

The Special Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, was called to order by the Mayor at 7:08 p.m.

Mayor Levine read the following statement: “In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Special Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers, indicating that this Special Meeting would take place at the Franklin Township Municipal Complex at 7:00 p.m. on June 25, 2009. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.”

Everyone present participated in the Pledge of Allegiance.

The Township Clerk called the roll.

Present: Deputy Mayor Glicklich, Mayor Levine, Mr. Mettler, Mr. Prasad, Mr. Sumter

Absent: Ms. Danile, Ms. Eberle, Ms. Francois, Mr. Vassanella

Also present: Leslie G. London, Township Attorney, Kenneth W. Daly, Township Manager, Ann Marie McCarthy, Township Clerk

PUBLIC DISCUSSION

Mr. Prasad moved to open the meeting for public discussion. Said motion was seconded by Deputy Mayor Glicklich and carried unanimously upon voice vote.

Mayor Levine stated that the meeting was open for public discussion on any item of interest which did not have a public hearing of its own. Anyone interested in speaking should raise their hand and when recognized, give their name and address. The public should limit their time to 2 minutes per speaker.

There being no comments from the public, Mr. Mettler moved to close the meeting for public discussion. Said motion was seconded by Mr. Prasad and carried unanimously upon voice vote.

EXECUTIVE SESSION

Mayor Levine presented the following resolution:

WHEREAS, Section 8 of the Open Public Meetings Act, (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, the Township Council of the Township of Franklin is of the opinion that such circumstances do exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, as follows:

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
- 2 The general nature of the subject matter to be discussed is as follows:

Personnel: Tax Assessor Interviews

- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.

- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The aforesaid resolution was moved by Deputy Mayor Glicklich, seconded by Mr. Prasad and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ABSENT</u>
Glicklich	Levine			Danile	Eberle
Mettler	Prasad			Francois	Vassanella
Sumter					

The meeting adjourned into Executive Session at 7:10 p.m.

Upon motion by Mr. Prasad and seconded by Mr. Mettler, the meeting reconvened at 8:25 p.m. Said motion carried unanimously upon voice vote.

Mayor Levine announced that the Township Council discussed the following: Personnel: Tax Assessor Interviews. The minutes of these discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

HEALTH DEPARTMENT PROPOSAL

Phillip Kramer, M.D., Chairman of the Advisory Board of Health, presented the following:

Introduction

This report is produced by the Advisory Board of Health (ABOH). Prompted by the retirement of the current Health Officer, Franklin Township finds it advantageous to review the structure of its Health Department. The primary motivation is to decide if there is an opportunity to save money with minimal effect on public safety and services. The Township advertised its consideration to restructure and has received three proposals all of which save varying amounts of money. In brief the proposals are:

1. Become part of the Somerset County Health Department.
2. Form a Regional Health Commission sharing services between the Franklin and Montgomery.
3. Keep the Health Department in house but reduce personnel.

The ABOH has investigated the proposals and is discharging its responsibility by submitting this advisory report to the Council/Board of Health.

Criteria

In reviewing the proposals the ABOH interviewed representatives of each. The following criteria were used to judge their suitability for the township:

1. Maintain a high level of service to the public.
2. Over the short term, create a departmental structure that cuts costs as compared to the previous structure.
3. Over the intermediate and long term, position the township to negotiate from a position of strength and flexibility with other municipalities, if and when more advanced cost saving arrangements are desired.
4. Maintain maximum control over local health department assets in order to prepare for a probable heightened demand for department services due to the H1N1 (swine flu) pandemic.

Proposals

The following review and recommendation present the most salient aspects of the different proposals and represents the consensus of the members of the ABOH. For details of the proposals, especially financial details, council members should refer to documents provided by spokespersons of the proposals:

The County Proposal

- This proposal commits the township to dissolving its own health department and contracting services with the Somerset County Health Department. Existing Franklin Township Health Department employees would become county employees. The township pays for the cost of these employees and for other services.
- The county health officer would be shared with the county and several other municipalities. The county health officer estimates “20%” of his time would be spent serving Franklin.
- Initially, attempts will be made to keep the same township health department employees working in Franklin, even though they would now be county employees. Over the short term, this may retain a pool of employees familiar with the township working in the township. However, over the intermediate and long term, the same level of familiarity and experience is not guaranteed due to the inevitable retirement and transfer of staff that once worked for the township. References to “cross-training” by the county indicate an eventual movement of county employees in and out of the township. Ultimately, the county has the power to assign particular employees to the township.
- Employees must pick up county vehicles in Somerville and travel back to Franklin to work, then travel back to Somerville at the end of the day to return the vehicles. Collectively amongst the staff, this would result in an estimated loss of as much as 25 hours of work per week. (Five employees, ½ hour travel time between Somerville and Franklin, twice a day, five days a week.) This is the equivalent of the loss of one part-time employee.
- This would double the number of personnel in the County Department of Health prompting the question of their ability to grow.
- The County would control future personnel negotiations but we would have to pay.
- Franklin citizens would have to travel to Somerville to interact with the Department of Health.
- We would only have access to the Health Officer for a limited number of hours. If he attends health advisory board meeting that would count against those hours.
- It is more difficult for the Township Manager to direct the Health Officer. In short we would lose an element of home rule.
- The ABOH considers this option virtually irreversible. If after two years we decided to pull out of the county system we would have to start up from scratch.
- Estimated cost to the township for this proposal is \$574,113 per year.

The Montgomery Proposal

- This proposal requires Franklin and Montgomery to form a Regional Health Commission for at least two years.

- Franklin, with a population of nearly 60,000, and Montgomery, with a population of 24,000, would both have an equal number of voting members on the commission. Both township councils from the two municipalities would have to agree on the budget for the combined health department.
- Montgomery and Franklin would share the cost and services of a health officer, who is at the present time a Montgomery employee.
- The terms of the agreement appeared to greatly favor Montgomery financially. These would have to be renegotiated. For instance they appear to want an additional nurse. Franklin does not have a great need for one but Montgomery seems to be asking Franklin to pay the bulk of the expense. They also need a Health educator but do not seem interested in reimbursing us significantly for ours.
- Estimated cost to the township for this proposal is \$637,258. This cost would jump dramatically in the following year to \$681,262 after hiring an additional nurse.

The In House Proposals A, B, and C

All of the In-House proposals would keep the Franklin Health Department under the control of the township, retain present employees, and would provide essentially all of the same services it does now. Also, they would all maintain health officer and department head functions within the township. Cost savings would vary. Proposals A and B are proposed by Michele Samarya-Timm, Franklin Township Health Educator. Proposal C originates from the township manager's office.

- Proposal A or "Option One" would promote the health educator to health officer. The health educator position would be filled with an entry-level employee. According to Samarya-Timm, this option could save up to 5% of the department's budget. Total cost as provided by the township manager would be \$659,064.
- Proposal B or "Option Two" would combine the positions of health officer and health educator. Samarya-Timm states this would represent a slight reduction in health education services, but could potentially save up to 12% of the department's current budget. Total cost would was not calculated but would be between the two other costs.
- Proposal C would change the current arrangement of having one person performing the functions of both the township health officer and head of the health department. The proposal would have one person acting as department head and one person as health officer/health educator. Total cost as provided by the township manager would be \$594,591.

Cost Summary

	Cost	Savings
<i>Current</i>	<i>\$677K</i>	<i>0</i>
Franklin A	\$659K	\$18K
Montgomery	\$637K+	\$40K-
Franklin C	\$595K	\$82K
County	\$574K	\$103K

Recommendation

The county proposal does not meet the criteria and presents a significant problem to the township. By dissolving the township's own health department, the county proposal sets a course for the township that would be virtually impossible to reverse. Should Franklin be unhappy with the contract with the county, it would be hard-pressed to build

from scratch another township health department. The ABOH believes the cost savings, which is comparable to the Franklin C proposal, would not justify such a radical and risky course. The quality of services over the long term would be a virtual unknown due to transfers and retirements. And it is uncertain how the county would manage Franklin-assigned, but not Franklin controlled, resources during a major health crisis.

The Montgomery proposal also does not meet the criteria. It presents Franklin with a commission structure that is arguably unfair to Franklin, given the size of its population compared to that of Montgomery. It would not be hard to imagine the department's budget becoming a political football between the two towns. While the idea of shared services as great merit, the unremarkable cost savings of this proposal do not outweigh the unfairness inherent in the commission structure. Franklin would also be lacking its own health officer, and forever be at the disadvantage in negotiations with a town that already has one. Given the unfairness of the commission structure, it would be difficult to see how in a widespread health crisis like a pandemic, the commission could efficiently manage to safeguard the health of populations from two, radically different municipalities.

All of the In-House proposals meet the criteria, while presenting the township with varying amounts of cost savings and options regarding structure. It is the opinion of this board that these proposals are better than either the County or Montgomery proposals. However, we recognize that the township's Faulkner form of government leaves the details of that structure to the Township Manager and we are reluctant to advise council beyond those parameters.

To varying degrees, all the In-House proposals maintain the existing standard of service to the public, provide cost savings, and offer maximum control over township health department assets. Also, they all retain the position of health officer within the township. The state mandates that every municipality employ the services of a health officer. By maintaining the position within the township, we would have the option of entering into a shared services arrangement with another municipality that needs a health officer. In that case, we could save money, while having a health officer based in the township.

We must also recognize that our health department has already begun responding to the rapidly widening H1N1 pandemic. While there is significant work to be done our health department has already forged a working relationship with the school district and other entities and begun building a Health Care Coalition to meet the crisis. Regarding the county and Montgomery proposals, it is unclear how effectively and quickly new relationships could be built between Franklin-based entities in need of services, managerial assets based outside the township, and township-based employees. Radically changing and complicating the department's structure now, while engaged in the most widespread health crisis in some 30 years, could adversely affect the delivery of critical health service to the public.

In conclusion, we recognize that all good municipal government is a balancing act between services and costs. Shared services and consolidation arrangement have their place, but should be judged with that balance in mind. In this case, the Advisory Board of Health firmly and unanimously believes that the tilts heavily in favor of In-House proposals.

Mark Greico, Advisory Board of Health member, expressed concerns over moving government health services further away from the township. Keeping these services local will provide the township with leverage over these services. He also expressed concern over forcing Franklin Township residents to go to Somerville to deal with their health concerns. Franklin Township residents would require reliable transportation to have their health needs met. This may prove difficult for some of Franklin Township's residents.

There was a brief question and answer period by Council regarding the aforementioned presentation. Mr. Mettler expressed his concerns with moving the Health Department to the County and questioned what would become of the department's property maintenance code responsibilities. Patti Elliot, Health Department, explained some of the Health Department's additional responsibilities as they specifically pertain to Franklin Township.

Deputy Mayor Glicklich expressed his support for the County proposal and stated that the County has additional resources that could be utilized for Franklin Township's benefit. He also stated that the Township could hire more health personnel on its own should the Township need them. Deputy Mayor Glicklich was not concerned with travel time as several Township employees do not live in Franklin Township. He also stated that the Health Department would be required to contact the County in the event of a pandemic regardless if the Township's health personnel remained with the Township. There would be no way for the Township's Health Department to handle a pandemic on its own. He pointed out that North Plainfield, a municipality with a smaller population but a higher population density, has had great success transferring their Health Department responsibilities to the County.

Mr. Mettler disagreed with Deputy Mayor Glicklich and explained that Health Department responsibilities would be transferred to other departments. The Registrar and Deputy Registrar of Vital Statistics would be moved to the Township Clerk's office and would have to be paid for there. Much of the Health Department's property maintenance responsibilities would be transferred to the Community Development office. Mr. Mettler pointed out that North Plainfield may have a higher population density but it is still a significantly smaller municipality in both population and geographical size. He stated that he shared Mr. Greico's concerns on the public's ability to get to Somerville. Mr. Mettler recommended proceeding with the recommendations of the Advisory Board of Health. If the option does not work out to the Township's satisfaction, the move to the County could be made the following year. Mr. Mettler expressed his desire to maintain flexibility in the Township's decisions, citing the continued increase in the Township's size. Mr. Mettler expressed his support for Franklin Township, Option C.

Mr. Prasad expressed his support of the County option, citing the difficult economic times and the opportunity to try something new and possibly better than the Township currently had. The savings of \$100,000 would reduce the burden on the taxpayers of Franklin Township and possibly save jobs within the Township.

Mayor Levine stated that he would be against giving up a Franklin Township planner as an in-house planner has knowledge that specifically applies to Franklin Township. Health Departments are more universal and it makes little difference if they are serving Franklin Township or another municipality. He expressed his support of the County option, particularly in light of the cost savings to Franklin Township.

Mr. Sumter questioned if the Council would rather help the people of Franklin Township or save money.

Dr. Kramer acknowledged that the Advisory Board of Health is only an advisory board and that the Township Council is the Franklin Township Board of Health. He stated that travel time is not an issue when it comes to employees getting to work. The travel time would become an issue once the employees had already begun their work day in Somerville. He stated that the Franklin Township Health Department's ability to deal with the H1N1 pandemic is not a matter of their response once the pandemic has struck the area, but a matter of their preparation before such an event occurs. He pointed out that the savings in question is not \$103,000. If the Township were to take the In-House Option C, the Township would save \$82,000. The difference is \$21,000. He questioned if the loss of control over Franklin Township's Health Department personnel and resources was worth \$21,000.

Mr. Greico stated that the Township would not create more resources for itself by going to the County. It would merely surrender control of its resources to the County. In the event of a pandemic, it was uncertain how much access Franklin Township would have to the County resources. He stated that a pandemic event would be when the Township wanted the most control of its resources. He reiterated that the decision of taking the County option is almost irreversible and, while the decision may seem a good one at this point in time, it would have to be measured on a long-term scale.

Deputy Mayor Glicklich reiterated that the Township Council is the Franklin Township Board of Health and that the County would be receiving direction from them. The decision to move the Health Department would have no affect on the Board of Health or the Advisory Board of Health. Moving to the County would grant Franklin Township access to the County's resources as well as maintain the resources it already had with a Township department.

Mr. Prasad requested input from the Township Manager at this time.

Mr. Daly stated that County representatives assured him that any duties currently performed by the Health Department would continue to be performed should the Township decide to go with the County option. He questioned why the Advisory Board of Health kept reiterating that moving to the County is an irreversible decision.

Ms. Elliot explained that the County proposal is a contract that extends for three years. If, at the end of three years, the Township wished to create its own Health Department again, it would have to begin entirely anew. The Township would have to hire a new Health Officer and new Health Inspectors. Employees that were previously moved to the County would remain County employees and would likely have their positions eliminated. If the Township offered to hire these employees, the Township may not regain the employees it had lost or the experience these employees had accumulated. The Township cannot assume that laid-off employees would return to work for the Township, nor can the Township assume that, due to seniority among the County employees, that the Township would gain the same level of experience it had lost.

Mr. Daly stated that a similar decision would be placed before the Council regarding 911 Dispatchers later in the year. If the Council chose to send the Township's 911 dispatching services to the County the Township could expect to see a significant savings of nearly \$1 million. Mr. Daly questioned if the Council wanted to move the Health Department to the County for a savings between \$20,000 and \$70,000. There would be a significant cost in attempting to rebuild the Health Department should the Council wish to reverse its decision.

Mr. Daly questioned if the Council wanted to postpone a decision on moving the Health Department to the County for another year. He stated that the Township had been making a great many decisions lately based solely on money. A number of people were given lay-off notices the previous month based purely on the basis of money. Mr. Daly stated that he did not want to cut these positions. He pointed out that if it weren't for money, the Council would not be having the current meeting.

Mr. Daly stated that he was originally for the County option but, upon hearing the difficulties the Township would face should they need to backtrack on the decision, he was more cautious in approaching that option. He stated that in recent weeks, the County's responsiveness in regards to the H1N1 pandemic has been less than desirable. Mr. Daly stated that if it were left to him, he would let this decision wait for a year because the Township could always go back and revisit this decision in a year. The Township is not at the point where they have to make the cut. Mr. Daly stated that this is the Council's decision and he would respect that. Many difficult decisions had to be made this past year based solely on money. Mr. Daly pointed out the Convenience Center as an example and explained that the public had been complaining over the changes made there. Cost cutting decisions will result in a loss of services.

Mr. Prasad stated that the Council must make these kinds of difficult decisions. If the Council can save a few jobs by the means of shared services, then that is what the Council must do. Change is difficult but the Township must change and downsize on services in order to keep the Township functioning. The Township Council represents the tax-payers' interests. The Council must balance the services the Township provides with the economics necessary to provide those services. He expressed his support for trying something new and different that would hopefully make the Township more productive and efficient while still saving the Township some money. If it does not work out, the Township can always rebuild the Health

Department. Making a fresh start is not as bad as it sounds. New talent could improve the operations of the Health Department.

Deputy Mayor Glicklich motioned to adopt the County as Franklin Township's Health Department. Said motion was seconded by Mr. Prasad and was carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>ABSENT</u>
Glicklich	Levine	Mettler		Danile	Eberle
Prasad		Sumter		Francois	Vassanella

Mr. Daly explained that an interlocal agreement would have to be drawn up with the County and that agreement would have to come back to the Council for a vote.

ADJOURNMENT

Upon a motion made by Mr. Prasad, seconded by Mr. Sumter and unanimously approved, meeting was adjourned at 9:18 p.m.

Approved: *As Submitted.*

Brian D. Levine, Mayor

Date: *August 11, 2009*

Ann Marie McCarthy, Township Clerk