

Cape May Court House, NJ
April 6, 2009
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Doughty, Committeemember DeLanzo, Committeemember Barry, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Attorney James Pickering, and Engineer Vincent Orlando.

Presentation by Andrew Smith of Middle Township Public Works Department.

Thank you Mayor and Committee and thank you all very much for coming this evening. This is in reference to the subject of recycling. I would like to thank all of the residents who may be here, may not be here for coming out this Saturday for our second annual shredding event, which was an extreme success. We shredded over 20,000 pounds of paper, which is about 10 tons of paper and about 5,000 pounds of cardboard, which is a great feat. We had over 500 cars through the line, compared to 200 cars last year. We appreciate the effort, the State of New Jersey has given us grant money for this cause and we want to keep doing what we are doing and I want to thank the Mayor and Committee for allowing me to do this also, thank you guys very much.

Presentation by Middle Township Basketball.

Tonight we want to present the South Shore Basketball League, our traveling basketball program is a part of, and tonight we are here to recognize 3 teams who won that championship this year. The first team is the 5th and 6th grade girls team whose record was, I want to say in regular season was 10 and 1, they won the championship by defeating Cape May Pal. When I call your name come up and Committee will present you with a jacket. (Calls names) The 5th and 6th girl's coaches we would like to recognize are the Head Coach, John McCann and his Assistant Coach, Colleen McNulty. (Mayor presents Certificate of Honor to team)

The next team we would like to honor is our 5th and 6th grade boys, the B Division Champions. They had a season record of 8 and 3. They won the Middle Township Hoop Classic Basketball Tournament that we host every year and they also won the South Shore League Championship defeating Upper Township. (Calls names). Now I would like to honor the coaches, Head Coach Russ, and Assistant Coaches Fran Fala and Coach Wise. (Deputy Mayor presents Certificate of Honor to team).

The last team we would like to recognize is the boys 5th and 6th grade A Team, who went by the way undefeated with a perfect 10 and 0 record this season and winners of the South Shore League Championship. (Calls names). Now let's introduce the Head Coach of the 5th and 6th Boys A Team, Bob DePeso.

We do have one more presentation that we would like to make, this is kind of a special presentation. One of the things that we fight with within the recreation department all the time is trying to find volunteers who can help us provide the leadership that we need to get these programs running and just to make them a success. I would like to recognize 2 people for their personal dedication to all the programs, not just basketball, but to coaching basketball, football, you name it, helping at the snack stands, helping us out with our tournaments, I would like to present a plaque and 2 jackets to Mr. & Mrs. Jones.

1. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

Jim Pickering: Mayor, if I could I have a matter initially. This has to do with Item #10, which is titled Regulating Still Photography, Videotaping and Audio Taping of Public Meeting Program. I have had a couple of conversations with people today and I just wanted to make it clear for Township Committee what this is about and also to the public. This matter started because of a Supreme Court decision from 2007 called TARUS, which made it very clear as we have discussed here in these Township Committee meetings on numerous occasions that people have a right to video tape, take photographs and other things...that has been discussed here at meetings any number of times and this Township Committee has made it clear that they want to encourage people to have that First Amendment Right to video tape and also to be able to speak and I know they have gone to great lengths at times to allow the public to speak at length. It also came about because a resident did ask, at several committee meetings, about the possibility of videotaping the meetings here and Township Committee indicated that it would get back to them. Now the purpose of the resolution is to protect and promote those First Amendment Rights and there times competing First Amendment Rights. Some of the First Amendment Rights has to do with one

person's right to video tape a meeting. Someone else's First Amendment Rights would be able to speak at a meeting and we want to encourage people to speak at those meetings and sometimes those 2 rights come into conflict with one other. So the purpose of the resolution was to be sure that someone who wants to video tape can, to be sure that someone who does video tape is not disruptive to the meetings so the public works can be done and also to be sure that when someone is videotaping that it does not in some way chill public participation. For instance, it would not be appropriate if someone stood up during the public comment period and wanted to make a statement that they be surrounded by 10 people taking their photograph, invading their space and putting cameras in their faces. The Supreme Court in the TARUS case made it very clear that 2 things are for certain, everybody has the right to video tape, people have the right to speak and that right to video tape can have reasonable restrictions placed upon it. All this resolution was attempting to do was to place those reasonable restrictions. Now what is reasonable to some people might not be reasonable to others, and that is what this is about. If anything that this shows it is that the process works. We talked about this resolution at a work session 2 weeks ago, it was discussed openly in a public meeting, it was asked if it was appropriate to place it on the agenda and we decided to do that, it was then placed in the public realm on the Township website, people could read it there, it was distributed, so the public was certainly made aware of it and I think that is why many people are here. Since, I have had some discussions with people who are knowledgeable in this field and specifically they have expressed to me some concerns that perhaps some of the restrictions that are proposed, while reasonable and openly discussed in the Supreme Court decision, might in its application in the real world actually have the effect of chilling some people's First Amendment Rights. That is not what the intent of this is. The intent, again, is to promote people's First Amendment Rights. I specifically had a discussion with Al Campbell from one of our newspapers here, someone whom I have known for 20 years and dealt with in a professional manner in this government newspaper type relationship, someone whom I respect, who indicated to me that he felt that some of the provisions could have that chilling effect and make it difficult for some journalists to do their job. That is not what the intent of this was. I therefore indicated to Al that I would be happy to sit and talk to him and the other member of the press and anybody from the public if they feel that there are changes that should be made to this resolution. I will note too that when this was discussed at the work session, there were a couple of sections that we agreed would be changed specifically having to do with some technological issues which are now probably outdated, which I think are a little too specific and somewhere along the line the clerk and I got our q's mixed up and those changes weren't done, so I was probably going to ask that this matter be tabled anyway. In light of the other issues that have been raised that maybe this is not as practical in the real world as we would hope, I'd ask the Township Committee to table this and to give me some time to sit with Mr. Campbell and maybe some other people and to see if there is a way to do it. I want to express again the purpose of this is to protect people's rights to come in here to video tape and to photograph. I don't think anyone could ever indicate that at any time when anyone has said put the camera away, don't video tape, don't take pictures, don't audio record, that has always been done, people have the right to do that and the only purpose of this was frankly to set some rules so that when people want to do it they know they have to abide by those rules so that other people's rights are not infringed upon, so I ask that the Township Committee just table this and if you choose to consider it again at some other point after I have had an opportunity to revise some of the language, we can do that.

