

The Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by Mayor Levine at 7:17 p.m.

Mayor Levine called the Work Session/Regular Meeting of the Township Council to order. Mayor Levine stated “In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Work Session/Regular Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, a list of dates, annually, indicating that this Work Session/Regular Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on February 28, 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 Prasad led the Invocation.

The Township Clerk called the roll.

Present: Mr. Chase, Ms. Francois, Deputy Mayor Kramer, Mayor Levine, Mr. Prasad, Mr. Regan, Mr. Vassanella

Absent: Ms. Sherman, Mr. Wright

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

COMMENDATIONS/PROCLAMATIONS

East Franklin Fire Fighters

Mr. Vassanella, along with Mayor Levine and Mr. Regan presented the following commendation:

WHEREAS, on December 12, 2011, East Franklin Fire Department Station 27 was requested to give mutual aid to the City of New Brunswick for a two alarm fire at 204 Easton Avenue, New Brunswick; and

WHEREAS, in the early morning hours of December 13, 2011, while five firefighters from East Franklin Fire Department Station 27 were packing hoses, a man approached claiming his wife was in labor in the back seat of his car and he was unable to reach the hospital because of the road closure; and

WHEREAS, using medical supplies from Squad 27 and their knowledge and training as Emergency Medical Technicians: **Luke Conklin; Jack Gramlich; Robert Karch; Craig Miller; and Mike Reinbeck, Jr** delivered a baby boy at 3:00 am at the corner of Bartlett and Guilden Streets, New Brunswick; mother and baby were successfully transported to St. Peter’s Hospital in excellent condition;

NOW, THEREFORE, I, Brian D. Levine, Mayor of the Township of Franklin, County of Somerset, State of New Jersey, on behalf of the Township Council and the citizens of the Township of Franklin, express our sincere gratitude for and appreciation of the dedicated service of these East Franklin Firefighters.

Read Across America

Mr. Vassanella read the following proclamation:

WHEREAS, the citizens of the Township of Franklin stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, the Township of Franklin has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, **NEA's Read Across America**, a national celebration of reading, will be conducted on March 2, 2012, which would have been the 108th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America-NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association and their local affiliates across the state to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, BE IT RESOLVED that the Township Council calls on the citizens of the Township of Franklin to assure that every child is in a safe place reading together with a caring adult on March 2, 2012;

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses **NEA's Read Across America** and **Read Across America-NJ**, and recommits our community to engage in programs and activities to make America's children the best readers in the world.

American Heart Health Month

Mr. Regan read the following proclamation:

WHEREAS, every year, heart disease takes the lives of over half a million Americans, and it remains the leading cause of death in the United States; and

WHEREAS, the risk factors for heart disease are smoking, high blood pressure, high cholesterol, overweight/obesity, physical inactivity, diabetes, a family history of early heart disease, and age; and

WHEREAS, individuals can promote their own health and prevent disease and illness by taking steps to prevent and control the heart disease risk factors; and

WHEREAS, every year the month of February is designated "American Heart Month" by the American Heart Association. It is a time for Franklin Township residents to raise their awareness about heart disease and strive to increase physical activity and make heart-health choices part of daily life to help reduce their risk for heart disease; and

WHEREAS, Township residents need to take action to make heart health a priority for themselves and their families, become aware of their heart disease risk, and take action to control their risk;

NOW, THEREFORE, We, Brian D. Levine, Mayor and Brian G. Regan, Councilman At-Large of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Franklin Township Council, do hereby proclaim the month of February 2012 as American Heart Month in Franklin Township and call upon the residents of the Township to increase their awareness and understanding of heart disease and to observe this month with appropriate activities and programs.

MAYOR'S REPORT

Mayor Levine made the following report:

- Welcomed all those attending and TV viewers.
- Explained how the meeting is conducted and announced it is live.
- Reminded all that most of the meetings are public and are generally held on the 2nd and 4th Tuesdays of the month with the exception of July, August and December.
- Announced his mug was “Spending Consultant”. He announced the budget hearings would be held in March. He stated the residents are the “spending consultants”. He asked for opinions on the budget and with all areas of the municipality.
- Announced he did a Comcast Newsmaker interview that is usually seen at 5 minutes before the hour on Headline News. He spoke on the budget.
- Reported the Township had a well attended blood drive on February 24th.
- Announced the Recreation Needs Assessment Public Hearing is on Tuesday, March 6th at 7 p.m.
- Announced the Week of the People fundraiser on Friday, March 9th

DEPUTY MAYOR’S REPORT

Deputy Mayor Kramer reported on the installation ceremony of the East Millstone Fire Aid and Rescue Squad. He listed their ten top responders. He reported he sponsored a Public Safety Meeting last night along with the Police Department to discuss recent residential break-ins and how to protect your home and car.

Motion – Amend Agenda

A motion was made by Mr. Vassanella to move the East Millstone Fire and Rescue Squad Update Presentation to now on the agenda. The motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Paul Hipper, President of EMFAS, updated Council on developments for acquisition of land for their new building. He reported he met with County Officials, Michael Amorosa, Administrator and Freeholder Robert Zaborowski. They discussed the possibility of land owned by the County adjacent to the East Millstone Fire Department. It was noted that it is open space lands and under Green Acres regulations. It was the consensus that the land swap could be done. He noted that it is not a done deal as of yet and they need to work on specific plans as to how to pay for it, etc. He acknowledged that they had a lot of work ahead of them and they have formed committees to begin. He stated they would come back to Council as they achieve each step. He thanked all Council members who attended installation luncheon. He stated he met with the Assistant Township Mgr, Deputy Mayor where they were shown a map of certain lands which were open space that belonged to the Township. They felt these lands were too far out of response area and their members. He thanked them for the opportunity and stated the plan with the County is better.

Mr. Regan asked is the possibility of the Township purchasing their land was discussed. Mr. Vassanella stated the meetings were with staff and they concluded that wouldn’t work. Deputy Mayor Kramer stated that they have not resolved the current value of the land.

Motion – Direct Township Manager to Move Forward with Land Appraisal

A motion was made by Mr. Regan to direct the Township Manager to move forward with having an appraisal of the current First Aid land to prepare an analysis in regards to purchasing this land with the open space trust fund money. Said motion was seconded by Mr. Vassanella and carried unanimously upon call of the roll.

Deputy Mayor Kramer stated there are many people in the audience here for billboard ordinance. He explained the different sign ordinance amendments and that only one has a public hearing. The other ordinances are on for introduction with no direct public hearing at this time. He noted they can be discussed during public discussion.

PUBLIC DISCUSSION

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

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

Liz Nelson, 408 Skillman Lane, expressed her concerns regarding the amendments to the sign ordinance in regards to billboards. He opposed the new amendments.

Linda Powell congratulated the Council regarding their stand on environmental and land issues. She expressed her opposition to the amendments regarding billboards.

Manijeh Saba, 146 Emerson Road, expressed her concerns regarding the number of foreclosures in the Township and asked Council for assistance. She stated she is surprised with the proposed changes to the sign ordinance regarding billboards and asked what the reason was for the changes.

Sue Panacek, 5 Rue Matisse, Franklin Women's Club asked for support and assistance from Council to use the Senior/Community Center for their meetings. She stated that her organization is unable to pay for the cost of renting the room. Ms. Francois suggested she give her card to the Township Manager and he would work on this matter.

Gisela Friedenberger, 74 Central Avenue, reiterated the comments made by Ms. Panacek.

Craig Fellers, 16 Norfolk Road, spoke against the proposed billboard ordinance.

