

SPECIAL WEST AMWELL TOWNSHIP COMMITTEE MEETING

September 24, 2009 – 7:00 p.m.

The West Amwell Township Committee met on the above date at 7:04 p.m. Present: Mayor Corboy and Committeemen Masterson. Committeeman Molnar was absent. Also in attendance were Bob, Sally and Rob Fulper, George and Cathy Fisher, Betty Jane Hunt, Sean Pfeiffer and Fia Pfeiffer and CFO Luhrs

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 and posted on the Township bulletin board on September 17, 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.

PUBLIC HEARING ON 2009 BUDGET AMENDMENT:

The amending resolution was published in the September 19th edition of the Trenton Times. Mayor Corboy opened the public hearing.

Bob Fulper, 281 Rocktown-Lamb. Road came forward to inquire 'what Mayor Fulper has to do with this litigation' in that his name keeps being brought up in hearings and news articles and is practically accused of being criminal. He stated that the litigation is no more the fault of the Fulpers than that of the Township, in that the township put through an ordinance and the family is trying to run their operations. It seems that whenever something goes wrong, it the fault of the Fulpers and commented that this is disheartening to the point that they don't want to be in the township. Now they're getting the brunt of the budget problem due to the litigation. He advised that several efforts were made to settle but that these were short circuited by the township lawyer.

Mr. Corboy responded that these words were not something that came from him; that he never mentioned an individual's name; and, that any reference to Mr. Fulper was as a business man/farmer, who was entitled to take action if rights were abridged. He noted that between the time he was elected and sworn in three years ago, Fulper LLC filed their suit, the Fulpers never came to a Township meeting or expressed concern to him. The first thing handed to him was litigation and that once lawyers are involved, hands are tied. This is not something that anybody wanted. There have been other items mentioned for the budget problem—loss of State aid, the Construction Office not covering their costs due to the downturn in the economy, the ongoing salt remediation—and any litigation mentioned was never solely "Fulper" litigation. The press has done the labeling and the only time the Township has responded was a statement prepared by Attorney Cohen. He disagreed that efforts were short circuited as agreement was needed through the attorneys in order for the two sides to sit down and discuss.

Mr. Fulper concluded that it would do his heart good to know that the township believes that they are good citizens and people not to be slandered. The family has been here 100 years. The lawsuit was brought to protect their rights.

George Fisher came forward to acknowledge the difficult job of closing this year's budget gap; but, that this has been accomplished on the backs of the employees and citizens via service cuts. He then questioned the surplus situation and the amount used to close the gap. CFO Luhrs explained that surplus is used every year and that the number listed is as of the date of budget adoption. The final amount of surplus at the end of the year will depend on several items, i.e., tax collection rates, revenues, etc. received, and will fall somewhere between \$145,000 and some higher figure. The budget is using \$115,000 more from surplus than last year and significant revenue will be needed to replenish it. It could be that there will be less surplus at the end of 2009

than there was in the beginning of the year. The final number will be derived by January 31st when the Annual Financial Statement is completed.

Mr. Fisher then questioned the legal line and the amount spent on the Fulper litigation. CFO Luhrs explained that \$244,000 has been paid out as of September 16th and that \$428,000 figure also includes Attorney Faherty and the Combes settlement of \$52,000. The Fulper litigation costs are not financed through surplus but from a budget line item.

Mr. Corboy inquired whether Mr. Fisher was hurt by the drop in services and admitted that the action taken did hurt the employees. He commented that the employees have picked up the ball and have done an excellent job. Mr. Fisher noted that, although not personally impacted, the Friday office closing and the \$75.00 garbage fee have hurt residents.

An overview of local municipalities having higher tax rates yet no garbage collection or, in one particular case, no police department, was given. Although it was acknowledged that West Amwell has been a recipient of higher State money than surrounding municipalities, this is not all State 'aid.' Mr. Corboy also noted that the employees do a 'bang up' job and that several vendors and professionals have complied with the requested 10% cut in fees. Mr. Fisher concurred that a creditable job has been done.

Betty Jane Hunt questioned several line items in revenue and land use administration and was told that the former are due to shifts in processing costs and lower negotiated fees. The latter, involving the Master Plan, will see cost savings in that a lot of work is being done in-house by planning board subcommittees before being turned over to the planner. Completion is expected by the end of the year.

Mrs. Hunt then questioned Mr. Masterson concerning Police OE; how this has been revamped to contain overtime; and, the strategy now that there are three officers out and an imminent retirement. Also, if hiring part-time officers is being contemplated.

Mr. Masterson indicated that the plan had been working but now part time officers with their lower pay rate are needed. The intent is to hire part-timers, if there is the ability to properly equip them, and that this will cut over-all costs. Mr. Corboy added that the only way to eliminate overtime would be to not cover shifts and this may need to be considered for a month or so. Overtime is down from last year.

Mrs. Hunt also questioned the over-expenditure from 2008; why social security numbers are up when the employees took a cut; and why police/fire pension payments suddenly appeared. She was informed that the former can't be paid until the budget is adopted; that the police still received a 4% increase; and, that the latter is because pensions are no longer outside the cap. Also scrutinized was Affordable Housing, in that what used to be paid out of development fees must now hit the taxpayer due to lack of construction. Mrs. Hunt inquired how Auditor Case feels about using such a large amount of surplus. In response to the latter comment, Mrs. Luhrs stated that there is agreement on this point but the State says the township has to use surplus. They've locked the municipality up with CAPS and no extraordinary aid. Next year, municipalities who used their surplus will supposedly get assistance.

