

MINUTES
FRANKLIN TOWNSHIP COMMITTEE
WORK-SESSION/REGULAR MEETING
THURSDAY, MARCH 24, 2022
7:30 PM

**(Location Changed to Franklin Township School
226 Quakertown Road, Pittstown, NJ 08867 in the Theater.)
Masks are optional.**

The meeting was called to order by Mayor Koury at 7:32 pm. Mayor Koury read the OPMA Statement and led the flag salute.

Roll Call: Mayor Philip Koury (present) Deputy Mayor Diane Burgess (present)
Sebastian Donaruma (present) Mike Homulak (present)
Craig Repmann (present)

Also present: Katrina L. Campbell, Municipal Attorney
Christine Burke, Municipal Clerk
Cameron Keng, Chief Finance Officer/Human Resources Officer
Captain Timothy Snyder, Police Department

Comments from the Public on Agenda Items Only:

Mayor Koury welcomed those present to the first in-person meeting held in two years and explained the need to limit public discussion due to time constraints on utilization of the school and the need for an Executive Session to discuss personnel contracts before the introduction of the Annual Budget. He indicated that there would be a hard stop on the public portion of the meeting at 9:15 PM to allow enough time to conduct the Executive Session.

Bruce DeRites, 119 Locust Grove Road, stated that approximately ten speakers would speak for approximately five minutes each about the cancellation of Ordinance 2022-01. Citing time constraints, Mayor Koury questioned the need for numerous speakers as the subject ordinance was scheduled to be cancelled. He explained that he would continue with the discussion groups he had been holding and any amendments would be placed on later agendas.

Sandra Marzo, 227 Pittstown Road, thanked the Committee for the cancellation of Ordinance 2022-01 and introduced herself as a former middle school science teacher. She expressed concerns about any new ordinances and explained that the cannabis industry had recently been prohibited. She quoted statements on the impacts of cannabis cultivation from a journal of cannabis research. She further expressed concerns that any new tax revenue would cover legal costs rather than going to the community.

Dr. Raymond Buch, 10 Duke Court, spoke regarding medical concerns and referenced a guide to marijuana occupational health and safety. He specified concerns regarding the biological, chemical, and

physical hazards of cannabis production. He questioned the Fire Department's preparation for any emergencies that might take place at a cannabis factory.

Rick Conley, 17 Landsdown Road, expressed concerns over the processing of cannabis in the Township. He explained the risks of a chemical manufacturing operation in the Township and referenced a local Superfund remediation site, specifying soil, aquifer, water, and air contamination. He explained the dangers of toxicity, fire and explosion associated with a chemical manufacturing facility and advised of the Township's need for safety before profit. He also expressed concern for traffic impacts and the smell that emanates from a bio-chemical facility.

George Faragalla, 205 Sidney Road, explained his background as an environmental engineer and the limitations of air scrubber systems to reduce odors. He explained that cannabis facilities require a massive amount of water and a company's options for water management. He expressed concerns that the Township did not have the infrastructure to accommodate an industrial facility.

Jim Parker, 255 Oak Grove Road, explained the power demands of a cannabis production facility and expressed concerns over the antiquated power grid in the region. He further explained that facilities would have to install their own electric generators to ensure they receive the necessary amount of power.

Bruce DeRites indicated that copies of the statements would be provided to the Township Clerk.

Connie Winston, 523 Hamden Road, explained that she is a realtor and expressed concerns over the rural nature of the community and property values. She further explained her experiences with buyers that lost interest in properties based on their proximity to chemical manufacturing plants. She explained that the need for reassessments would affect the community and neighboring towns. She requested an ordinance to prohibit cannabis business implementation.

Jane Bowers, 32 Baker Road, explained that she had attended one of Mayor Koury's focus groups the previous week and expressed her understanding of the municipality's need for additional revenue. She recommended the utilization of rental income via small outbuildings and apartment rooms, a reduction on acreage restrictions and implementation of senior homes. She further requested that the Committee adopt an opt-out ordinance and that any applicants be required to conduct impact studies and have a \$20 million escrow account.

Maggie Boreland, 50 Sidney School Road, indicated that she had taken the initiative to call Walmart, Hampton Inn, and TJ Max regarding the status of their businesses and advised that the companies had indicated plans for renovations, were recovering from COVID-19 impacts and were doing well. She recommended that the Township focus on addressing false farmland assessments.

Ken Mandoli, 310 Sidney Road, explained his history in the Franklin Township Police Department and Office of Emergency Management and expressed his concern regarding the safety of the community in response to cannabis business implementation in the Township. He indicated that cannabis facilities may attract criminal activity, the volatile components in chemical manufacturing may result in

explosions and additional employees would increase traffic. He also expressed concerns regarding odors and water impacts. He encouraged the Committee to reconsider implementing cannabis businesses if the decision is strictly financial.

Bruce DeRites spoke regarding his history in, and his love for, the Township. He requested that the Town Committee oppose all cannabis related businesses and indicated that the surrounding municipalities had opted out of cannabis business implementation. He encouraged the Town Committee to explore other options and advised that he had gathered individuals into a grassroots startup named Economic Development and Implementation Team (EDIT). He explained the mission of the citizens group and their membership. He requested that the Town Committee create a subcommittee and appoint a citizen advisory member to the Land Use Board.

Aly Taff, 41 Upper Kingtown Road, expressed her opposition to chemical manufacturing in Franklin Township, Hunterdon County and explained her efforts to create a focus group for generating revenue. She further explained her professional experience in hospitality and tourism and plans to increase tourism in Hunterdon County. She requested that the Town Committee encourage more creative solutions.

Mayor Koury expressed his appreciation for the comments from the public and indicated that half of the speakers had attended the focus group discussion meetings he had been holding. He encouraged open and honest discussion.

Roy Emerson, 15 Landsdown Road, spoke regarding the previous night's Land Use Board meeting and expressed his disapproval of the board's treatment of the landowner, indicating that the process prohibits landowners from following their dreams. He further expressed his preference to utilize as much scrutiny on bringing cannabis businesses into the Township. He indicated that focus groups and the EDIT team was a good start for finding feasible and reasonable solutions.

Michael Weiss, 424 Cherryville Road, criticized the purchase of the Faith Chapel property located at 43 Lower Landsdown Road and a need for more transparency on what the Township is spending on. He spoke regarding placing cannabis business implementation as a referendum question on the ballot. He further indicated that focus groups were a waste of time and advised the Town Committee to "just say no".

Lori Vail, 10 Tara Way, thanked the Committee for tabling Ordinance 2022-01 on February 10th and the cancellation of the ordinance. She expressed her agreement that cannabis business implementation would not pass on a referendum question and suggested that the Town Committee take steps to prevent the State from forcing this issue in the future.

Irv Taylor, 133 Old Franklin School Road, indicated that he had knocked on doors around the municipality to poll the community regarding cannabis business implementation and that 95% of the responders were against implementation. He further clarified that residents had voted to legalize marijuana in response to the 2020 state referendum question. He recommended that the Committee adopt another ordinance to ban cannabis facilities in the Township.

Elizabeth Basile, 16 Upper Kingtown Road, requested that the amendment to the Master Plan that added cannabis be voided.

Daphne Bembridge indicated that new studies showed that cannabis was very bad for kids.

P J Magala, 16 Mathew Drive, indicated that he did not hear much positive information regarding cannabis businesses and spoke of criminal drug organizations in Texas and northern California associated with cannabis factories.

Mayor Koury closed the comments from the public on agenda items at 8:46 PM and requested that Mr. Benscoter hold his questions regarding the farmland preservation topic until later in the meeting.

Proclamations & Presentations: None.

Approval of Minutes

Motion to approve the February 24, 2022 minutes Work-Session/Regular Meeting: Donaruma

Second: Burgess

Roll call: Burgess (Aye) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Aye)

Payment of Bills

Motion to approve the Bills List: Homulak Second: Repmann

Roll call: Burgess (Aye) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Aye)

Ordinances:

1. CANCELLATION of Ordinance 2022-01: An Ordinance Amending the Revised General Ordinances of the Township of Franklin, County of Hunterdon to Amend Chapter 220, "Land Use," to Create Article XV "Cannabis Related Businesses", and to Amend Chapter 322, "Taxation," to Create Article II "Cannabis Transfer Tax".

Motion to cancel Ordinance 2022-01: Donaruma Second: Burgess

Roll call: Burgess (Aye) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Aye)

The Township Attorney explained that this motion officially rescinded the introduction of Ordinance 2022-01, that the ordinance adopted in 2021 that opted out of cannabis business implementation remained in effect, and that no new ordinance was needed to prevent cannabis business implementation.

