

WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
JANUARY 3, 2002

The Work Session of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, New Jersey, was called to order by the Mayor at 8:02 pm.

The Mayor read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

1. CALL TO ORDER

The Township Clerk called the roll.

Present: Mayor Eberle, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler, Mr. Sumter

Absent: No One

Also Present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk

2. REVIEW PREPARED AGENDA FOR REGULAR MEETING

10. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 112, DEVELOPMENT - SECTION 112-26C(1)A - ENGINEERING FEES FOR RESIDENTIAL DEVELOPMENT; SECTION 112-29, ESCROW DEPOSITS (SINGLE LOT RESIDENTIAL APPLICATIONS FOR ONE DWELLING)

In response to a question from Mr. Levine, Township Manager Daly confirmed that this ordinance reduces the fees paid for developments of one dwelling unit and provides for the use of in-house staff.

11. ORDINANCE INTRODUCTION - LEASE - CAPITAL EQUIPMENT FROM THE SOMERSET COUNTY IMPROVEMENT AUTHORITY

In response to a question from Ms. Barrier, Township Manager Daly noted that the exact savings to be achieved from the joint capital program with the County will not be determined until the bonds are sold but there will be a savings by going from market interest rates to tax exempt interest rates.

13. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 44, PERSONNEL POLICIES - SECTION 44-10, EMPLOYMENT BENEFITS, SUBSECTION F, HOLIDAYS - ADD LABOR DAY

Township Manager Daly noted that this ordinance cleans up a prior error in the personnel ordinance.

17. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 226, VEHICLES & TRAFFIC - ELIMINATE PARKING ON JFK SERVICE ROADS

Township Clerk Pellicane advised that the recommendation from the FTPD on this parking prohibition has been expanded to include all three JFK frontage roads rather than just the frontage road in front of the St. Matthias rectory.

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19. CONSENT AGENDA

G. CONTRACT RECISSION - IMSOFTECH - METER READING BILLING SYSTEM - \$61,500 MINUS \$9,225 FOR SERVICES PERFORMED

Mr. Mazzola questioned why the Township awarded the bid for a product which did not do what it was supposed to do and why the Township is giving the vendor \$10,000 for work performed.

Township Manager Daly responded that the bid was submitted and awarded based on the Township's representations that the program would work with the Vital Data Base. The obstacles in the Vital Program, however, turned out to be insurmountable. Township Attorney Rainone confirmed that the inability to convert the Vital files could not have been determined ahead of time. Township Manager Daly offered to provide Council with a more detailed explanation prior to the January 8th Regular Meeting.

Mr. Mazzola noted the need for a better way to represent the ability to interface with Vital so potential bidders know the problems before hand. Township Manager Daly responded that the Township is moving everything possible off the Vital System.

Mr. Levine questioned if the Township includes language in its contract reserving the right to cancel. Township Manager Daly responded that we do not.

Mr. Levine questioned where the bid receipt was advertised since we received only one bid. Township Manager Daly responded that the bid was advertised in the Home News and Star Ledger.

19I. AGREEMENT - MIDDLESEX COUNTY HEALTH DEPARTMENT - INTERLOCAL SERVICES - STD SERVICES - \$6,500.00

Ms. Barrier questioned what services we received from Middlesex County through this agreement. Township Manager Daly will provide this information. In response to a question from Mr. Levine, Township Manager Daly noted that Middlesex County has provided these services for Franklin for many years.

19W. PROFESSIONAL SERVICE AGREEMENT - DENNIS KOWAL ARCHITECTS - ARCHITECTURAL SERVICES/LIBRARY EXPANSION - \$286,843.00

In response to a question from Mr. Levine. Township Manager Daly noted that this resolution, as well as others that will appear on the agenda dealing with the library, are covered by our bond ordinance since all the money from grants, bonds and the library are flowing through the Township.

