

**WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
MAY 4, 2004**

The Work Session of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, was called to order by Mayor Levine at 8:07 p.m.

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

CALL TO ORDER

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula, Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Regan, Mr. Sumter and Mr. Unger.

Also Present: Louis Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk.

PUBLIC DISCUSSION

Motion was made by Deputy Mayor McKenzie and seconded by Mr. Regan to open the meeting for public discussion. Said motion carried unanimously upon voice vote.

Mayor Levine announced that the meeting was open for public discussion and asked that those interested in speaking give their names and addresses to the Township Clerk.

Shirley Pietrucha, 49 9th Street, was grateful for the changes made on the website and indicated there were errors on the website regarding the June meetings that need to be corrected.

Ms. Pietrucha announced that May 15th is designated to honor those in the military service and hoped the Township would recognize its members of the Armed Forces.

Ms. Pietrucha announced that the Library Book Sale will be May 15 from 10 to 2.

Courtney Throckmorton, 591 Somerset Street, reiterated his request to fill the vacancy position on the Redevelopment Agency with a person from the area. Mr. Throckmorton reiterated his request that Council consider changing the name of the 4th of July Celebration to the Independence Day Celebration.

Mr. Throckmorton took exception to Mr. Sumter's comments from the April 27th meeting accusing him of lying. Mr. Throckmorton took exception to those comments. He stated that Council members should treat others with respect and not accuse them of things they have no evidence of. Mr. Throckmorton insisted Mr. Sumter publicly apologize to him at this meeting or the next meeting.

Mr. Sumter replied he did not state Mr. Throckmorton was a liar, he stated that Mr. Throckmorton states untruths and he does not like Mr. Throckmorton's statements.

Carl Wright, 139 Fuller Street, thanked the Township Manager and Council for finding a solution to the impact on his property from the Gateway Project. Mayor Levine stated the ordinance will be introduced on first reading next week.

Philip Kramer, 429 Canal Road, spoke on the changes made to the public discussion part of the meeting where Council members respond to questions and/or comments directed to them at the time they are made. He stated Council should have allowed Mr. Throckmorton to respond to Mr. Sumter's comments made at the April 27, 2004 meeting. He noted it was inappropriate for Mr. Sumter to make his comments at a point in the meeting where Mr. Throckmorton was not able to reply.

Mr. Kramer stated that many voters who voted for the open space tax thought the money would be used for habitat. He recommended that a question be placed on the ballot to see what the people want. Mr. Regan replied that this recommendation should be made to the Open Space Advisory Committee who would then forward their recommendation to the Council.

Councilwoman Ashley-Williams clarified that the changes made to the public discussion portion of the meeting in response to requests made by the public.

Mr. Sumter stated he waited to gather his thoughts before making his statements and made his comments during the Council Comment portion of the meeting. Mr. Kramer responded by stating that Council should have offer the person the opportunity to respond.

Teresa Daniel, 25 Magnolia Road, commended Mr. Regan for establishing a cash management plan and saving the Township money.

Motion was made by Deputy Mayor McKenzie and seconded by Mr. Regan to close the public portion of the meeting. Said motion was carried unanimously upon voice vote.

MAYOR'S REPORT

Mayor Levine announced the following that everyone present should turn off their cell phones during the meeting and agendas for this evening's meeting and next week's meeting are on the counter.

Mayor Levine extended best wishes to Bernard T. Schrum who resigned from Council effective April 30, 2004. He stated that the three candidates to fill the vacancy will be acted on in May. He asked that resumes be submitted to Council of the three candidates.

Mayor Levine reported that the video of the April 13th Council Meeting was not shown on Channel 8 because of the quality of the recording. He noted that there was a split vote regarding this issue of the Public Relations Committee.

Mayor Levine reported the public meeting with the NJDEP regarding contaminated wells in Franklin Park was held on April 28, 2004. He announced that if the State requires all to hook up to township water, the Township will waive the connection fees. The Township will go after the culprit of the contamination to be reimbursed for any costs incurred. Mr. Daly reported that the Township would be testing all wells in the area to find out the extent of the contamination.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie stated it is important to address the contaminated well issue and find the individuals who are responsible.

Deputy Mayor McKenzie expressed his gratitude and sadness in regards to the resignation of Bernard T. Schrum from Council. He stated he was prevented from continuing to serve by personal circumstances and he would have made great contributions to the Township. Mr. Sumter also expressed his regrets regarding Mr. Schrum's resignation.

