

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 7:10 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 May 22, 2012. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

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

The Township Clerk called the roll.

Present: Mr. Chase, Deputy Mayor Kramer, Mayor Levine, Mr. Prasad, Mr. Regan (arrived at 8:05 a.m.), Ms. Sherman, Mr. Vassanella, Mr. Wright

Absent: Ms. Francois

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

#### **COMMENDATIONS/PROCLAMATIONS**

##### **Support the Click It or Ticket Mobilization of May 21 – June 3, 2012**

Mr. Vassanella read the following proclamation:

**WHEREAS**, there were 633 motor vehicle fatalities in New Jersey in 2011; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

**WHEREAS**, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide **Click It or Ticket** safety belt mobilization from May 21 – June 3, 2012 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 94.51% to 100%; and

**WHEREAS**, a further increase in safety belt usage in New Jersey will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED THAT I, BRIAN D. LEVINE, MAYOR** of the Township of Franklin, Somerset County, New Jersey on behalf of the Township Council, do hereby declare its support for the "**Click It or Ticket**" safety belt mobilization both locally and nationally from MAY 21 – JUNE 3, 2012 and pledges to increase awareness of the mobilization and benefits of safety belt use.

### **National Preservation Month**

Mr. Chase read the following proclamation:

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

**WHEREAS**, Franklin Township has recognized the importance of preserving its rich history and heritage and has forwarded the goals of historic preservation by establishing local historic districts, a historic preservation commission, and trusts funds that support local historic preservation, by preparing to gain Certified Local Government recognition, by seeking preservation grants and other assistance, by acquiring historic properties and easements on important historic resources, by implementing redevelopment plans for historic areas, by including a Historic Preservation Element in the Township Master Plan, by successfully nominating districts to the State and National Register of Historic Places, by developing a Eco-Heritage Tourism program, and by working with various organizations to help preserve important elements of its heritage; and

**WHEREAS**, "Discover America's Hidden Gems" is the theme for National Preservation Month 2012, sponsored by the National Trust for Historic Preservation

**NOW, THEREFORE**, I, Mayor Brian Levine together with my fellow Council members, do proclaim May 2012 as National Preservation Month and call upon the people of Franklin Township to join their fellow citizens across the United States in recognizing and participating in this special observance.

### **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 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month with the exception of July, August and December.
- Displayed his Mug of the Meeting: Rutger's Mug.
- Expressed that he was honored the Governor chose Franklin Township to hold one of his town meetings at the Armory on May 10<sup>th</sup>.
- Spoke of the Police United Tour honoring the fallen officers.
- Spoke of the Biker's Blessing at Lincoln Gardens.
- Spoke of the St. Matthias' annual carnival.
- Announced Franklin and Somerset County are participating in Curb Hunger and asked residents to look for the orange bags on their recycling cans.
- Spoke of the FHS sponsored event at Barnes and Noble.

- Spoke of the death of a Franklin High student whose funeral was last week and noted he made a joint statement with the Board of Education President.

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

Deputy Mayor Kramer reported on the following:

- Stated he joined the Mayor and Councilman Wright with members of the Board of Education at the student's funeral. He stated it was uplifting how the community came together and how Reverend Perkins hosted the funeral for the family since their church was not large enough.
- Announced that the AME Church in East Millstone has a new Reverend, Charles Boyer who has opened the church to the community for its use for public meetings of all types.
- Reported on the Job Readiness and Resource Event to be held on June 9<sup>th</sup> from 10 am to 2 pm.
- Spoke of the sendoff of the Police Unity Tour.
- Spoke on the national issue of same sex marriages and announced he supports this issue.

### **PUBLIC DISCUSSION**

Mr. Prasad moved to open the meeting for public discussion. Said motion was seconded by Ms. Sherman 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.

Rob Biava, 2 Carriage Trail, spoke on 90 Old Georgetown Road and the recent activities at this location over the last few weeks. He stated that the Township needs to start looking outside the box and start to restore the neighborhood to safety.

John Tibbs, 25 Parkside Street, Apt. 322, spoke on various neighbor events and issues. He asked Council to consider using Clean Communities Grant monies for jobs for the youth in the neighborhood,

There being no further comments from the public, Mr. Vassanella 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**

Mr. Vassanella spoke on the Smart Buyer Seminar from 10 am to 1 pm on June 9<sup>th</sup>. In regards to the Georgetown Road issue, he asked the Township Manager to take the necessary action. He stated he attended the awards program at the Central Jersey Housing Resource Center. He stated commended the work done by the new administration on the Hamilton Street Board. He reported on last night's OEM meeting and the follow-up on last summer's hurricane.

Ms. Sherman reported the Administration Committee meeting is scheduled for this Thursday. She spoke of a meeting with Congressman Rush Holt and two manufacturing companies and an education program with the Board of Education to introduce the manufacturing industry to the youth. She reported on activities of the Cultural Arts Council and that they will be coordinator the entertainment for the 4<sup>th</sup> of July celebration on June 29<sup>th</sup>.

Ms. Wright reported on the Redevelopment Agency, noting there has not been anything new to report. He thanked the Franklin Township Police Department and the Chief for all of their

help during the student's funeral. He praised Reverend Perkins for all of his help to the family during their time of need. He reported the ordinance vacating portion of Alex Place is back on track. He spoke of the upcoming Township Blood Drive.

