

The Special Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey was called to order by the Mayor at 7:05 p.m.

Mayor Levine read the following statement: “In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Special Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and by faxing to the officially designated newspapers, a notice indicating that the Special Meeting would take place at the Municipal Building at 7:00 p.m. on February 8, 2006. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.”

The Township Clerk called the roll.

Present: Deputy Mayor Ashley-Williams, Ms. Eberle, Mayor Levine, Mr. McKenzie, Ms. Ritchie, Mr. Sumter

Absent: Ms. Danile, Mr. Regan, Mr. Vassanella

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

### PUBLIC DISCUSSION

Mayor Levine expressed his preference that there be no time limit to allow all the public the opportunity to speak or to set a limit of five (5) minutes per speaker with a time limit to be determined.

Mayor Levine moved there be a limit of five (5) minutes per speaker with a time limit to be determined for the public discussion portion of the meeting. There was no second to the motion.

Deputy Mayor Ashley-Williams moved to open the public discussion as stated on the agenda with a limit of two (2) minutes per speaker with a total time limit of one-half hour. Said motion was seconded by Ms. Eberle. Mr. Sumter called for the vote.

Mayor Levine stated that as an elected official he would like to listen to the people. He stated he does not understand why Council would limit their opportunity to speak. He suggested they poll the audience to see how many people are interested in speaking.

Mr. McKenzie called the question. Deputy Ashley-Williams made a point of order and asked the Township Attorney for a ruling regarding the vote. Mr. Rainone replied that a vote is taken when the question is called.

The motion carried as follows upon call of the roll:

<u>Ayes</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Ashley-Williams	Eberle	Levine		Danile
McKenzie	Ritchie			Regan
Sumter				Vassanella

Ralph Andrews, Councilman, North Brunswick, spoke on behalf of the North Brunswick Council expressing their concerns regarding additional traffic to the area. He suggested that an extensive traffic study be conducted to address these concerns. He stated that the additional traffic would make the area much worse.

Stuart Lieberman, Attorney, expressed his resentment of the police presence in the meeting room and the police cars in front of the building. He implied that the police presence was there to intimidate the public. He indicated it was a done deal and there would be

litigation. He expressed his opposition to the proposed development on Veronica/Bennetts Lane.

Shirley Almeida, 1000 Oak Tree, North Brunswick, opposed the Jack Morris proposal. She opposed the proposed Home Depot. She stated that there will be litigation and that the people have the right to speak.

Philip Kramer, 429 Canal Road, reviewed various campaign promises made by current elected officials. He stated that no where in the campaign literature is a promise to placate developers.

Bernie Schrum, 43 Almond Drive, opposed the scare tactics and lies that have circulated regarding this plan. He expressed his resentment of the attacks made on Ms. Ritchie. He expressed his support of the plan.

Betsy Kormeluk, 5 Nepote Place, expressed her concerns regarding the relationship between the Planning Board and the Township Council. She expressed her opposition to the Fair Share Plan.

Karen Ramsden-Zahler, 1430 Mohawk Road, presented Council with a petition from the "Residents Against Bennetts Lane Development Plan". The petition expressed the disagreement with the Edgewood Properties Bennetts Lane proposal to develop the old Ruffles Inn site and surrounding farmland area to provide 644 housing units, a gas station and stores including a Home Depot. The environment cannot tolerate this intrusion, our roadways and surrounding neighborhoods cannot support increased traffic that this development will create, and there is no need for another Home Depot store or gas station in our region. They encourage the Township of Franklin to heed their Environmental Commission and Planning Board's prior advice and vote down this proposal. Said petition has approximately 250 signatures on it.

Shirley Petrucha, 49 9<sup>th</sup> Street, asked if there were no other options and stated that assumptions should be challenged. She opposed the plan with the inclusion of the Jack Morris proposal in it.

Wendy Woods, 10 Bennetts Lane, opposed the plan and noted that her home would be the first to go. She opposed the proposed Home Depot. She stated that she brought her children to the meeting so they could see how government can work against the people.

Celeste Freeland, 440 Philips Road, asked that Council recognize the need for affordable housing in Franklin. She stated that inadequate housing is a factor in child abuse and neglect. She expressed her support of affordable housing.

Charles Dunaenko, 27 Spring Street, stated that he has revisited the area of Veronica/Bennetts Lane and opposes the Jack Morris proposal. He stated that this matter comes down to the truth and that Council has the choice not to compromise their integrity.

Robyn Suydam, 29 Skillmans Lane, stated that this plan violates the Master Plan and ignores the environmental facts. She implied that due diligence was not done. She opposed the plan and raised her concern that promises were made during elected officials' campaigns. She charged Council members that they are not following the oath they took when they took office.

Paul Carver, Somerset, stated that he has never followed politics before, but now knows he needs to stay informed. He stated that Council's behavior is appalling and offensive to the Mayor. He opposed the Jack Morris proposal.

Jennifer DelaRosa, 54 Bennetts Lane, spoke of the prior Planning Board meeting and expressed her opposition to high density housing. She opposed the Home Depot and expressed her concerns of the impact on traffic in the area as a result of this development.

Deputy Mayor Ashley-Williams moved close the meeting to the public after the next two (2) speakers. Said motion was seconded by Mr. McKenzie and carried as follows upon call of the roll:

<u>Ayes</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Ashley-Williams	Eberle	Levine		Danile
McKenzie	Ritchie			Regan
Sumter				Vassanella

Steve Kormeluk, 5 Nepote Place, expressed that there are alternatives to this plan that could be considered. He stated that he is in favor of affordable housing, but also of sharing the load of affordable housing throughout the Township. He expressed his concerns regarding traffic in the area. He stated that Council needs to be accountable to the people and there are remedies to the public and avenues to be explored.

Dorothy (inaudible), 1507 Duron Road, North Brunswick, expressed her opposition to more traffic on Route 27 and her opposition to another Home Depot.

Mr. Daly reviewed the context and the purpose of tonight's meeting. He reviewed the procedures and events that occurred up to tonight's meeting. He stated that Council has two options, 1) to approve the plan as recommended by the Planning Board at the February 1, 2006 meeting; or (2) not agree with the Planning Board and submit a waiver application to COAH. Mr. Rainone reviewed the COAH options – approve the plan or apply for a waiver. He reminded Council that if they do nothing, the Township will lose COAH certification and be opened to Builder's Remedy Lawsuits. He stated that Council needs to endorse the plan or plan to go to Court.

**Resolution #06-040** Governing Body Resolution Petitioning with an Adopted Housing Element and Fair Share Plan.

Mayor Levine presented the following resolution:

**WHEREAS**, on December 20, 2005 the Township of Franklin filed with the Council on Affordable Housing a petition for substantive certification of the Township's housing element and fair share plan; and,

**WHEREAS**, by letter dated December 28, 2005 COAH acknowledges receipt of said plan and accepted jurisdiction subject to the Township providing certain documents within 45 days or by February 11, 2006; and,

**WHEREAS**, the Planning Board of Franklin, Somerset County, State of New Jersey, ratified and re-adopted the Housing Element of the Master Plan on February 1, 2006 consistent with the Plan attached to the petition submitted by the Township to COAH on December 20, 2005; and,

**WHEREAS**, a true copy of the resolution of the Planning Board adopting and ratifying the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

**WHEREAS**, the Planning Board adopted and ratified the Fair Share Plan on February 1, 2006 consistent with the Plan attached to the petition submitted by the Township to COAH on December 20, 2005; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

**NOW THEREFORE BE IT RESOLVED** that the Township Council The Township of Franklin, Somerset County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted and ratified by the Township of Franklin Planning Board on February 1, 2006; and,

**BE IT FURTHER RESOLVED** that the Governing Body of Franklin, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, and the letter of COAH dated December 28, 2005, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

**BE IT FURTHER RESOLVED** that all owners of sites in the Housing Element and Fair Share Plan, as amended by the Governing Body, will receive notice of the petition by the Council on Affordable Housing; and

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Franklin municipal clerk's office located at 475 DeMott Lane, during the hours of 8:30 a.m. and 4 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

The aforesaid resolution was moved by Mr. McKenzie and seconded by Deputy Mayor Ashley-Williams.

