

MINUTES
FRANKLIN TOWNSHIP COMMITTEE/BOARD OF HEALTH
WORK SESSION/REGULAR MEETING
THURSDAY, OCTOBER 26, 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:

Elizabeth Basile, 16 Upper Kingtown Road, questioned the payment to Top Line on the Bills List. The Township Attorney explained that the payment was in connection with the Oak Grove Road Improvements Project.

James Witkowski, 243 Cherryville Road, expressed liability and cost concerns regarding the proposed Shared Services Agreement with Union Township School for Class III Special Officers.

Rick Conley, 17 Landsdown Road, explained his understanding that an administrative salary resolution was associated with the Shared Services Agreement with Union Township School for Class III Special Officers and expressed concern.

Mayor Koury explained that the topic was scheduled to be discussed in the Executive Session. Committeeman Donaruma explained that the cost of the officers would be covered by the school. Mayor Koury explained the Township Committee's concerns regarding liability. Committeeman Repmann explained that Union Township utilizes the State Police for their police department, that the State Police do not offer Special Class III Officers, and that the school must enter a shared service with another municipality, or utilize the Sheriff's Office, to acquire security officers for their schools. The Township Committee further explained that the request for Class III Special Officers was presented by Superintendent Diaz who is employed by both the Franklin Township and Union Township Schools.

James Parker, Oak Grove Road, questioned who originated the idea to share services for a Class III Special Officer. Mayor Koury further explained. Committeeman Repmann indicated that the Township Committee would decide if the contract would be approved. Mayor Koury explained that the Township Committee's concerns were logistical and not financial.

Proclamations & Presentations: None.

Approval of Minutes:

Motion to approve the October 12, 2023, minutes Township Committee Work-Session/Regular Meeting

& Executive Session: Homulak

Second: Repmann

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

Payment of Bills:

Motion to approve the Bills List: Donaruma

Second: Repmann

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

Ordinances:

1. Public Hearing and Final Adoption of Ordinance 2023-05: Ordinance of the Township of Franklin, County of Hunterdon, State of New Jersey Authorizing the Removal of the Deed Restriction Concerning Block 30, Lot 17 and Block 35, Lot 26, as Memorialized in the Township of Franklin Land Use Board Resolution Approved on Jun 28, 2023, and Memorialized on July 26, 2023.

Mayor Koury read the following explanatory statement:

On January 12, 2023, Deo Volente Farms, LLC applied to amend Condition #2 of a prior resolution of the Land Use Board made on September 24, 2008, regarding 487 Quakertown Road, Flemington, New Jersey, 08822, Block 30, Lot 17 and Block 35, Lot 26. The Applicant requested to remove the condition against a single-family home on the exception two (2) acre parcel of the preserved farm. The Land Use Board held public hearings with notice on May 24, 2023, and June 28, 2023, at which time the board rendered its decision on the application in accordance with the requirements of N.J.S.A. 40:55D-10(g).

The Land Use Board agreed to amend the prior bulk and use variance approval granted by the Land Use Board on June 11, 2008, and Memorialized on September 24, 2008, by removing Condition #2 as related to restriction on allowing a two (2) acre exception to the building of an additional residential development as authorized by the Farmland Preservation Regulations. Said agreement was approved on June 28, 2023, after the conclusion of the hearing and Memorialized into resolution on July 26, 2023. On September 12, 2023, the Applicant requested that the Township Committee adopt an ordinance authorizing the release or removal of the deed restriction so that in the future the owner of Deo Volente Farm may construct a single-family house for use by an owner of the farm.

Motion to open Public Hearing: Donaruma Second: Homulak All in favor. Motion carried.

No members of the public spoke regarding Ordinance 2023-05.

Motion to close Public Hearing: Donaruma Second: Homulak All in favor. Motion carried.

Motion to adopt Ordinance 2023-05: Donaruma

Second: Repmann

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

2. Introduction & First Reading of Ordinance 2023-08: Ordinance of the Township of Franklin, County of Hunterdon, State of New Jersey, Creating Chapter 298 Entitled "Stormwater Quality".
 - a. Public Hearing and Final Adoption scheduled for December 14, 2023.

Motion to introduce: Donaruma

Second: Repmann

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

Mayor Koury read the following explanatory statement:

The Township of Franklin, County of Hunterdon, State of New Jersey has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey. The Township has obtained a new five (5) year Municipal Stormwater Permit from the State of New Jersey in 2023 to cover the five-year period commencing on January 1, 2023, and expiring on December 31, 2027. The Township was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023. However, the New Jersey Department of Environmental Protection recently reclassified the Township as Tier A municipality. Following such reclassification, the Township is now subject to the Community-Wide Ordinance requirements of the new Tier A Municipal Stormwater Permit, which prompts the adoption of the above-captioned Ordinance before January 1, 2024. Such requirement is imposed upon the Township by the Department of Environmental Protection.

The Ordinance seeks to put in place certain guidelines as they pertain to stormwater management in the Township, establishes prohibited conduct, and designates an enforcement entity charged with the enforcement of this Chapter.

The Township Attorney further explained that the ordinance was provided by the New Jersey Department of Environmental Protection (NJDEP) and that the Township was required to insert the enforcement officer and the penalty provisions for violations.

Resolutions:

1. Resolution 2023-56: Change Order & Request for Final Payment – Oak Grove Road Improvements Project – Phases 1 & 2 – Top Line Construction Corp. – Reduce Total Contract Amount From \$469,566.23 to \$465,419.01.

Motion to adopt: Donaruma Second: Homulak

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

Old Business:

1. Results of November 18th Auction 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.
 - i. High Bid Price - \$120,000

The Township Committee briefly discussed the results of the auction.