Mr. Chase reported on the cleanup of the tow path in East Millstone on April 28<sup>th</sup>. He noted it was very successful and was videotaped for the Township's FTTV station. He reported the Environmental Commission is looking for nominations for the Environmental Stewardship Awards. He reported on the Historic Preservation Advisory Preservation community visioning session on the Gunther Farm on South Middlebush Road. He reported that the Open Space Advisory Committee is working with John Loos designing the north-south bicycle trails in the area of Blackwells Mills Road, Jacques Lane and South Middlebush Road. He reported on the Historic Preservation Advisory Commission completing their certification by staff and the consultant. He spoke of the issue of 90 Old Georgetown Road and the resolution that authorizes foreclosing on the property for unpaid fines and asked what the status was on the resolution. Mr. Rainone replied that when the Tax Collector signs off they will be ready to proceed.

Mr. Regan arrived at 8:05 p.m.

Mr. Prasad wished everyone a happy Memorial Day. He announced that June 3<sup>rd</sup> is the 12<sup>th</sup> anniversary of Arsha Boda. He announced the Human Relations Commission will be having their first meeting televised in June. He spoke of Operation Blue Angel and urged those with questions to contact Sgt. Rizzo. He urged residents to sign up for alerts and announcements on the website. He supported the Deputy Mayor on his stance regarding same sex marriages. He stated the Administration Committee is working on a possible Youth Activity Center. He congratulated the Manager for holding a health fair for its employees.

Deputy Mayor Kramer announced that Canal Fest is scheduled for October 6<sup>th</sup> with a raindate of October 7<sup>th</sup>. He spoke of the Historic Preservation Advisory Commission's new protocol for walk-in applications for simple projects. He spoke of the Open Space Advisory Committee's preference to spend the open space trust funds before bonding.

Mr. Vassanella acknowledged the efforts of Dick Barber, Mike Pappas and Mr. Wright for their work in opposing the closing of the post office on Franklin Boulevard. He announced the Somerset County CERT training is about to start.

Mr. Regan spoke of the success of the Memorial Day Parade. He spoke of the town hall meeting held on May 10<sup>th</sup> by the Governor and expressed his disappointment that he did not address specific Franklin issues and beat up on the Democratic legislature members and former Governor Corzine. He stated his attack on teachers is overboard and misleading. He noted not many residents were in attendance as a result of lack of advertisement.

Mr. Novick reported in regards to the 90 Old Georgetown Road matter, the Zoning Officer, Township Attorney and Police Department are all working on this matter.

### **COUNCIL DISCUSSION ITEMS**

#### **Hamilton Business & Community Corporation Annual Presentation & Budget Request**

President Remi Onashile, Art Lattanzio, Treasurer and Michael Pappas, Executive Director, made the following presentation and budget request to Council:

#### **"HAMILTON STREET BUSINESS DISTRICT Annual Report - April 2012**

The Hamilton Street Business District (HSBD) was established to promote commercial enterprises located along a section of Hamilton Street in the Somerset section of Franklin Township. The municipal government and community leaders have joined together to engage in efforts to enhance the viability of this area and its businesses through various activities.

This document outlines some of the progress that has been made as well as the areas of focus for the coming year.

## **PROPERTY IMPROVEMENTS & MAINTENANCE**

### **PROPERTY MAINTENANCE**

A procedure for addressing current property maintenance concerns was established in the fall of 2011 and continues. A detailed list of properties of concern is prepared and forwarded to appropriate municipal officials. To date, the majority of the properties in question have been satisfactorily addressed. This endeavor should continue to see solid results if attended to by all parties involved. The result will be improved appearance positively impacting property values and making the business district more attractive.

## **PUBLIC SAFETY & HEALTH**

### **PUBLIC SAFETY**

Several months ago, an incident took place on Hamilton Street. Thankfully, there were no injuries and appears to have been an isolated occurrence. Subsequently, HSBD officials requested that a meeting be held with the police department, the proprietor of the subject business and representatives of the Business District (BD.) This took place and was greatly appreciated by all. Such responsiveness from the municipal law enforcement personnel demonstrates a true commitment to the safety and concern for Hamilton Street, its merchants and their employees and the general public. This greatly enhances a sense of safety from the perspective of business owners.

### **STREET SWEEPER PROGRAM**

The County has agreed to regularly run one of their street sweepers along Hamilton Street. The BD is requesting the establishment of a municipal ordinance to prohibit parking on a limited basis so that the sweeper can actually reach the curb without parked vehicles causing an obstruction. This effort, in conjunction with the enforcement of property maintenance requirements, will help make the Business District more inviting.

### **EXTERIOR LIGHTING**

The Police Department's Liaison has suggested to the BD Board that an exterior lighting audit for commercial properties within the District could assist in certain aspects of crime prevention. Evidently, this was once offered by the local utility company for no fee. While this does not seem to be offered any longer, some such program could be a helpful and relevant service for the property owners within the BD. This type of review has been considered one of the more basic or common steps in crime prevention and will be explored in 2012. Businesses and the public would benefit.

### **TRASH CANS**

The BD has been working with Township officials to attend to the regular emptying of trash cans to ensure a clean appearance of the Business District. This is yet another example of a simple but effective endeavor to maintain a clean and healthy environment.

## **BRANDING HSBD**

### **GATEWAY SIGNS**

A small fund balance remains from several grants that were awarded from Somerset County. Additional planters were contemplated for purchase but would have required maintenance from the adjacent property owners. It was suggested that utilizing these funds for the purchase and installation of "gateway" signs highlighting the existence of the "Hamilton Street Business District" might help promote it. The County has verbally approved this reprogramming of funds and a design has been chosen and a local vendor will construct and carry out the installation with these available funds. The County Public Works Department has approved four locations and adjacent property owners have been contacted without objection. These signs will make a statement that the BD exists, we are proud of it and all are welcome.

