

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 7:08 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 8, 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 Wright led the Invocation.

The Township Clerk called the roll.

Present: Ms. Francois, Deputy Mayor Kramer, Mayor Levine, Mr. Prasad, Mr. Regan, Ms. Sherman, Mr. Wright

Absent: Mr. Chase, Mr. Vassanella

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

### **COMMENDATIONS/PROCLAMATIONS**

#### **AMA National Competition – Divas & Gents**

Ms. Francois presented the following commendation:

**WHEREAS**, the Divas & Gents Drill and Drum Squad, a community, non-profit organization that instills in its members self respect, respect for others, discipline and the importance of unity in the communities of Franklin Township and New Brunswick; and

**WHEREAS**, members of the drill and drum squads range in age from eight to seventeen and adults volunteer their time and also participate in their own drill squad; and

**WHEREAS**, this year-long training and coaching of the dedicated members of **Divas and Gents Drill and Drum Squad** is a concerted effort by adult volunteers and parents who encourage young children and young adults to find common ground where they can grow and experience the joy of participating in worthwhile pastimes; and

**WHEREAS**, in November 2011 at the American Marching Association Drill Team Competition in Trenton the Open and Drum Squad placed first and now have the title of Multi State Champions and the Junior Squad took second place and the Intermediate Squad took third place; and

**WHEREAS**, the second round of the competition was held in February at Cheyney University in Pennsylvania where the Junior and Open Squad placed second and the Intermediates and Drummers placed third which resulted in all the teams qualifying to move on to the Semi Finals held in Atlantic City on March 24, 2012; and

**WHEREAS**, all the squads competed in the Semi Final Rounds where the Intermediate Squad came in first place and the Open and Junior Squads came in third place moving them on to the National Competition to be held on June 2, 2012 in Wildwood, New Jersey;

**NOW, THEREFORE, We, Brian D. Levine, Mayor and Councilwoman Kimberly Francois** of the Township of Franklin, County of Somerset, New Jersey, on behalf of the Township Council, do hereby thank and congratulate the coaches for their tireless dedication and the members of the **Divas and Gents Drill and Drum Squad** for the honor they have bestowed on themselves, their families and their community and wish them luck in the National Competition in June.

**Honoring Dr. Lal Mohan Hore**

Mr. Prasad presented the following proclamation:

**WHEREAS**, on behalf of the Township of Franklin, Somerset County, we wish to extend our sincere condolences over the passing of Dr. Lal Mohan Hore; and

**WHEREAS**, Dr. Hore's death leaves our community with a deep feeling of sorrow for the loss of such an honored and respected man; and

**WHEREAS**, Dr. Hore served our Indian-American community in various capacities, too numerous to list, but which would include the co-founding of "Kallol of New Jersey" which became the nation's most vibrant community of Bengali Indians and the co-founding of Ananda Mandir, an Indian temple and cultural center in Somerset; and

**WHEREAS**, Dr. Hore earned the respect, admiration and high regard of all with whom he came into contact, and our community has sustained a great loss in his death;

**NOW, THEREFORE, We, Brian D. Levine, Mayor and Councilman Rajiv Prasad** of the Township of Franklin, County of Somerset, State of New Jersey, extend our sincere sympathies to his family and the Indian-American community upon Dr. Lal Mohan Hore's passing.

**Rangam Consultants Inc. & Webteam Corporation**

Mr. Prasad presented the following commendation:

**WHEREAS**, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as one in 150 children nationally, and 1 in 94 in New Jersey; and

**WHEREAS**, while there is no cure for autism, it is well-documented that if individuals with autism participate in treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

**WHEREAS, RANGAM CONSULTANTS INC. AND WEBTEAM CORPORATION**, a Somerset based technology company, has developed technology and a method for Autism intervention based on Applied Behavior Analysis that is offering supplemental intense intervention to children and youths, utilizing touch screen technology, webcams and mobile devices; and

**WHEREAS, RANGAM CONSULTANTS INC. AND WEBTEAM CORPORATION** has developed a program called "COLORS" for school and home use, using iPads, tablets and kiosk systems to reinforce the teacher's or parent's strategy to deliver consistent intervention to the Autistic child,

**NOW, THEREFORE, BE IT RESOLVED that We, BRIAN D. LEVINE**, Mayor of the Township of Franklin, and **COUNCILMAN RAJIV PRASAD**, on behalf of the Township Council, Township of Franklin, County of Somerset, New Jersey do hereby commend and acknowledge the contributions of **RANGAM CONSULTANTS INC. AND WEBTEAM CORPORATION** and their dedication to the support and betterment of the Global Autism Community.

### **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: Grandmother in honor of Mother's Day this weekend.
- Announced that Governor Christie would be holding a Town Hall Meeting at the National Armory on Thursday, May 10<sup>th</sup> at 3 p.m.
- Announced he attended the NJ Conference of Mayors in Atlantic City last week.
- Commended Mr. Wright on his work to save the Post Office on Franklin Boulevard.
- Announced that National Day of Prayer was May 3<sup>rd</sup>.
- Reported on the success of the FHS Play, *Phantom of the Opera*.
- Commended the success of the Sierra Leone Parade and Festival.

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

Deputy Mayor Kramer reported on the following:

- Announced that on Thursday, May 10<sup>th</sup> at 7:45 am at the Fairfield Inn, the Unity Tour will kick off.
- Reported the Jain Center, which is still under construction, was open for a tour on Saturday and will have a 9 day grand opening in July.
- Stated *Phantom of the Opera* was fabulous.

### **PUBLIC DISCUSSION**

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

Carol Bellow, Henry Street, spoke on the speeding issues on Henry Street and submitted petitions from all those on Henry Street asking for speed humps.

Margaret Donato, Kossuth Street, asked for help in their neighborhood and for speed humps on her street. She also submitted petitions to the Township Manager.

Paul Heffer, President, East Millstone First Aid and Rescue Squad, spoke of the consideration by the Township to reduce funding to them. He asked that the funding not be reduced. He spoke members' opposition of not becoming a paid squad, noting they would lose

their donations and volunteers would decrease. He provided an update on their new building. He stated they are close to acquiring land from the County and there are in the process of obtaining a mortgage. He noted that banks are leery of lending money to non-profit organizations. Mr. Regan asked what the status was of the Township obtaining their land and the County giving their land to the Squad. Mr. Novick replied they are awaiting results from the appraiser.

Keith Stewart, 26 Atlantic Road, thanked Council for their support for the improvements to Middlebush Park and asked for their support on the capital projects and ordinances scheduled for adoption this evening.

Lewis Hurd, 3 Fieldcrest Drive, echoed Mr. Stewart's comments and invited Council to the opening games on the new fields.

Vivian Campbell, EMFAS, 24 Woods Road, Hillsborough, stated her reason to be on East Millstone's squad rather than Hillsborough is because East Millstone is not paid and she refused to be on a squad that charges people. She stated she is proud to be on this squad.

Christine Hardison, Captain, EMFAS, stated she understood the budget constraints that Council faces and noted the stipend has always been appreciated. She asked that Council consider phasing the decrease to lessen its impact to the Squad.

Bill Gallagher, 36 Lake Avenue, Soccer Board, Facilities Coordinator, asked for continued support of Council for the ordinances and resolutions.

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

#### **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 Ms. Francois, 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>
Francois	Kramer	Levine			Chase
Prasad	Regan	Sherman			Vassanella
Wright					

The meeting adjourned to Executive Session at 7:55 p.m.

Upon motion by Mr. Regan, seconded by Mr. Prasad, the meeting reconvened at 8:05 p.m.

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

### **STANDING COMMITTEE REPORTS**

#### *a) Administration*

Ms. Francois reported the committee has not met recently and have scheduled a meeting for May 24<sup>th</sup>. She stated that the main item is the performance review of the Township Manager as he approaches his one year mark.

#### *b) Financial Oversight*

Deputy Mayor Kramer reported that the committee reviewed the CDBG grant projects and the financial consultant contract. He reported it was the recommendation of the committee to add the 5% that the financial consultant reduced his contract two years ago back into the contract.

Deputy Mayor Kramer spoke of the open space trust fund in regards to the funds available for the improvements to Middlebush Park,

#### *c) Public Safety*

As a result of not meeting since the last Council meeting, there was no report made at this time.

#### *d) Land Use, Open Space, Parks & Recreation*

As a result of not meeting since the last Council meeting, there was no report made at this time.

#### *e) Public Works*

As a result of not meeting since the last Council meeting, there was no report made at this time.

### **COUNCIL COMMENTS/REPORTS**

Mr. Prasad announced the birth of his third grandchild, a granddaughter. He spoke of Boy Scout Troop 113 to which his son once belonged to and noted it was nice to see them at tonight's meeting. Mr. Prasad spoke on the upcoming grand opening of the Jain Center scheduled for July 1-9. He reported that the Human Relations Commission will be televising its June meeting. He congratulated Arsha Boda on its 12<sup>th</sup> anniversary. He wished everyone a happy mother's day.

**Motion** – Amend Agenda

A motion was made by Mr. Wright, seconded by Mr. Prasad to amend the agenda and move the public hearings of Ordinances 3975-12 and 3976-12 to this point of the meeting. Said motion carried unanimously upon voice vote.

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

**Ordinance No. 3975-12**

Mayor Levine presented the following ordinance:

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

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.

Deputy Mayor Kramer 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.

Scott Levinson, 12 Smithwold Road, supported the ordinance and asked what was included in the ordinance. Mr. Novick replied one turf field and the electrical services to the park.

Bill Gallagher, 36 Lake Avenue, thanked everyone and supported the ordinance.

Keith Stewart, 26 Atlantic Road, he questioned how the ordinance was worded and noted it does not mention the words "development of Middlebush Park" and that the construction of two turf fields is not specified.

Ronald Jordan, 4 Buell Street, called attention that Inman Park needed repairs and the expansion and improvements are needed.

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

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

<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>
Francois	Kramer	Levine			Chase
Prasad	Regan	Sherman			Vassanella
Wright					

**Ordinance No. 3976-12**

Mayor Levine presented the following ordinance:

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

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 Deputy Mayor Kramer 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. Wright 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. Wright 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>
Francois	Kramer	Levine			Chase
Prasad	Regan	Sherman			Vassanella
Wright					

**COUNCIL COMMENTS (CONTINUED)**

Mr. Wright reported on the FREE "How to be a Smart Buyer/Seller" - 2012 Homeownership Seminar from 10:00am-1:00pm. On Saturday June 9, 2012 at the Franklin Township Community/Senior Center, 505 DeMott Lane. He read the following from the flyer which is posted on the Township's website: "If you would like to learn more about the smart way to achieve Homeownership, this seminar is for you! If you would like to learn more about the smart way to sell your home, this seminar is for you too!" He reported that sessions will be held simultaneously for prospective buyers and sellers, featuring experts in the real estate industry who will share their knowledge with you.

Mr. Wright reported that the next 4<sup>th</sup> of July Celebration meeting is scheduled for May 16<sup>th</sup> where they will discuss how to raise funds and iron out the details for funding sources. He also reported on support to keep the post office on Hamilton Street.

Ms. Sherman presented a proposal to Council that they present reports from the boards and commissions they serve as liaisons to at the second Council meeting. She asked that Council restore \$3,000 to \$5,000 back to the senior groups' budget. She reported on the long awaited traffic light at the Weston Canal Road exit on the south side that it would be installed this summer by the County. She spoke on legislation to move the fire district budgets to November. She announced the Cultural Arts Council will be providing the entertainment for the 4<sup>th</sup> of July Celebration. She noted there will be various performers and craft vendors. She spoke of a meeting with the NJ Manufacturing Organization and Congressman Holt regarding the increase of manufacturing companies remaining in the United States and a school program with two companies from the Township, Microstamping and Odicon, regarding select students

and job training. She reported on the Career Expo and its success. She announced the NJ Orators annual awards dinner is June 9<sup>th</sup>.

Mr. Regan commented the two capital ordinances and noted it is a good strategy and policy for park improvements to move forward. He stated Council will continue to look at ways to use the funds. He stated he is looking forward to the next meeting and to find out how they are proceeding with the relocation of the East Millstone First Aid Squad.

Mr. Regan reported on the Consolidation Report by the County regarding a regional Police Department that will be going to the Public Safety committee and then back to Council for a more detailed discussion. He stated there is a lot of information to be evaluated and analyzed and he is disappointed that municipalities only have three months to review the report that took two years to put together.

Ms. Francois announced that FYI has their first and only sponsor and received \$5,000 for their teen drop in-center. She commended the success of the Career Expo. She reported on the grand opening of Investors Bank on Pierce Street. She stated that FYI was recognized by the Regional President and was awarded new computers, new furniture and cabinets. She congratulated Ms. Sherman on her hard work. She expressed her contentment on the passage of the two ordinances for the improvements of the parks.

Deputy Mayor Kramer stated the adoption of the two capital ordinances is a major step forward in building these parks. He requested a time line from the Township Manager or the Land Use Committee that outlines the schedule of improvements to the parks. Mr. Regan agreed and asked that it include a project plan and target date.

**Motion** – Time Line for Park Improvements

Mr. Wright made a motion that a time line drafted by the Land Use Committee regarding park improvements and to come back at the next information at the next meeting. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

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 wished all a happy mother's day. He thanked Mr. Regan for his report on the police consolidation report by the County. He presented the pet of the month – Chester the cat.

Mayor Levine thanked the Boy Scout troop for attending the meeting. He stated that open space was first used for the purchasing of property and now they are starting a new phase – recreation phase. He agreed that the police consolidation report needs to be reviewed and discussed.

**COUNCIL DISCUSSION ITEM**

**FY2011 Audit**

Mr. Hodulik reported that Council received the FY2011 Audit. He stated that Council is required to sign the affidavit that they have read the general comments and recommendations. A resolution is on the consent agenda stating the same. He stated there are no recommendations in this year's audit and commended the staff for resolving prior years' issues and not adding any new issues.

**APPROVAL OF MINUTES**

Mayor Levine presented the following minutes for approval by Council: Work Session/Regular Meeting & Execution Session of February 14, 2012 and February 28, 2012. Mr. Prasad moved the approval of the following minutes: Work Session/Regular Meeting &



Execution Session of February 14, 2012 and February 28, 2012. 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>
Francois	Kramer	Levine			Chase
Prasad	Regan	Sherman			Vassanella
Wright					

#### APPROVAL OF WARRANTS

Mayor Levine presented the following warrants in the amount of \$11,711,783.97 for May 8, 2012 to the Township Council for payment:

1	Current	8,694,147.61
2	Grant	3,626.63
3	Tax Title Lien	447,753.96
4	General Capital	4,564.84
5	Water	484,161.79
6	Water Capital	
7	Water Assessment	
11	Recreation Trust	4,294.56
12	Trust Others	1,421.55
13	Unemployment	
15	Redevelopment	
17	Animal Control	1,985.00
19	Self Insurance	5,504.52
20	Affordable Housing	6,300.00
30	Payroll	235,541.21
37	Police Forfeiture	
39	Worker's Comp	
40	Open Space	1,822,482.30
42	Redevelopment Escrow	
50	County Imp Auth Fund	
	Subtotal	11,711,783.97
	Escrow	
	Grand Total	11,711,783.97

Mr. Prasad moved that warrants in the amount of \$11,711,783.97 for May 8, 2012 to be paid. Said motion was seconded by Ms. Sherman and carried as follows upon call of the roll:

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

#### CY2012 CURRENT, CAPITAL, OPEN SPACE AND WATER UTILITY BUDGET

**Resolution #12-182** Authorize to Read Budget by Title Only

Mayor Levine presented the following resolution for consideration by the Township Council:

**BE IT RESOLVED**, by the Township Council of the Township of Franklin, County of Somerset that it hereby determines that the CY2012 Municipal Budget shall be read by its title, as per NJSA 40A:4-8 and it is declared that all required conditions have been met.

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

**Public Hearing on CY2012 Municipal Budget, As Advertised**

Mr. Wright moved to open the meeting for a public hearing on the CY2012 Municipal Budget, as advertised. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

Mayor Levine stated the meeting was open for public hearing on the CY2012 Municipal Budget, as advertised. If anyone was interested in speaking to raise their hand and when recognized, state their name and address.

