

MINUTES
FRANKLIN TOWNSHIP COMMITTEE
WORK-SESSION/REGULAR MEETING
THURSDAY, MAY 26, 2022
7:30 PM

**(Location Returned to Franklin Township Municipal Building
202 Sidney Road, Pittstown, NJ 08867.)
Masks are optional.**

The meeting was called to order by Mayor Koury at 7:30 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: Mike Selvaggi, 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
Heidi Wohlleb, Township Auditor (Nisivoccia)

Comments from the Public on Agenda Items Only:

No one from the public spoke regarding Agenda Items.

Proclamations & Presentations:

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

Stephanie Miller, SADC, explained that the application to preserve the Evans Farm was submitted to the State by the executors of the estate and that approval would be given at the discretion of the State. She further explained that the opinion of the Township would be taken into consideration.

Mayor Koury explained that the Township has a preservation goal of 33% and that 30% preservation had already been achieved. He further explained the Township's efforts to bring in ratables and that it seeks to keep properties along county roads available for development. He indicated that the State and County had explained that Franklin Township has prime soils but neither agency provides a means to recover the loss of potential revenue. He further indicated that the subject farm is along a county road. He requested that the State and County provide a list to the municipality of the properties being sought after for preservation. Ms. Miller indicated that a joint meeting had taken place in prior years.

Mayor Koury commented on the status of litigation regarding a farm in the Township and explained that the subject farm had resulted in water issues that the municipality has no recourse to control. Ms. Miller confirmed that litigation is the only avenue available for control. Mayor Koury and Ms. Miller briefly discussed the limitations and abuses of the Right-To-Farm Act and that farmland preservation efforts had not been utilized to preserve historic structures on preserved farmland. Ms. Miller expressed her appreciation for the mayor's comments and requested that they be forwarded to other preservation officials. Mayor Koury encouraged conducting an open dialogue with the State and County to discuss preservation strategies and explained the Township's tax distribution between agencies.

Upon Ms. Miller's questions regarding preservation versus conservation, Mayor Koury and Committeeman Donaruma explained that the Township was not against preservation but had a need for smart preservation. Committeeman Donaruma explained the residential development limitations of the Evans' farm. Ms. Miller explained that farmland preservation would preserve the property for farm purposes and prevent other types of development opportunities such as solar fields. She requested that the Township forward its concerns in writing. Committeeman Homulak reiterated that the Township was not against preservation but had a need for smart preservation, explaining that development was not likely for the Evans property and that the Township was close to the Master Plan goal. Mayor Koury explained that new technology allows new opportunities for residential development and that the Franklin Township School was not at capacity and could support additional students.

Upon request by Mayor Koury, Ms. Miller explained application documentation regarding the Evans farm preservation that had been supplied to the Township prior to the meeting.

Mayor Koury offered the public an opportunity to speak.

Frank Tota, 16 Upper Kingtown Road, requested a copy of the preservation application documents. The Town Committee agreed to place the documents on the website. Mr. Tota further spoke regarding comparing the Evans farm to nearby farms and indicated that the State had a responsibility to update and control Right-To-Farm to prevent abuses. Ms. Miller explained that she was not personally familiar with Right-To-Farm concerns and indicated that she worked in preservation. Mayor Koury explained that the State and County Agriculture Boards governed Right-To-Farm.

Bruce DeRites, 119 Locust Grove Road, explained his history in the Township and indicated that the Township's prime soils were not being utilized but were being covered with greenhouses. He spoke regarding updates and changes to State agriculture laws and questioned how to prevent abusive practices. Ms. Miller explained that greenhouses are agricultural uses but the law places explicit definitions and restrictions on their utilization. Mr. DeRites referenced the Den Hollander litigation and questioned who held the easement. He explained that a large amount of taxpayer money had been used on the ongoing litigation and that he wanted to know what preventative measures could be taken.

John Bencoter, 171 Old Franklin School Road, explained the location of his home and his background in development education. He expressed his support for smart preservation and an interest in preservation for passive recreation. He commented on soil health and the State's interest in commercial

farming. Ms. Miller indicated that the State utilizes incentives to protect soil and that regulations could be located on the State's website.

Irv Taylor, 133 Old Franklin School Road, stated that the Den Hollander property consisted of 115 acres directly behind his property and that the property was covered by tarp and greenhouses.

Susan Blew, 266 Oak Grove Road, spoke in support of preserving the Evans farm and expressed her positive opinion of Quakertown soil.

Mayor Koury requested that a discussion meeting be scheduled to coordinate farmland preservation efforts with the State and County.

Approval of Minutes:

Motion to approve the May 12, 2022 minutes Work-Session/Regular Meeting and Executive Session:

Donaruma Second: Homulak

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

Payment of Bills:

Motion to approve the Bills List: Donaruma Second: Homulak

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

Budget:

1. Second Reading and Final Adoption of Ordinance 2022-03: Calendar Year 2022 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank.

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

The CFO explained that the ordinance is a standard good practice that establishes a cost-of-living adjustment (COLA) and a Cap bank. He further explained that the Cap bank preserves the ability to use funds in the future which is used to offset unfunded mandates from the State that can't be planned for. Committeeman Homulak further explained that the ordinance allows the Township financial flexibility.

No one from the public spoke regarding Ordinance 2022-03.

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

Motion to adopt Ordinance 2022-03: Homulak Second: Donaruma

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

2. Public Hearing of CY2022 Municipal Budget
 - a. Resolution 2022-28: Adoption of 2022 Municipal Budget of the Township of Franklin, County of Hunterdon, for the Year 2022

Mayor Koury read the Budget resolution.

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

The CFO explained that he had been privately speaking to members of the public and stated that municipal financing was intentionally inefficient to ensure appropriate levels of checks and balances. He further explained the various agencies that received funds through taxation and the departments that received funds from the municipal portion of tax collection. He indicated that the Budget was well under Cap. He compared the Township's level of municipal services and equipment maintenance to other municipalities. Mayor Koury explained that the Township had set up funds for road maintenance two years prior and the CFO explained the value of a municipal road repair program.

John Benscoter, 16 Upper Kingtown Road, questioned why road repairs are kept on a five-year road repair schedule and not as needed. The CFO and Mayor Koury responded that roads are always repaired as needed but road maintenance generally follows a schedule. The CFO and Mayor Koury further indicated that New Jersey Department of Transportation (NJDOT) grant funds are currently being utilized to repair and maintain Oak Grove Road.

Bruce DeRites, 119 Locust Grove Road, questioned if the road maintenance program was solely for municipal roads and did not include County roads. The CFO confirmed that the program was for municipal roads and that the County repaired county roads and bridges.

Joann Tuchrello-Coe questioned if the Tennis Courts would be repaired. The CFO, Mayor Koury and Committeeman Homulak responded by indicating the high cost of repairs and the limited number of residents utilizing the courts made repairs cost prohibitive to the Township. The CFO responded to Ms. Tuchrello-Coe's additional questions regarding the New Municipal Building's effect on the Budget and the Township's Low-Income Housing requirements. The CFO explained the Township's step strategy to pay for the New Municipal Building over time and the plan to sell off other properties to defray costs. He further explained the Township's attempts to request proposals for the affordable housing property located behind the Cracker Barrel Restaurant. He indicated that both attempts failed due to water issues and group home plans. He indicated that the Township had begun its efforts to sell the property next to the current Municipal Building and get it back on the tax rolls. Mayor Koury further explained the combined acreage of the two lots next to the current Municipal Building and that future Committees may decide what would be done with the current Municipal Building after the move is completed.

Rick Conley, 17 Landsdown Road, thanked the CFO for his explanation of the Budget, indicated that the narrative was useful and requested that the explanation be written down. He commented on the Department of Public Works upcoming repairs.

Mayor Koury further explained the cost/benefits of the purchase of the New Municipal Building.

Committeeman Homulak indicated that informal conversations had taken place regarding the use of Open Space funds for outdoor activities.

Upon questioning by Bruce DeRites, the Town Committee confirmed that the New Municipal Building would be discussed later in the meeting.

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

Motion to adopt Resolution 2022-28: Homulak Second: Donaruma
Roll call: Burgess (Absent) Donaruma (Aye) Homulak (Aye) Koury (Aye) Repmann (Absent)

Ordinances:

1. **Second Reading and Final Adoption 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.**

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

Upon questioning by an unidentified resident, Captain Snyder explained that the speed limit on Hamden Road is 25 mph.

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

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

Resolutions: None.

Staff Administrative Reports:

POLICE: Captain Snyder reported on the Police Department's response to the school shooting that had taken place in Texas, indicating that the Police department had increased patrols at the school and stationed officers at school events. He further reported that the Department of Public Works (DPW) had ordered the signs for Frontage Road. Upon questioning by Mayor Koury, he indicated that the school performs security drills and ensures all doors are secured. In response to questioning by Bruce DeRites, 119 Locust Grove Road, Committeeman Donaruma explained that the County Prosecutor conducts active shooter training at the schools. In response to questioning by Rick Conley, 17 Landsdown Road, Captain Snyder indicated that the Police Department has shared services agreements with other municipal departments for agency cooperation.

CFO: The CFO reported that the Budget had just been passed. Mayor Koury thanked the Finance Subcommittee for their efforts.

ADMINISTRATIVE: The Township Clerk reminded those present of the upcoming Primary Election and indicated that the Clerk's Office was ready. Mayor Koury reminded those present of the Vote-By-Mail ballot drop box located on the side of the Municipal Building.

Board of Health: None.

Old Business:

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

Committeeman Homulak provided a brief update on the status of the New Municipal Building and indicated that the subcommittee was waiting on the final drawings from the Architect and Engineer which were anticipated to be completed by the first week of July. He explained that the bid process and grant applications would not begin until the final drawings were complete. He indicated that the subcommittee and professionals were beginning to work on items that were not dependent on the architectural plans such as internal demolition, permit applications and devising a procurement approach. He indicated that he anticipated that the bidding process could begin by mid-July and that supply-chain disruptions were affecting the project.

Bruce DeRites, 119 Locust Grove Road, questioned if the Township had submitted any Green Energy Grant applications. Committeeman Homulak indicated that such applications could not be submitted until the drawings were completed. The CFO explained the grant opportunities from Donnelly and indicated that grants affect the selected upgrades so were taken into consideration when creating the drawings. Committeeman Homulak requested that any other grant opportunities be brought to the attention of the CFO. The CFO further indicated that grant opportunities would be included in the bid specifications.

New Business: None.

Committee Member Reports:

Mayor Koury reported that the Land Use Board had approved the Township's variance application to consolidate Block 16, Lots 41 and 42, the Township lots next to the current Municipal Building. He further reported that he had been in contact with JCP&L regarding the storms anticipated for the coming weekend and reminded those present of how to report any power outages that should occur.

Comments from the Public:

John Benscoter, 171 Old Franklin School Road, questioned if Hunterdon County grant opportunities for events and municipal tourism should be forwarded to Committeeman Repmann since he was on the Recreation Subcommittee. Mayor Koury indicated that grant opportunities should be forwarded to both the mayor and Committeeman Repmann.

Bruce DeRites, 119 Locust Grove Road, commented on the previous night's Land Use Board meeting regarding a Wendy's restaurant applying for inclusion in the ShopRite complex. He indicated that the restaurant should help with tax revenue and questioned the water capacity from the Town of Clinton. Mayor Koury responded that the facility was not a free-standing facility and would be taking over the former PNC Bank site. Mayor Koury indicated that questions regarding the Land Use Board application should be directed to the Land Use Board Clerk. Mr. DeRites explained that the additional business was encouraging to him as a member of the EDIT group. Mayor Koury and the CFO explained that the additional business would not create additional tax revenue but would be an encouraging sign if additional businesses continue to come to the Township.

Elizabeth Basile, 16 Upper Kingtown Road, questioned if the Township Attorney had forwarded the letter discussed at the previous meeting to the State regarding maintaining the Capoolong Trail. Mayor Koury indicated his uncertainty if the letter had been forwarded. Ms. Basile commented on the upcoming election, explaining that the Township Clerk had directed her to the County Clerk for more information regarding candidates listed on the ballot. Mayor Koury explained that the Township must remain neutral in the election process.

Frank Tota, 16 Upper Kingtown Road, spoke regarding the farmland preservation application of the Evans farm, indicating that the farm was likely to become no different from other properties and that preservation was likely to grant some protection. Residents briefly discussed potential buyers of the Evans farm. Mayor Koury reiterated the Township's need for smart preservation and smart development.

Mayor Koury confirmed that the Township Attorney had sent a letter to the County regarding taking over the maintenance of the Capoolong Trail. Ms. Basile indicated that she would be speaking to State representatives and wanted to be kept informed.

Richard Conley, 17 Landsdown Road, questioned which property Maggie Boreland requested to place a theater on. The Town Committee indicated that they did not know.

Frank Tota, 16 Upper Kingtown Road, questioned the approximate acreage of preservation as listed in the Master Plan's goal of 30-33%. Mayor Koury indicated that he did not know the exact number. Mayor Koury also indicated that the Tax Assessor would be the municipal contact person to determine how much of Franklin Township is farmland assessed. Mr. Benscoter replied to Mayor Koury's questions about the amount needed to be eligible for farmland assessment. Mayor Koury commented regarding the spirit of farmland preservation versus actual farming and how farming has evolved over time.

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

Committee entered Executive Session at 9:22 pm.

Topics discussed:

1. Personnel/Contractual – Police Department
2. Personnel/Contractual – Department of Public Works

Committee exited Executive Session at 9:26 pm.

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

Mayor Koury 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.

Adjournment

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

Meeting was adjourned at 9:27 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 6/09/2022