

WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
MAY 28, 2002

The Work Session of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:07 p.m.

The Mayor read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

1. CALL TO ORDER

The Township Clerk called the roll.

Present: Mayor Eberle, Ms. Barrier, Mr. Levine, Mr. Mazzola, Mr. McKenzie, Mr. Mettler, Mr. Sumter. Deputy Mayor Grippo was absent at roll call but arrived later in the meeting.

Absent: Mr. Chivukula

Also present: Daniel Fitzpatrick, Esq., Acting Township Attorney, Kenneth W. Daly, Township Manager, Jean C. Pellicane, RMC, Township Clerk. Township Attorney Rainone was absent at roll call but arrived later in the meeting.

2. REVIEW PREPARED AGENDA FOR REGULAR MEETING

5. COMMENDATION - FRANCES VAGA - SENIOR CITIZEN ADVISORY COMMITTEE

Mr. Mazzola noted that Fran Varga is ill and requested that the commendation be deferred until next meeting she can attend.

8. LIQUOR LICENSE - NEW - WNC SOMERSET COMPANY, LLC - SOMERSET COURTYARD BY MARRIOTT - 250 DAVIDSON AVENUE

Township Clerk Pellicane advised that this is an application for a new liquor license under the Hotel/Motel exception of Title 33 and the Township Council for a hotel containing more than 100 sleeping rooms. The applicant has been qualified and all statutory requirements for the issuance of the license have been met.

Township Manager Daly questioned if this license counts towards the number of liquor licenses which the Township can maintain under statutory limits. Township Clerk Pellicane advised that it does not.

13. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 73, ALARM SYSTEMS - SECTION 73-7, FALSE ALARMS - ADD PENALTY PROVISIONS

Ms. Barrier questioned if the alarms covered by the ordinance include fire alarms, and if so, has the ordinance been reviewed by the Fire Prevention Department and Board. Township Manager Daly responded that the ordinance, requested by the police department, does cover fire alarms, changes the penalty provisions, but has not been reviewed by Fire Prevention. Mr. Mazzola noted that the ordinance is increasing the number of false alarms permitted without penalty and is making the provisions more resident friendly.

Council determined to proceed with introduction and to seek the review and response from the Fire Prevention Board prior to the June 27th hearing date.

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14. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 47, PERSONNEL - SECTION 44-15, BENEFITS - VOLUNTEER FIREFIGHTERS AND FIRST AID SQUADS - POLICY ON EMPLOYEE SERVICE DURING WORKING HOURS

Township Manager Daly advised that this ordinance provides a policy statement encouraging Township employees to volunteer for fire and first aid squads, the concept for which was previously reviewed and approved by Council.

15. ORDINANCE INTRODUCTION - AMEND CODE - CHAPTER 52, SALARIES AND COMPENSATION (TOWNSHIP MANAGER - FROM \$104,000 TO \$107,300; MANAGERIAL AND EXEMPT RANGE FROM \$75,000/\$100,000 TO \$75,000/\$115,000)

Mayor Eberle reported that the Subcommittee appointed to review the Township Manager's performance has met and recommends a 3.2% salary increase for this position.

17C. BUDGET - FY2002 - TRANSFERS

In response to a question from Mr. Levine, Township Manager Daly advised that the funding being transferred out of existing accounts includes a portion of the salary for the Hamilton Street Project Coordinator, not funded until the fiscal year was half over and using that funding on the Economic Development Plan. Because of the light inclement weather this winter, funds from Streets and Roads salaries and wages is being transferred to other expenses to buy salt/sand for next year. The Township is trying to stabilize our snow budgets by setting up a trust which will allow us to budget at a 5 or 10 year average.

17L APPOINTMENT - JOYCE MILLER, QUALIFIED PURCHASING AGENT/INCREASE BID THRESHOLD TO \$25,000/ QUOTE THRESHOLD TO \$3,700

In response to a question from Mr. Levine, Township Manager Daly advised that this proposal was reviewed and recommended by the Financial Oversight Committee. Joyce Miller has been qualified by DCA as a Qualified Purchasing Agent which allows us to increase bid and quote thresholds and eliminate the expense and headaches of seeking formal bids for purchases under \$25,000. The Council will still need to approve purchases over \$8,500 and will still have the State Contract option.

17Y GRANT APPLICATION - SOMERSET COUNTY YOUTH SERVICES COMMISSION:

YSC ANNUAL GRANT	\$ 4,000
YSC NEW INITIATIVES GRANT	\$ 5,000
YSC PARTNERSHIP GRANT	\$10,000

Mr. Levine noted that he and Mr. Sumter met with Youth Service Commission last week and reviewed the grant applications. Some of the grant money requested is for the Kids Café which provides a valuable service to our children.

17EE AMEND EXTRAORDINARY UNSPECIFIABLE SERVICE/EXEMPT FROM BIDDING REQUIREMENTS - HEALTH NET POS - ADDITIONAL \$27,400.00

In response to a question from Mr. Levine, Township Manager Daly advised that the need for additional funding for this health insurance plan is that more employees have enrolled in this plan than originally budgeted. There has been no increase in per employee cost and the increase in employees selecting this plan is anticipated to result in decreased costs for the other insurance plans offered.

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17GG EXTRAORDINARY UNSPECIFIABLE SERVICE AGREEMENT - LOOS CONSULTING - OPEN SPACE CONSULTANT - \$35,000.00

Township Manager Daly advised Council that Loos Consulting is owned and operated by John Loos, current Chair of the Open Space Advisory Committee. It is proposed that, if the contract for the consulting service is awarded to Loos Consulting to commence on July 1st, John will resign from the Open Space Committee at that time.

