

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 Kramer at 7:07 p.m.

Deputy Mayor Kramer called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated “In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on April 10, 2012. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.”

Everyone present participated in the Pledge of Allegiance and Councilman Chase led the Invocation.

The Township Clerk called the roll.

Present: Mr. Chase, Ms. Francois (arrived at 7:09 p.m.), Deputy Mayor Kramer, Mayor Levine (arrived at 8:55 p.m.), Mr. Prasad, Ms. Sherman, Mr. Vassanella

Absent: Mr. Regan, Mr. Wright

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

COMMENDATIONS/PROCLAMATIONS

Swearing In of Deputy Chief Richard Grammar

The Township Clerk administered the oath of office to Deputy Chief Richard Grammar. Words were spoken by Chief Roberts and Deputy Chief Grammar. Township Manager Novick recognized and commended the Police Department.

Arbor Day Proclamation

Mr. Chase read the following proclamation:

WHEREAS, the Township of Franklin recognizes the value of preserving and maintaining the urban forest; and

WHEREAS, trees conserve energy, promote a healthy environmental, add value to our homes and enhance the appearance of neighborhoods, parks and communities; and

WHEREAS, the Township of Franklin has recognized the value of trees by creating a Shade Tree Commission to promote tree conservation, and planting and caring of trees on public property throughout the Township; and

WHEREAS, National Arbor Day is April 27th, 2012 is celebrated by communities nationwide as a time to promote the benefits of trees; and

WHEREAS, in recognition and celebration of Arbor Day 2012, the Shade Tree Commission will hold a tree sale as well as plant trees throughout the Township. The Commission will plant a mix of maple, cherry and zelkova trees along the driveway to the Memorial Forest open space, DeLar Parkway, Flemer Preserve and Thompson Parkway.

NOW, THEREFORE, I, DEPUTY MAYOR PHILLIP KRAMER, on behalf of the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, do hereby proclaim Friday, April 27th, 2012 as “Arbor Day” in the Township of Franklin, Somerset County and do hereby encourage all residents to plant, conserve and care for trees throughout Franklin Township.

Marilyn Kuna

Mr. Vassanella presented the following commendation:

WHEREAS, MARILYN KUNA, a forty-five year resident of the Township of Franklin, has distinguished herself by her dedicated advocacy for “individualized support of self-determination”; and

WHEREAS, MARILYN KUNA’S life of dedicated service to individuals with disabilities started with her son, William, a victim of spinal meningitis and hydrocephalus at the age of six, who has inspired Marilyn to accomplish great things: President of Parents Guild of Somerset County Day Training School; State Chair of Family Support Councils; Contributor to Families and People magazines and other developmental disability publications; Member of The Department of Human Services/Division of Developmental Disabilities Committees and Founding Board of Family Support Coalition; New Jersey Family Advocate Representative at Project Leadership; Member of the Board of The National Committee on Self Determination; Served on advisory boards of Epilepsy Foundation Family Support Center; and Twenty-five years in the Somerset County Office on Aging and Disability Services;

NOW, THEREFORE, We, Councilman James Vassanella and Deputy Mayor Phillip Kramer, of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Township Council and all the citizens of the Township, wish to honor and acknowledge MARILYN KUNA and thank her for her service to disabled citizens and her inspiration to all people who care for them.

DEPUTY MAYOR’S REPORT

Deputy Mayor Kramer explained the agenda format and how the meeting is run. He stated that in order to adopt the Ordinance No. 3973-12, there needs to be five (5) votes and since the Mayor will be arriving shortly, he found it reasonable to delay the vote until that time.

Motion – Amend Agenda and Delay Public Hearing and Further Consideration of Ordinance No. 3973-12

Ms. Sherman moved to amend the agenda and delay the public hearing and further consideration of Ordinance No. 3973-12 until the Mayor arrives at the meeting. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

Motion – Amend Agenda and Move Middlebush Park Discussion Item to after Public Discussion

Mr. Prasad moved to amend the agenda to move the Middlebush Park Discussion Item to after the Public Discussion portion of the agenda. Said motion was seconded by Ms. Sherman and carried unanimously upon call of the roll.

Ms. Francois moved to table Resolution #12-168 and Resolution #12-180. There was no second to the motion. Mr. Chase advised that these resolutions will be discussed and reviewed later in the meeting. Mr. Chase stated that Resolution #12-181 should be moved to just after the Middlebush Park discussion.

Deputy Mayor Kramer reported on the success of the Sierra Leone Parade and Festival over the weekend. He reported on the success of the FHS Play, *Phantom of the Opera* which was held last weekend and will be held again this weekend. He encouraged all to attend.

PUBLIC DISCUSSION

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

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

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

Sandra England, 2 Horseshoe Court, supported Resolution #12-181 and spoke of the problems involving 90 Old Georgetown Road. She stated there are documented repetitive violations by those responsible for the property. She stated there is a negative impact on the health, safety and welfare of the residents in the area of this property. She spoke of the many departments that are involved with this matter on all levels of government. She spoke of the continuance of the violations that have still occurred up to last weekend. She stated all fines have been ignored and she asked for this matter to end.

Sharon Copeland, Enable, Inc. asked for consideration of using Affordable Housing dollars for special needs housing to create group homes for those with disabilities. She provided informational brochures to Council to support this action.

Keith Stewart, Recreation Advisory Council, received recommendations for Middlebush Park and urged Council to move forward on this matter.

John Tibbs, 25 Parkside Street, Apt. 322, stated he enjoyed the article by Ms. Sherman and that he has heard many are interested in the Cultural Arts Council. He spoke of how there is no place for the youth in the Township and there are no jobs. He appealed to Council for help.

