

INTRODUCTION

Charter Study Commissions are established by vote of the community's citizens to study its present form of government and recommend changes if warranted. In November, 1998, the Franklin Township voters established a Charter Study Commission to determine if the municipal government under a changed form of government could be made more responsive to the Township's needs.

The Commission, composed of five elected residents, operated in accordance with the Faulkner Act which clearly defines its duties and powers. The Optional Municipal Charter Law of 1950, commonly known as the Faulkner Act, is the result of a lengthy study by the State of New Jersey Commission on Municipal Government and offers three optional governing plans which apply to Franklin Township: Mayor-Council, Council-Manager, and Mayor-Council-Administrator. Currently, 124 communities in New Jersey have chosen one of these plans.

Franklin Township, since 1958, operates under the Council-Manager Plan D, with four at-large and five ward councilpersons. Partisan elections are held at the November General Election in odd numbered years, with either the ward or the at-large positions elected every other year. The Mayor is selected by the Township Council from among its members for a one-year term and is largely a ceremonial position. The Manager is the day-to-day executive officer of the Township and carries out the policies established by the Council. The Charter Study Commission was to determine whether, in its judgement, the Township was well served with the present form of government or if another form would better serve the needs of the Township.

Two prior Charter Study Commission studies were conducted. The 1958 Charter Study Commission recommended that the then Committee form of government, dating back to the Town Act of 1798, be changed to Council-Manager Plan D under the Faulkner Act to provide a more efficient form of government for our community.

In 1968, a Charter Study Commission reviewed the existing Council-Manager form of government and concluded that "...it does not appear that any change in the form of government would make the government of Franklin Township more clearly responsible or accountable to the people, or significantly more economical or efficient or stronger in any way..."

The Charter Study Commission activities occurred in three phases. The first phase concerned itself with interviews and information regarding the present form of government, including public forums. The second phase looked at alternative forms of government. Phase three evaluated the information gathered and prepared this report for the community.

The 1998 Charter Study Commission held its first meeting on November 16, 1998 and elected a chair and a vice-chair. Mindful of the work of the two previous Charter Study Commissions, the new Commission began its study of the current form of government in the municipality, to compare it with other forms available under the state statute, and to determine if the municipal government could be strengthened, made more responsible or accountable to the people, or if its operation could be more economical or efficient under a changed form of government. The Commission held extensive interviews with past and present Township officials, department heads and representatives from other communities with varying types of government. All meetings were held in accordance with the Open Public Meetings Act and community participation was actively encouraged.

On April 14, 1999, a public forum devoted to receiving public comment was held at the Community/Senior Center. A second informal presentation was held at the Franklin Township Senior Citizens Club meeting on June 15, 1999. The input from these two meetings offered valuable insight and was extremely helpful to the Commission.

The 1998 Charter Commission wishes to recognize the invaluable assistance in its work provided by Jean Pellicane, Township Clerk; Dr. Ernest Reock of Rutgers University, Center for Local Government Services; and John Belardo, Charter Study Commission Attorney.

The 1998 Charter Study Commission was committed to recommend the most effective form of government to fulfil the present and future promises of Franklin Township.

THE ENVIRONMENT IN FRANKLIN TOWNSHIP

THE GEOGRAPHY AND DEMOGRAPHICS OF FRANKLIN TOWNSHIP:

Franklin Township was incorporated in 1798. It is 46 square miles bounded on the north, west and south by the Raritan and Millstone Rivers and on the east by State Highway 27. Franklin Township's population increased from 17,808 in 1958 to 27,504 in 1966 and to 42,780 in 1990. It is estimated that the population will be over 50,000 in the year 2000. As part of this population increase, the ethnic and economic diversity of the Township's residents has broadened exponentially.

For some time, Franklin Township has also contained significant geographic diversity, including business districts, state highways (State Route 27 and Interstate 287, with easy access to State Route 1, the New Jersey Turnpike and the Garden State Parkway), suburban neighborhoods, upscale residential developments, farms, small village communities and industrial parks within its borders. The Township needs to remain sensitive to the existence of this demographic and geographic diversity, and the benefits to be derived therefrom, to continue to ensure the best possible quality of life for all Township residents.

The Township's rapid population growth has had, and will continue to have, an impact with respect to the preservation of open space in the Township-. This growth has led to the construction of several new housing developments and commercial/industrial complexes, with a resultant loss of existing farmland and open space. With this growth, the school system needs to be expanded and the construction of a new high school seems likely. Additionally, the impact of this population growth and new construction, as well as the significant increase in vehicular traffic resulting therefrom, upon the Township's infrastructure (water and sewerage facilitates, road conditions and capacity, solid waste disposal, etc.) needs to be considered and addressed. Franklin Township needs to retain control of its residential and business growth so as to allow same to proceed in a rational and orderly manner while minimizing the negative impact upon the quality of life. Public/private sector initiatives like the Renaissance 2000 project along Route 27 will play a major role in determining the success of Franklin Township's future growth and development.