Jan ten Broeke, 2346 Amwell Road, thanked Council for their work on the environment, open space, historic matters and being the model for New Jersey. He spoke on his opposition to the proposed billboard ordinance.

Mr. Rainone spoke on the current ordinance which bans all digital signs and noted there is a lawsuit on the banning of digital billboards, Mr. Vassanella stated that the case is incomplete and it has not been proven in court that they must allow digital billboards. Mr. Rainone spoke on Stafford v. Bell and clarified what can happen if they do not amend their ordinance.

Ron Vladyka, 15 Norfolk Road, spoke on his opposition to the proposed changes to the billboard ordinance and his dislike for what is being done to the natural barriers on Route 287.

Mary Lauko, 5 Norfolk Road, spoke on her opposition to the amendments to the billboard ordinance.

Joann Bores, 29 Ulysses Road, opposed the amendments to the billboard ordinance.

Susan Goldey, 281 Abbey Drive, opposed digital billboards.

Dan Fredericks, 86 Marcy Drive, opposed digital billboards.

Jan Willard, 11 Ulysses Road, opposed Ordinance No. 3971-12, noting they have not given ample time for its review and asked what the necessity is to amend it.

Carol Kratzer, 14 Norfolk Road, opposed the digital billboard ordinance.

Frank Linnus, 21 Clyde Road, reviewed the process of the land use development ordinance amendment. He stated his client is willing to move the public hearing date to April 24, 2012.

John Walker, 63 Claremont Road, asked of the status of the Claremont/Baylor Road traffic light. He asked why there is not a provision in the property maintenance code for the improper disposition of leaves. He stated a resolution opposing fracking is premature. He asked why the Township Assessor is now only part-time.

Anthony Ganim, 142 Cedar Grove Lane, opposed the changes to the billboard ordinance and also opposed fracking.

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

COUNCIL COMMENTS/REPORTS

Ms. Francois noted that many feel the billboard ordinance is a foregone conclusion and the Council has made up their minds. She stated she had not made her mind up yet on this matter. She stated she has listened to all comments regarding distraction; pollution; and lights into homes; property values; negative impact; and the public service announce analogy. She stated she is keeping an open mind and will take all these things into consideration.

Mr. Regan read a statement from Ms. Sherman regarding her regret that she was unable to attend tonight's meeting and conveyed her strong opposition to digital billboards. He stated that he is glad to have heard all the comments and will take the next 60 days to consider all the issues. He stated that he has not weighed in on this matter much and has been fairly neutral. He spoke of Heart Association month and encouraged all to join him in taking action to be more active and healthy. He reported that his concerns regarding the use of cell phones while driving has been discussed at the Public Safety Meeting. He stated he was assured by the Township Manager and the Police Chief that there are policies in plan regarding employees while driving Township vehicles.

Mr. Vassanella spoke mainly about the digital billboard matter. He spoke of the process and how due diligence has not been done and the residents were not reached out to. He reviewed minutes from 2010 regarding the Council's views at that time regarding billboards, noting they were opposed. Mr. Vassanella stated he has piles of documents and studies on this matter and would put together a kit for everyone. He opposed the ordinance, citing there is only one court case that he is aware of in New Jersey that deals with this issue which is in Mount Laurel. He stated there is no case law at this time and stated the ordinance should not be introduced this evening.

Mr. Chase stated he was prepared to outline the process of where Council goes from here, however the Township Attorney and Mr. Vassanella had covered that adequately. He stated that with the trees down in this area the homes will be more affected by the digital billboard. He stated he is prepared to listen and consider everyone. He stated that he is in favor of introducing the ordinance this evening and move ahead with the process and hear from the public at the Planning Board meeting.

Mr. Chase reported on fracking and the concern that the Delaware Raritan Canal delivers water from the Raritan River which is a direct danger to the Township. He stated there is a genuine value of using natural gas versus coal. He stated that at this time fracking cannot be done safely and he endorses the Fracking Act which removed the loop hole for fracking not

covered by the Clean Water Act. In response to the removal of leaves, he stated he is not sure if an ordinance is necessary at this time.

Mr. Prasad prided himself that he has kept an open mind and would consider all the facts. He agreed with Mr. Chase's comments and respects his opinion and experience on the Planning Board who has been involved with the ordinance. He reported the Human Relations Commission met last night and endorsed the Week of the People fundraiser.

Deputy Mayor Kramer responded to the question of a part-time Assessor and stated that it was determined by the Township Manager that this would not have any negative impact on the Township. He agreed with Mr. Chase's comments on fracking. He stated he appreciated all that was said regarding the billboard ordinance and would keep an open mind on this matter. He stated there is a lawsuit and if the Township loses, they lose control.

Mayor Levine suggested that in regards to the trees cut down on Route 287, the Township reach out to the NJDOT, the Governor's Office or PSE&G. He stated that he respects all sides of the billboard issue and agreed that he initially fought against billboards, especially along Route 287. He spoke of the three meetings this ordinance has to be discussed by the public. He stated that he is not concerned with losing the lawsuit, he only wants what is best for the Township. He stated that Council members do not have to vote the same way on introduction and final passage.

Motion – Amend Agenda

A motion was made by Mr. Vassanella to move the introduction of Ordinance No. 3971-12 to this part of the meeting. The motion was seconded by Mr. Regan 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>
Francois	Kramer	Levine	Chase		Sherman
Prasad	Regan	Vassanella			Wright

Motion – Remove Ordinance No. 3971-12 from Agenda

A motion was made by Mr. Vassanella to remove Ordinance No. 3971-12 from the agenda. Said motion was seconded by Mayor Levine. The motion ***failed*** upon call of the roll:

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

ORDINANCE ON INTRODUCTION AND FIRST READING

Ordinance No. 3971-12

Mayor Levine presented the following ordinance:

ORDINANCE AMENDING CHAPTER 112 "ZONING AND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF FRANKLIN" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO REGULATE DIGITAL BILLBOARDS.

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 April 24, 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 April 24, 2012 at

7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Chase 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	Vassanella		Sherman
Levine	Prasad	Regan			Wright

APPROVAL OF MINUTES

Mayor Levine asked that the Reorganization Minutes be tabled for further review and possible amendments.

Mayor Levine presented the following minutes for approval: December 13, 2011 Executive Session; January 10, 2012 Executive Session and the January 24, 2012 Executive Session.

A motion was made by Ms. Francois to approve the aforesaid minutes. 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	Sherman
Levine	Prasad	Vassanella			Wright

APPROVAL OF WARRANTS

Deputy Mayor Kramer moved to remove the purchase orders from the Tax Attorney from the warrants list for a separate vote to be taken after the resolution to amend his contract has been adopted. Said motion was seconded by Mr. Vassanella and carried unanimously upon call of the roll.

Mayor Levine presented the following warrants, as amended, in the amount of \$985,418.59 for February 28, 2012 to the Township Council for payment:

1	Current	133,907.04
2	Grant	9,136.73
3	Tax Title Lien	
4	General Capital	
5	Water	655,051.30
6	Water Capital	
7	Water Assessment	
11	Recreation Trust	85.00
12	Trust Others	10,253.90
13	Unemployment	40.53
15	Redevelopment	585.00
17	Animal Control	
19	Self Insurance	1,001.29
20	Affordable Housing	
30	Payroll	48,040.67
37	Police Forfeiture	
39	Worker's Comp	
40	Open Space	126,044.93
42	Redevelopment Escrow	
50	County Imp Auth Fund	1,272.30
	Subtotal	985,418.59
	Escrow	
	Grand Total	985,418.59

Mr. Regan moved that warrants, as amended, in the amount of \$985,418.59 for February 28, 2012 to be paid. Said motion was 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

PUBLIC HEARING AND ADOPTION OF ORDINANCES ON SECOND READING

Ordinance No. 3959-12

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE XII, SIGN REGULATIONS, AND ARTICLE XXXIX, ENFORCEMENT; PENALTIES.

