

MINUTES
FRANKLIN TOWNSHIP COMMITTEE/BOARD OF HEALTH
WORK SESSION/REGULAR MEETING
THURSDAY, SEPTEMBER 14, 2023
7:30 PM

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

The meeting was called to order by Mayor Philip Koury at 7:30 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 (present)
Sebastian Donaruma (present) Craig Repmann (present) Deanna Seiple (absent)

Also present: Igor Bykov, Attorney (Lavery, Selvaggi, Ambromitis & Cohen)
Christine Burke, Municipal Clerk

Comments from the Public on Agenda Items Only:

No one from the public spoke regarding Agenda Items.

Proclamations & Presentations: None.

Approval of Minutes:

Motion to approve the July 13, 2023, minutes Township Committee Work-Session/Regular Meeting:
Repmann Second: Homulak

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

Motion to approve the August 10, 2023, minutes Township Committee Work-Session/Regular Meeting:
Donaruma Second: Repmann

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

Payment of Bills:

Motion to approve the Bills List: Repmann Second: Donaruma

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

Ordinances:

1. Introduction & First Reading of Ordinance 2023-04: An Ordinance of the Township of Franklin, in the County of Hunterdon, New Jersey, Providing for Various Capital Improvements, Equipment, Vehicles and Related Expenses in and for the Township of Franklin and Appropriating \$450,000.
 - a. Public Hearing and Final Adoption scheduled for October 12, 2023.

Motion to introduce: Donaruma Second: Homulak

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

Mayor Koury read an explanatory statement provided by the Chief Finance Officer (CFO) and directed anyone with questions to contact the Chief Finance Officer.

Resolutions:

1. Resolution 2023-46: Resolution of the Township of Franklin, County of Hunterdon, State of New Jersey, Authorizing the Sale of Certain Land and Property No Longer Needed for Public Use by the Township of Franklin.
 - a. Block 16, Lot 41 (formerly Lots 41 & 42 – merged), 204 & 206 Sidney Road, Franklin Township (Pittstown), Hunterdon County, NJ 08867 – Approximately 1.93 Acres.

Mayor Koury provided a brief explanation of the location and size of the merged lots, and that the resolution was tabled at the previous meeting. The Township Attorney further explained that the Township Committee had questions regarding missing minimum bid amount information on the resolution and that it was the Auctioneer's recommendation to refrain from placing such limitations on the resolution as it has a "chilling effect" on potential bidders. The Township Attorney advised that the Township Committee has the option to reject all bids if they felt the apparent winner was too low. He explained the change in the bid date.

Motion to adopt: Homulak Second: Donaruma

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

Mayor Koury indicated that the Auction would be conducted online on the Max Spann website. The Township Attorney provided the date and location of the auction. He indicated that the information would be posted on the Township website and published in the official newspaper.

2. Resolution 2023-48: Governing Body Certification of the Annual Audit (CY2022).

Mayor Koury read the "Summary of Recommendations" portion of the "Summary or Synopsis of Audit Report for Publication" as provided by the Township Auditor and explained that efforts to address concerns would be explained in the Corrective Action Plan. He further explained that the Township's small administrative staff has a direct impact on the Audit findings and that the Audit is utilized to keep a system of checks and balances on the Township's finances.

Motion to adopt: Donaruma Second: Homulak

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

3. Resolution 2023-49: Accept and Approve Corrective Action Plan for CY2022 Audit.

Motion to adopt: Repmann Second: Homulak

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

Old Business:

1. New Municipal Building (43 Lower Landsdown Road) – Status Update

Mayor Koury advised that a “kick-off” meeting had been held earlier in the day.

New Business: None.

Committee Member Reports:

Committeeman Donaruma reported that he had received complaints from residents regarding the use of illegal fireworks in the Township and had spoken with Chief Snyder, Franklin Township Police Department, regarding the complaints. He explained that Chief Snyder had addressed the complaints with the officers and that Chief Snyder indicated that dispatch had been forwarding complaints to the officers and that the officers had been responding. He further explained that Chief Snyder had recommended additional follow-up with the reporting party by either dispatch or the responding officer upon responding to the area of the complaint. Committeeman Donaruma indicated that the use of illegal fireworks was a problem in many municipalities and that officers could not write citations until they personally witness the illegal activity. If the perpetrator of the activity cannot be identified, it is difficult to stop.

Committeeman Donaruma also reported on a resident’s request to restrict truck parking on Laurelton Trail to change the location of a school bus stop. He explained that the school bus won’t travel down the road due to parking by landscaping vehicles. He indicated his belief that it is school or bus company policy not to drive down cul-de-sacs and that Franklin Township does not own the entirety of the road.