Franklin Township encompasses many distinct villages: Blackwells Mills, East Millstone, Franklin Park, Griggstown, Kingston, Middlebush, Somerset and Zarephath. The need to keep its history alive through the support of private sector local organizations like the Meadows Foundation, Griggstown Historical Society, Kingston Historical Society and the Raritan-Millstone Heritage Alliance is very important. As the Township turns its eyes towards its future evolution into the next millennium, it must seek to incorporate and preserve its rich and valuable heritage for generations to come.

THE LOCAL GOVERNMENT ENVIRONMENT IN FRANKLIN TOWNSHIP

Franklin Township's legislative body is its Township Council composed of nine members. The Township has staggered partisan elections for Council members at the General November Election every two years (in odd-numbered years). This assures a certain degree of continuity on the Council with respect to its ongoing business as opposed to a complete turnover of the Council members. Township residents vote for five ward and four at-large council members. The Council appoints the Mayor, which is primarily a ceremonial position, from among its nine members. The Mayor presides over Council for a term of one year. The Mayor has one vote, as does each Council member. The Council also appoints various municipal boards, commissions and attorneys, e.g. Planning Board members; Board of Adjustment members, Rent Leveling Board members and Attorney; Township Attorney, Municipal Court Judge(s).

The Council hires a Township Manager whose function is similar to that of the chief executive officer of a corporation. The Manager coordinates the work of all various municipal departments (e.g. Tax Collector, Tax Assessor, Health, Engineering, etc.) through the respective Department Heads. The Township Manager reports to the Council and serves at the Council's pleasure, pursuant to a written contract of employment. Department Heads hire employees for their departments, with the approval of the Township Manager.

FACTS ABOUT THE EXISTING TOWNSHIP AND ITS ADMINISTRATION

	<i>1958</i>	<i>1966</i>	<i>1999</i>
Estimated Population	17,808	27,504	50,000
Dwelling Units	4,063	6,414	23,000
Municipal Expenditures	\$512,825.00	\$1,213,093.00	\$29,561,833.02
School Expenditures	\$1,305,083.04	\$3,753,794.82	\$50,731,422.00
Estimated Per Capita Tax Levy	\$93.61	\$160.12	\$1,605.86
Registered Voters	Figure Not Available	12,400	20,700

BOARDS, COMMITTEES, & COMMISSIONS

Planning Board	Board of Adjustment	Rent Leveling Board
Environmental Commission	Library Board	Human Relations Commission
Municipal Ethics Board	Emergency Life	Fire Prevention Board
Shade Tree Commission	Support Committee	Open Space Advisory Committee
Economic Development Committee		Advisory Board of Health
Advisory Recreation Council		Senior Citizen Advisory Committee
Historic Preservation Commission		Youth Service Commission/Alliance
Clean Communities Committee		Cable Television Advisory Committee

AUTHORITIES & DISTRICTS

Sewerage Authority	Fire Districts No. 1, 2, 3, 4	Housing Authority
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****FRANKLIN TOWNSHIP MUNICIPAL GOVERNMENT
ORGANIZATION CHART
1998***

*Excerpt from Franklin Township, Somerset County, NJ: A History, William B. Brahms, 1998

DETAILS OF THE MEETING PROCESS AS ESTABLISHED BY THE CHARTER STUDY COMMISSION

On November 16, 1998, a meeting was called to establish agendas for future meetings and take whatever action the Commission desired to bring this study to a successful conclusion.

All the Commissioners took their oath of office, administered by Jean Pellicane, Township Clerk.

Robert Zaborowski was elected chair and Linda Puskas was elected vice-chair of the Charter Study Commission.

The Commission noted a desire to utilize the services of then Township Attorney John Belardo. Mr. Belardo ultimately did accept and has acted as the official attorney for the Charter Study Commission.

Jean Pellicane, Township Clerk, accepted the Charter Study Commission's request that she be the official secretary.

The Charter Study Commission established their regular meeting schedule which was the 1st and 3rd Monday of each month at 7:30 p.m. in the Municipal Building at 475 DeMott Lane in Somerset, NJ. Additional meetings, public forums, etc would be scheduled as the Commission worked toward a successful conclusion.

Rules of conduct were discussed and action was deferred until such time as there was a need for them.

