured and displayed devices shall be used at all times.

**BE IT FURTHER RESOLVED** that the Applicant shall be responsible for providing a sufficient number of off-duty Police Officers to the satisfaction of the Chief of Police during the conduct of this event and;

- (1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;
- (2) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;
- (3) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

**BE IT FURTHER RESOLVED** that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having

same done out of the deposit left with the Township Clerk for such purposes;

- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

**Resolution #07-220** Award Bid - Beyers Brothers GMC Group - 2007 GMC Pickup/Utility Truck - Amount Not to Exceed \$29,824.00.

**WHEREAS**, a notice to bidders for the receipt of bids for 2007 GMC Pick Up/Utility Truck for the Department of Fire Prevention was published in the Courier News on March 13, 2007 for receipt on March 29, 2007; 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 awarded:

**BEYER BROTHERS GMC GROUP**  
**109 Broad Avenue**  
**Fairview, New Jersey 07022**

**2007 GMC Pick Up/Utility Truck**

**Amount not to exceed \$29,824.00**

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

**Resolution #07-221** Award State Contract Purchase - Warnock Automotive - Dodge Durango - Amount Not to Exceed \$19,994.00.

**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: WARNOCK AUTOMOTIVE INC.**  
**175 Route 10**  
**East Hanover, New Jersey 07936**

**State Contract No. A67059**

**ITEMS: 2007 Dodge Durango**  
**COST: \$19,994.00**

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

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

**Resolution #07-222** Award Contract - Somerset County Coalition on Affordable Housing - Administration of Affordable Housing - Amount Not to Exceed \$70,770.00 - July 1, 2007 through June 30, 2008.

**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 are hereby authorized to execute on behalf of the Township, a contract with Somerset County Council on Affordable Housing for the period July 1, 2007 to June 30, 2008 for the administration of the Township's Affordable Housing Program at a cost of \$70,770.00; and

**BE IT FURTHER RESOLVED** that this contract is subject to the availability of funds in the FY2008 Budget and this contract can be cancelled if funding is not available.

**BE IT FURTHER RESOLVED** that continuation of the terms of this contract beyond June 30, 2007 is contingent upon availability of funds in the 2008 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

**Resolution #07-223** Rescind Resolution #07-174 and Authorize 2007 Tax Rate for Fire District No. 1.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2007 within Fire District No. 1 amounts to \$4,586,960,432.00; and

**WHEREAS**, the voters of Fire District No. 1 have approved a Budget of \$2,404,117.00 for the Calendar Year 2007; and

**WHEREAS**, the Township Council on March 27, 2007 adopted Resolution #07-174 authorizing the 2007 Tax Rate for Fire District No. 1; and

**WHEREAS**, the sum to be raised by taxes was incorrect;

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

1. Resolution #07-174 entitled, "Resolution - 2007 Tax Rate District No. 1" adopted on March 27, 2007 is hereby rescinded.
2. The sum of \$2,404,117.00 be allotted to Fire District No. 1 for the Calendar Year 2007 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 1 in the year 2007, in April, 2007 and the balance of the remaining portion of the Fire District No. 1 Budget as approved by the voter, in August, 2007; and
3. The Assessor be and he is hereby directed to levy an assessment against Fire District No. 1 of the Township of Franklin at a rate of .053 per hundred dollars valuation to realize the sum of \$2,431,089.00.

April 2007 - \$1,202,058.50  
August 2007 - \$1,202,058.50

**Resolution #07-224** Rescind Resolution #07-175 and Authorize 2007 Tax Rate for Fire District No. 2.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2007 within Fire District No. 2 amounts to \$2,335,509,663.00; and

**WHEREAS**, the voters of Fire District No. 2 have approved a Budget of \$1,742,268.00 for the Calendar Year 2007; and

**WHEREAS**, the Township Council on March 27, 2007 adopted Resolution #07-175 authorizing the 2007 Tax Rate for Fire District No. 2; and

**WHEREAS**, the sum to be allotted to Fire District No. 2 for the Calendar Year 2007 was incorrect;

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

1. Resolution #07-175 entitled, "Resolution - 2007 Tax Rate District No. 2" adopted on March 27, 2007 is hereby rescinded.
2. The sum of \$1,742,268.00 be allotted to Fire District No. 2 for the Calendar Year 2007 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 2 in the year 2007, in April, 2007 and the balance of the remaining portion of the Fire District No. 2 Budget as approved

by the voter, in August, 2007; and

3. The Assessor be and he is hereby directed to levy an assessment against Fire District No. 2 of the Township of Franklin at a rate of .077 per hundred dollars valuation to realize the sum of \$1,798,342.00.

