

MINUTES
FRANKLIN TOWNSHIP COMMITTEE
WORK-SESSION/REGULAR MEETING
THURSDAY, APRIL 28, 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 7:36 pm. Mayor Koury read the OPMA Statement and led the flag salute.

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

Also present: Katrina L. Campbell, Municipal Attorney (Lavery, Selvaggi, Ambromitis & Cohen)
Igor V. Bykov, Attorney (Lavery, Selvaggi, Ambromitis & Cohen)
Christine Burke, Municipal Clerk
Cameron Keng, Chief Finance Officer/Human Resources Officer
Captain Timothy Snyder, Police Department
Virginia Evans, Board of Education

Comments from the Public on Agenda Items Only:

John Benscoter, 171 Old Franklin School Road, indicated that he had received draft documents regarding the Budget and requested that the Finance Subcommittee put together a simple budget document that was easy for the public to understand. Committeeman Homulak and the Township Attorney advised that the budget was not available until it was introduced and that after the introduction later in the meeting, the public would have a month to review it. Elizabeth Basile, 16 Upper Kingtown Road, requested a detailed report of miscellaneous revenue. Mayor Koury advised that draft documents are subject to change. Mr. Benscoter indicated his understanding regarding draft documents and requested that the CFO do a presentation explaining the Budget. Mayor Koury explained that Committeemen Homulak and Repmann were the Township's Finance Subcommittee and provided a breakdown of the various local budgets that the municipality is required to collect taxes for.

Elizabeth Basile, 16 Upper Kingtown Road, questioned if the school line item was in the Budget. Mayor Koury advised that the school's budget was not located within the municipal budget but that the Township was legally obligated to provide the payment even if the tax rate indicates that the taxes hadn't been collected. He recommended that school bond and budget questions be directed to the school.

Frank Tota, 16 Upper Kingtown Road, expressed his difficulty in locating Frontage Road and questioned the difference between Frontage Road and Service Road. The Township Attorney explained that the

names were interchangeable and that after the adoption of Ordinance 2022-04, the Department of Public Works (DPW) could put up signs.

Mayor Koury thanked the Township Environmental Commission for the successful tree giveaway and indicated that the Township should request a thousand trees again the following year. Mr. Bencoter explained that the Environmental Commission had been assisted by volunteers.

Proclamations & Presentations:

1. Franklin Theater Works/Ensemble Theater of New Jersey – Maggie Boreland and Maeve Pambianchi – Post COVID-19 Introduction

Maeve Pambianchi explained that she had come to request the ability to rent open space in the New Municipal Building. The CFO explained that the New Municipal Building was being designed for flexibility. Mayor Koury explained that the building's primary purpose is as the New Municipal Building, that there were requirements that would have to be met to move the Police Department, and that the space would also be utilized for other municipal boards, commissions, and organizations in addition to Town Committee meetings.

Frank Tota, 16 Upper Kingtown Road, questioned if the Board of Education included revenue for the school building in their budget, citing the ability to rent after hours. Mayor Koury indicated that the question should be directed to the school as the responsible tax authority. Ms. Pambianchi explained that it was traditionally hard to get into schools as they close for the summer. Committeeman Donaruma indicated that there may be some opportunity at the New Municipal Building.

Christina Faragalla, 205 Sidney Road, questioned if the public would be allowed to see the plans and budget for the New Municipal Building before construction. Committeeman Homulak responded, indicating there would be meetings and public events.

Bruce DeRites, 119 Locust Grove Road, questioned if there was a farmland preservation line item in the budget. The CFO explained that farmland preservation was not something that the Township planned or sought, so would not be a budget line item. The Township Attorney indicated that farmland preservation was a trust fund and not a budget line item. Upon further questioning by Mr. DeRites, the Township Attorney indicated that the process of requesting farmland preservation status was long and an application would be made to the State or County. Upon even further questioning by Mr. DeRites, the Township Attorney further explained the status of State litigation against Garden State Growers. Upon questioning by Mr. Bencoter, Mayor Koury advised that Assemblyman Peterson would be the appropriate person to contact regarding the status of State litigation. Mayor Koury further advised that the County and State could preserve property even if the municipality objected to the preservation. Mayor Koury advised those present of the Committee's intention to adhere to smart preservation and development. The Township Attorney explained the history of the Den Hollander (Garden State Growers) litigation and that the State had learned from mistakes made in the past.

Ms. Pambianchi reiterated her request to keep the space in the New Municipal Building as flexible as possible.

