

MINUTES
FRANKLIN TOWNSHIP COMMITTEE
REGULAR MEETING
THURSDAY, OCTOBER 27, 2016
7:30 P.M.

The Franklin Township Committee held a regular meeting at **7:30 P.M., Thursday, October 27, 2016** at the Municipal Building, 202 Sidney Road, Pittstown, NJ. This meeting has been properly noticed in accordance with the Open Public Meetings Act.

Deputy Mayor Kathryn Blew called the meeting to order and led the flag salute.

Roll Call: Joseph Darocha PRESENT James Fania PRESENT

Craig Repmann PRESENT Kathryn Blew PRESENT Susan Soloway ABSENT

Also present: Katrina L. Campbell, Municipal Attorney

Some others present: Diane Laudenbach, Lt. Tim Snyder, John Roblin, Barbara Bezpa, Officer John Oliveira

Comments from the public on agenda items: None

Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately.

Motion to Adopt all items listed under the Consent Agenda.

Moved Repmann Second Darocha

a. Approval of bills for payment

Current Fund Expenditures	\$1,181,578.67
Fair Housing	\$7,101.50
Capital Improvement Fund	\$189,838.84
Driveway Trust	\$173.00
Grant Fund	\$619.06
Recreation Commission	\$2,239.88
TOTAL	\$1,381,550.95
Additions to bill list:	
Everbank – copier lease	\$161.00

Twp. Comm. Regular Meeting
Thursday, October 27, 2016

FedEx – shipping	\$86.98
Quill – supplies	\$599.61
Maser Consulting – West Sidney Road	\$93.75
Maser Consulting – Faith Chapel	\$472.43
Maser Consulting – Spring Hill Road	\$303.75
Kastrud – SASI - LUB escrow	\$1,552.50
Kastrud – SASI- LUB escrow	\$1,215.00
Kastrud – SASI- LUB escrow	\$810.00
Chadwick – SASI – LUB escrow	\$1,437.50
NJ Advance Media – advertising	\$1,126.97
AMENDED TOTAL	\$1,389,410.44

- b. Approval of minutes – September 8, 2016 work session & executive session, September 22, 2016 regular meeting, October 13, 2016 work session & executive session
- c. Adoption of Resolution 2016 – 63 Drunk Driving Enforcement Fund \$3,500.00
- d. Adoption of Resolution 2016 – 69 Cancellation of Outstanding Checks

Discussion: Committee Member Darocha reported that Lt. Snyder brought the payment to Ford Motor Credit for the vehicles to his attention. In making the payment at this time but which is not due until November 15, the Police Department will have only about \$700.00 in their operating budget and this won't allow for any emergencies in the department. The Committee discussed the procedure for transferring funds which cannot be done until November. He is recommending that the payment to Ford Motor Credit Company be held and approved at the November 10 meeting. Since the vehicles were purchased after preparing the 2016 budget, the payment which would have been due in June was moved to November 15. Lt. Snyder would like two (2) outstanding bills (e ticket and Performance Tire) to be included in this bill payment cycle and remove the Ford Motor Credit payment. Since the payment to Ford Motor Credit is due on November 15, the Committee can approve the payment at the November 10 meeting and due to a holiday weekend, it will need to be overnighted on Monday, November 14.

Motion to amend the bill list to remove Check # 101929 Ford Motor Credit Company in the amount of \$14,317.45 and add payments to GTBM – E ticket in the amount of \$932.40 and Performance Tire in the amount of \$510.60.

Moved Darocha

Second Fania

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

Motion carried.

Motion to move Ford Motor Credit Company car payment for approval at the November 10, 2016 meeting and authorize overnighting payment in order to meet the November 15, 2016 payment date.

Moved Darocha

Second Fania

3

Twp. Comm. Regular Meeting
Thursday, October 27, 2016

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

Motion carried.

PUBLIC HEARING

ORDINANCE 2016 – 11

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 182, "FEES," AND CHAPTR 193, "FIRE PREVENTION," OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO REVISE FEES AND REQUIREMENTS FOR FIRE PREVENTION

Motion to open the public hearing on Ordinance 2016 -11.

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

Comments from the public: None

Motion to close the public hearing on Ordinance 2016 – 11.