Nels Jenson, Somerset, stated his wife is temporarily disabled and has a temporary handicapped placard for the car. He stated that the handicapped spaces by Shop Rite are being used by those that are not handicapped. He asked for help. Mr. Novick thanked Mr. Jenson for bringing this matter to his attention and will speak with the Police Chief putting patrols in the area to target the retail establishments. Deputy Mayor Kramer agreed this needs to be addressed.

Regina Doyle, 127 Winchester Way, asked if they could get additional handicapped spaces at Shop Rite. Mr. Novick stated it is private property and would be up to the property owner. Deputy Mayor Kramer stated they can inform the property owner of this request. Mr. Chase stated the number of spaces is defined in the site plan approval which is a formula based on square footage of an establishment. He noted the Township cannot insist on more, but can request.

Luke Gallagher, Lake Avenue, supported the improvements for Middlebush Park and asked Council to continue to follow recommendations for Middlebush and Inman Parks.

Sam Velu, 14 Girard Avenue, supported the ordinances for improvements for both Middlebush and Inman Parks.

Scott Levinson, Co-President, Soccer Club, supported the ordinances for improvements for both Middlebush and Inman Parks.

M. Saba, 146 Emerson Road, requested her proposed resolution regarding foreclosures be addressed by Council.

Two (2) teenage girls who play soccer gave their support for the improvements to Middlebush and Inman Parks.

Ms. Sherman moved to close the public discussion portion of the meeting. Said motion was seconded by Mr. Vassanella and carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Prasad congratulated new Deputy Chief Grammar. He reported that the Human Relations Commission is providing coupons to senior citizens to be used at the Farmers Market. He congratulated the Township Manager and staff for obtaining the Safety Incentive Award in the amount of \$1200. He agreed with Ms. Saba regarding the difficulties involving the many foreclosures and asked it be placed as a discussion item at the next meeting. He stated the Shop Rite handicapped parking situation needs to be addressed.

Mr. Chase addressed the situation regarding the affordable housing trust fund specifically the legislation that provides that if it is not spent or committed by July 17, 2012, the State will take all money obtained from 2008 to present. He stated there are a number of things the Township can use this money on and technically the Township needs to file an amended spending plan with the State. Mr. Chase spoke on a letter received from Alice Osipowitz, Recreation Director, regarding the Recreation Advisory Council's action plan for Middlebush Park and Summerfields. Mr. Chase gave a brief history of the events involving 90 Old Georgetown Road and noted Resolution #12-181 is not a foreclosure for non-payment. He stated there is a judgment against the property and the resolution allows the Township to foreclose on the property.

Ms. Sherman reported the Career Expo was a success and expressed her hope it continues next year. She reported she attended the high school event "Every 15 Minutes" program and stated she was very impressed with the program. She announced April 19th is Day of Remembrance in memory of the Holocaust victims.

Mr. Vassanella congratulated the new Deputy Chief. He agreed Ms. Saba's resolution should be addressed. He reported on the success of the Sierra Leone Parade and Festival. He stated there are many senior services provided by Somerset County and can be found on the website. He urged everyone to attend the events held at the Township's historic houses.

Ms. Francois spoke on FYI and the success of the Career Expo. She spoke on Ms. Saba's concerns regarding foreclosures and the needs for affordable and low income housing in the Township especially for seniors. She congratulated the new Deputy Police Chief and wished him success.

Resolution #12-181 Resolution Authorizing the Institution of an In Rem Tax Foreclosure – 90 Old Georgetown Road

Deputy Mayor Kramer presented the following resolution for consideration:

WHEREAS, the Tax Collector of the Township of Franklin has prepared a tax foreclosure list incorporating Block 9, Lot 45, commonly known as 90 Old Georgetown Road, and has certified the same to the governing body, as attached hereto as Exhibit A;

WHEREAS, it is the desire of the governing body to institute in-rem tax foreclosure proceedings against the property set forth on the attached tax foreclosure list;

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

1. That the governing body does hereby authorize the institution of in-rem tax foreclosure proceedings with regard to the property set forth on the attached tax foreclosure list.
2. That a certified copy of this resolution be forwarded to the Tax Collector and the Township Attorney.

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

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

RECREATION ADVISORY COUNCIL RECOMMENDATIONS
MIDDLEBUSH PK. & SUMMERFIELDS PROJECT

Mr. Novick stated there has been great discussion regarding what improvements can be done in Ordinance No. 3975-12. Mr. Novick clarified that one turf field has already gone out to bid and the second field will be done later. He stated the \$4 million is to be drawn done as improvements are approved by Council and completed. He stated any money not used goes back into the open space fund. Mr. Novick recommended to Council to move on with this project.

A lengthy discussion ensued amongst Council members regarding what improvements should be done, the process of approving the improvements, whether they should bond for these improvements or use open space funds. Council also discussed Ordinance No. 3976-12 that provided for basketball court improvements to Inman Park. Council also directed the Township Manager to provide a timeline regarding improvements to Middlebush Park.

ORDINANCE ON INTRODUCTION AND FIRST READING

Ordinance No. 3975-12

Deputy Mayor Kramer presented the following ordinance:

CAPITAL ORDINANCE PROVIDING FOR THE CONSTRUCTION OF TOWNSHIP OF FRANKLIN SYNTHETIC TURF ATHLETIC FIELDS AND ASSOCIATED APPURTENCES SUCH AS FENCING, PARKING LOT, TEAM BENCHES, GOAL POSTS, GOALS, BLEACHERS, SCOREBOARD, FIELD COOLING SYSTEM, ETC. FOR OPEN SPACE PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$4,000,000 THEREFOR FROM THE OPEN SPACE TRUST FUND OF THE TOWNSHIP TO PAY FOR THE COST THEREOF

Deputy Mayor Kramer 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, 2012 at 7:00 p.m. in the Municipal Complex.

