

WORK SESSION OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
AUGUST 5, 2003

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 7:10 P.M.

The Clerk 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 Acting Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Mettler

Absent: Mr. Mazzola

Also Present: Louis N. Rainone, Esq., Township Attorney, Kenneth W. Daly, Township Manager, Marc D. Dashield, Acting Township Clerk

2. PUBLIC DISCUSSION

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to open the meeting for public discussion; motion was carried unanimously.

Mayor Sumter asked that persons who desired to speak, give their names and addresses to the Acting Township Clerk.

Nancy Hornstein – 41 South Middlebush Road – spoke concerning a notice she received in her July tax bill about the public hearings on the expansion of the water system. Ms. Hornstein expressed her deep concern about any proposal to make mandatory water connections in Franklin Township.

Motion was made by Deputy Mayor Grippo and seconded by Mr. Chivukula to close the public portion of the meeting; motion was carried unanimously.

3. RESOLUTION - MEETING NOT OPEN TO PUBLIC - NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12

Read by Acting Township Clerk Dashield

WHEREAS, the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey is subject to certain requirements of the **Open Public Meetings Act, NJSA 10:4-6, et seq.**; and

WHEREAS, **Open Public Meetings Act, NJSA 10:12**, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Franklin to discuss in a session not open to the public certain matters relating to the item or items authorized by **NJSA 10:4-12b** and designated below:

Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose

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rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, assembled in public session on this 5th day of August, 2003, that an Executive Session closed to the public shall be held on August 5, 2003, at 7:18 pm in the Franklin Township Municipal Complex, 475 DeMott Lane Somerset, New Jersey for the discussion of matters relating to the specific items designated above.

It is anticipated at this time that the above-stated subject matter will be made public with regard to personnel and or employment relationship matters at such time as the affected employee shall authorize the release of such information, and/or in accordance with **South Jersey Pub. Co. v. NJ Expressway Auth., 124 NJ 478 (1991)**.

This Resolution shall take effect immediately.

Motion was made by and seconded by to adjourn to Executive Session. Council adjourned to Executive Session at . Meeting was resumed at . Acting Township Clerk Dashield recalled the roll; all members previously present had returned.

4. REVIEW PREPARED AGENDA FOR AUGUST 12, 2003 REGULAR MEETING

16. ORDINANCE HEARING NO. 3393 – AMEND CODE – CHAPTER 226-28, SPEED LIMITS – BELMAR STREET RECUDE SPEED LIMIT FROM 40 MILES PER HOUR TO 30 MILES PER HOUR

Mr. Chivukula inquired if the Township had received New Jersey Department of Transportation approval for item number 16 (Speed Limits on Belmar Street). The Township Manager responded that the Township has received approval from the Department of Transportation.

20. ORDINANCE INTRODUCTION – NEW CHAPTER 42 – HOTEL AND MOTEL OCCUPANCY TAX

Deputy Mayor Grippo expressed his support for the Hotel and Motel Occupancy Tax ordinance and asked all members of Council to support the ordinance.

21. ORDINANCE INTRODUCTION – AMEND CODE – CHAPTER 236-13 – ADD 15% DISCOUNT FOR INCOME ELIGIBLE SENIOR CITIZENS ON MINIMUM WATER CONSUMPTION CHARGES

Deputy Mayor Grippo also expressed his support for the ordinance to provide a 15% discount on minimum water consumption charges for income eligible senior citizens.

7. (WORK SESSION AGENDA) – PROPOSED ORDINANCE TO PROHIBIT AWARDDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

Mr. Levine expressed his interest in having item 7 on the work session agenda, the pay to play ordinance, placed on the August 12, 2003 regular agenda.

27K. RESOLUTION – AUTHORIZE SALE OF TWO (2) PLENARY RETAIL LIQUIOR LICENSE AND ONE (1) CONSUMPTION LICENSE

The Acting Township Clerk directed the Township Council to a memo concerning the minimum bids for liquor licenses and recommended that the minimum bids be set at \$300,000.00 for Consumption License and \$400,000.00 for Distribution license. In addition, the Acting Clerk recommended that the Council only sell one of the two consumption licenses at this time. The Council concurred with the recommendations and authorized the amending of the resolution as recommended.

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27V. PURCHASE STATE CONTRACT – MOTOROLA, INC. – RADIO COMMUNICATION EQUIPMENT AND ACCESSORIES – JULY 1, 2003 – JUNE 30, 2004 - \$46,000.00

Mr. Chivukula asked the Township Manager to explain item V (Purchase State Contract – Motorola Inc. Radio Communication Equipment and Accessories) and asked if it is related to the trunk radio system. Mr. Daly indicated that this resolution was for existing radio equipment and represented the budgeted purchase for the entire year for Radio Communication Equipment.

