

MINUTES
FRANKLIN TOWNSHIP COMMITTEE
WORK SESSION
THURSDAY, OCTOBER 13, 2016
7:30 P.M.

The Franklin Township Committee held a work session at **7:30 p.m., Thursday, October 13, 2016** at the Municipal Building. This meeting has been properly noticed in accordance with the Open Public Meetings Act.

Mayor Susan Soloway called the meeting to order and led the flag salute.

Roll Call: Joseph Darocha **PRESENT** James Fania **PRESENT**

Craig Repmann **ABSENT** Kathryn Blew **PRESENT** Susan Soloway **PRESENT**

Also present: Katrina L. Campbell, Municipal Attorney

Some others present: Lt. Timothy Snyder, Officer John Oliveira, Mark Mroz, Joanne Hyland, John Roblin, Diane Burgess

Comments from the public on agenda items only: None

Consent Agenda – No action required this evening

Items for October 27, 2016 regular meeting will include:

- Approval of bill list
- Approval of minutes – September 8, 2016 Work Session & Executive Session, September 22, 2016 Regular Meeting
- Adoption of Resolution 2016 – 63 Drunk Driving Enforcement Fund \$3,500.00

PUBLIC HEARINGS

Ordinance 2016 – 09

An Ordinance to Amend, Revise and Supplement Chapter 336 “Towing and Storage of Vehicles” of the Township of Franklin, County of Hunterdon, New Jersey to Revise the Towing Ordinance

Motion to open the public hearing on Ordinance 2016 – 09.

Moved Fania Second Darocha All present in favor. Motion carried.

Comments from the public: None

Motion to close the public hearing on Ordinance 2016 – 09.

Moved Fania Second Blew All present in favor. Motion carried.

Motion to Adopt Ordinance 2016 – 09.

Moved Blew Second Fania

Comments/Discussion by the Committee: Committee Member asked for confirmation that this may be amended at any time.

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

ORDINANCE 2016 – 10

An Ordinance to Amend, Revise and Supplement Chapter 157 “Construction Records Clearance” of the Township of Franklin, County of Hunterdon, New Jersey to Create a Construction Records Clearance Requirement for the Sale of Residential Property.

Motion to open the public hearing on Ordinance 2016 – 10.

Moved Fania Second Blew All present in favor. Motion carried.

Comments from the public: None

Motion to close the public hearing on Ordinance 2016 – 10.

Moved Blew Second Darocha All present in favor. Motion carried.

Motion to Adopt Ordinance 2016 – 10.

Moved Darocha Second Fania

Comments/Discussion by the Committee: None.

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

Department Head/Subcommittee Reports

- **Finance, Administration, Insurance, HR/Benefits: Blew & Soloway**

Motion to accept with regret the letter of resignation from Diane Laudenschach as Tax Collector effective October 31, 2016.

Moved Darocha

Second Fania

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

Motion to **Adopt Resolution 2016 – 68** Offer of Employment to Tax Collector.

Moved Blew

Second Fania

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

- **Discussion: Best Practices Inventory**

The Township Committee and the Municipal Attorney conducted a public discussion on the 2016 Best Practices Inventory to review the inventory for compliance with regulations established by the State. The township does their best to comply in order not to lose State Aid. The Municipal Attorney prepared two resolutions to confirm practices already being followed by the township but now there will be a written policy. One of the discussions required to be conducted is a public discussion on municipal authorities. Franklin Township really doesn't have any municipal authorities with the exception of the Fire District. The township acknowledges having this authority and did conduct a public discussion over the past six months with the fire company/fire district regarding how they operate. This discussion was conducted on September 8, 2016 along with discussion this evening on the possible authorities the municipality could have: water, sewer, pool, parking, etc.

The two resolutions to be adopted to confirm practices of the township deal with outside employment for all municipal employees and formal notice to the township and CFO by the Tax Assessor regarding the filing of appeals.

Motion to **Adopt Resolution 2016 – 64** Policy for Outside Employment for Municipal Officials.

Moved Fania

Second Blew

This resolution requires any municipal employee to notify Department Head of any outside employment in order to avoid any conflicts.

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Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

Motion to **Adopt Resolution 2016 – 65** Policy Requiring the Tax Assessor to Notify the Chief Financial Officer (CFO) and Governing Body of all Tax Appeals Filed by June 1 of Each Year.

Moved Fania

Second Darocha

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

The Municipal Clerk will provide all employees with these policies to be inserted into the township's Policy Manual.