Mr. Vassanella moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 8, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

Motion – Amend Agenda to move Ordinance No. 3976-12

A motion was made by Mr. Prasad to amend the agenda and move Ordinance No. 3976-12 to this part of the agenda. Said motion was seconded by Ms. Francois and carried unanimously upon voice vote.

Ordinance No. 3976-12

Deputy Mayor Kramer presented the following ordinance:

CAPITAL ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF TWO BASKETBALL COURTS AT INMAN PARK INCLUDING BACKBOARDS, GOALS AND STANCHIONS FOR OPEN SPACE PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$125,000 THEREFOR FROM THE PRIVATE DEVELOPERS' TRUST FUND OF THE TOWNSHIP TO PAY FOR THE COST THEREOF

Deputy Mayor Kramer 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, 2012 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 8, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Ms. Sherman and carried as follows upon call of the roll:

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

Mayor Levine arrived at 8:55 p.m.

COUNCIL DISCUSSION ITEMS

Requests from Housing Trust Fund

Mark Healey, Township Planner, presented and reviewed the following memorandum dated April 19, 2012 regarding *Requests from Housing Trust Fund*:

"Threat of State Seizure of "Uncommitted" Housing Trust Fund Money

Per PL 2008. c46, signed into law in July 2008, the State can seize any municipal Housing Trust Fund monies not "committed for expenditure" by July 17, 2012.

Our position is that we have committed the expenditure of every last dime in our Housing Trust Fund via submittal of our detailed Spending Plan which was approved by COAH and which we continue to implement via various expenditures from our HTF.

Nonetheless, according to the Department of Community Affairs (DCA), the amount of Franklin's HTF funds subject to State seizure in July is \$1,014,436 (of more than \$174 million Statewide). Please note that DCA has given *no indication how this figure was derived* with respect to Franklin or any other municipality, *nor has the State even given a definition of what "committed for expenditure" even means.*

Per the League of Municipalities:

The 2008 law established a four-year window for fees to be "committed for expenditure." Given the importance of the "committed for expenditure" standard, the Council on Affordable Housing (COAH or "the council") should have promulgated regulations to define this standard shortly after the legislation was enacted. Instead

of defining the standard early on, we are approaching the four year mark identified in the Legislation and COAH still has not defined the standard. Indeed, **COAH has not even proposed regulations to define the standard.**

... the current situation is that hundreds of municipalities are at risk of losing a significant portion of their trust fund dollars **for failing to comply with regulations that have never been proposed, let alone adopted.**

While legislation has been proposed (A-2717) to extend the time period another 4 years, that legislation is still at the Committee level. Thus, at this time, the Township is in the position of exploring opportunities to "commit" additional expenditure from the HTF or risk State seizure of remaining funds.

Compliance with the Township's Fair Share Plan and Spending Plan/ Addressing the Township's Obligation to Expend HTF Funds

The Township has an on-going obligation to expend money from its HTF for the purpose of expanding affordable housing opportunities. A substantial portion (30%) of this obligation shall consist of *Affordability Assistance* (defined as "the use of funds to render housing units more affordable to low- and moderate-income households"). Following is our current *Affordability Assistance* obligation:

<i>Affordability Assistance Requirement</i>	\$1,995,541
<i>Affordability Assistance Requirement for Very Low-Income Households</i>	\$665,180

In summary:

- These amounts shall be spent between now and 2018
- These amounts are currently available for expenditure from our HTF

Requests/ Potential Means of "Committing" Additional HTF Funds¹

The Township has already recently committed additional expenditure via our recently-enacted down payment assistance and an homeowner assistance programs administered by CJHRC. Through this program we have "committed" another \$600,000 through 2018. This will be proven to the State via submittal to the State of an updated Spending Plan.

The Township currently has the following requests for use of its Affordable Housing Trust Fund (HTF) which total **up to \$1,000,000**. Township Council authorization is necessary with respect to the following requests:

- **NJ State Special Needs Partnership Program**
 - The State has initiated a program whereby the State would match expenditure of municipal HTF towards the conversion of one-story homes into 3- or 4-bedroom group homes for persons with developmental disabilities. The Land Use Committee has recommended that the Township participate up to **\$500,000** at this time.
 - The units created would count towards the Township's very low income unit obligation on a per-bedroom basis. [Fair Housing Act - 52:27D-329.1.7] In this way, this arrangement will assist the Township in meeting this state-mandated obligation.
 - The money provided will count towards satisfying the Township's affordability assistance obligation, and specifically the affordability assistance obligation for very low income households. [N.J.A.C. 5:97-8.8] In this way, the arrangement will help the Township further implement its State-approved Spending Plan and help the Township

¹ Another request in the amount of **\$300,000** has been received from the Center for Great Expectations intended to assist the on-going operations of the facility located on Dellwood Lane. However, we need further input from COAH whether this request can be accommodated per their rules. Therefore, this is offered as an "FYI," no action is being requested from the Council at this time with respect to Center for Great Expectations.

- meet State-mandated requirements on expenditure of HTF funds for affordability assistance.
- Under the program, the Township shall approve the property selection prior to the purchase of any house intended to fulfill the requirements of the Special Needs Partnership.
 - The Township has the following options:
 - not participate;
 - provide \$250,000 which would result in one group home; or
 - provide \$500,000 (close to the full 15% requested by the State) which would result in two group homes. This is the amount recommended by the Land Use Committee.
 - A resolution is included for your consideration. It would: (1) authorize execution of a Memorandum of Understanding with the State and (2) authorize submittal of an amended Spending Plan including this program.
 - **RPM "Voorhees Station"**
 - Per the attached submittal from RPM, RPM requests up to **\$500,000** from the HTF towards construction of its proposed "Voorhees Station" development. However, RPM is willing to reduce this request to **\$300,000**. Council decision is necessary prior to the May 1 funding deadline for this development.
 - The Township did not rely on this project to meet any unit-based obligations at the time of our COAH approval and, considering the amount of affordable units recently constructed and approved, it is currently anticipated that the Township will not need additional units to meet unit-based obligations.
 - COAH staff has confirmed that the Township, if it chooses to, could utilize HTF funds towards its *affordability assistance* obligation for this project (and specifically towards its very low-income affordability assistance requirement). The subsidy must go towards making units available to very-low income households.
 - RPM has indicated that they plan to use all or nearly all of the allocation to replace the existing 6" water mains in the street with two 8" mains (one at each new building) tapping off their existing 16" main all the way back on Berry Street. Each will be approximately 1,000 ft long, extending from Route 27 to the main on Berry Street, and will require associated work to replace fire hydrants, road work et al. RPM's estimated cost is \$368,583 based on the first bid that they have received.
 - The following options are before the Council:
 - not participate;
 - provide \$300,000 (minimum requested by RPM);
 - provide \$500,000 (amount requested by RPM).
 - A resolution is included for your consideration. It would: (1) authorize execution of a Developer's Agreement; and, (2) authorize submittal of an amended Spending Plan including subsidy of this development.

If you need anything else with respect to this matter, just let me know."

There was a questions and answer period between Council and the Township Planner.

Faulkner Act

Deputy Mayor Kramer stated the Township has laws that should be followed and they are difficult to understand in reference to the line between the Council and the Township Manager. He asked that this issue be tabled until all Council members are in attendance.

Historic Preservation

Deputy Mayor Kramer spoke on how the Historic Preservation Advisory Commission protects historic buildings in the Township and thanks all the volunteers on the board who make these decisions. He stated there is a need for a process for walk in matters that are simple matters that should not make the homeowner wait a month to be reviewed and decided upon. Mr. Chase

stated this matter is scheduled for discussion at the next Historic Preservation Advisory Commission meeting. Mr. Prasad suggested the TRC as a possible solution. Mr. Chase stated the ordinance provides for minor things to be acted upon by the Zoning Officer and the Commission Chairman without review of the Commission. The application that has started this discussion did not fall on that list.

APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$4,999,751.64 for April 24, 2012 to the Township Council for payment:

1	Current	4,199,076.17
2	Grant	34,807.99
3	Tax Title Lien	162,545.73
4	General Capital	289,028.20
5	Water	72,635.96
6	Water Capital	
7	Water Assessment	
11	Recreation Trust	5,308.95
12	Trust Others	43,846.82
13	Unemployment	
15	Redevelopment	3,678.00
17	Animal Control	398.40
19	Self Insurance	33,404.43
20	Affordable Housing	43,212.00
30	Payroll	56,082.58
37	Police Forfeiture	
39	Worker's Comp	
40	Open Space	9,669.77
42	Redevelopment Escrow	475.00
50	County Imp Auth Fund	32,211.41
	Subtotal	4,986,381.41
	Escrow	13,370.23
	Grand Total	4,999,751.64

Mr. Prasad moved that warrants in the amount of \$4,999,751.64 for April 24, 2012 to be paid. Said motion was seconded by Ms. Sherman and carried as follows upon call of the roll:

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

PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

Ordinance No. 3973-12

Deputy Mayor Kramer presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN AUTHORIZING THE GRANTING OF A LONG TERM TAX EXEMPTION AND THE EXECUTION OF A FINANCIAL AGREEMENT WITH VOORHEES STATION URBAN RENEWAL ASSOCIATES, L.P. PURSUANT TO N.J.S.A. 40A:20-1 ET.SEQ.

Deputy Mayor Kramer 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. Chase 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 Kramer 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.

Brendan McBride, RPM, stated he was willing to answer any questions Council may have on this project. Vince Dominach, Zoning Officer, stated RPM has agreed to pay the cost of relocating the convenience center if needed. Mr. Vassanella had questions regarding the relocation of the convenience center and salt domes regarding what was being moved and what agreements were made. Mr. Dominach stated there had been discussion between the Redevelopment Agency and RPM and RPM has agreed to pay the costs associated to relocating the salt dome and the convenience center. Mr. Chase added there had been discussion in the Public Works Committee that the present salt dome needs to be replaced and the Township Engineer recommended replacing it with several smaller domes in different points throughout the Township to make snow and ice removal more efficient.

Michael Gianotto, Redevelopment Agency Chair, 32 Buffa Drive, asked what it meant that RPM would be paying the costs. Mr. Dominach replied that RPM has agreed to pay for all costs associated in relocating the salt dome and other facilities if they take possession of these properties for redevelopment. Mr. Prasad asked if Council could see a strategic plan and noted the needs for the Township have changed and that it wants to see more commercial rather than residential. Mr. McBride stated AAARPM has tried to incorporate the concerns of the Township Council and Redevelopment Agency in the project development. The project consists of retail commercial with mixed income.

There being no further comments from the public, Ms. Sherman moved to close the public hearing on the ordinance. Said motion was seconded by Ms. Francois and carried unanimously upon call of the roll.

A brief discussion ensued amongst Council regarding the project and the PILOT program. They spoke on both the positive and negative impacts of the project. It was suggested that sidewalk installation be included in the project. Council asked to be kept updated with a strategic plan and financial reports.

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

Resolution #12-168 Authorizing Amendment of Spending Plan of the Housing Trust Fund and Authorization to Execute Developer’s Agreement – Voorhee’s Station (RPM).

Deputy Mayor Kramer presented the following resolution to Council for consideration:

WHEREAS, Southern Burlington County NAACP v. Twp. Of Mount Laurel, 92 N.J. 158 (1983) (hereinafter “Mount Laurel II”), the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the regulations adopted by the Council On Affordable Housing (hereinafter “COAH”), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of very-low, low- and moderate-income housing (hereinafter “affordable housing”); and

WHEREAS, the RPM Development, LLC is the designated developer of Block 118 , Lots 1-10 and 54-57; Block 119, Lots 22-25 and Block 120, Lots 1-14; and

WHEREAS, Voorhees Station Urban Renewal Associates, L.P., an affiliate of the Developer, is the owner and/or contract purchaser of sites comprising Block 118, Lots 1-10 and 54-57; Block 119, Lots 22-25 and Block 120, Lots 1-14; more commonly known as 827 & 853/863 Somerset Street; 27 Voorhees Avenue; 140 Fuller Street and 14 & 18 Camner Street, Franklin, New Jersey; (hereinafter “subject property”); and

WHEREAS, the Developer seeks to construct an affordable housing project to be known as Voorhees Station Mixed-Use Housing Development on the subject properties consisting of two 4-story buildings and a two-family home that would contain approximately 8,900 square feet of ground floor retail and 76 residential units, 15 of which would be made available to households of any income, 61 of which would be designated as non-age-restricted affordable rental units (hereinafter “proposed project”) and 8 of which shall be affordable rental affordable to very-low income households; and

WHEREAS, Developer has agreed to abide by all COAH/UHAC regulations including but not limited to: pricing, bedroom mix, low/moderate income split; affirmative marketing; and all other applicable COAH regulations; and

WHEREAS, the Township shall commit \$300,000.00 from its Housing Trust Fund to the proposed project for the purpose of rendering a certain number of units affordable to very low income households in accordance with N.J.A.C. 5:97-8.8.(a)2.

BE IT AND IT IS HEREBY RESOLVED the Township Council of Franklin Township, Somerset County, hereby endorses, and authorizes for submittal to the Council on Affordable Housing for its review and approval, an amendment to the Township's approved Spending Plan to incorporate the allocation of \$300,000.00 for use by the "Voorhees Station" development for the purpose of satisfying the Township's obligation for affordability assistance, generally, and for very-low income households in particular by rendering a certain number of units affordable to very low income households in accordance with N.J.A.C. 5:97-8.8.(a)2.

BE IT FURTHER RESOLVED THAT that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf a Developer's Agreement with RPM Development, LLC for the property known as Block 118, Lots 1-10 and 54-57; Block 119, Lots 22-25 and Block 120, Lots 1-14, that parameters of which Developer's Agreement shall include the following:

1. The monies shall be payable only from the Township's Housing Trust Fund.
2. The express purpose of the allocation is to satisfy the Township's obligation for affordability assistance, generally, and for very-low income households in particular by rendering a certain number of units affordable to very low income households in accordance with N.J.A.C. 5:97-8.8.(a)2.
3. Payment will be done on a reimbursement basis. The developer would be reimbursed only after the construction and site work improvements are complete and inspected to the satisfaction of Township staff.

Mr. Chase moved to adopt Resolution #12-168 and to provide for the allocation of \$300,000 for use by the “Voorhees Station” development for the purpose of satisfying the Township's obligation for affordability assistance. Said motion was seconded by Ms. Francois.

Mr. Vassanella moved to amend the motion to change the amount to \$50,000. There was no second to the motion.

After further discussion, Mr. Vassanella moved to amend the motion to change the amount to \$150,000. Said motion was seconded by Mayor Levine and **failed** as follows upon call of the roll:

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

The original motion carried as follows upon call of the roll:

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

Ordinance No. 3974-12

Deputy Mayor Kramer presented the following ordinance:

ORDINANCE NO. 3974-12 OF THE TOWNSHIP OF FRANKLIN, ADOPTING THE FINANCIAL AGREEMENT, ACCEPTING THE APPLICATION FOR TAX EXEMPTION UNDER N.J.S.A. 40A:21-1 ET SEQ. AND AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE INDEPENDENCE CROSSING URBAN RENEWAL PROJECT

Deputy Mayor Kramer 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. Chase and carried unanimously upon call of the roll.

Deputy Mayor Kramer 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, Ms. Sherman 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 Ms. Francois and carried as follows upon call of the roll:

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

Resolution #12-169 Authorizing Tax Abatement Resolution of Need – Genesis FBCCDC Somerset Senior Housing Urban Renewal, LLC).

Deputy Mayor Kramer presented the following resolution to Council for consideration:

WHEREAS, Genesis FBCCDC Somerset Senior Housing, LLC (name to be changed to Genesis FBCCDC Somerset Senior Housing Urban Renewal, LLC) (hereinafter referred to as the "Sponsor") proposes to construct a housing project known as Independence Crossing that will provide 64 units of affordable senior rental housing (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C.

5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") and/or the requirements of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1, et seq. (the "Long Term Requirements") within the Township of Franklin (hereinafter referred to as the "Municipality") on a site described Block 232, Lots 1 through 39 as shown on the Official Assessment Map of the Township of Franklin, Somerset County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency") and the Long Term Requirements; and

WHEREAS, pursuant to the HMFA Requirements, the Mayor and Council of the Township of Franklin hereby determines that there is a need for this senior rental housing project in the Township of Franklin.

WHEREAS, the Sponsor has presented to the Mayor and Council a revenue projection of the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin (the "Council") that:

1. The Council finds and determines that the proposed family rental project will meet or meets an existing housing need;

2. The Council does hereby adopt the within Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements and Long Term Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

3. The Council does hereby adopt the within Resolution does hereby commit to this project a Payment In Lieu of Taxes Agreement pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq.; and

4. The Council hereby authorizes and directs the Mayor of the Township of Franklin to execute, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and

5. The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the Municipality shall be determined pursuant to the formulas set forth in the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality.

