

**MINUTES
FRANKLIN TOWNSHIP COMMITTEE
WORK-SESSION/REGULAR MEETING
THURSDAY, OCTOBER 13, 2022
7:30 PM**

Franklin Township Municipal Building, 202 Sidney Road, Pittstown, NJ 08867

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 (present)
Sebastian Donaruma (absent) Mike Homulak (present)
Craig Repmann (present)**

**Also present: Igor Bykov, Attorney (Lavery, Selvaggi, Ambromitis & Cohen)
Christine Burke, Municipal Clerk
Cameron Keng, Chief Finance Officer/Human Resources Officer
Chief Timothy Snyder, Police
Frederick Roll, Department of Public Works (DPW) Supervisor
Virginia Evans, Board of Education
Lora Jones, Township Historian
Stephanie Miller, State Agriculture Development Committee (SADC)**

Comments from the Public on Agenda Items Only:

The following members of the public spoke in support of the farmland preservation of Marve Farms, 185 Whitebridge Road, Block 29, Lot 52.

Linda Peterson, 438 Quakertown Road
Ms. Posbergh, 173 Whitebridge Road
Lora Jones, 7 Spring Hill Road
Dave Barrick, Quakertown
Tom Meyer, 227 Cherryville Road
James Davidson, 80 Whitebridge Road
Joe Miller, 253 Quakertown Road
Elizabeth Basile, 16 Upper Kingtown Road
Emma Peterson, 404 Quakertown Road
Philip Roche, 10 Spring Hill Road
Mr. Dimatteo, 286 Whitebridge Road
Pete Strauss, 12 Stone Barn Road
Dustin Pflug, 226 Whitebridge Road
John Peterson, Quakertown Road
Mike Somma 174 Whitebridge Road

Comments included the emphasis on the property's contiguous nature with adjacent preserved farmland, the area's superior farmland and soils, the property's history of inclusion on target

preservation lists, general support for farmland preservation, and concerns over commercial development, changes to the farming community, increased traffic, and increased noise.

Bruce DeRites, 119 Locust Grove Road, advised the Committee of several residents in the hallway that could not hear the meeting. Chief Snyder counted the attendance number of the meeting and confirmed that the meeting room was not above capacity. Mayor Koury invited the attendees lingering in the hallway to move to the open spaces available in the meeting room.

Mayor Koury explained that 185 Whitebridge Road was not zoned for commercial use and that any attempts to convert the property to commercial uses would require Land Use Board approval. He further explained that the Township Committee was arranging a meeting with the State Agriculture Development Board (SADC) to discuss the State's large target list for farmland preservation and the Township's need to preserve spaces along county and state roads to facilitate future development options. Mayor Koury invited Lora Jones to participate in the SADC meeting, citing her knowledgeable history with farmland preservation in the Township.

Mayor Koury requested that a group of farmers cooperate to conduct a community farmstand to showcase the Township's farming community.

Mayor Koury explained that the Township was seeking to place development opportunities along the north and south edges of the Township and provided historic examples. He further explained the Township's efforts to support filming in the Township's scenic locations per the encouragement of Marc Saluk, the County Economic Development Coordinator.

Upon discovery that Stephanie Miller, SADC, was in attendance, the Committee addressed several questions to her.

Committeeman Repmann questioned how the Township could ensure that a preserved property remained farmed in the manner that the community desires, rather than utilizing the practices of large commercial farming industries. Ms. Miller cited percentage restrictions on farming practices, soil preservation standards regarding impervious coverage, federal limits, and land trusts. Committeeman Repmann further questioned Ms. Miller on the Township's ability to ensure farming practices, such as placing additional deed restrictions on the property. He also questioned if the State would consider partial preservations. Ms. Miller indicated that such efforts would require the cooperation of the landowners.