### **LOGO**

The professional graphic artist that designed the gateway sign has also agreed to prepare a new logo concept similar to the sign. This will assist with the branding of the Hamilton Street Business District.

### **WEB SITE**

The Business District's web site should be updated periodically. Access has been gained and some basic editing has begun. Several area technical schools have been contacted and may be interested in providing assistance and offer ideas for new design features. These students may

be able to help create concepts to consider for promotional materials and, perhaps, other tools such as social media platforms.

## **BUSINESS ASSISTANCE**

### **ASSISTANCE TO BUSINESSES**

Local businesses typically encounter challenges that require assistance. The Business District is committed to respond by either making the appropriate referral or engaging in direct efforts to resolve the issue at hand. Entrepreneurs face difficulties regularly. Often, these are not unique and therefore, the experience of peers or other advisers could be helpful. Examples include the need for repairs or renovations to their property or a question about municipal services. It is vital that the business owners believe that the BD cares about them, their success and takes tangible steps to assist whenever and however possible.

### **PUBLICITY**

Publicity for District businesses such as noting physical improvements or the opening of a new business should be undertaken. Local media frequently seek such stories that highlight the commercial activity in areas such as this. The BD has initiated plans for a ribbon-cutting program for businesses new to the District and will hopefully help draw attention to the realization of other activities of businesses within the District.

### **REGISTRY OF PROPERTIES FOR SALE OR LEASE**

The BD web site has a component that provides for the listing of properties available for sale or lease. A part of the web site's updating could include a link to the Multiple Listing Service that would probably be more comprehensive than one that the BD would try and maintain.

## **COMMUNITY RELATIONS**

### **OUTREACH TO REALTORS**

At any given time, there are likely a dozen properties either for sale or for rent along Hamilton Street. Contacting these area realtors could help ensure that any issues of concern encountered by them could be addressed by the Business District or another appropriate agency. This type of dialogue could help instill a belief in the minds of real estate professionals that the BD is an active, partnering organization committed to improving Hamilton Street and is very interested in their perspective.

### **FUNDING FOR COMMUNITY EVENTS**

Funding requests are received regularly from the community. The Business Improvement District's Marketing Committee will serve as the primary point of contact to coordinate community events benefiting the BD. The Business District Board has established a process to review any such funding request for community events and give it careful consideration.

### **SITE PLAN REVIEW COMMITTEE**

Several months ago, the Board re-constituted a committee of three Board Members to serve as a Site Plan Review Committee. The function of this group will be to review any application for development or major renovation that is before the municipality for a property within the BD and offer suggestions concerning design or other pertinent matters that could impact the development and revitalization of the Hamilton Street area.

### **PROPERTY ASSESSMENTS**

Regular communications with the Tax Assessor's office should take place so that the special assessment process is clear to everyone. Additionally, the procedure that ensures the inclusion of properties subject to the special assessment should be understood by all parties involved. A meeting took place between several BD Board members and Tax Assessor to provide information to property owners. Future interaction should be pursued to provide a forum for questions to be addressed by knowledgeable professionals.

## **Hamilton Street Business District Budget 2012-2013**

<b>General Administration</b>	<b>2011-12</b>	<b>Proposed 2012-13</b>
Outside service Director	31,000	31,000
Administration - Misc.		4,000
Telephone	1,200	0

Office supplies	1,000	1,500
Meeting expenses	500	1,000
Postage & mailing	500	1,000
Travel & conferences	0	3,000
Licenses & permits	0	1,000
Compliance/Auditor	1,000	2,500
Accounting Services	1,500	2,000
<b>Insurance: Liability &amp; Corporation Insurance:</b>	<b>3,000</b>	<b>3,000</b>
<b>TOTAL</b>	<b>39,700</b>	<b>50,000</b>
<b>Promotions &amp; Public Relations:</b>		
Farmers market	500	0
Meet & Greet/Business meetings	500	1000
Community Events/Festivals	0	2000
Web site/Internet	2,000	2000
Advertising/Promotions/Prizes, etc.	500	500
<b>TOTAL</b>	<b>3,500</b>	<b>5500</b>
<b>Quality of Life: Clean &amp; Safe</b>		
Police patrol	9,000	0
Public Safety	0	9000
Street Cleaning/Beautification	0	2000
Banners	1,000	1500
Hamilton St. maintenance	1,000	1500
Street lighting	15,000	15000
<b>TOTAL</b>	<b>26,000</b>	<b>29000</b>
<b>Grantsmanship:</b>	<b>2,000</b>	<b>1000</b>
<b>Business Recruitment:</b>	<b>0</b>	<b>1500</b>
	<b>71,200</b>	<b>87,000</b>
<b>BUDGET GRAND TOTAL</b>		
Apply approx. 50 % surplus funds to 2012 - 2013 budget		15,000
<b>Amount required to access property owners</b>		<b>72,000</b>

A discussion ensued between the Township Council and the Hamilton Street Board regarding the upcoming budget.

**Proposed Foreclosure Resolution**

Mr. Vassanella led the discussion on Ms. Saba's proposed foreclosure resolution. He suggested the following wording for the resolution:

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

1. To stop all foreclosures until other options have been exhausted and that foreclosure proceedings should be utilized as a last resort only.
2. Support the utilization and/or creation of programs from the State and/or Federal government that attempt to revalue properties at their current real value and structure loans that coincide with those values to avoid foreclosure."

A short discussion ensued amongst Council and it was the consensus of Council for the Township Attorney to review the resolution and consult with Ms. Saba before the take action on the resolution.

**Police Authorized Strength**

Deputy Mayor Kramer reported that the Police Force was reduced by laying off ten officers resulting in the number of 104. He continued that with attrition the force has been decreased to 96 and as of November 1<sup>st</sup> it will be reduced to 92 officers. He reported that it is the recommendation of the Financial Oversight Committee to set the force strength to 98 officers and to allow the Police Chief to start the hiring process.

**Motion** - Authorize Police Force Strength at 98 Officers

A motion was made by Deputy Mayor Kramer to authorize the Police Force Strength at 98 officers. Said motion was seconded by Mr. Vassanella and carried unanimously upon call of the roll.

**Fireworks**

Deputy Mayor Kramer expressed his concerns that not enough money has been raised for this year's fireworks celebration. He stated that if Council wants to have fireworks they need to make a decision tonight to either increase or change a line item to cover the costs of the fireworks.

Mr. Wright suggested that they wait two weeks and see what funds could be raised since they have not received money from all of the donors. Mr. Wright stated he does not want to give up on the fireworks. Deputy Mayor Kramer stated he was not against the fireworks and sees this situation as an emergency.

Mr. Prasad echoed Mr. Wright's comments and stated they should continue to reach out to the businesses.

Ms. Sherman stated that most communities have removed fireworks from their budget. She suggested the possibility of charging a small fee.

Mr. Regan reminded Council that they had made the statement that fireworks would be paid from private donations, not public funds. He supported Ms. Sherman's comments. He expressed disappointment that they have not been successful in obtaining enough donations.

Mr. Vassanella stated that there are public funds used when staff works on this event. He stated the process needs to be re-evaluated.

Mr. Prasad personally guaranteed that the necessary \$10,000 would be raised.

**Motion** - Funding for Fireworks

A motion was made by Mr. Wright to direct the Manager to take fund from overtime for fireworks as needed. Said motion was seconded by Mr. Prasad and carried unanimously upon call of the roll.

**Faulkner Act**

Mr. Rainone provided a refresher on the Faulkner Act form of government reminding them of the line between the Township Council and the Township employees. It was the consensus of the Council that access to staff should always go through the Township Manager.

**Breakwater ATC**

Ms. Sherman made a statement regarding alleged meetings of the Mayor with developers that are interested in coming to the Township to build a medical marijuana greenhouse facility. She expressed dismay that members of Council were not made aware of

these meetings. She asked the Mayor specific questions: How did you meet? Why was Council not given the opportunity to meet with them? Why a press conference before the Attorney and Staff understood the scope of the project? Why the secrecy?

Deputy Mayor Kramer alleged that members of staff that attended these meetings were told not to tell Council of these meetings.

Mayor Levine stated that he never told the staff not to say anything about the meetings and he has the right as Mayor to hold a press conference.

A heated discussion ensued amongst the Mayor and members of Council regarding this matter.

#### **APPROVAL OF MINUTES**

Mayor Levine presented the following minutes for approval by Council: Work Session/Regular Meeting & Execution Session of April 10, 2012. Mr. Chase moved the approval of the following minutes: Work Session/Regular Meeting & Execution Session of April 10, 2012. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

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

#### **APPROVAL OF WARRANTS**

Mayor Levine presented the following warrants in the amount of \$1,238,337.90 for May 22, 2012 to the Township Council for payment:

1	Current	399,209.09
2	Grant	37,137.98
3	Tax Title Lien	358,366.42
4	General Capital	6,800.00
5	Water	111,279.88
6	Water Capital	
7	Water Assessment	
11	Recreation Trust	5,124.25
12	Trust Others	23,118.25
13	Unemployment	
15	Redevelopment	60.00
17	Animal Control	171.60
19	Self Insurance	425.00
20	Affordable Housing	
30	Payroll	289,372.23
37	Police Forfeiture	
39	Worker's Comp	
40	Open Space	7,273.20
42	Redevelopment Escrow	
50	County Imp Auth Fund	
	Subtotal	1,238,337.90
	Escrow	
	Grand Total	1,238,337.90

Mr. Vassanella moved that warrants in the amount of \$1,238,337.90 for May 22, 2012 to be paid. Said motion was seconded by Mr. Prasad and carried as follows upon call of the roll:

<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
Chase	Kramer	Levine			Francois

Prasad	Regan	Sherman
Vassanella	Wright	

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

**Ordinance No. 3978-12**

Mayor Levine presented the following ordinance:

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET AND STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 167, NOISE**

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

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

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

**ORDINANCE ON INTRODUCTION AND FIRST READING**

**Ordinance No. 3979-12**

Mayor Levine presented the following ordinance:

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY AMENDING MUNICIPAL CODE CHAPTER 138, FOOD ESTABLISHMENTS.**

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 June 12, 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 June 12, 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:

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

**Ordinance No. 3980-12**

Mayor Levine presented the following ordinance:

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

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 June 12, 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 June 12, 2012 at 7:00 p.m. at the Municipal Complex. Said motion was seconded by Mr. Vassanella and carried as follows upon call of the roll:

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

**CONSENT AGENDA**

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	Kramer	Levine			Francois
Prasad	Regan	Sherman			
Vassanella	Wright				

**Resolution #12-215** Authorize Release of Winter Bonds.

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

- DATE RECEIPT BY ENGINEERING: 02/08/12
- NAME OF APPLICANT: Summerfields at Franklin,LLC
- ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090
- ITEM: Check #2602 – JP Morgan Chase Bank, N.A.
- IN THE AMOUNT OF: \$500.00
- DOCKET: PLN-09-00029
- FOR: Winter Bond – Block 516.03, Lot 21 – 1 Hopkinson Lane
  
- DATE RECEIPT BY ENGINEERING: 01/31/12
- NAME OF APPLICANT: Summerfields at Franklin,LLC
- ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090
- ITEM: Check #2603 – JP Morgan Chase Bank, N.A.
- IN THE AMOUNT OF: \$500.00
- DOCKET: PLN-09-00029
- FOR: Winter Bond – Block 516.04, Lot 2 – 4 Hopkinson Lane
  
- DATE RECEIPT BY ENGINEERING: 01/24/12
- NAME OF APPLICANT: Summerfields at Franklin,LLC
- ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090
- ITEM: Check #2598 – JP Morgan Chase Bank, N.A.
- IN THE AMOUNT OF: \$500.00

DOCKET: PLN-09-00029  
FOR: Winter Bond – Block 516.02, Lot 3 – 5 Willocks

DATE RECEIPT BY ENGINEERING: 01/11/12  
NAME OF APPLICANT: Summerfields at Franklin, LLC  
ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
ITEM: Check #2498 – JP Morgan Chase Bank, N.A.  
IN THE AMOUNT OF: \$500.00  
DOCKET: PLN-09-00029  
FOR: Winter Bond – Block 516.03, Lot 17 – 9 Hopkinson Lane

DATE RECEIPT BY ENGINEERING: 02/14/12  
NAME OF APPLICANT: Princeton Highlands Development  
ADDRESS OF APPLICANT: 820 Morris Tpke., Short Hills, NJ 07078  
ITEM: Check #8238 – PNC Bank, N.A.  
IN THE AMOUNT OF: \$1,530.00  
DOCKET: P9805  
FOR: Winter Bond – Block 11.01, Lot 13.30 – 67 Winding Way

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Winter Bonds be release to the aforesaid applicant.

**Resolution #12-216** Authorize Release of Street Opening Permit.

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

DATE RECEIPT BY ENGINEERING: 04/25/11  
NAME OF APPLICANT: Nadeem Saleem  
ADDRESS OF APPLICANT: 20 Beekman Road, Franklin Park, NJ 08823  
ITEM: Check #2171  
PERMIT: 11-00063  
IN THE AMOUNT OF: \$250.00  
FOR: Block 34, Lot 3 – 20 Beekman Road

DATE RECEIPT BY ENGINEERING: 08/26/10  
NAME OF APPLICANT: Creative Modular Homes LLC  
ADDRESS OF APPLICANT: 224 Rt. 18 North, East Brunswick, NJ 08816  
ITEM: Check #17598  
PERMIT: 11-00012  
IN THE AMOUNT OF: \$750.00  
FOR: Block 321, Lot 15.01 – 14 Irvington Avenue

DATE RECEIPT BY ENGINEERING: 03/17/11  
NAME OF APPLICANT: J&L Communications Group, Inc.  
ADDRESS OF APPLICANT: 68 Fanny Road, Boonton, NJ 07005  
ITEM: Check #2974  
PERMIT: 11-000053  
IN THE AMOUNT OF: \$300.00  
FOR: 800 Cottontail Lane

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Street Opening Permit Escrows; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Street Opening Permit Escrows be release to the aforesaid applicant.

**Resolution #12-217** Authorize Release of Tree Removal Permit Guarantee.

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

DATE RECEIPT BY ENGINEERING: 07/26/11  
 NAME OF APPLICANT: Wynnefield @ Somerset COA  
 ADDRESS OF APPLICANT: c/o Taylor Management  
 80 S. Jefferson Road, 2<sup>nd</sup> Flr., Whippany, NJ 07981  
 ITEM: Check #003138  
 PERMIT: TR11-009  
 IN THE AMOUNT OF: \$1,000.00  
 FOR: Block 20.04, Lot 11.01 – Tree Replacement

**WHEREAS**, the Township Engineer, after inspection, recommends release of the aforesaid Tree Removal Guarantees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Tree Removal Guarantees be release to the aforesaid applicant.

**Resolution #12-218** Authorize Release of Performance Guarantee.

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

DATE RECEIPT BY ENGINEERING: 06/04/08  
 NAME OF APPLICANT: Jeremy Court, LLC (formerly Rachel Manor)  
 ADDRESS OF APPLICANT: 70 Old Bloomfield Ave., Ste. 200, Pine Brook, NJ 07058  
 ITEM: Letter of Credit - #1157  
 DOCKET: PLN2005-0039  
 IN THE AMOUNT OF: \$483,982.56  
 FOR: Site Improvements – Block 86.01/Lot 9.41 – 304 Bennetts Lane (Replaced Rachael Manor Bond #B1030973) – Now to be replaced with Bonds from Grosso Seven Lots, LLC

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

**Resolution #12-220** Authorize Refund of Tax Overpayments.

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

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

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

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>QTR/YR</u>	<u>AMOUNT</u>
259/75	Polize Inc. Somerset Diner c/o Michael A. Vespasiano, Esq.	4/2011 Tax Appeal	7,048.40