Kim Tomkinson: That being said, does anyone else have a question regarding the agenda prior to moving forward.

Al Campbell: I appreciate your comments, Mr. Pickering. We had our discussion this morning and I just wanted to express my gratitude for what you have done tonight and I just want to put it on the record the way I feel about it or express my concerns to you. I am here this evening on behalf of the Cape May County Herald and all New Jersey media outlets. With me are many of my colleagues, including Art Hall, the Herald publisher and Chairman of the New Jersey Press Association and many others as well as the public at large. It would be greatly and adversely by the resolution regarding still photography, video photography and audio tapings at public meetings of the Township of Middle. This ill conceived resolution, while claiming to be constitutional smacks the 1st Amendment in the face. It is unnecessary since there has not been a demonstrated problem with any photography, videotaping or audio recording of this or any other public body in this municipality. According to the New Jersey Press Association Attorney, Tom Cafferty, parts of it do violate the shield law by requiring images to be turned over to the municipal clerk. This resolution grants to this body the privilege to control what can and cannot be recorded, yet there is a part of the resolution that allows the Mayor to order recording equipment to be turned off if a person at a public meeting senses that something may be said that will embarrass them at some time in the future. The resolution is draconian in its approach since it demands all photographers to provide the municipal clerk with their photographs and tapes. Also questioned is the authority for and justification to require submission of video tapes to the clerk for five (5) days to copy. If the governing body desires video tapes of its proceedings, it should film them itself. The resolution places the Mayor or that person's representative in a position to deny access to the free right of photography and sound recordings of any meeting of this body. Is there a fear that something might be said that could be used as evidence in a court of law? If so, it ought not be stated. Why is prior approval needed to photograph in this room? If the Mayor or Committee does not want a camera present at any meeting, any person who brings a camera into this room could be subject to arrest by police. This resolution extends the ceremonial proceedings when elected officials are sworn into office. Prior approval would be necessary to have photographers at the event. What would happen if a US Senator was present and the newly elected official wanted a photographer to take his or her picture and the Mayor did not grant the permission? The resolution restricts the movement of photographers in the room to gain photographs of a public

meeting, since it constrains them to a tiny area in the rear of the room. Superior Court proceedings in this state routinely allow photographs using ordinary digital single lens reflex cameras that according to the Township's new resolution cannot be used. However, I assume that we will work that out too sir. At the time when most governments are striving to achieve transparency, this body seems to fear a long lasting image of what it is doing. The public has every right to see and hear what its officials do regardless if that public is present in this room or in front of a newspaper page or a computer screen, and at a public meeting, those things stated by the public have a right to be reported and reproduced regardless of the media. I urge you to rescind or alter this resolution, that would be the right thing to do. That would be the first step to restore the public's faith in this governing body and would clearly demonstrate that you adhere not only to the spirit but to the letter of the 1st Amendment of the United States Constitution. Passing this resolution would be a first step on a long dark road that would surely and unnecessarily lead to contention and possible litigation, and worse, it would cloud the public's perception of its 3 elected officials.

Ralph Shuman: I know that you guys have kind of like rescinded this, but could you tell us why you came up with this idea?

Jim Pickering: I can tell you, I am the one that has been pushing this because the Supreme Court stated in its decision in TARUS that municipalities can place restrictions on, reasonable restrictions, on the right of other people to video tape. It was raised here at the Township Committee level and it was a communiqué from the League of Municipalities stating that municipalities should approve such restrictions, reasonable restrictions. I know that this is not the first of the 564 or 565 municipalities in the State to approve a resolution like this and in fact I bet we are further down the line than most. So at this point it was me, I felt that it was to protect people's constitutional rights to be able to video tape and to set reasonable guidelines to people as to what they can do and to also protect the rights of people who want to participate in the meeting without having videotaping and cameras and those kind of things in their face or in their space and not to have a chilling effect on that public participation. I am sure that we can, uh, if people don't want that, if people don't think that it is going to be a restriction to have that type of activity, then maybe we don't need to approve such a resolution, that will be up to Township Committee. But, you know the first time it happens, and somebody says, well, gee I didn't feel like I wanted to say something because I knew if I did I was going to have a whole bunch of people taking my picture or you know, I didn't want to be on somebody else's video tape, whatever it is, then people are going to say why didn't you approve a resolution to put reasonable restrictions on these, so it is just a matter of the Township's communities balancing those competing interests and coming to some sort of a reasonable resolution, it is that simple.