2. Public Hearing and Final Adoption of Ordinance 2022-02: An Ordinance Authorizing the Sale of Property by the Township of Franklin, County of Hunterdon, State of New Jersey, to the County of Hunterdon, pursuant to N.J.S.A. 40A: 12-13.4.

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

Mayor Koury responded to a resident's questioning of the purchase of the 43 Lower Landsdown Road property rather than renovating the current Police Department. He explained the history of the Township's interest in the property, the state of disrepair of the current Municipal Building, that the current Municipal Building was not Americans with Disabilities Act (ADA) compliant, and the cost of implementing repairs and necessary compliance. He further explained that the current Municipal Building was not in compliance with Department of Corrections (DOC) requirements for a Police Department and the cost of bringing the department into compliance. He clarified that the Police Department had been grandfathered in as an existing department. Mayor Koury introduced Mike Chabra as the Project Manager in charge of renovating the building for Township use. The CFO explained the utilization of COVID-19 relief funds to help fund necessary upgrades. Mayor Koury, the CFO, and the Township Attorney further explained the strategy of selling open space to the County, consolidating and selling off the lots next to the current Municipal Building, and to sell off the current Municipal Building as a residential lot once the building is vacated. The Township Attorney explained that the Township had purchased a portion of the property seven years prior when Transco had been preparing to run a pipeline through the area.

Rich Ramalho, 88 Locust Grove Road, questioned if the Township considered putting the property up for bid and its position in wetlands. The Township Attorney explained the utilization of appraisals to determine the price for sale of the open space portion of the property.

Christina Faragalla, 205 Sidney Road, questioned the county's intended use for the property. Mayor Koury responded that it would be utilized for open space and deed restricted.

Mike Mullen, 304 Hamden Road, indicated that he lives across the street from the property and that he owned a honey packing business. He further indicated that the portion of the property being sold to the County could have been used for blackberries and raspberries and expressed concerns that development was pushing farmers out of the Township.

Frank Tota, 16 Upper Kingtown Road, questioned if the bridge at the end of River Road could be used as an additional access way to the new Municipal Building. The Town Committee and others provided an explanation of the history of the foot bridge.

Maggie Boreland, 50 Sidney School Road, expressed her agreement with Mr. Mullen and criticized the Land Use Board. She indicated that Franklin Township does not support farmers.

A resident stated that the building was large and questioned if the Town Committee had considered renting out space. Mayor Koury and Mr. Chabra explained the current plans for the utilization of space in the building and indicated that the building would be available to community organizations to hold events.

Bruce DeRites, 119 Locust Grove Road, stated that the building was not in a centralized location in the municipality and expressed concern over access to the Police Department. Mayor Koury indicated that the police officers would usually be out patrolling the municipality and not in the building.

Mayor Koury spoke regarding the cost of upgrades and explained that Mr. Chabra would speak regarding projected renovations, rebates, and the layout of the building.

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

Motion to adopt Ordinance 2022-02: Burgess Second: Homulak
Roll call: Burgess (Aye) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Aye)

Resolutions:

1. Resolution 2022-17: Resolution in Support of the Ability of Municipalities to Adopt Regulations to Protect Public Health, Safety and Welfare from Threats of Flooding.
2. Resolution 2022-18: Tax Sale Redemption of Lienholder – Certificate #21-00008 – BALA PARTNERS LLC – 986 Croton Road – Block 45, Lot 5
3. Resolution 2022-19: Refund Tax Overpayment – Reassessment – 14 Doe Run – Block 16, Lot 36.16
4. Resolution 2022-20: Resolution Appointing Risk Management Consultant for Statewide Insurance Fund
5. Resolution 2022-21: Resolution Appointing Fund Commissioner for Statewide Insurance Fund

Motion to adopt Resolutions 2022-17 through 2022-21: Burgess Second: Donaruma

Roll call: Burgess (Aye) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Aye)

Staff Administrative Reports:

POLICE: Captain Snyder, Police Department, reported on efforts to obtain a shared services agreement for the utilization of a breathalyzer. He indicated that the utilization of a breathalyzer has become required by the State and that the selected shared services agreement includes four or five other municipalities that will help to defray costs. He also requested a Letter of Support for the placement of license plate readers on county roads. Upon questioning by Deputy Mayor Burgess, Captain Snyder explained that the request was in response to efforts to address car thefts that were taking place in Tewksbury and the surrounding area.

CFO: The CFO reported that a breathalyzer costs \$40,000 and that the Township was now required to have one because of an unfunded State mandate. He explained that the Township makes no purchases without a plan. He further reported that the first quarter tax collection resulted in a 95% collection rate and that the COVID-19 pandemic had resulted in an 89% collection rate. He explained that interest on late tax payments continued to grow. He further explained that the State mandates that the municipality audit its finances every year and that the annual audit reports were available online. Upon questioning by a resident, he explained that the Township typically has a 98% tax collection rate.

ADMINISTRATIVE: The Township Clerk reminded those present of the submission deadlines for County & Town Committee election petitions.

Board of Health: None.

Old Business:

1. COVID-19 Public Health Emergency Restrictions – End Restrictions for Municipal Building and Public Meetings

The Township Clerk explained the current procedures being utilized in the Municipal Building to protect staff and visitors during the COVID-19 pandemic. Mayor Koury indicated that the current procedures would remain in place and that masks are optional. He further indicated that anyone seeking to enter the side entrance of the building should ring the doorbell for access to the handicapped accessible door.

Mayor Koury advised those present that the April 14th Town Committee meeting would be held at the Franklin Township School in the Theater.

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

Mike Chabra, Project Coordinator, introduced himself, stated that he is a resident of the Township, and explained that he believed that the New Municipal Building could be completed economically. In response to Deputy Mayor Burgess' questioning, Mr. Chabra explained that availability of the plans would be at the discretion of the Town Committee. The Township Attorney explained that for the sake of security, the Police Department section of the plans would never be available to the public. In response to a resident's questions regarding solar panels, Mayor Koury explained that the Township was seeking grant opportunities. In response to Roy Emerson's questions regarding Zoom meetings, Mayor Koury explained that hybrid meeting opportunities were being sought for the New Municipal Building and warned that the Town Committee could not force a member of the public to attend a hybrid meeting virtually if they wished to attend in person and explained that the meeting would have to be cancelled if they could not accommodate the member of the public. Deputy Mayor Burgess explained that rewiring the current Municipal Building was cost prohibitive.

New Business:

1. Farmland Preservation – Estate of Thomas Evans – 1061 Croton Road – Block 42, Lot 7 – State Agriculture Development Committee (SADC) – SADC ID#10-0281-DE

Mayor Koury tabled this item due to time constraints and his desire to have Stephanie Miller, SADC, do a presentation. He explained that all the Committee received was a letter and that once a property was preserved by the SADC it would be permanently preserved.

2. Discussion Item: How to engage residents to submit ideas for ways the Township can increase revenues.

Mayor Koury indicated that he would speak with Bruce DeRites to begin discussion on community engagement and that additional Committee-members would not be in attendance to avoid Open Public Meetings Act (OPMA) conflicts.

Committee Member Reports:

Deputy Mayor Burgess reminded those present that the next Environmental Commission meeting would take place on Zoom the following Tuesday.

Comments from the Public:

Mayor Koury and the Township Attorney responded to a resident's request to repeat the Attorney's statement made after the cancellation of Ordinance 2022-01. Mayor Koury explained that the Township is currently opted out of cannabis business implementation and that future Committees could opt in. The Township Attorney explained the State Law regarding cannabis business implementation and reiterated that the nature of the State law indicated any municipality could opt in at any time. Mayor Koury explained that he would continue to hold discussion groups to prepare for the option of placing a referendum question on the election ballot.

Upon questioning by Maggie Boreland, 50 Sidney School Road, the Township Attorney explained that State law would not allow for the Township to permanently opt out of cannabis business implementation.

Executive Session:

The Township Attorney explained the need to enter Executive Session, that action could be taken, and that all attendees of the meeting could wait outside of the meeting room except for the Committee, 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: Burgess Second: Donaruma
All in favor. Motion carried.

Committee entered Executive Session at 9:46 pm.

Topics discussed:

1. Personnel - Administrative
2. Personnel/Contractual – Police
3. Personnel/Contractual – Public Works

Committee exited Executive Session at 10:04 pm.

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

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

Action by the Committee:

Motion to authorize the Township Attorney to Rice Notice the employees mentioned in Executive Session: Homulak Second: Burgess All in favor. Motion carried.

Motion to authorize a Letter of Support as mentioned by Captain Snyder earlier in the meeting:
Donaruma Second: Homulak All in favor. Motion carried.

Adjournment

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

Meeting was adjourned at 10:07 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 4/14/2022