

**BUDGET WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
SEPTEMBER 21, 2004**

The Capital Budget Work Session of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:05 p.m.

The Deputy Mayor read the following statement: "In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Capital Budget Work Session of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Building and by faxing and mailing to the Township's official newspapers, a notice that this meeting would take place at the Franklin Township Municipal Building at 7:00 p.m. on September 21, 2004."

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula, Ms. Danile (arrived at 7:17 p.m.), Ms. Eberle, Mayor Levine (arrived at 7:09 p.m.), Deputy Mayor McKenzie, Mr. Regan (arrived at 7:26 p.m.), Mr. Unger

Absent: Mr. Sumter

Also Present: Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PUBLIC DISCUSSION

Motion was made by Mr. Chivukula and seconded by Mr. Unger to open the meeting for public discussion. Said motion carried unanimously upon voice vote.

The following members of the public addressed the problems with the sound system in the Community Center. They stated that it is not adequate and requested that it be replaced and be part of the capital budget:

Charles Seigel, Franklin Greens
Ann Chivaroli, 18 Castleton Road
John McConville, 5 Stone Leigh Way
Regina Doyle, 127 Winchester Way
Muriel Seigel, Franklin Greens
Harold Leventhal, 360 DeMott Lane
Rose Allaway, 333 Hazlitt Way

Muriel Seigel, Franklin Greens, asked for reimbursement of items that were water damaged in the kitchen.

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Betty Murray, Elizabeth Avenue, asked for the curtain on the stage to be cleaned and repaired.

Bob Jensen, 26 Bennington Parkway, asked when the Franklin Park Water Problem will be totally addressed and taken care of.

John McConville, 5 Stone Leigh Way, asked the Council consider repairing the back road that leads into the back of the Municipal Complex.

Charles Seigel, Franklin Greens, stated if Council is concerned with spending money, they should be applying for more grant money.

Mr. Daly reported that last winter there was water on the stage floor. There is still too much moisture in the flooring to repair it at this time. In response to Mr. McConville's request for a road to be repaired, it will be made part of the Public Work's Road Survey. Mr. Daly stated that the Grants Coordinator continues to pursue as many grants as possible.

There being no further comments from the public, a motion was made by Deputy Mayor McKenzie to close the meeting for public discussion. Said motion was seconded by Mr. Unger and carried unanimously upon voice vote.

FRANKLIN PARK GROUNDWATER CONTAMINATION

Mr. Galanowsky reported the following chronology of the Franklin Park Groundwater Contamination:

- In January of 1984, Do-Rite Cleaners pleaded guilty in municipal court to polluting the aquifer and was fined \$175. Subsequently, Franklin Township filed a civil suit against Do-Rite to recover the costs for construction of the water lines, which the local newspaper reported to be in the amount of \$300,000. The defendant admitted to an accidental spill of dry cleaning solvents, also known as perchloroethylene. Levels of 47,683 parts per billion (ppb) were found in soil samples around the property and a level of 434 parts per billion (ppb) was found in a defendant's well.
- At the Carneglia (Sunoco) site, there had been allegations of leakage since 1985. Leakage was confirmed in 1991 when tanks were removed and contaminated soil was found. Sunoco began a remedial investigation and monitoring wells were installed. In 1992, these monitoring wells found high levels of gasoline components on site.
- In 1989, complaints of water in gasoline emerged against Raceway (Len's Mobil). The NJDEP issued an order to perform a remedial investigation and to register the tanks in 1992. Some work on piping was also done about that time.
- In 1995, the NJDEP issued a directive to Carneglia to complete additional tank closures and to perform a receptor evaluation. In 1998, the NJDEP issued a directive against

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Carneglia for failure to complete an adequate remedial investigation. As of 2002, the NJDEP was continuing to press Carneglia and Sunoco to provide additional information so remediation can move forward.