Eileen Fausey: I know at the public meetings, and I am assuming that everybody here knows, they're in the public. But last year the Middle Taxpayers Association did request of the Committee in an effort to be cooperative and to comply with your wishes, the right to video tape the meetings and it has been over a year, but now I am asking you to get back to us, may we do that.

Jim Pickering: As I stated before Ms. Fausey, you have the right to do that.

Eileen Fausey: We were told, and in fact it was stated here earlier tonight, that they would get back to us and we were never gotten back to, so all I am doing is confirming our right to do it, is that correct?

Jim Pickering: The Supreme Court has made it clear that people have a right to video tape a meeting and that has been stated before.

Eileen Fausey: Ok, thank you.

Eric Springer: You are right, many of the towns have grveled with this issue, but also many of the town's also video tape their own Committee meetings. But, what I don't understand is you're saying it is competing 1st Amendment Rights, and I don't know where in the 1st Amendment it says, I am not aware, that you have the right to privacy at a public meeting with your comments. It is a public meeting, you stand up in a public meeting in a public square, and from what I understand from the 1st Amendment to British Common Law and all the way back, if you stand up and pronounce yourself at a public meeting, you are being heard by the public and everyone has a right to hear that. I don't understand what the competing interest is.

Jim Pickering: Absolutely. The competing interest is encouraging people to discuss things in public without that potential of disruption by people using the video tape with the cameras in an inappropriate and disruptive way.

Eric Springer: But that is the essence of a public comment or.....

Jim Pickering: But let's say you stood up and suddenly 10 people with cameras surrounded you.

Eric Springer: I made the choice to stand up at a public meeting.

Jim Pickering: Ah, well I disagree about that, I think that that can have a chilling effect on people choosing to stand up. I think the Supreme Court has recognized that too in the TARUS decision.

Carol Mattessich: My husband and I attend virtually every public meeting and I have got to say that there has not been, at the meetings that I have attended, any such disruption. I think that is a very, very cogent point. Another thing that I will just note for the record is what I have experienced over the past few days was that as residents of this town came across text of this ordinance on the Internet, they called one another, they spoke with one another, people reacted so strongly against this ordinance with comments ranging from “is this the Kremlin” to comments just asking basically what is motivating this. Al Campbell gave such a beautiful speech and raised all of the considerations, but I don’t want you to think that simply by not repeating those that we all aren’t 100% in that court. I certainly join and I would imagine that many other people would join with the incredibly cogent comments made by Mr. Campbell. I would ask that if this ordinance or some version of it is considered in the future, that before it is presented at a public meeting or at the time that it is presented at a public meeting, the Committee identify, #1 what person(s) and attorneys have reviewed the draft and passed upon its validity on the current law and #2, please provide us with evidence on the record of the problems that you are trying to avoid. I don’t think those problems exist, we love our community, it’s beautiful, it is a small town based community and we shouldn’t start acting like a big city where are always anticipating problems and thereby basically creating them on our own. Thanks very much for the opportunity to speak.

Sam Kelly: Here we go again, this is not unlike what we just did at the last meeting when you went with the resolution on the HCB’s and you spent an hour and a half trying to convince people what the intent of that HCB was, how innocent that it was. The credibility here is destroyed, just as it has been destroyed because as Eileen said, we asked about this thing at least a year ago from the Taxpayers Association, you went ahead and drafted this, you invite us into that now, why weren’t we invited in when you were drafting this thing, why weren’t we a part of all of that? You went forward, I understand that you don’t see the arrogance of that, but that is what is causing now this whole breakdown and we have a whole community now that your credibility is destroyed up there at the moment and this is exactly why. One issue on top of the other and this was certainly it, to see that resolution presented that way, there was no input from myself, from Eileen, from Al, from no one, but yet we have been talking about this matter for a year. You went ahead and drafted that thing and here you sit tonight repeating the same performance that you did, you guys came up with a great idea trying to bring this in early in the meeting and you can’t even get on to the meeting because you can’t convince the people in attendance what your intentions are...you have done this 2 weeks in a row.

Mike Hajek: I am a previous member of 18 years with the South Brunswick Mosaic County Zoning Board of Adjustment and Planning Boards. We videotaped, we recorded and also televised directly into the home the 18 years that I was there and I have to agree with the young lady over there, never once was there a disruption; it was a convenience coming into the home because people who were not able to get out and participate in the meetings were fully advised of what was going on. So I really, in my aspect and experience, don’t see a problem with recording, televising, videotaping or anything of that nature. It also worked for members of the board who were not able to make a meeting who then could sit home and go through the whole meeting, thus not disqualifying them on that particular application. So it is a good thing.