Mr. Sumter asked if there is any progress with the water contamination issue. Ms. Ashley-Williams replied the State is now involved and the State and Township is looking into all well testing. There is no time line and the extent of the contamination at this time is unknown. Both the State and the Township are working hard to resolve this issue. Mr. Regan stated well testing will take place June 2nd through 6th in a defined area.

Mayor Levine reported there are two types of contaminants – one from leaking oil tanks and the other from a dry cleaner. Mr. Chivukula explained the difference between the two contaminants and stated that two separate divisions from the State are involved.

REVIEW PREPARED AGENDA FOR MAY 11, 2004 REGULAR MEETING

Ordinance 3452: Bond Ordinance providing for the resurfacing of various roadways and the parking lot of the Department of Public Works Facility in the amount of \$1,189,925.00.

Mr. Daly explained the breakdown of the ordinance – Amwell Road - \$819,000; Various Roads in Franklin Park - \$299,000 and the Paving of the Parking Lot at DPW - \$71,925.00. He noted the projects were discussed during last year's capital budget.

Ordinance 3453: Bond Ordinance providing for the resurfacing Berger Street from John F. Kennedy Blvd. To Vanderbilt Avenue in the amount of \$285,033.

Mr. Daly reported that the Township has received a \$150,000 grant to offset ordinance.

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Mr. Daly that the Township is receiving a \$150,000 NJDOT grant that will fund over 50% of this project.

Ordinance 3455: Amend Code Chapter 226, Vehicles and Traffic, Section 226-4, Penalties to increase the assessment of traffic summonses to comply with State surcharges.

Mayor Levine explained this ordinance provides general language for the increase of assessment of traffic summonses. This will eliminate the need to adopt an ordinance each time the State increases its surcharges.

Ordinance 3456: Amend Franklin Code, Chapter 217, Weight Restriction of Vehicles, Prohibit vehicles over 6 tons on Magnolia Road.

Mayor Levine explained that school buses would still be allowed on Magnolia Road.

Ordinance 3466: Waiving of Township Fees for Armed Services Active Duty Members.

Mr. Daly asked Council for more direction regarding what fees, how they would be waived and for whom. A brief discussion ensued regarding the definition of "active duty" and "active duty for training". It was the consensus of the Council that the ordinance would only apply to "active duty" (as defined in the NJ Statutes) and their immediate family. The Township Clerk was directed to prepare a draft ordinance. Deputy Mayor McKenzie asked if the ordinance could be retroactive. Mr. Rainone replied that would be impossible.

Resolution #04-219: Award Professional Services Agreement with Public Energy Solutions for LED modules for traffic lights in the amount of \$10,655.00.

Mr. Daly referred to a memorandum from Hank Kolakowski, Superintendent of Public Works regarding the savings with LED modules as well as the savings in labor with the Department of Public Works.

Resolution #04-220: Award Professional Services Agreement for Land Surveying Services with DeMuro Associates and Omland Engineering Associates.

Mr. Daly stated the amount of the contracts is not to exceed \$90,000.00 over a one year period.

Resolution #04-221: Renewing opposition to the construction of Route 92 in its present alignment.

A brief discussion ensued regarding the Township's opposition to the construction of Route 92. Ms. Eberle announced there is a public hearing scheduled for May 20th and she would take this resolution to the public hearing.

EMERGENCY MEDICAL SERVICES

Donna Vieiro, Assistant Township Manager, reported that over the past several months the Emergency Life Support Committee has been examining the options available to provide the residents with the best and most efficient response to first aid calls. A solution was reached on January 1, 2004 that provided coverage to the Township utilizing the services of our volunteer squads and utilizing Rural Metro to supplement times that the volunteer squads were not available. In addition, Rural Metro was given additional coverage areas to provide them with additional funding sources.

Ms. Vieiro reported that on April 1st, Rural Metro notified the Township that effective April 30, 2004, they would be providing only one unit Monday-Friday from 6am-6pm (currently they provide 2 units) and they can no longer provide services to the Township Monday-Friday from 6pm-6am. Rural Metro attributed these changes to the financial loss they have incurred since January 1, 2004.

Ms. Vieiro reported on April 12th, the Emergency Life Support Committee discussed the option of designating Rural Metro as the first response to the Township 24 hours a day, 7 days a week.

