

MINUTES
FRANKLIN TOWNSHIP COMMITTEE
WORK-SESSION/REGULAR MEETING
THURSDAY, NOVEMBER 10, 2022
7:30 PM

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

The meeting was called to order by Deputy Mayor Burgess at 7:30 pm. Deputy Mayor Burgess read the OPMA Statement and led the flag salute.

Roll Call: Mayor Philip Koury (arrived at 7:36 pm.) Deputy Mayor Diane Burgess (present)
Sebastian Donaruma (present) Mike Homulak (absent)
Craig Repmann (present)

Also present: Igor Bykov, Attorney (Lavery, Selvaggi, Ambromitis & Cohen)
Christine Burke, Municipal Clerk
Cameron Keng, Chief Finance Officer/Human Resources Officer
Ibrahim Keita, Deputy Tax Collector/Assistant Finance Officer
Chief Timothy Snyder, Police
Karen Sutton, Board of Education

Comments from the Public on Agenda Items Only:

No one from the public spoke regarding Agenda Items.

Proclamations & Presentations: None.

Approval of Minutes:

Motion to approve the October 27, 2022, minutes Work-Session/Regular Meeting & Executive Session:
Donaruma Second: Repmann

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

Payment of Bills:

The CFO explained it was a small Bills List.

Motion to approve the Bills List: Repmann Second: Donaruma

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

Ordinances:

1. Introduction and First Reading of 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.

- a. Public Hearing and Final Adoption scheduled for December 8, 2022.

Deputy Mayor Burgess read the explanatory statement provided by the Township Attorney:

NOTICE OF INTRODUCTION OF FEMA FLOODPLAIN ORDINANCE AND SUMMARY

The FEMA Flood Damage Prevention Ordinance, repealing and replacing Chapter 199 of the Franklin Township Code, the summary terms of which are included herein, is being introduced for first reading at a regularly scheduled meeting of the Township Committee of the Township of Franklin, County of Hunterdon, State of New Jersey, on November 10, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at its meeting room in the Municipal Building, located at 202 Sidney Road, Pittstown, New Jersey, on December 8, 2022, at 7:30 P.M. Upon introduction, copies of the full Ordinance will be available, at no cost and during regular business hours, at the Clerk's Office for the members of the general public who shall request same. The summary of the terms of such Ordinance is as follows:

Title: AN ORDINANCE BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRANKLIN AMENDING THE TOWNSHIP CODE OF ORDINANCES OF THE TOWNSHIP OF FRANKLIN TO REPEAL CHAPTER 199, FLOOD DAMAGE PREVENTION, TO ADOPT A NEW CHAPTER, CHAPTER 199, FLOODPLAIN MANAGEMENT AND REGULATIONS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Purpose: The New Jersey Department of Environmental Protection seeks to establish uniform regulations in all 553 of the New Jersey municipalities regarding Flood Damage prevention, as required by the State of New Jersey and the Federal Emergency Management Agency (FEMA), and to ensure that each respective municipality incorporates the higher State standards found in the Flood Hazard Control Act and the Uniform Construction Code.

This Notice is published pursuant to N.J.S.A. 40:49-2.

Motion to introduce: Donaruma

Second: Reppmann

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

Resolutions:

1. Resolution 2022-48: Refund Duplicate Tax Payment – 39 Upper Kingtown Road – Block 24, Lot 30
2. Resolution 2022-49: Amending Resolution 2019-59: “Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020 – June 2025, Form 1B”
3. Resolution 2022-50: Resolution Appointing Risk Management Consultant for Statewide Insurance Fund
4. Resolution 2022-51: Resolution Appointing Fund Commissioner for Statewide Insurance Fund

Mayor Koury arrived at 7:36 pm.

Motion to approve Resolutions 2022-48 through 2022-51: Donaruma Second: Repmann
Roll call: Burgess (Aye) Donaruma (Aye) Homulak (Absent) Koury (Aye) Repmann (Aye)

Board of Health: None.

Staff Administrative Reports:

POLICE: Chief Timothy Snyder reported on the October 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. Deputy Mayor Burgess expressed her appreciation for the Police Department’s efforts to assist in the Township’s Trunk-or-Treat Halloween event. Committeeman Repmann expressed his appreciation for the Police Department’s efforts to provide accommodations for special needs students at the Township’s Trunk-or-Treat Halloween event.

CFO: The CFO reported that the Township had completed the 2022 Best Practices Inventory and had scored well, resulting in maintaining full grant funding from the State. He further reported on the results of a meeting held by the State Agriculture Development Committee (SADC) to discuss the Township’s farmland preservation goals. He explained that the Township Planner would be working with the State and County to create a farmland preservation plan. The CFO introduced Ibrahim Keita, the Deputy Tax Collector, and reported that the Township had a good tax rate.

