

MINUTES
FRANKLIN TOWNSHIP COMMITTEE/BOARD OF HEALTH
WORK SESSION/REGULAR MEETING
THURSDAY, MARCH 23, 2023
7:30 PM

Franklin Township School, 226 Quakertown Road, Pittstown, NJ 08867

The meeting was called to order by Mayor Philip Koury at 7:32 pm. Mayor Philip Koury read the Open Public Meetings Act (OPMA) Statement and lead the flag salute.

Roll Call: Mayor Philip Koury (present) Deputy Mayor Michael Homulak (absent)
Sebastian Donaruma (absent) Craig Repmann (present) Deanna Seiple (present)

Also present: Igor Bykov, Attorney (Lavery, Selvaggi, Ambromitis & Cohen)
Christine Burke, Municipal Clerk
Cameron Keng, Chief Finance Officer/Human Resources (CFO/HR)
Chief Timothy Snyder, Police Department (arrived at 9:42 pm.)

Comments from the Public on Agenda Items Only:

Mayor Koury explained the removal of the Departmental Staff Reports from the Agenda. He explained that the Committee had discussed the removal at the last Executive Session as the process was redundant for the Committee to hear reports previously submitted for review.

No one from the public spoke regarding Agenda Items.

Proclamations & Presentations: None.

Approval of Minutes:

Motion to approve the March 9, 2023, minutes Township Committee Work-Session/Regular Meeting & Executive Session: Repmann Second: Seiple

Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

Payment of Bills:

Motion to approve the Bills List: Repmann Second: Seiple

Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

Budget:

1. Introduction & First Reading of Ordinance 2023-02: Calendar Year 2023 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank.
 - a. Public Hearing and Final Adoption scheduled for April 27, 2023.

Motion to introduce: Repmann Second: Seiple

Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

2. Resolution 2023-27: Introduction of 2023 Municipal Budget of the Township of Franklin, County of Hunterdon, for the Year 2023
 - a. Public Hearing and Final Adoption scheduled for April 27, 2023.

Motion to adopt Resolution 2023-27: Repmann Second: Seiple
Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

Upon questioning, the CFO confirmed that the Introduced Budget would be posted by Monday at the latest.

John Benscoter, 171 Old Franklin School Road, expressed his appreciation that the Budget documents would be posted to the Township's website.

Ordinances:

1. Public Hearing and Final Adoption of Ordinance 2023-01: An Ordinance of the Township of Franklin, County of Hunterdon, State of New Jersey Creating Chapter 208 Entitled "Garage Sales" of the Code of the Township of Franklin to Regulate Garage Sales in the Township.

Mayor Koury and the Township Attorney explained that the ordinance adds a definition to the Township Ordinance, that farm stands were governed by "Right-to-Farm" and would not be affected by the ordinance, and that the Zoning Officer would use the definition as an enforcement tool. Mayor Koury read a summary and explanation statement.

Motion to open Public Hearing: Repmann Second: Seiple All in favor. Motion carried.

John Benscoter, 171 Old Franklin School Road, expressed concern over time-frame limitations and lack of enforcement details in the ordinance. The Township Attorney and Township Clerk explained that the ordinance inserts a definition into the pre-existing Township Property Maintenance Code and that the Zoning Officer is the enforcement officer for that Code. The Township Attorney utilized a mobile device to look up and read the specific violation reference in the Township Code.

Bruce DeRites, 119 Locust Grove Road, utilized the expression of a hypothetical scenario to question enforcement practices for the ordinance. Mayor Koury recommended that a person who was experiencing the hypothetical scenario contact the Zoning Officer before the intended sale. Mayor Koury reiterated that the ordinance was not intended to turn the Township into the "Garage Sale Police". Committeeman Repmann explained that the ordinance was not intended to prevent legitimate garage sales but to prevent the sale of unwanted items all year round. Committeeman Repmann reminded those present that April 1st is the Township's Clean Up Day. Mayor Koury advised those present that they could contact the Township Clerk if they had any questions and provided the Township's phone number.

Lori Vail, 10 Tara Way, stated that she understood the spirit of the ordinance and advised those present that constant garage and yard sales are subject to sales tax.

Motion to close Public Hearing: Seiple Second: Repmann All in favor. Motion carried.

Mayor Koury addressed false rumors regarding fees associated with the ordinance. He explained that no fee was associated with garage and yard sales in the Township and that the Township Committee had no interest in imposing any fees on such sales.

Motion to adopt: Repmann Second: Seiple

Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

Resolutions:

1. Resolution 2023-28: Refund Tax Overpayment – Disabled Veteran

Upon questioning by Mayor Koury, the CFO confirmed the amount being refunded.

