
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: January 14, 2015
Time of Meeting: 6:00 P.M.
Minute Page No: Page 1 of 4

Mayor Bettina Bieri called the Special Meeting of the West Milford Township Council to order.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Special meeting was published in the Herald News on January 11, 2015; copies were provided to the Record, Star Ledger, Suburban Trends and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits – located to the left, right, and rear of this room - for use in case of an emergency. Thank you.

Pledge of Allegiance

Mayor Bieri led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Ada Erik, Michael Hensley, Vivienne Erk, Michele Dale, Luciano Signorino, Marilyn Lichtenberg, Mayor Bettina Bieri.
Absent: None.
Also Present: Township Administrator Kenneth Gabbert, Township Clerk Antoinette Battaglia, Brian Townsend, Tax Assessor, Michael Fitzpatrick, Health Officer

Agenda No. II

Purpose

Review of the proposed 2015 Municipal Budget.

Agenda No. III

Review of 2015 Municipal Budget

Overview – Administrator Gabbert said that he will be asking to lock in next budget date & time before leaving tonight. The tax assessor's office will be discussed in open session & health will be in executive session because employees opted for that route. Councilwoman Dale asked where Mr. Semrau is tonight and Mr. Gabbert replied that legal counsel was not warranted tonight. Mr. Gabbert said the purpose tonight is simply to broach the topic of restructuring certain departments. It is to get basic ideas out. The topics will be revisited many times in the coming months.

2015 Tax Assessor Department Budget Request – Tax Assessor Brian Townsend addressed the Council. Mr. Townsend said his operating budget is minimal compared to salaries & wages. He has been paring his budget down over the years to meet the needs of the office without a cushion. Most items are needed for statutory obligations. He reviewed the individual line items.

Mr. Gabbert addressed the Council about staffing noting that the budget constraints are challenging this year. He said that staffing in the Assessor's office is an area with large costs totaling \$400,000. He said he addressed this with the tax assessor who provided a memo summarizing the reasons for current staffing levels and explaining the workload. He deferred to Mr. Townsend to highlight the important facets of that memo.

Mr. Townsend said his memo outlines his reasons for requesting that his staffing not be restructured. He said he would happily elaborate or expand upon that if needed. Mayor Bieri asked Council to pose additional queries through the administrator so that a response is sent to all members of the governing body. Mr. Townsend said he recognizes the pressures to minimize the tax impact on residents and he bears that in mind when preparing his budget. He said it is unfortunate that the cost of salaries repeatedly draws such attention. He has been employed by the Township for 32 years and his staff have been here for 30 and 28 years each starting as assessment clerks and pursuing assessing careers taking classes & exams. Tenure increases the salary figure. There is a need for 3 people in this office in his opinion. He directed Council to his memo which starts with a staffing comparison with Ridgewood. West Milford has more line items and it is a unique municipality making it difficult to compare equally to other towns. He said he took exception to comparisons made by the Administrator to Ridgewood because the municipalities cannot be compared. Mr. Townsend looked at Wayne who has 50% more line items spread over 25 miles compared to 80 miles in West Milford and they have 6 employees. Each municipality has its own nuances. It is difficult to compare office to office. He reviewed the major functions & goals of his department. The main goals are to maximize ratable and minimize losses

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: January 14, 2015
Time of Meeting: 6:00 P.M.
Minute Page No: Page 2 of 4

through tax appeals. Added assessments increased by 21% in the past 3 years which is admirable given some of the obstacles unique to West Milford.

Mr. Townsend said that since the revaluation the Township has had over 1,400 tax appeals that have required input from the assessor's department with 60-75 pending in tax court. He feels the most quantifiable areas are preparation of deeds. Sales analyses for equalization ratios take time and often result in inspections. It is important to maintain the equalization level to prevent an increased share of county taxes. The ratio has increased which is beneficial to West Milford. This process also helps weed out sales that may not benefit us in tax appeal court. It is critical to be diligent in analyzing every sale. Tax appeals are a major issue because there could be losses. This process requires significant assistance to individual residents. Every tax appeal filed takes work to review. The staff reviews appraisals and comparable sales and the assessor has to find his own comparable sales for a defense. The assessor also testifies at the county tax board. Some cases then go to tax court where the process is more litigious. His goal is to have a credible defense for all appeals. Last year residents requested reductions that would have resulted in \$250,000 more in refunds than that awarded in the process. That is a significant savings to the municipality. His office has to review & inspect every property where a construction permit is issued. He reviewed the number of permits outstanding. His office determines if the improvement warrants an increase in value. He reviewed the process and what it entails. They have to be able to defend the value in case it is appealed.

Mr. Townsend said he talked to Administrator Gabbert about the size of the municipality and the problems that creates in doing inspections. He relayed details of a recent experience where an inspection took him about an hour to complete. The result was an added assessment of \$925. Loss in manpower could cripple his department's ability to do these inspections. He and his staff rotate the inspections. He does not know how they would man the office with a reduction in staff.

Mr. Townsend said that his office invests a lot of time in issues related to the City of Newark and the watershed properties. In 2014 he spent a considerable amount of time researching for the watershed legislation as well as the tax appeal for those properties. This is unique to West Milford and differentiates us from other municipalities who do not have to devote such hours to one particular property.

