

# **WEST AMWELL TOWNSHIP COMMITTEE MEETING**

**April 14, 2014 - 7:00 p.m.**

## **CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

The regular meeting of the West Amwell Township Committee was called to order at 7:21 p.m. Present were Mayor Zachary T. Rich, Deputy Mayor George A. Fisher, Committeeman John Dale and Clerk Lora Olsen. Attorney Philip J. Faherty III was absent. Also in attendance were Gerald Rygg, Sandy Haberle, Frank DeFazio, Mike Pearson, Randy Hoagland, Lolly Hoagland, Cathy Urbanski, John Cronce, Hal Shute, Bill Corboy, Liz Usmiani, and two unidentified persons. CFO Tom Carro joined the meeting at 8:47 p.m.

Mayor Rich announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was included in the Resolution faxed to the Hunterdon County Democrat and Trenton Times on January 6, 2014, was posted on the bulletin board in the Municipal Building on said date and has remained continuously posted as required under the Statute. 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.

## **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Committeeman Dale led the assembled group in the pledge to the nation's flag.

## **AGENDA REVIEW BY TOWNSHIP CLERK**

The following items were added: 11. New Business: Letters from Auditor Ardito for Signature; Request from Tax Collector Hyland. Deleted was 7.A. Sign Ordinance presentation, which is to be rescheduled for a later date.

## **ANNOUNCEMENTS**

The following announcements were made:

- Municipal Offices Closed – April 18<sup>th</sup>, Good Friday
- Township Clean Up Day – April 26<sup>th</sup>, 1-3 p.m. Registration Required, Tickets Available
- Last Day to Register for June Primary Election – May 13<sup>th</sup>
- Hazardous Waste Days – July 12<sup>th</sup>, & November 8<sup>th</sup>; Electronics Recycling, April 12<sup>th</sup>, all 9 a.m. – 1 p.m., County Complex, Rt 12
- Please Come to the Table if You Wish to Address the Committee
- Kindly Turn Cell Phones Off During Meeting

## **PRESENTATION OF MINUTES**

The March 26, 2014 Special and Regular session minutes were unanimously approved on motion from Fisher, seconded by Dale.

## **OPEN TO THE PUBLIC/TOPIC NOT ON THE AGENDA**

Liz Usmiani inquired about the appraisal discussed at the last meeting and if any consensus had been reached. She was advised by Open Space chair John Cronce that the group is split on spending money for this acquisition. It's been under discussion on and off since 1978 with no conclusion reached to date. A brief discussion ensued about 'gut' worth of the property; whether an appraisal should be obtained; and, that an appraisal is a requirement if Green Acres money is involved. Mr. Rich overviewed the options: receive Green Acres funding, accept a lower offer for the property, or no change to the situation. There will be continued discussion at the May Open Space meeting and a Township Committee agenda item for the May 28<sup>th</sup> meeting.

An e-mail from former Committeeman Molnar concerning the 2009 employee pay cut was read into the record, as requested. Although times were tough, and Mayor Corboy did what he thought was right, Mr. Molnar stated that he opposed the action at the time as it balanced the budget on the backs of a few employees. He also commented on fairness as the cuts only targeted non-contract employees. He suggested that consideration be given to bringing the persons affected by the pay cut a reinstatement of their original salaries and that this could perhaps be accomplished over a 2-3 year period.

Deputy Clerk Sandy Haberle came forward concerning the pay cut issue. She expressed appreciation to Mr. Molnar, Mr. Corboy and Mrs. Luhrs, the former CFO, for their support in this quest. A spreadsheet delineating the salary shortage experienced by the non-contract staff in 2009, and showing the cumulative effect of the shortage on their earnings, was distributed. Although the unfortunate legal expense was a tremendous burden at the time for the Township,

it was something, in her opinion, that was a taxpayer burden...not one that the employees should have had to bear. Her request, on behalf of the affected staff members, was to have the money, including the 4% increase that was received by contract staff, restored as the shorted amount has a cumulative impact on pensions. The feeling expressed was that it was discriminatory and unfair that the non-contract staff did not get to realize the monies and pension benefit that was received by contract personnel. She further noted that although the staff likes their jobs, they want to be able to retire in fairness with what they should have been earning all along; and, that the situation has had a negative impact on staff morale and camaraderie. The amount requested is not huge and, although the preference would be a one shot deal, there are ways to accomplish it. Ms. Haberle then addressed the proposed 2% raise contained the budget, which is less than that given to the contract staff, and questioned this lack of equality.

Court Administrator Lolly Hoagland stated that she doesn't care what anybody else makes or what anybody does, but about fairness. The non-contract staff is scheduled to receive 2% vs 2.75% for contract staff. For years, it's not necessarily been fair towards employees with long service and things are being done for certain departments and not for others. She's looking for fairness for her department, as well as for the other employees here. Mayor Rich corrected the percentage number as being 2.25% and indicated agreement with the fairness comment, noting that the difference was probably an oversight.

Frank DeFazio commented that things should be equal in every department. The employees work their tails off through thick and thin, in addition to dealing with the public every day. They have the same amount of work but are not treated fairly sometimes.

Former mayor Bill Corboy spoke about what happened in 2009 and that it was his decision for the 7.5% effective pay cut. There was really no place for him to go at the time as there was no way monies could be raised any other way. He noted that the police officers were asked to take the cut as well, and two of them, a third of the police force, actually gave money back to the Township but after the fact so that it would not affect their pension. He stated that he's very sensitive to the employees concerns as their retirement could be affected negatively. He then urged the Committee to make them whole, to the degree possible, and to treat them, at least from a salary standpoint, as equal in all respect, as the Township has some pretty fine employees. The Committee's indulgence was noted as appreciated.

A brief discussion over which numbers on the chart were actually being requested; what pensions are based on; and, the loss of cumulative growth ensued.

Mayor Rich relayed his personal 2008-2009 issue and salary cut, noting that once the company was able to make him whole, they did so, but no compounding was involved. He inquired which route the former mayor would support—return of what was taken or compounding.

The discussion continued touching on equal treatment with respect to percentages; how vendors pitched in with discounted services and fees; what pensions are based on; salary restoration to an appropriate level; and, choices made regarding the lawsuit.

Ms. Haberle continued that this request could not have been made sooner as there was the realization that the Township needed to rebuild, recoup and replenish the surplus. However, there would never be the right time to ask but with a few people in their last years here and looking at their pension situation, now is the time to try to get this made whole for the senior employees.

Mr. Dale noted that he, too, had taken a pay cut in 2009. His management's comment at the time was 'be happy you still have a job.'

The unfortunate situation was also noted by Mr. Fisher. His opinion was that the Township should never have gotten into the situation to begin with as things would have been a lot better off. However, how the Township can go back and reinstate something that happened in 2009, was questioned. As for this year's percentage increase, it was an oversight and something that can be looked at later in the evening. He, too, relayed personal experiences with jobs and pension loss. He concluded that pensions are extremely generous as there are none anymore other than those in government. The situation being discussed is terribly unfortunate but going back to 2009 is something that he doesn't know can be done or if it would be legal to do so. It would also set a horrendous precedent. As for this year's increase, it can be considered.

Some offense was taken by the mayor over earlier comments concerning the more temporary nature of committee tenure, noting that he ran for the seat; the taxpayers put their best interests in him, which he takes seriously; and, that the decisions made today do affect the employees 5 to 10 years down the road. These decisions are not to make life more difficult but to give stability. That the employees are feeling the repercussions of decisions made before is not his fault but is something he'll have to deal with. Mr. Rich stated that he is willing to consider something along the lines of how his employer treated him. However, in his life the taxpayer is the client, his customer, the vested interest, and that the employees help him in that regard. Mr. Rich then gave a discourse on his budget work and efforts to cut specific amounts that didn't materialize. However he's willing to work to find ways for something to happen along the lines requested and hopes that his expressed decision will be respected.

Mrs. Hoagland inquired about the number of complaints received by the mayor concerning employees currently in the room and addressed the issue of not feeling welcome. She also noted that she's been screamed at because of complaints about other employees. Questioned as to what was being referenced, Mrs. Hoagland explained that residents come in to resolve issues with other departments when those employees are not in the building. She has taken to giving them the mayor's phone number and stated that there's some unfairness going on, which is her issue. She continued by relaying that although the mayor is hired by the clients and elected by them to do a good job, the employees are hired by the Committee to do their jobs, which they have continued to do. She specifically spoke about this year's raise and what is done with future employees, as well as noting that she is thankful that she has a job.

Mr. Fisher commented that he thinks that the employees are treated 'pretty damn good here' and inquired if this was a bad place to work as he knows of no better place on the planet to work. Mr. Rich then spoke about health care costs and what the town picks up.