This first meeting detailed the meeting process for all future meetings. The Charter Study Commission members were given the following literature to review and to acquaint themselves with regarding the way this study should be conducted:

1. The Faulkner Act – NJ Optional Municipal Charter Law
2. Letter from Ernest C. Reock, Jr., Professor Emeritus of Rutgers University
3. Excerpts from Municipal Clerks Association of New Jersey Desk Reference – Charter Study Commission duties, report, options, election/installation of new municipal government and timetable.

Jean Pellicane was requested to contact Dr. Reock for information on what services can be provided by Rutgers University at no charge to the municipality.

On November 20, 1998, Dr. Reock submitted the attached “Potential Charter Commission Consultant Activities”:

POTENTIAL CHARTER COMMISSION CONSULTANT ACTIVITIES

<u>Planning Phase</u>	<u>Assistance</u>
1. Help plan the work schedule of the Commission	*
2. Help prepare budget request	*
<u>Phase 1 - Study of Present Form of Government</u>	
3. Help develop list of interviewees	
4. Help develop interview questions	
5. Conduct interviews	
6. Research other studies of present form; for example, audits	
7. Help design meeting and public hearing formats at public meetings	
8. Provide factual description of present form at public meetings or hearing	*
9. Prepare preliminary report on present form	
<u>Phase 2 - Study of Alternative Forms of Government</u>	
10. Review with Commission the alternatives available	*
11. Identify other Communities and individuals who might be interviewed	*
12. Help develop interview questions	
13. Conduct interviews	
14. Help design meeting and public hearing formats and questions	
15. Provide factual description of alternative forms at public meetings or hearings	*
16. Prepare research on specific aspects of other forms	
<u>Phase 3 - Decision</u>	
17. Help Commission weigh alternatives and reach decision	
<u>Report Phase</u>	
18. Write Special Charter if this is recommended	
19. Write Commission report (Charter Study Commission should write report)	
20. Review drafts of Commission report for accuracy	*
21. Supervise printing of report	
22. Supervise distribution of report	
23. Supervise publicity for report	
<u>Throughout</u>	
24. Suggest background reading materials	*
25. Provide factual information on request	*
26. Provide legal advice	

On December 7, 1998, Dr. Reock and associates attended the Charter Study Commission meeting and provided the following suggested worksheets:

1. Grid indicating the forms of Government and the total number of municipalities using that form of government (Exhibit A)
2. Timetable for Charter Study Commission duties (Exhibit B)

As part of the meeting process, it was detailed by Dr. Reock that the following five conclusions were what the Charter Study Commission should establish at the end of their study:

1. Recommend no change in the form of government
2. Recommend no change in the form of government but methods of improving performance in the form of advisory recommendations to the governing body
3. Recommend no change in the form of government but changes in the structure such as
 - a. Non-partisan rather than partisan elections
 - b. Changes in the size of the governing body
 - c. Changes in the at large/ward councilperson mix

Such recommendations would be placed on the ballot for the next general election

4. Recommend a change in the form of government which would be placed on the ballot for the next general election
5. Recommend that a Special Charter for the municipality be adopted. Such recommendations would be forwarded by the governing body to the State Legislature and would require a 2/3rds vote of the Legislature to adopt

The following phases were set up as a guide for the rest of the Study:

Planning Phase - November 5 to December 15 –
Plan schedule of work,
Consider use of consultants
Prepare budget requests

Study Phase 1/Present form of government - December 15 to March 1 –
Interview present and past public officials, civic leaders and media representatives,
Review reports on present government,
Hold public hearing on present form of government,
Draw tentative conclusions about present form of government

Study Phase 2/Alternative Forms of Government - March 1 to May 1 –
Review statutory provisions of other forms,
Interview persons having experience with other forms,
Hold public meetings to inform voters on other forms of government which are available,
Hold public hearings to gather opinions on other forms of government

Study Phase 3/Decision – May 1 to June 1
Discuss advantages and disadvantages of each alternative form of government in relation to present form,
Discuss final conclusions and make decision

Preparation of Charter Commission Report – June 1 to July 15
Assign responsibility for drafting report,
Review and approval final draft,
Plan printing of report,
Make filing and distribution plans,
File official copies with Municipal Clerk

Dr. Reock noted that Rutgers would not prepare the Commission's Report but will review the report for accuracy. Jean Pellicane will obtain copies of the Report produced by the South Brunswick Charter Study Commission.