Richard Conley, 17 Landsdown Road, questioned if the building could be opened to allow the public to provide their input. Mayor Koury explained that the Township's insurance company would consider that a liability as the building was currently under remediation. He requested that interested residents make a request via email so that he could make a list and plan a tour of the building. The Township Attorney and CFO advised those present that the building must contain statutorily required spaces.

The CFO explained that the Township did not desire to tax residents for no reason and that the Open Space tax had been reduced to its lowest possible rate of a half cent.

Elizabeth Shaw, 18 Locust Grove Road, explained that the half cent collected for Open Space could be utilized on items other than farmland preservation.

Approval of Minutes

Motion to approve the April 14, 2022 minutes Work-Session/Regular Meeting and Executive Session:

Donaruma Second: Koury

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

The Township Clerk read into the record the following statement:

"Richard Conley has advised that there is an error in the March 24th, 2022 Minutes. He has indicated that the speaker Connie Winston should be noted as Connie Kingston."

Payment of Bills

Motion to approve the Bills List: Homulak Second: Donaruma

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

Budget:

1. Resolution 2022-22: Self-Examination of the CY2022 Budget

Motion to introduce: Homulak Second: Donaruma

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

2. Resolution 2022-23: Introduction of 2022 Municipal Budget of the Township of Franklin, County of Hunterdon, for the Year 2022.
 - a. Public Hearing and Final Adoption scheduled for May 26, 2022.

Motion to introduce: Homulak Second: Donaruma

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

Committeeman Homulak advised those present that the Budget was now available for examination.

3. Introduction & First Reading of Ordinance 2022-03: Calendar Year 2022 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank.
 - a. Public Hearing and Final Adoption scheduled for May 26, 2022.

Motion to introduce: Donaruma Second: Homulak
Roll call: Burgess (Absent) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Absent)

Mayor Koury requested that the Budget documents be placed on the Township website and email blasted to the website's subscribers.

Ordinances:

1. Introduction & First Reading of Ordinance 2022-04: Ordinance of the Township of Franklin, County of Hunterdon, State of New Jersey to amend, revise and supplement Chapter 125 entitled "Vehicles and Traffic" and Chapter 96 entitled "Speed Limits" of the Code of the Township of Franklin to consolidate the two chapters and to set a speed limit for Hamden Road and create a no parking zone on Frontage Road.
 - a. Public Hearing and Final Adoption scheduled for May 26, 2022.

Upon questioning by Committeeman Homulak, the Township Attorney explained the history of the purchase of the municipal gravel lot on Hamden Road and its utilization by fishermen. She recommended a directional sign be added to the no parking sign to advise that the gravel lot could still be utilized by fisherman seeking access to the trail. Brief discussion followed regarding asking the County to construct a path from the parking lot to the County path.

Motion to introduce: Donaruma Second: Homulak
Roll call: Burgess (Absent) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Absent)

Resolutions: None.

Staff Administrative Reports:

CFO: The CFO reported that the introduction of the Budget had been completed earlier in the meeting and that further discussion would take place in two meetings.

BOE: Virginia Evans, Board of Education, reported that the school's Budget passed on Monday evening, that it was posted on the school's website and advised those present of who to contact should they have any questions. Mayor Koury provided the school's website address. She indicated that the Board's next meeting would take place on May 16th. Ms. Evans provided a status update on the construction taking place around the school, citing the remediation of the underground oil tank as required by the school's insurance company, and a fire code violation from the State regarding a sprinkler system requirement in a windowless room. She indicated that she could take questions but could not provide answers.

A resident provided a brief history of the basement in the school building.

Ms. Evans indicated that anyone who wished to utilize the school building could fill out a Facility Use Form that is located on the school's website. She explained that the school uses the building for its own programs and anything additional would have to be approved by the Board of Education.

ADMINISTRATIVE: The Township Clerk reported that she had heard back from the State and that Stephanie Miller, SADC, had agreed to do a presentation on the application to preserve the Evan's Farm at the May 26th meeting.

Board of Health: None.

Old Business:

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

Committeeman Homualk provided a brief update on the status of the New Municipal Building and indicated that he would bring plans to the next meeting.

New Business:

Committee Member Reports:

Committeeman Homulak explained that the following month was National EMS Week and requested a proclamation for the next meeting.

Committeeman Donaruma reported that he was still working with the PBA (Police Department Union) with Committeeman Homulak.

Mayor Koury reported that the Land Use Board meeting had been cancelled as there were no applications and the bills had been paid.