As a result, the following plan of action has been implemented: A bid opening has been scheduled for 10:00 a.m., Tuesday, May 11, 2004, which includes the following options:

Option A: One ambulance to provide coverage for the Franklin/Somerset-South Bound Brook areas, Monday to Friday, 6am to 6pm.

Option B: One ambulance to provide primary coverage to the entire Township, 24/7.

Ms. Vieiro reported that Rural Metro has agreed to continue coverage until after the bid opening. Bids will be reviewed and a recommendation will be made to Council. Award of the contract will be made on May 25th.

Council asked brief questions regarding this matter that were satisfactorily answered by Ms. Vieiro.

GATEWAY REDEVELOPMENT PROJECT

Stephanie Ferrier, Renaissance Economic Development Corporation provided Council with a status report of the Renaissance Gateway Project. Ms. Ferrier asked Council to consider the approval of an amendment to the Franklin Township Redevelopment Plan to rezone Block 123 from Residential Infill to Gateway Commercial. In addition, she requested an amendment

to the Renaissance Gateway, LLC Developer's Agreement with the Franklin Redevelopment Agency to add Block 123 to the Renaissance Gateway Project and remove Block 128 from the Renaissance Gateway Project. The addition of Block 123 to the Renaissance Gateway Project is necessary to permit the development to accommodate the anchor tenant, a supermarket. Without the addition of Block 123, the developer will be unable to secure a supermarket tenant due to the configuration of the site, as it now exists. Without a supermarket tenant, the viability of this project will have to be reconsidered. The request for the removal of Block 128 is requested due to financial restraints within the project. The acquisition costs for these parcels of land prohibit their inclusion in a financially viable project.

Mr. Unger asked what impact would this have to the Church and property owners. Ms. Ferrier replied that 56 parcels need to be acquired, 11 in Block 123. She stated they have started to meet with property owners. Ms. Ferrier stated that Church has to make a bid decision regarding where they would relocate to and if they can relocate financially.

Mr. Chivukula expressed his concerns that it took 4 ½ years to acquire the anchor store. Ms. Ferrier replied that the Shop Rite closed in May 2003 and the demand for a supermarket continued. They sought out a tenant, which took a year and the last several months have been spent negotiating the lease.

Mr. Regan asked why Block 123. Ms. Ferrier replied the size of the supermarket would take the entire Block 123. They would be forced to reconfigure the plan if it was not located in Block 123.

Council continued to discuss the matter of rezoning Block 123 in the Redevelopment Plan and removal of Block 128 from the Redevelopment Agreement. After a brief discussion, it was the consensus of Council to introduce an ordinance rezoning Block 123 in the Redevelopment Plan. Mayor Levine and Councilwoman Ashley-Williams, Redevelopment agency members would keep Council informed of redevelopment matters.

REQUEST FOR RELEASE OF DEED RESTRICTION
BLOCK 344/LOTS 30-31 – 152 GOLD STREET

Mr. Daly reported that the owners of Block 344, Lot 30-31, 152 Gold Street has request release of deed restriction on their property in order to erect a single family home on the lot located at 156 Gold Street. (Both lots are undersized lots.) Reports were received from the various departments. The Senior Engineer reported that regardless of whether a subdivision is required to separate the four lots, Block 344, Lots 30 & 31 is an undersized parcel and the release of the deed restriction would not create a fully conforming lot. A variance would still be required to build on the property. The Planner agreed with the Senior Engineer and added that the parcel in question would require a water connection to avoid the lot size variances and frontage variances would be required as well. It is likely that setback variances would also be needed. After a very brief discussion by Council, it was their consensus not to release the deed restriction.

REQUEST OF WAIVER OF METER CONNECTION FEES
SOMERSET COMMUNITY ACTION PROGRAM – HEAD START CENTER

Mr. Daly reported that the Somerset Community Action Program has requested Council consider the waiving the fees associated with the water meter connection for the new Head Start Center located on tax map Block 528.06, Lots 5.07 at 113 Belmont Drive.

Mayor Levine expressed his concerns of setting a precedent of waiving water meter connection fees for non-profit organizations. After a brief discussion by Council, they directed the Township Manager get information regarding the funding for this project. This matter will be re-scheduled for discussion at the May 25th meeting.

AMENDMENTS TO THE SIGN ORDINANCE

Mr. Daly reviewed the following changes that are recommended from the Planning Board:

Under Removal of Substandard Signs, the following has been added:

- (e) The Township Manager may direct that any sign in the aforementioned sections 3a-d be removed immediately by Township personnel when delays in removal of the sign would hinder the purpose and intent of this Ordinance. Signs so removed will not be destroyed, but will be available at the Department of Public Works for owners to retrieve for fourteen (14) calendar days after removal.