Kurt Kelly: Obviously the 1st Amendments, also I think OPRA the Open Public Records Act, there are a few aspects here; this gentleman also noted people that can’t get out, I know what that is like myself. Also, a little sidebar, I was wondering we had spoke a couple of weeks back about the Operations Clean Shores, did we get Reeds Beach scheduled yet to get the mess cleaned up, there is a lot of debris out there that I wouldn’t want to see out in the bay with the tourists and the boaters. Is that scheduled yet or are we working on it at least?

Mayor Doughty: We are working on it.

Kurt Kelly: Thank you for your time....I appreciate it.

2. RESOLUTION 152-09 – APPROVING PAYMENT FOR ALL BILLS – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Dedicated Trust	\$ 10,324.48
Current Acct.	\$ 2,481,149.52
3. RESOLUTION no. 153-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
4. REPORTS: The following departments have submitted their reports for the months indicated: Treasurer for the month of February; Police Department for the month of February; Zoning Official for the month of March; Municipal Clerk for the month of March; Construction Official for the month of March; Tax Collector for the month of March;
5. ORDINANCE NO. 1317-09 – ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE (WITH AMENDMENTS) – Following second reading, hearing, and consideration for adoption, Ordinance 1317-09 was adopted on

motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

6. ORDINANCE NO. 1318-09 – AMENDING CHAPTER 218, SUBDIVISION/SITE PLAN, OF THE CODE OF THE TOWNSHIP OF MIDDLE – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, Ordinance No 1318-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/04/2009 at 6:00 p.m.
7. ORDINANCE NO. 1319-09 – AMENDING CHAPTER 188, SECTION 188-2, ENTITLED PARKS AND RECREATION – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, Ordinance No 1319-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/04/2009 at 6:00 p.m.
8. ORDINANCE NO. 1321-09 – TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 131, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, Ordinance No 1321-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/04/2009 at 6:00 p.m.
9. ****TABLED**** RESOLUTION – REGULATING STILL PHOTOGRAPHY, VIDEOTAPING AND AUDIO TAPING OF PUBLIC MEETING PROGRAM- On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

10. RESOLUTION NO. 154-09 – FORECLOSURE GROUP #187 – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #187, be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of Certificates to Township Solicitor, James Pickering Jr., Esq. to proceed to Foreclose in Rem, the lands and premises covered by said certificates

11. RESOLUTION NO. 155-09 – ESTABLISHING CHANGE FUNDS FOR VARIOUS TOWNSHIP DEPARTMENTS – CORRECTION OF AMENDMENT (TYPOGRAPHICAL ERROR) – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 Whereas, the Township Committee of the Township of Middle, the governing body thereof, authorizes the establishment of Change Funds for various departments within the town, Now therefore be it resolved, the following departments are hereby authorized and permitted to establish change funds in the respective amounts:

Department	Officer	Amount
Tax Collector	Sandra Beasley	\$400.00
Construction	Donald Arndt	\$150.00
Vital Statistics	Bonita Millard	\$ 50.00
Municipal Court	Cynthia Lutes	\$300.00
Dog Licensing	Dawn Stimmel	\$ 50.00
Recreation	Charles McDonnell	\$ 25.00
Police Records	Joseph Evangelista	\$ 25.00
Recreation – MLK	Charles McDonnell	\$150.00
Zoning	David May	<u>\$100.00</u>
	Total	\$1,250.00

Further resolved, that said funds shall be used by such offices to maintain a cash box.

12. RESOLUTION NO. 156-09 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE HOUSING REHABILITATION GRANTS – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Barry ABSTAINED
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mortgage Housing Rehab Grant as following is hereby discharged:

Borrower	Mrtg Dated	Date Satisfied	Sum of Principal
Edna Kay Blackburn	January 18,1994	January 18, 2004	3,252.00
Edna Kay Blackburn	August 20, 1993	August 20, 2003	24,294.00
Harvey DiGiacomo	February 6,1998	February 6, 2008	10,781
James & Carol Jean Hucklebridge	April 15, 1998	April, 2008	11,000
Sharon Farrell	September 18, 1998	September 18, 2008	4,233
John Baker, Jr. & Suzanne K. Baker	February 6, 1998	February 6, 2008	15,265

Doris MacAfee	February 6, 1998	February 6, 2008	8,370
Bernice Potts	December 9, 1997	December 9, 2007	16,685
Joan & Thomas Sandy	December 11, 1997	December 11, 2007	17,240
Julia & James Brannan	November 3, 1997	November 3, 2007	12,995
Margaret Jordan	November 22, 1996	November 22, 2006	5,461

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign said Discharge of Mortgage.