Mrs. Hunt concluded by noting that the main problem in all of this is the State. She further commented that anyone putting up a Corzine sign in West Amwell should be ashamed of themselves considering what he has done to small municipalities and that, as a taxpayer and landowner, she'll go ballistic. Mrs. Hunt also stated that the Fulper litigation could have been avoided early on and should not be driving the budget up.

Sean Pfeiffer came forward to concur with Mrs. Hunt about Governor Corzine. He has been horrible for the township as well as the mandates that have been pursued. Mr. Pfeiffer then noted that the mayor's name is misspelled on page 3b. A question about cancelled open space bond ordinance funds and subsequent return to surplus was

directed to the CFO who advised that these would be returned to capital surplus, not current fund surplus. A question concerning the Calton debt was raised and noted that this is long term (20 year) debt. The specific dollar amount was unavailable at the meeting.

Mr. Fisher inquired whether the township's financial problems will result in a low bond rating. Mrs. Luhrs stated that this will not be known until the township actually goes out again; the situation in the world has changed; and, that there is no need to go long term anytime soon. Although a bond ordinance was just completed for COAH, no borrowing has taken place.

A brief discussion ensued about the upcoming election; candidate positions on COAH; and, just how much change could be expected to the COAH program as it is a result of a court decision. The need for legislators to stick together on this problem was noted.

Mrs. Olsen read a statement from Committeeman Molnar that he requested be made part of the meeting record.

"I apologize for not being able to attend this meeting, I have a mandatory training session with the DMV for my employer. I would like to vote no on the budget for the following reasons:

1. Legal spending is way out of hand. According to Mr. Fulper's letter to the editor in the local paper a few months ago, the Fulpers were willing to negotiate a settlement at no additional cost to the township. At this time the township should have started negotiations with the Fulpers. I don't know if it is too late or not, but I feel that hundreds of thousands of dollars should not have been spent on this lawsuit.
2. I was also against trying to balance the budget on the backs of the employees. In the end we still had to exceed the cap, raid surplus and raise taxes.

Mr. Corboy responded as follows: Yes, legal is out of hand but Mr. Molnar has it backwards. The litigation was not initiated by the Township and the Township is ready to listen, through the attorneys. He has apologized for the 10% reduction to employees on April 1st and that these are things that Mr. Molnar knew about but had no other answer.

The public hearing was unanimously closed. The Resolution, found on sheet 41 of the budget package, was read in full:

**RESOLUTION #155-2009
(see attached)**

Corboy motioned to adopt the Resolution and Masterson seconded. Roll Call:
Masterson-aye, Corboy-aye

RESOLUTION APPOINTING MHL/AA:

RESOLUTION #156-2009

WHEREAS, the Township of West Amwell advertised for the position of Municipal Housing Liaison/Administrative Agent; and

WHEREAS, interviews were conducted with two applicants; and

WHEREAS, the Township Committee has determined that Barbara A. Walsh is best qualified for said position; and

WHEREAS, Barbara A. Walsh has accepted the Township's offer for the position

THEREFORE, BE IT RESOLVED that Barbara A. Walsh be appointed Municipal Housing Liaison/Administration Agent, effective immediately

BE IT FURTHER RESOLVED that this appointment term expires on December 31, 2009

Masterson motioned to approve the Resolution and Corboy seconded. Roll Call:
Masterson-aye, Corboy-aye

RESOLUTION #157-2009
SALARY & WAGE RESOLUTION AMENDMENT

BE IT RESOLVED by the Committee of the Township of West Amwell that the 2009 Salary and Wage Resolution, adopted April 1, 2009, be amended as follows:

Position	Salary/Compensation
<u>Remove:</u> Municipal Housing Liaison/AA Smith-Bohn (effective September 4, 2009)	\$ 25.00/hr
<u>Add:</u> Municipal Housing Liaison/AA Walsh (effective immediately)	\$ 25.00/hr

Masterson motioned to approve the Resolution and Corboy seconded. Roll Call:
Masterson-aye, Corboy-aye

OPEN TO THE PUBLIC:

Mrs. Hunt asked for clarification concerning revenues, appropriations, and surplus. Mrs. Luhrs explained that the budget has to balance and that the choice is to not spend or get more revenue. Funds can only be anticipated in the budget on what was actually received during the prior year. Also, the 2008 extraordinary aid figure had to be included. With that explanation, Mrs. Hunt indicated that she doesn't believe that surplus can go up as the economy is not better; we'll be lucky to get what was anticipated let alone replenish; and, that in a year, the township will be broke. It's a scary looking budget.

Mrs. Luhrs offered that these are different times and that she had just returned from a GOAF conference. All towns are experiencing drops in revenue, state aid, and surplus—a discouraging situation for everyone. Mrs. Hunt added that Governor Corzine can't afford for West Amwell to exist.

ADJOURNMENT:

There being no further business, the meeting was unanimously adjourned at 7:55 p.m. on motion by Masterson, seconded by Corboy.

Respectfully submitted,

Lora L. Olsen, RMC
Township Clerk