April 2007 - \$899,171.00  
August 2007 - \$843,097.00

**Resolution #07-225** Rescind Resolution #07-176 and Authorize 2007 Tax Rate for Fire District No. 3.

**WHEREAS**, the Tax Assessor has certified to the Township Council that the Assessed valuation of property for 2007 within Fire District No. 3 amounts to \$1,783,373,673.00; and

**WHEREAS**, the Township Council on March 27, 2007 adopted Resolution #07-176 authorizing the 2007 Tax Rate for Fire District No. 3; and

**WHEREAS**, the budget amount was incorrect;

**WHEREAS**, the voters of Fire District No. 3 have approved a Budget of \$1,177,027.00 for the Calendar Year 2007; and

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

1. Resolution #07-176 entitled, "Resolution - 2007 Tax Rate District No. 3" adopted on March 27, 2007 is hereby rescinded.
2. The sum of \$1,177,027.00 be allotted to Fire District No. 3 for the Calendar Year 2007 to be distributed to said Fire District as follows: 50% of the money's collected for Fire District No. 3 in the year 2007, in April, 2007 and the balance of the remaining portion of the Fire District No. 3 Budget as approved by the voter, in August, 2007; and
3. The Assessor be and he is hereby directed to levy an assessment against Fire District No. 3 of the Township of Franklin at a rate of .066 per hundred dollars valuation to realize the sum of \$1,177,027.00.

April 2007 - \$588,513.50  
August 2007 - \$588,513.50

**Resolution #07-226** Further Support and Recommendation for Approval of the Reconstruction of Amwell Road, County Route 54 from Cedar Grove Lane to DeMott Lane to the Commissioner of the NJ Department of Environmental Protection.

**WHEREAS**, the Township Council of Franklin Township has passed a resolution on June 13, 2002, following recommendations, public outreach, and deliberations on "The Middlebush Traffic Study," completed by Orth-Rodgers & Associates in December 2001 (Revised April 2002), requesting that Somerset County make certain road improvements in accordance with the findings of the study and stating that the South Middlebush Road and Amwell Road Intersection-signalization and intersection improvements be the number one priority; and

**WHEREAS**, the County of Somerset entered into a professional services contract for study and design services on the above stated project with DMJM+Harris, consulting engineers; and

**WHEREAS**, the County of Somerset held a Public Information Meeting on May 16, 2005 to present the findings of the "Roadway Concept Study Report" and to take public input of the conceptual plans for the project; and

**WHEREAS**, the Somerset County Board of Chosen Freeholders passed a resolution on March 7, 2006 accepting the Alignment Maps for the project as presented by the County Engineer, incorporating changes and enhancements as received from public comment; and

**WHEREAS**, the County of Somerset held a Public Hearing on September 25, 2006 to present the Property Parcel Maps, Construction Plans, and to take public input on the plans for the project; and

**WHEREAS**, following the review of the public comment on the project, the Somerset County Board of Chosen Freeholders passed a resolution on November 8, 2006 Adopting the Property Parcel Maps and Authorizing the Acquisition of Land for the project; and

**WHEREAS**, the Somerset County Engineer's Office received conditional acceptance of the project from the Somerset County Cultural and Heritage Commission on October 4, 2006 and the Franklin Township Historic Preservation Commission on November 22, 2006; and

**WHEREAS**, the New Jersey State Review Board for Historic Sites listed the Middlebush Village Historic District on the New Jersey Register of Historic Places on February 7, 2007; and

**WHEREAS**, following the filing of a Project Authorization Request on January 8, 2007 with the New Jersey Department of Environmental Project, Historic Preservation Office, the Somerset County Engineer's Office presented the project to the New Jersey Historic Sites Council at a public meeting on April 19, 2007, the Council resolved to recommend that the Commissioner of the New Jersey Department of Environmental Protection deny the project as presented in the application with additional comment by HPO staff stating:

"The County of Somerset has satisfactorily documented a need for modifications to intersections on Amwell Road to improve vehicular safety. Public comments during the project development process have requested the installation of traffic control devices and traffic calming, without roadway widening or realignment, as the least intrusive means of obtaining needed safety improvements. The proposed widening and realignment of Amwell Road and South Middlebush Road, the realignment of the intersection of South Middlebush Road and Amwell Road, and the creation of a cul-de-sac at the northern end of the current alignment of South Middlebush Road appear to respond primarily to vehicular capacity rather than safety and the resulting adverse impacts (encroachment) upon the Middlebush Village Historic District appear to be disproportionate to and not commensurate with the anticipated benefits."

