

WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
FEBRUARY 26, 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 7:07 p.m.

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

1. ROLL CALL

The Township Clerk called the roll.

Present: Mayor Eberle, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Sumter. Mr. Mettler was not present at roll call but arrived later in the meeting.

Absent: No one

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

2. REVIEW PREPARED AGENDA FOR REGULAR MEETING

15. ORDINANCE INTRODUCTION - BOND ORDINANCE - PARK EQUIPMENT/AMEND ORDINANCE #3180

In response to a question from Mr. Mazzola, Township Manager Daly confirmed that the ordinance is in compliance with the improvements and sequence of events adopted in the Capital Budget.

19. ORDINANCE INTRODUCTION - ACQUISITION - PILLAR OF FIRE/SCHOOL HOUSE ROAD RIGHT OF WAY - BLOCK 513/LOT 3; BLOCK 516/LOT 2; BLOCK 516/LOT 3

Township Manager Daly advised that this ordinance will be discussed in Executive Session at the end of this Work Session.

20I PURCHASE - MOBILE VISION, INC. - EIGHT (8) IN-CAR VIDEO RADIO SYSTEMS - \$28,920.00 - STATE CONTRACT

Township Manager Daly advised Council that the County Prosecutor has just issued regulations regarding in-car video tapes. Modeled after the State Police policy, the regulations will require the insertion of a new video tape by a police sergeant at the beginning of each shift and the removal of the tape at the end of the shift. The tapes will then need to be retained for a specified period of time. Since compliance with these regulations will result in a cost to the Township to purchase video tapes and to store them after use, an analysis of these annual costs is being made and will be presented to Council before a decision on the purchase of additional video systems is made. Therefore, Township Manager Daly requested that Consent Agenda Item I be deferred. Council concurred.

20W GRANT APPLICATION - NJ DEPARTMENT OF AGRICULTURE - JERSEY FRESH PROGRAM - HAMILTON STREET FARMERS MARKET - \$5,220.00

In response to a question from Mr. Grippo, Township Manager Daly advised that this grant will provide seed money only to start the farmer's market program as part of the Hamilton Street Revitalization Project. It is, however, an important part of the revitalization.

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Mr. Mettler arrived at this time.

3. VETERANS MEMORIAL

Deputy Mayor Grippo noted that:

- a. A preliminary cost estimate was distributed to Council with last week's packet which raised some concern. The cost estimate is premature since the improvements are still under study.
- b. The Veterans Memorial Committee has given the architect \$1000 for the preliminary study.
- c. The VFW has committed \$100,000 to the memorial but it is preferred to use this money for improvements rather than architectural services. The Committee hopes to fundraise \$100,000 and seek grants so that Phase 1 can proceed.
- d. The Council is requested to provide \$5,000 for the architect to proceed to the next step, creation of a rendering of the various areas within the memorial and determine positioning/dimensions/materials of the improvements. The rendering can then be used for a fundraising brochure.

Township Manager Day advised that funding is available in the Council's contingency fund.

In response to questions from Mr. Chivukula and Mr. McKenzie, Deputy Mayor Grippo and Mr. Mazzola advised that the architect doing the work was originally brought in to the Committee by the VFW because of his background in designing parks and memorials. No decision has been made on whether this same architect will be used for the entire project. There is no need to go to bid for the services since they qualify as a Professional Service.

Deputy Mayor Grippo moved to proceed with a Professional Service Agreement in the amount of \$5,000. Township Manager Daly advised that the amount is less than the \$8,500 limit which he can spend without Council resolution or a resolution can be processed for the March 12th meeting. Council concurred with the issuance of the Purchase Order by the Township Manager as permitted by ordinance.