Comments from the Public:

Elizabeth Shaw, 18 Locust Grove Road, recommended that the Township host educational meetings instead of cancelling them. Mayor Koury responded that the boards do not always know when a meeting will be cancelled. The Township Attorney explained that public attendance could not be anticipated.

John Benscoter, 171 Old Franklin School Road, spoke regarding the Environmental Commission's successful tree giveaway and reminded those present that May 4th would begin the statewide ban on single use plastics. He indicated that the Environmental Commission would post information on the website.

Maeve Pambianchi, Franklin Theater Works/Ensemble Theater of New Jersey, requested that the Township keep a lot of flexible space in the New Municipal Building. Committeemen Homulak and Donaruma assured her that the intent was to keep space.

James Maynard, 170 Oak Grove Road, indicated that he had moved to Franklin Township during the COVID-19 pandemic, that he had acreage and multiple barns, and that he was interested in applying for a cannabis micro-cultivation license. He explained that micro-cultivation could be a good side business, would be self-contained, non-polluting, and small in quantity. He indicated that he may wish to make a

request for an approval letter from the Township and that he would donate a percentage of his earnings to the “greater good”. He requested that the Township keep an “open mind”.

Ingrid Taff, 41 Upper Kingtown Road, questioned if a micro-business would include cultivation or processing. Mr. Maynard indicated that his request was for cultivation.

Resident, 7 Nixon Farm Road, explained that the Township had just had this discussion. The Township Attorney indicated that the Township’s ordinance opting out of cannabis businesses was still in effect.

Christina Faragalla, 205 Sidney Road, requested that all meeting minutes be made available on the website. Mayor Koury explained that all approved meeting minutes were available on the website.

Richard Conley, 17 Landsdown Road, remarked that the meeting minutes were on the website but that notes were not included. The Township Attorney explained that correspondence would not be attached to the approved minutes but were available as a record in the Clerk’s Office. Mr. Conley questioned if the Budget plan explaining reasoning was written down somewhere and requested further details. Mayor Koury explained that the receipt of development and preservation applications could not be projected in the budget and that the budget process was an effort to control expenses. He further explained that there would be no budget shortfalls if the Township increased taxes and that the Township was experiencing a lack of diverse sources of revenue. He explained that the Township is legally obligated to adhere to State regulations. Mr. Conley expressed a need to learn more and requested that budgeting information be written down. Mayor Koury explained that governing officials learned through experience in office and relied on professionals. He further explained that there was an initial course that could be taken once a governing official was appointed to office.

Frank Tota, 16 Upper Kingtown Road, indicated that he had emailed the school superintendent regarding strategy sessions between the Board of Education and the Town Committee and requested a projection of the student body. Upon further questioning by Mr. Tota, the Township Attorney explained that budgeting between the Board of Education and the municipality used to be more collaborative, but the Town Committee no longer has a say on school budgets. She clarified that the budget used to be voted on when school elections were held in April.

Christina Faragalla, 205 Sidney Road, indicated that the New Jersey State Code states that the Town Committee reviews and approves the school budget. The Township Attorney responded that the information she was referencing was no longer accurate.

Richard Conley, 17 Landsdown Road, commented on the various sources of taxation the State uses to fund New Jersey education. Ms. Evans responded regarding the amount of State Aid money received by the school. Mayor Koury expressed concern over wasted funds such as building unnecessary structures rather than on educational programs. The Township Attorney recommended contacting Senator Mike Dougherty, 23rd District, as a source of information. Mayor Koury responded to Mr. Conley’s additional comments regarding unfunded state mandate and explained that giving up the Police Department for State Police costs more now. Committeeman Donaruma indicated that the population in Hunterdon County doesn’t weigh much versus the rest of the State.

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. Igor B. Vikov, Attorney from Lavery, Selvaggi, Ambromitis & Cohen, the Township Attorney's office, was also permitted to observe.

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

Committee entered Executive Session at 9:16 pm.

Topics discussed:

1. Personnel/Contractual – Police Department
2. Personnel/Contractual – Department of Public Works
3. Personnel – OEM Coordinator
4. Attorney/Client Privilege & Contractual – Lease of Township Property – Quakertown Volunteer Emergency Medical Services (QVEMS)
5. Personnel – Administration – Chief Finance Officer

Committee exited Executive Session at 10:07 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 and that minutes would become available once the need for confidentiality was no longer required.

Action by the Committee: None.

Mayor Koury advised those present that the next meeting to be held on Thursday, May 12th, 2022, would be held at the Municipal Building.

Adjournment

Motion to adjourn: Donaruma Second: Homulak

All in favor. Motion carried.

Meeting was adjourned at 10:12 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 5/12/2022