Deputy Mayor Homulak reported on the New Municipal Building Renovation Project Construction Meeting that had been held earlier in the day. He indicated that the company had submitted the construction permit application and that the project is projected to start this month. The Township Attorney explained that the contractors were very involved in the process and had a lot of logistical questions. Committeeman Repmann indicated that the project itself was straightforward. Deputy Mayor Homulak further explained the concerns regarding Heating, Ventilation and Air Conditioning (HVAC) and supply chain issues. Upon Mayor Koury’s questions regarding the Township’s desire to have access to the meeting space as soon as possible, Deputy Mayor advised caution regarding the Township’s liability for allowing public access to an active construction site and explained that the meeting space was the largest space in the facility and would be needed for staging materials. The Township Attorney indicated that the contract was established for six months but the contractor has indicated a goal to minimize the length of time needed to complete the renovations.

Committeeman Repmann indicated that his report was included with Deputy Mayor Homulak’s report.

Mayor Koury reported that the Land Use Board (LUB) had discussed an alteration to the Township’s ordinance regarding ground-mount solar energy systems at the previous night’s meeting. John Bencoter and Rick Ramalho, LUB members, further explained the zoning requirement changes that are being considered. Mayor Koury further reported that the Township’s Zoning Officer has provided a status update on a property maintenance complaint against 1 Doe Run, indicating that should the

Township take over maintenance of the property, a lien can be placed on the property to defray those costs. Mayor Koury also reported that he had spoken to Chief Snyder on the past Tuesday regarding residents' concerns over a gas smell and was advised that the smell was due to maintenance being performed on the Transco pipeline. He further reported that he had forwarded residents' complaints regarding power outages to Jersey Central Power & Light (JCP&L). Mayor Koury and John Bencoter advised that a book signing party for the new Franklin Township anthology, *Franklin As We Were*, was scheduled for Sunday, October 1st at the Friends First Day building in Quakertown. They indicated that several of the various authors that had contributed to the book would be there.

Comments from the Public:

John Bencoter, 171 Old Franklin School Road, explained that the Franklin Township anthology had been coordinated by Rural Awareness and provided additional information on the organization's efforts and the success of their recent Franklin Township Farm Tour event. Mr. Bencoter requested a detailed presentation on the project finances regarding the New Municipal Building. Discussion followed. The Township Clerk advised that the resolution awarding the contract also contains the Township Engineer's memorandum providing a detailed explanation of the recommendation to award, including financial information.

Mayor Koury provided a brief explanation of the Township Committee's decision to buy the building, specifying a need for an Americans with Disabilities (ADA) compliant building to conduct Township business, the County's interest in the land but not the building, and the cost to move the Police Department. He explained Committeeman Donaruma's assistance with coordinating with the Department of Corrections (DOC) regarding moving the Police Department. He further provided an estimated accounting of the total costs of project, beginning with the cost to purchase the property, the amount recovered by selling the open space to the County, the approved cost of the renovation contract, and further efforts of the Township to save money by addressing the generator as an optional portion of the bid. He further explained that the decision to auction off the property next to the current Municipal Building was also intended to add funds to the New Municipal Building project budget and that the Township intends to sell the current Municipal Building once it is no longer needed for public use. He also explained the costs and complications of upgrading the current Municipal Building to appropriate ADA compliance. Brief discussion followed.

Elizabeth Basile, 16 Upper Kingtown Road, questioned items on the Bills List, specifically payments made to Atlantic Tactical, the Senior Budget, the purchase of asphalt, payments made to Nisivoccia, and a check to the owner of the Pittstown Inn. Committeeman Donaruma explained that Atlantic Tactical was for the purchase of bullet-proof vests for the police officers and that a reimbursement would be acquired via a grant. The Township Committee explained that the Senior Budget is a line item of the Township Budget for senior activities. The Township Committee further explained that the purchase of asphalt was for road repairs and may have included the repaving of a portion of the Municipal Building parking lot for insurance purposes. The Township Committee confirmed that the cost of the Township Audit is a flat fee made to Nisivoccia and that the payment may be made in installments. They indicated that the Township's Chief Finance Officer (CFO) could confirm. The Township Committee explained that the check to the owner of the Pittstown Inn was the return of escrow money used for police coverage while they repaired the damaged barn. Committeeman Repmann encouraged discussion with the Senior Group regarding their budget.

Frank Tota, 16 Upper Kingtown Road, questioned the cause of the recent power outages. Mayor Koury explained. Further discussion was made regarding Jersey Central Power & Light's (JCP&L) tree trimming policy and Mayor Koury recommended residents invest in a generator as power is needed to operate wells which provide essential water to residents.

Rick Conley, 17 Landsdown Road, commented on the history of storms and outages in the Township and the presence of dead ash trees on Landsdown and Kingtown Roads. Committeeman Donaruma provided an example of his personal experiences with JCP&L and their policy regarding tree trimming. Committeeman Donaruma questioned if Open Space money could be utilized to assist residents who can't afford to hire expensive tree trimming services to remove the dead ash trees. The Township Attorney indicated that the Open Space Trust Fund could not be utilized for that purpose.