Under Prohibited Signs, the following has been added:

- (j) Electronic Script/Bulletin Boards
- (k) Sandwich Board Signs, which must be placed directly in front of the front/main entranceway of the building and removed at the close of the business day. Such signs are only allowed within the Hamilton Street Business District (pursuant to Section 112-9 Ord. No. 3368), East Millstone and Kingston.

Under Exempt Signs, the following changes were made:

- A. The following signs are allowed in the public right-of-way, as well as on public property and open space parcels when installed and maintained by the Township or when permitted as provided under Section 112-9G and Chapter 105 of the Construction Code.
 - 2. Temporary charitable signs providing such signs do not exceed sixteen (16) square feet on any one side with the time frame not to exceed thirty (30) days prior to the event.
 - 3. Signs required by law or government order, rule or regulation, including signs forbidding trespassing, hunting, fishing, trapping, dumping, recruitment and/or fundraising signs for the Board of Education, Fire and Emergency Rescue Squads or signs erected by the municipality or government for public purposes.
- B. The following signs are allowed only on private property with the permission of the property owner and prohibited in the public right-of-way and on public property and open space parcels:
 - 3. Temporary signs indicating a political preference or political cause provided such signs do not exceed sixteen (16) square feet in area and four (4) feet on any one side.
 - 4. Real Estate residential signs (For Sale, For Rent or Sold) provided:
 - a. Said sign does not exceed four (4) square feet in area on any one side, is located only on the site that is for sale/rent, and also provided that;
 - 7. Garage Sale Signs that must only be placed on the property in which the sale is taken place for a time period no greater than seven (7) days prior to the sale and one (1) day after the sale ends.

Under Requirements for Temporary Signs, the following changes were made:

- a. The only temporary signs permitted under this ordinance shall be commercial real estate signs used to advertise the sale, rental, or lease of a premises or portion thereof, to be located only on the site that is for sale/rent...

Mr. Unger asked how residents would be advised of these changed regulations. Mr. Daly stated the ordinance "as is" is very hard to enforce. These changes are an attempt to clean up the ordinance and make it more enforceable. There will be a public information campaign to advise residents of the changes.

Ms. Ashley-Williams asked what happens to the signs collected by the Department of Public Works. Mr. Daly replied that would be destroyed after 14 days.

Mr. Regan recommended that the number of days prior to an event under "Exempt Signs" should be decreased to 15 days from 30 days.

Mayor Levine expressed his concerns regarding freedom of speech and the placement of political signs in right-of-ways. Mr. Rainone stated that signs in the right-of-ways become a public safety issue and that Green Acres prohibits any signs not erected by the municipality on lands listed on the ROSI.

After a brief discussion, it was the consensus of Council to place the amendment to the sign ordinance on the May 11th agenda.

ADOPT-A-STREAM PROGRAM

Deputy Mayor McKenzie announced the Adopt-A-Stream Program sponsored by Franklin Township – Stormwater Division. The program provides families, local business owners, civic groups, neighborhood organizations, youth groups, churches and academic institutions the opportunity to become involved in an environmental program that helps protect our natural resources. The objectives of this program are to increase community involvement and awareness of the Township's water resources, develop watershed-based environmental education, increase reporting of water quality problems, and to improve water quality and stream habitat. By committing to the program, a group or organization agrees to collect litter along their adopted stream twice a year for at least two years.

Mr. Chivukula asked who is responsible for those hurt in the stream. Mr. Daly replied he would speak with the Township's Risk Manager regarding a waiver for volunteers.

EXECUTIVE SESSION

Mayor Levine asked for a motion to adopt the following resolution calling for Executive Session for the items listed below:

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:

- **Contract Negotiations**
- **Personnel**

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 4th day of May, 2004, that an Executive Session closed to the public shall be held on May 4, 2004, at 10:07 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. Regan and seconded by Mr. Sumter, unanimously. Council adjourned to Executive Session at 10:07 p.m. Meeting resumed at 11:21 p.m.

ADJOURNMENT

Upon a motion made by Deputy Mayor McKenzie and seconded Mr. Chivukula and unanimously agreed, the Work Session was adjourned at 11:21 p.m.

Respectfully submitted,

Ann Marie McCarthy, RMC, CMC
Township Clerk

Approved:

Date: