

SPECIAL WEST AMWELL TOWNSHIP COMMITTEE MEETING

August 12, 2009 – 5:00 p.m.

The West Amwell Township Committee met on the above date at 5:09 p.m. Present: Mayor Corboy, Committeemen Masterson and Molnar and CFO Luhrs. The public in attendance included George Fisher.

In compliance with the Public Meetings Act, Mayor Corboy announced that this Special Meeting was called pursuant to the provisions of the Open Public Meetings Act with notices faxed to the Lambertville Beacon, the Hunterdon County Democrat and the Trenton Times on August 10, 2009. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Municipal Clerk.

BUDGET WORKSHOP:

Mrs. Luhrs relayed that the Township was turned down for Extraordinary Aid. As the \$200,000 exclusion has to be removed, we're now over the levy cap. The Division has also allowed the Township to take the full pension appropriation as an exclusion, although only half was funded, which brings the overage to the levy cap to \$48,867. The Division's solution is to just use more surplus; however, there are other things facing the Township that have to be considered.

A sheet of budget options was presented. Option #1 uses \$54,367 more in surplus, which is in addition to the increased surplus already being utilized—a dangerous position. The Division relayed that there will be no aid until the Township has no surplus. If Option #1 is used, the budget can be introduced with the listed amendments. This option balances the budget using surplus but doesn't add money for legal. It also has a \$48,867 overage in the levy cap.

Option #2 showed a cap waiver for legal as there is only \$28,000 left in the current legal line to cover bills for the next four months.

Discussion ensued about how much to raise the legal line and how this number is obtained. A good estimate is needed as this line pays for Attorney Cohen plus payments to professionals for depositions as well as Attorney Faherty. The Fair Share Housing suit now also has to be factored in. The application for a cap waiver is due August 19th in order to be scheduled for the LFB meeting in September. Basically, the options are to stop the legal proceedings and use Option #1 or proceed with Option #2 to obtain a waiver for legal.

Mr. Molnar suggested that the Committee negotiate with Fulper, which gave rise to an extended overview of what has and has not been done to date. Noted especially was that although a settlement would be welcomed, direct negotiations are not possible--these must come through the attorney. Mr. Fisher questioned what is won by the suit, which elicited from Mr. Corboy another extended overview of the Township's position on upholding their ordinances, the value of the reserve septic, and the Township's once sizeable surplus that has dissipated. There can be no conversation with the Fulper's as long as a lawsuit is in place so as not to compromise proceedings and the money spent by saying something wrong. Delaying the legal expense until next year is not easily accomplished as the attorneys still want to be paid. The status of Hal Shute's involvement was also mentioned.

Mrs. Luhrs offered that if the Township were to go for a cap waiver, there's no guarantee that the State will OK it. It could raise taxes a point or two but that would defeat the purpose. If the application is approved for the LFB's September meeting, the budget could be adopted. Legal bills would have to be cut if less than \$50,000 is approved. And, if bills are incurred with no money to pay, the Township will be in trouble with the State as awareness of bills means there cannot be an emergency appropriation. The options are to either stop the lawsuit and fix the budget with surplus

or go for the waiver. The latter will mean that taxes will go up about 2 points. Another point to be considered is that when the budget was introduced, there was no Fair Share Housing suit.

The status of the reimbursement from the Hartford for the Combe's suit was brought up. The Township was supposed to receive \$25,000 and it is critical to get this money before the end of the year. The Clerk relayed a conversation with Nadia Gluck of the Hartford earlier today and was told that the changes made by our attorney to the release have to be reviewed in-house by their attorneys. She said that she is pushing this along, but the lack of an electronic copy has made the process difficult to deal with, change-wise. The release had to be re-typed. Of course, changes on their end will mean a re-review by Township attorneys and will cost more money. The Hartford has had the release since late May.

Mrs. Luhrs relayed that the budget cycle will begin again in October with budget requests going out to 2010. To date, no bill has been received from Lambertville for the use of the recycling truck. \$5850 is budgeted to pay for this agreement. The huge expense of garbage and trash was noted and need for a decision as to direction for this must be decided at the September meeting. Another area that must be addressed is the professional services area. Does the Committee wish to do a Fair and Open or Non-Fair Open process for 2010? Criteria would have to be developed for the former and a review process undertaken. Mrs. Luhrs suggested that knowledge of the community has to be factored into any decision made on professionals.

The direction given to the CFO was to prepare the application for a \$100,000 waiver for legal. The LFB also requires an executive summary, an excel spreadsheet and a certification by a local official. These will be assembled for submission. A resolution authorizing this action will be added to the regular meeting agenda.

OPEN TO THE PUBLIC:

ADJOURNMENT:

There being no further business, the meeting was unanimously adjourned at 6:08 p.m. on motion by Molnar, seconded by Masterson.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk