

**WORK SESSION OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**MAY 7, 2002**

The Work Session of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 8:07 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. CALL TO ORDER**

The Township Clerk called the roll

Present: Mayor Eberle, Ms. Barrier, Mr. Levine, Mr. McKenzie, Mr. Mettler. Mr. Chivukula and Mr. Sumter were absent at roll call but arrived later in the meeting.

Absent: Deputy Mayor Grippo, Mr. Mazzola. Mr. Levine noted that Mr. Mazzola is on Air Force Patrol at this time.

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

**PRESENTATION - ALLIANCE FOR ACTION**

Philip K. Beachem, President of New Jersey Alliance for Action, presented the following information to Council.

Mr. Sumter arrived during the presentation.

New Jersey Alliance for Action is a non-profit, non-partisan state-wide organization established in 1973 to create job opportunities and address the capital needs of the State in a formal way. The Alliance presented testimony on and was instrumental in securing legislative approval for the creation and subsequent renewal of the Transportation Trust Fund Program and the Wastewater/Now Environmental Infrastructure Trust Fund. The Alliance has 700 members including major corporations, labor unions, municipalities, counties and independent authorities and has a staff of 8 full time employees, a \$1.3 operating budget, and an office in Edison. The Alliance has 13 local chapters, with a chapter in Somerset County being the next anticipated chapter. The Municipal fee for membership is the minimum of \$500.

The Alliance has and can be of assistance to members by

- (1) Assisting with individual projects requiring financing or bureaucratic procedures. Franklin originally joined the Alliance seeking assisting in getting NJDOT approval for the Route 27 waterline for which a solution was worked out.
- (2) Having assisted the Franklin Township Sewerage Authority with financing of sewer line extensions at half the market rate interest on loans.
- (3) Assisting municipalities in identifying needs, securing the approval process.

In response to a question from Mr. McKenzie, Mr. Beachem noted that the Alliance does an annual study in collaboration with NJIT to compile traffic data, compute the cost of traffic congestion and work with NJDOT to prioritize projects.

In response to a question from Mr. Sumter, Mr. Beachem noted that the Alliance runs campaigns to secure the public support and vote on transportation, open space and infrastructure issues on the ballot.

Mr. Mettler noted Mr. Beachem's work when he was a member of the Township Council towards the construction of Pierce Street all the way from Cedar Grove Road to Elizabeth

## WORK SESSION - MAY 4, 2002

Avenue, which has been accomplished, and the importance of the Alliance's work to keep Port Newark and Port Elizabeth viable, important to the well being of this part of the state.

### **PRESENTATION - NJ WATERSHED PROTECTION**

Daniel J. Van Abs, PhD, PP/AICP of the New Jersey Watershed Authority, presented the following information to Council.

Mr. Chivukula arrived during this presentation.

Why do we manage watersheds?

- To improve water quality
- To protect natural resources
- To protect water quality
- To protect the public
- To meet public needs for watershed resources

Developing Watersheds

- Significant undeveloped land area
- Encroaching development (low to medium density)
- Open space fragmentation
- Urban infrastructure extensions
- Aquatic habitats impaired
- Ground water use affects surface water

Powers of a Watershed Plan

- NJDEP adopts it - same force of law as Wastewater Management Plans
- NJDEP can't violate it - all permits and decisions must be consistent
- Base NJDEP decisions on watershed - based thresholds instead of state-wide

Influence of a Watershed Plan

- Address issues through consensus
- Provide justification for local actions and inactions - helps set priorities
- Provide context for cooperation
- Provide basis for encouraging actions by others at local, county and State level
- Provide arguments for funding by foundations, agencies, non-profits

Municipal Roles

- Master Planning
- Management of land development
- Management of land redevelopment
- Management practices for existing land uses
- Protection of public health and safety
- Open space acquisition and management
- Public education
- MLUL is like dynamite - very powerful but you must handle it with care!

Population Changes

- Clearly shows development intensity in the Raritan Basin
- Since 1993 increases of greater than 15%

## WORK SESSION - MAY 4, 2002

### So What Are The Water Issues?

- Surface water pollution
- Loss of riparian areas
- Biological impairment of streams
- Development moving away from major roads into rural areas
- Loss of ground water recharge
- Aquifer limitations
- Increased stream flows - stormwater
- Loss of agriculture
- Increasing forest loss and fragmentation

### What Are the Causes?

- Effects of existing land uses
- Land use changes - primarily from forest and agriculture to developed (houses, commercial, industrial, roads)
- Major issues:
  - ◆ Overall density (not just each site)
  - ◆ Location relative to critical resources
  - ◆ Location relative to other land uses
  - ◆ Site design, construction, O&M

### Stream Classification

- NJDEP Surface Water Classifications (provide basis for water quality and uses of surface waters)
- Franklin Township - Freshwater 2-Nontrout

### What Are the Raritan Basin's Big Water Quality Issues?

- Most frequent quality issues
  - ◆ Phosphorus 32%
  - ◆ Fecal Coliform 29%
- Some more local issues
  - ◆ Impaired stream habitat
  - ◆ Pesticides - human health and aquatic life
  - ◆ No known VOC issues

### Trends of Future concern

- Total Dissolved Solids
- Chloride
- Sodium

### Impervious Surfaces

- Darker color = higher percentage of impervious surface
- Can see State/Federal highway orientation for densest development
- Suburban residential scattered

### NJ Example - Fragmentation - Somerset County Map indicating:

- ◆ Urban
- ◆ Agriculture
- ◆ Forest
- ◆ Wetlands
- ◆ Water
- ◆ Barren Land

## WORK SESSION - MAY 4, 2002

### Sewer Service Areas of Somerset County

- ◆ Existing Sewered Areas and Areas Approved for Future Sewer Service
- ◆ From Wastewater Management Plans
- ◆ Eastern area - discharges to Bay

### Riparian Area

- ◆ Trout Stream
- ◆ Wildlife Passage Corridor
- ◆ Freshwater Wetlands
- ◆ Wetlands Transition Area
- ◆ 100 Year Floodplain
- ◆ Steep Slope
- ◆ Soils

### Riparian Area Conversions

- ◆ Subwatersheds
- ◆ Shows percent converted to non-natural land cover
- ◆ Bar chart - status of subwatersheds by Management Area

### Water Supply

- Surface Water
  - NJWSA 225 NGD
  - New Brunswick 8 MGD
  - Others - limited
  - Constructed facilities
- Ground Water
  - 80-135 MGD Total
  - Amount uncertain
  - Naturally available
  - Not concentrated

### Six Mile Run Reservoir

- NJDEP owns land
- Eastern Raritan Feasibility Study, 1992
- Third project on list, after Kingston Quarry and Confluence Pumping Station.
- North and South Branches of Raritan River purchased with water bonds - can't be rerouted from water without paying the bonds. Cost and environmental issues.
- One project needed by 2040
- NJDEP decides when projects built

### Six Mile Run Watershed

- Currently a mixed suburban, agricultural and recreational area
- Flows to Millstone River upstream of water supply intake
- Sediments, nutrients and pesticides can be significant issues
- How to manager watershed long-term

### USGS water quality study for NJWSA

Water quality between Ten Mile Lock and water supply intakes did not improve as expected - new pollutant loadings from nonpoint sources. NJWSA applied for \$110,000 with DEP - currently waiting for word on \$60,000.

### D&R Canal Project

- NJWSA will pay for assessment of all incoming waters - to determine where are pollutants coming from
- Project partners - Franklin Township (in-kind), perhaps South Bound Brook
- NJDEP funds to be used for remedial projects, highest cost-efficiency first

**WORK SESSION - MAY 4, 2002**

In response to questions from Mr. Chivukula, Dr. Van Aps advised that:

- (1) The Authority has investigated concerns of industrial pollution along Mile Run Brook, and while this area has not been deemed a serious problem, there is a whole industrial swathe of fairly severe chemical pollution in the area as well as pollution caused by fertilizers and pesticides for lawns by golf courses and homeowners. Farmers tend to be more careful with these products because they affect profit and loss.
- (2) Detention basins do not do a great job on pollutants or stormwater control. Montgomery Township has just adopted an ordinance requiring no increase in pollutants from development in excess of pre-development figures.

Mr. Mettler noted that while many streams crossing Franklin between the Ten Mile Run Lock and New Brunswick go under the D & R Canal, the stream adjacent to McAteers Restaurant on Easton Avenue goes directly into the Canal and expressed his hope that the Township can work with the Authority to insure the safety of that stream.

**CDBG 2002-2004 CONSOLIDATED PLAN AND 2002 ACTION PLAN**

Bonnie von Ohlen, Grants Coordinator, appeared at the meeting to discuss the 2002 Community Development Block Grant Program/2002 Action Plan which will be transmitted to the US Department of Housing and Urban Development for approval per resolution of authorization on the agenda for May 14<sup>th</sup>. Township Manager Daly noted that the Plan includes the recommendations of the Financial Oversight Committee on the allocation of the 2002 funding which will be approved by that resolution.

"The following allocation of 2002 CDBG funds has been proposed for consideration by the Township Mayor and Council by the Council Finance oversight Committee.

**Affordable Housing**

- |  |           |
|--|-----------|
| 1. Township Wide Low/Moderate Income Homeowner Housing Rehabilitation Grant Program to improve and preserve affordable housing | \$100,000 |
| 2. SC Coalition for Affordable Housing Counseling  | \$ 7,500  |

**Public Facilities**

- |  |           |
|--|-----------|
| 3. Franklin Township Food Bank Refrigeration Improvements  | \$ 15,000 |
| 4. SC Community Action Program Renovate Childcare Facility | \$ 33,000 |

**Public Services**

- |  |           |
|--|-----------|
| 5. Township After School Program for Latchkey Children | \$ 36,150 |
|--|-----------|

**Public Improvements**

- |  |           |
|--|-----------|
| 6. Renaissance Gateway Project Public Improvements | \$ 37,990 |
| 7. Franklin Township CDBG Administration           | \$ 57,600 |
| TOTAL  | \$288,000 |

The Township will be the lead agency for administration of the grant. Copies of the public hearing minutes are attached as well as the CDBG application information that was sent to all interested organizations and posted on the Township's website."