Activities after Filing Report – July 15 to November 1
Distribute copies of report,
Publicize findings

On December 21, 1998, the Charter Study Commission reviewed the South Brunswick Charter Study Commission Report. The Commission also determined who would be interviewed among Township Department Heads and set up a schedule for these interviews. The Commission reviewed and finalized questions for these interviews, and a budget was prepared to be presented to the Township Council for their approval:

The Charter Study Commission respectfully requests the Township Council to provide the following appropriations for use by the Commission in fulfilling their statutory duties:

Consultant Services

Funds for hiring an outside consultant should the need arise

Attorney Fees

Meeting Attendance

Research, Correspondence
& Other Services

Report costs for Printing, envelopes, postage, and mailing services. The Commission determined not to propose the mailing of reports to all households because of the cost but to have 5,000 copies prepared for mailing to residents upon request. Availability of the report will be advertised in Township Newsletter and through press releases, etc.

Printing
Postage
Envelopes

Secretarial Costs

These costs will not be required since the Township Clerk has volunteered her services at no cost

Advertising

The Commission determined to utilize advertising methods which are free or minimal in cost for the first public hearing. Funds for the placement of display ads in the Spectator, Home News Tribune, Courier News and Princeton Packet for future meetings will be requested should such methods not prove satisfactory

Miscellaneous

Funds for Commission Stationery, postage for correspondence, travel expenses will be included

Department Head and present Council interviews were scheduled from January 4, 1999 to March 15, 1999. The following are questions which were asked of these interviewees:

1. Their duties and responsibilities
2. Opinions on the efficiency of the Township administration

3. Efficiency of the existing form of government
4. Opinions and conceptions on permitted variations in the existing form of government
5. Opinions and conceptions on other forms of government of which they have knowledge

On March 15, 1999, a roundtable discussion was set up for as many former council members as possible to discuss our present form of government and other forms that are available:

- | | |
|------------------------|--|
| March 15 th | Conclusion of interviews with current and former Council-members. |
| April 6 th | Determination of method, rules, etc. for the forthcoming public forum.

Deliberation of Commission members notes on Phase I of the Study – Existing form of government |
| April 14 th | Public Forum – 7:30 p.m., Community/Senior Center |
| April 20 th | Interview officials of municipalities with other forms of government. Those officials to be invited to a roundtable discussion of their form of government will be: James T. Dowden, Mayor, Township of Bridgewater; Paul J. Matacera, Mayor, Township of North Brunswick; Debra Johnson, Mayor, Township of South Brunswick. Members of the Commission will consider additional officials for the roundtable discussion and present same at the March 15 th meeting so that invitations can be issued. |

After deliberation of notes on Phase I Study, the following was ascertained:

1. With two or three exceptions, all persons interviewed preferred continuation of the existing form of government, noting as reasons for their preference:
 - A. Buffering of staff from political pressure;
 - B. Employees hired on the basis of their professionalism, knowledge, experience and abilities rather than political patronage;

2. Opinions varied on the options and the term of appointment under the various options for:
 - A. Elected, ceremonial Mayor
 - B. Appointed ceremonial Mayor
 - C. Elected strong Mayor
3. Most persons interviewed preferred continuation of a nine-member Governing Body noting the importance and purposes of both ward and at large councilmembers.
4. Most persons interviewed preferred continuation of staggered terms of office for the Council rather than having ward and at-large members elected the same year.

The Commission members discussed the concerns expressed by staff and current officials in areas requiring improvement within our existing governmental structure for potential recommendations to the Township Council as part of the Commission's Report:

1. Need for additional staff positions to handle:
 - A. Economic Development activities;
 - B. Grants Coordination;
 - C. Ombudsman
2. Need for staff ability to access the members of the Governing Body when the need exists and when the staff member is not satisfied with standard access through the Township Manager and within the legal parameters of the Faulkner Act.
3. Need for Governing Body access to employees when the need exists.
4. Safeguards to insure that the Governing Body maintains control of the actions of the Township Manager and the municipality despite political or personal differences.
5. Need for definitive goals, objectives and philosophy in terms of development as defined in a strong Master Plan to encourage economic development and control residential development.

The April 5, 1999 Agenda focused on alternate dates for community leaders/non-Faulkner forms of government and the forthcoming public forum on April 14th to determine methods, rules, etc.

On April 14, 1999, the Charter Study Commission's public forum was held at 7:30 p.m. Robert Zaborowski chaired the meeting and introduced the Commissioners, explained the purpose of the hearing, explained the current form of government and variations available. The meeting was then opened to the public for discussion. Four people spoke for a change in government; seven people spoke for retaining the existing form of government.

May, 1999 was primarily set for interviews with municipal officials of surrounding municipalities for input on their forms of government. On May 20th, a determination of desire and need for Phase II public form was discussed:

The Commission members noted that public comments received at the Phase I public forum were not limited to the existing form of government as intended but covered recommendations for other forms of government. A second public forum would probably just be a repeat of the first public forum. Attorney Belardo will be requested to research if a second Public Forum is mandatory. If not required, the Commission will forego a second public forum.