Mayor Levine presented a letter from DeForest B. Soaries, Jr., Senior Pastor of First Baptist Church of Lincoln Gardens dated February 8, 2006. He read the following letter in its entirety:

"Dear Mayor Levine:

Since I assumed leadership of First Baptist Church of Lincoln Gardens in 1990, our church has responded to hundreds of families whose primary need was decent housing that they could afford. From providing emergency financial assistance to building new housing, we have been deeply involved with enough families to recognize this work as an institutional priority. I would like to humbly suggest that the lack of decent affordable housing may very well be the most important issue in our community.

Ever since the controversial court decision that requires municipalities to include the development of affordable housing in their planning, there has been tension between local officials who want to comply with the law and local residents who have concerns about housing that addresses the needs of low and moderate income families. These tensions often escalate into nasty divisions and bitter battles that leave communities scarred for many years. I believe we can avoid this type of community division if you provide the type of leadership that keeps the big picture in mind.

Please remember that Franklin Township has adopted a Master Plan that allows for the development of more than five thousand new units of housing in the next ten years. That means that new families, new school children and new traffic are already on the drawing board for this community. It also means that new businesses, new revenue and new assessments can also be expected.

New Jersey law mandates that the Township require a portion of the housing units that are going to be built be affordable for low and moderate income families. If the affordable housing requirement did not exist, new housing would be built anyhow. That is Township policy. Therefore, the discussions about schools and congestion must be separated from the discussion about affordable housing since the latter is only a subset of a reality that exists due to the Master Plan of the Township.

The current plan that is being considered for submission to the State of New Jersey is a plan that has fewer units of affordable housing than the Township really needs. The plan also includes development that is somewhat speculative. To that extent that the plan does have some concrete components, the plan seems to benefit the Township more than it does any developer.

I understand and am sympathetic to concerns that are being raised about congestion, schools and the environment. Fortunately, the State of New Jersey has laws that protect environmental integrity where there could be encroachment or violation. It is reasonable for the Council to request that the State grant no waivers for developers who would seek to circumvent environmental regulations to develop a project. It is also reasonable for the Council to initiate efforts that will create solutions in areas of high congestion that coincide with areas targeted for future development.

One such are is in the Fair Share Plan and such an initiative would involve not only the prospective developer but also representatives from the counties, the state and neighboring municipalities that share the problem. Even if no new development were to occur, this approach would be welcome by those who have difficulty navigating major thoroughfares are peak hours. The leadership you can provide towards some meaningful resolution would be invaluable.

I urge you to manage this process in a manner that protects the Township's responsibility and commitment to facilitate the provision of affordable housing. According to the 2000 census there are almost one thousand (1,000) families in Franklin Township that earn less than twenty five thousand dollars (\$25,000.00) annually. The State of New Jersey standards qualify a family of hour that earns seventy three thousand dollars (\$73,000.00) annually is eligible for affordable housing. Forty seven percent (47%) of the families in Franklin Township earn less than seventy five thousand dollars (\$75,000.00) annually. The need for affordable housing in Franklin is a need for existing families who live here today.

I believe we can become a model for balancing the various legitimate interests of some residents with meeting the housing needs of others. Such balancing requires thoughtful and respectful deliberation lead by principled people on a cooperative endeavor. As always, I offer the resources of my congregation and my personal support in any effort that seeks to confront the tough challenges that hinder the quality of so many families. I pray that you will use the meeting tonight to begin a process that guarantees an inclusive Franklin Township for years and generations to come. I am certain that this community will follow your leadership and do what is morally and legally right for those who depend upon government most.

Thank you.

Sincerely,

/s/ DeForest B. Soaries, Jr., Senior Pastor"

Deputy Mayor Ashley-Williams recognized David Roberts, Planner, Architect and Representative from Schoor DePalma. A brief question and answer period ensued between Mr. Roberts and members of Council. Mayor Levine asked questions regarding the financial impact analysis of the plan and stated that he disagrees with the analysis.

A heated discussion proceeded regarding implications and allegations regarding supposed relationships between Council members and developers. Mr. McKenzie stated that he does not know Mr. Morris personally and his decision is based on the right thing to do not based on popularity or political motivations. Mr. Sumter expressed his resentment of the Mayor attending a governing body meeting of North Brunswick and rallying residents and Council members to attend Franklin's meeting. Mayor Levine replied that he did attend a North Brunswick Council meeting and it is an insult to suggest that he rallied Council members and residents from North Brunswick to come to this meeting. He stated that he attended North Brunswick's State Address and he normally visits surrounding municipalities as part of his position.