These points are only the highlights of what his office does. They do so much more. The database they use must be maintained which requires manpower. That impacts other departments including the tax collector's office, engineering, clerk and so on. A staff reduction would have a negative effect on tax appeal defenses, an area he and his staff pride themselves on being proactive. They also review multiple listings; sales and they try to monitor trends. That limits exposure to tax appeals. That proactive approach will be diminished if there is a staff reduction. Mr. Townsend said he has been told there may be a staff member reassigned to another department. Mayor Bieri commended the Tax Assessor for his presentation. Mr. Townsend added that the assessment process is hugely important. A manpower cut would hinder his department's ability to do the inspections. He synopsised his presentation. The net valuation tax bill is the sole responsibility of the tax assessor's office. That is a compelling contribution to the fiscal health of the municipality. He fully supports his staff. His staff works very diligently & hard.

Mr. Gabbert urged Council to review the tax assessor's report which he classified as a good overview. He said he met with staff and advised them that we have to look at areas of reduction. The goal is to reassign or share and effectuate this reduction without layoffs. He feels that from a budget standpoint this is a department to look at and the goal tonight is to begin the conversation. He is seeking Council direction. He does not have a specific plan or numbers at this time. Full time staff is wonderful and nice but there are high costs associated with that. There are many options to staff offices including sharing & part time staff. The goal is to do this without layoffs. Councilwoman Erik said that the 3 people in that department are doing a lot of work. She feels they are protecting the revenue for this town. Councilwoman Dale said she would like to hear Administrator Gabbert's recommendation for the proposed structure and then hear Mr. Townsend's opinion on that plan. Mayor Bieri said that the administrator is doing his job looking at these options. He has not proposed layoffs but wants to talk about possible re-shifting of responsibilities while protecting the jobs of people who have been loyal for many years. He will be looking at all departments to best utilize staff. Administrator Gabbert agreed and said it will require cooperation from the unions.

Mr. Townsend said his office did downsize in 2010 and they did their best to re-prioritize. They felt that pain. At one time they did have 5 people. He appreciates being a part of the discussions. Mayor Bieri said that most departments have realized a reduction in staff. She credited the employees for getting the job done. Councilman Hensley asked Mr. Townsend to clarify his comment that the completion of the revaluation within a 4-month period had ramifications. Mr. Townsend said the typical time for a revaluation for a town this size is one year. He said the tax map recertification was held up which caused the process to become compressed causing a lot of additional work for his office. It was a challenge for

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: January 14, 2015
Time of Meeting: 6:00 P.M.
Minute Page No: Page 3 of 4

his office to help the company accomplish the goal. There was an order to complete the revaluation in 2012. He said that it is a credit to his staff that the goal was met and he explained the certification of the tax map process. Council said they would like to see the restructuring plan before making a decision.

2015 Health Division Budget Request –

Health Officer Mike Fitzpatrick addressed the Council. He reviewed his operating budget with the Council. He said the nursing division must purchase a new refrigerator to comply with CDC regulations. It will be a one time purchase and accounts for the proposed increase. Most of his requests are flat or minimal increases based on inflation. Years ago the state provided funding through grants to deter the sale of tobacco products to minors. They eliminated those grant funds and he is requesting \$900 to operate that program in-house. Councilwoman Erik asked if we assess fines for violations and Mr. Fitzpatrick said the process is dictated through state laws. The Township would get the revenue from fines. Discussion ensued about maintenance contracts.

The Health Officer reviewed budgets for vital statistics and the building standards board. He will have some suggestions in his staffing discussion about better implementing the disbursement of these funds. He reviewed the environmental health budget which has some minor requested changes. The proposed increase in laboratory fees is due to demand but most of these costs are reimbursed by homeowners. He said that our fee ordinance does not allow us to charge actual lab costs and the Township assumes the costs for some of these laboratory tests and he explained some instances where it is the Township's responsibility for public health reasons and for tests in public buildings. He reviewed the cost of distributing water to the Banker Road residents. He said he engaged in testing last year and it continues to be necessary to provide that water. Councilwoman Dale said expenditures have been historically less than appropriations for this purpose and Mr. Fitzpatrick will look into that. He reviewed his request for consulting services which has a proposed increase of \$1,100.

Mr. Fitzpatrick said he provided information on the animal control trust account just for Council edification. Councilwoman Erik said she is on building standards and the money is refunded unless it is a Township property. Mr. Gabbert advised that the staff in the Health Department opted to have personnel discussions in executive session. Mayor Bieri noted that only affected employees can stay for executive session.

~ Resolution No. 2015 – 053 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 14th day of January 2015 that:

1. Prior to the conclusion of this **Special Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Contracts – Interlocal Agreement for Health Services
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: January 14, 2015
Time of Meeting: 6:00 P.M.
Minute Page No: Page 4 of 4

Adopted: January 14, 2015

Councilwoman Erik made a motion, seconded by Councilman Signorino to enter into Executive Session at 7:40 pm.

Moved: Erik Seconded: Signorino
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

The Governing Body returned from Executive Session at 8:59 pm with all present as before.

Administrator Gabbert said there will be three vacancies in the police department as a result of retirements. The starting salary \$41,000 plus and he asked for consensus to try to negotiate down. The Council gave consensus. He asked for availability for future budget meetings. The Council agreed to three budget-meeting dates.

Agenda No. IV

Public Comments

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker.

There being no comments from the public, Councilwoman Erik moved to close the public portion of the meeting.

Moved: Erik Seconded: Dale
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

Agenda No. V

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:06 p.m.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Unanimous voice vote.
Voted Nay: None.
Motion carried.

Approved: April 1, 2015

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK