

WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
SEPTEMBER 4, 2001

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 the Mayor at 8:16 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 Clyde, Deputy Mayor Eberle, Ms. Barrier, Mr. Chivukula, Mr. Grippo, Mr. Levine, Mr. Mazzola, Mr. Mettler, Mr. Sumter

Absent: No One

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

The order of the agenda was changed to accommodate guests and members of the public present.

7. BUSINESS PARTNERSHIP OF SOMERSET COUNTY

John P. Maddocks, Economic Development Administrator of the Business Partnership of Somerset County, presented to Council the Partnership's Municipal Brownfields Redevelopment Assistance Program as follows:

BUSINESS PARTNERSHIP OF SOMERSET COUNTY

- ◆ Integration Committee report endorsed by the Boards of the Chamber, the Coalition and the Alliance
- ◆ President/CEO appointed to head establishment of the Business Partnership
- ◆ Business Partnership officially opened on January 1, 2001

- ◆ The Business Partnership of Somerset County is a consortium of public, private and community leaders, working in partnership and dedicated to maintaining and promoting economic prosperity and quality of life in Somerset County for all residents, all employers, and all employees. (Of the 190,000 person workforce in the County, 50% commute within the County.)

- ◆ Workforce Development and Preparedness
- ◆ Traffic and Transportation
- ◆ Business Advocacy/Economic Development
- ◆ Community Development/Quality of Life
- ◆ Tax Stabilization/Government Efficiency

**BUSINESS PARTNERSHIP OF SOMERSET COUNTY
MUNICIPAL BROWNFIELDS REDEVELOPMENT PROGRAM**

What are "brownfields" and what opportunities do they represent?

Brownfields are defined as abandoned or under-utilized properties with environmental challenges. Properties without proven environmental challenges can also be in the program.

Why are brownfields a municipal opportunity?

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Opportunities include employment, municipal revenue, and mitigation of community and public health problems.

What information is necessary in addressing brownfields and why?

What are some opportunity steps and who can help me?

Why are brownfields a municipal opportunity?

- ◆ Redevelopment of brownfields is a complex process
- ◆ Complexity of the process is compounded by local considerations
- ◆ There exist a number of tools of which municipalities can take advantage

(Only the community can express their desires for the future utilization of brownfields. Tools exist to assist local governments, including grants directly to municipalities for preliminary assessments and site investigations for sites which the municipality owns or holds a lien against.)

What information is necessary in addressing brownfields and why?

- ◆ Property Basics
 - ◆ Lot and Block numbers
 - ◆ Current ownership
 - ◆ Current use
 - ◆ Property size
 - ◆ NJ DEP file number
 - ◆ Zoning
 - ◆ Infrastructure

(BPSC would like to work with municipalities by collecting the above information, providing information on financing, insurance, etc. BPSC has easy access to NJDEP files. Brownfield sites are generally supported by existing infrastructure and do not require new infrastructure.)

CURRENT INITIATIVES

- ◆ North Jersey Transportation Planning Authority
- ◆ "Brownfields Mobility"
- ◆ United States Environmental Protection Agency
- ◆ "Brownfields Demonstration Pilot"

RESOURCES

- ◆ Federal
 - ◆ United States Environmental Protection Agency
- ◆ State
 - ◆ NJ Office of State Planning
 - ◆ NJ Economic Development Authority
 - ◆ NJ Commerce & Economic Growth Commission
- ◆ Local
 - ◆ Business Partnership of Somerset County
 - ◆ County
 - ◆ Municipal

Mr. Maddocks noted that he enjoys a good working relationship with our Economic Development Coordinator, Frank Hasner.

In response to questions from Council, Mr. Maddocks and Mr. Hasner noted:

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1. The Cleary property at Somerset Street & Veronica Avenue has environmental challenges but is not abandoned. The Sicora Motors site at Somerset Street and Douglas Avenue has environmental challenges and is abandoned.
2. While illegal dumping within a municipality does present environmental challenges, the BPS program does not deal with illegal dumping or illegal uses.
3. A listing of potential brownfield sites is available from the North Jersey Transportation Planning Authority. The listing will be obtained and provided to Franklin.