27PP. GRANT APPLICATION – NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION – LIVABLE COMMUNITIES GRANT – MIDDLEBUSH PARK PLAYGROUND EQUIPMENT & TRAIL DEVELOPMENT – UP TO \$100,000.00

Deputy Mayor Grippo asked the Township Manager to explain how this application ties into the progress on Middlebush Park. The Township Manager replied by giving the following update on the progress of the project. The Township Manager indicated that the environmental approvals are in progress and once finished, the project will go out to bid. The grant application referred to on the agenda is for playground equipment and trails. Mr. Grippo also inquired if the grant can be used for the skate park. Mr. Daly replied that he would have to check on the issue. Finally, Mr. Grippo inquired if the developer's contribution had been secured. Township Manager Daly replied that it has been included in the developer's agreement for Canal Walk Developer.

27NN. GRANT APPLICATION – US FOOD AND DRUG ADMINISTRATION – FOOD SAFETY INITIATIVES – ESTABLISH FOOD SAFETY TRAINING RESOURCE CENTER - \$50,000.00

Mr. McKenzie asked Township Manager Daly for clarification of this application. Township Manager Daly replied that Bonnie von Ohlen, Grants Coordinator, will supply more information which Mr. Daly will obtain for Council before the August 12, 2003 meeting.

27YY. DEVELOPER'S AGREEMENT – RENAISSANCE AT FRANKLIN DEVELOPERS – BLOCK 507/LOTS 37.04 & 47

Mr. Mettler requested that the YY be placed as a separate item on the August 12th agenda in recognition of Councilman Mazzola's service. Council concurred and the item was moved to item 7A. Ms. Barrier requested that Mr. Mazzola's wife be invited to the August 12th Council meeting. Council concurred and asked Township Clerk Dashiield to contact Mrs. Mazzola.

5. BUDGET HEARING – DEPARTMENTAL PRESENTATIONS

Collector

The Collector of Revenue appeared at the meeting and presented the previously distributed information on this department's budget.

- The Township Manager gave an overview of the budget and indicated that there are no increases in staff and that the presented budget is a maintenance budget
- The Township Manager indicated that the total increase in the budget is \$3,000.00
- The Township Manager indicated that 50% of two of the salaries in the Collector's office is charged to the water operating budget.

Council had no questions on the Collector's Budget.

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Community Resources

The Community Resource Administrator appeared at the meeting, presented the previously distributed information on this department's budget and responded to questions from Council.

The Township Manager gave an overview of the budget indicating that the budget has decreased but the programs have been maintained.

Diane Hensley reviewed her nine programs:

- Medical Service Group (44 participants)
- Working Single Parent (16 members)
- Green Thumb Program (3 members)
- Youth Services Program (5 – 60 participants)
- Jet Connection Group (30-31 members)
- Municipal Welfare (6 cases)
- Youth Against Drug and Alcohol (40-55 participants)
- Summer Childcare Program (46 participants)
- Black History Month Program

Deputy Mayor Grippo questioned if the division coordinated its Black History Month Program with the Board of Education and if not, the Administrator should look into sharing resources.

Mr. Mettler commented that he remembered that in the 1970's the active caseload for municipal welfare was about 60 persons. Mr. Mettler further stated that today the Division caseload is six, and this accomplishment is a testament to the efforts of Ms. Hensley and Ms. Callier. Mr. Mettler indicated that this Division has always done more with less.

Mr. Levine asked if the Community Resources office worked with the Food Bank when it sponsored holiday dinners. Ms. Hensley indicated that they did not work with the Food Bank. Ms. Hensley went on to say that a portion of her food for these dinners are donations from the community.

Mr. Levine asked which programs were totally funded by Township funds Ms. Hensley replied that all programs, with the exception of Green Thumb and Municipal Welfare, were funded from Township funds.

Police: Chief of Police/Lt Carter/Sgt. Bantlow

The Chief of Police appeared at the meeting, presented the previously distributed information on this department's budget and responded to questions from Council.