There being no comments from the public, Mr. Wright moved to close the meeting for a public hearing on the CY2012 Municipal Budget, as advertised. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

**Resolution #12-183** Amend CY2012 Current, Capital, Open Space & Water Utility Budget

Mayor Levine presented the following resolution for consideration by the Township Council:

**WHEREAS**, the local municipal budget for the calendar year 2012 was approved on the 8<sup>th</sup> day of May, 2012; and

**WHEREAS**, the public hearing on said budget has been held as advertised; and

**WHEREAS**, it is desired to amend said approved budget;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of Franklin, County of Somerset, New Jersey, that the following amendments to the approved budget for the calendar year 2012 be made:

	<b><u>Ayes</u></b>	<b><u>Nays</u></b>	<b><u>Abstained</u></b>
	(Francois	(None	(None
Recorded Vote	(Kramer	(	(
(Insert last names)	(Levine		
	(Prasad		<b><u>Absent</u></b>
	(Regan		(Chase
	(Sherman		(Vassanella
	(Wright		

	<b><u>From</u></b>	<b><u>To</u></b>
Current Fund – Anticipated Revenues:		
General Revenues		
1. Surplus Anticipated	<u>\$ 7,212,346.00</u>	<u>\$ 7,502,346.00</u>
Total Surplus Anticipated	<u>7,212,346.00</u>	<u>7,502,346.00</u>
3. Miscellaneous Revenues		
Section A: Local Revenues:	335,000.00	200,000.00
Licenses – Other		
Fees and Permits		
Fines and Costs: Municipal Court	350,000.00	300,000.00
Interest and Costs on Taxes		

Interest on Investments and Deposits	325,000.00	220,000.00
Host Community Benefit Funds		
Swimming Pool Fees		
 Total Miscellaneous Revenues – Section A	<u>2,900,000.00</u>	<u>2,610,000.00</u>
 Total Miscellaneous Revenues	<u>11,984,159.00</u>	<u>11,694,159.00</u>
 5. Subtotal General Revenues	<u>\$ 55,174,875.00</u>	<u>\$ 55,174,875.00</u>

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the calendar year 2012 local municipal budget so amended.

It is hereby certified that this a true copy of a resolution amending the budget, adopted by the governing body on the 8<sup>th</sup> day of May, 2012.

The aforesaid resolution was moved by Mr. Wright, seconded by Mr. Prasad. Said motion was carried as follows 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	Francois	Kramer			Regan
Levine	Prasad	Sherman			Vassanella
Wright					

**Resolution #12-184** Adopt CY2012 Current, Capital, Open Space & Water Utility Budget

Mayor Levine presented the following resolution for consideration by the Township Council:

**BE IT RESOLVED**, by the Mayor and Township Council of the Township of Franklin, County of Somerset, New Jersey, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 30,613,644.00 (Item 2 below) for municipal purposes, and
- (d) \$ 4,483,300.00 (Sheet 43) Open Space Trust Fund Levy
- (e) \$ 3,164,726.00 (Item 5 below) Minimum Library Tax

	<u><b>Ayes</b></u>	<u><b>Nays</b></u>	<u><b>Abstained</b></u>
Recorded Vote	(Francois	(None	(None
(Insert last names)	(Kramer	(	(
	(Levine		
	(Prasad		<u><b>Absent</b></u>
	(Regan		(Chase
	(Sherman		(Vassanella
	(Wright		

Current Fund:

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$ 7,502,346.00
Miscellaneous Revenues Anticipated	11,694,159.00
Receipts from Delinquent Taxes	2,200,000.00
2. Amount to be Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11)	30,613,644.00
5. Amount to be Raised by Taxation - Minimum Library Tax (Item 6(c), Sheet 11)	<u>3,164,726.00</u>

Total Revenues \$ 55,174,875.00

SUMMARY OF APPROPRIATIONS

5. General Appropriations

Within "CAPS"

(a&b) Operations Including Contingent \$ 34,412,228.00

(e) Deferred Charges and Statutory Expenditures – Municipal 5,784,244.00

Excluded from "CAPS"

(a) Operations – Total Operations Excluded from "CAPS" 4,559,043.00

(b) Capital Improvements 822,250.00

(c) Municipal Debt Service 4,797,110.00

(m) Reserve for Uncollected Taxes 4,800,000.00

Total Appropriations \$ 55,174,875.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 8<sup>th</sup> day of May, 2012. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the CY 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

The aforesaid resolution was moved by Mr. Wright, seconded by Mr. Prasad.

**Motion** – Amend Budget – Reduce Road Improvements Appropriation

A motion was made by Mayor Levine to reduce the road improvements from \$5 million to \$2.5 million. Said motion was seconded by Deputy Mayor Kramer. A discussion ensued regarding the need and the amount for road improvements by Council. Said motion **failed** as follows upon call of the roll:

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

Said motion was 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	Francois	Kramer			Regan
Levine	Prasad	Sherman			Vassanella
Wright					

**ORDINANCE ON INTRODUCTION AND FIRST 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 the foregoing ordinance is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 22, 2012 at 7:00 p.m. in the Municipal Complex.

Mr. Prasad moved the foregoing ordinance for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on May 22, 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			Regan
Levine	Prasad	Sherman			Vassanella
Wright					

**Motion** – Temporary Liaison between Financial Oversight/Land Use/Open Space Advisory Committee

A motion was made by Mr. Wright to appoint Phillip Kramer as a temporary liaison between the Financial Oversight Committee; the Land Use Standing Committee and the Open Space Advisory Committee to allow the free flow of information regarding funding and Middlebush Park improvements to expire December 31, 2012. Said motion was seconded by Mr. Prasad and carried unanimously upon acclamation.

### **CONSENT AGENDA**

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

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

**Resolution #12-186** Approval of Fireworks Display – The Palace at Somerset – Bertelle/Ibrahim Wedding, Saturday, May 12<sup>th</sup>; Patel/Modi Wedding, Sunday, May 13<sup>th</sup>; and Menezes/Nalval Wedding, Saturday, May 26<sup>th</sup> – All displays begin between 8:00 pm and 9:40 pm for approximately 10-12 minutes.

**WHEREAS**, The Palace at Somerset Park made application on April 25, 2012 for permission to hold fireworks displays on the following dates:

Bertelle/Ibrahim Wedding	Saturday, May 12, 2012
Start Time:	Between 8:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ordinance

Patel/Modi Wedding	Sunday, May 13, 2012
Start Time:	Between 8:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ordinance

Menezes/Nalval Wedding	Saturday, May 26, 2012
Start Time:	Between 8:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ordinance

**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 8:00 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:

Bertelle/Ibrahim Wedding	Saturday, May 12, 2012
Start Time:	Between 8:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ordinance

Patel/Modi Wedding	Sunday, May 13, 2012
Start Time:	Between 8:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ordinance

Menezes/Nalval Wedding	Saturday, May 26, 2012
Start Time:	Between 8:00 p.m. to 9:40 p.m.
Duration:	10-12 Minutes
End Time:	Prior to 10:00 p.m. as per Township Noise Ordinance

**Resolution #12-187** Certification of Review of Annual Report of Audit – FY2011.

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for FY2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS, R.S. 52:27BB-34** authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each Municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled: " Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum, the Annual Report of Audit and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

**R.S. 52:27BB-52 - "A local officer or member of local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office."**

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required Affidavit to said Board to show evidence of said compliance.

**Resolution #12-188** Support A-2717 – Extending the time period for municipalities to commit to expend collected development fees and payments-in-lieu of taxes of constructing affordable units.

**WHEREAS**, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be “committed for expenditure, or risk forfeiture to the State;” and

**WHEREAS**, the 2008 Act did not define the term “committed for expenditure” and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for “committed” as well as a timetable for expenditures; and

**WHEREAS**, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

**WHEREAS**, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

**WHEREAS**, at the time of 2008 Act, COAH was prepared to adopt its “3<sup>rd</sup> round regulations” establishing municipal obligations under the “Fair Housing Act”; and

**WHEREAS**, COAH’s 3<sup>rd</sup> round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

**WHEREAS**, eight years of litigation over COAH’s methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

**WHEREAS**, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

**WHEREAS**, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

**WHEREAS**, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Franklin, County of Somerset urges our State Legislators to **support and approve A-2717**, which will provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, Senator Bob Smith, Assemblymen Upendra Chivukula and Joseph Egan, members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

**Resolution #12-190** Authorize Discharge of Mortgage & Affordable Housing Agreement – 89 Sapphire Lane, Franklin Park.

**BE IT AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the Mayor and Township Clerk be and they are hereby authorized to execute a Discharge of Affordable Housing Agreement and Discharge Mortgage for the premises known as 89 Sapphire 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 #12-191** Authorize Release of Planning Review and Inspection Escrows.