Mr. Maddocks noted that when the Township Council has reviewed the listing of potential sites and added those sites they wish to consider, he will begin to collect the factual details needed and come back to the Township Council with recommendations.

2. REVIEW PREPARED AGENDA FOR REGULAR MEETING

9. ORDINANCE HEARING - AMEND BOND ORDINANCE NO. 3119 - ACQUISITION OF ELKINS PROPERTY - BLOCK 259/LOT 74 - \$700,000.00 TO \$1,200,000.00

Because the cost of this proposed acquisition will be substantially greater than anticipated, Council has determined to defeat this ordinance providing additional funding for the acquisition and abandon the condemnation proceeding.

15. ORDINANCE HEARING - WATER CAPITAL ORDINANCE - WATER UTILITY CAPITAL IMPROVEMENT FUND - \$165,000 - CEDAR GROVE LANE AND WESTON ROAD WATERLINE EXTENSION

At the request of Mr. Levine, Township Manager Daly clarified the purpose of this ordinance, to fund the cost differential between the 8" waterline needed to serve the Pizzo & Pizzo development and the 16" waterline as required by our Water Master Plan and in accordance with the Pizzo & Pizzo Developer's Agreement. In addition, the developer is also running the waterline down Cedar Grove Road and onto Treptow Road instead of down Cedar Grove Road and straight into their development.

16. ORDINANCE HEARING - WATER CAPITAL ORDINANCE - WATER UTILITY CAPITAL IMPROVEMENT FUND - \$270,000 - ELIZABETH AVENUE WATERLINE EXTENSION

At the request of Mr. Levine, Township Manager Daly clarified the purpose of this ordinance, to fund the extension of the waterline along Elizabeth Avenue while Somerset County is improving the roadway.

19. ORDINANCE INTRODUCTION - ACCEPT PRESERVATION AREA DEEDS - LaFONGE ASSOCIATES AND HAR REALTY - BLOCK 37.02

Township Clerk Pellicane advised that prior to the acceptance of this open space by the Township, the developer is required to perform some clean up activities and to make a \$35,000 contribution to the Township's improvement escrow account. The applicant has advised that the clean up has been completed, but confirmation from staff is still pending. It is anticipated that the improvement escrow will be received in the interim between introduction and adoption.

22. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 22 - TREE REMOVAL

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Township Attorney Rainone advised that this newly drafted ordinance (1) requires true conservation plans by developers, including surveys, (2) limits the number of trees to be removed and requires replacement of the trees or contribution to a Township tree fund, (3) requires the use of best practices for planting of trees, (4) requires development applications to be provided to and reviewed by the Shade Tree Commission for performance of their statutory duties; (5) protects historic trees, and (6) does not require tree removal permits but requires property owner to at least come in and talk to the Township.

Mr. Levine noted prior concerns about removing trees on private property. Township Attorney Rainone responded that current regulations provide that the removal of trees on one acre or less is exempt from permit requirements. The new proposal, in an attempt to prevent clear cutting of land for future development, exempts the removal of trees from 2500 square foot areas or less.

Mr. Chivukula noted that some of the existing trees on Hamilton Street along the sidewalks are inappropriate and roots are lifting the sidewalks creating a dangerous condition for pedestrians. Township Attorney Rainone responded that the draft ordinance requires the Shade Tree Commission to establish guidelines and best management practices to determine what trees should be planted and where. The Shade Tree Commission is in charge of trees along public rights of way and will eventually have a tree fund which can be used to replace the inappropriate trees. Township Manager Daly noted that this could be a very contentious issue. Some municipalities have adopted a capital ordinance to correct existing problems, but from that point on, responsibility for the trees goes to the adjacent property.

Mr. Mettler reiterated his concern that there is need to exclude some undesirable trees from the ordinance requirements. Township Attorney Rainone responded that this concern would be addressed by the adoption of best management practices by the Shade Tree Commission.

Mayor Clyde noted that, simultaneous with ordinance adoption, the Council should reappoint members to the Shade Tree Commission. Résumés of nominees should be submitted for Council review.

24O PURCHASE - HOME NEWS, STAR LEDGER, COURIER NEWS, RUTGERS DAILY TARGUM - LEGAL AND OTHER ADVERTISING - \$34,000.00

Mr. Levine noted that this resolution lists newspapers for routine, not official advertising and moved to add the Somerset Spectator to the resolution. Mr. Mazzola seconded the motion. Motion was carried unanimously by all members present except Mr. Mettler who was out of the room.

24Q PURCHASE - GOOD YEAR, MICHELIN NORTH AMERICA INC., COOPER TIRE & RUBBER - TIRES AND TUBES - \$25,000.00 - STATE CONTRACT

Mr. Grippo questioned Township quality control to insure that tires proven to be dangerous are not purchased. Township Manager Daly responded that Ken Rokose, Superintendent of Department of Public Works Central Maintenance, is very conscientious on safety issues.

24Z PURCHASE - PSE&G - NAAMAN WILLIAMS PARK RENOVATIONS - LIGHTING - \$12,102.00 - SECTION 3-13

Mr. Levine questioned if the cost of the proposed lighting was included in the bond ordinance and requested clarification of the Township Manager's report that the cost will be recouped. Township Manager Daly responded that the lighting was included in the original plan. The cost of having the poles installed by

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PSE&G rather than the Township buying and installing the poles will be recouped over an eight year period.

24AA AGREEMENT - WHITEHALL MANOR CONDOMINIUM ASSOCIATION - ANIMAL CONTROL SERVICES

Township Manager Daly advised Council that our standard agreement with other homeowner associations gives the Township the right to go onto common areas. It has been general policy for years that if a problem occurs on private property, the Township will lend the property owner the trap and collect the trap and dispose of the animal. Recently the Township has experienced problems with a homeowner association which insists that the Township set the traps and catch the animals. To avoid this problem in the future, the Township desires to add specific language setting forth the policy and how it will be enforced. The resolution and resulting agreement will be prepared upon receipt of appropriate language from our animal control officers.

Mr. Mazzola questioned policy on what happens to the animals trapped by homeowners. Township Manager Daly and Township Attorney Rainone responded that, if a Township trap is used, the Township collects the trap and disposes of the animal. State law prohibits the trapping of a wild animal and relocating it to another habitat by other than a licensed animal control officer.

24BB RESCIND AGREEMENT - METRICOM - RIGHT OF WAY USE FOR MOBILE DIGITAL COMMUNICATIONS RADIO NETWORK

Mr. Chivukula questioned the reason for this resolution rescinding the Metricom agreement. Township Manager Daly and Township Attorney Rainone responded that Metricom has filed for bankruptcy and the Township does not want our agreement with Metricom assigned through the bankruptcy court to another entity resulting in the installation of inappropriate or undesirable boxes.

24JJ SPECIAL EVENTS PERMIT - FRANKLIN CARE CENTER - CARNIVAL - SEPTEMBER 22, 2001

Mr. Mettler questioned the location of the proposed carnival. Township Clerk Pellicane responded that the carnival is held on the grounds of the nursing home on Route 27 by Vliet Road.

24OO CREATION AND APPOINTMENTS - WAR MEMORIAL COMMITTEE

Mr. Chivukula suggested that the name of the proposed committee be changed to Veteran's Memorial rather than War Memorial. Council concurred.

Council discussed appointments to the Committee - Mr. Grippo and Mr. Mazzola will serve as two of the three Council representatives; nominees from the American Legion and Veterans of Foreign Wars will be solicited from their Commanders; John Grosso and Alice Osipowitz will serve as the General Public representatives.

Mr. Levine questioned participation in the Committee activities by other local veterans' groups such as the Catholic War Veterans and Jewish War Veterans. Mr. Grippo suggested that one of the duties of the Committee will be to solicit the support of other such groups.

24PP CREATION AND APPOINTMENTS - RECREATION FACILITIES STUDY COMMITTEE

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Mayor Clyde suggested that the Chair of the Recreation Council or his/her designee serve on the Committee rather than a police department representative. Council concurred.

Mr. Grippo questioned if the Committee will be commissioning a study by a professional firm or doing the study in house. Township Manager Daly noted his recent report to Council that the professional work is already done in the form of our Recreation Master Plan. Input from community groups and policy by the Council based on the Master Plan is now required.

Mr. Grippo suggested that Board of Education President Eva Nagy and Superintendent of Schools Frank Pepe represent the Board of Education on the Committee.

ADDITIONAL ITEMS

Mr. Mazzola moved to add to the agenda for the September 11th Regular Meeting a resolution supporting actions by Raritan and other local communities to get a commemorative stamp in honor of Marine Sergeant John Basilone. Mr. Chivukula seconded the motion; motion was carried unanimously.

3. REPORT OF FINANCIAL OVERSIGHT COMMITTEE - FY2002 BUDGET RECOMMENDATIONS

Council reviewed August 31, 2001 report from the Financial Oversight Subcommittee recommending adoption of the proposed FY2002 Budget with corrections and deletions.

Mayor Clyde noted that the recommended cuts in the capital budget impact all Township departments but that the major cutback is to phase the Middlebush Park improvements, with Phase 1 being \$250,000 for a tot lot and some playing fields.

Several items have been flagged for Council discussion and determination - \$50,000 appropriation for Geographic Information System software and the possible use of funding from the original Elkins property acquisition ordinance for the acquisition of Kingston School.

Mr. Levine requested clarification of the information in the report regarding a 2.9 percent increase in the budget levy and the resulting \$13.00 tax decrease for the average home. Township Manager Daly responded that it is difficult to make comparisons on budgets. The tax decrease is because overall values went up 12-12.5%, with the average residential property increasing by 13%. The Budget is setting a levy this year for taxes that will not be collected until next year, and which will be based on unknown assessment figures.

Mr. Chivukula questioned the \$258,219 sinking fund appropriation, less than originally intended. Township Manager Daly responded that Committee hoped to make the appropriation close to \$400,000 but, as explained in technical changes, the reserve for uncollected taxes has to increase substantially since the Township is collecting taxes for the schools, county, and fire districts as well as our own purposes. These entities receive their full allocation of tax money whether the Township collects the entire amount or not. Therefore, this reserve is needed for protection.

Mr. Mazzola noted the need for the full Council to decide on the Committee's recommendation to purchase a citric server to hold common data. This decision will eliminate the purchase of desktop computers in the future.

Mayor Clyde solicited any additional recommendations from the Council on additions or deletions from the budget. No recommendations were forthcoming.

Kingston School

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In furtherance of the Financial Oversight Subcommittee's decision to cut the acquisition of the Kingston School from the FY2002 Capital Budget, Township Manager Daly noted that, based on Council's decision not to pursue purchase of the Elkin's Property because the cost is prohibitive, the \$600,000 appropriated by bond ordinance can be used to acquire the Kingston School. Open Space Trust Fund money can be used to purchase the vacant land portion, with the Township purchasing the building and developed area. The decision need not be made until a property appraisal is received and the Open Space Committee has reviewed and decided on the open area portion of the tract. Council concurred and authorized the Township Manager to pursue the appraisal and Open Space Committee

Geographic Information System

Township Manager Daly noted that the Township is in the process of making a substantial investment in a Geographic Information System for staff use and to provide public information. The Township previously expended \$370,000 for aerial fly-overs for digital pictures and a \$50,000 Somerset County Grant to link parcel mapping and development layers to the digital pictures and to purchase additional software. An amount of \$50,000 was requested in the budget to buy licenses, software, and geo-coding of the digital photographs. The Financial Oversight Subcommittee deleted this item. The impact of this cut will be a very heavy demand on our existing servers and a longer wait to get needed data into system.

Mr. Chivukula noted that the services of Civil Solutions for the GIS will continue over the next year and that the requested \$50,000 can be appropriated in FY2003.

Mayor Clyde called for a motion to reinstate the \$50,000 budget request for the GIS; no motion was forthcoming.

Mr. Levine questioned what streets are impacted by the Road Overlay budget cut from \$700,000 to \$600,000. Township Manager Daly responded that Berger Street from JFK Boulevard to Vanderbilt Avenue was removed from the program.

Mr. Levine questioned the amount of debt the Township is retiring in FY2002. Township Manager Daly responded that this information is available in the Annual Financial Statement and he will provide that information to Council.

Mr. Mettler noted the need for Budget and Capital Budget appropriations to be part of an overall plan aimed to benefit the Township in the future, such as the encouragement of industrial development. For the FY2003 Budget, emphasis should be placed on the quest for ratables and the shifting of the tax burden off residential property owners. Township Manager Daly concurred that there is need for an overall Economic Development Plan on which to base strategic capital investments. Funding in the Economic Development budget may permit the use of a consultant to prepare such a plan. Council concurred that the development of an Economic Development Plan should be given top priority for FY2003.

Mr. Chivukula and Mr. Mettler noted the need to realign and straighten New Brunswick Road from Cedar Grove Road to Elizabeth Avenue and questioned if the Planning Board is pursuing this project as part of their review of the current development proposal in the area for senior housing. Township Manager Daly will advise the Planning Board of the Council's concern.

4. COMMITTEE REPORTS

Middlebush By-Pass/Davidson Avenue Connector Subcommittee

Councilman Mazzola reported on a meeting of the Subcommittee held this evening. The Subcommittee received preliminary input from Orth-Rodgers:

The consultants will recommend the construction of the Middlebush By-Pass. The alternative to building the By-Pass is construction of numerous localized improvements

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including the widening and relocation of Amwell Road by O'Connors Restaurant, intersection improvements at Amwell Road/Cedar Grove Road.

The consultants will not recommend the originally proposed alignment of the Davidson Avenue Connector since studies have found that only 30% of the South Middlebush Road traffic is heading towards Route 287 and 50% is heading towards our Davidson Avenue commercial/industrial uses. The original alignment would create a highway to Route 287 to no avail since improvements to Cedar Grove Road and Elizabeth Avenue could effectively handle the Route 287 traffic.

The consultants reviewed alternative alignments considering the location of the new high school and existing/proposed residential developments. The alternate alignment would take traffic heading towards our commercial/industrial area across Elizabeth Avenue to a point opposite the new high school site. The preferred alignment which will be recommended by the consultant is to extend the Middlebush By-Pass across Weston Road and then connecting with Elizabeth Avenue.

The Subcommittee also requested the consultants to prepare a list of the ten top other intersection improvements which should be installed, including South Middlebush Road and Blackwells Mills Road, and a traffic signal at the intersection of Amwell Road and South Middlebush Road.

Other alternative alignments were considered. One alternative involved the Davidson Avenue Connector to Weston Road and then connection with Elizabeth Avenue via the realignment of Weston Road south of the proposed high school. This alternative was not recommended because of concern that most traffic would stay on Weston Road. Another alternative involved construction of the Middlebush By-Pass but not the Davidson Avenue Connector. This alternative was not recommended because it would require additional lanes to be added to Amwell Road and Elizabeth Avenue and result in substantial intersection improvements at Amwell Road/Cedar Grove Road to the detriment of the Toto property.

Mayor Clyde noted that at the Planning Board meeting to be held on September 5th, an application for a senior housing development in the vicinity of the Middlebush By-Pass, Davidson Avenue connector will be on the agenda. The Planning Board is interested in knowing the Council's feelings on the reservation of any alignments which might impact that development property.

Mr. Grippo noted his concerns that:

1. Upon receipt of the written Orth-Rodgers report and prior to action by the Council to provide a recommendation to the Planning Board, two well-advertised public hearings should be conducted, possibly at the Elizabeth Avenue School or Elizabeth Avenue Fire House. Mr. Mazzola requested that one hearing be scheduled for the School or Fire House for the residents at the northern end of the area but that the other hearing be scheduled in the southern end of the area. Mr. Grippo concurred.
2. Public perception may be that the location of the roadways is intended primarily to serve the new high school which is not true.
3. Decimation of open space by the road construction.
4. Need to brief the Board of Education and get their input immediately.