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

Motion to Adopt Ordinance 2016 – 11.

Moved Fania Second Repmann

Comments/Discussion by the Committee: None

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

Motion carried.

Department Head/Subcommittee Reports

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

Discussion municipal liens: After discussing municipal liens in connection with one on Block 31 Lot 27 at the last meeting, Diane Laudenbach provided a list of all municipal liens. There are five (5) at the current time and redemption figures are not yet available since tax systems were switched over. Ms. Campbell commented on the parcels for which a lien is held and most are very small pieces of property with minimal annual taxes. One parcel is owned by the NJDEP (lien since 2011) and the Municipal Attorney has contacted them regarding payment and they will probably contact the township for the figures. Two others are very small (.688 acres on Lower Kingtown Road since 1992) and .1 acre West Sidney also since 1992). However, there is one 1 acre parcel at 326 Quakertown Road (lien since 2012) near the McDevitt polo farm. Taxes are about \$2,000 a year on this parcel. While Ms. Campbell doesn't

see anything of incredible concern, she suggested getting the redemption figures on these parcels. Ms. Campbell suggested the tax office come up with a list of the redemption figures.

Discussion: The Township Committee will discuss a possible amended November and December meeting schedule at the November 10 meeting. Some Committee Members will be attending the league conference during the 3rd week in November and Thanksgiving is on the 4th Thursday of the month, a usual meeting date.

Discussion: The Committee discussed the procedure for how matters are placed on the agenda for Township Committee consideration. Any member of the Township Committee may request an item be on the agenda. It was suggested that the Clerk contact the Mayor upon receiving a request. The individual with an item for the agenda should first discuss the matter with their subcommittee for approval. In the future the agenda will also notate the individual making the request.

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

Discussion, revised speed limit Sidney Road: The Township Committee is in receipt of a letter from the County Engineer notifying the township that the Office of the County Engineer will recommend to the Board of Chosen Freeholders a Resolution to revise the speed limit on a portion of Sidney Road. Lt. Snyder has had discussions with the County Engineer on the portion of road between County Route 617 and Grandin Road. Improvements along this portion of the roadway have removed high roadside embankments that limited sight distances. Also, a review of traffic, volume, speed and accident history indicates the speed limit should be revised to 40 MPH from the existing 35 MPH. This would also allow consistent speed limit for the length of County Route 617 from County Route 513 to West Sidney Road. Lt. Snyder said he is comfortable leaving the speed limit at 35 MPH at the portion under discussion and that this has been an area where speed limit is aggressively enforced. He does not recommend the increase in speed limit to 40 MPH. The County Engineer will recommend the 40 MPH to the Freeholders and the Municipal Attorney advised the Committee to notify the County if they disagree with the recommendation.

Motion to notify the Hunterdon County Engineer that upon the recommendation of the Franklin Township Police Department and discussion by the Franklin Township Committee that Franklin Township hereby expresses their disagreement with the County Engineer's intended resolution to recommend that the Board of Chosen Freeholders raise the speed limit on the portion of County Route 617 to Grandin Road from 35 MPH to 40 MPH.

Moved Fania

Second Darocha

All present in favor. Motion carried.

The Municipal Attorney will send the letter to the County Engineer regarding the action taken by the Committee.

EMT Workers Comp: The Township Committee had a discussed regarding the township covering the insurance costs for workers comp for the EMTs of the Quakertown emergency service workers. In some municipalities this is a common practice. Committee Member Darocha said he had a discussion with the EMS Deputy Chief, Matt Papenfuhs, regarding this being a benefit to the fire company. The cost to the township is between \$3,000-\$3,500 annually and the township has been paying this since on or about

2012. There is no clear understanding for how the insurance company continued coverage for the EMTs when it had been terminated several years ago. The Committee needs to make a decision on whether or not they will continue this coverage in the future.

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

Discussion: With snowplow season just ahead, the Township Committee will review sample resolutions to determine whether or not they wish to set a limit on mailbox replacement for damages done as a result of the DPW plowing municipal roadways. Reimbursement costs have been received in various amounts ranging from \$100 to \$500 and Alan Dilley has suggested the Committee establish a replacement fee.