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

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

ORDINANCE ON INTRODUCTION AND FIRST READING

Ordinance No. 3977-12

Deputy Mayor Kramer presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN IN SOMERSET COUNTY, REPEALING ARTICLE IX, WATER EMERGENCIES IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE IX, ENTITLED WATER CONSERVATION AND EMERGENCIES.

Deputy Mayor Kramer 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, 2012 at 7:00 p.m. in the Municipal Complex.

Motion – Change Public Hearing Date

Mr. Chase moved to change the public hearing date to May 22, 2012. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

A lengthy discussion ensued regarding the process and cons of the restrictions for water during non-emergencies.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 22, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Chase and **failed** as follows upon call of the roll:

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

CONSENT AGENDA

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

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

Resolution #12-170 Authorize Release of Performance Guarantees.

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

DATE RECEIPT BY ENGINEERING:	04/20/11
NAME OF APPLICANT:	LED Restaurant group LLC (Stage House)
ADDRESS OF APPLICANT:	1719 Amwell Road, Somerset, NJ 08873
ITEM:	Check #1136
DOCKET:	TRC-11-0001
IN THE AMOUNT OF:	\$19,649.52
FOR:	Phase II Site Improvements – Block 417.01/Lot 5.01 – 1719 Amwell Road

DATE RECEIPT BY ENGINEERING: 10/21/10
 NAME OF APPLICANT: Berry Street Commons Urban Renewal Assoc., LP
 ADDRESS OF APPLICANT: 77 Park Street, Montclair, NJ 07042
 ITEM: Performance Bond #S13583
 INSURANCE COMPANY: First Indemnity of America
 DOCKET: PLN-07-00028
 IN THE AMOUNT OF: \$113,705.84
 FOR: Off-Site Improvements – Block 108, Lots 38-65, Block 109, Lot 1-20 and 42&48 – Berry Street
 REPLACE WITH: 2-Year Maintenance Bond in the amount of \$17,055.88

DATE RECEIPT BY ENGINEERING: 10/21/10
 NAME OF APPLICANT: Berry Street Commons Urban Renewal Assoc., LP
 ADDRESS OF APPLICANT: 77 Park Street, Montclair, NJ 07042
 ITEM: Performance Bond #S13588
 INSURANCE COMPANY: First Indemnity of America
 DOCKET: PLN-07-00028
 IN THE AMOUNT OF: \$248,632.30
 FOR: Site Improvements – Block 108, Lots 38-65, Block 109, Lot 1-20 and 42&48 – Berry Street

DATE RECEIPT BY ENGINEERING: 03/16/12
 NAME OF APPLICANT: Churchill Estates
 ADDRESS OF APPLICANT: PO Box 98, Somerset, NJ 08873
 ITEM: Check #3478
 BANK: TD Bank
 DOCKET: ZBA-11-00026
 IN THE AMOUNT OF: \$3,150.00
 FOR: Site Improvements – Block 101, Lot 77.01 – 1 Colgate Court
 REPLACE WITH: 2-Year Maintenance Bond in the amount of \$472.50

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the aforesaid applicant as stated above.

Resolution #12-171 Authorize Reduction of Performance Guarantees.

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

DATE REC'D BY ENGINEERING: 11/03/05
 NAME OF APPLICANT: Churchill Estates, LLC
 ADDRESS OF APPLICANT: 790 Hamilton Street, Somerset, NJ 08873
 ITEM: Performance Bond
 NUMBER: S20139
 BANK: First Indemnity of American
 DOCKET: PLN2005-0019
 FOR: Block 101/Lots 56-69, 74-75, 77-84–Site Improvements – Churchill and Annapolis
 ORIGINAL AMOUNT: \$421,589.40
 REDUCTION AMOUNT: \$295,112.58
 REMAINING AMOUNT: \$126,476.82

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

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

Resolution #12-172 Authorize Release of Planning 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:

DATE REC'D BY ENGINEERING:	05/05/10	
APPLICANT:	World's Fair Drive Ortho – MAB Associates LLC	
ADDRESS:	1436 East Elizabeth Avenue, Linden, NJ 07036	
DOCKET NO.	PLN-10-00005	
BLOCK/LOT:	468.10/1.01	
LOCATION:	2 World's Fair Drive	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$720.00 (Atty)	\$4,780.00 (Twp)
AMOUNT CHARGED:	<u>720.00</u>	<u>4,733.67</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 46.33

DATE REC'D BY ENGINEERING:	03/15/11	
APPLICANT:	Russo Acquisitions, LLC (495 Weston Canal Road, LLC)	
ADDRESS:	570 Commerce Blvd., Carlstadt, NJ 07072	
DOCKET NO.	PLN-11-00004	
BLOCK/LOT:	516/7.01	
LOCATION:	495 Weston Canal Road	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$682.50 (Atty)	\$12,817.50 (Twp)
AMOUNT CHARGED:	<u>682.50</u>	<u>11,833.54</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 983.96

DATE REC'D BY ENGINEERING:	04/20/11	
APPLICANT:	LED Restaurant Group, LLC (Stage House Tavern)	
ADDRESS:	1719 Amwell Road, Somerset, NJ 08873	
DOCKET NO.	TRC-11-0001	
BLOCK/LOT:	417.01/5.01	
LOCATION:	1719 Amwell Road	
TYPE:	Inspection Fees	
AMOUNT DEPOSITED:	\$3,274.92 (Twp)	
AMOUNT CHARGED:	<u>1,122.35</u>	
AMOUNT TO BE REFUNDED:	\$2,152.57	

DATE REC'D BY ENGINEERING:	08/04/11	
APPLICANT:	St. Peter's University Hospital	
ADDRESS:	254 Easton Avenue, New Brunswick, NJ 08901	
DOCKET NO.	PLN-11-00016	
BLOCK/LOT:	424.01/39.08	
LOCATION:	15 Dellwood Lane	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$435.00 (Atty)	\$3,565.00 (Twp)
AMOUNT CHARGED:	<u>435.00</u>	<u>3,145.60</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 419.40

Resolution #12-173 Authorize Tax Title Lien Redemptions – Outside Buyers.

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

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:

LIENHOLDER	CERTIFICATE #	AMOUNT	PREMIUM	
US Bank Cust/Crestar	TY-11481	1462.68	4,300.00	
		14,622.68	4,300.00	5,762.68
Dais, Lafaye	TY-11064	337.69	100.00	437.69
Eliot Loeb-Keogh Plan	TY-11111	203.02		
	TY-11582	831.09	100.00	
		1,034.11	100.00	1,134.11
Empire	TY-11653	286.14	100.00	386.14
L. Friedeman	11-00085	739.80	200.00	939.80
Gharro, LLC	TY-00191	683.55		
	TY-11296	1,571.16	400.00	
	TY-11150	791.46	200.00	
		3,046.17	600.00	3,646.17
LaFlamme	TY-11473	396.27	100.00	496.27
Lasher	10-140	15,757.69		15,757.69
John Palumbo	TY-11692	383.93	100.00	483.93
Pro Capital	11-00183	2,705.00		
	11-00012	22,903.11	17,100.00	
		25,608.11	17,100.00	42,708.11
MD SASS	10-421	25,585.21		25,585.21
Peter O'Neill	11-00010	5,583.28		5,583.28
SBMUNI CUST/LBNJ	TY-11721	30,101.08	9,000.00	39,101.08
Stonefield	TY-11141	499.35		
	TY-11595	619.76	100.00	
	TY-11293	382.78	100.00	
	TY-11358	4128.27	2,900.00	
		5,630.16	3,100.00	8,730.16
Trade Money LLC	TY-11505	239.02	100.00	

	TY-11464	266.91		
	TY-11679	470.62	200.00	
		976.55	300.00	1,276.55
Virgo	TY-11418	2,738.36	2,000.00	4,378.36
Daxuan Wang	09-020	2,282.59	100.00	2,382.59
Township of Franklin	TS-00041	3,395.91		3,395.91
Totals				162,545.73

Resolution #12-174 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.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
11.06/5	JAMES E. WALTERS 9 SUMMERFIELD DRIVE PRINCETON, NJ 08540	2/2012 PAID TWICE	2,742.07
394/4	AURORA LOAN SERVICES PO BOX 961233 FORT WORTH, TX 76161-0233	4/2011 PAID TWICE	2,066.59
424.02/11.21 6	SOVERIGN BANK 450 PENN STREET READING, PA 19602	4/2011 2/2012 BANK PAID ON WRONG PROPERTY	1,326.75 1,422.31
424.04/161	THOMAS CONNAUGHTON 161 JORDANS CIRCLE SOMERSET, NJ 08873	4/2011 PAID TWICE	1,397.07

Resolution #12-175 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:

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
League of Women Voters & NJ Education Fund 204 West State Street, Trenton, NJ 08608 On-Premise 50/50 – RL#1982	May 16, 2012 5:30 pm – 8:30 pm

Drawing – The Imperia at Somerset

Franklin Villagers Barn Theatre Inc.
415 DeMott Lane, Somerset
On-Premise 50/50 – RL#1983
Drawings: Villagers Theatre

2012

June 8, 9,10,15,16,17,22,23,24

July 7,13,14,27,28,29

Aug. 3,4,5,10,11,12,17,18,19

St. Sharbel Maronite Catholic Church

526 Easton Avenue, Somerset
Non-Draw Raffles – RL#1984

June 9, 2012

11:00 am – 12:00 am

June 10, 2012

12:00 pm – 10:00 pm

Off-Premise Raffle – RL#1985

Drawings: 526 Easton Avenue, Somerset

June 10, 2012

10:00 pm

Resolution #12-176 Authorize Purchase Over \$8500.00 – Mailings from the Tax Assessor's Office – Vital Communications Inc. – Amount Not to Exceed \$18,000.00.

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

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

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

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

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

VENDOR NAME: VITAL COMMUNICATIONSINC.
ADDRESS: 900 South Broad Street
Trenton, NJ 08611
CONTRACT AMOUNT: \$18,000.00

SERVICE: Tax Assessor Mailings

Resolution #12-177 Authorize Stipulation of Tax Appeal Settlement – Polize Inc., c/o Somerset Diner – Block 259, Lot 75 – 1045 Easton Avenue – Years 2010-2011.

WHEREAS, Polize, Inc., t/a Somerset Diner, is the owner of certain properties located at 1045 Easton Avenue, Somerset, which is identified as Block 259, Lot 75 on the tax maps of Franklin Township; and

WHEREAS, Polize, Inc. filed an appeal to the Tax Court of New Jersey for said premises for the 2010 & 2011 tax years; and

WHEREAS, the parties have engaged in settlement negotiations;

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

Year 2010

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$1,462,500	N/A	WITHDRAWN
Improvements:	<u>\$ 742,500</u>	N/A	
Total	\$2,205,000	N/A	

Year 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$1,462,500	N/A	\$1,462,500
Improvements:	<u>\$ 742,500</u>	N/A	<u>\$ 407,500</u>
Total	\$2,205,000	N/A	\$1,870,000

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED this 24th day of April 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #12-178 Authorize Stipulation of Tax Appeal Settlement – Real Estate Inv. Trust, c/o Cronheim – Block 259, Lot 79.02 – 1135 Easton Avenue – Years 2010-2012.