Council discussed information to be transmitted to the Planning Board regarding the road alignments and the need/ability to reserve the alignment on the development plans for the adjacent property.

Township Attorney Rainone advised that, if the alignment were on the Township's Master Plan, the Planning Board would have absolute authority to reserve the right of way. The Planning Board can, in their authority to review the site plan, require the

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dedication for roadways and then make the roadways part of the Master Plan. Mr. Levine questioned Township liability if the application before the Planning Board is delayed by their action. Township Attorney Rainone responded that the best method is to make the determination now and then amend the Master Plan accordingly and that contact with the developer should be made at this time if Council makes a decision.

Mr. Mazzola moved that the Council:

1. Preliminarily endorse the alternate road alignments for the Middlebush By-Pass and Davidson Avenue connector discussed this evening;
2. Instruct the Planning Board to consider the alignments as part of the development plan currently under their review;
3. Withhold final endorsement of the road alignments until receipt of written report from Orth-Rodgers, inspection of the alignment area by the members of the Township Council, and receipt of public input at two public hearings to be conducted for this purpose.

Ms. Barrier seconded the motion. Township Clerk Pellicane polled the Council, the vote being as follows:

AYES: Ms. Barrier, Mayor Clyde, Ms. Eberle, Mr. Grippo, Mr. Levine, Mr. Mazzola, Mr. Mettler, Mr. Sumter

NAYS: Mr. Chivukula

Motion was carried. Ms. Eberle and Mr. Mettler noted their affirmative votes were based on the fact that the recommendation is preliminary pending written report and public hearings.

9. REQUEST FOR VACATION OF PORTION OF KEE AVENUE

Council reviewed August 14, 2001 report from Scott M. Thomas, Senior Engineer.

This request was reviewed several months ago, and the Township Engineer originally recommended that the street not be vacated because it would landlock Township owned land and render it unusable. In the interim, it has been determined that the Township owned land is impacted by a deep ravine rendering most of the parcel unusable anyway. Therefore, that portion of the street can be vacated if arrangements can be made for the sale of the Township owned land to the adjacent property owners.

Council concurred and authorized the Township Manager to pursue an acceptable arrangement for the vacation of the street and sale of the Township owned land.

6. REQUEST TO STATE RE: SIX MILE RUN

Mayor Clyde requested Council to consider adding a resolution to the agenda for the September 11th meeting urging the NJDEP to:

1. Designate the state-owned Six Mile Run Tract as permanent open space;
2. Expand and make available the areas within the Tract suitable for farming;
3. Utilize appropriate portions of the Tract for passive recreation, hiking, cycling, horseback riding;
4. Provide protection for the historic structures within the Tract which have been deteriorating over the past 30 years under state ownership.

Council concurred and authorized the requested resolution.

5. PROPOSED ORDINANCE - JOINT TOWNSHIP ADVISORY COMMITTEE

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Council reviewed July 7, 2001 request from the Kingston Task Force to create by ordinance a Joint Township Advisory Committee for the Village of Kingston as required to facilitate the State Planning Commission's declaration of Kingston as a Designated Village Center in the State Development and Redevelopment Plan. The Joint Township Advisory Committee would replace the current, annually created and appointed, Kingston Task Force.

Council noted:

1. Creation of the Committee would need to be subject to adoption of a similar ordinance by South Brunswick Township.
2. The advisability of having members approved jointly by both Franklin and South Brunswick Township was discussed. The Council recommended that three members be appointed by Franklin, three members be appointed by South Brunswick, and the one remaining member be appointed by both municipalities at the recommendation of the Committee.

Council authorized introduction of an ordinance on September 11th creating the Committee subject to the two conditions noted above and authorized the Township Manager and Councilwoman Eberle to convey this information to the Task Force and South Brunswick Township for their review and comment.