One informal meeting was held on June 15, 1999 to allow senior citizens to have an opportunity to discuss the Charter Study Commission purpose and to further explain the tasks of the Commission. Robert Mettler proctored this meeting in place of the chairman and vice chairman who were not available. The members of the Franklin Township Senior Citizens Club asked that information on the various forms of government which can be selected be made available to them in written form for review and comment at their leisure. The Charter Study Commission will provide this information. (Exhibit C)

On June 16, 1999, the Charter Study Commission met and had a discussion and decided to vote unanimously to maintain the present form of government with certain advisory recommendations to be added for consideration. Also at this meeting, the following meeting was set up to finalize the Commission findings and bring the Charter Study Commission to a successful conclusion:

Submission of drafts by July 7, 1999 for preparation of the draft document;

Draft will be forwarded to members when complete.

Final Report will be prepared in house and signed by the members prior to the August 3, 1999 deadline for submission to the Township Clerk.

EXHIBIT A

NAME	COUNTY	FORM	ELECTED	REPRESENTATIVE	1994
Aberdeen	Monmouth	OMCL C-M (3)	Mayor - 6	At-Large	17601
Belleville	Essex	OMCL C-M	7 Council	4 Ward - 3 At-Large	34834
Brigantine	Atlantic	OMCL C-M (5)	Mayor - 6	4 Ward - 3 At-Large	11996
Byram	Sussex	OMCL C-M	Mayor - 4	At-Large	8622
Cedar Grove	Essex	OMCL C-M (3)	5 Council	At-Large	12076
Deptford	Gloucester	OMCL C-M (E)	7 Council	At-Large	24600
East Windsor	Mercer	OMCL C-M (E)	7 Council	At-Large	22599
Eastampton	Burlington	OMCL C-M (E)	5 Council	At-Large	6907
Evesham	Burlington	OMCL C-M	Mayor - 4	At-Large	38633
Fair Lawn	Bergen	OMCL C-M (E)	5 Council	At-Large	31184
Franklin	Somerset	OMCL C-M (8)	9 Council	5 Ward - 4 At-Large	45575
Galloway	Atlantic	OMCL C-M (E)	7 Council	At-Large	24789
Howell	Monmouth	OMCL C-M (3)	Mayor - 4	At-Large	42317
Keansburg	Monmouth	OMCL C-M (B)	5 Council	At-Large	11743
Lawrence	Mercer	OMCL C-M (E)	5 Council	At-Large	27491
Livingston	Essex	OMCL C-M (E)	5 Council	At-Large	27080
Lower	Cape May	OMCL C-M (7)	Mayor - 4	3 Ward - 2 At-Large	21689
Maple Shade	Burlington	OMCL C-M (E)	5 Council	At-Large	19761
Medford	Burlington	OMCL C-M (E)	5 Council	At-Large	21264
Montclair	Essex	OMCL C-M	Mayor - 6	4 Ward - 3 At-Large	38045
Moorestown	Burlington	OMCL C-M (E)	5 Council	At-Large	16212
Mount Holly	Burlington	OMCL C-M	5 Council	At-Large	11085
Mount Laurel	Burlington	OMCL C-M (E)	5 Council	At-Large	35048
Mountain	Morris	OMCL C-M	7 Council	At-Large	4028
Newton	Sussex	OMCL C-M (B)	5 Council	At-Large	7760
Ocean	Monmouth	OMCL C-M (A)	5 Council	At-Large	26864
Pequannock	Morris	OMCL C-M (E)	5 Council	At-Large	13548
Randolph	Morris	OMCL C-M (E)	7 Council	At-Large	21972
Ridgewood	Bergen	OMCL C-M (B)	5 Council	At-Large	24614
Ringwood	Passaic	OMCL C-M (E)	7 Council	At-Large	13239
Roxbury	Morris	OMCL C-M (F)	7 Council	4 Ward - 3 At-Large	21632
Scotch Plains	Union	OMCL C-M (E)	5 Council	At-Large	22509
Sparta	Sussex	OMCL C-M (B)	5 Council	At-Large	16481
Teaneck	Bergen	OMCL C-M	7 Council	At-Large	38470
Vernon	Sussex	OMCL C-M (4)	5 Council	At-Large	22686
Verona	Essex	OMCL C-M	5 Council	At-Large	13738
Washington	Warren	OMCL C-M (B)	7 Council	At-Large	6789
Weehawken	Hudson	OMCL C-M (C)	5 Council	3 Ward - 2 At-Large	12208
West Milford	Passaic	OMCL C-M (D)	5 Council	3 Ward - 2 At-Large	27936
Willingboro	Burlington	OMCL C-M (E)	5 Council	At-Large	37890