13. RESOLUTION 157-09 – DEPOSITORY CURRENT FUNDS – 2009 – AMENDING GENERAL ACCOUNT – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. Mayor Doughty ABSTAINED BE IT FURTHER RESOLVED, that the Sturdy Savings Bank shall be the depository for the following account of the Township of Middle for the year 2009, and that all disbursements shall be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
Clerk Township Clerk or Deputy Clerk	
TTL Redemption Clerk	Tax Collector or Designated Tax
Construction Official Financial	Construction Official or Chief Officer
Municipal Court	Municipal Judge or Court Administrator or Deputy Court Administrator
Bond Account	Municipal Judge or Court Administrator, or Deputy Court Administrator
Current Administrator	Chief Financial Officer or
General Checking Account)	Chief Financial Officer, Administrator, Mayor, Clerk or Deputy Clerk, Deputy Mayor
Trust Account - Other)	Chief Financial Officer or Administrator
Forfeited Monies)	Chief Financial Officer or Administrator
General Capital Account	Chief Financial Officer or Administrator
Urban Development Action	Chief Financial Officer or Administrator
EMS Billing Administrator	Chief Financial Officer or
Middle Township Municipal Administrator Alliance Committee	Chief Financial Officer or (Dedicated by Rider)
Housing Rehabilitation Administrator Revolving Fund	Chief Financial Officer or
Utility Account Administrator	Chief Financial Officer or
Utility Escrow Account Administrator	Chief Financial Officer or
Utility Capital Account Administrator	Chief Financial Officer or
Green Acres Administrator	Chief Financial Officer or
Dare Account Administrator	Chief Financial Officer or

BE IT FURTHER RESOLVED, that Commerce Bank, of New Jersey shall be the depository for all of the following current funds, of the Township of Middle, for the year 2009, and that all disbursements shall be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
Payroll (SS & Withholding) Administrator	Chief Financial Officer or
Unemployment Trust	Chief Financial Officer or Administrator
Recreation-Ded. Trust Fund Administrator	Chief Financial Officer or
Public Assistance Trust Fund Administrator	Chief Financial Officer or
Dog Tax Administrator	Chief Financial Officer or
Accumulated Absences Trust Fund Administrator	Chief Financial Officer or
COAH Fees Administrator	Chief Financial Officer or
Master Escrow Checking Administrator	Chief Financial Officer or
Master Escrow Savings Administrator	Chief Financial Officer or

FURTHER RESOLVED, that in the Township Clerk may sign in the absence of the Chief Financial Officer.

14. RESOLUTION NO. 158-09– ESTABLISHING AUTHORIZED SIGNORS ON PURCHASE ORDERS – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, purchases for goods and services must be signed by the Chief Financial Officer or her Designee
 WHEREAS, the Township of Middle has not previously formally established this designee and is doing so now
 BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof; that the following employees be designated as authorized signors for the specified funds for purchase orders in the absence of the Chief Financial Officer:
- | | |
|-----------------|--------------------------------|
| Mark Mallet | All Funds |
| Rita Kirk | All Funds Excluding Recreation |
| Mary Kate Garry | Recreation |
15. RESOLUTION NO. 159-09 – ESTABLISHING PAY SCHEDULE – RECREATION – PART TIME EMPLOYEES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, it is in the best interest of the Township of Middle to establish a structured pay schedule for part-time recreational employees effective April 6, 2009, and
 WHEREAS, said fees should be established via resolution, and
 WHEREAS all new part time recreational employees shall start at \$9.00 per hour and shall be promoted to \$10.00 per hour after six months of satisfactory employment, and
 WHEREAS, there will be no further increase annually in salary and the rate shall stay at \$10.00 per hour, except for those employees that are currently employed through the Township of Middle and have received further earnings as of the date of this resolution.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the above referenced pay schedule for part-time recreational employees is hereby established.
16. RESOLUTION NO. 160-09 – TABULATION COMMITTEE – RECONSTRUCTION OF ROMNEY PLACE – FY 2009 MUNICIPAL AID PROGRAM – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Tomkinson, and Business Administrator Mark Mallett, be and hereby are appointed to tabulate the bids to be taken on Tuesday, April 28, 2009 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