Bruce DeRites, 119 Locust Grove Road, commented that JCP&L had explained that their tree-trimming efforts operated on a five-year cycle and that the new cycle should begin in either 2024 or 2025. Committeeman Donaruma explained that the tree-trimming efforts would only encompass removing encroaching vegetation from within ten feet of the power lines. Mr. DeRites further commented on a major gas release that took place on Locust Grove Road on August 25th, indicating that homes needed to be evacuated and he questioned the inspections of the gas system. Committeeman Donaruma explained that all emergency management agencies had been notified of the event. Mayor Koury indicated that it was the first he had heard of the event and Committeeman Donaruma clarified that all appropriate emergency management agencies had been notified and were investigating. Committeeman Donaruma indicated that he could request further information on the event. Committeeman Repmann reminded those present that the property being investigated is a farm and is protected under Right-to-Farm. The Township Committee briefly discussed their historic concerns regarding the intention versus the practice of the Right-to-Farm Act and their experiences with large commercial farms.

Ken Mandoli, 310 Sidney Road, commented that the use of illegal fireworks has increased and that he is not looking for new ordinances or laws to be made. He indicated that he was seeking follow-up regarding illegal fireworks complaints. Mayor Koury and Committeeman Donaruma reiterated the recommendations of Chief Snyder, explaining that police officers need to see the act to write a ticket. They further explained that a resident could file a complaint against their neighbor and provided a brief explanation of illegal versus legal fireworks, citing that fireworks that shoot into the air are illegal while ground-based fireworks, such as fountains and sparklers, are considered legal. Mr. Mandoli commented that new residents may not be aware and requested that a newsletter be created. Mayor Koury explained the limitations of the Township's newsletter and email blasts. Committeeman Donaruma indicated that a news post could be placed on the Township website.

Mr. Mandoli went on to cite his experiences as a first responder following the tragic events of September 11, 2001, and explained that Congress had declared September 11th as "Patriots Day" with an order for all flags to be flown at half-staff that day. He explained that the flag had not been lowered to half-staff at the Municipal Building and requested that someone be designated to lower the flag on appropriate holidays. The Township Committee explained that it was an oversight by the Township.

Dolores Reich, 56 Baker Road, commented that residents with scanners know when officers are dispatched to investigate illegal fireworks and complained that her message regarding her complaint

was never answered. Mayor Koury explained that complaints need to be called into dispatch and not the Township offices. Committeeman Donaruma explained that the Township can't make any ordinances as there is already State Law regarding fireworks and it is a matter of enforcing State Law. Mayor Koury indicated that a news notice and email blast could be compiled.

Sandra Lunden, 84 Sidney School Road, commented that she had received a large veterinarian bill due to a horse that had been frightened by fireworks and that she is looking to have information she can provide to her neighbor regarding the law. Committeeman Repmann reiterated the types of fireworks that are legal and illegal in the state. Mayor Koury advised those present that South Ridge Community Church was having a legally authorized fireworks event and requested that the Township Attorney provide information to the Township Clerk that she could post on the Township website. The Township Attorney recommended that reporting residents record as much information as possible when reporting their complaint. A brief discussion followed regarding the tone of the news post as a request to be a considerate neighbor.

A resident explained that fireworks are disruptive to neighbors and explained the various types of affected individuals. They indicated that residents know the violators and can provide their names and addresses to the police when they call in their reports. Committee Donaruma encouraged providing the police with as much information as possible. The Township Committee further encouraged residents to provide as much information as possible and to offer as many complaints as possible. Mayor Koury recommended approaching the school to send information home with the children.

Mat Naughton, 21 Laurelton Trail, requested that no-parking signs be placed on Laurelton Trail. He explained that a school bus stop is located on Cherryville-Stanton Road and that vehicles are coming to "a screeching halt" when the bus is picking up the children. He indicated that his request to move the location of the bus stop has met with resistance due to parked vehicles, particularly landscaping trucks, on the road. He commented on the protocols of the bussing company and explained that a law prohibiting commercial vehicles from parking in the cul-de-sac already exists. He provided further clarification of the current bus stop and his requested location for the relocated bus stop. He further requested that signs be placed.

Deputy Mayor Homulak indicated that he is not against placing the signs as requested by Mr. Naughton and recommended that Mr. Naughton bring his concerns to the School Board, indicating that past efforts to relocate bus stops had been successful after bringing the matter to the attention of School Board.

Motion to support Mr. Naughton's recommendations to place signs on Laurelton Trail: Repmann
Second: Homulak
All in favor. Motion carried.

John Benscoter, 171 Old Franklin School Road, commented that he had noticed an increase in fireworks over the past few years and cited his personal experiences with addressing concerns to his neighbors. He compared the utilization of fireworks to open burning permits and recommended following a legal process. He further commented that Garden State Growers is starting to remediate the land and that there is an upcoming hearing regarding the State's Soil Standards. Mr. DeRites commented that the soil that has already been removed will never return.

Executive Session: None.

Action by the Committee: None.

Adjournment:

Motion to adjourn: Repmann Second: Donaruma

All in favor. Motion carried.

Meeting was adjourned at 9:08 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 09/28/2023