19BB. PROFESSIONAL SERVICE AGREEMENT - SCHOOR DePALMA - HAMILTON STREET REVITALIZATION PROGRAM - \$5,700.00 - COUNTY GRANT

Mr. Chivukula noted that the agenda title for this resolution does not reflect that the \$5,700 for this agreement has been provided by a County Grant. The agenda will be corrected for the Regular Meeting.

Council discussed the numerous nominations appearing on the agenda for the Regular Meeting and:

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Noted that the nomination for one (1) Regular Member of the Board of Adjustment – four (4) year term – has been added;

Noted that the nomination for one (1) Alternate No. 1 Planning Board Member – two (2) year term – was deferred on 1/01/02 and has been added;

Deferred the nominations for three (3) Regular Members of the Advisory Board of Health pending discussion and recommendations by Councilman Grippo and Mazzola;

Deferred nominations for four (4) members of the Clean Community Committee pending final action by the State Legislature on the Grant programs which require this Committee;

Removed nominations for three (3) Council Liaison Members to the Youth Center Task Force noting that the Task Force has completed its individual tasks and has evolved into the Recreation Council and will make its recommendations to Council shortly;

Removed duplicate nomination for Township Representative on the SCCOAH Board of Directors;

Added nominations to the Somerset County Cultural & Heritage Advisory Committee.

Shade Tree Commission

Mr. Mettler questioned the appointment of the members of the Shade Tree Commission prior to the Council's finalization of an ordinance setting forth their duties and responsibilities and a determination to provide funding to accomplish its duties and responsibilities is premature. Deputy Mayor Grippo responded that he is prepared to make nominations; Mr. Chivukula responded that appointments now will give the members the ability to provide input to the ordinance. Township Attorney Rainone advised that the Shade Tree Commission has been created by ordinance and exists. The decision of whether or not to make appointments now or after the conclusion of discussions on amendments to the ordinance is a policy decision by Council.

Township Manager Daly advised that former Mayor Clyde's Ad Hoc Committee has met and will be preparing another draft ordinance. Mr. Mazzola noted programs and grants which are available from the New Jersey Division of Forestry if our Shade Tree Ordinance can facilitate the programs and suggested that it would be appropriate to get input on these grants/programs before the scope of responsibility of the Shade Tree Commission is decided and before appointments are made.

3. COMMITTEE REPORTS

Sewerage Authority Liaison

Mr. Mettler reported that the Sewerage Authority discussed the letter received from a Brentwood Boulevard resident concerning additional cost to the resident because of a change in design. The resident's efforts were not successful dealing with the Franklin Township Sewerage Authority.

Traffic Management Subcommittee

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Mr. Chivukula noted that the regularly scheduled meeting of this Subcommittee conflicts with the Governor's Inauguration and suggested that the Subcommittee, when appointed next week, change the meeting date to January 17th.

Regularly Scheduled Monthly Reports

Deputy Mayor Grippo requested that the practice of scheduling reports from all Subcommittees and Liaisons quarterly on the agenda be resumed. Mr. Mazzola suggested that some subcommittees may require monthly rather than quarterly reports. Council concurred with the request and directed the Township Clerk to resume scheduling these reports on the agenda.

4. JOINT COMMITTEE ON THE VILLAGE OF KINGSTON - APPOINTMENT OF THREE (3) RESIDENTS, ONE (1) COUNCIL LIAISON AND PLANNING DIRECTOR/DESIGNEE

Township Manager Daly advised that the names of three Franklin and three South Brunswick nominees have been received, and a resolution making joint appointments by Franklin and South Brunswick will be on the agenda for the Regular Meeting. Mayor Eberle will continue to serve as Council liaison to the Joint Committee.

5. ROUTE 27 WATER LINE EXTENSION - MORRISON ESTATES, SECTION 2 SUBDIVISION

Council reviewed December 3, 2001 memo from Township Engineer Joseph Russo as follows:

"Barbieri Builders, Inc. applied to the Planning Board for a major subdivision of Block 11.01, Lots 15 & 16, which is located on Route 27, adjacent to the Princeton Highlands Subdivision. The Planning Board approved the application conditionally on October 17 of this year. The application includes 22 single-family residential lots, which are proposed to be serviced with private wells and septic systems.