*With no further comments from the floor, this agenda item was unanimously closed.*

### **SPECIAL PRESENTATION(S)**

Gerald Rygg spoke about the 2003 jurisdictional agreement between the Township and County concerning responsibility for the maintenance of the structure over the creek. According to this agreement, the County is responsible for the structure, wall, and rip-rap, with the Township being responsible for roads, guardrails, fencing, and mowing. As to the latter, Mr. Rygg noted that the Homeowners Association has been bearing the cost of what has been discovered is a Township responsibility. He then referenced another document between Orleans and the Township that purported to transfer responsibility to the Homeowners Association that was received after the last meeting and presented copies of both documents. This item was also dated 11/5/2003. He stated that this had been presented to the Homeowners Association by Orleans; they refused to sign it; and, that Orleans had no authority to commit the Association for the items mentioned in that particular agreement. A lengthy discussion ensued over the latter document and the situation at the site with regard to the retaining walls and fences, with Mr. Rygg requesting that the Township issue a letter to the Association acknowledging that the latter agreement is invalid and confirming that the responsibility for the maintenance of the structure is in accordance with the jurisdictional agreement.

Mr. Rich advised that the Township will care for items for which they are legally responsible; will do so in a manner of their choosing; and, that Mr. Rygg will be advised as to how it will be fixed. If the decision is to plant instead of mowing the slope, that's probably what will happen due to liability issues. Mr. Rygg was also advised that the County handles bridges and related fencing, especially if part of the retaining wall. As for the signed agreement that purported to change maintenance responsibilities, a discussion ensued over attorney review/costs and whether such a complaint should be in writing from the Association's attorney. A copy of the two agreements will be provided to Attorney Faherty for his review and counsel. The freeze-thaw situation with the fencing was briefly discussed. In addition, the existence of a County maintenance easement around every bridge was noted and which is something that the Township should not touch specifically noted. Contacting the County about the matter was also suggested.

*A temporary adjournment was approved at 8:21 p.m. The meeting resumed at 8:28 p.m.*

### **INTRODUCTION OF ORDINANCE AND/OR PUBLIC HEARING**

#### **Introduction:** 2014 Budget

The usual budget sheets were not available due to time constraints of the CFO. Discussion ensued over various sections of the budget document and their inter-workings, including line

items which reflect requests rather than final use. Mr. Fisher offered that the extra .25 percent for the employees would run \$1500 for the year. This could be pulled from surplus and would leave the other numbers the same. Holding off the introduction was suggested but this would hold up the purchase of needed equipment. The following was read into the minutes:

RESOLUTION #61-2014  
MUNICIPAL BUDGET NOTICE

Municipal Budget of the Township of West Amwell, County of Hunterdon for the Fiscal Year 2014

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014;

Be It Further Resolved, that said Budget be published in the Hunterdon County Democrat in the issue of April 24, 2014

The Governing Body of the Township of West Amwell does hereby approve the following as the Budget for the year 2014:

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on the May 28, 2014 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for 2014 may be presented by taxpayers or other interested persons.

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

General Appropriations For:

1. Appropriations within "CAPS"	
(a) Municipal Purposes	\$2,436,267.28
2. Appropriations excluded from "CAPS"	
(a) Municipal Purposes	\$ 846,072.00
Total General Appropriations excluded from "CAPS"	\$ 846,072.00
3. Reserve for Uncollected Taxes	\$ 265,000.00
4. Total General Appropriations	\$ 3,547,339.28
5. Less: Anticipated Revenues Other Than Current Property Tax	\$ 2,321,339.28
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$1,226,000.00

Fisher moved to introduce the 2014 Budget. Mr. Dale questioned why the mayor would not second the motion. Mr. Rich explained that he's looking for \$23,000 less; wants to take a look at the 2009 number mentioned by the employees earlier in the evening; and, is willing to number crunch if there is backing, otherwise nothing will change his vote. Mrs. Olsen relayed that a second is needed to introduce and that an amendment can be made prior to adoption, if need be. Concern was also raised about road equipment but these purchases will have to be done through bonding, which only requires a 5% down payment from the capital improvement fund. The need for a second to the motion prior to further discussion was relayed by John Crounce and confirmed by the Clerk, as without a second, the motion dies. On that note, a second to Fisher's motion was provided by Dale.

The item was then re-opened for discussion purposes prior to a vote. CFO Carro joined the meeting and fielded additional questions from the Committee pertaining to large equipment purchases and the need to bond for same to spread out the cost. The mayor commented that his options would include more control over expenses, and precluding purchases just because there's a line item for it. He's looking for more belt tightening especially if more in salary is to be given and proposed a 7.5% reimbursement from the 2009 base pay to be disbursed over two or three years. He's not for the compounding that was included in the chart as those numbers aren't real. If he gets what he's looking for, Mr. Rich stated that he would vote yes on budget introduction. This is something that will make the other Committeemen go out of their comfort zone but Mr. Rich is confident that he can make this work as the numbers presented are not huge. He also commented on the money that will come in from the police agreement with East Amwell; that he'll buckle down with the construction department; and, that a proposal for the East Amwell School is being developed. Basically, the mayor is looking to achieve the 2013 number, which is \$23,000 less than currently proposed. Mr. Carro suggested that surplus be

used to achieve this goal and noted that what the mayor is looking to do would drop the tax rate even further. Mr. Fisher inquired as to the last time the tax rate has gone up; was advised that this happened about three years ago; and, questioned what the mayor is proposing has to do with the employees. The reply given was that the employees can help him reach the goal. In addition, his focus this year will be on increasing revenues. The overall cut being requested is 1%, which will be a one-time event in order that people will believe this can happen, and he'll 'have a leg to stand on,' knowing full well that at some point taxes will have to rise. Caution was urged by the CFO so that there would be money for unforeseen repairs or an emergency and inquired what direction Committee wanted to take. Mr. Dale stated that he would love to see the increase go down to zero and inquired about the amount of available surplus. The latter is \$800,000 with a \$3 million budget, per Mr. Carro. A brief discussion ensued over how much surplus was enough and the right direction of the debt with the actions taken last year. The decision was to vote on the budget resolution as presented earlier. Roll Call: Dale-no; Fisher-yes; Rich-no.

Additional discussion ensued over procedures for the amendment process, which would be done prior to the adoption of the budget. CFO Carro advised that if the Committee does nothing today, the process has to start all over. If an agreement can be reached, he'll have a month to bring down the number to the desired level. Mr. Dale suggested that the 7.5% of lost 2009 base pay be a bonus for 'efficient running' and be addressed over two years, which was agreeable to Mr. Rich. If there's a retirement in the meantime, the matter would be addressed at the time. It was generally agreed that an amendment be prepared lowering the amount to be raised by taxation and that the lost base pay spread over two years.

The Budget resolution was re-submitted for consideration:

RESOLUTION #62-2014  
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5. Less: Anticipated Revenues Other Than Current Property Tax	\$ 2,321,339.28
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget	
(b) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$1,226,000.00

Dale moved to introduce the 2014 Budget and Fisher seconded. Motion carried unanimously with the agreement that the budget will be subject to amendment prior to adoption. The public hearing will be held May 28, 2014.

Mr. Fisher recapped his understanding about employee compensation for the 2009 shortage which is to be given as one shot for two years, not over 26 pays. This will have to be reflected in a S&W ordinance.

**Introduction:** Ordinance 4, 2014

Mr. Fisher questioned whether the insurance refund could be used for the mower. Mr. Carro advised that it had to be done through ordinance as the insurance money is considered 'mrna' (miscellaneous revenue not anticipated).

The following ordinance was read by title and introduced on first reading:

A CAPITAL ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, AUTHORIZING VARIOUS PURCHASES LISTED BELOW AND APPROPRIATING \$131,500.00 FROM THE CAPITAL IMPROVEMENT FUND.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON AS FOLLOWS:

SECTION 1: There is hereby approved as capital projects within the Township of West Amwell not to exceed the costs as noted below:

<u>Project/Purpose</u>	<u>Cost</u>
Police	
Interceptor Utility Vehicle	\$33,000.00
Tough Books in-car computer	6,500.00
	<u>\$ 39,500.00</u>
Administration	
Office Furnishing (files, chairs)	5,000.00
	<u>5,000.00</u>
Fire	
Turnout Gear	13,000.00
Radios	50,000.00
	<u>63,000.00</u>
Buildings/Grounds	
Furnace- Police	12,000.00
	<u>12,000.00</u>
DPW	
Zero turn mower	12,000.00
	<u>12,000.00</u>
<b>TOTAL</b>	<b><u>\$ 131,500.00</u></b>

SECTION 2: There is hereby appropriated from the Township of West Amwell Capital Improvement Fund the sum of \$ 131,500.00 to cover the cost of the capital projects as described in Section 1 hereof.

SECTION 3: This ordinance shall take effect upon final adoption and publication according to law.

SECTION 4: The capital budget of the Township of West Amwell is hereby amended to conform with the provisions of this ordinance to the extent of an inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the Clerk and is available there for public inspection.

Fisher moved to introduce the Ordinance on first reading and Rich seconded. Motion carried unanimously. The public hearing will be held May 28, 2014.

**STANDING COMMITTEE REPORTS**

**Open Space**

Mr. Cronce presented a letter concerning the Lowell Hunter property, Block 30 Lot 12. This was in response to correspondence received by Hal Shute from Alison Etchells that inquired about moving the non-severable exception area on the property. The Open Space committee strongly recommends that this request not be entertained as it would not be in the best interest of Green

Acres or West Amwell Township. Mr. Cronce offered that the reason for the request is that Mr. Etchells wants to move the building site to the top of the lot, and adjacent to the Thumann development, to provide for a view that would increase the sale potential/profit. This request cannot be honored as the deed of easement can't be changed; the exception area includes an historic house which cannot be knocked down; and, the Township has an easement around the perimeter of the property for public access. He stated that the matter is a dead end and only the Attorney General's office could authorize a change.

- *Upcoming SADC Meeting Concerning Sale of Block 8 Lots 20 & 36*: A strategy session in preparation for the SADC meeting to address questions being raised about the sale was suggested. John Cronce and George Fisher will attend the meeting and whether or not an attorney should also be present was questioned. It was decided that Attorney Dragan be asked to attend, if her schedule permits, and an informational packet provided. The appraisal from Tom Rodriguez has been received showing a per acre value of \$3,253.00 and \$422,700 market. The spreadsheet chart of expenses needs to reflect what was received from FEMA and Mr. Fisher still has a bill to be submitted for inclusion. A revised copy will be prepared and made available to Mr. Cronce and Mr. Fisher. An inquiry as to the time of the April 25<sup>th</sup> meeting will be made. Hal Shute referred to page 26 of the appraisal that overviewed the sales history and mentioned the \$800,000 listing by MLS/Better Homes, but nothing about the \$400,000 advertised elsewhere, and the \$407,900 approved by the Township Committee. There is no proof of the ad in-house, and Mr. Fisher advised that the MLS didn't use the narrative provided. Receipt of an electronic copy of the appraisal by the SADC will be confirmed. Mr. Shute commented that the Township covered the local market and that Spann covered the regional one. The end result was that the Township received \$20,000 more in the sale.

## **UNFINISHED BUSINESS**

**Possible Appointments** – The appointment of Brian Tumler to an unexpired 3 year term on Parks and Recreation was made by Mayor Rich and unanimously approved by the Township Committee.

**Updates** – 1) No report on the **SHR turf field**. 2) Information on minimum and reserve numbers for the upcoming **auction of surplus equipment** that includes the portable a/c units, the two gas boy units, the 2006 Crown Vic and the 2007 Durango was requested by Clerk Olsen. The auction site will be updated accordingly. The auction will close on May 1<sup>st</sup> at 3 p.m. 3) Two quotes were received for replacing the municipal building **water heater**. The first would provide in-kind replacement, the other a tank-less unit. Mr. Dale advised that the tank-less unit would provide savings over time and therefore a better return on investment. The recommended unit in the amount of \$2,499.20 was unanimously approved. 4) The **a/c unit** at the police department received damage from falling snow/ice from the roof. Insurance money has been received for a replacement unit but the Clerk was instructed to check with Captain Bartzak. If the unit does not run, the replacement unit was authorized. 5) Mayor Rich will consult with the construction official concerning lack of Wednesday night coverage in the **Construction office**.

**Release of Final Re-Assessment Payment** – Discussion continued concerning whether this would be released as salary subject to tax or provided for in equipment and dispensed over a three year time span. A recent conversation between Mr. Gill and the mayor found the latter to be agreeable. However, Mr. Fisher was uncomfortable with this direction and recommended that the salary be given. It was also relayed that the money is in reserve and therefore does not hit the budget.

**Policies & Procedures Manual Review** – Held

## **NEW BUSINESS**

Engagement and Management letters were received from Auditor Ardito for approval and the mayor's signature. These were approved and executed by the mayor.

Due to family issues, Tax Collector Hyland requested that her Thursday hours be eliminated and that she come in every Saturday from 9:00 to 11:00 a.m. The request was approved.

## **OPEN TO THE PUBLIC**

There was no public in attendance at this point in the meeting.

## **ADMINISTRATIVE REPORTS**

**CORRESPONDENCE**

The correspondence as listed on the Agenda was ordered filed.

**ADJOURNMENT**

There being no further business, the meeting was unanimously adjourned at 10:02 p.m. on motion from Dale.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk

APPROVED: April 23, 2014