Petition for Charter Study Commission		Ordinance for Charter Study Commission
Any time	NJSA 40:69A-1	Any time NJSA 40:69A-1
Reference on Proposal for Charter Study Commission and Election of Commission Members		
At next General Election.....(Schedule A)(About November 5)		
Or regular Municipal Election.....(Schedule B)(About May 15)		
At least seventy-five (75) days after filing of Petition or Enactment of Ordinance		NJSA 40:69A-1
Charter Study Commission Meets and Organizes		
Select Chairman		
Fix hours and place of meetings		
Adopt rules for conduct of business		
No later than fifteen (15) days after Election		NJSA 40:69A-5
Planning Phase of Charter Study		
Plan schedule of work		
Consider use of Consultants		
Prepare budget request		
Suggested Schedule A November 5 to December 15		
Suggested Schedule B June 1 to July 1		
Study Phase 1 - Present Form of Government		
Interview present and past public officials, civic leaders and media representatives		
Review reports on present government		
Hold public hearing on present form of government		
Draw tentative conclusions about present form of government		
Suggested Schedule A December 15 to March 1		
Suggested Schedule B July 1 to September 15		

Study Phase 2 - Alternative Forms of Government

Review statutory provisions of other forms
 Interview persons having experience with other forms
 Hold public meetings to inform voters of other forms of government which are available
 Hold public hearings to gather opinion on other forms

Suggested Schedule A March 1 to May 1
 Suggested Schedule B September 15 to November 15

Study Phase 3 - Decision

Discuss advantages and disadvantages of each alternative form of government in relation to present form
 Draw final conclusions and make decision

Suggested Schedule A May 1 to June 1
 Suggested Schedule B November 15 to December 15

Preparation of Charter Commission Report

Assign responsibility for drafting report
 Review and approve final draft
 Plan printing of report
 Make filing and distribution plans
 File official copies with Municipal Clerk

Suggested Schedule A June 1 to July 15
 Suggested Schedule B December 15 to February 1

Charter Commission Activity After Filing of Report

Distribute copies of report
 Publicize findings

Suggested Schedule A July 15 to November 1
 Suggested Schedule B February 1 to May 15

<p>If No Change Recommended:</p> <p>Charter Commission discharged upon filing of official report</p> <p>NJSA 40:69A-11</p>	<p>If an Optional Plan is Recommended:</p> <p>Referendum on Optional Plan</p> <p>As specified by Commission</p> <p>a. at next General or Municipal Election at least sixty (60) days after filing of report</p> <p>or</p> <p>b. at a special election from sixty (60) to one hundred twenty 120 days after filing report</p> <p>NJSA 40:60A-15</p>	<p>If a Special Charter is Recommended:</p> <p>Governing Body Petition Legislature for Enactment of Special Charter</p> <p>NJSA 40:69A-16</p>
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ELECTION OF NEW MUNICIPAL OFFICERS

On the second Tuesday in May at least seventy-five (75) days after the referendum for plans with non-partisan, at-large elections	On the second Tuesday in May at least one hundred-twenty (120) days after the referendum for plans with non-partisan elections from wards	At the next general election in November at least seventy five (75) days after the referendum for plans with partisan, at large elections	At the next general election in November at least one hundred-twenty (120) days after the referendum for plans with partisan elections from wards NJSA 40:69A-205
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INSTALLATION OF NEW MUNICIPAL GOVERNMENT

On July 1 next following the first election of officers for plans with non-partisan elections

On January 1 next following the first election of officers for plans with partisan elections

NJSA 40:69A-2-5

EXHIBIT C

COMPARISON OF VARIOUS FAULKNER FORMS OF GOVERNMENT

FORM	COUNCIL-MANAGER	MAYOR-COUNCIL-ADMINISTRATOR	MAYOR-COUNCIL
Chief Legislative Body	<i>Council</i>	<i>Council</i>	<i>Council</i>
Number	<i>Five Members; All at large or At-Large & by wards; Concurrent or Staggered terms</i>	<i>Six Members All at large</i>	<i>Five members; All at-large or At-large & by wards; Concurrent or Staggered terms</i>
Term of Office	<i>Four-year terms</i>	<i>Council – three-year term</i>	<i>Four-year term</i>
Duties/Powers	<i>All legislative powers of the municipality and the determination of all matters of policy</i>	<i>Legislative powers of the municipality; Prepare and adopt municipal budget;</i>	<i>Removal of municipal officer for cause; Adopt rules for council; Establish time/place for meetings; Establish ad hoc committees; Declaration of emergencies respecting the passing of ordinances; Election, appointment, salaries and removal of officers and employees of the Council; Designation of Official Newspaper; Approval of contracts presented by Mayor; Actions specified in the Local budget and Fiscal Affairs Laws; Expressions of opinion; Override veto of Mayor; Advise and consent to actions of Mayor; Conduct legislative inquiry or investigation; Express disapproval of removal of officers or employees by Mayor</i>
Mayor	<i>Elected by Council Elected by Voters</i>	<i>Elected by Voters</i>	<i>Elected by Voters</i>
Term of Office	<i>After each election if appointed by Council; Four-year term if elected by voters</i>	<i>Four-year term</i>	<i>Four-year term</i>
Duties	<i>Preside at meetings and have a voice and vote; Fill vacancies as statutorily established; Execute all bonds, notes and contracts</i>	<i>Preside over meetings but shall not vote except in a tie; Serves as Chief Executive Officer and performs duties described below</i>	<i>Serves as Chief Executive Officer and performs duties described below</i>