ADMINISTRATIVE: The Township Clerk reported that the General Election took place on Tuesday, November 8th, 2022, and congratulated the selected candidates. She indicated that Committeeman Donaruma had been reselected for Township Committee and would be joined by Deanna Seiple. She further indicated that the Election Poll Workers had expressed their appreciation for the refreshments provided by the Township and explained that the election had experienced a large in-person turn-out. She provided further statistics regarding voter participation in the election, specifying the number of registered voters, cast ballots, in-person votes, early voting participation and mail-in ballots.

The Township Clerk reported on her efforts to see if the Township Committee meetings could be moved to the Franklin Township School as requested at the previous meeting. She indicated that she had

contacted the school and filled out their required Facility Use Application for the Township Committee meeting dates scheduled for the rest of the year and all the following year. She explained that she had received the school's response which indicated that they could approve some dates but not others and included a caveat that School events could be organized at any time and would take priority over Township Committee meetings, resulting in the Committee needing to reschedule or move their meetings. She requested additional instruction from the Committee on how to proceed. The Committee briefly discussed the Township's legal obligations and the percentage of unavailable meeting dates from the school. Mayor Koury indicated that moving the meetings to the school would result in a logistical nightmare, citing the government's need for consistency and the legal requirements for advertising legal notices which could become costly. Deputy Mayor Burgess recommended reaching out to the Township's insurance provider regarding possible ADA compliance accommodation options. The Township Attorney expressed his agreement with Mayor Koury and emphasized the Township's legal obligation to provide consistency and stability. He further warned of the Township's need for accurate, consistent legal notices.

OEM: Deputy Mayor Burgess explained that George Reichert had reported that the Township was not experiencing much OEM activity.

BOE: Karen Sutton, Board of Education, reported on current school projects, including the status of the underground oil tank, building improvements, and repairs to the one-room schoolhouse. She indicated that all projects were complete but that the school was waiting on the removal of the old oil tank. She further reported that the School Board and administration continued with their efforts to find cost-saving initiatives while ensuring the quality of student education.

Old Business: None.

New Business:

1. 2022 Best Practices Inventory

The CFO explained that the Township's score was over 90% and that the survey consisted of questions regarding the COVID-19 pandemic, items included on the Township's website, and various compliance matters. Upon Mayor Koury's questioning, the CFO explained that the Township always scores very well and commented on increased compliance regarding centralized processing due to staff changes. He confirmed that the Township's Auditors were happy with the Township's compliance status.

Committee Member Reports:

Committeeman Donaruma thanked everyone who came out to vote and indicated that he would continue to do his best.

Mayor Koury reported that the anticipated last hurricane of the season was approaching and advised those present to call Jersey Central Power & Light (JCP&L) to report any loss of power. He advised those present of the County's safety report, specifying the anticipated amount of rainfall. He reported that the Grandin Road project had been completed. He further reported that the Land Use Board had held their meeting the previous night and that requests to update the Township's ordinance would be

forwarded to the Township Committee, specifically including language that required digital copies of applications for easier access and to address concerns regarding solar options on properties under seven acres. He explained that the ordinances would have to be introduced the following year. The Township Clerk explained that ordinance introduction and adoption can't straddle years.

Committeeman Repmann reported that the Township clean-up day was held the previous Saturday and was well attended. He thanked Public Works Director Roll for including an electronic recycling option and expressed interest in hosting additional electronic waste recycling events in the future. Upon Committeeman Repmann's questioning, one resident indicated that she had received a Starbucks Gift Card for participation in the electronics recycling event. Committeeman Repmann explained that the recycling company provided the gift cards.

Committeeman Repmann also reported that Mike Chabra, Project Coordinator for the New Municipal Building, had met with the Heating, Ventilation and Air-conditioning (HVAC) engineer to review the building's duct work and that the Township could expect the final plan set to be provided the following week. He further explained that the building was being winterized.

Deputy Mayor Burgess reported that the Environmental Commission provided a candy wrapper recycling container at the Trunk-or-Treat Halloween event. She indicated that the container was filled by the attending children and was brought to the school. She further indicated that the container would be returned once the school was finished with it. She also reported that the Environmental Commission would be reviewing the Solar Farm application currently before the Land Use Board.

Deputy Mayor Burgess reported on the meeting with the SADC that took place the previous morning, explaining which organizations were represented and that each agency explained their goals. She further explained that information was being supplied to the Township Planner to review and make a sensible plan. Mayor Koury also explained that the Township would receive a priority target list from the State and County. He indicated that if the Township preserved more than 50% of the land in the municipality, less than 50% would have to cover the costs of running the Township. He explained that the meeting addressed misinformation on the Committee's position on targeted preservation and development. Deputy Mayor Burgess further explained that the meeting clarified where the discrepancies regarding percentage of preserved land originated, citing that the percentage numbers of preserved property utilized by some agencies do not address municipal, state and county owned lands, which are properties that do not pay taxes. Mayor Koury and Deputy Mayor Burgess reiterated that the meeting consisted of discussion to share information and to assist the Township Planner in creating a preservation plan.