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

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

DATE REC'D BY ENGINEERING:	07/01/10	
APPLICANT:	James Lenihan	
ADDRESS:	82 Winchester Way, Somerset, NJ 08873	
DOCKET NO.	ZBA-10-00018	
BLOCK/LOT:	259/81	
LOCATION:	1225 Easton Avenue	
TYPE:	Plan Review	
AMOUNT DEPOSITED:	\$180.00 (Atty)	\$1,820.00 (Twp)
AMOUNT CHARGED:	<u>180.00</u>	<u>1,740.48</u>
AMOUNT TO BE REFUNDED:	\$ 0.00	\$ 79.52

DATE REC'D BY ENGINEERING:	07/17/01	
APPLICANT:	Soccer Centers	
ADDRESS:	215 Route 22, East Greenbrook, NJ 08812	
DOCKET NO.	ZBA2002-0014	
BLOCK/LOT:	517.01/3.19 & 3.20	
LOCATION:	100 Memorial Drive	
TYPE:	Inspections	
AMOUNT DEPOSITED:	\$300.0 (Twp)	
AMOUNT CHARGED:	<u>200.00</u>	
AMOUNT TO BE REFUNDED:	\$100.00	



DATE REC'D BY ENGINEERING: 07/19/11  
 APPLICANT: Trap Rock Industries  
 ADDRESS: PO Box 419, Kingston, NJ 08528  
 DOCKET NO. PLN-11-00014  
 BLOCK/LOT: 5.02/112.03  
 LOCATION:  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$435.00 (Atty) \$2,565.00 (Twp)  
 AMOUNT CHARGED: 435.00 2,208.26  
 AMOUNT TO BE REFUNDED: \$ 0.00 \$ 356.74

DATE REC'D BY ENGINEERING: 05/25/11  
 APPLICANT: Jerome Muratore  
 ADDRESS: 54 Layette Avenue, Voorhees, NJ 08043  
 DOCKET NO. PLN-07-00050  
 BLOCK/LOT: 5.02/119.02  
 LOCATION: 4447 Route 27  
 TYPE: Plan Review  
 AMOUNT DEPOSITED: \$1,000.00 (Twp)  
 AMOUNT CHARGED: 475.41  
 AMOUNT TO BE REFUNDED: \$ 524.59

**Resolution #12-192** Authorize Release of Maintenance Bonds.

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

DATE RECEIPT BY ENGINEERING: 048/10  
 NAME OF APPLICANT: Edward & Maureen Matson  
 ADDRESS OF APPLICANT: 4 Nevins Court, Hillsborough, NJ 08844  
 ITEM: Bond #1048640  
 DOCKET: ZBA-07-00013  
 IN THE AMOUNT OF: \$8,150.04  
 FOR: Two-Year Maintenance Bond – Block 94/Lot 5 – 190  
 Delmonico Avenue

**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 Maintenance Bond be released to the aforesaid applicant as stated above.

**Resolution #12-193** 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: 12/20/11  
 NAME OF APPLICANT: Summerfields at Franklin, LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 ITEM: Check #2476 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00  
 DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.04 , Lot 1 – 2 Hopkinson Lane

DATE RECEIPT BY ENGINEERING: 12/20/11  
 NAME OF APPLICANT: Summerfields at Franklin, LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 ITEM: Check #2477 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00

DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.04, Lot 3 – 6 Hopkinson Lane

DATE RECEIPT BY ENGINEERING: 12/20/11  
 NAME OF APPLICANT: Summerfields at Franklin,LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 ITEM: Check #2478 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00  
 DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.04, Lot 5 – 10 Hopkinson Lane

DATE RECEIPT BY ENGINEERING: 12/20/11  
 NAME OF APPLICANT: Summerfields at Franklin,LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 ITEM: Check #2476 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00  
 DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.04, Lot 6 – 12 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 #2601 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00  
 DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.03, Lot 11 – 21 Hopkinson Lane

DATE RECEIPT BY ENGINEERING: 01/05/12  
 NAME OF APPLICANT: Summerfields at Franklin,LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 ITEM: Check #2496 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00  
 DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.03, Lot 12 – 19 Hopkinson Lane

DATE RECEIPT BY ENGINEERING: 12/20/11  
 NAME OF APPLICANT: Summerfields at Franklin,LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 ITEM: Check #2480 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00  
 DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.04, Lot 7 – 14 Hopkinson Lane

DATE RECEIPT BY ENGINEERING: 12/20/11  
 NAME OF APPLICANT: Summerfields at Franklin,LLC  
 ADDRESS OF APPLICANT: 812 Central Avenue, Westfield, NJ 07090  
 ITEM: Check #2497 – JP Morgan Chase Bank, N.A.  
 IN THE AMOUNT OF: \$500.00  
 DOCKET: PLN-09-00029  
 FOR: Winter Bond – Block 516.03, Lot 15 – 13 Hopkinson Lane

**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 #12-194** Authorize 2012 Recycling Tonnage Grant Application.

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the 2011 Recycling Tonnage Grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Franklin in the County of Somerset and State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas Zilinek, Township Engineer/Director of DPW as Recycling Coordinator to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**Resolution #12-195** Authorize Tax Title Lien Redemptions – Outside Buyers.

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

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

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

MONTH	LIENHOLDER	BLOCK	LOT	QUAL	PREMIUM	CERT #	NAME	PAYMENT RECD AMOUNT	LIENHOLDER TOTAL	
APRIL	ACE PLUS LLC	423.01	17.08		400.00	11-00382	HANKERSON, ROBBIN	4/17/2012 591.66		
		377	10		500.00	11-00390	ROBBINS, ADRIAN	785.50		
					<b>900.00</b>			<b>1,377.16</b>	2,277.16	
	US BANK CRESTAR	276	6.01		900.00	TY-11440	SIKRAM, JAIPERTAB	1,483.97		
					<b>900.00</b>			<b>1,483.97</b>	2,383.97	
	DAIS, IAFAYE	34.09	59.02	C5012		200.00	TY-11125	PEREZ, ROBERT	202.31	
					<b>200.00</b>			<b>202.31</b>	402.31	
	ELLIOT LOEB KEOGH PLAN	452	57			100.00	TY-11711	RICHARDSON, SCOTT	333.58	
		386.17	275			100.00	TY-11611	SERAFIN, GEORGE	527.74	
		34.09	59.02	CO397		200.00	TY-11120	PEMBERTON, CATHY	841.93	
		194	112			200.00	TY-11344	PICADO, JOSE	353.44	
		424.04	294			100.00	TY-11659	PETTY, ROBERT	198.54	
386.18		61				TY-11616	THOMAS, CEDRIC	277.76		
417.02		343			100.00	TY-11636	GUILLAUME, PHILIPPE	384.62		