1998 Charter Study Commission Report

FORM	COUNCIL-MANAGER	MAYOR-COUNCIL-ADMINISTRATOR	MAYOR-COUNCIL
<i>Chief Executive Officer</i>	<i>Manager</i>	<i>Mayor Administrator</i>	<i>Mayor</i>
<i>Term of Office</i>	<i>Pleasure of Council</i>	<i>Mayor - Four-year term Administrator – same term as Mayor but may be removed by two-thirds vote of Council</i>	<i>Four-year term</i>
<i>Elected/Appointed</i>	<i>Appointed</i>	<i>Mayor –Elected Administrator - Appointed</i>	<i>Elected</i>
<i>Duties/Powers</i>	<i>Chief executive and administrative official; Execute all laws; Appoint and remove all department heads (except tax assessor) and all other officers, subordinates and assistants which report to Council; Negotiate contracts, make recommendations concerning improvements and execute improvements subject to Council approval; Attend all meetings of Council with right to take part in discussions but without right to vote; Advise Council of financial conditions; Report to Council as requested by Council and makes Annual Report to Council; Investigate the affairs of any officer or department; Other duties as prescribed by Council; Carry out all policies established by Council for the proper administration of all affairs of the municipality; Prepare municipal budget for consideration and adoption by Council;</i>	<i>Mayor: Enforce local ordinances; Approve by signing or veto ordinances adopted by Council; Appoint department heads with advice and concern of the council annually unless otherwise provided by law; Assistance from Administrator who shall supervise the administration of each department. Administrator: Administer business affairs of municipality</i>	<i>Supervise the care and custody of all municipal property and execute improvements determined by the Council; Sign all contracts, bonds; Review, analyze and forecast trends of municipal services and finances; Supervise development, installation and maintenance of budgeting, personnel and purchasing procedures; Negotiate contracts; Serve as ex officio non-voting member of all appointive bodies; Veto or sign all ordinances adopted by Council; Fix salaries and compensation to employees within general limits of the municipal budget; Enforce laws of municipality; Report on state of municipality annually; Recommend improvements; Supervise, direct and control all departments of municipal government; Examine accounts, records and operations of boards; Prepare annual operating and capital expense budgets</i>
<i>Elections</i>	<i>May Municipal November General</i>	<i>November General</i>	<i>May Municipal November General</i>

RECOMMENDATIONS

The Council–Manager form of government provides for an elected legislative body and an appointed professional manager who serves as the chief executive officer. Department Heads are hired based upon qualifications and not political considerations. This has worked very well in Franklin with most department heads having served for many years providing a great deal of experience and continuity without concern for political meddling in the day–to–day running of their departments. Under the alternative Mayor–Council form of government, the Department Heads serve at the pleasure of the Mayor and are therefore subject to change every four years. This could lead to great instability and volatility.

The Township Manager in the Council-Manager form of government is not elected by the people but is hired by the Council and serves at their pleasure. If the Township Manager does not carry out the policies set by the Council, the Manager is subject to removal at any time by a majority vote of the Council. On the other hand, under the Mayor–Council form, the Mayor is the chief executive officer and cannot be removed before the end of the four year term except by going through a cumbersome and expensive recall election and getting the majority of the voters to support the recall.

While there might be some positive aspects to having a strong Mayor, we feel that having a professional Manager and Department Heads who are guided by the policies set by the Council and who are shielded from political pressures is a far better system.

Options under the Council – Manager form:

Number of Council members:

While nine council people can sometimes seem a bit cumbersome when trying to reach consensus, the Charter Study Commission feels that it is a suitable number for a municipality the size of Franklin which is still growing.

Wards and At-Large versus all At-Large Council members:

In a municipality with the tremendous diversity of people and neighborhoods that exists in Franklin Township, the Charter Study Commission feels it is important to have ward representation in order to attempt to assure that all segments of the population are represented. The Charter Study Commission, therefore, recommends continuing with the current arrangement of five Ward Council members and four At-Large Council members.

Staggered elections versus all-at-once:

The Charter Study Commission feels it is important to have staggered elections in order to assure that there is some continuity after every election and to strengthen the checks and balances between the Township Council and the Township Manager.

Partisan versus Non-Partisan Elections:

While non-partisan elections in May ensured that the concentration was on local issues, the electorate of Franklin voted in 1995 to change to Partisan Elections in November. In deference to the wishes of the electorate, the Charter Study Commission does not suggest that this be changed.

Selection of Mayor:

Under the Council–Manager form of government, the Council selects one of its members to serve as Mayor. This position is largely ceremonial with the Mayor having the same vote as any other Council member. The selection has historically been done every year at reorganization. This can lead to a great deal of animosity and division among the Council at the annual reorganization. The Charter Study Commission feels that this problem is not a problem with the form of government but often centers around the individuals and personalities involved. One option which we carefully considered is to have one of the at-large positions designated as Mayor on the ballot and the Mayor would be elected directly to a four-year term. The Charter Study Commission decided against this option because we felt it would be an injustice to the person elected to that position. If the electorate directly elected a Mayor, they would assume that the Mayor would have a great deal more authority and power than the position would actually have. There would be many demands and requests made of the Mayor which simply could not be fulfilled since the Mayor would only have the same vote as any other Councilperson. In the case where the Mayor is a member of the minority party, this problem would be even greater.

The Charter Study Commission does recommend a different interpretation of when the Mayor should be selected. The Faulkner Act states that the Council shall select a Mayor after every Council election. The Charter Study Commission recommends that the Council, in fact, do this and only select a Mayor after every Council election which would be every two years. This would provide the Mayor with more time to try to complete an agenda and will cut down on the acrimony if the Council members cannot amicably select a person for the position.

The Superior Court of New Jersey, Atlantic County, recently upheld such interpretation of the Faulkner Act – Styles versus Township of Galloway, (Superior Court of NJ, Atlantic County, Law Division, 1999), a case recently approved for publication.

ADVISORY RECOMMENDATIONS

Short of recommending a change in the form of government, a Charter Study Commission may make suggestions to the Township Council that it believes, in light of the research it has done, will enhance the operations of the Township government. The Charter Study Commission has three such suggestions.

First, it is recommended that the Township Council hire a person whose principle responsibility is the writing of grant applications and the follow-up necessary for the successful pursuit of the same. While the addition of anyone to the Township staff is, of course, an expense, it is the belief of the Charter Study Commission that an experienced grants person would really be an investment and, if successful, would return much more than their salary to the Township. There are four areas in which such a person could play a crucial role.

The Open Space Committee and the Council, in order to optimize the opportunities afforded by the new Open Space Trust Fund, will need someone who can pursue matching funds from the County, State, Board of Agriculture, and private and public non-profit organizations.

Funds should be pursued for senior citizen programs such as transportation to enhance the possibilities provided by the new Community/Senior Center.

Likewise, funds may be pursued to broaden the opportunities for the youth of our community.

Lastly, the Renaissance 2000 project, to which Franklin is now committed, would benefit directly from having a grants person available.

The second recommendation is also for an additional staff person. For a number of years, the post of industrial coordinator has been vacant in Franklin. No matter how one feels about industrial and commercial development, the reality of the tax structure in the State of New Jersey, relying as it does so heavily on the land tax to fund education, means that municipalities like Franklin that desire a stable tax rate, must seek non-residential development. In Franklin's case, this should primarily mean the optimal use of the buildings that already exist, as well as new construction, in an atmosphere that is congenial to business activity. The emphasis should be on attracting desirable and progressive businesses which provide non-disruptive, environmentally friendly activities to help defray municipal services expenses, reducing the tax burden to Township residents. One of the functions of such a position would be to interact with our existing business community in the realization that our existing businesses will be the best salesmen for new enterprises. In this respect, the industrial coordinator should be prepared to act as a facilitator for commercial and industrial applications before our various boards.

The third recommendation of the Commission deals with how the Council interacts with the administration of the township. We strongly suggest that the Council avail itself of the opportunity to meet, at least once a year, with the department heads of the Township. This could best be done during the budget process to amplify and clarify in detail the activities of the department concerned. This is in no way to be construed as an attempt to undermine the authority of the Township Manager under the Faulkner Act. In fact, it is recommended that the Township Manager be present at such meetings. But, we feel it is important for the elected officials and the senior administrators of the town to have an appreciation of each other and their various needs and concerns.

We realize that these suggestions are matters that the Township Council has already considered to some extent. The Charter Study Commission submits them in an encouraging spirit as real benefits to our community.