Several staff members, including myself, asked that the applicant explore the feasibility of supplying public water to the site. The Planning Board granted approval based upon the condition of extending the water line if approved by the Township.

At this point, the Applicant needs either the approval or disapproval of the water line extension from the Council in order to finalize their plans. If approved by the Council, the applicant would then have to determine if there would be adequate flow and pressure available to service the site by extending the main. Obviously, if the Council does not approve the water line extension, or it is determined not to be feasible, the applicant will continue to pursue the subdivision using private wells."

Council discussed:

1. Council's prior decision not to extend water in this area to avoid encouraging further development.
2. The residents of Princeton Ridings are interested in public water for fire protection purposes but are opposed to the installation of a water tower.
3. The number of homes to be constructed by the developer is the same with public water or wells.
4. Council decided to limit the sanitary sewer area to north of Bennetts Lane. There is no definitive line, however, for limiting water facilities.

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5. Adequacy of water pressure to provide adequate fire protection to this area without adversely impacting fire protection for other areas. This question would have been reviewed by the Department of Fire Prevention at the time of site plan review, and Township Manager Daly will obtain copies of the report for Council review.

This matter was deferred pending review of the report on fire protection questions.

6. COUNCIL RETREAT

Council discussed their preference for a one, weekend day retreat or a two, weekday or evening retreat. It was determined to schedule the retreat for Sunday, February 3, 2002 at the Community/Senior Center from 1:30 p.m. to 4:00 p.m.

7. RIGHT OF ENTRY ADMINISTRATIVE INSPECTIONS

Township Manager Daly advised Council of the reasons for this recommended ordinance:

1. Staff, particularly health department, is having problems with entering properties to inspect and investigate neighborhood complaints since we do not have a clear procedure to obtain entry.
2. Our current Ordinance is in conflict with the 4th amendment to the Constitution.

The ordinance would enable our inspectors to carry out their jobs and corrects the existing ordinance so it is in compliance with the Constitution.

Township Attorney Rainone advised that:

1. Many of the rights being discussed are found in various cases and rulings by the Superior Court; we are proposing nothing that would give municipal officials more power than the courts have already deemed appropriate.
2. Our existing Ordinance is too vague and it is desired to create a more specific process.
3. The ordinance requires probable cause in order to seek a warrant to enter premises and would make the requirements more stringent than the policies now practiced by the Fire Officials.
4. The ordinance will establish a definite procedure so municipal officials do not have to proceed on an ad hoc basis which could be problematic.

Ms. Barrier questioned the exact language which will be incorporated in the ordinance. Township Attorney Rainone responded that he will take Township Manager Daly's recommendation and put it in ordinance form for Council review.

Mr. Sumter questioned if the ordinance pertains to residential and/or commercial properties. Township Manager Daly responded that it pertains to both, with different procedures.

Township Attorney Rainone advised that without the proposed ordinance, a warrant from Superior Court would be needed to enter properties without the owners permission; with the ordinance, a warrant can be issued by the Municipal Court Judge.

In response to questions from Mr. Mazzola, Township Attorney Rainone advised:

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1. The Superior Court is no more protective of constitutional rights than the Municipal Court would be and the use of the Municipal Court provides a more efficient and effective means of getting the desired result.
2. The procedure cannot be used to illegally search for drugs or other contraband. The warrants issued would be to specific areas of the property related to the complaint being investigated.

Mr. Mazzola questioned the scope of the problem and the percentage of refusals. Township Manager Daly responded that we don't keep those statistics but are in the process of implementing performance statistics.

Ms. Barrier moved to table this matter to the January 22nd Work Session for further study, to insure there are no violations of the 4th amendment, and to review the exact language. Motion was carried unanimously.

8. EXPANSION OF ANIMAL FACILITY PROPOSAL

This matter was deferred pending review by the Financial Oversight Subcommittee.