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset opposes the ruling by the New Jersey Historic Sites Council due to the Council's disregard of the facts presented in the Project Authorization Application and public meeting, those facts being:

1. At both the Public Information Meeting and Public Hearing held for this project the public expressed concern regarding impacts due to the project but there was no evidence of overwhelming majority of attendees against the project nor was expert testimony given to contest the design parameters
2. The two roadway studies performed by engineering professionals found that, within the project area, this roadway saw 30% higher than New Jersey Statewide Crash Rates for two-lane roadways
3. The Orth-Rodgers study noted the accident trends coincided with peak hour traffic volumes thereby indicating that the over congestion of traffic has become a public hazard.
4. County Engineering staff presented to the Council that collision trends also related to substandard curvature and limited driver sight lines along Amwell Road within the project limits
5. County Engineering staff presented to the Council that highway design standards utilized for the design of the proposed roadway were at or below State and National requirements for the roadway speed limits, utilizing the best professional judgment of the engineer, in meeting the comments and requests of the Township, property owners, and general public, during the plan concept phase.

**BE IT FURTHER RESOLVED** that the Township Council of the Township of Franklin, County of Somerset recommends to the Commissioner of the New Jersey Department of Environmental Protection rejection of the decision of the New Jersey Historic Sites Council and direct the New Jersey Historic Preservation Office to work with Somerset County to arrive at mitigation measures that will aid the community and allow this important transportation safety project to move forward.

**Resolution #07-227** Award Contract - PTS Center Solutions, Inc. - Server Room UPS - Amount Not to Exceed \$46,400.00.

**WHEREAS**, the Township desires to enter into a contract for the purchase and installation of a UPS for the server room; and

**WHEREAS**, said contract was bid three (3) times and the Township was unable to award a contract to any of the sole bidders; and

**WHEREAS**, as a result of not awarding the contract, the Township was left with ability to negotiate a contract; and

**WHEREAS**, a letter was sent out to the sole bidders of the first two (2) bids as well as four (4) new companies that advertised they sold the UPS with the capabilities that were specified; and

**WHEREAS**, as a result of said request for negotiation letter, one (1) company responded they would not be participating in the negotiations; three (3) companies did not respond; and

**WHEREAS**, the original sole bidder submitted a quote with the line item for installation appearing high considering the work that has to be done; and

**WHEREAS**, it is the recommendation of the Purchasing Agent to award the contract as a blanket for the bid price and have the installation paid on the basis of the actual work which is completed; and

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

**WHEREAS**, that continuation of the terms of this contract beyond June 30, 2007 is contingent upon availability of funds in the 2008 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 awarded:

**PTS DATA CENTER SOLUTIONS, INC.  
568 Commerce Street  
Franklin Lakes, New Jersey 07417**

**Server Room UPS**

**Amount not to exceed \$46,400.00**

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

**EXECUTIVE SESSION**

Upon motion by Mr. Prasad, seconded by Mr. Sumter the following resolution was adopted as follows upon call of the roll:

**AYES**

Danile  
Glicklich  
Prasad  
Sumter

**AYES**

Eberle  
Levine  
Ritchie

**NAYS**

Vassanella

**ABSTAIN**

**ABSENT**

McKenzie

**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 is of the opinion that such circumstances do exist;

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

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

***Litigation - Kings Row Homes vs. Township of Franklin***

- 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 Township Council adjourned to Executive Session at 10:25 p.m. The meeting resumed at 11:25 p.m.

**ADJOURNMENT**

Mr. Glicklich moved to adjourn the meeting at 11:25 p.m. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Approved: *As submitted.*

Brian D. Levine, Mayor

Date: *May 8, 2007*

Ann Marie McCarthy, Township Clerk