Mr. Mazzola noted his concern with the appearance of a conflict of interest which exists with the chair of a committee, whether or not he resigns, being recommended for a salaried position by a committee which makes recommendations on the purchase of millions of dollars in open space.

Township Manager Daly advised that the appearance of conflict of interest was discussed with Township Attorney Rainone and with the Open Space Advisory Committee without Mr. Loos in attendance. The Township has had two consultants in the past who were not able to handle the workload. Mr. Loos has the expertise needed to successfully perform the work.

Mr. Mettler noted receipt of a memo from C. Andrew Twiford regarding the hiring of a Natural Areas Manager as a full time employee as previously approved by Council. In reviewing the duties set forth in the consulting contract, many of the same duties and responsibilities are anticipated for the Natural Areas Manager or other existing Township positions. Township Manager Daly responded that much of the work done by the prior consultant is now being done by a part-time employee and that the Open Space Advisory Committee has not yet finalized their recommendation on the Natural Lands Manager. The memo from Andy Twiford is a recommendation only.

Deputy Mayor Grippo and Township Attorney Rainone arrived at this time.

Mr. Mettler questioned if the Agricultural Committee has reviewed the consulting proposal. Township Manager Daly responded that the Agricultural Committee is desperate for more staff.

Mr. Levine noted his respect for Mr. Loos but his concern for the appearance of a conflict of interest.

Ms. Barrier noted her respect for Mr. Loos but her concern with the issue of conflict of interest and of setting a bad precedent for other boards.

Mr. Mazzola requested that the resolution be removed from the Consent Agenda for separate consideration. Council concurred.

3. COMMITTEE REPORTS:

Financial Oversight Subcommittee

Mr. Mazzola reported that the Subcommittee has started to review with the Township Manager and Assistant Township Manager strategies and options for upcoming labor union negotiations. Recommendations will be forthcoming to the full Council in the near future.

Traffic Management Subcommittee

Ms. Barrier reported that the Subcommittee is studying traffic calming measures taken on Franklin Boulevard by the County and is seeking quotes on installing raised, textured surfaces at some intersections to see if they reduce the speed of traffic. Recommendations will be forthcoming to the full Council.

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Integrated Communications Committee

Mr. Mazzola noted that the Committee requested that potential users of the trunked system be polled. The Committee was surprised at the 992 users from Police, emergency services and DPW, not including the Board of Education which has chosen not to respond or use the system. Council will be getting a briefing from the Township Manager and outside experts on June 6th. The Committee has determined that our current system is rapidly obsolescing and will be reviewing options for replacement with a trunk digital system. The Township has been granted licenses from the FCC for frequencies but the licenses expire three years from date of their December 2001 issuance. If Council chooses to proceed, fund have to be allocated in the FY2003 budget.

4. RIGHT OF ENTRY ORDINANCE

Township Attorney Rainone advised Council that the current draft of the right of entry ordinance addresses the latest comments from Council, specifically that the right be invoked only in matters of public health and safety and that warrants can only be sought with the approval of the Township Manager and through the Superior Court.

In response to a question from Mr. McKenzie, Township Attorney Rainone advised that the ordinance permits emergency inspections without warrant in cases of an immediate emergent threat to the public safety that do not allow time to go to a judge for a warrant. Township Manager Daly advised that the powers to act via State Fire and Safety Codes would permit immediate action.

Mr. Mazzola noted that his original concerns about right of entry based on hearsay or rumors of non-permitted construction without a warrant have been satisfied.

Ms. Barrier noted her concern that the language is still not specific enough. She is concerned that the right of entry to officials such as the Code Enforcement Department would violate property owners' freedom to enjoy their property. The ordinance needs to delineate which agents of the Township have the right of entry. Township Attorney Rainone advised that a warrant would not be issued unless the official has compelling evidence of a violation. Township Manager Daly responded that it was previously determined that the Tax Assessor is not covered by this ordinance. If the ordinance listed all positions with right of entry, it would require constant revision. Therefore, it is limited to health and safety issues.

Mr. Mazzola noted the Violations; Penalties provision of the ordinance which states "Where any authorized public official or duly appointed inspector is refused entry or access or are otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this Code and subject to penalties hereunder." Mr. Mazzola questioned if this penalty provision is applicable before or after the warrant has been received. Township Attorney Rainone responded that the penalty provision applies after the warrant has been received and permits the Township to charge the offender under our Code in Municipal Court rather than under State Statute in Superior Court.

5. OPEN SPACE MAINTENANCE PLAN

Township Manager Daly advised that the written materials were only received by Council tonight so discussion must be deferred. There are a number of conditions on open space property that need to be handled quickly. The Open Space Advisory Committee is creating a sub-committee for each property which will inspect the parcels and identify the conditions that need immediate attention.

6. INTEGRATED COMMUNICATIONS COMMITTEE

It was noted that the Integrated Communications Committee was created by former Mayor Chivukula in 2000 without Council action. Therefore, appointment of a new member to replace former Mayor Clyde does not require Council action. Mayor Eberle accepted the open position on the Committee.* Corrected 6/13/02

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Upon a motion made, seconded and unanimously agreed, the Work Session was adjourned at 7:52 p.m.

Respectfully submitted,

Jean C. Pellicane, RMC
Township Clerk