Ms. Ritchie read the following paragraphs from the February 7, 2006 Editorial from the Home News Tribune:

"Franklin's Planning Board and Township Council reached agreement last week on an affordable-housing plan that – while not without its drawbacks and certainly not to everyone's

liking – achieves several worthy goals: First, it is the least expensive option for local taxpayers; second, it fulfills the state's Council on Affordable Housing requirements; third, it meets the township's need for more affordable housing within its own boundaries; and fourth, it avoids running afoul of a Feb. 11 deadline for submission of plans to the state – a date that if missed exposes the township to builders' remedy lawsuits and loss of control over where affordable-housing units are built...

Still, arguments for the development outweigh arguments against it. As this page has said before, it would be enormously expensive for taxpayers if the township were to shift its affordable-housing obligation to another community. Planners had suggested the transfer of as many as 50 units at \$35,000 apiece to Carteret – a cost of roughly \$1.75 million, before interest payments on the bonded funds were even tacked on."

Ms. Ritchie stated that the Morris proposal is only one of many projects included in the plan and is one of two balanced projects. She stated that the Planning Board worked on this plan for many months and reviewed all the options. She stated that Council recommended the removal of two sites from the original proposal. She stated that no one has objected to the other projects. She expressed her opposition to the many negative comments made regarding what could result in the community from this development. She stated that Council did not disservice the Planning Board, the boards have differing opinions and that is why the joint subcommittee was formed. She stated that she understands the traffic concerns on Route 27 and she is concerned of the decrease in state funding for road improvements. She endorsed the Housing Element and the Fair Share Plan and expressed her contentment that the Township Council and Planning Board have come to the same conclusion.

Deputy Mayor Ashley-Williams stated that Council members do not take residents' concerns lightly and reminded all that they live in the Township also. She expressed her dislike of negative comments regarding neighborhoods becoming slums and ghettos. She stated that Franklin is a diverse community and it should celebrate and support its diversity. She stated that the Township needs to be responsible and stated that she feels that 25 RCAs is even too many. She stated she would like to keep as much affordable housing here in Franklin as possible. She stated that the Township will benefit more from the Morris proposal than the developer. She stated that traffic is an issue that needs to be addressed and asked the Traffic Subcommittee to meet and consider these concerns. She agrees that the area does not need another Home Depot, but it does need retail to balance the area.

Ms. Eberle stated that people need affordable housing and the Township needs to help them. She stated that they deserve housing and jobs.

Mr. McKenzie stated that he resented the comments regarding the Police Department being used to intimidate the public. He commended the Police Department and stated that they are well respected.

Mr. Sumter agreed with Mr. McKenzie's comments regarding the Police Department. He stated that the Township needs housing and jobs for its residents. He stated that nothing has been built in the 4<sup>th</sup> Ward in 42 years and it needs to be done. He thanked everyone for attending the meeting.

Mayor Levine expressed his traffic and environmental concerns regarding the proposal. He stated that most people are against the proposal. He explained his concerns regarding the proposal and noted that the Environmental Commission adopted resolutions in opposition to the proposal. He opined that the proposal would be a financial drain on the Township. He stated that the Township's current residents are his top priority and since he was elected by the people he wants to do what is best for them.

A brief heated discussion ensued between the Mayor and members of Council regarding how they came to make their decision regarding the plan with the Veronica/Bennetts Lane proposal included in it. Deputy Mayor Ashley-Williams, Ms. Ritchie, Ms. Eberle, and Mr. Sumter all called the question.

The motion to adopt Resolution #06-040 carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Eberle	Levine		Danile
McKenzie	Ritchie			Regan
Sumter				Vassanella

**ADJOURNMENT**

Motion was made by Mr. McKenzie and seconded by Mr. Sumter to adjourn the meeting at 9:00 p.m. The motion was carried unanimously upon voice vote.

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Ann Marie McCarthy, Township Clerk

Approved: *As Submitted.*

Date: *February 28, 2006*