WHEREAS, Mon. Real Estate Inv. Trust, c/o Cronheim, is the owner of certain properties located at 1045 Easton Avenue, Somerset, which is identified as Block 259, Lot 79.02 on the tax maps of Franklin Township; and

WHEREAS, Mon. Real Estate Inv. Trust, c/o Cronheim, filed an appeal to the Tax Court of New Jersey for said premises for the 2010, 2011 and 2012 tax years; and

WHEREAS, the parties have engaged in settlement negotiations;

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

Year 2010 – Affirmed

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$ 3,573,000	Direct Appeal	\$ 3,573,000
Improvements	<u>\$ 6,762,000</u>		<u>\$ 6,762,000</u>
Total	\$10,335,000		\$10,335,000

Year 2011

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$ 3,573,000	Direct Appeal	\$ 3,573,000
Improvements	<u>\$ 6,762,000</u>		<u>\$ 4,927,000</u>
Total	\$10,335,000		\$ 8,500,000

Year 2012

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$ 3,573,000	Direct Appeal	\$ 3,573,000
Improvements	<u>\$ 6,762,000</u>		<u>\$ 4,627,000</u>
Total	\$10,335,000		\$ 8,200,000

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

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

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

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

WHEREAS, all tax overpayments and interest shall be by refund check made jointly payable to “Min. Real Est. Inv. Trust c/o Cronheim, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for to Mon. real Est. Inv. Trust c/o Cronheim, Plaintiff” without any offsets or

deductions whatsoever for any unpaid taxes or municipal charges for tax years subsequent to the tax years covered by this Stipulation; and

WHEREAS, the parties acknowledge that the Court may not have jurisdiction over the following provision of this Stipulation of Settlement where the parties agree that the 2012 assessment originally was going to be set as \$10,335,000 but has been settled to be \$7,200,000 and the parties shall not contest tax year 2012 unless it is to enforce said settlement;

NOW, THEREFORE, BE IT RESOLVED this 24th day of April 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

Resolution #12-179 Award State Contract – 2012 Chevrolet Silverado 1500 Truck – Mall Chevrolet – Amount Not to Exceed \$21,775.00.

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:	Mall Chevrolet 75 Haddonfield Road Cherry Hill, NJ 08002 State Contract No. 18
ITEMS:	2012 Chevrolet Silverado 1500
COST:	\$21,755.00

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; and

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

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, VOTED ON SEPARATELY

Resolution #12-180 Resolution Allocating Money from Municipal Affordable Housing Trust Fund to the Special Needs Housing Partnership and Authorizing Submittal of Amended Spending Plan.

Deputy Mayor Kramer presented the following resolution to Council for consideration:

WHEREAS, the Township Council of Franklin Township, Somerset County, has approval to establish and administer an Affordable Housing Trust Fund (AHTF) that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, Franklin Township, Somerset County, wishes to participate in the Special Needs Housing Partnership established through the Departments of Community Affairs (DCA) and Human Services (DHS) and the New Jersey Housing Mortgage and Finance Agency (HMFA); and

WHEREAS, AHTF monies may be allocated for affordable supportive/special needs housing within Franklin Township, Somerset County; and

WHEREAS, by allocating \$500,000.00 to the Special Needs Housing Partnership from its Affordable Housing Trust Fund, Franklin Township, Somerset County, will provide the funding for the acquisition and rehabilitation of special needs housing within its borders; and

WHEREAS, the units created would count towards the Township's very low income unit obligation on a per-bedroom basis (Fair Housing Act - 52:27D-329.1.7) and that, in this way, this arrangement will assist the Township in meeting this state-mandated obligation; and

WHEREAS, the funds provided will count towards satisfying the Township's affordability assistance obligation, and specifically the affordability assistance obligation for very low income households (N.J.A.C. 5:97-8.8) and that, in this way, the arrangement will help the Township further implement its State-approved Spending Plan and help the Township meet State-mandated requirements on expenditure of HTF funds for affordability assistance; and

WHEREAS, Franklin Township, Somerset County, also wishes to enter in a Memorandum of Understanding with DHS and HMFA, which understanding will coordinate the efforts of the parties to create appropriate housing for individuals with developmental disabilities in the community through the purchase and conversion of existing residential properties within the municipality.

NOW THEREFORE BE IT RESOLVED that the Township Council of Franklin Township, Somerset County, hereby allocates \$500,000.00 for use by the Special Needs Housing Partnership.

MAY IT FURTHER BE RESOLVED THAT the Township Council of Franklin Township, Somerset County, hereby authorizes Craig R. Novick, Township Manager to execute the MOU with HMFA and DHS on behalf of the municipality.

BE IT FURTHER RESOLVED THAT the Township Council of Franklin Township, Somerset County, hereby endorses, and authorizes for submittal to the Council on Affordable Housing for its review and approval, an amendment to the Township's approved Spending Plan to incorporate the allocation of \$500,000.00 for use by the Special Needs Housing Partnership for the purpose of satisfying the Township's obligation for affordability assistance, generally, and for very-low income households.

OLD BUSINESS

East Millstone First Aid and Rescue Squad Building

Mr. Novick reported there are in Phase 1 which is a survey is being conducted on the property along with soil samples. He is awaiting for a report from the Engineering Department.

Replace water Lines along Route 27 South of Route 518

Mr. Novick reported that South Brunswick will not assist Franklin with this matter and the Township needs to develop a Plan B.

EXECUTIVE SESSION

Deputy Mayor Kramer 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: *Contract Negotiations – PBA/SOA*
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 Ms. Francois, seconded by Mr. Vassanella and carried as follows upon call of the roll:

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

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

Upon motion by Ms. Sherman, seconded by Mr. Vassanella, the meeting reconvened at 11:12 p.m.

Deputy Mayor Kramer announced the discussion during Executive Session was as follows: Contract Negotiations – PBA/SOA.

ADJOURNMENT

Motion was made by Ms. Sherman and seconded by Mr. Vassanella to adjourn to the meeting at 11:13 p.m. Motion was carried unanimously.

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

Date: *June 12, 2012* Ann Marie McCarthy, Township Clerk