

**WORK SESSION OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**FEBRUARY 5, 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 8:01 P.M.

The Deputy 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**

Due to the absence of Mayor Eberle, Deputy Mayor Grippo presided over the meeting.

Present: Deputy Mayor Grippo, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler, Mr. Sumter. Ms. Barrier was absent at roll call but arrived immediately thereafter.

Absent: Mayor Eberle - Deputy Mayor Grippo advised that Mayor Eberle is ill with the flu.

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

**2. REVIEW PREPARED AGENDA FOR FEBRUARY 12, 2002 MEETING**

**16. ORDINANCE HEARING - AMEND CODE - CHAPTER 266, VEHICLES & TRAFFIC - ELIMINATE PARKING ON JFK SERVICE ROADS**

Ms. Barrier questioned if the residents on the frontage roads regulated by the ordinance have been questioned on their desires. Township Manager Daly advised that the parking prohibitions were initiated by the Fire Prevention and Police Departments for safety reasons. Township Clerk Pellicane advised that the residents have been notified of the ordinance and the hearing date.

**22D BID AWARD - MAACO AUTO PAINTING - REPAIR OF TOWNSHIP-OWNED VEHICLES - 03/01/02 TO 02/29/04 - \$25,000.00**

**22G CONTRACT AMENDMENT - MAACO AUTO PAINTING - REPAIR OF TOWNSHIP-OWNED VEHICLES - 03/01/02 TO 02/28/02 - ADDITIONAL \$10,000.00**

In response to a question from Ms. Barrier, Township Manager Daly clarified that the Resolution G provides an additional \$10,000 for vehicle repair for the period expiring February 28, 2002. Resolution D provides \$25,000.00 for vehicle repair for the next two years.

**22E PURCHASE - INTERNATIONAL FIREWORKS - 4<sup>TH</sup> OF JULY CELEBRATION - \$10,000.00 - SECTION 3-13**

Mr. Levine questioned if this is the same vendor which provided the fireworks last year, a local resident who did an excellent job. Township Manager Daly confirmed that the vendor is the same.

**22M. AUTHORIZE REIMBURSEMENT TO NEW JERSEY TRANSIT - TRAINING COSTS FOR POLICE OFFICER ORDEL TAYLOR - \$12,012.16**

In response to a question from Mr. Levine, Township Manager Daly and Township Attorney Rainone advised that New Jersey Transit hired the subject police officer and trained him. Subsequently, the Township recruited him for our

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police force. State Statute requires that if a police force hires an officer from another force within a certain period of time after his/her hiring by the original force, the newly hiring force must reimburse the original force for the cost of training.

Township Attorney Rainone advised that NJ Transit has required reimbursement for items in addition to training such as uniforms, etc. It is his feeling that our reimbursement for training only satisfies State Statute, and it is desired to get the reimbursement to NJ Transit as soon as possible. NJ Transit may still pursue reimbursement of the additional costs.

Mr. Sumter questioned the policy of hiring police officers from other forces rather than recruiting on our own. Township Manager Daly advised that the method of recruiting from other forces facilitates hiring since the officers have already been screened and found to qualify for appointment to a force and has permitted us to increase the diversity of police department by hiring more minority and female officers.

**22R PROFESSIONAL SERVICE AGREEMENT - DR. ROHINI JOBANPUTRA - HEALTH CLINICS FOR CHILD HEALTH, FAMILY PLANNING AND FLU - 01/02/02 TO 12/31/02 - \$14,850.00**

Ms. Barrier questioned the activities involved in the Family Planning Clinics. Township Manager Daly advised that the activities are the same as in 2001. Ms. Barrier noted that she has no objection to the same activities as 2001.

**22T PROFESSIONAL SERVICE AGREEMENT - VAN CLEEF ENGINEERING - EASTON FARMS DRAINAGE, CURBS AND OVERLAY DESIGN - \$140,607.00**

In response to a question from Mr. Levine, Township Manager Daly advised that this capital project will be on the agenda for discussion at the February 10th Retreat. Funding of \$400,000 for this project was provided by the Capital Budget several years ago and reserved by the Financial Oversight Subcommittee. The cost of the engineering design without inspection services is \$140,607.00, substantially less than the \$400,000 anticipated.

**22W PROFESSIONAL SERVICE AGREEMENT - THE REYNOLDS GROUP - ENGINEERING SERVICES - GREEN ACRES SURVEY - BLOCK 85/LOTS 20,65,67 & 11.01 - \$29,900.00**

In response to a question from Mr. Chivukula, Township Manager Daly advised that the proposed survey is for the Negri/Nepote farms and is required as part of our application for a Green Acres Incentive Grant. While Green Acres Grant applications require the expenditure of funds for engineering and environmental surveys, the ultimate grant money makes the costs worth while.