Upon further questioning by Committeeman Repmann, Ms. Miller confirmed that the current owners of 185 Whitebridge Road had not applied for farmland preservation. She explained that the current owners had applied in 2014 but withdrew their application due to a conflict between family members.

Deputy Mayor Burgess further questioned Ms. Miller on deed restriction options and who would monitor violations. Ms. Miller explained that deed restrictions could include further limitations regarding impervious coverage and that the holder of the easement would be responsible for monitoring and correcting violations. Mayor Koury explained that the Committee was seeking to avoid

placing the Township in legal jeopardy and that farming practices have changed. Ms. Miller reminded those present that failing to preserve the property would offer no assurances to the community.

Mayor Koury questioned if the State intended to purchase the property "fee simple", since the current owners were not interested in preservation but had the property up for sale. Committeeman Homulak indicated that without an application to preserve, the only preservation option the Township could make would be to buy the property. Ms. Miller confirmed that the State had approached the Township Committee due to public interest and that no application to preserve had been received.

Mayor Koury explained that the Township Committee needed to hold a meeting with the State to discuss explanations and clarifications of the State's target list. He further explained the Township's need to make smart preservation and development choices to address the Township's lack of a growing tax base.

Proclamations & Presentations: None.

Approval of Minutes:

Motion to approve the September 22, 2022, minutes Work-Session/Regular Meeting & Executive Session: Burgess Second: Homulak

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

Mayor Koury read the following corrective statement into the record:

Correction to the September 9, 2022 minutes Work-Session/Regular Meeting: Comments from the Public:

 Commentary regarding the James Maynard farmland preservation request were not made by Elizabeth Shaw and should be attributed to an unidentified commentor.

Payment of Bills:

Motion to approve the Bills List: Burgess Second: Homulak

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

Ordinances:

1. Ordinance 2022-08: Ordinance by the Township Committee of the Township of Franklin, Amending the Township Code of Ordinances to Repeal Chapter 199, "Flood Damage Prevention", to Adopt a New Chapter, Chapter 199, Entitled "Floodplain Management and Regulations"; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date.

INTRODUCTION POSTPONED: ORDINANCE NUMBER AND PUBLIC HEARING DATE TO BE REVISED

Mayor Koury explained that the introduction of the ordinance had been postponed. The Township Attorney explained that the draft ordinance had been submitted to the State for review.

Resolutions:

1. Resolution 2022-47: Bid Award – Oak Grove Road Improvements – Phases I & II – Top Line Construction – Amount Not to Exceed \$ 469,566.23.

Motion to adopt: Repmann Second: Burgess

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

Board of Health: None.

Staff Administrative Reports:

CFO: The CFO reported that the Township had approved the bid results of the Oak Grove Road Improvements Project and that the bid had been awarded to Top Line Construction. He explained the Township's grant opportunities for the project and that the Township had submitted a grant application for Phase III of the project. He cited that inflation was high and that the Township was seeking opportunities where they could. He explained that road repairs and improvements were included in the Township's Capital Ordinance as a standard and best practice. The CFO further reported that the Township's Tax Collection Rate was 98%.

ADMINISTRATIVE: The Township Clerk reported that the Clerk's Office was preparing for upcoming meetings and the coming new year.

BOE: Virginia Evans, Board of Education, reported on the status of the school's underground storage tank, indicating that the temporary tank was being removed. She explained that construction fencing remained around the school while contractors correct the fire code violation in the meeting-theater area. She further updated those present on the repairs of the historic one room schoolhouse. She advised those present that the next meeting of the School Board would take place the following Monday and that they would be discussing the Class III Officer.