331 Main Street  
Chatham, NJ 07928

259/79.02	Min. Real Est. Inv. Trust c/o Cronheim The Irwin Law Firm, P.A. 80 Main Street, Suite 410 West Orange, NJ 07052	4/2011 Tax Appeal	38,608.40
517.04/2.09	Bruce J. Stavitsky, Esq. & Terumo Medical Group Corp. c/o Stavitsky & Assoc. LLC 341 Broad Street Clifton, NJ 07013	4/2011 Tax Appeal	20,766.48
296/23	Todd, Eddie L. & Frances 409 Girard Avenue Somerset, NJ 08873	4/2011 100% Disabled Veteran 2/2012 100% Disabled Veteran	3,615.04 2,711.29
513.44/1.309	Caudo, Sebastian & Susan 1309 Enclave Circle Somerset, NJ 08873	2/2012 100% Disabled Veteran	299.82
386.07/24	Richardson, Walter & Linda 27 Cedar Brook Drive Somerset, NJ 08873	4/2011 100% Disabled Veteran 2/2012 100% Disabled Veteran	2,661.58 3,992.53
20.10/11.02 C2801	Chase PO Box 961227 Ft. Worth, TX 76161-0227	4/2011 Tax Paid Twice 2/2012 Tax Paid Twice	1,149.47 416.19
417.02/3	David Marino 3 Nottingham Way Somerset, NJ 08873	2/2012 Tax Paid Twice	1,229.26
386.17/237 10902-0	Kristin Kelley 237 McAuliffe Court Somerset, NJ 08873	2/2012 Bad Water Meter Reading	214.50

**Resolution #12-221** Authorize Refund of Tax Remittals.

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

<b><u>BLOCK/LOT</u></b>	<b><u>NAME/ADDRESS</u></b>	<b><u>QTR/YR</u></b>	<b><u>AMOUNT</u></b>
296/23	Todd, Eddie L. & Frances 409 Girard Avenue Somerset, NJ 08873	4/2011 100% Disabled Veteran 2/2012 100% Disabled Veteran	3,615.04 2,711.29
513.44/1.309	Caudo, Sebastian & Susan 1309 Enclave Circle Somerset, NJ 08873	2/2012 100% Disabled Veteran	299.82



appropriation of the Surplus does not exceed 5% of the Authority's annual operating budget, and b) that such transfers of a portion of Surplus to the Township budget are not done more frequently than once a year; and,

**WHEREAS**, the Township, being desirous of seeking the assistance of the Authority with respect to the Surplus in this regard, does hereby adopt this Resolution requesting that the Authority authorize, appropriate and transfer a portion of the Surplus to the Township, in an amount of 5% of the Authority's annual operating budget.

**BE IT AND IT IS HERBY RESOLVED**, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the Township requests that the Authority authorize the appropriation and transfer, to the Township of Franklin, a portion of its Surplus for use in the Township's Budget, in an amount of 5% of the Authority's annual operating budget. The Township Manager and Chief Financial Officer of the Township are hereby authorized and directed to take whatever reasonable and necessary actions are necessary in order to effectuate the Township's request that the Authority transfer a portion of the Surplus to the Township of Franklin for use in the Township's Budget, all as recited above.

**Resolution #12-224** Authorize the Execution of Grant Application with NJDCA for Recreation Opportunities for Individuals with Disabilities.

**WHEREAS**, the Township of Franklin, Somerset County desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$ 6, 700 State with \$1, 340 local share for a total contract of \$ 8, 040 in 2013 to run Harmony Club. Harmony Club is a program for disabled residents, ages 6 – 92, that meet monthly to participate in adapted social; athletic; recreational; and educational activities.

**BE IT THEREFORE RESOLVED**,

- 1) that the Township of Franklin, Somerset County does hereby authorize the application for such a grant; and
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said agreement between Franklin Township and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED** that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

**Resolution #12-225** Amend Developer's Agreement – Summerfields at Franklin, LLC.

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute on its behalf an Amendment to the Developer's Agreement with Summerfields at Franklin, LLC for property known as Block 516, Lots 4.04, 6.04 and 15 as shown on the Tax Map of the Township of Franklin pursuant to the Planning Board Resolution adopted on February 3, 2010, and the original Developer's Agreement dated November 5, 2010, a copy of which is on file in the office of the Township Clerk and available for public inspection.

**Resolution #12-226** Authorize Issuance of Special Event Permit – St. Sharbel Maronite Catholic Church – 526 Easton Avenue – Annual Church Festival – June 8, 2012 (6pm to 10pm); June 9, 2012 (Noon to 11pm); and June 10, 2012 (Noon to 10pm).

**WHEREAS**, a request has been received from Pastor Tony Akoury for permission to have a Church Festival on the following days during the following hours:

June 8, 2012	6:00 p.m. to 10:00 p.m.
June 9, 2012	12:00 p.m. to 11:00 p.m.
June 10, 2012	12:00 p.m. to 10:00 p.m.

to be conducted at the St. Sharbel Maronite Church Grounds located at 526 Easton Avenue, Somerset; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to St. Sharbel Maronite Church to conduct a Church Festival on

June 8, 2012	6:00 p.m. to 10:00 p.m.
June 9, 2012	12:00 p.m. to 11:00 p.m.
June 10, 2012	12:00 p.m. to 10:00 p.m.

to be conducted at the St. Sharbel Maronite Church Grounds located at 526 Easton Avenue, Somerset and subject to compliance with the requirements of Township Officials including but not limited to the Chief of Police and Director of Fire Prevention; and

**BE IT FURTHER RESOLVED** that the conduct of this special event requires the closing of Reeves Street (between Easton Avenue and Blake Avenue), a public roadway of the Township of Franklin, and said closing is subject to the following conditions:

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

**BE IT FURTHER RESOLVED** that the Applicant shall be responsible for providing off-duty police officers as follows as required by the Chief of Police:

- (1) June 8, 2012 6:00 p.m. to 10:00 p.m. – One (1) Police Officer
- June 9, 2012 12:00 p.m. to 6:00 p.m. – One (1) Police Officer  
6:00 p.m. to 11:00 p.m. – Two (2) Police Officers
- June 10, 2012 Noon to 6:00 p.m. – One (1) Police Officer  
6:00 p.m. to 10:00 p.m. – Two (2) Police Officers

(2) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said off-duty police protection in accordance with the fee schedule set forth in Ordinance #1417;

(3) Payment to said off-duty police officer for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of off-duty police protection;

(4) Any unused monies deposited for off-duty police protection shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Chief of Police.

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

(1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;

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

**BE IT FURTHER RESOLVED** that the Applicant shall be responsible for providing for a health inspector to check at various times during the event the noise level to ensure that it is in compliance with Municipal Code Chapter 167 to the satisfaction of the Somerset County Health Director; and

(1) Applicant shall deposit with the Township Finance Director, at least five (5) days prior to the event, an escrow amount sufficient to cover the cost of said health inspector in accordance with the fees set forth by the Somerset County Health Director;

(2) Payment to said health inspector for services provided shall be made by the Finance Department from said escrow deposit. Should escrow funds be found insufficient, the Applicant shall deposit additional funds with the Finance Department to cover the remaining cost of the health inspector;

(3) Any unused monies deposited for the health inspector shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Director.

**Resolution #12-227** Authorize Issuance of Special Event Permit – The Great Wall Supermarket – Hyundai Test Drive – June 9-10, 2012 – 6am to 9pm.

**WHEREAS**, a request has been received from The Great Wall Supermarket to conduct the Hyundai Test Drive event to be held on June 9 & 10, 2012 at 3151 Route 27, Franklin Park; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for the Hyundai Test Drive event to be held on June 9 & 10, 2012, at The Great Wall Supermarket parking lot subject to

compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Somerset County Director of Health.

**Resolution #12-228** Authorize Issuance of Special Event Permit – Pelican Pools – Parking Lot Sale – Ukrainian Cultural Center – June 22-24, 2012 – 9am to 8pm.

**WHEREAS**, a request has been received from Pelican Pools to conduct a parking lot sales event to be held on June 22-24, 2012 at the Ukrainian Cultural Center, 135 Davidson Avenue, Somerset between 9 am and 8 pm; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for Pelican Pools to conduct a parking lot sales event to be held on June 22-24, 2012 at the Ukrainian Cultural Center, 135 Davidson Avenue, Somerset between 9 am and 8 pm subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and the Director of Fire Prevention.

**Resolution #12-229** Authorize Insertion into CY2012 Municipal Budget – Chapter 159 – FY2012 Clean Communities Grant - \$98,432.04.

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an appropriation for the equal amount;

***(Section 1)***

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Franklin, in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year TY2011 in the sum of **\$98,432.04**, which is now available as a revenue from **2012 CLEAN COMMUNITIES GRANT**, Pursuant to the provision of the statute, and

***(Section 2)***

**BE IT FURTHER RESOLVED** that the above is a result of a State grant of **\$98,432.04 - 2012 CLEAN COMMUNITIES GRANT**.

**Resolution #12-230** Authorize Insertion into CY2012 Municipal Budget – Chapter 159 – Click It or Ticket - \$4,000.00.

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an appropriation for the equal amount;

***(Section 1)***

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Franklin, in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the

year TY2011 in the sum of **\$4,000.00**, which is now available as a revenue from **2012 CLICK IT OR TICKET GRANT**, Pursuant to the provision of the statute, and

**(Section 2)**

**BE IT FURTHER RESOLVED** that the above is a result of a State grant of **\$4,000.00 - 2012 CLICK IT OR TICKET GRANT**.

**Resolution #12-231** Authorize Discharge of Second Repayment Mortgage and Affordable Housing Agreement – 271 Reznick 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 execute a Discharge of Affordable Housing Agreement and Discharge Mortgage for the premises known as 271 Reznick Court, Somerset, 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 #12-232** Authorize Issuance of Special Event Permit – Glen Eyre III – May 26, 2012 – Community Social – 10 am to 7 pm – Rue Cezanne and Monet Court.

**WHEREAS**, a request has been received from Glen Eyre III to conduct a Community Social on May 26, 2012 from 10 am to 7 pm, at Rue Cezanne and Monet Court, Somerset; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted for Glen Eyre III to conduct a Community Social on May 26, 2012 from 10 am to 7 pm, at Rue Cezanne and Monet Court, Somerset subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police, Director of Fire Prevention and Somerset County Director of Health.

**Resolution #12-233** Authorize Issuance of Raffles Licenses.

**WHEREAS**, the following have made application to the Township of Franklin, Somerset County, for a Raffle/Bingo License; and

**WHEREAS**, said applications have been presented to the Mayor and the Chief of Police for Findings and Determinations; and

**WHEREAS**, the Clerk has reported that the proper fees have been paid;

**NOW, THEREFORE, BE IT RESOLVED** that the Clerk be instructed to issue a **RAFFLE/BINGO LICENSE** to the following:

<b><u>NAME OF ORGANIZATION</u></b>	<b><u>DATE OF RAFFLE/BINGO</u></b>
Franklin Township South Bound Brook Little League 534 Madison Avenue, Somerset, NJ On-Premise 50/50 Raffles – RL#1988 Drawings: 534 Madison Avenue, Somerset	June 9, 16, 23, 2012 10:00 am – 6:00 pm

**Resolution #12-234** Consenting to the Proposed Water Quality Management Plan (WQMP) Amendment entitled, “Countywide Wastewater Management Plan for the County of Somerset, New Jersey: Future Wastewater Service Areas.”

**WHEREAS**, the Somerset County Board of Chosen Freeholders and Somerset County Planning Board desire to provide for the orderly development of wastewater facilities throughout the County of Somerset; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater service areas, as well as related subjects, be in conformance with an approved Water Quality Management Plan; and

**WHEREAS**, the NJDEP has established the WQMP amendment procedure as the method of incorporating changes to the previously adopted wastewater service areas consistent with the requirements established in N.J.A.C. 7:15-5.24; and

**WHEREAS**, a proposed WQMP amendment noticed in the New Jersey Register on May 21, 2012 for the “Countywide Wastewater Management Plan for the County of Somerset: Proposed Future Wastewater Service Areas”, has been prepared by the Somerset County Planning Board in coordination with the Township of Franklin and the NJDEP;

**WHEREAS**, the Somerset County Planning Board continuously coordinated its work on the proposed “Future Wastewater Service Areas” with the Township of Franklin Wastewater Management Planning Committee appointed by the Mayor, NJDEP, affected property owners, sewer authorities and other stakeholders, and compiled and submitted the site-specific documentation required to achieve NJDEP acceptance of the proposed “Future Wastewater Service Areas” in accordance with NJDEP’s interim review process; and

**WHEREAS**, all wastewater management planning work by the Somerset County Planning Board has been undertaken in a transparent manner with meaningful public participation through the provision of certified notices to property owners affected by proposed modifications to the sewer service area (SSA) boundaries; posting of maps illustrating the proposed SSA boundaries and related geographic information datasets on the County Planning Board website; issuing public press releases regarding said postings; and hosting the NJDEP Public Meeting on the proposed SSAs on January 20, 2011, in accordance with the requirements of NJDEP Commissioner Martin’s Administrative Order 2010-03; and

**NOW, THEREFORE, BE IT RESOLVED** on this 22<sup>nd</sup> of May, 2012, by the governing body of the Township of Franklin that:

1. The Township of Franklin hereby consents to the amendment entitled, “Countywide Wastewater Management Plan for the County of Somerset : Future Wastewater Service Areas”, noticed on May 21, 2012, prepared by the Somerset County Planning Board for the purpose of its incorporation into the applicable WQMPs.
2. This Resolution shall be submitted to the NJDEP in accordance with N.J.7:15-3.4.
3. Copies of this Resolution shall be provided to the Board of Chosen Freeholders of the County of Somerset; Somerset County Planning Board and the Township of Franklin Wastewater Management Planning Committee.

#### **RESOLUTION VOTED ON SEPARATELY**

**Resolution #12-219** Adjust Water Charges.

Mayor Levine presented the following resolution to the Township Council for adoption:

**WHEREAS**, there was unusually high water charges resulting from hardships as follows:

<u>Name</u>	<u>Location</u>	<u>Quarter</u>	<u>Amount</u>
Ranjit Gulati	122 Charles Street Block 417.02, Lot 22.03	01/01/12	\$ 858.00
Colonnade Homes	Colonnade Homes Block 424.10, Lot 303	03/01/12	\$5,183.22

**WHEREAS**, it has been determined that the high usage for Block 417.02, Lot 22.03 and Block 424.10, Lot 303 is a result of a hardship; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Collector of Revenue is hereby directed to adjust the aforesaid water charges to reflect the charges for said water paid by the Township to its bulk supplier, specifically a reduction to:

<u>Name</u>	<u>Location</u>	<u>Quarter</u>	<u>Reduced Amount</u>
Ranjit Gulati	122 Charles Street Block 417.02, Lot 22.03	01/01/12	\$ 310.20
Colonnade Homes	Colonnade Homes Block 424.10, Lot 303	03/01/12	\$1,873.93

**Motion** – Remove Colonnade Homes from Resolution

A motion was made by Mr. Vassanella, seconded by Mayor Levine to remove Colonnade Homes from the resolution. The motion failed as follows upon call of the roll:

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

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

**Resolution #12-235** Authorizing Fireworks Display – The Palace at Somerset – Castillo/Meo Wedding – Friday, June 8, 2012 –Between 9:00 pm & 9:40 pm – End by 10:00 pm.

Mayor Levine presented the following resolution to the Township Council for adoption:

**WHEREAS**, The Palace at Somerset Park has made application for permission to hold a fireworks display on the following date:

Castillo/Meo Wedding	Friday, June 8, 2012
Start Time:	Between 9:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ord.

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

**WHEREAS**, the following conditions have been met:

- (1) Submission to the Director of Fire Prevention an application pursuant to and meeting the specifications of the Uniform Fire Code and the New Jersey Fireworks Act;

- (2) Approval of the location of the storage place for said fireworks by the Director of Fire Prevention;
- (3) Submission of Certificate of Insurance by The Palace covering the fireworks; and
- (4) Submission of Surety as per N.J.S.A. 21:3-5;
- (5) Notice given to The Palace at Somerset Park that the Fireworks Display must begin no earlier than 9:00 p.m. and no later than 9:40 p.m. and end by 10:00 p.m. as per the Township's Noise Ordinance

**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 Palace at Somerset Park to hold a fireworks displays on the following dates:

Castillo/Meo Wedding	Friday, June 8, 2012
Start Time:	Between 9:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ord.

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

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

#### **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: *Personnel: Capuzzo.*
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 Ms. Sherman and carried as follows upon call of the roll:

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

The meeting adjourned to Executive Session at 11:25 p.m.

Upon motion by Mr. Prasad, seconded by Mr. Regan, the meeting reconvened at 11:40 p.m.

Mayor Levine announced the discussion during Executive Session was as follows:  
*Personnel - Capuzzo*

**ADJOURNMENT**

Motion was made by Mr. Vassanella and seconded by Mr. Wright to adjourn to the meeting at 11:40 p.m. Motion was carried unanimously.

Approved: *As Submitted*

Brian D. Levine, Mayor

Date: *July 10, 2012*

Ann Marie McCarthy, Township Clerk