- The current budget holds the level of civilian staff at the same level as last year.
- The budget is proposing the addition of two officers to the department. This request is based on the guidelines provided by the Federal Bureau of Investigation on police staffing. The Federal Bureau of Investigation conducted an analysis and concluded that Franklin Township's Police Department should be staffed by at least 108 officers. The current staffing of officers is 99. Consequently, the Township has been adding two officers each year since 2000 to reach this staffing goal. Mr. Daly indicated that the policy question here is - does the Council wish to continue to add two officers to reach the staffing goal of 108 officers?
- Chief Novick indicated that the most pressing issue is staffing.
- The Chief indicated that the department has not grown with the Township's population. As a result, the community police officers have been put back on patrol for the Summer. The Chief indicated that he hopes the community police officers can

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return this fall. Deputy Mayor Grippo inquired if the new officers will bring back community police officers. The Chief reply that it would help towards accomplishing that goal

- The Chief indicated that the additional officers would cut down on the overtime.
- Deputy Mayor Grippo inquired of the Township Manager if the ratable from the Canal Walk and Somerset Run Developments will assist in paying for the cost of bringing the Police Department up to 108 officers. Mr. Daly responded that the new ratables would spread the tax burden out to more taxpayers.
- Mr. Mettler commented that the two new developments will be bring older residents and that will possibly mean more police calls or ambulance calls which will probably off-set any tax advantage generated by those developments.

Chief Novick cited a number of accomplishments of the Department including:

- Recognition by local media as having the highest percentage of female officers
- National recognition for the design of the police cars
- The department has double the diversity in the police department in three years
- The department has included two new police dogs to assist with search and rescue and counter terrorism. These dogs have been added through the use of forfeiture funds consequently it was no cost to the tax payers
- The Department has introduced a PEACE program (Police Enriches a Child's Education)
- The Department continues to work on the trunk radio system and CAD system
- The Department has funded the innovations using grant funds such as:
 - Integrated fingerprint system
 - Mobile Messaging Board
 - New Firearms
- Since 2000 there have been eighteen new officers hired;
 - 6 African Americans; 5 Females; 2 Hispanics; 6 Caucasians
 - 66% diversity hiring ratio; doubled the diversity in three years.
- Some statistics for 2002:
 - 74,201 Calls for service
 - 8,908 Summonses
 - 3,730 Mall Checks
 - 2,871 Community Policing Program Stops
- Huntington Life Sciences Center protests have cost over \$30,000.00 alone in overtime expenses. Mr. Daly explained that, in order to increase the cost of policing the protests, the protestors have scheduled their protests for Sunday mornings and have been at the facility on all major holidays.

Mr. Levine asked if the state or federal government provided any funds to help with the payment of overtime. Chief Novice answered that no funds have come from either although manpower was supplied by the State Police and Somerset County during the biggest protest demonstration in December.

Mr. Chivukula asked for a clarification of "overtime". Chief Novick explained that, because police personnel work "24/7" anything after an eight hour shift constitutes overtime for an officer.

Mayor Sumter asked Chief Novick if the Township was in a better position in terms of staffing using the special police officers. Chief Novick responded by indicating that the specials were a great liability to the Township and therefore not cost effective.

Mr. Chivukula noted that the legislature is looking to provide "comp time" for police officers. Chief Novick replied that Township officers do make use of comp time and

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most overtime occurs when an officer is forced to work beyond his/her shift. Most community policing projects that officers volunteer for are compensated by “comp time”.

Mr. Levin asked if revenue received from special assignments is a complete pass through with regard to the budget. Mr. Daly replied that it is but there is a small administrative cost that is charged and which is seen in the revenue. Mr. Levine also asked if we have officers solely dedicated to community police work. Chief Novick responded that the community police officers are specially trained to do community policing and assigned those responsibilities as their primary mission. Because of understaffing, Chief Novick explained that he had to pull those community police officers for regular patrol during the summer months and hopes to be able to reinstate all community police programs in the Fall.

Mr. McKenzie asked if the department would do another community meeting as was done last year. The Chief responded that he would love to do it and is attempting to put one together for the beginning of next year.

EMERGENCY MANAGEMENT

Township Manager Daly noted that Gary Howarth, Emergency Management Coordinator, working under Lt. Jeffrey Carter, has submitted a budget with no significant changes with the exception of a slight increase for Mr. Howarth.

MUNICIPAL COURT

The Court administrator appeared at the meeting, presented the previously distributed information on this department’s budget and responded to questions from Council.

- Ms. Nishimura indicated that there is no change in the operating budget from last year
- Collected revenues collected last year at about \$655,000.00
- Ms. Nishimura indicated that the court has accomplished the following:
 - Expanded Video Conferencing
 - Summon paid via the Internet
 - Credit card system operational

Mr. Mettler asked the court administrator if estimates had been prepared on the amount of overtime saving achieved because of the implementation of video conferencing. Ms. Nishimura responded indicating that she is currently working with the police department to determine the savings.