Council concurred with the Plan and the recommendations set forth therein.

WORK SESSION - MAY 4, 2002

**REVIEW PREPARED AGENDA FOR REGULAR MEETING**

**7. LIQUOR LICENSE TRANSFER - PERSON TO PERSON - 1808-33-001-002 - BRENDY INN, INC. TO CAREFREE ENTERTAINMENT, INC.**

In response to a question from Mr. Levine, Township Attorney Rainone and Township Clerk Pellicane noted that the subject liquor license is currently inactive and will remain inactive by virtue of the transfer. At such time as the new owner makes a proposal to the Township Council for the activation of the license or for development of the site formerly utilized by the liquor license, the Council will be advised.

**8. ORDINANCE HEARING - AMEND CODE - CHAPTER 112, DEVELOPMENT - HOME OCCUPATIONS (AS AMENDED AND HEARD ON APRIL 9, 2002)**

Township Manager Daly suggested that the ordinance be carried to June 13th instead of May 28<sup>th</sup> to allow more time for a fuller discussion. Council concurred.

**12. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 226, VEHICLES & TRAFFIC - SECTION 226-10, STOPPING/STANDING PROHIBITED - 15<sup>TH</sup> STREET & WILLOW AVENUE**

Township Manager Daly advised that this ordinance is in response to a parking problem being experienced around Dunham-Lebed Park.

**16. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 112, DEVELOPMENT - SECTION 12-32.04, RENAISSANCE 2000 REDEVELOPMENT PLAN - SUBSECTION I, LAND USE PLAN, PARAGRAPH 5, GATEWAY COMMERCIAL - SUBPARAGRAPH B, PRINCIPAL PERMITTED USES (ADD APARTMENTS ABOVE BUSINESSES FRONTING ON FRANKLIN BOULEVARD)**

Township Manager Daly clarified the purpose of the amendment to the Redevelopment area plan and confirmed that the ordinance would permit apartments on the second floor of commercial buildings along Franklin Boulevard and within the Gateway section of the area only.

**17EE WATER EMERGENCY**

Township Manager Daly advised that the public is being totally confused by the State's water restrictions and changes thereto. At the present time, our area residents are permitted to water lawns every other day. In order to protect wells in the Township from adverse impact should the drought continue and/or increase, it is recommended that a total ban on lawn watering would be more prudent and easier to enforce. An update on the drought situation will be provided to Council at the May 14<sup>th</sup> meeting. If there has not been adequate rain in the interim, the adoption of the resolution banning the watering of lawns will be presented to Council for adoption.

***Special Event Permit – Central New Jersey Jewish Home for the Aged – Use of Municipal Parking Facilities for Assisted Living Facility Dedication***

Township Clerk Pellicane advised Council of receipt of a request from Central NJ to use the Municipal Complex in conjunction with their June 2<sup>nd</sup> affair. Council concurred and authorized resolution of approval for May 14<sup>th</sup>.

## WORK SESSION - MAY 4, 2002

### COMMITTEE REPORTS:

#### *Evaluation Committee – Township Manager*

Mayor Eberle advised Council of the need to create a subcommittee to provide the annual evaluation of Township Manager Daly's performance and suggested a three-member subcommittee consisting of Mr. Mettler, Mr. Chivukula and Mayor Eberle.

Ms. Barrier noted that the prior subcommittee for this purpose consisted of four members and was fully bi-partisan and suggested that this subcommittee follow the same format. Council concurred and Ms. Barrier was added to the subcommittee.

#### *Other Committee/Liaison Reports*

Mayor Eberle suggested that the committee reports on the agenda be deferred to a future meeting to allow Council to proceed with the 2002-2003 School Budget. Council concurred.

### SCHOOL BUDGET

Township Attorney Rainone noted there are aspects of the School budget that involve contract negotiations, litigation, etc. which Council can conduct in closed session although no formal action can be taken in closed session.

Mr. McKenzie reported that he and Councilman Levine, liaison members to the Board of Education, met with Board representatives to review the preliminary recommendations from the Council's Financial Oversight Committee.

Mr. Levine noted that the primary concern is for the education of the children while keeping the taxpayers in mind. Mr. Levine noted for the record that his daughter will be entering the public school system in September.

### EXECUTIVE SESSION – 2002/2003 SCHOOL BUDGET MATTERS INVOLVING CONTRACT NEGOTIATIONS, LITIGATION

#### **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:

#### **Contract Negotiations/Litigation**

**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 4<sup>th</sup> day of May, 2002, that an Executive Session closed to the public shall be held on May 4, 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.

**WORK SESSION - MAY 4, 2002**

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.

This Resolution shall take effect immediately.

Motion was made by Mr. Levine and seconded by Mr. McKenzie; motion was carried unanimously.

Council adjourned to Executive Session at 9:09 p.m. Meeting resumed, Board of Education members in the audience were advised that the Board Liaison Members would provide them with information on Council's Executive Session discussion, and the meeting was immediately adjourned.

Respectfully submitted,

Jean C. Pellicane, RMC  
Township Clerk