Spring Hill Road drainage: Ms. Campbell spoke with the Municipal Engineer on the things that were raised at the last meeting. Mr. Roseberry confirmed that he reviewed the final plan that was approved by the Land Use Board with what is actually going on at the Desiderio property. He confirmed it is built in accordance with the final plan as approved by the Board. He did find one thing on Cherryville Road which was corrected and the paving is not done. It is Mr. Roseberry's position that the township didn't do anything to Spring Hill Road to cause the problem. Ms. Campbell and Mr. Roseberry also discussed a retention pond that was on some plan and he said it was 12-15 years ago and he doesn't have these plans since he was not the municipal engineer at that time. If the Township Committee wants to pay Mr. Roseberry to go through all the documents of the Land Use Board he is willing to do so. However, he did say that in the end what matters is the final plan that was approved by the Board. At the last meeting it was mentioned that the resident can get an engineer to look at the plans to see what was approved. At this point the township is not responsible.

John Roblin, resident 71 Spring Hill Road, thanked Katrina Campbell for following up with the municipal engineer. He commented on the Land Use Board approving the plans in 2003 after many different plans were submitted over a two year period. All the plans are theoretical models by the engineers and he thinks people were trying to do the right thing but he believes there was an honest effort to try to revise them. He said there are different engineers' reports that would argue "that's nuts" and someone else would have a different perspective. His point in coming to the Committee is that no matter what was approved it is not working. Fundamentally, there are 17 acres with absolutely no water abatement. It used to be all woods and have ridges and the land was not only cleared but the topography changed and fill dirt was put in to make it like a ski slope. Everything leaves the Desiderio property and goes onto the Kaplan property which Mr. Roblin said Desiderio bought the water rights to. He described the gorge and the rocks all having been washed down hill. Everything comes down and blocks the culvert which was built to handle this years and years ago and is now overwhelmed. Then everything goes through Mr. Roblin's property and out onto River Road and continuing into the river and now has built its own sandbar.

Mr. Roblin also provided the Committee with some 1995 photos that showed the de-nuding of the property. He also commented on some documents that he has not been able to locate in the file. He also said that there were various submissions to the Land Use Board: some showing berms and a retention pond and some showing none. He also said the only remediation done on the property was they said they would grow grass there. At the same time the County demanded that a retention pond be put on the Cherryville side. He said the original plan in September had berms and retention pond

and even the size of the pipe. On October 31, 2002 there was another submission by Mr. Desiderio. That submission was then changed by Mr. Malavasi, the engineer at the time, who said he was convinced that we don't need a retention pond or berms and will go with natural grass planted. That was the plan approved in February, 2003 based on Mr. Malavasi's recommendation and approval by the Land Use Board. Mr. Roblin has read through many LUB minutes and there is still one document that he cannot find. Mr. Roblin has spoken to some other engineers and wants to know what does he have to do to get the water from coming onto his property or do something because it is wiping out his property.

Committee Member Repmann commented on having had the County engineer come to his property and he said that because of the extreme rainfalls we've had, 7 inches of rain in 2 hours, you're going to see things that aren't taken into account at the time of modeling.

Deputy Mayor Blew said she believes this issue requires more discussion by the Township Committee. Mr. Roblin would like to work with the township for everyone's benefit. The Committee commented on our engineer being the best expert we have and we're paying him to give us good advice. Mr. Roblin said if he has to get an engineer and pay he will sue the township and try to get an injunction for any new sales on lots at the site.

Mr. Darocha asked Mr. Roblin what he would consider to be a resolution to the problem. Mr. Roblin said to review the information and find out if there is water coming off that hill and find a way to mitigate.

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

The Deputy Mayor asked for a motion to take from the table Resolution 2016 – 61 Approval of Preservation of Hope Hill Farm Application to Sell Development Easement, Block 23, Lots 8.01, 8.20, 8.21 and 8.22.

There was no motion and the Committee will wait until the County deals with their issues before this resolution is considered. There was some discussion on the 6 acre severable lot as part of the application along with the property itself. The Committee will take formal action against moving forward with the application for preservation. Some Committee Members are not comfortable with this resolution.

Motion that the Township Committee will not move forward with approving or sharing in the cost for the Hope Hill Farm application for farmland preservation.