**22X TEMPORARY EASEMENT LICENSE - BETTE NIZILAK - TEMPORARY MOBILE ON TOWNSHIP OWNED PAPER STREET ADJACENT TO FIRE SITE AT 324 ELIZABETH AVENUE**

Mr. Mazzola noted that he is in favor of granting the easement but questioned if there will be any interference with Township functions. Township Manager Daly responded that the easement will not interfere with any Township functions. Township Attorney Rainone advised that the granting should be of a License rather than an easement since it is of a temporary nature and a license can be done by resolution.

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**25. NOMINATIONS FOR TWO (2) TEENAGE NON-VOTING MEMBERS OF THE RECREATION COUNCIL - ONE (1) YEAR TERM - 1/01/02 TO 12/31/02**

**Parochial/Private School Male  
Parochial/Private School Female**

This item will be deferred pending receipt of nominees from Director of Parks and Recreation Alice Osipowitz.

**3. COMMITTEE REPORTS**

*Human Relations Commission* – Ms. Barrier, Liaison, reported that the Human Relations Commission has not met since January 1<sup>st</sup>. Mr. Chivukula noted that our Commission has not been active while similar commissions in other towns have been very proactive and sponsor community activities. Mr. Grippo advised that Gerry Fudge and Phyllis Beals are very interested in getting the Commission active. Ms. Barrier will contact Ms. Fudge and Ms. Beals.

*Planning Board* – Mr. McKenzie, Class III Member, advised that the Planning Board has identified ten items from the Master Plan for discussion at the Retreat. A report on these items will be made available to the Council before the Retreat.

*SCCOAH Board of Directors* – Ms. Barrier, member, advised that SCCOAH met immediately after her appointment and she was unaware of the meeting. Their next meeting will be held next week.

*Board of Education* –

Mr. Levine, Liaison, reported that he has spoken with Superintendent of Schools Frank Pepe on various things happening in the school system and that construction of the high school is still on course. At the request of Deputy Mayor Grippo, Mr. Levine will provide Council with the high school construction schedule.

Mr. McKenzie, Liaison, reported that an article in today's newspaper indicates that the date for the 2002 school elections may be changed. Mr. Chivukula advised that the Governor will not be making his budget announcements until March 15<sup>th</sup> which may result in a delay in the 2002 school elections.

Deputy Mayor Grippo noted that the Franklin Township Senior Citizen Club has agreed to change its meeting dates to Thursday on the three annual election dates so that the Community/Senior Center can be used as a polling place. Mr. Mazzola requested that the Township Clerk prepare and send a thank you letter to the Club on behalf of the Council.

*Veterans' Memorial Committee* – Deputy Mayor Grippo and Mr. Mazzola reported that the Committee is moving forward, has decided on a site, and the architect has developed a preliminary design with which the Committee is happy. The Committee will now be determining costs and arranging fundraising ventures. The amount of \$90,000 available from the American Legion is not sufficient, and the other veteran units want to participate in the fundraising.

*Fourth of July Committee* – Deputy Mayor Grippo reported that the Committee will dedicate the theme of the 2002 celebration to the birth of the new veterans' memorial, and fundraising activities for the memorial will be conducted at the celebration. Berit Marshall has joined the committee representing the Shade Tree Commission. In response to a question from Mr. McKenzie, Deputy Mayor Grippo noted that the memorial will be dedicated to the veterans from the six branches of the service who served during wars while residents of Franklin. There will, however, be room for other features at the memorial. Mr. Chivukula questioned any legal implications of fundraising activities. Township Attorney

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Rainone responded that as long as the fundraising is not for political purposes, there are no legal implications.

### **4. TRANSPORTATION ENHANCEMENT APPLICATION**

Township Manager Daly advised that these grant applications which appear on the Consent Agenda for February 12<sup>th</sup> involve sidewalks from Kingston Village to Rockingham (applied for unsuccessfully in 2001) and money for purchase of the Franklin Inn. Council concurred with the applications.

### **5. PARTICIPATION OF LOWER RARITAN WATERSHED MANAGEMENT GROUP - SELECT REPRESENTATIVE - CURRENT REPRESENTATIVE THEODORE CHASE**

Township Manager Daly advised Council that Ted Chase, the Council's 2001 appointee to this Group, serves on another watershed group and would prefer not to serve on the Lower Raritan Group also. Deputy Mayor Grippo suggested that, unless someone expresses a desire to serve on the Group, the Township secure minutes and other information from the Group and not participate directly. Council concurred.

### **6. ADMINISTRATIVE INSPECTIONS DRAFT ORDINANCE**

This matter was deferred to Executive Session for discussion.