Mr. Chivukula questioned if the third court session has cleaned up the backlog. Ms. Nishimura indicated that the additional court session on Thursdays has cleared up the backlog and the Township has received praise from the assignment judge on how well the court is handling its caseload.

Public Works

The Public Works Director appeared at the meeting, presented the previously distributed information on this department’s budget and responded to questions from Council.

- Township Manager explained to Council that in an effort to follow the directive of Council concerning reductions in the budget, he has made a number of significant cuts in the Public Works Budget. These cuts are based on previous year’s spending. The reductions will have two impacts:
 - (1) Cut will not allow for the flexibility that has been built in the past budgets;
 - (2) The long-term impact will be a decrease in surplus. Since unexpended funds are rolled into surplus, the proposed cut will decrease the likelihood of unexpended funds.
- The Director of Public Works indicated that the biggest impact would be the cuts made to the mini dump. The proposed budget makes a \$47,500.00 cut based on the

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previous year's expenditures. Mr. Twiford indicated that this is the cut he is most concerned about because any increase in usage of the mini dump could result in the elimination of the three (3) winter days that the mini dump is open.

- The Director of Public Works indicated that he could management the other cuts proposed by the manager
- Recycling done by Somerset County is based on the residency count and the Township is charged accordingly. A \$40,000 cut based on prior year's spending appears in this year's budget.
- If the mini dump usage increases, there may be a problem because the budget is based on past experience.

Mr. Chivukula asked why fees for the mini-dump cannot be increased. Mr. Twiford answered that the residents, many of whom think that the fees are already too high based on the premise that they pay enough in taxes, would not use the min-dump and that would result in more "road dumping".

In answer to a question from Deputy Mayor Grippo, Mr. Twiford noted that litter clean up is paid for though a Clean Communities Grant. Mr. McKenzie questioned the possibility of community groups being used to provide clean-up services. Mr. Twiford stated that that premise has been tried in the past and has not worked but he would be willing to reach out to Pop Warner and Little League organizations.

Councilman Levine asked a number of questions concerning fees and Mr. Twiford listed all fees for use of the mini-dump.

Deputy Mayor Grippo asked the Mr. Twiford how the Township fared in the snow budget with the major snow that occurred. Mr. Twiford responded that the department stayed within budget.

WATER UTILITY

- Mr. Daly indicated that there are no increases in the water rates in this budget
- The Township Manager explained the water revenues including Water Rents, Fire Hydrant Service and Miscellaneous
- The Manager indicated that there is a small inflationary increase in salary and wages
- The Manager reviewed the debt service which includes water relining and older bonds from the 42 inch main project
- Mr. Levine inquired if there is any new debt in the water budget. Mr. Daly indicated that there is not any debt unless Council decides to fund the water expansion in the capital budget.
- The Township Manager indicated that Other Expenses is what the Township estimates is the cost of paying for water from New Brunswick and North Brunswick.
- Mr. Levine asked about the addition of a water tank and inquired as to when we would determine the need for the tank and do we have an estimate of the cost of the tank. Mr. Daly indicated that the estimated cost is in the capital budget.

Open Space Budget –

The Township Manager reviewed the open space budget with Council.

The Township Manager indicated that the major changes in the open space budget are as follows:

- In last year's budget \$143,000 was budgeted for full time salaries. This year the committee has decided not to use Department of Public Works Employees but rather reimburse Public Works for the hourly rate for the time Department of Public Works spent doing open space projects
- Consultant Services has been increase to include NJ Audubon services.
- The budget for appraisal services has been reduced to \$25,000.

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Mr. Levin inquired about the increase in the consultant services. The Township Manager responded that the increase is mostly for the contract with NJ Audubon to manage the open space properties as conservation properties.

INFORMATION TECHNOLOGY

The Network Administrator appeared at the meeting, presented the previously distributed information on this department's budget and responded to questions from Council.

Township Manager indicated that Information Technology is a small but vital part of Township operations.

The department has a fulltime staff of two with one vacant position (GIS Coordinator). The vacant position is not being filled in this budget. However, to support GIS operations some of the funds for personnel have been transferred to Consultant Services to have an outside firm support the GIS operations.

Michael Gallagher, Network Administrator, is also Chairman of the Cable TV Committee, and in answer to questions from Deputy Mayor Grippo, is hopeful of getting the "Fourth of July" tape ready for viewing soon. Mr. Gallagher noted that \$60,000.00 was the cost of wiring the Council Chambers for semi-automated taping of Council meetings.

Mr. Mettler questioned Mr. Gallagher about the channel location of the televised Council Meetings. Mr. Gallagher explained that the current line-up, which is Channel 14 for the Educational Access and Channel 25 for Government Access, is going to be changed to Channel 14 for Educational/Government Access and Channel 25 for future Government Access. When all hook-up work is completed, Council meetings will be broadcast on Channel 25 live and, since they are taped, can be showed at any subsequent time.

Mr. Gallagher explained the efforts being made to obtain grant money for cable TV and also for GIS from Grants and Securities.

Mr. Levine inquired about the time frame for cable availability. Mr. Gallagher is working toward a January 1st deadline.

Mr. Chivukula questioned Mr. Gallagher about the Tax Assessor's GIS layer for the Township map. Mr. Gallagher replied that he hopes to have a presentation ready to give to Council within the next four to six weeks to provide the status of GIS and what the Township has invested over the last eighteen months.

Mayor Sumter called for a brief recess. Council concurred.

Council resumed the meeting and all members previously presented returned

6. WATER SURVEY

The Township Manager indicated that the Council needs to finalize the survey concerning the expansion of the water system.

Deputy Mayor Grippo expressed deep concerns about sending out a survey to residents based on the response from the first water hearing. Mr. Grippo indicated that since Council had passed a resolution which stated that there will not be mandatory water connection, a survey would confuse the public. Mr. Grippo indicated that it is difficult to communicate this issue because it is personal to so many residents. Deputy Mayor Grippo further stated that the Council needs to be careful how it communicates this issue so not to encourage more misconceptions than have already occurred.

Township Manager Daly voiced his concern that the Township has not been able to communicate to the people that, if there is any expansion in the water system, either the

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people who connect to the new expansion of the system have to pay the cost or the other people on the water system pay or all tax payers pay the cost of any expansion.

Ms. Barrier expressed her concern that in order to make decision on water system expansion it is necessary to have hard data to demonstrate the residence desire to expand the water system a survey constructed in the right way could effectively collect the data.

Members of Council seriously discussed the issue of water connections and debated the pro and cons of using a survey instrument. Council concluded in terms of water system expansion, there are two distinct issues; the Franklin Park problem, which may require system expansion because of contamination in wells, and the Easton Farms issue where some residents want to make water system connections. Council concluded that Franklin Park is a serious issue and the people who created the contamination should pay for any expansion of the water system there. Further, the Township will take an active role in monitoring the situation to ensure both the suspected source of the contamination and the NJ Department of Environmental Protection rectifies the situation. On the second issue, Eastern Farms where a number of residents requested the expansion, Council indicated that the sentiment of the people is clear from the public hearings and e-mails and regular letters to the Council.

Motion was made by Deputy Mayor Grippo to not send out a water connection survey. The motion was seconded by Mr. Chivukula. The motion was approved by unanimous acclamation.

7. PROPOSED ORDINANCE TO PROHIBIT AWARDED PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

Mr. Levin asked Council to consider an ordinance commonly know as “pay to play” ordinance. The ordinance would regulate contributions from any company or individual that has or expects to receive a professional service contract with the Township of Franklin. Mr. Levine indicated that he believed that the ordinance would place more integrity in the government. Mr. Levin indicated the Township’s like Montgomery have adopted this ordinance. Mr. Levine requested that the ordinance be placed on the agenda for August 12, 2003.

Members of Council made a number of inquiries to Mr. Levin on the subject of his proposal.

The Township Attorney indicated that one of the issues of this ordinance is whether a municipality has the ability to regulate campaign contributions made to other entities, such as County political parties. In addition, there are some constitutional equal protection and first amendment concerns.

Deputy Mayor Grippo stated that he wanted additional information regarding what other towns have passed this ordinance, indicated that there are a number of questions on this ordinance and asked the Township Attorney to do some research on the ordinance so we can look at this and come back to it at the September 2, 2003 Work Session.

Council concluded that the Township Attorney should provide a report at the September 2, 2003 Work Session. The ordinance will be placed on the Work Session for September 2, 2003.

Upon a motion made by Deputy Mayor Grippo and seconded Mr. McKenzie and unanimously agreed, the Work Session was adjourned at 10:45 P.M.

Respectfully submitted,

Marc D. Dashfield
Acting Township Clerk