Moved Fania

Second Darocha

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

Motion carried.

Katrina Campbell will contact the County regarding the Committee's action.

Discussion: Ms. Campbell informed the Committee that the NJDEP is requesting **soil sampling for the land swap** the township is doing with property on Hamden Road. The township did a Preliminary Assessment of the property and as a result the DEP has some concerns about the farm field and the possible use of historic pesticides in the past. Quest Environmental has quoted \$2,500.00 to do the soil sampling. There are funds from what the township received for the Transco diversion and the funds are part of Green Acres money.

Motion to authorize Quest Environmental & Engineering Services, Inc. to perform soil sampling for the Application for Land Replacement, Diversion of Parkland, Transco Northeast Supply Link Project in an amount not to exceed \$2,500.00.

Moved Fania

Second Darocha

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

Motion carried.

Vollers Block 31 Lot 27: This property has been discussed at several meetings regarding a possible reassessment and waiver of penalties and fees for settling a municipal lien. Mary Mastro, Tax Assessor, has confirmed the tax assessment for this property in 2017 will be \$20,000.00. The CFO has provided the municipal attorney with figures on the lien. The taxes due as of July 31, 2016 are \$19,565.65 and with all other costs the total is \$59,715.10. As of November 1 another amount for tax due will be added in. Mr. Vollers has requested the township waive the interest and penalties. The Municipal Attorney does not recommend offering a figure to settle that is less than the taxes due. The Committee discussed various figures and Mr. Vollers will be contacted to discuss an offer of \$25,000.00. There was discussion about waiving interest and penalties and exact figures will be obtained from the Tax Collector.

Motion to waive the interest and penalties for approximately \$36,391.81.

Moved Darocha

There was no second to the motion. This item will be on the November 10 agenda for formal action and the Municipal Attorney will work out the exact redemption figures to the date on which payment must be made if the offer is accepted. Committee Member Fania will contact Mr. Vollers about a possible settlement of \$25,000.00 with the township waiving penalties and interest.

Committee Member Craig Repmann reported on various activities of the **Department of Public Works** including repairs to the 2007 Mason Dump Truck \$8,084.00 .

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

The **Trunk or Treat** event will be held at the Elks on Friday, October 28. Committee Member Repmann is working with various organizations and the Recreation Committee to conduct a food drive for the holidays.

BOARD OF HEALTH – No applications for consideration.

Diane Laudenschick addressed the Committee regarding their request to pay bills twice a month. Due to the meeting schedule in November and December it will not be feasible to pay twice a month and no bills will be paid until February, 2017 allowing her to close her books for 2016. Therefore, the Committee can anticipate paying bills twice a month beginning in February, 2017. She was asked what she sees as the biggest problem and her response was getting signed vouchers. Properly signed vouchers must be submitted by the Friday before the meeting in order to make the meeting bill list. Diane was asked to put something together regarding the bill paying procedure so everyone will be made aware of the process. She will prepare something for the Committee's review.

Comments from the public: None

Comments from the Township Committee, non agenda items and any other business: None

EXECUTIVE SESSION

Motion to adopt a resolution to enter executive session at 9:15 P.M. for discussion of matters pertaining to denHollander litigation, contractual municipal court matters, and contractual performance bond matters.

Moved Fania

Second Darocha

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

Motion carried.

RETURN TO OPEN SESSION

The Committee returned to open session at 10:40 P.M.

Motion to authorize the Municipal Attorney to write to the Land Use Board requesting that for all future approvals, they shall require that the developer be required to execute a Developer's Agreement with the Township.

Moved Fania

Second Darocha

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

Motion carried.

Motion to authorize the Municipal Attorney to reach out to the attorney for the Brinkerhoff development regarding a performance bond.

Moved Repmann

Second Darocha

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

9

Twp. Comm. Regular Meeting
Thursday, October 27, 2016

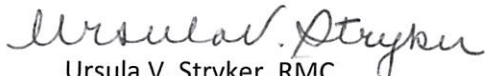
Motion carried.

ADJOURNMENT

Motion to adjourn at 10:45 P.M.

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

Respectfully submitted,



Ursula V. Stryker, RMC
Municipal Clerk

DATE OF ADOPTION: 11-10-2016