### **7. MIDDLEBUSH PARK IMPROVEMENTS**

Council reviewed the Conceptual Plan prepared by Schoor DePalma of the possible improvements that might be funded by the \$250,000 included in the FY2002 Capital Budget and the bond ordinance. The Plan provides for an entrance driveway on the Charles Street end of the park, driveways, 60 parking spaces, a walking trail and a playground. Council discussed:

1. Need to include one football field and one soccer field instead of two soccer fields.
2. Inclusion in the plan of baseball fields; this potential use will be discussed at the Retreat.
3. Adequacy of the 60 parking spaces, considering the availability of parking within the existing municipal complex parking lots.
4. In light of opposition from residents on Charles Street and Wade Avenue, design of the entrances to the park from both sides to insure that no through street is created to encourage traffic wanting to avoid the traffic signal at Amwell Road.

Ms. Barrier questioned whether the Conceptual Plan was based on the original plans for high, medium or intense development. Deputy Mayor Grippo and Mr. Mazzola responded that the conceptual plan fits into any of the three scenarios and provides a starting place.

### **8. SOUND BARRIERS – ROUTE 287**

Council reviewed February 1, 2002 memo from Township Manager Daly noting that responses were received from 84 of the 160 residents who would be impacted by the installation of sound barriers along Route 287. Out of the 84, 71 were in favor; 12 against, and 1 no opinion. Based on the overwhelming response in favor of the sound barriers, Council determined to request NJDOT to provide same.

Members of Council noted some questions which need to be decided before the request can be transmitted:

1. Installation along the entire length of 287 or just certain sections.

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2. Installation on both sides of 287 or just the residential side to avoid interfering with the visibility of existing hotels/signs in the industrial area.
3. Need to insure that Elizabeth Avenue School receives the protection the barriers would provide.
4. Impact of sound barriers on residences across the street from or further away from barriers.

Township Manager Daly will discuss these questions with Sgt. Robert Vornlocker of the FTPD and Joseph Russo, Township Engineer, and have them prepare a specific recommendation. This matter was deferred to the February 26<sup>th</sup> meeting pending receipt of the recommendations.

### **9. AM RADIO STATION**

Mr. Chivukula noted the possibility of providing one AM Radio station at a cost of \$15,000 as discussed by the Integrated Communications Committee. The need for the station has been accentuated by the September 11<sup>th</sup> terrorist attack to provide emergency bulletins, school closing information, traffic problems, etc. However, no funding has been provided in the budget.

Ms. Barrier, Mr. Mazzola and Mr. Mettler noted:

1. The station could also be used to advertise community events.
2. Ability to reach the entire Township must be guaranteed.
3. Information is required on how the station would be maintained and at what cost.
4. Desirability of pursuing another means of public information when existing forms through the website and the cable television local channels are not fully used.

Mr. Sumter noted his support of the project; Mr. Chivukula noted that the police department is in favor of the project since the reverse 911 system cannot reach the entire Township.

Deputy Mayor Grippo requested that this matter be referred to the newly created Public Affairs Committee

### **10. COUNCIL COMMENTS**

*Fire Chiefs Association Survey* – Township Manager Daly advised Council that a draft response to the survey submitted by the Fire Chiefs Association is being distributed to Council this evening and will be discussed during the February 10<sup>th</sup> Retreat or the February 26<sup>th</sup> Work Session so a response can be prepared.

Mr. McKenzie noted the need for the Council to be aware of finances and cautious of spending since we don't know what cuts in State Aid will be made. Mr. Sumter concurred.

Ms. Barrier expressed her agreement with the grant application to purchase the Franklin Inn.

Deputy Mayor Grippo reminded Council members of the February 10<sup>th</sup> Retreat and urged all members of Council to participate in the many community activities conducted by the Meadows Foundation, the Villagers Theater as well as the Black History Month activities.

Council took a brief recess 9:04 p.m. to 9:09 p.m. with all members previously present returning.

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

**Read by Deputy Mayor Grippo**

**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 -**

**Puskus  
Tulipwood  
Kanarak**

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.

**Potential Litigation -**

**Countryside Apartments  
Administrative Inspections - Draft Ordinance**

Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 5<sup>th</sup> day of February, 2002, that an Executive Session closed to the public shall be held on February 5, 2002, at 9:09 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.

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

With respect to litigation, negotiation, collective bargaining and Attorney-Client Privilege at the conclusion of said litigation or negotiations;

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.

Motion was made by Mr. Mazzola and seconded by Ms. Barrier; motion was carried unanimously. Council adjourned to Executive Session at 9:09 p.m. Meeting resumed and was immediately adjourned at 10:22 p.m.

Respectfully submitted,

Jean C. Pellicane, RMC  
Township Clerk