POLICE: Chief Timothy Snyder reported on the September monthly activities of the Police Department, specifying background investigations, other investigations, arrests, motor vehicle warnings, tickets, accidents, radio calls, alarm calls, assist calls, animal complaints, service calls, property checks, and others. He further reported that he had attended a meeting with the Department of Corrections (DOC) regarding the construction of the Police Headquarters in the New Municipal Building and that the DOC had given their unofficial approval. He explained that official approval would require a formalized plan. He praised the efforts of Amy Overman, Jersey Central Power & Light (JCP&L), for her efforts in correcting a phone line on a utility pole and restoring service to an elderly resident of the Township. Mayor Koury explained that Amy Overman was the Township's regional representative from JCP&L. Upon questioning by Mayor Koury, Chief Snyder and the CFO updated the Committee on the status of acquiring speed warning signs being donated by a resident. Upon further questioning by the Committee, they explained the cost of acquiring signs that matched the resident's conditions and explained that the years of service expected from the signs was limited by the solar batteries. Chief

Snyder clarified that the signs would be mobile and susceptible to vandalism. Chief Snyder explained that additional Stop signs had been installed on Hogback Road by the County the previous month due to the intersection's history of motor vehicle accidents. Upon questioning by Committeeman Repmann, Chief Snyder explained the Police Department's effort to make special accommodations for a special needs student at the upcoming Trunk or Treat event.

Old Business:

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

Committeeman Homulak explained that given that the Township had received soft approval from the DOC, the architect would have to draw up official plans to get the DOCs official approval. Mayor Koury explained the Municipal Building's DOC compliance history. He further explained the unexpected high costs of the New Municipal Building project. Upon questioning by Mayor Koury, Committeeman Homulak explained that the timeframe for moving into the New Municipal Building would be dependent on the supply chain and a phased approach could be implemented to move into the meeting space of the New Municipal Building to address Americans with Disabilities Act (ADA) compliance concerns.

2. State Agriculture Development Committee (SADC) Farmland Preservation – Marve Farms – 185 Whitebridge Road – Block 29, Lot 52 (Notification of Interest originally received September 20th, 2022.)

Mayor Koury reiterated that there is no application for the Committee to approve regarding the preservation of Marve Farms. He provided a brief history of the various efforts to preserve the farm. He explained that the property is not a commercial property and that the sale sign on the property indicates that the realtor is a commercial realtor.

New Business: None.

Committee Member Reports:

Deputy Mayor Burgess reported that the Environmental Commission had held a presentation on wildflower meadows at their most recent meeting. She indicated that the online meeting had been spammed via the chat feature toward the end of the meeting by someone pretending to be her and that Sharyn Sawczak provided technical assistance to bring the meeting back under control. She further reported that a candy wrapper recycling drop box would be available at the upcoming Trunk or Treat event.

Committeeman Repmann reported on the status of the Trunk or Treat Halloween event. He indicated that the Township's Recreation Committee was seeking volunteers and requested that anyone interested should reach out to Mark Mroz. He updated those present on the 78-22 Coalition meeting, a county sponsored organization, and their efforts to draft documents to assist local governments in adopting small business ordinances. He indicated that the draft document should be ready in the upcoming weeks. He further indicated that Franklin Township was already ahead of the curve on its efforts to support small businesses via ordinance.

Committeeman Homulak expressed his gratitude for those who had attended the Quakertown Fire Company's Oktoberfest event and explained that approximately fifty volunteers assisted in the success of the event.

Mayor Koury reported on the Land Use Board (LUB) meeting that had taken place the previous night, explaining that the solar farm application had not been decided at the meeting. He indicated that he had not attended the meeting. He explained that solar farms are considered an inherently beneficial use and that the State and County could overrule a denial. Mayor Koury reminded those present to report any power outages to JCP&L and provided the company's contact phone number. He explained that residents should not assume that the company is aware of the outage and that residents rely on power for their basic necessities. Deputy Mayor Burgess explained that power companies base their outage recovery priorities on the number of customers affected and that an increased number of calls makes the outage a higher priority for restoration.

Comments from the Public:

Sharyn Sawczak, 7 Nixon Farm Road, questioned if the school was required to go fully electric by the year 2025. Mayor Koury and Deputy Mayor Burgess explained that the question should be posed to the School Board. Mayor Koury expressed interest in a joint meeting with the School Board regarding the Budget. Ms. Sawczak advised the Committee that concerns regarding a racetrack being built on Marve Farms stemmed from an incident in Easton where a gentleman purchased a property and constructed a raceway without approvals, resulting in costly litigation. Mayor Koury and Committeeman Repmann reiterated that there was no application to preserve Marve Farms.

Frank Tota, 16 Upper Kingtown Road, spoke regarding the interest in preserving Marve Farms, the New Jersey Administrative Code, Right-to-Farm, controlling solar farms, and New Jersey's status regarding prime farmland. He complained that the Land Use Board (LUB) minutes were not published on the Township's website and demanded action be taken to force the LUB Clerk to publish the minutes. The CFO explained local government's separation of roles and that the LUB needed to address any complaints regarding LUB roles. Mr. Tota stated that Roger Soltys is the LUB Chairman and could only be contacted through the LUB Clerk. Mayor Koury advised that personnel issues addressed at meetings required a Rice Notice be sent to the affected employee and that further discussion could cause legal concerns.

Irv Taylor, 133 Old Franklin School Road, commented on impervious coverage restrictions on preserved farmland citing concerns regarding tarps and hoop houses. Committeeman Repmann explained that there are different methods of farming that could be utilized on preserved farms. Mayor Koury explained that the Township has no control over farming restrictions and that the Township had lost lawsuits in the past while attempting to control the type of farming being done.

PJ Murphy, 146 Whitebridge Road, commented on the Committee's concerns over farmland preservation due to prior negative experiences and their efforts not to exceed the target goal listed in the Master Plan. Mayor Koury explained the Committee's desire to meet with the Township Planner

and Historian (Lora Jones) to discover the discrepancy in their cited preserved acreage numbers. He further explained that preservation reduces the Township's tax base. Brief discussion followed.

Rick Conley, 17 Landsdown Road, questioned the start and completion date of the Oak Grove Road Improvements Project. The CFO explained that the contractor and Township Engineer were working on the plans and were preparing to address seasonal concerns. He indicated that the Township hoped to start the project by the end of the year. Mayor Koury explained that the bid award was authorized to ensure the receipt of grant funding.

Elizabeth Basile, 16 Upper Kingtown Road, explained that she had acquired a chart of preserved farmland and questioned the Township's criteria for preservation.

Christina Faragalla, 205 Sidney Road, commented on the time-sensitivity of the opportunity to preserve Marve Farms and the priority list for preservation. Mayor Koury and Deputy Mayor Burgess explained that Stephanie Miller, SADC, was coordinating a meeting with the Township and County regarding the State's targeted property list.

Bruce DeRites, 119 Locust Grove Road, questioned Committeeman Homulak on how residents outside the fire company could become volunteers. Committeeman Homulak indicated that interested individuals could contact the Fire Chief. Upon further questioning by Mr. DeRites, Chief Snyder explained that the donated speed signs would be trailer able.

Executive Session:

Mayor Koury 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 Chief of Police, 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: Repmann Second: Homulak
All in favor. Motion carried.

Committee entered Executive Session at 9:48 pm.

Topics discussed:

1. Attorney/Client Privilege & Contractual – Special Officer for School
2. Personnel/Contractual – Department of Public Works
3. Personnel/Contractual – Police Department
4. Attorney/Client Privilege – Legal Advice – OPRA, Zoning Regulations

Committee exited Executive Session at 10:33 pm.

Motion to exit executive session and resume regular meeting: Homulak Second: Burgess

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 hire the candidate for the Department of Public Works (DPW) Crewman position as discussed in Executive Session: Burgess Second: Repmann

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

Adjournment:

Motion to adjourn: Repmann Second: Homulak

All in favor. Motion carried.

Meeting was adjourned at 10:34 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 10/27/2022