12-20

May 8, 2012 – Work Session/Regular Meeting

			<b>800.00</b>			<b>2,917.61</b>		3,717.61
US BANK EMP IV CAP ONE	196	1.01	1,200.00 TY-11354		EMMANUEL, LEONA	2,671.78		
			<b>1,200.00</b>			<b>2,671.78</b>		3,871.78
FNA JERSEY BOI, LLC	331	14	TY-11507		RIVERA, RICHARD	1,043.09		
	147	31	TY-11258		YOUNG, SCOTT	727.19		
						<b>1,770.28</b>		1,770.28
FRANK J. FESTA, JR	424.08	117	300.00 11-00397		RICHARDSON, SABRINA	403.62		
	424.08	117	TY-11671		RICHARDSON, SABRINA	508.00		
	301	4.01	TY-11483		PHILLIPS, PAUL	564.25		
	301	4.01	300.00 11-00280		PHILLIPS, PAUL	549.04		
	424.10	120	TY-11685		JOHNSON, CARRIE	614.13		
	424.10	120	400.00 11-00403		JOHNSON, CARRIE	548.17		
	386.17	174	300.00 11-00361		DUBLIN, DELORES	403.62		
			<b>1,300.00</b>			<b>3,590.83</b>		4,890.83
L FRIEDEMANN	34.09	59.02 C0102	200.00 11-00059		VICE, ADELLE	843.85		
	37.02	3.01 C0202	200.00 11-00076		BROOKS, PHILIP	699.94		
			<b>400.00</b>			<b>1,543.79</b>		1,943.79
G HARRO LLC	295	10	100.00 11-00270		MIVANTI, SYLAS	727.67		
	475	5	200.00 11-00421		CHIOCCHI, SCOTT	784.29		
	301	1	300.00 11-00279		TAYLOR, EDWARD	1,220.50		
	171.02	258	300.00 TY-11298		FRAZIER, JESSIE	888.57		
	95	23	TY-11226		BETHEL UNITED	834.85	4/16/2012	
	34.09	59.02 C0127	100.00 TY-11109		GROSS, LAURICE	740.66	4/17/2012	
	98	12	300.00 TY-11232		PATTI, PAOLO	1,748.66		
	181	38	400.00 TY-11317		CHARLES, CAROL	1,280.88		
	34.04	8.01 C0144	100.00 TY-11059		SEMENICK, PETER	635.10		
	218	16.01	300.00 11-00221		COLLADO, DIONISIO	1,808.78		
	216	8.01	100.00 TY-11371		BADRAN, AMRO	2,537.42		
	34.09	59.02 C0313	TY-11117		RAMANATHAN, P	427.44		
	194	88	100.00 TY-11342		RIVERA-CABRERA, N	801.51		
	83	17.36	300.00 TY-11186		LEWIS, WAYNE	1,223.14		
	34.10	59.01 C0906	100.00 11-00071		PIERCY, BARBARA	540.66		
	34.03	16.01 C0264	300.00 11-00039		SIEGEL, EVAN	958.66		
	34.06	16.05 C0107	100.00 TY-11069		MC DONALD, L	754.05		
	142	24.01	TY-11248		WALDEN, JAMES	2,634.31		
	37.02	5.04 C0413	300.00 11-00079		DEJESUS, FELIX	1,275.67		
	34.10	59.01 C0708	300.00 11-00070		MAYER, JASON	1,075.69		
	197	11	200.00 TY-11357		VERAS, MILDRED	1,053.65		
	193	45	300.00 TY-11337		GARAY, VICTOR	1,284.39		
	34.07	16.07 C0099	100.00 71-11084		HBAICH, MOHAMED	561.59		
	267	3	200.00 TY-11426		SANTANA, CLARA	923.26		
	220	5.01	500.00 TY-11374		NURINDA, MANUEL	1,657.71		
	180	3	TY-11310		THIANGTHAM, S	1,261.18		
	148	21	200.00 TY-11260		GARDNER, W	1,041.53		
	171.02	28	100.00 13-11294		MENDEZ, G	1,344.26		
	227	11	300.00 TY-11383		LAFOND, RONALD	1,711.19		
	235	29	200.00 TY-11401		ORTIZ, DOMINICK	834.77		
	179	11	300.00 TY-11309		FATRAJ, KAROLY	1,115.77		
	157	36	200.00 TY-11271		MIDDLETON, SHERROD	855.78		
	34.06	16.05 C0228	100.00 TY-11074		MC GOUEY, K	947.66		
	274	49	100.00 11-00252		SANDERS, LYNDIA	810.30		
	34.08	54.01 C4424	100.00 TY-11103		STURGIS, JAMES	840.04		
	20.03	9.01 C1802	200.00 11-00014		LUPO, DEAN	1,652.81		
	37.02	3.01 C0220	300.00 11-00077		VAN-HUY, JOHN	1,026.47		
	34.04	8.01 C0121	TY-11058		GREEN, JENNIFER	564.91		
	158	34	300.00 TY-11275		THOMAS, CARMEN	1,476.22		
	172	32	400.00 TY-11305		TORRES, BRADLEY	1,449.76		
	85	56.03 C0030	TY-11199		HALL, SHEILA	565.17		
	20.10	11.02 C0506	100.00 TY-11025		PARKER, TORRETTA	761.24		
	189	15	200.00 TY-11325		DAWES, WAYNE	989.15		
	85	56.03 C0237	400.00 TY-11210		WILLIAMS, NICOLE	743.25		
	20.04	11.01 C4808	100.00 TY-11018		DESATNICK, JACK	1,169.02		
	20.04	11.01 C3705	TY-11015		TULLY, TENEISHA	388.34		
	283	12	300.00 11-00256		TURNER, DWAYNE	888.10		
	295	5	500.00 11-00269		DIXON, LAWRENCE	2,079.92		
	270	18	300.00 11-00249		PROTACIO, PAULO	1,035.51		
	252	14	200.00 TY-11413		HAMLETTE, JOHN	789.74		
	34.04	8.01 C0031	TY-11054		SIDDIQUE, ZAREEN	515.92		
	191	16	300.00 11-00093		RIVAS, L	1,539.89		
	253	11	200.00 11-00239		SELLARS, MARK	1,061.06		
	198	41	300.00 11-00206		CESPEDES, JULIO	2,147.67		
	371	10	400.00 11-00332		JONES, CURTIS	1,933.67		
	361	76	TY-11545		JONES, ALLEN	704.65		
	339	43.01	TY-11517		HILL, LAVELL	874.23		
	300	55.01	TY-11482		SHERIFF, MEMUNA	769.34		
	386.09	112.01	100.00 11-11587		VARGA, ISTVAN	565.17		
	339	10	300.00 11-00302		MIERZWA, ADAM	996.46		
	386.01	1.08	300.00 11-00345		MORGAN, CHERYL	1,477.81		
	372	5	400.00 11-00336		TEASLEY, MICHAEL	1,827.01		
	379	12	100.00 TY-11564		KOROMA, JOSEPH	552.94		
	424.08	305	500.00 11-00398		SESAY, JULDEH	2,264.65		
	424.04	90	100.00 TY-11652		BRITO, MARIA	561.63		
	463	7	300.00 11-00413		FALCETANO, P	888.10		
	508.02	39	100.00 TY-11731		TOBIAS, FRANK	564.12		
	287.01	48	400.00 TY-11449		BOOKER, VINCENT	2,370.35		
			<b>13,700.00</b>			<b>76,343.87</b>		90,043.87
DAVID IMPERATO	34.06	16.05 C0215	15-11073		CAVALIERI, J	370.68		
						<b>370.68</b>		370.68
JNH FUNDING CORP.	386.15	8	TY-11602		YANOGACIO, L	1,289.94		
	33.01	80	200.00 TY-11032		THARAYIL, L	645.40		
	34.06	16.05 C0233	TY-11075		PHILLIPS, S	518.69		
	37.02	5.04 C2411	200.00 TY-11153		TAWATE, RATAN	515.31		
	37.02	3.01 C0028	100.00 TY-11139		PAPNEJA, HITESH	482.72		
	34.10	59.01 C1009	TY-11132		MONAHAN, EVE	515.69		
	145	15	200.00 TY-11255		RODRIGUEZ, JOSE	519.18		
	295	24	400.00 11-00271		GARCES, BILVERO	592.50		
	295	24	TY-11475		GARCES, BILVERO	360.28		
	289	12	TY-11461		WILLIAMS, JAMIE	872.56		
	267	13	500.00 11-00248		HYMAN, KEVIN	1,047.71		
	299	34	TY-11480		PARKS, TOBY	1,221.50		
	349.01	50	200.00 TY-11535		PARKER, NAKOMIS	334.15		
	267	4	500.00 TY-11427		DOHERTY, THOMAS	1,219.69		
			<b>2,300.00</b>			<b>10,135.32</b>		12,435.32
JOHN LAFLAMME	377	7	100.00 TY-11560		JOLLOH, MARIAMA	532.66		
	34.04	8.01 C0012	100.00 11-00040		COLLINS, THOMAS	722.39		