- In 1996, the Franklin Township Health Department and the NJDEP received a complaint that the tanks at Raceway were leaking. A site visit was made and no product was detected in the storm sewers; the site investigation team checked the tank for water and found none. The NJDEP subsequently issued a directive ordering Raceway to register their tanks, perform pressure testing and file plans to upgrade their tank system. Subsequent pressure tests showed no leakage.
- In the fall of 2002, the Private Well Testing Act went into effect, which required homeowners to test their wells as part of their resale. Two homeowners near Bennington Parkway were identified as having trace contamination in their wells of Methyl Tert-Butylether (MTBE).
- In January of 2003, the NJDEP identified two gas stations (Raceway and BP), which had leaks in their gasoline distribution systems. The NJDEP ordered these stations closed until the piping was repaired and contaminated soils were removed. The NJDEP also ordered the stations to begin a receptor investigation to determine if the contamination has spread.
- In May of 2003, consultants for the stations tested 22 residential wells located within 1,000 feet of the stations. The results showed one well over the maximum contamination level for MTBE; 3 wells over 50% of the MCL (a trigger for additional monitoring); and 14 wells with trace contamination of MTBE. The homeowners whose well was over the MCL was promptly connected to city water at BP's expense.
- In July 2003, based on the first round of test results, the DEP expanded the radius of the study area to 1500 feet, in order to find the end of the contaminant plume. Wells from the first series of tests were put on a monitoring schedule. The former Sunoco/Carneglia station was also identified as a Potential Responsible Party (PRP) and ordered to test additional wells.
- In September 2003, Franklin Township held a meeting for the residents of the Bennington Parkway area to answer their questions and report on the extent of the contamination concerns. Based on residents concerns, a reduced cost-testing program for homeowners was instituted.
- In November 2003, result showed two houses with traces of MTBE, but most houses were "non-detected". In addition, 26 homeowners tested their wells under the reduced-cost program, and none of these wells contained MTBE.
- During this period, Sunoco's consultant identified four homes near Claremont Road with Tetrachloroethane in excess of the maximum contamination level (MCL).

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- On April 12, 2004, Franklin Township sponsored another community meeting. The purpose of the meeting was to update residents on the solvent-contaminated wells in the area. Representatives from NJDEP and Franklin Township discussed testing regimens, city water hookups, Spill Fund eligibility, and health and economic effects.
- Subsequent to the public meeting the Franklin Township Council decided to expand the area of testing to include areas outside the areas that were presently being tested by NJDEP and the responsible parties.
- On May 26, 2004, 154 letters were sent to residents in Franklin Park requesting their participation in a free water test of their wells. Seventy-six (76) residents responded and their wells were tested on June 21 and 22, 2004.
- Summary of Franklin Park Water Tests conducted on June 21 & 22:
 - 76 total tests
 - 23 had detectable substances
 - 8 had substances over action levels – 10.5%
 - 4 were over the TCE level of 1.0 ug/L (1.1, 7.3, 4.4, 45.9)
 - 1 was just below the TCE action level (0.9)
 - 3 were above the action level for 1, 2, 3 trichloropropane which is .025 ug/L (1.3, 1.2, 1.1)

 - All results were submitted to the NJDEP for further review.

 - Upon further testing by NJDEP, the 3 tests that were over for 1, 2, 3 trichloropropane did not agree.

 - Therefore out of the 8 that had substances over the action level only 5 remained over the action level.
- All participants were sent a letter by the Franklin Township Health Department and a copy of their results was included.
- All results were also submitted to the NJDEP for conformation and possible retesting.
- The NJDEP has informed the Township that all residents over the action level of MTBE (70 ppb) were hooked up to public water. All but two residents who had two confirming tests over the action level have submitted a Spill Fund Claim. All eligible residents were sent a letter and application for the procedures for hooking up to public water.
- The above chronology is a review of our files and certainly is not all inclusive of all incidents that may have led to this groundwater contamination. Special recognition

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should go to the efforts of John H. Walker who resides in Franklin Park. Mr. Walker has provided much historical background of the Franklin Park area and the NJDEP will be studying historical aerial maps to determine what other industries may have contributed to the pollution in this area.

- The NJDEP will conduct another round of testing in order to determine the Contamination of Known Extent (CKE). This should be probably being completed in the spring of 2005.
- The action levels that are determined by the NJDEP are more conservative than some of the action levels set by the Environmental Protection Agency (EPA). Because the action levels are conservative, the NJDEP will not open their spill fund unless exceedance of the action level are confirmed by at least two tests from a laboratory certified by NJDEP.
- Franklin Township has always had the reputation of being proactive when it comes to health issues. It is probably the only township in the state to mandate a sulfate test on all new wells and a soil test on all soils being imported onto a township lot.
- In keeping with the proactive reputation, Mr. Galanowsky recommended that the Township establish a “Zone of Involvement” which would include any area where contamination was detected.
- In this “Zone of Involvement”, any area that does not have an existing water line should have one constructed.
- An ordinance requiring that anyone in the “Zone Involvement” must hook up to the public water line when available.
- Anyone outside the “Zone of Involvement” that does not have a water line on their street can petition all the residents on their street for a water line. If everyone on the street is willing to hook up to public water, the township can elect to run a water line down the street.
- The above recommendation is proposed in order to protect the public health of the residents both now and in the future. Studies and tests will continue to be conducted; however, there is no guarantee where future contamination will turn up. The health of our community should be our paramount concern.

Mr. Daly reviewed the following:

FRANKLIN PARK WATER

Policy and Budget Issues

- Mandatory Hook-up

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Mr. Rainone advised Council that the Township cannot select area, it is all or nothing, except for health reasons order hook-ups.