Motion to adopt: Repmann Second: Seiple

Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

2. Resolution 2023-29: Resolution of the Township of Franklin, County of Hunterdon, State of New Jersey, Awarding the Contract for the Purchase and Development of Municipal Land Designated on the Tax Map of the Township of Franklin as Block 5, Lots 2 and 3 to MBI Development of Delaware, LLC for the Purpose of Constructing Affordable Housing and to Reject All Other Proposals Received by the Township.

Motion to adopt: Repmann Second: Seiple

Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

Mayor Koury explained the location of the property referenced in Resolution 2023-29 as the Township property behind the Cracker Barrel Restaurant. He further explained that the Township purchased the property many years ago to address legally required affordable housing development in the Township. He addressed rumors regarding the amount of affordable housing units to be included on the property and explained some details regarding the accepted proposal. He further explained the annual income that qualifies for affordable housing in Hunterdon County.

Budget: (cont.)

3. CY2023 Budget Presentation

The CFO explained the Township's CY2023 Budget while presenting a PowerPoint slideshow. He focused on the Township's Capital Budget, Revenues, Fund Balance, and Appropriations. The CFO explained that the Capital Budget is utilized to maintain the Township's infrastructure, particularly the Township's roads and equipment. He further explained that the Township lacks flexibility in Revenue sources and that the Fund Balance is equivalent to a savings account set aside to compensate for emergencies and unfunded State mandates. He pointed out that the majority of the Township's Appropriations are required by State law. He advised that the loss of revenue experienced by the Township's local hotel resulted in a loss of approximately \$50,000 of annual revenue, the equivalent of 28 residential properties worth of taxes. He explained how the staffing of the Police Department affected the Budget

and that most of the Township's staff takes on additional roles to reduce costs. He also explained that the Department of Public Works (DPW) has three retiring Mack Trucks that need to be replaced. His presentation included the status of the Township's debt and collective bargaining agreements. He explained the exemptions to the Tax Levy Cap.

The CFO went into further detail regarding the Capital Budget, explaining the need for a street sweeper. He explained that the Federal government had indicated that the State of New Jersey did not meet required Environmental Protection Agency (EPA) regulations and that the State had passed down regulations to municipalities to correct the matter. Mayor Koury explained that the State had changed the Township's designation for stormwater management from Tier B to Tier A, which requires that every street needs to be swept. He further explained that the State continues to adjust regulations based on feedback from municipalities. The CFO indicated that the Township was looking into Shared Services Agreements to reduce costs. He went on to explain that the Township's Mack Trucks get most of their wear and tear from salting and plowing Township roads. He further explained that the Township was working on a planned schedule regarding retiring and replacing Township assets to avoid having three vehicles retiring and needing replacement at the same time.

Sharyn Sawczak, 7 Nixon Farm Road, questioned the CFO on the purchase of a new truck, the CFO's statements regarding multiple roles, roll backs regarding Fund Balance, the Senior Budget, and filling the Police Department roster. The CFO responded that the authorization to purchase a new Mack Truck had taken place the prior year but the truck had not yet been purchased. He explained that the purchase authorized the acquisition of a truck chassis and that the Township already had a truck bed. He further explained that some roles held by the Township staff do receive compensation but others are appointed without an accompanying salary. The CFO explained the need to hold a Fund Balance and that the Township's Auditors had advised of the amount that should be kept in the Fund Balance. The CFO and Committeeman Repmann explained that the Township provides a Trust account for the Township's Senior Group to hold events and participate in activities. Upon further pressure from Ms. Sawczak, the CFO indicated that he would request the status of the Senior Group's Trust balance and advised that the group's activities had been affected by the COVID-19 pandemic. The CFO explained the steps the Township needed to take to hire an additional Police Officer. Ms. Sawczak recommended not buying all vehicles at once when the Township has a fleet of vehicles.

John Benscoter, 171 Old Franklin School Road, questioned the Public Safety Budget, the need for a full-time Police Department, and criticized the lack of reports from the Police Department. The CFO explained that the Township's Police Department provided full-time coverage for the Township and participated in mutual aid with surrounding communities. He further explained that the Township had explored Shared Services options and found that a full-time Police Department remained in the best interests of the community. He reiterated that Public Safety is a statutory requirement. Mayor Koury explained that the Township Committee requests monthly reports from every department and that the reports are available from each department.