Motion to **Adopt Resolution 2016 – 70** Salary Resolution for Non-Contract Employees.

Moved Fania

Second Blew

The CFO prepared a spread sheet for the Committee's review with a salary range of ½ % - 2%. Since 2% was included in this year's budget it was agreed to grant the 2% annual increase retroactive to January 1, 2016. It was noted that some employees have taken on additional work.

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

Municipal Building Hours: There was a brief discussion regarding the office hours of the Municipal Building. Committee Member Jim Fania commented on a change made a few years ago to change the hours from 9 AM – 4 PM to 8 AM – 4 PM with a provision for a summer schedule. The Mayor would like to review past minutes to see what prompted the change and the Municipal Clerk will provide her with the records. The Mayor said she had a conversation with Jean Bahlman who suggested going back to

9 AM to 4 PM with the possibility of working in the Municipal Building one evening from 5 PM – 7 PM and leaving early on Fridays. There was some discussion about the lack of people taking advantage of the earlier opening and no one comes in during the hours of 8 a.m. and 9 a.m.

Vollers Property, Block 31 Lot 27: Mr. Vollers spoke with Mary Mastro, Tax Assessor, about the assessed value of the property. Ms. Mastro agreed that the property is not worth \$43,000.00 and agreed to make a change in the assessment for 2017. To clear up the municipal lien, Mr. Vollers would have to pay at least the past due taxes on the property which may be more than \$20,000.00. The Committee needs to decide on whether or not to waive the penalties. The Municipal Attorney commented on the township's obligation to pay county and school taxes even though the taxes were not collected for this property. Mr. Vollers is willing to make the township whole for what they paid out

and some and wipe out the lien. He's willing to pay what the property is worth in taxes to the township but if it's more than that, it's not worth it to him. The township's only recourse is to foreclose on the property. Committee Member Darocha asked how the township allowed this to happen. This needs to be addressed with the Tax Collector. The Municipal Attorney explained the tax sale process and timelines. The Committee should get a list of liens from the Tax Collector and see if there are any worth foreclosing on. Ms. Campbell will email the CFO for a list of municipal liens.

Prior to adopting any resolution to waive fees, a definitive amount needs to be determined. This item can be placed on the October 27 agenda for possible action.

- **Public Safety (Police, Fire, EMS, OEM, Court, Health): Darocha & Fania**

REMINDER: Public Hearing on [Ordinance 2016 – 11](#) Fire Prevention scheduled for Thursday, October 27, 2016.

- **Department of Public Works – Repmann & Fania**

Discussion: [Spring Hill Road drainage](#)

The Township Committee is in receipt of a memo dated October 4, 2016 from Rick Roseberry, Municipal Engineer, citing the results of his inspection of drainage erosion reported as occurring to properties adjacent to Spring Hill Road. Mr. Roseberry indicated there is no physical evidence to tie the development of the Twins Court to the erosion that is occurring downstream.

Property owner John Roblin at 771 Spring Hill Road addressed this issue with the Committee and strongly disagrees with the engineer's findings. He described the properties in question and the flow of water causing erosion. He commented on water and debris (7 dump trucks of gravel) washed onto his property. Mr. Roblin commented on Rick and Alan walking on some portion of the property and up to Sky View Estates. He commented on the retention basin on the Cherryville Road side. It is the eastern side that faces Route 31 that was clear cut creating a slope which he believes causes the problem he has been experiencing. All the water goes down one cut and collects in one location. Mr. Roblin said he came into the Municipal Building and read all the land use board documents on file for Sky View Estates. Records mentioned a retention pond on the eastern side; however, none exists. Other adjoining property owners filed a lawsuit because of water flooding their properties. A settlement was reached with one of the property owners. Another neighbor filed a lawsuit but passed away a year after filing. Mr. Roblin said there are 4 or 5 reports in the Sky View Estates file regarding the eastern side. The report indicated the need for a retention pond on the eastern side bigger than the one in the front with separate piping to get the water off the property. Mr. Roblin said he walked the property on his own and a gorge has been created from the rushing water. Mr. Roblin also said he talked to a former Land Use Board member, Peter Demicco. He also looked at Google Earth going back to 1995 and Google Earth shows no change other than what was done on the top of the hill where it was clear cut. A "ski slope" was created causing the water to just rush down. Mr. Demicco also made some comments on the runoff caused by the development. Mr. Roblin commented on a November 13, 2002 report by then municipal engineer, Tom Malavasi, Schoor DePalma, in which he mentioned talking to Desiderio's people who didn't think they needed the eastern side retention pond because they could solve the problem with grass. Mr. Roblin also had some calculations as per inches of rain equaling certain gallons

of water; for example 1 inch of rain over 1 acre equals 27,154 gallons of water. Mr. Roblin said there is no remediation on the eastern slope. When the land was clear cut and made smooth, a 7 inch rainfall creates 3.7 million gallons of water. This has caused a lot of erosion problems for Mr. Roblin and it has cost him thousands of dollars.

Mayor Soloway asked Mr. Roblin what he would like the township to do and he responded that he's not an engineer but the water needs to be stopped. The Municipal Attorney commented on the Municipal Engineer having checked the plans and things were done as approved by the Board. There are some drainage issues on Cherryville Road which the County is working on. The drainage grates are higher than the road grade but this doesn't affect Mr. Roblin's property. Mr. Roblin does not know why the former municipal engineer, Tom Malavasi, removed the eastern retention pond. In reviewing the file, Mr. Roblin said one of the drainage reports is missing though it is referred to.

There was also discussion regarding the portion of the property walked by the engineer and the DPW Supervisor. They did not have permission to walk some of the property in questions and would have been trespassing if they did walk it.

Mr. Roblin said he is disappointed in the township saying they are not responsible since there is no municipal facility causing erosion. He has already consulted with an attorney and may go to the State about the problem. The Mayor asked Mr. Roblin to make copies of what he found in the file available to the Committee. The Municipal Attorney will also call Mr. Roseberry to determine why the retention pond was removed.

- **Land Use (Land Use Board, Open Space, Planning, Zoning, Construction, Environmental):
Soloway & Darocha**

Motion to **Adopt Resolution 2016 – 61** Hope Hill Farmland Preservation and Commitment to Cost Share.

Moved Fania

Second Blew

Discussion: Deputy Mayor Blew said she was getting a live update from the CADB and this application is stalled since they are still making some changes to the stipulation on the farmland preservation. The Township Committee will place this back on the October 27 agenda.

Motion to **Table Resolution 2016 – 61** to the October 27, 2016 meeting.

Moved Blew

Second Fania

All present in favor. Motion carried.

Motion to **Adopt Resolution 2016 – 62** Foster Farm Farmland Preservation and Commitment to Cost Share.

Moved Blew

Second Fania

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Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

Motion to **Adopt Resolution 2016 – 67** Offer of Employment to Zoning/Health Officer.

Moved Blew Second Fania

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

Police Matters: At this time Lt. Timothy Snyder reported on police activities for the month of September. He also reported on one police officer recently having surgery and is anticipated to be out on medical leave for 3 – 4 months. There was a brief discussion on the plate reader which has not yet been purchased. In light of some new equipment mandated by the State in 2017, it appears unlikely that the funding for a plate reader will be included in next year's budget.

- **Community, Business, School, Recreation, Seniors: Repmann & Blew**

Motion to **Adopt Resolution 2016 – 66** Support North Hunterdon-Voorhees Referendum.

Moved Darocha Second Blew

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

Comments from the public: Mark Mroz and Joanne Hyland spoke on behalf of the Recreation Committee and the difficulties they are continually experiencing in having bills paid. Some vendors are not being paid in a timely manner and have indicated they no longer wish to do business with the township. The Committee said they would look into this and encouraged Mark and Joanne to come to the next meeting.

Comments from the Committee and any other business: None

EXECUTIVE SESSION

Motion to adopt a resolution to enter executive session at 9:00 p.m. for the purpose of discussing matters pertaining to contractual matters with the court.

Moved Blew Second Fania

Roll Call Vote: Darocha AYE Fania AYE Repmann ABSENT Blew AYE Soloway AYE

Motion carried.

RETURN TO OPEN SESSION

Motion to return to open session at 9:40 p.m. For the record, the Committee discussed matters pertaining to contractual matters with the Court and matters pertaining to personnel. No formal action is necessary.

Moved Darocha Second Fania All present in favor. Motion carried.

ADJOURNMENT

Motion to adjourn at 9:40 P.M.

Moved Darocha Second Fania All present in favor. Motion carried.

Respectfully submitted,


Ursula V. Stryker, RMC
Municipal Clerk

DATE OF ADOPTION: 10-27-2016