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. Vassanella 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 comments from the public, Mr. Vassanella 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 Deputy Mayor Kramer 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	Vassanella		Sherman
Prasad	Regan		Levine		Wright

Ordinance No. 3963-12

Mayor Levine presented the following ordinance:

BOND ORDINANCE PROVIDING FOR THE 2012 ROAD OVERLAY PROGRAM, IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$2,485,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,366,500 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. Vassanella 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 comments from the public, Deputy Mayor Kramer 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. Vassanella 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

Ordinance No. 3964-12

Mayor Levine presented the following ordinance:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 3260 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MIDDLEBUSH PARK, A LAWFUL PUBLIC PURPOSE, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3458 FINALLY ADOPTED ON JUNE 14, 2005, TO INCREASE THE APPROPRIATION THEREIN BY \$225,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$214,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF AND TO AMEND THE DESCRIPTION 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. Vassanella 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 comments from the public, Deputy Mayor Kramer 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. Vassanella 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

ORDINANCE ON INTRODUCTION AND FIRST READING

Ordinance No. 3966-12

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEWJERSEY, MORE PARTICULARLY CHAPTER 5, ADMINISTRATION OF GOVERNMENT.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 13, 2012 at 7:00 p.m. in the Municipal Complex.

Ms. Francois moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 13, 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

Ordinance No. 3967-12

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 62 - SALARIES & COMPENSATION – SECTION 62-4, ANNUAL COMPENSATION FOR MANAGERIAL AND EXEMPT EMPLOYEES AND SECTION 62-5, ANNUAL COMPENSATION FOR FULL-TIME WHITE COLLAR MUNICIPAL EMPLOYEES.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 13, 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 March 13, 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

Ordinance No. 3968-12

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY MORE PARTICULARLY CHAPTER 236, MUNICIPAL SERVICES - SCHEDULE A (CANAL WALK HOMEOWNERS ASSOCIATION – PHASES II, III, IV, V, VI, VII (PARTIAL), VIII (PARTIAL)).

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 13, 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 March 13, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Regan 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

Ordinance No. 3969-12

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 384, WATER – ARTICLE IV, WATER RATES AND METER CHARGES AND ARTICLE V, OTHER CHARGES AND FEES

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 13, 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 March 13, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Chase 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

Ordinance No. 3970-12

Mayor Levine presented the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE XII, SIGN REGULATIONS WITH THE ADDITION OF A NEW SECTION 112-111.M IN RELATION TO DIGITAL DISPLAY OF FUEL PRICES.

Mayor Levine stated that the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on March 27, 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 March 13, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Regan 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

CONSENT AGENDA

Deputy Mayor Kramer asked that Resolution #12-103 be removed from the Consent Agenda and voted on separately by Council.

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

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

Resolution #12-085 Award Contract – Support QED Software Maintenance – January 1, 2012 to December 31, 2012 – Queues Enforth Development, Inc. – Amount Not to Exceed \$25,104.00.

WHEREAS, the Township of Franklin desires to award the following contract:

VENDOR: Queues Enforth Development Inc.
14 Summer Street, Malden, Massachusetts 02148
ITEMS: Police Software Maintenance Agreement – CY2012
COST: Amount Not to Exceed \$24,104.00

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

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

Resolution #12-086 Authorize Release of Planning Review Escrow.

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: 09/23/10
APPLICANT: Somerset Grand LLC
ADDRESS: 225 North Route 303, Suite 101
Congers, NY 10920
DOCKET NO. PLN-10-0005
BLOCK/LOT: 424.01/39.07
LOCATION: 1350 Easton Avenue
TYPE: Plan Review
AMOUNT DEPOSITED: \$21,000.00 (Twp.)

AMOUNT CHARGED: 20,473.26
 AMOUNT TO BE REFUNDED: \$ 526.74

Resolution #12-087 Authorize Stormwater Detention Facility Maintenance Agreement – M-Affiliates LLC and Elkins Enterprises – 415 Weston Canal Road.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf Stormwater Detention Facility Maintenance Agreement with M-Affiliates, LLC with offices at c/o The Mack Company whose address is 2115 Linwood Avenue, Fort Lee, New Jersey 07024 and Elkins Enterprises, LLC whose address is 40 Turnbull Lane, Bernardsville, New Jersey 07924 for property known as Block 517.01, Lot 8.04, also known as 415 Weston Canal Road pursuant to the Planning Board Resolution approval dated September 24, 2008 in connection with the construction of a 79,125 square foot mixed office/warehouse building subject to form approved by the Township Attorney, a copy of which is on file in the office of the Township Clerk and available for public inspection.

Resolution #12-088 Authorize Discharge of two (2) Second Repayment Mortgages – 88 Gregory Lane.

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute two (2) Discharge of Repayment Mortgages for the premises known as 88 Gregory Lane, Franklin Park, on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #12-089 Authorize Discharge of Second Repayment Mortgage and Affordable Housing Agreement – 271 Reznik Court.

BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to discharge Second Repayment Mortgage and Affordable Housing Agreement for the premises known as 271 Reznik Court, Franklin Township, on the tax map of the Township of Franklin, subject to the execution by the purchaser of a repayment mortgage in accordance with New Jersey Council on Affordable Housing regulations pursuant to NJAC 5:93-1 et seq.

Resolution #12-090 Authorize Stipulation of Settlement – Tax Appeal – 265 Davidson Ave., LLC – Block 502.02, Lot 43.02 – 265 Davidson Avenue – Years 2011-2013.

WHEREAS, 265 Davidson Avenue, LLC is the owner of certain properties located at 265 Davidson Avenue, Somerset, which is identified as Block 502.02/Lot 43.02 on the tax maps of Franklin Township; and

WHEREAS, 265 Davidson Avenue., LLC filed an appeal to the Tax Court of New Jersey for said premises for the 2011, 2012 & 2013 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	ORIGINAL Total Assessment	SETTLEMENT Total Assessment
2011	\$20,852,000	Withdrawn
2012	\$20,852,000	\$13,350,000
2013	\$20,852,000	\$12,460,000

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

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-091 Authorize Stipulation of Settlement – Tax Appeal – 270 Davidson Ave., LLC – Block 468.01, Lot 14.01 – 270 Davidson Avenue – Years 2010-2011.

WHEREAS, 270 Davidson, LLC is the owner of certain properties located at 270 Davidson Avenue, Somerset, which is identified as Block 468/Lot 14.01 on the tax maps of Franklin Township; and

WHEREAS, 270 Davidson, LLC 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

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 2,943,000	N/A	\$ 2,943,000
Improvements:	<u>\$26,287,000</u>	DIRECT	<u>\$26,287,000</u>
Total	\$29,230,000	APPEAL	\$29,230,000

Year 2011

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 2,943,000	N/A	\$ 2,943,000
Improvements:	<u>\$26,287,000</u>	DIRECT	<u>\$18,717,000</u>
Total	\$29,230,000	APPEAL	\$21,660,000

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 refunds as a result of the settlement set forth herein shall be payable to “Archer & Greiner, P.C. as Trustee for 270 Davidson LLC” and forwarded to Archer & Greiner, 700 Alexander Park – Suite 102, Princeton, New Jersey 08540 within sixty (60) days of the date of any entry of judgment;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-092 Authorize Stipulation of Settlement – Tax Appeal – Cornan Company, Inc. – Block 166, Lot 32 – 591 Somerset Street – Years 2010-2012.