9. RE-OPENING OF MATILDA AVENUE

Township Manager Daly advised Council that, as a result of construction in the Naaman Williams Park, Matilda Avenue has been cut off from traffic. When the construction is completed and the road is reopened, the FTPD have proposed several traffic regulations to improve safety in the area.

One of the proposals is to prohibit left turns from Pine Street to Route 27. A temporary prohibition by resolution appears on the agenda for January 8th to enable the prohibition for 90 days during which time the total overall traffic regulation package can be implemented.

Mr. Mettler noted that the portion of the street remaining after park construction is named Matilda Avenue partially and Pine Street partially and questioned why one name is not carried all the way through. Township Manager Daly responded that changing street names causes a great deal of opposition from residents. Mr. Sumter indicated that the change would only impact one dwelling and he will confer with those residents.

10. SOUND BARRIER - INTERSTATE 287

Council reviewed December 10, 2001 memo from Sgt. Robert Vornlocker recommending that the Township Council, by resolution, request NJDOT to install sound barriers along residential portions of Interstate 287.

Deputy Mayor Grippo moved to authorize the recommended resolution. Ms. Barrier seconded the motion; motion was carried unanimously.

Mr. Mazzola noted that the need to insure that the residents of the area support the request since some people are opposed to the visual obstructions the sound barriers create. Township Manager Daly will correspond with the affected residents and place the matter on the agenda for February 12th. Mr. Mettler noted the importance of advising the residents that we are requesting the sound barriers but will not necessarily get them.

11. PROPOSAL - PROFESSIONAL SERVICES - SUSAN DRIVE DRAINAGE IMPROVEMENTS

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Township Manager Daly advised that there is \$20,000 in the Capital Budget to do the engineering necessary to provide specifications for the needed drainage improvements and a cost estimate. At that point, it is recommended that the project be turned over to the residents to decide if they want to do the drainage work themselves or have the Township do the work and assess the property owners. Council concurred.

12. MIDDLEBUSH LOCALIZED TRAFFIC IMPROVEMENTS

Township Manager Daly advised that the report from Orth-Rodgers on the Middlebush Localized Traffic Improvements is being distributed this evening. Many of the proposed improvements involve County roads and the Council will be asked to review and give recommendations to the County on their capital budget.

Council noted the need for the Middlebush By-Pass Committee to reconvene and for Council to discuss this plan at the February 3rd retreat or February 5th Work Session.

13. COUNCIL COMMENTS

Route 287 Improvements

Mr. Chivukula noted the task force involving Franklin, Somerset County, Piscataway Township and Middlesex County studying improvements needed to Route 287. The next meeting of the Task Force will be on January 23rd in Franklin and there is a need for Council to name its representatives from the Council and staff. This matter was deferred to the January 8th meeting.

Council members expressed Happy New Year Greetings to all residents.

RESOLUTION - MEETING NOT OPEN TO PUBLIC - NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12

Read by Mayor Eberle

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey is subject to certain requirements of the **Open Public Meetings Act, NJSA 10:4-6, et seq.**; and

WHEREAS, Open Public Meetings Act, NJSA 10:12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Franklin to discuss in a session not open to the public certain matters relating to the item or items authorized by **NJSA 10:4-12b** and designated below:

Land Acquisition - Miles and Puskus

Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 3rd day of January, 2002, that an Executive Session closed to the public shall be held on January 3, 2002 at 9:56 pm in the Franklin Township Municipal Complex, 475 DeMott Lane Somerset, New Jersey for the discussion of matters relating to the specific items designated above.

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It is anticipated at this time that the above-stated subject matter will be made public:

With respect to acquisition of property at such time as the property is acquired or the acquisition is abandoned;

This Resolution shall take effect immediately.

Council adjourned to Executive Session at 9:56 p.m. Meeting resumed and was immediately adjourned at 10:05 p.m.

Respectfully submitted,

Jean C. Pellicane, RMC
Township Clerk