8. REQUEST FROM SOUTH BRUNSWICK TOWNSHIP TO JOIN COALITION TO OPPOSE ELIZABETHTOWN WATER COMPANY'S RATE INCREASE

Mayor Clyde advised the Council that he and Township Manager Daly met with representatives regarding their August 22nd request that Franklin join them and other municipalities to hire an attorney specializing in utility rates to oppose the request for rate increase filed by Elizabethtown Water Co. with the State Bureau of Public Utilities. Under the scenario proposed by South Brunswick, Franklin would pay the highest share of the cost since we are the largest user of Elizabethtown water.

Township Attorney Rainone advised that this action would be premature at this time. Franklin and South Brunswick and some residents are direct customers of Elizabethtown and pay commercial rates. Some of the other municipalities involved pay retail rates or a combination of retail/commercial rates. A single attorney to represent municipalities in both categories is questionable. Township Attorney Rainone suggested deferral of this matter to the September 25th Work Session to allow further research by him and the Township Manager. Council concurred.

11. TREE REMOVAL ORDINANCE

This item was discussed as part of Item 2 on the Work Session agenda.

12. REQUEST TO PURCHASE TOWNSHIP OWNED LAND - BLOCK 554/LOT 20 (GARFIELD AVENUE)

13. REQUEST TO PURCHASE TOWNSHIP OWNED LAND - BLOCK 556/LOTS 12-14

Township Manager Daly noted that:

1. The report from the Senior Engineer on the application to purchase Lot 20 in Block 554, a portion of a Township owned parcel, indicates that the sale of the portion applied for only would devalue the balance of the Township owned parcel since it would be left undersized for development for a residential dwelling.
2. The report from the Senior Engineer on the application to purchase Lots 1, 12-14 in Block 556 indicates that the parcel has no current or foreseeable value to the Township other than open space, the Department has no objection against selling them at fair market value.

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The Township Council in the past has informally determined that all Township owned land should be retained for open space unless there are exceptional, compelling reasons for its sale. This determination has not been formalized and there is need for a formal policy to guide Township employees discussing the possible sale of these parcels.

Council concurred with the prior informal policy and determined to deny both requests to purchase Township owned land and to reserve these parcels for open space. Mr. Mettler noted that some Township owned parcels, particularly in the area of South Bound Brook, have been placed on the Township's Green Acres Inventory.

14. AREAS AT RISK FOR FLOODING

Township Manager Daly distributed an excerpt from NJSA 40A:12A-5, Determination of need for redevelopment setting forth the criteria by which a delineated area can be determined in need of redevelopment by resolution of the governing body.

Areas of the Township along the D & R Canal and the Millstone River, including some historic buildings, were heavily damaged during Hurricane Floyd and in need of rehabilitation. Designation of these areas as in need of redevelopment would provide the Township with the tools necessary to obtain grant monies and work with private interests to rehabilitate these areas/buildings. The concept has been discussed with Jim Amon, Director of the D & R Canal Commission, and the Director is interested in pursuing the concept.

Township Attorney Rainone advised that a Redevelopment Agency can only deal with one redevelopment area. Therefore, a new area could not be assigned to the Renaissance 2000 Redevelopment Agency but a new Agency could be created.

Township Manager Daly questioned Council's direction on pursuing proposals from an outside planning consultant to study the subject area for designation as in need of redevelopment. Council authorized the Township Manager to get cost figures for the preparation of the study.

15. COUNCIL COMMENTS

Ms. Barrier noted the need for a clearly stated Council policy on reserving all Township owned land for open space except for exceptional, compelling reasons. Council concurred and authorized a resolution for September 11th formally adopting same.

Mr. Grippo noted his participation in a tour of the Township conducted for new teachers in the school system, and his pride in the open space the Council has preserved for the future.

Ms. Eberle requested Council concurrence to a request from the Senior Citizen Advisory Committee for the Township to purchase a plaque for presentation for former member Harold Leventhal for his many years of service to the Committee. Council concurred.

Upon a motion, made seconded and unanimously agreed, the Work Session was adjourned at 10:51 p.m.

Respectfully submitted,

Jean C. Pellicane, RMC
Township Clerk