

WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
OCTOBER 23, 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 7:12 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. Mettler, Mr. Sumter. Mr. Mazzola was absent at roll call but arrived later in the meeting.

Absent: No One

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

2. Review Prepared Agenda for Regular Meeting

8. REQUEST FOR RELEASE OF DEED RESTRICTION - GUSTAVO DeLaCRUZ/WILSON INVESTMENT GROUP - BLOCK 200/LOTS 9.01, 12.01 & 12.01

Council received:

October 22, 2001 letter from Linda Dawson, Sales Associate, Century 21 Worden & Green providing information on the request on behalf of the purchaser.

October 15, 2001 memo from Scott M. Thomas, Senior Engineer, dealing with windfall profits to property owners from released deed restrictions, comparing this request with the denied request from Walter Howard for other properties, and noting that a minimum of four trees have been removed from the subject property since the 1988 subdivision.

Township Manager Daly noted that the staff tends to recommend that the restriction not be released, and his discussion of the request with Township Attorney Rainone to determine if there is a legal requirement that the Council release the restriction because of the subdivision. Per the Township Attorney's advice, Council may release the deed restriction. If Council decides not to release the restriction, further advice from the Attorney must be sought.

10. FY2002 CURRENT, CAPITAL AND WATER CAPITAL BUDGET

A AMEND GENERAL REVENUES/APPROPRIATIONS FROM \$33,552,773.51 TO \$33,972,609.51

The proposed amendments deal with grants except one which makes a reduction in the reserve account and one which makes an increase in debt service based on our Annual Financial Statement. The amendment will have no impact on taxes and does not require re-advertisement.

14. RESOLUTION MEMORANDUM OF UNDERSTANDING - FRANKLIN TOWNSHIP LIBRARY - CONTRIBUTION OF FUNDS

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Township Manager Daly advised that this Agreement provides for the taking of money from the Library grant to make the down-payment on the bond ordinance to be adopted as Item 15.

19. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 151, HOUSING STANDARDS - SECTION 151-9B & D, NOTICE OF VIOLATIONS SUMMONS, EMERGENCY ORDERS; CHAPTER 183, PROPERTY MAINTENANCE - SECTION 183-9, VIOLATIONS AND PENALTIES; CHAPTER 201, SEWERS AND SEWAGE DISPOSAL, SECTION 201-3, VIOLATIONS AND PENALTIES

Mr. Levine requested and received confirmation that the purpose of this ordinance is just to increase the fine for violations from \$500 to \$1000.

21. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 115, DOGS & OTHER ANIMALS - ADD PROHIBITION OF FEEDING OF DEER, CANADA GEESE OR WILD TURKEY, EXCEPT IN ACCORDANCE WITH NJ DIVISION OF FISH AND WILDLIFE PROVISIONS

In response to a question from Mr. Levine, Township Manager Daly advised that this ordinance was recommended by the Agricultural Advisory Committee and is similar to ordinances adopted by surrounding municipalities. The ordinance is desired since deer, canada geese and wild turkeys spread disease and are destructive to farm plantings. A study of the ecological balance of deer in portions of Franklin was conducted last year, resulting in a population of 200 deer per square mile instead of the preferred 60 per square mile.

Mr. Grippo noted the need to greatly publicize this ordinance if adopted since many residents and their children feed these animals.

26. RESOLUTION - PROVIDES SNOW PLOWING SERVICES TO PORTION OF ROLLING HILLS ROAD

Township Manager Daly noted that the Countryside Condo Association requested the Council to accept Rolling Hills Road as a public road so the Association does not have to plow this road, portions of which serve single family residences as well. The Township Engineer inspected the road and is not satisfied with the quality of the road for acceptance. In lieu of accepting the road, the Township can provide for the snow plowing.

On residents complaints regarding Countryside at Franklin, Township Manager Daly advised that:

A hearing was conducted by the Construction Board of Appeals. The developer's attorney failed to have witnesses present and the hearing was rescheduled for December 5th.

The Township Engineer sent the developer a list of items to be done to rectify problems with the drainage system. A non-responsive reply was received from the developer's attorney, and the Township Engineer has contacted their bonding company to submit claim.

The Township Attorney has met with the Health Officer on the trash compactor issue and has requested a detailed report from which he will develop our strategy.

Mr. Mazzola arrived at this time.

3. COMMITTEE REPORTS

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Integrated Communications Committee

Mr. Chivukula reported that the Committee met last week and discussed:

- (1) The FCC has rejected our application for two radio stations. This rejection will delay the project for approximately six months. Lt. Carter suggested that we continue with the RFP for the design work even though we will be going with State Contract to purchase, since we will still need expertise. There is a possibility that the Township might hire the consultant's representative in the future. Mayor Clyde questioned if the salary can be financed from capital ordinances; Township Manager Daly responded in the affirmative.
- (2) The Township's applications for two radio stations – one in the north and one in the south – were met with opposition. The September 11th tragedy, however, has changed minds on the need for multiple means of communicating with the public. As a compromise, we can get one station at \$14,000. That compromise will be brought before Council. Mayor Clyde requested that this be placed on the agenda for the November 13th Work Session. Township Manager Daly advised that money for the study has been appropriated, but if Council wishes to proceed with the purchase and installation, a funding ordinance will be required.

Mr. Mettler noted correspondence to the Fire Companies from Mr. Chivukula indicating that Council will do things which the Council has not yet decided. Mr. Chivukula responded that the fire companies were advised that if they come on board at the beginning of this project, the Township will pick up the cost of fire company headsets. If they join later, the fire companies will have to pay for their own headsets.

Veterans Memorial Committee

Mr. Grippo reported that the Committee has held a productive initial meeting and has asked the Township Manager to have a Township representative at the next meeting to discuss the location of the memorial.

Traffic Management Committee

Mr. Chivukula reported that the Traffic Management Committee has not met in the last few months but has:

- (1) Requested Sgt. Vornlocker to do a study of weight restrictions for trucks. The restrictions will require substantial signage on County roads which can be costly. When the report is completed, the Committee will come to the Council for funding. Mayor Clyde requested that the report be presented to Council before the end of the year if possible.
- (2) Discussed the Amwell Road/Cedar Grove Road intersection with Sgt. Vornlocker. He has some good ideas to eliminate traffic back up at the intersection and improve conditions for residents of the area.
- (3) Noted efforts by the Somerset County Planning Board to coordinate with Middlesex County, Franklin Township and Piscataway Township on the Easton Avenue/ River Road/ Route 287 interchanges.

Six Mile Run

Mayor Clyde noted that he has been advised by NJDEP that they are adopting the recommendations from Council and are seeking additional land for farming operations and for parking, trails, etc. The NJDEP will be providing maps and has invited the Council to participate in their planning process.

John Collins Memorial

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Mayor Clyde read a letter of appreciation received from Mr. & Mrs. Martin Collins regarding the memorial service held in the Township in memory of their son John, New York City Fireman killed in the World Trade Center tragedy. Mayor Clyde noted his proposal for the naming of a linear park along John F. Kennedy Boulevard in honor of John and the placement of a plaque in front of Saint Matthias Church. A dedication ceremony for the plaque will be scheduled for November and Council will be advised.

4. MEETING DATES - **NOVEMBER 13, 2001 - CONFLICT WITH LEAGUE CONFERENCE** **DECEMBER 11, 2001 - MEADOWS FOUNDATION SOCIAL**

Council discussed the need to change the date for their November 13th Regular Meeting to accommodate members of Council attending the League of Municipalities Conference. Those members attending advised that they will be attending on or changing their reservations to Wednesday and Thursday. Therefore, there is no need to change the meeting date.

Council discussed changing the time of the Regular Meeting on December 11th to 6:30 p.m. to accommodate an invitation to a social at the Van Wickle House. Council concurred, noting the need give ample notice to the public.

5. JOINT TASK FORCE FOR THE VILLAGE OF KINGSTON

Township Manager Daly noted the differences between the desires of our Council and the South Brunswick Council regarding the appointment of members to the Joint Task Force. Franklin desires three members appointed by the Franklin Council, three members by the South Brunswick Council and one member at the recommendation of the Task Force. South Brunswick desires joint appointment of all members by both Councils. There is concern that this would result in their vetoing Franklin appointees.

The Task Force is arranging a meeting to which one member of each governing body will be invited to discuss this issue. Ms. Eberle indicated that she will attend the meeting with Township Manager Daly and report back.

6. PLANNING/ZONING QUESTIONS

Mr. Mettler noted his concern with the zoning in the area bounded by New Brunswick Road/Cedar Grove Road/Weston Road/Elizabeth Avenue in which there are two applications for market senior citizen developments which will be very densely developed and involve many wetland provision waivers. One rationale offered for these developments is that the alternative is office buildings. One of the tracts was formerly approved for office buildings but that approval has expired and the zoning of the land should be changed. The other tract is zoned for residential. There is need for the Planning Board to examine the Master Plan and Zoning for this area.

Mayor Clyde concurred with Mr. Mettler and noted that the Orth-Rodgers Traffic Study reached into this area and gives reasons for the Planning Board to review zoning and master plans and come up with recommendations. Mayor Clyde requested the Township Attorney to draft a resolution for action this evening to request the Planning Board to prepare same. Council concurred.

7. VOLUNTEERS LIFE INSURANCE

Council reviewed October 19, 2001 memo from Assistant Manager Marc Dashield as follows:

"In reaction to the tragic events of September 11, 2001, staff has reviewed a number of policies and programs that may be affected by these events. Therefore, a number of policy issues have arisen. One of these issues involves the Township's self-insured life and accidental life insurance policy.

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The self-insured life and accidental death policy of the Township is provided to members of Franklin Township's fire service, rescue service and fire inspectors. The policy provides a maximum benefit of \$5,000.00 in the case of death.

Under the exclusions indicated in the Township's self-insured policy, death as result of a declared or undeclared war or act of war is not covered. However, in the current environment in which acts of war/terrorism can happen within the United States and we expect our volunteer fire and rescue personnel to respond to these events. It would be appropriate that volunteer fire, rescue and inspection personnel acting in their capacity as emergency services personnel for Franklin Township should be covered under this policy.

Consequently, I would recommend that the insurance policy be amended to provide inclusion of claims that are the result of volunteer fire, rescue and fire inspectors responding to acts of war/terrorism in their official capacity."

Council concurred with the recommendations.

8. COUNCIL COMMENTS

Mr. Chivukula noted receipt of a letter dated September 19th from the Franklin Somerset First Aid Squad noting their problems over the past several years and the Township's failure to provide them with a new building. The letter indicates that unless this matter is settled, the Squad will be closing its door on December 1st. Mr. Chivukula noted his long standing support of the Squad's request for a new facility.

Mr. Mazzola noted that he discussed this matter with Township Manager Daly earlier and requested that he make inquiries as to the ability of Rural Metro to fulfill the duties of Franklin/Somerset First Aid Squad if they close their doors.

Mayor Clyde noted that the letter requires thought and should be discussed further at the conclusion of the regular meeting.

Upon a motion made, seconded and unanimously agreed, the Work Session was adjourned 8:03 p.m.

Respectfully submitted,

Jean C. Pellicane, RMC
Township Clerk