WHEREAS, Cornan Co., Inc. is the owner of certain properties located at 591 Somerset Street, Somerset, which is identified as Block 166 Lot 32 on the tax maps of Franklin Township; and

WHEREAS, Cornan Co., Inc. filed an appeal to the Tax Court of New Jersey for said premises for the 2011 & 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

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$180,000		\$180,000
Improvements:	<u>\$516,000</u>	DIRECT	<u>\$516,000</u>
Total	\$696,000	APPEAL	\$696,000

Year 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$180,000		\$180,000
Improvements:	<u>\$516,000</u>	DIRECT	<u>\$516,000</u>
Total	\$696,000	APPEAL	\$696,000

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

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

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

WHEREAS, the parties agree that the 2012 assessment of Block 166, Lot 32 shall not exceed \$590,000 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$590,000 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph 4 regarding the 2012 assessment shall not be reflected in the Tax Court Judgment.

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-093 Authorize Stipulation of Settlement – Tax Appeal – Entin Associates – Block 88.02, Lot 81 – 67-71 Veronica Avenue – Years 2010-2012.

WHEREAS, Entin Associates c/o Marc Lenner is the owner of certain properties located at 67-69-71 Veronica Avenue, Somerset, which is identified as Block 88.02, Lot 81 on the tax maps of Franklin Township; and

WHEREAS, Entin Associates c/o Marc Lenner filed an appeal to the Tax Court of New Jersey for said premises for the 2010, 2011 & 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

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$2,400,000		\$2,400,000
Improvements:	<u>\$5,749,000</u>	DIRECT	<u>\$5,749,000</u>
Total	\$8,149,000	APPEAL	\$8,149,000

Year 2011

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$2,400,000		\$2,400,000
Improvements:	<u>\$5,749,000</u>	DIRECT	<u>\$5,200,000</u>
Total	\$8,149,000	APPEAL	\$7,600,000

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 to “Entin Assoc. c/o Marc Lenner, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for “Entin Assoc. c/o Marc Lenner, LLC, Plaintiff” without any offsets or deductions whatsoever for any unpaid taxes or municipal charges for tax years subsequent to the tax years covered by the Stipulation; and

WHEREAS, the provisions of Paragraphs 4 and 5 shall survive Judgment even if not included in the Judgment issued by the Tax Court; and

WHEREAS, the parties acknowledge that the Court may not have jurisdiction over the following provision of the Stipulation of Settlement and the parties agree that the 2012 assessment originally was going to be set as \$8,149,000 but has been settled to be \$7,000,000; and

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-094 Authorize Stipulation of Settlement – Tax Appeal – Franklin Industrial Partners, LLC – Block 517.04, Lot 2.12 – 200 Varga Lane – Years 2010-2012.

WHEREAS, Franklin Industrial Partners, LLC is the owner of certain properties located at 200 Varga Lane, Somerset, which is identified as Block 517.04/Lot 2.12 on the tax maps of Franklin Township; and

WHEREAS, filed an appeal to the Tax Court of New Jersey for said premises for the 2011 & 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

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$3,076,000		\$3,076,000
Improvements:	<u>\$5,324,000</u>	DIRECT	<u>\$4,724,000</u>
Total	\$8,400,000	APPEAL	\$7,800,000

Year 2011

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$3,076,000		\$3,076,000
Improvements:	<u>\$5,324,000</u>	DIRECT	<u>\$4,724,000</u>
Total	\$8,400,000	APPEAL	\$7,800,000

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 the taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment; and

WHEREAS, the parties agree that the 2012 assessment of Block 517.04, Lot 2.12 shall not exceed \$7,100,000 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$7,100,000 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph 4 regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

WHEREAS, all refunds as a result of the settlement set forth herein shall be payable to “Zipp & Tannenbaum, LLC Attorney Trust Fund”, and forwarded to Zipp & Tannenbaum, LLC, 166 Gatzmer Avenue, Jamesburg, New Jersey 08831, within sixty (60) days of the date of any entry of judgment pursuant to N.J.S.A. 54:3-27.2;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-095 Authorize Stipulation of Settlement – Tax Appeal – Mid-State Equity Development – Block 153.01, Lot 45 – 631 Somerset Street – Years 2010-2011.

WHEREAS, Mid-State Equity Development Co., Inc. is the owner of certain properties located at 651 Somerset Street, Somerset, which is identified as Block 153.01/Lot 45 on the tax maps of Franklin Township; and

WHEREAS, 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	\$1,336,500		\$1,336,500
Improvements:	<u>\$ 263,500</u>	DIRECT	<u>\$ 163,500</u>
Total	\$1,600,000	APPEAL	\$1,500,000

Year 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$1,336,500		\$1,336,500
Improvements:	<u>\$ 263,500</u>	DIRECT	<u>\$ 163,500</u>
Total	\$1,600,000	APPEAL	\$1,500,000

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 of the date of entry of the Tax Court judgment.

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

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-096 Authorize Stipulation of Settlement – Tax Appeal – New Castle Hotels/Courtyard Somerset – Block 468.01, Lot 17.01 – 250 Davidson Avenue – Years 2010-2012.

WHEREAS, New Castle Hotels/Courtyard Somerset is the owner of certain properties located at 250 Davidson Avenue, Somerset, which is identified as Block 468.01, Lot 17.01 on the tax maps of Franklin Township; and

WHEREAS, New Castle Hotels/Courtyard Somerset filed an appeal to the Tax Court of New Jersey for said premises for the 2010, 2011 & 2012 tax years; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, the settlement is for the 2010, 2011 and 2012 tax years and is contingent upon the withdrawal of the 2009 tax year and the 2009 tax appeal is to be withdrawn as well as any counterclaim filed by the defendant; and

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

Year 2010

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 3,240,000		\$ 3,240,000
Improvements:	<u>\$15,000,000</u>	DIRECT	<u>\$11,160,000</u>
Total	\$18,240,000	APPEAL	\$14,400,000

Year 2011

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 3,240,000		\$ 3,240,000

Improvements:	<u>\$15,000,000</u>	DIRECT	<u>\$11,060,000</u>
Total	<u>\$18,240,000</u>	APPEAL	<u>\$14,300,000</u>

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

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

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

WHEREAS, the parties agree that the 2012 assessment of Block 468.01, Lot 17.01 shall not exceed \$14,200,000 and the taxpayer may only file an appeal in 2012 for the purpose of obtaining a judgment affirming the assessment. Defendant will not object to the entry of a judgment affirming the assessment obtained as set forth in this provision; and

WHEREAS, prejudgment interest is hereby waived on any overpayment and resulting refund due, provided however, that said refund is issued to New Castle Hotels/Courtyard Somerset through its attorney Gregory G. Lotz, Esq., of Garippa, Lotz & Giannuario, within 60 days from the date of entry of the Tax Court Judgment and if the defendant fails to pay said refund within 60 days from the date of the Tax Court Judgment then pre-judgment and post-judgment interest shall be included therein and moreover, if the refund is not paid within 60 days from said Judgment and the Plaintiff then files a motion to compel payment, the Defendant agreed to reimburse Plaintiff for its attorney's fees;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-097 Authorize Stipulation of Settlement – Tax Appeal – Paragon 150 Pierce Street, LLC – Block 468.08, Lot 2.02 – 150 Pierce Street – Years 2010-2012.