RECONSTRUCTION OF ROMNEY PLACE – FY 2009 MUNICIPAL AID PROGRAM

17. RESOLUTION NO. 161-09 – RATIFY INTERLOCAL AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND MIDDLE TOWNSHIP FIRE DISTRICT NO. 2 BOARD OF FIRE COMMISSIONERS – PARTICIPATION IN JOINT INSURANCE FUND – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is a member of the Atlantic County Municipal Joint Insurance Fund; and
WHEREAS, Township of Middle endorsed the participation of Middle Township Fire District #2 in the aforesaid Joint Insurance Fund in connection with Resolution 467-08, and
WHEREAS, under the rules and regulations of the Municipal Excess Liability Joint Insurance Fund, the Township of Middle shall endorse the application of a fire district and agree to assume responsibility for the financial obligation of the fire district to the Atlantic County Municipal Joint Insurance Fund further constituting this agreement for reimbursement; and
WHEREAS, the commissioners have been accepted to participate in the ACMJIF.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Interlocal Agreement.
18. RESOLUTION NO. 162-09 – AUTHORIZE APPLICATION – CLICK IT OR TICKET SEAT BELT CAMPAIGN ENFORCEMENT GRANT – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby authorize the application for the Click it or Ticket Seat Belt Campaign Enforcement Grant.
FURTHER RESOLVED, that Police Lt. Paul Fritsch is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.
19. RESOLUTION NO. 163-09 – AUTHORIZE APPLICATIONS – 2009 EDWARD R. MEMORIAL JUSTICE ASSISTANCE GRANT (BYRNE- JAG) FORMULA AND BYRNE – JAG COMPETITIVE PROGRAM– On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby authorize the application for the 2009 Byrne Justice Assistance Grant.
FURTHER RESOLVED, that Police Lt. John Edwards is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.
20. RESOLUTION NO. 164-09 – AUTHORIZE APPLICATION – “COPS SECURE OUR SCHOOLS GRANT” – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, The COPS Office (Community Oriented Policing Services) is pleased to announce the availability of funding under the COPS Secure Our Schools (SOS) 2009 grant program, and
WHEREAS, approximately \$16 million is available in FY2009 to provide funding to law enforcement agencies to assist with the development of school safety resources and provide improved security at schools and on school grounds, and
WHEREAS, this program will fund up to 50% of the total cost to implement one or more of the following options: placement and use of metal detectors, locks, lighting, and other deterrent measures; security assessments; security training of personnel and students; coordination with local law enforcement; and/or any other measure that may provide a significant improvement in security, and
WHEREAS, this year, the program is open to all law enforcement agencies nationwide.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that authorization to apply for the “COPS Secure Our Schools Grant” is be and is hereby approved.
BE IT FURTHER RESOLVED, that Police Lt. Christopher Leusner is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.
21. RESOLUTION NO. 165-09 – AUTHORIZE CHIEF OF POLICE TO SIGN MEMORANDUM OF UNDERSTANDING – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Chief of Police is hereby authorized to sign the Memorandum of Understanding for the use of radio frequencies related to Testing and Evaluation of a P25 Trunked Radio System as well as Multiband Public Safety Radios by the National Law Enforcement and Corrections Technology Center Communications Technologies Center of Excellence.
22. RESOLUTION NO. 166-09 – RATIFY AGREEMENT - EMPLOYEE CARE – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
BE IT RESOLVED by the Township Committee of the Township of Middle the governing body thereof, that the Agreement between Employee Care and the Township of Middle for the Employee Assistance Program effective April 1, 2009 through March 31, 2010, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

23. RESOLUTION NO. 167-09 – ENDORSING APPROVAL CERTIFICATE FOR USED MOTOR VEHICLE DEALER – OUTDOOR WORLD / SEAPINES LLC. – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Outdoor World currently has RV units on various sites within the campground that they wish to sell to current membership customers, and

WHEREAS, the campground would like to offer this option to members instead of renting the units for weeks and/or weekends, and

WHEREAS, there will be no placement of RV's along the roadway for show or for sale to the public, and

WHEREAS, the Zoning Official has no objection to said endorsement.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk is hereby authorized to sign the Approval Certificate.

24. RESOLUTION NO. 168-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – KAVANAGH & KAVANAGH LLC. – HEARING OFFICER – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Kavanagh & Kavanagh LLC. and the Township of Middle be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Kavanagh & Kavanagh LLC. – Hearing Officer – Rate of \$150.00 per hour not to exceed \$2,500.00

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of rate of \$150.00 per hour not to exceed \$2,500.00 has been bid for the following service or items hearing officer. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 9-01-20-155-156-249
PO# 20901163

25. RESOLUTION NO. 169-09 – CLOSED SESSION – PERSONNEL MATTERS – CHIEF OF POLICE POSITION; PUBLIC WORKS PERSONNEL – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: PERSONNEL MATTERS –CHIEF OF POLICE POSITION; PUBLIC WORKS PERSONNEL

2.) The general nature of the subject matter to be discussed is as follows: PERSONNEL MATTERS –CHIEF OF POLICE POSITION; PUBLIC WORKS PERSONNEL

3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED.

4.) This Resolution shall take effect immediately.

26. RESOLUTION NO. 170-09 – DESIGNATING CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY ATTORNEY CONSULTATION SERVICE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Governing Body of Township of Middle hereinafter referred to as "MUNICIPALITY", is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the FUND has adopted a policy authorizing the Employment Practices Liability Attorney Consultation Service; and

WHEREAS, the FUND has budgeted an annual allowance per member for EPL consulting services and;

WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have telephone access to the EPL Hotline.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby appoint Mark Mallett as its Contact Person.

BE IT FURTHER RESOLVED that the governing body does hereby appoint Vera Kalish as additional Contact Persons.

27. RESOLUTION NO. 171-09 – TAX APPEALS – AMENDED – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, by directive of the County Board of Taxation, under N.J.A.C. 18:12A-1.6 (C), that any and all tax appeals for the increase or decrease of assessments submitted to this Board by the Tax Collector and/or Tax Assessor on behalf of the Township of Middle for the year 2009 are hereby authorized by this governing body for disposition by the County Board of Taxation.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that this resolution as heretofore stated shall be approved by this Township Committee, and

BE IT FURTHER RESOLVED, that the Middle Township Clerk be instructed to submit a certified copy of this resolution to the Tax Assessor, Tax Collector and Cape May County Board of Taxation.