- Who Pays What Share

Involvement Area

- Mandatory Hook-up
- Ultimate burden to pay: Polluters through claims by the Township and individual homeowners to Spill Fund and grants to extent as possible.
- Interim Shares:
 - Township: Entire cost of extending lines within the Involvement Area and related capital improvements (no capital connection fee).
 - Resident: Contractor costs to connect house to system and cap well (Approximate - \$3,000). (Reimbursable as a Spill Fund Claim).

Off-Bennington Parkway Outside Involvement Area

- Voluntary Hook-up
- Extension Policy on streets without lines: Resident petition with set number of non-participants.
- Cost Shares
 - State Grants as much as possible to cover Township capital costs (no capital connection fee).
 - Resident: Contractor costs to connect house to system and cap well (Approximate - \$3,000).
- **Steps**
 - Capital Plan
 - Neighborhood Meeting with Council
 - Ordinances (Mandatory Hook-up; Capital)
 - Grant Applications
 - Pursue other State Assistance

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A brief discussion ensued regarding the Area of Involvement and costs to both the Township and residents. Mr. Daly reported that \$149,625 is proposed to be appropriated in FY05 and \$663,890 is proposed to be appropriated in FY06.

FY 2005 CAPITAL BUDGET PLAN

A discussion ensued regarding the following Police Capital Projects between Council members; Mr. Daly and other Township officials:

		2005	
<u>Debt Capital</u>	<u>Total</u>	<u>Cash</u>	<u>Debt</u>
Parks: Naaman Williams pool-fence imp., filter	37,800	1,890	35,910
Police: Pistol range (purchase 5.01 lot 1.05)	82,500	4,125	78,375
Public Works Phone System	26,250	1,313	24,938
DPW: Convert Municipal Radios to Trunk Sys.	136,500	6,825	129,675
Public Works: Garage Bay lift replacements	168,000	8,400	159,600
Senior Center Sound System	21,000	1,050	19,950
TV Studio Equipment	15,750	788	14,963
Subtotal Debt Service	487,800	24,391	463,411

		2005	
<u>SCIA</u>	<u>Total</u>	<u>Cash</u>	<u>Debt</u>
Animal Control: Van (replacement)	26,250		26,250
Health: Pickup (1) (for add'l inspector)	21,000		21,000
Police: Equipment	135,240		135,240
Police: Security system upgrade	41,790		41,790
Police: Vehicles (8) – marked	199,920		199,920
Police: 4x4 vehicle	39,375		39,375
Police: In-car mobile video recorders (8)	31,080		31,080
Police: mobile computers (5) and vehicle mts (11)	42,000		42,000
Police: prisoner van 9-passenger	26,250		26,250
Public Works: Asphalt Roller	14,700		14,700
Public Works: Dump Truck (replace 85 truck)	92,400		92,400
Public Works: Mason Truck (replace 89 truck)	52,500		52,500
Recreation Van	26,250		26,250
Subtotal SCIA	748,755		748,755

		2005	
<u>Water Utility Fund</u>	<u>Total</u>	<u>Cash</u>	<u>Debt</u>
Large Water Meter Replacement Program	383,633	19,182	364,452
Remote Meter Reading	210,000	10,500	199,500
Upgrade of Scada System	162,750	8,138	154,613
School Ave interconnect with New Bruns. (DEP)	159,600	7,980	151,620
Franklin Park Water	157,500	7,875	149,625

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Total Water Utility Fund **1,073,483** **53,675** **1,019,810**

		2005	
<u>Cash Capital</u>	<u>Total</u>	<u>Cash</u>	<u>Debt</u>
Police: Breath Testing Machine	14,000	14,000	
Police: Duty Weapon (handgun) replacements	10,000	10,000	
Public Safety Bldg air handler canvas shrouds	5,700	5,700	
Animal Shelter furniture	5,300	5,300	
Animal cages	5,000	5,000	
Public Works: 40 Churchill Overhead Door Cntrl	3,985	3,985	
Public Works: Emergency Lights Replacements	2,900	2,900	
Fire Prevention: Carbon Monoxide Detector	1,200	1,200	
Health: Nurses Equipment & Instruments	825	825	
Health: Cabinets	450	450	
Subtotal Cash	49,360	49,360	

Mr. Daly reported on the following budget schedule:

- o October 5 Work Session – Budget Wrap-up
- o October 19 – Finance Oversight Committee
- o November 9 – Regular Meeting – Introduction of Budget
- o December 14 – Regular Meeting – Adoption of Budget

ADJOURNMENT

Upon a motion made by Deputy Mayor McKenzie, seconded by Mr. Chivukula and unanimously approved, meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Ann Marie McCarthy
Township Clerk