Frank Tota, 16 Upper Kingtown Road, questioned the Township's discretionary expenditures and requested additional explanation on the Township's interest expenses and revenue sources. The CFO explained interest rate changes and the money coming into the Township. Mayor Koury explained that

the paving plan expenditures are spread over multiple years. The CFO and Committeeman Repmann explained how previous Committees addressed road maintenance and how those practices had led to the need to borrow money to address road maintenance. Mayor Koury indicated that a road would not be paved when it wasn't needed and that the availability of grants could change timeframes on road maintenance. Upon questioning by Committeewoman Seiple, the CFO provided further explanation regarding Township debt, specifying temporary debt, timing, Bond Anticipation Notes, and that the size of the debt matters. Upon further questioning by Mr. Tota, the CFO explained that the Township would sell equipment no longer needed by the Township and that the budget for the New Municipal Building is addressed in a separate Capital Ordinance.

Lori Vail, 10 Tara Way, expressed her approval of the CFO's presentation and questioned the loss of the hotel tax revenue. The CFO provided a brief explanation of the State's utilization of the hotel and the resulting loss of revenue for the hotel. Ms. Vail expressed her appreciation for the Township's Police Department and questioned if the Police Budget could be allocated to the State. The CFO indicated that the budget could not be allocated to the State. Mayor Koury explained that the Township did not have a spending problem but a revenue problem, particularly in a lack of diversity for revenue sources. Ms. Vail commented on the practices of previous Township Committees using up the Fund Balance and expressed her appreciation of the CFO's efforts.

Committeewoman Seiple questioned how the street sweeper affected the Township's Budget and the possible utilization of Shared Services. The CFO provided further explanation.

Bruce DeRites, 119 Locust Grove Road, questioned shared services with Kingwood and Delaware Townships for a street sweeper. The CFO explained costs and the need for a contract. Mr. DeRites questioned the Township's collection rate and delinquent taxes. The CFO explained how the State provides a formula for determining the amount to be included in the tax rate to compensate for delinquent taxes. He further explained that no municipality experiences a 100% collection rate. Mayor Koury explained that the Township collects all taxes in the municipality and is required to submit the full amount to the other agencies, including the school, even if there are delinquent taxes. The CFO advised that the Township is fortunate to have a 98% collection rate and that the school budget is separate from the municipal budget. Upon further questioning by Mr. DeRites, the CFO explained that the Township makes very little revenue from tickets, that the money is allocated for court expenses, and that tickets are not meant to generate revenue. Upon Committeewoman Seiple's reference of revenue from seized drug money, the CFO explained that forfeiture revenues are unlikely in Franklin Township as the Township does not experience that type of crime.

Mike Chabra, 1171 Croton Road, commented that the Township does not have a spending problem and that the Township's spending is as tight as it could be. He recommended that the Township focus on the school as the school is not at capacity. He further recommended that the Township consider bringing in more families to Franklin Township via housing changes, specifically avoiding large houses on large acreage and focusing on adding starter home sizes that are more affordable. He explained that he had mentioned it at the last re-examination of the Master Plan and that the recommendation received a lot of push-back. He indicated that the effort might become more acceptable if the public expressed more support. He encouraged growth to lower the child deficit. Committeewoman Seiple commented that

the State was encouraging regional elementary schools and that the Township school was conducting a study to potentially join with Union Township. Mayor Koury indicated that the topic would be appropriate to discuss with the School Board and that the Township Committee would have little influence. He further indicated that he supported balancing proper preservation with proper development in the Township. Mr. Chabra expressed his agreement with not preserving properties on county roads and that the Township needed potential for growth. Committeeman Repmann explained the utilization of social media to counter development efforts.

Rick Conley, 17 Landsdown Road, commented that the Township used to have a street sweeper and questioned if the Township could potentially lease the equipment. The CFO explained that the street sweeper in question was not useful for the Township's current needs and that a municipality can't lease a piece of equipment like a citizen. He explained that governmental leases behave more like financing.

Bruce DeRites, 119 Locust Grove Road, following up on the statements made by Mr. Chabra, questioned Affordable Housing development in the Township. The Township Committee explained that the development behind the Cracker Barrel Restaurant would be for seniors, a 55 and older community. Mr. DeRites explained that re-examination of zoning and lot sizes was listed as one of the Economic Development Implementation Team's (EDIT) action plans.

Staff Administrative Reports

(Removed: Questions and comments regarding Township Departments should be directed to departmental staff during regular business hours.)

Old Business: None.

New Business: None.

Committee Member Reports:

Committeeman Repmann reported that an Easter Egg Hunt would take place the Sunday before Easter Sunday at the Elks, and that the Township's Spring Clean-up Day would be held on April 1st.

Mike Chabra and the Township Attorney explained that they were working on the Bidding documents for the New Municipal Building. Mayor Koury explained that the Department of Public Works (DPW) had finished the demolition work in the building to assist in the bidding efforts.

Mayor Koury provided a brief update on power outages in the Township and reminded those present to report outages when they experience them. He reported that he and Chief Snyder had attended a meeting with the Hunterdon County Office of Emergency Management (OEM) regarding train derailments and indicated that he was impressed with the County's preparation plan. He explained that efforts included awareness of train cargo, specifically types of chemicals, the inclusion of air monitoring and the utilization of labeling. Mayor Koury further reported that he had attended the Franklin Township School Budget meeting and expressed his appreciation of the school's efforts to conduct the special meeting. He went on to report that the Land Use Board (LUB) had conducted their latest meeting on the online Zoom application, that the public hearing regarding the Quakertown Solar Farm

application had been postponed due to scheduling conflicts between the professionals, and that the LUB had discussed adjusting the Township's Zoning Ordinance regarding ground mount residential solar panel systems. He explained that the ordinance needed to address residential properties under seven acres for private solar panel uses and did not include large grid solar arrays.

Committeeman Repmann reported that he had attended a conference call with the Township Attorney and Council on Affordable Housing (COAH) Planner regarding getting a Memorandum of Understanding (MOU) to Ingerman (also known as MBI Development of Delaware, LLC from Resolution 2023-29).

Comments from the Public:

Elizabeth Basile, 16 Upper Kingtown Road, commented on limiting wind energy systems, warehouses, and commercial capacity solar farms. Mayor Koury advised that those topics would need to begin in the Land Use Board (LUB) and explained the separation of authorities. Committeeman Repmann recommended questioning the LUB Attorney and reminded that some uses may be deemed inherently beneficial by the State. The Township Attorney advised that it may be difficult to place limitations due to State law. Upon further questioning by Ms. Basile, Mayor Koury advised that she send correspondence to the LUB Clerk for discussion purposes. John Benscoter, 171 Old Franklin School Road, interjected some comments in response to Ms. Basile's questions.

Bruce DeRites, 119 Locust Grove Road, commented on the long-term effects and degradation of solar panels and expressed concern regarding the Township's soil. Mayor Koury explained that the Township Committee could not control farms, compared residential solar panels to those utilized by a farm, and advised that the State controls farmland uses. Mr. Benscoter and the Township Attorney directed Mr. DeRites to the Township Code regarding the limitations of the Township's control over solar panels.

Mr. DeRites also commented on the meeting Mayor Koury attended regarding the railroad. He questioned the condition of the tracks. Mayor Koury explained that the only active inspections were being conducted by the railroad company and that he had questioned the County Office of Emergency Management regarding efforts being taken for accident prevention. He further explained the cause of the recent derailment incident in Ohio. Upon further questioning by the public, Mayor Koury explained how first responders would respond to an emergency and the tools they would utilize, and that Franklin Township was fortunate to have road access to the railroad tracks. He further explained that the County would utilize their Everbridge System, a reverse 911 system, in the event of an emergency and recommended that concerned residents contact the Hunterdon County Office of Emergency Management for further details.

Executive Session:

Mayor Koury explained the need to enter Executive Session, that action may be taken, and that all attendees of the meeting could wait outside of the meeting room except for the Committee, the Chief of Police, the CFO/Human Resources Officer, the Township Clerk, and the Township Attorney.

Upon confirmation of the absence of all but the required attendees, the Township Clerk stopped audio recording of the meeting.

Motion to enter executive session: Repmann Second: Seiple
All in favor. Motion carried.

Committee entered Executive Session at 9:42 pm. (Chief Timothy Snyder, Police Department, arrived at 9:42 pm.)

Topics discussed:

1. Personnel/Contractual – Police Department

Committee exited Executive Session at 9:54 pm.

Motion to exit executive session and resume regular meeting: Repmann Second: Seiple
All in favor. Motion carried.

The Township Attorney explained the topics discussed in Executive Session, that action would be taken, and that minutes would become available once the need for confidentiality was no longer required.

Action by the Committee:

Motion to approve contract for Chief Timothy Snyder as discussed in Executive Session: Repmann
Second: Seiple

Roll call: Donaruma (Absent) Homulak (Absent) Koury (Aye) Repmann (Aye) Seiple (Aye)

Adjournment:

Motion to adjourn: Repmann Second: Seiple All in favor. Motion carried.

Meeting was adjourned at 9:55 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 04/13/2023