BE IT FURTHER RESOLVED, that the Middle Township Tax Assessor, and when he or she is not able, the Middle Township Deputy Tax Assessor, shall be authorized to sign any documents necessary to defend, prosecute, and settle tax appeals.

28. RESOLUTION NO. 172-09 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and

WHEREAS, the applicants are entitled to a refund of this money,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts as listed on the attached sheets shall be released.

29. RESOLUTION NO. 173-09 THROUGH 175-09 – APPROVE APPLICATION FOR RAFFLE LICENSE – THE WETLANDS INSTITUTE (ITEMS A THROUGH C) – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

173-09 (A) WHEREAS, The Wetlands Institute has applied to Legalized Games of Chance Control Commission for a Raffle License, and

WHEREAS, the location, 1075 Stone Harbor Blvd, Stone Harbor, NJ 08210 has been approved by the Middle Township Committee as an Amusement Game Zone, and

WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,

WHEREAS, the proper application and fee have been received.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night September 20, 2009 at the location of 1075 Stone Harbor Blvd., Stone Harbor, NJ 08210 to be held at 4:00pm is hereby approved.

174-09 (B) WHEREAS, The Wetlands Institute has applied to Legalized Games of Chance Control Commission for a Raffle License, and

WHEREAS, the location, 1075 Stone Harbor Blvd, Stone Harbor, NJ 08210 has been approved by the Middle Township Committee as an Amusement Game Zone, and

WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,

WHEREAS, the proper application and fee have been received.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night September 20, 2009 at the location of 1075 Stone Harbor Blvd., Stone Harbor, NJ 08210 to be held at 3:00pm is hereby approved.

175-09(C) WHEREAS, The Wetlands Institute has applied to Legalized Games of Chance Control Commission for a Raffle License, and

WHEREAS, the location, 1075 Stone Harbor Blvd, Stone Harbor, NJ 08210 has been approved by the Middle Township Committee as an Amusement Game Zone, and

WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,

WHEREAS, the proper application and fee have been received.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night December 11, 2009 at the location of 1075 Stone Harbor Blvd., Stone Harbor, NJ 08210 to be held at 8:30pm is hereby approved.

30. RESOLUTION NO. 176-09 – AWARDING CONTRACT UNDER NON-FAIR AND OPEN PROCESS – VCOMM – TELECOMMUNICATIONS CONSULTING – TALBOT COUNTY, MD– On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) provides for the award of contracts for professional services without advertising for bids, and

WHEREAS, these contracts are not therefore subject to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, and

WHEREAS, the Township of Middle requires said services, and funds are available for said purpose,

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following persons are hereby appointed to the positions designated below for the calendar year 2009.

BE IT FURTHER RESOLVED, that a contract be executed by the Township of Middle with each of said persons to supply professional services for the calendar year 2009.

V Comm Telecommunications Engineering -----Telecommunications Consulting Services –
Talbot County, MD -- Not to exceed \$1,500.00

FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.

FURTHER RESOLVED that these contracts are contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ not to exceed \$1,500.00 has been bid for the following service or items Talbot County, MD. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 9-01-25-250-250-299

PO# 20901164

31. RESOLUTION NO. 177-09 – TRANSFER CREDIT FROM APPEAL – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

Where As, a State Tax Court Appeal was granted on the following:

Block 120 lot 44 block 118.03 lot 9 and block 120 lot 22 for 2007 and 2008 and

Where As, the properties have been combined for 2009 and there is a credit in the amount of \$12,025.03 remaining on block 118.03 lot 9 and the assessed owner has requested in writing the credit be distributed to the following properties

Account	block/lot	owner	location	tax	int to 4/6/09	total
2424	118.03/13	Francis A Cerchiaro	24 Meadow View Lane	2751.03	19.87	2770.90
2454	120/9	Francis A Cerchiaro	103 Meadow View Lane	217.35	1.57	218.92
2415	118.03/11	Avalon Point Marina	18 Meadow View Lane	3389.42	28.00	3417.42
2349	118.02/3	Avalon Point Marina	433 Avalon Blvd	31.05	.22	31.27
2406	118.03/7	Avalon Point Marina	681 Avalon Blvd	3096.31	23.24	3119.55

This transfer will bring the above properties current, with the remaining credit in the amount of \$2,466.97 remaining on block 118.03 lot 9.

32. RESOLUTION NO.178-09 – SUPPORTING PARTICIPATION IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and WHEREAS, Middle Township strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Middle Township hereby acknowledges that the residents of Middle Township desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Middle Township wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Middle Township is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Middle Township, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that to focus attention and effort within Middle Township on matters of sustainability, the Middle Township Governing Body wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Middle Township Governing Body, that we do hereby authorize Jill Zarharchuck to serve as Middle Township’s agent for the Sustainable Jersey Municipal Certification process and authorize her to complete the Municipal Registration on behalf Middle Township.