Upon questioning by Committeeman Repmann, Deputy Mayor Burgess explained that the State was creating rules to address soil conservation concerns that stem from unfavored farming practices. Mayor Koury explained that the State was unwilling to place restrictions on the types of farming that could be conducted. The CFO and Mayor Koury explained that the Open Space tax was discussed at the meeting and indicated that municipalities may find the tax unnecessary if the State and County were already addressing the municipality's preservation goals.

Comments from the Public:

Bruce DeRites, 119 Locust Grove Road, questioned the Township Clerk on the location specified on the Facility Use Application for the school. The Township Clerk indicated that she did not make a request for a specific space. Mayor Koury and Deputy Mayor Diane Burgess explained that the school could not meet all the requested meeting dates and advised that the school could force the Committee to relocate or reschedule individual meetings at any time to accommodate school activities. Upon Mr. DeRites' questioning regarding Americans with Disabilities Act (ADA) compliance, utilizing a specific resident as an example, Deputy Mayor Burgess further explained Township policy, indicating any requests for accommodations to be made to the Township Clerk. Committeeman Repmann explained that one of the primary reasons for the purchase of the New Municipal Building was because of the Township's need to address ADA compliance concerns. Deputy Mayor Burgess explained the Township Committee's history of making accommodations for known large turn-out meetings and requests for ADA compliance made with enough advance notice to legally move a meeting. She further explained that the concern had long existed, that the municipality had been granted waivers by the State, and that the Township continues to explore all available options. The Township Attorney advised that the Township should be responding to actual compliance requests rather than hypothetical situations.

Frank Tota, 16 Upper Kingtown Road, questioned the differences between farmland preservation and farmland assessment, acknowledging that he understood that farmland preservation was permanent. Mayor Koury explained that farmland preservation allowed a farmer to sell the development rights of their property and would keep the property as a farm in perpetuity. Mr. Tota expressed his appreciation for Mayor Koury's questions presented at the previous night's Land Use Board meeting.

Elizabeth Basile, 16 Upper Kingtown Road, questioned if the introduced ordinance would be placed on the Township website. The Township Clerk confirmed that the ordinance would be posted to the Township website. Upon further questioning by Ms. Basile, the Township Attorney and CFO explained that the Land Use Board and Environmental Commission would have to follow the ordinance once adopted, that the ordinance was in response to State regulations and had an impact on stormwater compliance regulations. The CFO further explained that the Township's Department of Environmental Protection (DEP) classification had been reclassified from Tier B to Tier A. Upon Ms. Basile's questioning regarding the Best Practices Inventory, the CFO explained how the State collects grant money on behalf of the Township and would provide full grant funding if the Township scores well but would reduce funding if the Township did not score well. Upon Ms. Basile's questioning regarding the Statewide Insurance Fund resolutions, the CFO explained that the resolutions were done annually as part of the Township's insurance contract and that the appointments did not cause an increase in Township staff.

Bruce DeRites, 119 Locust Grove Road, questioned usage percentages on preserved farmland. Committeeman Repmann explained that the State representative had indicated at a previous meeting that 5% of a preserved farm could be greenhouses and advised that 5% of a large property could be a significant number of greenhouses. Mr. DeRites commented that the State had indicated that enforcement was coming.

Frank Tota, 16 Upper Kingtown Road, questioned if the total percentage of preserved properties included conservation easements. Mayor Koury and Deputy Mayor Burgess indicated that they would

make sure that the Township Planner included conservation easements in her evaluation of none or low tax producing properties. The Township Attorney explained that the State and County would be providing their information to the Township Planner for her review.

Deanna Seiple, 593 Cherryville Road, questioned if the Township could impose ordinances like truck traffic limitations on Township roads to assist in controlling unfavorable farmland practices that cause community disruptions. Deputy Mayor Burgess explained that all municipal control is lost due to the Right-to-Farm Act which indicates that local ordinances could not impede farming activities.

John Rolfe, 170 Whitebridge Road, questioned how properties were ranked or scored to determine preservation efforts. Deputy Mayor Burgess explained the State's utilization of soil quality and contiguity with other preserved farmland as some criteria for selection. She indicated that the State did not supply an algorithm. She further explained that a property owner would apply to the State or County for preservation. Upon Mr. Rolfe's questioning of further meetings with the SADC, Deputy Mayor Burgess explained that the Township Planner would be going through the list of properties supplied by the State with the County Planner and that once the Township Planner's list was prepared, there would be additional discussions. Upon Mr. Rolfe's request for a timeline, the Township Attorney indicated that no timeline had been defined. Deputy Mayor Burgess indicated that the Township was trying to move quickly and agreed that the Township needed better communication.

Executive Session: None.

Action by the Committee: None.

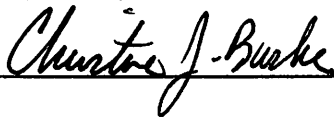
Adjournment:

Motion to adjourn: Repmann Second: Donaruma

All in favor. Motion carried.

Meeting was adjourned at 8:41 pm.

Prepared by Christine Burke, Township Clerk



Adopted: 12/08/2022