4. TAX BILL INSERT

Mr. Chivukula reported that the Financial Oversight Subcommittee discussed the issue of the Township Manager's explanatory tax bill insert and determined that the issuance of more letters would cause more confusion. Mr. Mazzola noted that while the statement caused consternation to the Board of Education and the County, it was technically correct. Ms. Barrier noted receipt of the Board of Education post card which she feels is sufficient as long as our next tax bill includes the explanatory graph. Mr. Levine noted that while the information in the Township Manager's note was technically correct, it was misleading, and it is incumbent on the Council to correct this with the next billing.

5. MORRISON ESTATES WATER EXTENSION

Township Manager Daly advised that Council expressed concern that the extension of public water to this tract would provide the impetus for additional development of land to the south. Therefore, Council asked for information on the Fire Prevention view. The Fire Prevention Department strongly recommends that public water be provided since the narrow width of the streets would be strained to allow pumper trucks to operate and failure to have public water would require each home to be equipped with a sprinkler system which would add to the cost of the home. The Planning Board has approved the application but left the question of water service to the Council.

Council discussed:

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- a. The ability of the Township to require the developer to provide wider streets or sprinkler systems in the homes if these items were not required by the Planning Board.
- b. How much adjacent land would be opened to development by the extension of the public water. The Princeton Ridings subdivision to the south is interested in getting public water.
- c. If the current Township water system has been designed with sufficient pressure to service this additional residential community without adversely impacting existing homes.
- d. The Planning Board did not require the developer to provide wider streets and shorter cul-de-sac streets since the developer's plans are in compliance with the State Residential Site Improvements Standards and our Planning Board cannot require greater standards.
- e. If the Council does not approve the extension of the water lines, the developer will install wells.
- f. While other communities have basement water tanks and sprinklers for homes without public water, they are not required by State Residential Site Improvement Standards.

Michelle Tullio, Esq., attorney for the applicant, was invited to clarify the issues and advised that the applicant sought to install wells. The question of extending public water was initiated by the Fire Prevention Department. The houses meet state requirements with wells, and there is sufficient fire equipment in the Township to handle the development. The Township Engineer has reported on the issue of water pressure and flows. If the Council authorizes the extension of the public water, the applicant will have the necessary engineering studies performed to determine if the public water pressure is adequate. If it is not, the developer will revert to using wells.

Mr. Mettler noted that approval of the extension of water lines by the Council might result in the applicant having to extend the water lines in a way to provide adequate water pressure, regardless of whether or not the cost is feasible. Township Attorney Rainone responded that the Township could not require the developer to spend an unreasonable amount of money to extend lines beyond reasonable requirements.

Mr. Levine moved to deny approval of the developer's request to extend the water line. Ms. Barrier seconded the motion; motion was carried unanimously.

6. APPLICATIONS FOR TOWNSHIP COMMITTEES

Copies of draft application forms were distributed to Council for review and discussion at the March 5th Work Session.

7. VILLAGERS THEATER PHONE-A-THON

Deputy Mayor Grippo advised that the Villagers Theater has asked for use of the Township's building and telephones for a fundraising telethon. The calls to be made would be local calls to their subscription area.

Council discussed:

- a. The precedent which would be set and result in similar requests from other organizations.
- b. The limiting of such uses to Township non-profit organizations which serve the community and which are housed on municipal properties.

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- c. The cost to the Township of having employees open and close the building after hours and the alternative of limiting such uses to times when the building is already opened for meetings.

Council concurred with items b and c of the above-suggested parameters and granted approval for the Theater use of the building/telephones within same parameters.

8. COUNCIL COMMENTS

Because of the lateness of the hour, Council comments were not solicited.

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

Read by Township Clerk Pellicane

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:

Property Acquisition - Pillar of Fire

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 26th day of February, 2002, that an Executive Session closed to the public shall be held on February 26, 2002, at 8:07 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 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 Mr. Sumter; motion was carried unanimously. Council adjourned to Executive Session at 8:07 p.m. Meeting resumed and was immediately adjourned at 8:13 p.m.

Respectfully submitted,

Jean C. Pellicane, RMC
Township Clerk