WHEREAS, Paragon 150 Pierce Street by Jonathan B. Schultz of Onyx Equities, LLC is the owner of certain properties located at 150 Pierce Street, Somerset, which is identified as Block 468.08/Lot 2.02 on the tax maps of Franklin Township; and

WHEREAS, filed an appeal to the Tax Court of New Jersey for said premises for the 2010, 2011 & 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

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,692,000		\$ 3,692,000
Improvements:	<u>\$12,551,000</u>	DIRECT	<u>\$ 8,308,000</u>
Total	<u>\$16,243,000</u>	APPEAL	<u>\$12,000,000</u>

Year 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,692,000		\$ 3,692,000
Improvements:	<u>\$ 9,844,000</u>	DIRECT	<u>\$ 5,308,000</u>
Total	\$13,536,000	APPEAL	\$ 9,000,000

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

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

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

WHEREAS, statutory interest, pursuant to N.J.S.A. 5:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment; and

WHEREAS, the parties agree that the 2012 assessment of Block 468.08, Lot 2.02 shall not exceed \$7,000,000 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$7,000,000 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph 4 regarding the 2012 assessment shall not be reflected in the Tax Court Judgment; and

WHEREAS, all refunds as a result of the settlement set forth herein shall be payable to "Zipp & Tannenbaum, LLC Attorney Trust Fund", and forwarded to Zipp & Tannenbaum, LLC, 166 Gatzmer Avenue, Jamesburg, New Jersey 08831, within sixty (60) days of the date of any entry of judgment pursuant to N.J.S.A. 54:3-27.2;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-098 Authorize Stipulation of Settlement – Tax Appeal – Provident Somerset Partners – Block 517.05, Lot 35.08 – 19 Schoolhouse Road – Years 2011-2012.

WHEREAS, Provident Somerset Partners is the owner of certain properties located at 19 School House Road, Somerset, which is identified as Block 517.05, Lot 35.08 on the tax maps of Franklin Township; and

WHEREAS, Provident Somerset Partners filed an appeal to the Tax Court of New Jersey for said premises for the 2011 & 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 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$3,285,000		\$3,285,000
Improvements:	<u>\$6,115,000</u>	DIRECT	<u>\$6,115,000</u>
Total	<u>\$9,400,000</u>	APPEAL	<u>\$9,400,000</u>

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

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

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

WHEREAS, the parties agree that the 2012 assessment of Block 517.05, Lot 35.08 shall not exceed \$8,500,000 and further agree that either party shall have the right to file a tax appeal for the 2012 tax year to obtain a judgment to implement, enforce and/or confirm the \$8,500,000 assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property. The parties understand that the provisions set forth in this paragraph 4 regarding the 2012 assessment shall not be reflected in the Tax Court Judgment;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-099 Authorize Stipulation of Settlement – Tax Appeal – The Dapsis Company, LLC – Block 88.01, Lot 47 – 74 Veronica Avenue – Years 2011-2012.

WHEREAS, The Dapsis Co., LLC is the owner of certain properties located at 74 Veronica Avenue, Somerset, which is identified as Block 88.01 Lot 47 on the tax maps of Franklin Township; and

WHEREAS, The Dapsis Co., LLC filed an appeal to the Tax Court of New Jersey for said premises for the 2011 & 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 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 600,000		\$ 600,000
Improvements:	<u>\$1,538,000</u>	DIRECT	<u>\$1,400,000</u>
Total	<u>\$2,138,000</u>	APPEAL	<u>\$2,000,000</u>

WHEREAS, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with

respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation; and

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

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

WHEREAS, the parties further agree that the assessment to be listed on the roll of the municipality for 2012 shall be a total of \$1,750,000 and that the Tax Assessor of the Township of Franklin shall implement this agreement by placing on the 2012 tax list for the Township the agreed upon assessment of \$1,750,000 for the subject property and no party shall challenge the agreed upon assessment reflected in this stipulation for the tax year 2012 by the filing of a tax appeal other than to implement this settlement; and

WHEREAS, it is further stipulated and agreed that the check for the refund for the tax year 2011 shall be mailed directly to Gibbons P.C., attorney for The Dapsis Co., LLC; and

WHEREAS, prejudgment interest on any refund is waived by the taxpayer provided the refund is paid within 60 days for the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2; and

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-100 Authorize Stipulation of Settlement – Tax Appeal – Easton North Company – Block 386.17, Lot 136 – 1110 Easton Avenue – Years 2009-2012.

WHEREAS, Easton North Company is the owner of certain properties located at 1110 Easton Avenue, Somerset, which is identified as Block 386.17/Lot 136 on the tax maps of Franklin Township; and

WHEREAS, Easton North Company filed an appeal to the Tax Court of New Jersey for said premises for the 2009, 2010, 2011 & 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 2009

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 5,531,000		\$ 5,531,000
Improvements:	<u>\$13,869,000</u>	DIRECT	<u>\$13,869,000</u>
Total	\$19,400,000	APPEAL	\$19,400,000

Year 2010

	Original <u>Assessment</u>	County Tax <u>Board Judgment</u>	Requested Tax <u>Court Judgment</u>
Land	\$ 5,531,000		\$ 5,531,000
Improvements:	<u>\$12,769,000</u>	DIRECT	<u>\$12,769,000</u>
Total	\$18,300,000	APPEAL	\$18,300,000

Year 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 5,531,000		\$ 5,531,000
Improvements:	<u>\$12,769,000</u>	DIRECT	<u>\$11,959,000</u>
Total	\$18,300,000	APPEAL	\$17,490,000

WHEREAS, it is further stipulated and agreed that the 2012 real property tax assessment shall be \$16,960,000; and

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

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

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

WHEREAS, the plaintiff hereby waived prejudgment interest pursuant to N.J.S.A. 54:3-27.2 provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-101 Authorize Stipulation of Settlement – Tax Appeal – LaFonge Associates – Block 37.02, Lot 7.04 – 2801 Highway 27 – Years 2009-2012.

WHEREAS, LaFonge Associates is the owner of certain properties located at 2801 Highway 27, Somerset which is identified as Block 37.02/Lot 7.04 on the tax maps of Franklin Township; and

WHEREAS, filed an appeal to the Tax Court of New Jersey for said premises for the 2009, 2010, 2011 & 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 2009

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 6,640,000		\$ 6,640,000
Improvements:	<u>\$20,040,000</u>	DIRECT	<u>\$20,040,000</u>
Total	\$26,680,000	APPEAL	\$26,680,000

Year 2010

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 6,640,000		\$ 6,640,000
Improvements:	<u>\$17,850,000</u>	DIRECT	<u>\$17,850,000</u>

Total	\$24,490,000	APPEAL	\$24,490,000
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Year 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 6,640,000		\$ 6,640,000
Improvements:	<u>\$17,850,000</u>	DIRECT	<u>\$17,260,000</u>
Total	\$24,490,000	APPEAL	\$23,900,000

WHEREAS, it is further stipulated and agreed that the 2012 real property tax assessment for Block 37.02, Lot 7.04 shall be \$23,240,000; and

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

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

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

WHEREAS, the plaintiff hereby waived prejudgment interest pursuant to N.J.S.A. 54:3-27.2 provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-102 Authorize Stipulation of Settlement – Tax Appeal – LaFonge Associates – Block 37.02, Lot 7.05 – Highway 27 – Years 2009-2012.

WHEREAS, LaFonge Associates is the owner of certain properties located at Highway 27, Somerset which is identified as Block 37.02/Lot 7.05 on the tax maps of Franklin Township; and

WHEREAS, filed an appeal to the Tax Court of New Jersey for said premises for the 2009, 2010, 2011 & 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 2009

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,540,000		\$ 3,540,000
Improvements:	<u>\$12,840,000</u>	DIRECT	<u>\$12,840,000</u>
Total	\$16,380,000	APPEAL	\$16,380,000

Year 2010

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
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Land	\$ 3,540,000		\$ 3,540,000
Improvements:	<u>\$12,120,000</u>	DIRECT	<u>\$12,120,000</u>
Total	\$15,660,000	APPEAL	\$15,660,000

Year 2011

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,540,000		\$ 3,540,000
Improvements:	<u>\$12,120,000</u>	DIRECT	<u>\$11,160,000</u>
Total	\$15,660,000	APPEAL	\$14,700,000

WHEREAS, it is further stipulated and agreed that the 2012 real property tax assessment for Block 37.02, Lot 7.05 shall be \$14,300,000; and

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

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

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

WHEREAS, the plaintiff hereby waived prejudgment interest pursuant to N.J.S.A. 54:3-27.2 provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment;

NOW, THEREFORE, BE IT RESOLVED this 28th day of February 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 #12-104 Support Development of Howe Athletic Fields at Colonial Park.

WHEREAS, the Somerset County Parks Commission has proposed to develop athletic fields on the Howe Farm portion of Colonial Park, including full-sized and 'youth' soccer fields and a cricket pitch; and

WHEREAS, the Township Council verbally affirmed its support of this development when Parks Director Raymond Brown presented the plan at the Council's December 13, 2011 meeting; and

WHEREAS, the Parks Commission proposes to make changes in the plan to address concerns mentioned at its December 15, 2011 meeting; and

WHEREAS, the Parks Commission has requested a resolution of continued support from the Franklin Township Council; and

WHEREAS, development of these athletic fields will contribute to meeting the need for additional athletic fields in Franklin Township which is demonstrated in the Preservation and Recreation Needs Assessment and Action Plan currently in the final stages of development;

NOW THEREFORE BE IT RESOLVED that the Franklin Township Council expresses and reiterates its support for the proposed development of athletic fields at Colonial Park.

Resolution #12-105 Amend CY2012 Temporary Emergency Budget.

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

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

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

CURRENT FUND BUDGET	CY – 2012 EMERGENCY TEMPORARY BUDGET			
	Description	Salary & Wages	Other Expenses	Total
Data Processing			10,000.00	10,000.00
Economic Development			15,000.00	15,000.00
Uniform Construction Code			15,000.00	15,000.00
Police Dispatch			35,000.00	35,000.00
Human Resources			2,500.00	2,500.00
Legal Services			50,000.00	50,000.00
Buildings & Grounds			20,000.00	20,000.00
			147,500.00	147,500.00
			147,500.00	147,500.00
Total Appropriation within CAPS			147,500.00	147,500.00
Water Utility			500,000.00	500,000.00
			500,000.00	500,000.00

Resolution #12-106 Authorize Sale of One (1) Plenary Retail Consumption License and One (1) Plenary Retail Distribution License.

WHEREAS, NJSA 33:1-12.14 provides that no new Plenary Retail Consumption License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one (1) for each 3,000 of its population as shown on the last preceding Federal Census; and

WHEREAS, NJSA 33:1-12.14 provides that no new Plenary Retail Distribution License shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one (1) for each 7,500 of its population as shown on the last preceding Federal Census; and

WHEREAS, the Federal Census figure for 2010 Census has been certified by the New Jersey Secretary of State Department; and

WHEREAS, pursuant to such certified figures, the population of Franklin is 62,300 persons; and

WHEREAS, as a result of the foregoing, there resulted in the Township of Franklin the authority to issue five (5) Plenary Retail Consumption Licenses and two (2) Plenary Retail Distribution Licenses for the sale of alcoholic beverages; and

WHEREAS, pursuant to NJSA 33:1-19.3, it is the desire of the Township of Franklin, Somerset County to accept sealed bids for said license as required by law subject to the terms and conditions herein specified;

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

1. The Township of Franklin hereby determines that it will sell at public sale one (1) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License for the sale of alcoholic beverages, in accordance with the procedure set forth in NJSA 33:1-19.3 et seq.
2. The Township Clerk shall publish a notice of proposed issuance of the alcoholic beverage license. The notice shall provide the following:
 - a. The Township, by resolution, has determined to consider the issuance of (1) Plenary Retail Consumption License and one (1) Plenary Retail Distribution License by public sale to the highest qualified bidder and invites bids therefore.
 - b. The Notice shall be published in the Courier News not less than two (2) times, which publications shall not be less than one (1) week apart. The second or last notice shall be published at least thirty (30) days before the date established to open all bids from qualified bidders. The minimum time period that must be allowed for bidders to apply for the License is twenty-five (25) days after the second publication.
 - c. All prospective bidders for the license shall apply by submitting to the Clerk of the Township of Franklin in full and complete eleven (11) page application form; a separately sealed envelope with the applicant's bid and bid deposit fee; and a separate Certification of Proof of Compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice and knows of no reason he or she would be disqualified from having an interest in a Retail License in New Jersey.
 - d. The Notice will advise that all bids will be sealed and that the minimum bid for this new consumption license and this new distribution license shall be \$250,000.00 each along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
 - e. The Notice shall state the Township reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to opening of the bids.
 - f. The Notice shall specify the time, place and last date that applications and bids will be accepted. Also indicate therein will be the requirement that the Clerk of the Governing Body shall publicly announce those applicants who presumptively meet the qualification for bidding as fixed by law, rules and regulations and the enabling resolution and Notice. This public announcement must occur not less than five (5) days prior to the date of opening the sealed bids.
 - g. The time, place and date that the sealed bids will be opened must also be specified in the Notice, which must be no sooner than five (5) days after the public announcement of all presumptively qualified bidders. No bids will be opened from or on behalf of any bidder who does not qualify or has not submitted proof of qualification (full and complete eleven (11) page ABC application form and Certification of Proof of Compliance).
 - h. At the designated time, place and date, the sealed bids will be opened and all bid amounts and the highest bid amount will be declared. If the issuing authority determines to reject all bids they shall do so by formal resolution. If they determine to accept the highest qualified bid, that also shall be done by resolution under the conditions that the ultimate issuance of the license will be subject to payment of the balance of the bid price; payment of the State

\$250.00 Application Fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license and the receipt of favorable State and/or Federal criminal background checks; and the compliance with the publication, hearing and resolution requirement under NJAC 13:2-2.1 et. seq.

3. The minimum bid price for the Retail Consumption license shall be \$250,000.00;
4. The minimum bid price for the Retail Distribution license shall be \$250,000.00;
5. **Wednesday, April 11, 2012**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset, New Jersey is hereby fixed as the last date and time that applications and bids will be accepted;
6. **Wednesday, April 18, 2012**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset, New Jersey is hereby fixed as the date, time and location for a public announcement of all presumptively qualified bidders;
7. **Wednesday, April 25, 2012** at 12 noon at the Municipal Building, 475 DeMott Lane is hereby fixed as the date, time and location when sealed bids will be opened and all bid amounts and the highest bid amount will be declared;
8. **Tuesday, July 10, 2012** at 7:00 p.m. a Resolution accepting the highest bid amount will be declared and a Resolution accepting the highest bid or rejecting all bids, as the case may be, shall be adopted;
9. Ten 10% of the purchase price shall accompany the sealed bid. The deposit shall be cash, certified check or cashier check;
10. Nothing contained herein shall be deemed to excise or relieve an applicant from compliance with all applicable laws, regulations and ordinances including, without limitation, compliance with all provisions of Chapter 75, Alcoholic Beverages, of the Township Code;
11. The Township reserves the right to reject any and all bids where the highest bid is not accepted.