Motion to accept the high bidder's offer of \$120,000 for the auction of Block 16, Lot 41 (formerly Lots 41 & 42 – merged): Homulak Second: Repmann

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

Committeeman Repmann explained that the Chief Finance Officer (CFO) investigated rumors that the properties were purchased with affordable housing trust money and found them to be false, allowing the Township to merge and sell the properties and place them back on the tax rolls. The Township Attorney explained that the property has a specific permitted use as a single-family residential property. Mayor Koury explained that the property is considered pre-existing, non-conforming. Upon questioning by a resident, Mayor Koury explained that the funds received would be placed in the Current Fund. Deputy Mayor Homulak further explained that the Township's plan was to utilize the money from the sale to help off-set some of the costs of the New Municipal Building project.

New Business:

- 1. 2023 Best Practices Inventory

Mayor Koury read the following explanatory statement:

Once per year, traditionally in October, the New Jersey Department of Community Affairs sends out a survey that every municipality in the state needs to complete. Said survey assists the State in identifying where municipalities are struggling with state mandates and ensuring compliance with legal and regulatory requirements. How well a municipality scores on their survey has a direct impact on state aid, particularly affecting the percentage of state grant funding.

This year, the state's focus seems to be on Financial Administration. The Township is doing well in its Financial Administration and has scored a 36, well above the minimum score of 29 for 100% state aid funding. As a result, no percentage of state aid, generally in the form of state grants, will be withheld from the Township.

Please note that unscored questions are placed on the survey to aid the state in identifying where municipalities are struggling with new mandates or in anticipation of potential future legislation.

Mayor Koury expressed his appreciation for the Chief Finance Officer and the Administrative Staff.

Committee Member Reports:

Committeeman Repmann reminded those present that the Halloween "Trunk or Treat" tailgate event would take place the following day at the Clinton Elks.

Committeeman Repmann reported that he had attended a meeting the previous day with Committeeman Donaruma, the Department of Corrections (DOC), the contractor, Township Engineer, Chief Snyder, the Construction Official, and the architect, to discuss the New Municipal Building Renovations project, clarify the plans with the DOC and seek approval to begin the work.

Committeeman Donaruma explained that the DOC agreed to move forward with the plans as approved by the previous DOC administration. A brief discussion followed which indicated that there would be no impact on the contract price, that change orders should be minimized, the Construction Official appears to be satisfied, and that the project is now one month behind schedule. Committeeman Repmann explained that the timeline for completion of the project should be approximately six months from the beginning of the work.

Committeeman Repmann further reported that he had spoken with the Township Planner regarding the Ingerman contract for affordable housing behind the Cracker Barrel Restaurant. He indicated that the Township is attempting to assist in getting a water source from the Town of Clinton. He explained that Clinton has indicated that the water has been allocated elsewhere. Mayor Koury questioned potential ratables for the Township. Committeeman Repmann indicated that the Township would acquire ratables if the project is completed.

Mayor Koury reported on the status of the Land Use Board (LUB) hearing, indicating that the subdivision had been approved. He further reported that he had spoken with the Township Planner regarding the New Jersey Department of Transportation's (NJDOT) upgrades to the Route 78 Exit. He also reported that he had spoken with the Department of Public Works (DPW) Supervisor regarding the Township's efforts to maintain a residential property in response to a property maintenance complaint. He reported that a resident had contacted him regarding a Port-A-Potty that had been placed on River Road. He indicated that he had spoken with the DPW Supervisor and that the Port-A-Potty had been removed on Monday or Tuesday, and that it was in association with a possible marathon that was going around the river. Rick Conley, 17 Landsdown Road, commented that the presence of the Port-A-Potty might be a revival of an old Halloween trick where an occupied outhouse would be rolled away while the occupant was still inside. Committeeman Repmann reiterated that the Port-A-Potty had been removed. Mayor Koury requested that complaints be forwarded to the Police Department or appropriate staff.

Comments from the Public:

Elizabeth Basile, 16 Upper Kingtown Road, questioned who followed up on enforcement for the Land Use Board (LUB) approved solar farm application. Mayor Koury and James Witkowski explained that the Zoning Officer would typically be the enforcement officer but recommended that Ms. Basile follow up with the Land Use Board Clerk.

Brendan McIsaac, Clinton, introduced himself and explained that he is running for the North Hunterdon-Voorhees Regional High School District Board of Education. He provided his background information and briefly explained his position.

Bruce DeRites, 119 Locust Grove Road, requested an update on the efforts to repair and maintain the Capoolong Trail. The Township Attorney explained that no further updates were available and that an

additional meeting with the state was upcoming. Upon questioning by Committeeman Repmann, Mr. DeRites advised that an Economic Development Initiative Team (EDIT) meeting was coming up.

James Parker, Oak Grove Road, questioned the status of Oak Grove Road Improvements Project – Phase III. Mayor Koury explained that he was uncertain as to the status of Phase III and that a grant had been applied for regarding the Kingtown Road project. Committeeman Repmann requested Mr. Parker’s contact information so that he might follow up.

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 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: Homulak Second: Donaruma
All in favor. Motion carried.

Committee entered Executive Session at 8:12 pm.

Topics discussed:

1. Contractual/Personnel – Shared Services – Union Township School – Class III Special Officers
2. Personnel/Contractual – Department of Public Works (DPW) Contract

Committee exited Executive Session at 9:08 pm.

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

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

Action by the Committee:

Deputy Mayor Homulak explained that the Township Committee did not approve of the contract as written and that it would be returned to the Union Township School for possible ongoing negotiations.


Adjournment:

Motion to adjourn: Repmann Second: Unrecorded

All in favor. Motion carried.

Meeting was adjourned at 9:10 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 11/09/2023