

Franklin Township Open Space Advisory Committee
Tuesday, September 21, 2004
7:00 PM

1. **Call to order in accordance with the Sunshine Law provision.** At 7:15, a quorum was present and the meeting was called to order in accordance with the Sunshine Law.
2. **Introductions/roll call.** Present were members Jones, van Pelt, Battin, Connolly, Chase, and Orsini. Arriving later was Kaiser and Kanarek. Also present was Consultant Loos.
3. **Approval of the July 20, 2004 minutes.** Van Pelt asked that the draft minutes be corrected to show that she was present. With that correction, Orsini moved and van Pelt seconded a motion to approve the July 20, 2004 minutes. Motion carried
4. **Opening of the meeting to the public.** Upon a motion by Orsini, seconded by van Pelt, a motion carried to open the meeting to the public. There being no members of the public wishing to speak, a motion was made by Connolly, seconded by Chase, to close the meeting to the public. Motion carried.
5. **Financial Report.** Loos reviewed the financial report. Balance in the trust fund is \$12,371,294.27. Van Pelt moved and Orsini seconded a motion to approve the financial report. Motion carried.
6. **Old Business.**
 - a. **Grants.** The committee reviewed a list of grants that have been received by the township for open space and farmland preservation. To date, the township has been awarded over \$9 million in grants.
 - b. **NJAS Final Report for Phase I.** The committee noticed two minor typographical errors in the report. Upon a motion by Connolly, seconded by Chase, a motion carried to adopt the NJAS Phase One Report. Copies will be sent to Council for their information.
 - c. **Public Works Status Report.** The committee reviewed a status report for pending public works projects.
 - d. **Review of Township Park ordinance.** The committee reviewed a draft of proposed changes that the OSAC would recommend to the Township Council. The changes are per the attached. Upon a motion by Van Pelt, seconded by Orsini, a motion carried to send these recommendations to the Council.
 - e. **Memorial Forest--status of site plan.** The committee reviewed the status of the site plan and held a discussion of a possible dedication ceremony. It was the unanimous consent of the OSAC that it is premature to hold the ceremony this year.
 - f. **Naming of Township Open Space tracts.** The naming subcommittee reviewed its recommendations. Upon a motion by van Pelt, seconded by Orsini, the following names were adopted:
 - The swath of land that previously has been called the Griggs Park Greenway henceforth will be called the “Ten Mile Run Greenway.”
 - The portion of the Ten Mile Run Greenway that is being managed in native grasses henceforth will be called the “Griggstown Native Grassland Preserve.”

- The swath of land that stretches from the Negri site to the memorial Forest site henceforth will be called the “Middlebush Greenway.” This will include the Scott, Galdi and Lemantovitch properties.
- The portion of the Middlebush Greenway that is being managed in native grasses henceforth will be called the “Negri-Nepote Native Grassland Preserve.”

7. **New Business.**

a. **Wildlife Control Committee’s recommendations for hunting on Open Space.**

The committee reviewed the recommendations of the Wildlife Control Committee to allow deer hunting, in the 2004-2005 hunting season, on three open space tracts. After considerable discussion, the following motion was made by Connolly and seconded by Chase: That hunters who erect tree stands will have to put their permit number on the stand-or we will remove it.; that hunting be permitted on the Ten Mile Run Greenway, west of the water tower access road; that the Sterling preserve on Cedar Grove be permitted to have two bow hunters; that during the period when there is loaded shotguns or muzzle-loaders on the property that only hunters be permitted and that signs stating such be prominently displayed at entrances; that anyone going on the property during the entire hunting season must wear an orange hat; that on Negri-Nepote-Leni, approved hunting will be only in the forest and on what has been called the Leni tract with the number of hunters calculated for this tract to be based upon 53-acres, not the original 163-acres of the entire Negri-Nepote Native Grassland Preserve. Motion carried. Kanarek asked to have the issue of using hunt clubs placed on a future agenda.

b. **Millstone Valley Preservation Coalition.** Jones reported that he would like to have a subcommittee attend a future meeting of the MVPC to discuss the plans for the Ten Mile Run Greenway and the Griggstown Native Grassland Preserve.

8. **2nd opening of the meeting to the public.** Upon a motion by Chase, seconded by van Pelt, a motion carried to open the meeting to the public.

- Lloyd Pietrak, 20 Mosher Road, congratulated the committee on their work. He asked about biking on the Ten Mile Run Greenway and indicated that he did not think it would be a good idea.
- Yoko? from New Brunswick, a Rutgers Journalism student, asked a question about how members get appointed. Jones explained the process.
- There being no other members of the public wishing to speak, a motion was made by Connolly, seconded by Chase, to close the meeting to the public. Motion carried.

9. **Executive Session to discuss possible purchase or sale of property.** Upon a motion by Connolly, seconded by Chase, a motion carried to close the public portion of the meeting. Upon a motion by van Pelt, seconded by Connolly, a motion carried to go into Executive Session to discuss property negotiations.

10. **Adjournment.** At 10:45, the committee came out of Executive session. Upon a motion by Orsini, seconded by Chase, a motion to adjourn carried.

Chapter 175

PARKS AND RECREATION

ARTICLE I

Parks

175-1. Definitions; word usage.

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ARTICLE II

Permits and Fees

175-9. Exclusive-use permits and fees.

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ARTICLE III
Rules and Regulations

175-17. Adoption of Rules and Regulations of Somerset County Park Commission.

175-18. Enforcement agencies.

[HISTORY: Adopted by the Township Council of the Township of Franklin: Art. I, 8-28-75 as Ord. No. 756 (Art. I of Ch. 12A of the 1968 Code of the Township of Franklin); Art. II, 5-27-82 as Ord. No. 1089; Art. III, 8-8-85 as Ord. No. 1246. All references to "Department of Parks & Recreation" were amended to "Department of Recreation, Community Celebrations & Park Administration" and all references to "Director of Recreation" were amended to "Director of Recreation, Community Celebrations & Park Administration" 11-14.00 by Ord. No. 3165. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages - See Ch. 75.

Curfew - See Ch. 108.

Dogs and other animals - See Ch. 115.

Littering - See Ch. 142.

Noise - See Ch. 167.

Peace and Good order - See Ch. 177.

Peddling and soliciting - See Ch. 179.

ARTICLE I

Parks

**[Adopted 8-28-75 as Ord. No. 756 (Art. I of Ch. 12A
of the 1968 Code of the Township of Franklin)]**

175-1. Definitions; word usage. [Amended 11-14-00 by Ord. No. 3165]

A. As used in this Article the following terms shall have the meanings indicated:

ANIMALS - Includes cats, dogs, horses any fowl or birds; any living creatures within jurisdiction of the park.

BRIDLEPATH - Any path maintained for equestrians.

DIRECTOR - The Director of the Franklin Township Department of Recreation, Community Celebrations and Park Administration.

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FRANKLIN TOWNSHIP PARKS, PARKWAYS, PRESERVATION AREAS, OPEN SPACE PARCELS AND RESERVATIONS - All the real property situated in the Township of Franklin acquired by or under the jurisdiction and care of the Department of Recreation, Community Celebrations and Park Administration or which may be hereafter acquired by it or come under its jurisdiction.

MUNICIPALITY - The Township of Franklin.

PARK POLICE OR OFFICERS - Any person employed by the Department of Recreation, Community Celebrations & Park Administration or any municipal policeman or state police officer.

PATH - Any footpath, walk or any path maintained for pedestrians.

PEDESTRIAN - A person afoot.

PERMIT - Any written license issued or under the authority of the Department of Recreation, Community Celebrations & Park Administration permitting a special event or activity on park facilities and grounds.

PERSON - Any natural person, corporation, company, association, joint association, firm or copartnership.

PRESERVE – An open space tract of land that is being managed for wildlife habitat and passive recreation.

PRIVATE ROAD OR DRIVE - Every road or lane or driveway not open to the use of the public in general.

RIGHT-OF-WAY - The privilege of the immediate use of the roadway, drive or path.

SAFETY ZONE - Any space, within a drive, established for pedestrians.

STOPPING or STANDING - When prohibited, any cessation or movement of a vehicle, occupied or not, except when necessary to avoid conflict with other traffic, including horses.

TRAFFIC - Pedestrians, ridden or herded animals and vehicles, either singly or together. while in the confines of the park's jurisdiction.

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VEHICLE - Any conveyance, except baby carriages, including motor vehicles, bicycles, tricycles, sleds, sleighs, pushcarts or vehicles propelled by other than muscular power; also any horse trailers.

B. Word usage.

(1) Any term in the singular shall include the plural.

(2) Any term in the masculine shall include the feminine and neuter.

175-2. Construal. [Amended 11-14-00 by Ord. No. 3165]

In the interpretation of the rules of the Department of Recreation, Community Celebrations & Park Administration their provisions shall be construed as follows:

- A. Any requirement or prohibitions of any act shall, respectively, extend to and include the causing and procuring, directly or indirectly, of such act.
- B. No provisions hereof shall make unlawful any act necessarily performed by any officer or employee of the Department in the line of duty or work as such or by any person, his agents or employees in the proper and necessary execution of the terms of any agreement with the Department.
- C. Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do and to the extent authorized thereby.

175-3. Scope. [Amended 11-14-00 by Ord. No. 3165]

Franklin Township Department of Recreation, Community Celebrations & Park Administration regulations shall be effective within all the parks, parkways and reservations under the administration of the Department and shall regulate the use thereof by all persons.

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175-4. Prohibited activities. [Amended 11-13-1975 by Ord. No. 776; 8-22-1977 by Ord. No. 869]

- A. Advertising. No person shall post, paint, affix, distribute, hand out, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular or advertisement or do any of the following without written permission of the Department:
 - (1) Display any flag, banner, transparency, target, sign, placard or any other matter for advertising purposes.
 - (2) Operate any musical instrument, soundtrack or drum for advertising purposes or for the purpose of attracting attention to any exhibition, show, performance or other display.
 - (3) Conduct public speeches or rallies.
- B. Soliciting. No person shall solicit for any purpose.
- C. Animals. No person shall cause or permit any animal owned by him, in his custody or under his control to go or be at large.

(1) Dogs shall be restrained by a leash not exceeding six (6) feet in length.

(2) No person shall ride or drive a horse unless it is well-broken and constantly held in such control that it may be easily or quickly turned and stopped.

(3) No horse shall be unbridled or left unattended in any unenclosed area without being securely fastened.

(4) No horse shall be driven or ridden in the parks, except at such locations designated for this purpose by the Department.

(5) No person shall hunt, molest, kill, wound, trap, take, chase, shoot or throw missiles at, remove or have in his possession any animal, reptile or bird or knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or eggs so taken.

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(6) No person shall fish in any of the rivers and canals bordering the parks unless he has a state license. No person shall kill, wound, discharge or throw missiles at any fish in such waters, or place therein any piscivorous fish, poison or any other substances injurious to fish.

Bunker Hill Environmental Center - Dogs and horses are prohibited at all times. **[Added 11-14-00 by Ord. No. 3165]**

Other Parks, parkways, preservation areas and reservations – No person shall cause or permit any animal owned by him, in his custody or under his control to go or be at large. **[Added 11-14-00 by Ord. No. 3165]**

Griggstown Native Grassland Preserve and Negri-Nepote Native Grassland Preserve - Dogs and horses are prohibited at all times.

D. Disorderly conduct (N.J.R.S. 2A:170-1 to 170-96).

(1) No person shall throw stones or other missiles so as to annoy other persons.

(2) No person shall climb or stand upon any wall, fence, shelter, seat, statue or other structure unless the structure is designated for that purpose.

(3) No person shall enter or leave park facilities except at established entrances and exits.

(4) No person shall litter in the park or deposit on the ice or in the ponds any matter that would tend to damage the ice for skating or pollute the ponds.

(5) No person shall fail to obey or interfere with an officer in the proper performance of his duties.

- (6) No person shall remove or open permanent or temporary barriers, signs, directionals, gates or fences.
- (7) Collecting of natural materials from within the Bunker Hill Environmental Center and grounds, and any open space parcels, including preserves is prohibited except for educational use.
- (8) Straying from trails within the Bunker Hill Environmental Center grounds , and any open space parcels, including preserves is prohibited except when otherwise permitted for educational purposes.
- (9) Picnicking within the Bunker Hill Environmental Center grounds is prohibited except where permission has been specifically granted.
- (10) Picnicking within a preserve is prohibited except where specifically designated at picnic tables.
- (11) Hunting on all open space and preserves is prohibited, unless a township hunting permit is issued by the Franklin Township Wildlife Control Committee. In no instance shall hunting be permitted at the Bunker Hill Environmental Education Center.

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E. Explosives. No person shall bring into or have in possession at said parks any explosives, including any substance, compound, mixture or article having properties of such a character that, alone or in combination or conjunction with other substances or compounds, may decompose suddenly and generate sufficient heat, gas or pressure, or any or all of them, to produce rapid flaming or combustion or administer a destructive blow to surrounding objects.

F. Firearms, weapons and tools; concealed weapons according to N.J.R.S. 2A: 151-41 to 151-43.
No person shall bring into or have in his possession:

- (1) Any pistol or revolver or objects upon which loaded or blank cartridges may be used.
- (2) Any tools, instruments, skeleton keys, picklocks, jimmies or other things known as "burglar tools," except when authorized by law.
- (3) Any rifle, shotgun, air gun, spring gun, slingshot, bow or other instrument or weapon in which the propelling force is a spring or air, excepting the lawful uses of such weapons at places and times prescribed by special permission of the Department.
- (4) Any hunting knife, switchblade or dirk of any kind.

G. Fires. No person shall kindle, build, maintain or use a fire, except in places provided for such purposes or where a permit has been issued.

(1) All fires shall be continuously under the care and direction of a competent person from the time the fire is kindled until it is extinguished.

(2) No fire shall be built within ten (10) feet of any tree or any building or beneath the branches of any tree or in any underbrush.

(3) No cigar, cigarette or lighted match shall be discarded carelessly or in a manner which may start a fire.

H. Closing hours. All parks will close thirty (30) minutes after sundown, except where and when specific closing hours are designated.

Opening hours. All park areas will open at sunrise unless otherwise specified or designated by signs.

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J. Vending. No person shall sell or offer for sale any object or merchandise or any other thing within the parks, except by special permit of the Department.

K. Minors. No parent, guardian or custodian of any minor shall permit or allow him or her to do any act prohibited by any law or any township ordinance while in the presence of said parent, guardian or custodian.

L. Vehicle operation. There shall be no operation except on roadways or as signs direct. Use of off-road, all-terrain-vehicles is prohibited.

M. Vehicle parking. There shall be none except in designated areas.

N. No consumption of illegal drugs and/or alcoholic beverages is allowed in any park.

O. No person shall bring into or have in his possession within any park area any glass container for whatever purpose.

175-5. Regulated activities.

A. The following activities are permitted only at times and in areas so designated for that purpose by the Department and are otherwise prohibited within the parks:

(1)Swimming, bathing or wading.

(2) Boating on streams.

(3) Ice-skating, sledding or skiing.

(4) Model-airplane flying.

(5) Horseback riding.

(6) Golfing.

(7) Archery.

B. All persons using the facilities of the Department must obey the posted rules and regulations established for the proper, effective and safe utilization of said facility.

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175-6. Protection of property.

It shall be unlawful for any person to:

A. Throw or place any foreign or waste substance in any lake, river, lagoon, stream, storm sewer or drain of the parks or leading into or bordering upon the aforementioned or any substance, matter or thing which may or shall result in the pollution of said waters.

B. Injure trees, shrubs and grass or destroy, cut, break, deface, mutilate, disturb, sever or remove from the ground any plant, flower, growing thing, stem, branch or leaf thereof or:

(1) Pile debris of any kind against the same.

(2) Attach any rope or cable or other contrivance thereto.

(3) Set fire or assist in setting a fire to any of the same.

(4) Ride or hitch horses or any other animal over to any of the same.

C. Injure, deface, displace, remove, fill in, raise, destroy or tamper with any drive, path, walk, bridge or approach thereto; or take up to remove or carry away any asphalt, concrete, flagstone, rock, stone, gravel, sand, clay or earth; or make any excavation of any kind, name or nature; or harvest, cut, injure or remove any ice; or injure, deface, displace, remove or destroy any structure, building, post, railing, bench set, platform, stand, tree guard, telephone, telegraph, pipe or main for conducting gas, water or wires or any hydrant, sewer, drain, pipe, main, receiving basin, covering manhole or vent forming a part thereof or any appurtenance or appendage connected therewith or any other property or equipment, real or personal, owned by or under the jurisdiction or control of said Department or appertaining to the creation, government, use or maintenance of said parks; or injure, deface, displace, remove or destroy any sign, inscription, post or monument erected or marked for any purpose or any mileboard, milestone, danger sign or signal, guide sign or post or any signaling device sanctioned, installed or placed by said Department or town within the parks for the purpose of direction, restricting or regulating traffic, establishing zones or giving information or direction to the public; or interfere with any lamp, lamppost, gas or electric apparatus or extinguish the light therein, except upon

proper authority; or, without a permit, attach, string, adjust or carry any wire or other object in, on or over any part of said parks.

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D. Rubbish and refuse matter. No person shall take into, carry through, leave in or throw, cast, lay, drop or discharge into or on said parks or suffer or permit any servant, agent, employee or person in his or her charge to take into, carry through, leave in or throw, cast, lay, drop or discharge into or on said parks any rubbish, refuse, garbage or other material.

175-7. Permits. [Amended 11-13-75 by Ord. No. 776; 11-14-00 by Ord. No. 3165]

A permit authorizing a person or organization the use of any facility of the Department of Recreation, Community Celebrations & Park Administration ~~or the right to consume alcoholic beverages~~ may be granted upon written application to the Director of Recreation, Community Celebrations & Park Administration, and all conditions of approval shall be based upon all sections of this Article; and any violation of the terms, conditions, rules or regulations or a falsification of the application shall be grounds for revocation by the Department of Recreation, Community Celebrations & Park Administration or its representatives.

175-8. Violations and penalties.

Any person violating any provision of this Article shall forfeit and pay a fine or penalty therefor not exceeding ~~one hundred dollars (\$100.)~~ two hundred and fifty dollars (\$250) for each offense.

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ARTICLE II
Permits and Fees
 [Adopted 8-27-82 as Ord. No. 1089]

175-9. Exclusive-use permits and fees.

The Department of Recreation, Community Celebrations & Park Administration shall be permitted to issue exclusive-use permits for the park facilities and then establish fees as listed herein: [Amended 11-14-00 by Ord. No. 3165]

Facility	Fee	Time Period (hours)
Picnic area	10.00 <u>\$25.00</u>	4
Softball field	5.00	4
Basketball courts	5.00	4
Phillips Community Center	5.00 <u>\$5.00</u>	1

175-10. Multiple reservations.

Multiple reservations on the same permit shall be considered as one (1) facility at the highest single rate.

175-11. Use of other facilities.

All other facilities administered by the Department of Recreation, Community Celebrations and Park Administration shall not be subject to permit procedure and are on a first-come/first-serve basis

175-12. Access to permit process.

Only individuals and organizations whose residence or place of business are within Franklin Township shall have access to the park permit process.

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175-13. Exemptions.

The following are exempt from the payment of permit fees:

- A. All activities sponsored in whole or in part by the Department of Recreation, Community Celebrations & Park Administration.
- B. All activities sponsored in whole or in part by local public funding (tax revenues).
- C. Incorporated youth servicing organizations.

175-14. Review by Director.

Additional considerations for permit approval may be required at the discretion of the Director of Recreation, Community Celebrations & Park Administration. They include:

- A. Certificate of Insurance. [**Amended 11-14-00 by Ord. No. 3165**]

A certificate of insurance indicating that the applicant has secured coverage for the named event and specific date in question from an insurance agent licensed to conduct business in the State of New Jersey in the following amounts:

- (1) One million dollars (\$1,000,000.) per occasion.
- (2) Three hundred thousand dollars (\$300,000.) per person.
- (3) One hundred thousand dollars (\$ 100,000.) for property damage.

B. A wholly or partially returnable maintenance deposit of one hundred dollars (\$100.) made payable to the Township of Franklin to offset additional maintenance expenses as a result of the facility use by the applicant.

C. A wholly or partially returnable wage deposit in the amount to be determined by the actual estimated cost of placing an employee of the Department of Recreation, Community Celebrations & Park Administration at the facility specifically as a result of the applicant's intended use.

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175-15. Denial of permit.

A permit may be denied by the Director of Recreation, Community Celebrations & Park Administration if, in the opinion of the Director, the intended use:

- A. Is inconsistent with the facility's design and purpose.
- B. Would cause undue hardship on the Department, park, neighborhood or public.

C. Would be counter to public policy or local, state or federal law.

175-16. Administrative policies and procedures.

The Department of Recreation, Community Celebrations & Park Administration is hereby authorized to establish administrative procedures and policies consistent with the intent and purpose of this Article.

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ARTICLE III
Rules and Regulations
[Adopted 8-8-85 as Ord. No. 1246]

175-17. Adoption of Rules and Regulations of Somerset County Park Commission.

The Rules and Regulations of the Somerset County Park Commission, a copy of which is annexed hereto as Exhibit A, be and hereby are incorporated herein by reference and are hereby incorporated into the Municipal Code of the Township of Franklin as an amendment to such Code, inclusive of its penalty provisions.

175-18. Enforcement agencies.

The Township of Franklin the Police Department of the Township of Franklin and all of its enforcement agencies be and hereby are empowered to enforce this Article which incorporates such rules and regulations, on behalf of the Township of Franklin.

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