	452	46		200.00 11-00412	BROWN, GLYN	754.74	
	301	6		TY-11484	FIGUEROA, JOSE	564.09	
	508.03	1		300.00 11-00428	SUMMERS, LARRY	1,426.16	
	372	1		300.00 11-00384	WILLIAMS, GEMLYN	1,675.59	
	301	6		300.00 11-00281	FIGUEROA, JOSE	398.73	
				<b>1,300.00</b>		<b>6,074.36</b>	7,374.36
LION HEART HOLDING	196	1.01		400.00 11-00203	EMMANUEL, LEONA	617.69	
				<b>400.00</b>		<b>617.69</b>	1,017.69
MBS-REALTY	287.01	48		500.00 11-00258	BOOKER, VINCENT	1,018.40	
				<b>500.00</b>		<b>1,018.40</b>	1,518.40
JAMES C. OLDER	34.05	52.05 C0207		11-00049	WALSH, KEVIN	718.00	
	316	39		100.00 TY-11493	UPIA, DANIEL	653.41	
	20.03	9.03 C2407		100.00 09-110	PEYSER, BETHEL	2,037.51	
	212	10		300.00 11-00217	VELEZ, RAMON	1,302.75	
				<b>500.00</b>		<b>4,711.67</b>	5,211.67
JOHN PALLUMBO	424.08	203		100.00 TY-11676	ATKINS, ANDREA	424.31	
	34.04	8.01 C0172		TY-11061	MILES, ALEXANDER	640.50	
	34.04	8.01 C0172		400.00 11-00048	MILES, ALEXANDER	1,179.18	
	191	15		200.00 TY-11329	VALENTIN, REMEDIOS	440.14	
	85	56.03 C0059		11-00116	LAWRENCE, JAMES	1,609.56	
	85	56.03 C0059		TY-11201	LAWRENCE, JAMES	378.04	
	34.01	16.02 C0338		TY-11036	RIVERA, YAHAIRA	376.79	
	34.01	16.02 C0338		200.00 11-00028	RIVERA, YAHAIRA	754.76	
	386.11	7		TY-11596 TAVAKOL, RAHMAT		534.24	
	289	136.01		100.00 TY-11466	TAYLOR, FRANCIS	362.55	
	507.14	56		TY-11726	SANDERS, RACHEL	982.72	
	34.07	16.07 C0044		TY-11080	PEREZ, GLENDA	1,318.45	
	34.07	16.07 C0044		400.00 11-00053	PEREZ, GLENDA	985.74	
	171.01	178		TY-11290	PORTER, JAMES	382.15	
	171.01	178		200.00 11-00153	PORTER, JAMES	531.19	
	424.08	229		100.00 1Y-11678	VALENCIA, JUAN	495.94	
	167	16		TY-11284	RAMPERGASH, LENNY	466.23	
	167	16		200.00 11-00148	RAMPERGASH, LENNY	896.35	
	381	21		100.00 TY-11568	DUNN, WILLIAM	278.23	
	189	34.01		100.00 TY-11326	TAVERAS, MARIA	481.02	
	34.08	54.01 C4516		200.00 TY-11104 ANTHONY, CONSTANCE		718.01	
	468.05	22		100.00 TY-11716	ALEXANDER, ROBERT	277.41	
	259	31.01		100.00 TY-11421	CUELLAR, JULIO	215.01	
				<b>2,500.00</b>		<b>14,728.52</b>	17,228.52
US BANK PRO CAPITAL	364	14		300.00 11-00328	HENDERSON, MICHAEL	911.56	
	20.14	30		200.00 11-00022	KELLY, ERNEST	2,192.17	
	59.06	20		300.00 11-00099	WOOBKIDGE, GLYNNIS	1,554.46	
	350	14		300.00 11-00317	HOWARD, S	1,018.26	
	53	5		300.00 11-00090	ALADE, PAUL	701.24	
	20.04	11.01 0808		200.00 11-00015	SERVAMANI, S	1,085.63	
	479	13		300.00 11-00422	TERRY, CASSANDRA	404.22	
	37.02	5.04 C1503		200.00 11-00084 SONGOK, MONICA		984.32	
				<b>2,100.00</b>		<b>8,851.86</b>	10,951.86
US BANK/SASS	5.02	67		10003	GREENE, CHARLES	26,781.13	
						<b>26,781.13</b>	26,781.13
HERBERT SEHGEL	34.01	16.02 C3212		TS-00003	MISRA, SANJEEV	205.49	
	34.08	54.01 C0469		TS-00004	JOHNSON, MELINDA	1,415.71	
						<b>1,621.20</b>	1,621.20
SEQUOIA INVESTMENTS	328	9		200.00 11-00296 ZMORE, PATTIE-JOVE		1,192.99	
				<b>200.00</b>		<b>1,192.99</b>	1,392.99
STONEFIELD INVESTMENT	193	35		300.00 TV-11336	STANDING, DIANE	725.67	
	142	29		TY-11249	JACKSON, THOMAS	2,344.16	
	386.12	9		TY-11601	GBEWONYO, S	759.98	
	199	11		300.00 TY-11361	BANKERS TRUST	569.28	
	386.05	14		100.00 TY-11581	RICHARD, SCOTT	807.19	
	34.04	8.01 C0062		TY-11055	REILLY, EDWARD	801.40	
	423.01	17.08		100.00 TY-11645	HANKERSON, ROBBIN	682.94	
	339	2		TY-11516	ALSAKR, RODGER	753.03	
	424.15	6		100.00 TY-11701	SMITH, TAKESHA	851.44	
	377	10		100.00 TY-11561	ROLLINS, ADRIAN	996.53	
	417.02	5		100.00 TY-11626	GRUBBS, COREY	638.36	
	424.08	141		100.00 TY-11673	NEWTON, CASSELLS	726.54	
	194	33.01		300.00 TY-11340	JUDSON, MICHELE	736.95	
	85	56.03 C0114		TY-11203	SULLIVAN, MITCHEL	720.43	
	507.02	54		100.00 TY-11724	RESTAINO, EDWINA	743.21	
	446	2		100.00 TY-11708	SIGUR, LAUREN	565.32	
	171.02	266		TY-11301	MELISSA MEADOWS	780.66	
	183	81.01		100.00 TY-11322	JOCQUES, SONY	443.37	
	34.02	16.03 C0097		TY-11040	ARNOLDT, DEANNA	624.59	
	382	5		100.00 TY-11569	BELLO, JOSE	1,099.65	
	202	17.01		300.00 TY-11363	THOMAS, ROBERT	831.89	
	34.08	54.01 C4301		TY-11100	STYLES, CHARLES	899.03	
	171.02	245		100.00 TY-11297	SCOTT, MELVIA	685.62	
	170	4		300.00 TY-11286	MC CORMICK, D	749.99	
	227	37		TY-11385	HERRERA, JEANNETTE	908.20	
				<b>2,600.00</b>		<b>20,445.43</b>	23,045.43
VIRGO MUNICIPAL	34.06	16.05 C1716		TY-11078	HARLEY, AVANA	530.02	
	287.01	51		TY-11450	BUSTAMANTE, ABEL	411.64	
	349.01	56.01		TY-11536	ROMAN, EFRAIN	811.35	
	34.10	59.01 C0707		300.00 TY-11128	RAHMANN, FAREED	641.93	
	386.04	66		2,100.00 TY-11578	JENKINS, AUSTIN	3,909.32	
				<b>2,400.00</b>		<b>6,304.26</b>	8,704.26
REDEMPTIONS MEETING 5/8/12				34,200.00		194,755.11	TOTALS
							228,955.11

**Resolution #12-196** 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>
167/18	Nick Antipin 12 Douglas Avenue Somerset, NJ 08873	4/11 Tax Appeal	204.49
13455-0	Erin Broccher 89 Prestbury Lane Somerset, NJ08873	1/12 Overbilled for Water	184.47

**Resolution #12-197** 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>
Girl Scouts Heart of New Jersey 120 Valley Road, Montclair, NJ Off-Premise Raffle – RL#1986 Drawing: Colonial Park	June 10, 2012 8:00 am – 12:00 pm
Franklin Township Pop Warner Assoc. P.O. Box 6644, Somerset Off-Premise Raffle – RL#1987 Drawings: Franklin Middle School	August 24, 2012 7:30 pm

**Resolution #12-198** Award Fair and Open Professional Services Agreements – Appraisal Services for Open Space and Farmland Preservation – May 1, 2012 to April 30, 2013 – Sterling DiSanto & Associates; Bettina Durnaskin Sholk Real Estate Appraisal and Consultation; Joseph L. Mazotas; and Peter Sockler – Not to Exceed \$25,000.00 for 12-month period.

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

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

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

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

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

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

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendors, which agreements shall be maintained on file with the Township Clerk and available for public inspection.
- (2) These agreements are awarded as Fair and Open Professional Service under the provisions of the Pay to Play Laws, P.L. 2004, C. 19.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

**VENDORS:**

***Joseph L. Mazatos***

244 Nassau St., Princeton, NJ 08540

***Sterling DiSanto & Associates***

145 West End Avenue/PO 977, Somerville, NJ 08876

***Bettina Durmaskin Sholk Real Estate Appraisal & Consultation***

5 Rosemary Road, East Brunswick, NJ 08816

***Peter Sockler***

***Sockler Realty Services Group, Inc.***

299 War Street, Suite C, Hightstown, NJ 08520

**CONTRACT AMOUNT:**

\$25,000.00 (per year)

**CONTRACT PERIOD:**

May 1, 2012 to April 30, 2013

**SERVICE:**

Appraisal Services for Open Space Properties

**Resolution #12-199** Authorize Purchase over \$8500 – Lawn Tractors (2) – Central Jersey Nurseries – Amount Not to Exceed \$19,020.00.

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

**VENDOR:**

Central Jersey Nurseries

28 Hamilton Road, Hillsborough, NJ 08844

**ITEMS:**

Lawn Tractors

**COST:**

Not To Exceed \$19,020.00

**WHEREAS**, this purchase is exempt from bidding as per N.J.S.A. 40A:11-3; and

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

**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.

**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 #12-200** Award Bid – Transmission Service (As Needed) – July 1, 2012 to June 30, 2014 – Varga Enterprises, Inc., t/a Varga Transmission Center – Amount Not to Exceed \$40,000.00 for contract period.

**WHEREAS**, a notice to bidders for the receipt of bids for Transmission Service (As Needed) – July 1, 2012 to June 30, 2014 was published in the *Courier News* and posted on the Township's website on April 2, 2012 for receipt on April 19, 2012;

**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 2012 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** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid for Transmission Service (As Needed) – July 1, 2010 to June 30, 2014 be awarded to:

**VENDOR:** Varga Enterprises, Inc.  
t/a Varga Transmission Center  
**ADDRESS:** 937 Joyce Kilmer Avenue  
**AMOUNT:** Not to Exceed \$40,000.00 for contract period

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

**Resolution #12-201** Award Bid – Road Materials – June 1, 2012 to May 31, 2013 – Trap Rock Industries (Line Items 5, 6, 7, 5A and 9A) – Stavola Construction Materials, Inc. (Line Items 1, 2, 3, 4, 6, 7, 8, 1A and 2A) – LCB, Inc. (Line Items 3A and 4A) – Amount Not to Exceed \$110,000 for 12-month period for all vendors.

**WHEREAS**, a notice to bidders for the receipt of bids for Road Materials was published in the *Courier News* and posted on the Township's website on February 21, 2012 with addenda issued on February 28, 2012 and March 20, 2012 and receipt was on March 30, 2012; 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** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bids are awarded for Road Materials:



**VENDOR:** Trap Rock Industries  
**ADDRESS:** PO Box 419, Kingston, NJ 08528  
**ITEM:** Road Materials – Line Items 5, 6,7, 9, 5A and 9A  
 June 1, 2012 to May 31, 2013

**VENDOR:** Stavola Construction Materials, Inc.  
**ADDRESS:** 175 Drift Road, Tinton Falls, NJ 07724  
**ITEM:** Road Materials – Line Items 1, 2, 3, 4, 6, 7, 8, 1A and 2A  
 June 1, 2012 to May 31, 2013

**VENDOR:** LCB, Inc.  
**ADDRESS:** 34 Timberhill Drive, Franklin Park, NJ 08823  
**ITEM:** Road Materials – Line Items 3A and 4A  
 June 1, 2012 to May 31, 2013

**AMOUNT:** Amount Not to Exceed \$110,000.00 for 12-month period for all vendors

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

**Resolution #12-202** Authorize Purchase – Omni Meters – HD Supply Water Workers – Amount Not to Exceed \$27,946.00.

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

**VENDOR:** HD Supply Waterworks  
 61 Gross Avenue, Edison, NJ 08837  
**ITEMS:** Omni Meters  
**COST:** Not To Exceed \$27,946.00

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

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

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

**Resolution #12-203** Authorize Purchase – Camera Video Detection System – Signal Control Products Inc. – Amount Not to Exceed \$10,800.00.

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

**VENDOR:** Signal Control Products Inc.  
 199 Evans Way, Branchburg, NJ 08876  
**ITEMS:** Camera Video Detection System  
**COST:** Not To Exceed \$10,800.00

**WHEREAS**, this purchase is exempt from bidding as per N.J.S.A. 40A:11-3; and

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

**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.

**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 #12-204** Award Bid & Approve Plan/Design – Inman Park Basketball Court Reconstruction – All Surface Asphalt Paving Inc. – Amount Not to Exceed \$93,500.00.

**WHEREAS**, a notice to bidders for the receipt of bids for Inman Park Basketball Court Reconstruction Project was published in the *Courier News* and posted on the Township’s website on April 16, 2012 for receipt on May 1, 2012;

**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 2012 CY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid for the Inman Park Basketball Court Reconstruction Project is awarded to:

**VENDOR:** All Surface Asphalt Paving Inc.  
**ADDRESS:** 528 Hardenberg Avenue, Point Pleasant, NJ 08742  
**AMOUNT:** Not to Exceed \$93,500.00

and that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed vendor; and

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

1. Plans and specifications entitled “Inman Park Basketball Court Reconstruction Project” and prepared by the Franklin Township Engineering Department be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council,

before payment is made for same that said improvement has been constructed in accordance with the above referenced design.

**Resolution #12-205** Authorize Purchase – Basketball Hoops, Rims, etc. for Inman Park – Wausau Tile – Amount Not to Exceed \$11,520.00.

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

**VENDOR:** Wausau Tile  
PO Box 1520, Wausau, WI 54402  
**ITEMS:** Basketball hoops, rims, etc.  
**COST:** Not To Exceed \$11,520.00

**WHEREAS**, this purchase is exempt from bidding as per N.J.S.A. 40A:11-3; and

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

**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.

**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 #12-206** Award Bid and Approve Plan/Design – Pierce Street Area Resurfacing Project – Top Line Construction Corporation – Amount Not to Exceed \$419,421.83.

**WHEREAS**, a notice to bidders for the receipt of bids for Pierce Street Area Resurfacing Project was published in the *Courier News* and posted on the Township's website on April 16, 2012 for receipt on May 1, 2012;

**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 2012 CY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid for the Pierce Street Area Resurfacing Project is awarded to:

**VENDOR:** Top Line Construction Corporation  
**ADDRESS:** 22 Fifth Street, Somerville, NJ 08876  
**AMOUNT:** Not to Exceed \$419,421.83

and that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed vendor; and

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

1. Plans and specifications entitled “Pierce Street Area Resurfacing Project” and prepared by the Franklin Township Engineering Department be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.

**Resolution #12-207** Award Bid and Approve Plan/Design – Ralph Street Resurfacing Project – Lucas Construction Group Inc. – Amount Not to Exceed \$77,386.00.

**WHEREAS**, a notice to bidders for the receipt of bids for Ralph Street Resurfacing Project was published in the *Courier News* and posted on the Township’s website on March 26, 2012 for receipt on April 12, 2012;

**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 2012 CY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid for the Ralph Street Resurfacing Project is awarded to:

**VENDOR:** Lucas Construction Group, Inc.  
**ADDRESS:** 173 Amboy Road, Morganville, NJ 07751  
**AMOUNT:** Not to Exceed \$77,396.00

and that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed vendor; and

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

1. Plans and specifications entitled “Ralph Street Resurfacing Project” and prepared by the Franklin Township Engineering Department be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.

**Resolution #12-208** Award Bid and Approve Plan/Design – Middlebush Park Synthetic Turf Field Installation & Electric Service (Alternate B) – Applied Landscape Technologies – Amount Not to Exceed \$1,578,474.20.

**WHEREAS**, a notice to bidders for the receipt of bids for Middlebush Park Synthetic Turf Field Installation and Electrical Services (Alternate B) was published in the *Courier News* and posted on the Township’s website on April 3, 2012 for receipt on April 19, 2012;

**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 2012 CY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following bid for the Middlebush Park Synthetic Turf Field Installation and Electrical Services (Alternate B) is awarded to:

**VENDOR:** Applied Landscape Technologies  
**ADDRESS:** 145 River Road, PO Box 608, Montville, NJ 07045  
**AMOUNT:** Not to Exceed \$1,578,474.20

and that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed vendor; and

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

1. Plans and specifications entitled “Middlebush Park Synthetic Turf Field Installation” and prepared by the Remington & Vernick Engineers be, and hereby are, approved.

2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.

**Resolution #12-209** Authorize Stipulation of Settlement – Tax Appeal – Davanne Realty Company – Block 86.02, Lot 1.03 – 60 Clyde Road – Years 2010-2012.

**WHEREAS**, Davanne Realty Company, c/o Mandelbaum, is the owner of certain properties located at 60 Clyde Road, Somerset, which is identified as Block 86.02, Lot 1.03 on the tax maps of Franklin Township; and

**WHEREAS**, Davanne Realty Company, c/o Mandelbaum filed an appeal to the Tax Court of New Jersey for said premises for the 2010, 2011 and 2012 tax years; and

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

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

**Year 2010**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>Land</b>	\$2,742,000	Direct Appeal	\$2,742,000
<b>Improvements</b>	<u>\$2,142,000</u>		<u>\$2,142,000</u>
<b>Total</b>	\$4,884,000		\$4,884,000

**Year 2011**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>Land</b>	\$2,742,000	Direct Appeal	\$2,742,000
<b>Improvements</b>	<u>\$1,567,000</u>		<u>\$1,290,000</u>
<b>Total</b>	\$4,309,000		\$4,032,000

**Year 2012**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>Land</b>	\$2,742,000	Direct Appeal	\$2,742,000
<b>Improvements</b>	<u>\$1,567,000</u>		<u>\$ 1,038,000</u>
<b>Total</b>	\$4,309,000		\$3,780,000

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

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

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

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

**WHEREAS**, all tax overpayments and interest shall be by refund check made jointly payable to “Davanne Realty Company, c/o Mandelbaum, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for Davanne Realty Company, c/o Mandelbaum, Plaintiff” without any offsets or deductions whatsoever for any unpaid taxes or municipal charges for tax years subsequent to the tax years covered by this Stipulation; and

**WHEREAS**, the provisions of the aforesaid paragraphs 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 this Stipulation of Settlement where the parties agree that the 2013 assessment originally was going to be set as \$4,309,000 but has been settled to be \$3,500,;

**NOW, THEREFORE, BE IT RESOLVED** this 8<sup>th</sup> day of May 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 #12-210** Authorize Stipulation of Settlement – Tax Appeal – 270 Davidson, LLC – Block 468.01, Lot 14.01 and Block 468.01, Lot 14.01 (T01) – 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 468.01, Lot 14.01 and Block 468.01, Lot 14.01 (T01) 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 and 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 – Block 468.01, Lot 14.01***

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

***Year 2010 – Block 468.01, Lot 14.01 (Qualifier – T01)***

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>Land</b>	\$ 0	N/A	\$ 0
<b>Improvements</b>	<u>\$503,400</u>	Direct	<u>\$503,400</u>
<b>Total</b>	\$503,400	Appeal	\$503,400

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

***Year 2011 – Block 468.01, Lot 14.01***

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>Land</b>	\$ 2,943,000	N/A	\$ 2,943,000
<b>Improvements</b>	<u>\$26,287,000</u>	Direct	<u>\$18,717,000</u>
<b>Total</b>	\$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 paid by check made payable to “Archer & Greiner, P.C. as Trustee for 270 Davidson, LLC” and forwarded to Archer & Greiner, P.C.; and

**NOW, THEREFORE, BE IT RESOLVED** this 8<sup>th</sup> day of May 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 #12-211** Authorize Stipulation of Settlement – Tax Appeal – CB Richard Ellis, LLC – Block 88.02, Lot 1 – 65 Clyde Road – Years 2010-2011.

**WHEREAS**, CB Richard Ellis, Inc., is the owner of certain properties located at 65 Clyde Road, Somerset, which is identified as Block 88.02, Lot 1 on the tax maps of Franklin Township; and

**WHEREAS**, CB Richard Ellis, Inc. filed an appeal to the Tax Court of New Jersey for said premises for the 2010 and 2011 tax years; and

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

**WHEREAS**, the tax appeal for the Year 2010 has been withdrawn; 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 2011***

	<b>Original Assessment</b>	<b>Revised Assessment</b>
<b>Land</b>	\$3,055,000	\$3,055,000
<b>Improvements</b>	<u>\$6,279,000</u>	<u>\$5,779,000</u>
<b>Total</b>	\$9,334,000	\$8,834,000

**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 8<sup>th</sup> day of May 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 #12-212** Authorize Stipulation of Settlement – Tax Appeal – Dunbar Homes, Inc. – Block 85, Lot 59.04 – 1701 Route 1701 – Years 2010-2011.

**WHEREAS**, Dunbar Homes, Inc., is the owner of certain properties located at 1701 Route 27, Somerset, which is identified as Block 85, Lot 59.04 on the tax maps of Franklin Township; and

**WHEREAS**, Dunbar Homes, Inc. filed an appeal to the Tax Court of New Jersey for said premises for the 2010 and 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 – 2011**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>Land</b>	\$3,879,000	N/A	\$3,879,000
<b>Improvements</b>	<u>\$2,961,000</u>	Direct	<u>\$2,961,000</u>
<b>Total</b>	\$6,840,000	Appeal	\$6,840,000

**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 8<sup>th</sup> day of May 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 #12-213** Authorize Stipulation of Settlement – Tax Appeal – Dunbar Homes, Inc. – Block 85, Lot 59.03 – 1633 Route 27 – Years 2010-2011.

**WHEREAS**, Dunbar Homes, Inc., is the owner of certain properties located at 1701 Route 27, Somerset, which is identified as Block 85, Lot 59.03 on the tax maps of Franklin Township; and

**WHEREAS**, Dunbar Homes, Inc. filed an appeal to the Tax Court of New Jersey for said premises for the 2010 and 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**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>Land</b>	\$ 5,520,000	N/A	\$ 5,520,000
<b>Improvements</b>	<u>\$16,340,000</u>	Direct	<u>\$16,340,000</u>
<b>Total</b>	\$21,860,000	Appeal	\$21,860,000

**Year 2011**

	<b>Original Assessment</b>	<b>County Board Judgment</b>	<b>Requested Tax Court Judgment</b>
<b>\$ Land</b>	\$ 5,520,000	N/A	\$ 5,420,000
<b>Improvements</b>	<u>\$16,340,000</u>	Direct	<u>\$15,480,000</u>
<b>Total</b>	\$21,860,000	Appeal	\$21,000,000

**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. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days for the date of entry of the Tax Court Judgment; and

**NOW, THEREFORE, BE IT RESOLVED** this 8<sup>th</sup> day of May 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 #12-214** Rescind Resolution #12-096 and 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**, the assessment figures listed in Resolution #12-096 adopted on February 28, 2012 were incorrect; 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**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,240,000		\$ 3,240,000
Improvements:	<u>\$15,222,000</u>	DIRECT	<u>\$11,160,000</u>
Total	\$18,462,000	APPEAL	\$14,400,000

**Year 2011**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 3,240,000		\$ 3,240,000
Improvements:	<u>\$15,222,000</u>	DIRECT	<u>\$11,060,000</u>
Total	\$18,462,000	APPEAL	\$14,300,000

**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 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 28<sup>th</sup> day of February 2012 by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that Resolution #12-096 is hereby rescinded and 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 VOTED ON SEPARATELY**

**Resolution #12-189** Authorize 2010-2013 PBA & SOA Memorandum of Understanding and Authorize Execution of Contracts.

Mayor Levine presented the following resolution:

**BE IT AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Franklin, County of Somerset, State of New Jersey does hereby authorize the Memorandum of Understanding with the Superior Officers Association Police Benevolent's Association and the Police Benevolent's Association Local 154 and that the Mayor and Township Clerk to execute a Contracts with the Franklin Township Supervisor Officers Association and the Police Benevolent's Association Local No. 154 providing conditions of employment for Township Sergeants and Lieutenants for the period January 1, 2010 to December 31, 2013.

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

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

### **OLD BUSINESS**

Mr. Prasad suggested that these following goals are not getting enough attention and need time to be focused on to get completed and that they be referred to the Administration Committee.

#### **Public Youth Activity Center**

Mr. Novick reported this is being discussed at the next Administration Meeting.

#### **Canal Access & Bridge**

Mr. Novick reported that this is being heard at the D&R Canal Commission meeting on Thursday.

#### **Replace water Lines along Route 27 South of Route 518**

Mr. Novick reported our request was rejected by South Brunswick and an alternative solution is being sought by staff.

### **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: *Litigation: E&J Equities and Personnel: Elimination of Position.*

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><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	Francois	Kramer			Regan
Levine	Prasad	Sherman			Vassanella
Wright					

The meeting adjourned to Executive Session at 9:52 p.m.

Upon motion by Mr. Regan, seconded by Mr. Prasad, the meeting reconvened at 10:15 p.m.

Mayor Levine announced the discussion during Executive Session was as follows:  
*Litigation: E&J Equities and Personnel: Elimination of Position.*

#### **ADJOURNMENT**

Motion was made by Mr. Prasad and seconded by Ms. Sherman to adjourn to the meeting at 10:15 p.m. Motion was carried unanimously.

Approved: *As Submitted*

Brian D. Levine, Mayor

Date: *June 13, 2012*

Ann Marie McCarthy, Township Clerk