Resolution #12-107 Authorize Sale of One (1) Plenary Retail Consumption License (Hotel/Motel Exception).

WHEREAS, N.J.S.A. 33:1-12.20 provides for a minimum bid for a specific type of new Hotel/Motel Exception Plenary Retail Consumption License; and

WHEREAS, there exists in the township of Franklin an opportunity to issue this type of new Hotel/Motel Exception Plenary Consumption License for the sale of alcoholic beverages; and

WHEREAS, the Township Council has determined to sell at public sale one new Hotel/Motel Exception Plenary Consumption License specific to N.J.S.A. 33:1-12.20 and

WHEREAS, pursuant to N.J.S.A. 33:1-19.3, it is the desire of the Township of Franklin to accept bids for said new license as required by law; and

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

1. The Township of Franklin hereby determines that it will sell at public sale one (1) new Hotel/Motel Exception Plenary Retail Consumption License for the sale of

alcoholic beverages, in accordance with the procedure set forth in NJSA 33:1-19.3 et seq.

2. The Township Clerk shall publish a notice of proposed issuance of the alcoholic beverage license. The notice shall provide the following:
 - a. The Township, by resolution, has determined to consider the issuance of (1) new Hotel/Motel Exception Plenary Retail Consumption License by public sale to the highest qualified bidder and invites bids therefore.
 - b. The Notice shall be published in the Courier News not less than two (2) times, which publications shall not be less than one (1) week apart. The second or last notice shall be published at least thirty (30) days before the date established to open all bids from qualified bidders. The minimum time period that must be allowed for bidders to apply for the License is twenty-five (25) days after the second publication.
 - c. The applicant must abide by N.J.S.A. 33:1-12.20 that a minimum bid not exceed \$25,000 plus \$50.00 per sleeping room may be required for the issue of a license pursuant to the provisions only if the dining facilities of the hotel or motel are regularly and principally used to provide only meals for catered events and breakfast for guest of the hotel or motel. The license is not be used for a restaurant and any such transfer of the license requires that the conditions stated remain in effect and the transfer must meet the Township Council's approval.
 - d. All prospective bidders for the license shall apply by submitting to the Clerk of the Township of Franklin in full and complete eleven (11) page application form; a separately sealed envelope with the applicant's bid and bid deposit fee; and a separate Certification of Proof of Compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice and knows of no reason he or she would be disqualified from having an interest in a Retail License in New Jersey.
 - e. The Notice will advise that all bids will be sealed and that the minimum bid for this new consumption license and this new distribution license shall be \$25,000.00 plus \$50.00 per sleeping room may be required for the issue of a license pursuant to the provisions only if the dining facilities of the hotel or motel are regularly and principally used to provide only meals for catered events and breakfast for guest of the hotel or motel each along with any terms and conditions related to the bid process, such as deposits, returns, forfeitures, etc.
 - f. The Notice shall state the Township reserves the right to reject all bids if the highest bid is not accepted. A sale may be postponed or canceled at any time prior to opening of the bids.
 - g. The Notice shall specify the time, place and last date that applications and bids will be accepted. Also indicate therein will be the requirement that the Clerk of the Governing Body shall publicly announce those applicants who presumptively meet the qualification for bidding as fixed by law, rules and regulations and the enabling resolution and Notice. This public announcement must occur not less than five (5) days prior to the date of opening the sealed bids.
 - h. The time, place and date that the sealed bids will be opened must also be specified in the Notice, which must be no sooner than five (5) days after the public announcement of all presumptively qualified bidders. No bids will be

opened from or on behalf of any bidder who does not qualify or has not submitted proof of qualification (full and complete eleven (11) page ABC application form and Certification of Proof of Compliance).

- i. At the designated time, place and date, the sealed bids will be opened and all bid amounts and the highest bid amount will be declared. If the issuing authority determines to reject all bids they shall do so by formal resolution. If they determine to accept the highest qualified bid, that also shall be done by resolution under the conditions that the ultimate issuance of the license will be subject to payment of the balance of the bid price; payment of the State \$250.00 Application Fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license and the receipt of favorable State and/or Federal criminal background checks; and the compliance with the publication, hearing and resolution requirement under NJAC 13:2-2.1 et. seq.
3. The minimum bid price for the new Hotel/Motel Exception Retail Consumption license shall be \$31,150.
4. **Wednesday, April 11, 2012**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset, New Jersey is hereby fixed as the last date and time that applications and bids will be accepted;
5. **Wednesday, April 18, 2012**, 12:00 noon at the Office of the Township Clerk, 475 DeMott Lane, Somerset, New Jersey is hereby fixed as the date, time and location for a public announcement of all presumptively qualified bidders;
6. **Wednesday, April 25, 2012** at 12 noon at the Municipal Building, 475 DeMott Lane is hereby fixed as the date, time and location when sealed bids will be opened and all bid amounts and the highest bid amount will be declared;
7. **Tuesday, July 10, 2012** at 7:00 p.m. a Resolution accepting the highest bid amount will be declared and a Resolution accepting the highest bid or rejecting all bids, as the case may be, shall be adopted;
8. Twenty Percent (20%) of the purchase price shall accompany the sealed bid. The deposit shall be cash, certified check or cashier check;
9. That the municipality shall only award the license to the person who is the highest qualified bidder with the understanding that the license will actually be situated subsequently through the place-to-place transfer application process and must be in use within two years of award of the license;
10. Nothing contained herein shall be deemed to excise or relieve an applicant from compliance with all applicable laws, regulations and ordinances including, without limitation, compliance with all provisions of Chapter 75, Alcoholic Beverages, of the Township Code;
11. The Township reserves the right to reject any and all bids where the highest bid is not accepted.

Resolution #12-108 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>
The Center School 319 North Third Avenue, Highland Park Off-Premise 50/50 - RL#1967 Off-Premise Raffle - RL#1968 Drawings: The Palace at Somerset	May 4, 2012
Church of St. Matthias 268 JFK Boulevard, Somerset Non-Draw Raffles – RL#1969 On-Premise 50/50 – RL#1970 Off-Premise Raffle – RL#1971 Drawings: Church Grounds	May 15, 16, 17, 18, 2012 6:00 pm – 10:00 pm May 19, 2012 2:00 pm – 10:00 pm May 20, 2012 2:00 pm – 9:00 pm
New Jersey Right to Life Committee 242 Old New Brunswick Road, Piscataway Off-Premise Raffle – RL#1972 Drawing: Holiday Inn, Somerset	November 16, 2012 7:00 pm – 10:00 pm
Loyal Order of the Moose Lodge #9888 Bound Brook Lodge 1300 Hamilton Street, Somerset Instant Lottery – RL#1973 Drawings: 1300 Hamilton Street	One year – Daily 11:00 am – 12:00 am
Rutgers Preparatory School 1345 Easton Avenue, Somerset On-Premise Raffle – RL#1974 Drawings: The Imperia at Somerset	April 15, 2012 12:00 pm – 3:00 pm

Resolution #12-109 Calling for a Ban on Fracking.

WHEREAS, Franklin Township’s water supply comes partially from the Delaware River via the Delaware and Raritan Canal; and

WHEREAS, Franklin Township passed a resolution on June 14, 2011 in support of a statewide and national ban on fracking and banning the disposal of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being depleted for fracking; and

WHEREAS, the NJ legislature passed a ban on fracking that was conditionally vetoed by the Governor in favor of a one-year moratorium that went into effect in January 2012 and is set to expire in January 2013; and

WHEREAS, since the passage of our original resolution, that case for a ban on fracking is strengthened by reports of fracking fluids in an aquifer in Pavilion Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal using injection wells; and

WHEREAS there have been reports of radioactive material from fracking waste that have been discharged into waterways; and

WHEREAS, extracting natural gas from shale formations involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and work over operations; and

WHEREAS, municipal wastewater treatment plants are not equipped to treat industrial fracking waste, and there are no industrial waste treatment plants in New Jersey currently capable of safely treating fracking waste; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, use of these hydraulic fracturing mixes exposed adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, blowouts, leaks and spills, including those involving trucks carrying fracking wastewater, occur and pose additional problems for emergency responders and HAZMAT teams when they are unable to ascertain rapidly the chemicals entering waterways; and

WHEREAS, because each fracking company using different mixtures of toxins in their proprietary blends of fracking fluids, and due to unknown contaminants being pulled from the earth's crust, each batch of fracking waste will have a different chemical composition; and

WHEREAS smog from emissions containing volatile organic compounds has dramatically increased in areas where fracking is occurring and poses a serious health risk to New Jerseyans; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, oil and gas companies are not individually required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act"), which is currently pending in Congress, would repeal the fracking exemption from the Safe Drinking Water Act and require disclosure of chemicals used in fracking; and

WHEREAS, the NATGAS Act is currently pending before Congress and would create artificial demand for gas by providing billions of dollars in subsidies to the gas industry to establish a natural gas infrastructure, further promoting fracking; and

WHEREAS, three pipelines are expanding into NJ passing through densely populated communities like Jersey City and rural communities throughout the NJ Highlands, encompassing protected areas paid for and owned by the people of New Jersey; and

WHEREAS, proposed pipelines will be used to bring fracked gas to market, much of which will end up overseas where prices are three to six times higher than in the United States; and

WHEREAS, Franklin Township respects the irreplaceable value of its forests and watersheds and places the health and safety of its residents above the short term interests of a highly-polluting industry; and

WHEREAS, Franklin Township is concerned for communities who have lost local autonomy and municipal rights to create environmental and public health protections more effective than state standards when the Pennsylvania legislature passed SB1100/HB1950, effectively preventing communities in Pennsylvania from adopting local fracking bans;

NOW, THEREFORE, BE IT RESOLVED, that on the 28th day of February 2012, Franklin Township continues to support and call for a statewide and national ban on hydraulic fracturing for natural gas, banning the treatment, disposal and storage of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being used for fracking;

AND BE IT FURTHER RESOLVED, that Franklin Township opposes the NATGAS Act.

AND BE IT FURTHER RESOLVED that Franklin Township will send a copy of this resolution to our Congressional Representative and US Senators urging them to oppose the NATGAS Act (S.1863/H.R.1380), support the FRAC Act and support a national ban on fracking.

AND BE IT FURTHER RESOLVED that Franklin Township will send a copy of this resolution to NJ Governor Chris Christie and our NJ State Assemblypersons and Senators urging them to support a statewide ban on fracking (A567/S246), and support legislation that would ban on the treatment, processing, disposal, or storage of fracking waste in NJ.

Resolution #12-110 Accept Resignation of Brian G. Regan, Council Liaison to the Library Board of Trustees and Rozalyn Sherman, Council Liaison to the Fire Prevention Board.

BE IT AND IT IS HEREBY RESOLVED that the Township Council of the Township of Franklin, County of Somerset, New Jersey, does hereby accept the resignation of Rozalyn Sherman as Council Liaison to the Fire Prevention Board and the resignation of Brian G. Regan as Council Liaison to the Library Board of Trustees.

Resolution #12-111 Re-Appoint Janie Dong as Alternate Deputy Registrar for a three-year term ending December 31, 2014.

BE IT AND IT IS HEREBY RESOLVED That the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby appoint **Janie Dong as Alternate Deputy Registrar of Vital Statistics** for a three (3) year term, commencing January 1, 2012 and expiring December 31, 2014.

Resolution #12-112 Authorize Revised Deferred Compensation Plan – Lincoln Financial Services.

WHEREAS, the Township of Franklin (hereinafter referred to as the “Employer”) by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, and the Worker, Retiree and Employer Recovery Act of 2008 amended sections of the Internal Revenue Code (the “Code”) and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the “Acts and Regulations”); and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations; and

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 76-PD-Lincoln-120709; and

BE IT FURTHER RESOLVED that The Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group it's agent, will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to serve as the "Administrator" of the plan, represent the **Employer**, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Finance Director or Business Administrator; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

RESOLUTION VOTED ON SEPARATELY

Resolution #12-103 Amend Non-Fair and Open Professional Services Agreement – Litigation/Tax Appeal Attorney - Emil Philibosian, Esq., Hoagland, Longo, Moran, Dunst & Doukas, LLP – January 1, 2011 thru December 31, 2011 – Amount Not to Exceed: \$96,000.00.

Mayor Levine presented the following resolution:

WHEREAS, the Township Council awarded on contract to Hoagland, Longo, Moran, Dunst & Doukas, LLP for Litigation/Tax Appeal Attorney Services in the amount of \$100,000.00 on January 25, 2011; and

WHEREAS, said contract was amended on September 27, 2011 in the amount of \$45,000.00, for a total of \$145,000.00; and

WHEREAS, a need exists to amend said contract to provide an additional \$96,000.00 therefore resulting in a new contract total of \$241,000.00; and

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

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

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

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

- (1) Said professional services contract is hereby amended by \$96,000.00 and the new total contract amount is not to exceed \$241,000.00.
- (2) 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.
- (3) The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
- (4) 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.
- (5) 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.
- (6) 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: Hoagland, Longo, Moran, Dunst & Doukas, LLP
ADDRESS: 40 Paterson Street
New Brunswick, NJ 08901
AMENDED TOTAL
CONTRACT AMOUNT: Amount not to exceed \$241,000.00
SERVICE: Litigation/Tax Appeal Attorney Services
January 1, 2011 to December 31, 2011

Mr. Regan moved to remove the aforesaid resolution from the agenda and schedule it for consideration at the next meeting. Said motion was 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

OLD BUSINESS**Fire Prevention Board Appointment**

Mr. Vassanella nominated Brian Regan as the Council Liaison to the Fire Prevention Board for an unexpired one-year term ending December 31, 2012. Said appointment carried upon acclamation.

Library Board of Trustees

Mr. Vassanella nominated Rozalyn Sherman as the Council Liaison to the Library Board of Trustees for an unexpired one-year term ending December 31, 2012. Said appointment carried upon acclamation.

Replace water Lines along Route 27 South of Route 518

Mr. Novick reported that this matter is in progress and the township Engineer is working with South Brunswick regarding a cost analysis.

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

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

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

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

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

Contract Negotiations: SOA/PBA
3. The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This resolution shall take effect immediately.

The aforesaid resolution was moved by Mr. Prasad, seconded by Mr. Regan 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			Sherman
Levine	Prasad	Regan			Wright
Vassanella					

The meeting adjourned to Executive Session at 10:26 p.m.

12-148

February 28, 2012 – Work Session/Regular Meeting

Upon motion by Mr. Regan, seconded by Mr. Vassanella, the meeting reconvened at 11:18 p.m.

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

Contract Negotiations: SOA/PBA

ADJOURNMENT

Motion was made by Mr. Vassanella and seconded by Deputy Mayor Kramer to adjourn to the meeting at 11:19 p.m. Motion was carried unanimously.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *May 8, 2012*

Ann Marie McCarthy, Township Clerk