33. RESOLUTION NO. 179-09 – SUPPORTING A NO PASSING ZONE – NJ ROUTE 47 – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Bureau of Traffic Engineering and Investigations has completed an investigation along NJ Route 47 in Middle Township, and

WHEREAS, based on this investigation, it has been recommended to revise the centerline pavement markings to a No Passing Zone in the vicinity of Mile Post 5.3 to 6.0, and

WHEREAS, the New Jersey Department of Transportation requires a resolution of support from the municipality in order to promulgate a Traffic Regulation Order.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support the revision of centerline pavement markings to indicate a “No Passing Zone” along the vicinity of Mile Post 5.3 to 6.0.

34. RESOLUTION NO. 180-09 – REDUCTION OF PERFORMANCE BOND – LOUIS ALTOBELLI, SR. – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, \$187,449.00.00 is being held as a performance guarantee for Louis Altobelli, Sr. for site improvements at Block 1062, Lot 2, also known as Rte 9 South, Rio Grande and
 WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$131,214.30 have been completed, and
 WHEREAS, the Zoning Official has recommended that the performance guarantee for the above stated project be reduced to \$56,234.70.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Irrevocable letter of credit be and is hereby reduced to \$56,234.70.
35. RESOLUTION NO. 181-09 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 Communications Consultant (Various Telecommunications Projects) - Qualified consulting firm to assist with various telecommunications projects during the calendar year 2009, such as design, programming, construction consultation on phone system and any problems associated with it; existing telecommunications projects with the Department of Public Safety including handheld radios, car radios, data, and dispatch systems, and tower and antenna systems; with potential new infrastructure projects, and repairs or improvements to existing infrastructure. Applicant must have sufficient engineering staff to provide services on emergency basis, including weekend and night availability. Applicant must be familiar with Township systems, or substantial equivalents. Total contract is not to exceed \$30,000.00.
36. RESOLUTION NO. 182-09 – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2009 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and
 WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$2,470,108
 NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20
1. An emergency temporary appropriation be and the same is hereby made in the amount of \$2,283,408. That said emergency temporary appropriation shall be provided for in the 2009 budget under the title of:
 See Attached List
 2. That one certified copy of this resolution be filed with the Director of Local Government Services.
37. RESOLUTION NO. 183-09 – TRANSFER STREETLIGHT ZONING ESCROW BALANCES TO STREETLIGHT TRUST ACCOUNT – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, the Zoning Escrow account has a balance of money attributed to street light funding, and
 WHEREAS, the Zoning office has provided a full accounting of these funds and wishes to release this money to the Finance Office, and
 WHEREAS, the Township of Middle wishes to fulfill all previously approved streetlight requests for the year 2009,
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the Chief Financial Officer transfer these funds to the Streetlight Trust Account from the Zoning Escrow Accounts as described below:
- | | |
|-------------------|-----------------|
| Tompkins Builders | \$647.17 |
| Ros-Len, Inc | <u>\$294.01</u> |
| Total | \$941.18 |
38. RESOLUTION NO. 184-09 – SOCIAL AFFAIRS PERMIT – CAPE REGIONAL MEDICAL CENTER – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, Cape Regional Medical Center Foundation has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 US Hwy 9, CMCH, on May 28, 2009 from 11:30 a.m. to 5:30 p.m.,
39. RESOLUTION NO. 185-09 – ELIMINATING POSITION – SENIOR CITIZEN LIFE LINE COORDINATOR – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, due to program inactivity it has been deemed appropriate to remove said position and stipend associated therewith.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the position of “Senior Citizen Life Line Coordinator” and the stipend associated therewith is hereby eliminated effective May 1, 2009.

40. RESOLUTION NO. 186-09 – AMENDING SALARIES – BOARD OF HEALTH MEMBERS – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, during Reorganization 2009 a resolution indicating salaries for FY 2009 was adopted, and
 WHEREAS, it has been deemed necessary to amend said resolution, and
 WHEREAS, due to current budget hardships Township Committee finds it fiscally responsible to relinquish their compensation for their membership associated with the Board of Health.
 NOW THEREFORE BE IT RESOLVED, that the stipend received by Committeemember Barry, Committeemember DeLanzo, and Mayor Doughty, to be on the local Board of Health, are hereby forfeited effective May 1, 2009.

41. RESOLUTION NO. 187-09 – AMENDING ADOPTED POLICY MANUAL AND PERSONNEL POLICY HANDBOOK – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, Resolution No. 101-04 approved March 1, 2004 adopted the updated Personnel Policy Manual and Personnel Policy Handbook, and
 WHEREAS, an amendment must be made regarding section VIII, entitled Hours of Work, and VII, entitled Leaves of Absence, and
 WHEREAS, the VIII, entitled Hours of Work shall read as follows:

VIII General Rules and Regulations

HOURS OF WORK

Hours of work for General Administration employees shall be from 8:30am to 4:00pm which coincides with the official hours of Township offices.

For employees in the Public Works, Sewer and Water Departments, the hours of work are:

Public Works – 7:00am to 3:30pm

Office hours for both departments 8:00am to 3:30pm

All full-time recreational employees, including the Senior Citizen Center, shall work a 40 hour work week.

All full-time EMS employees shall work a 40 hour work week.

WHEREAS, it has been deemed fiscally responsible to review the existing procedure in connection with the sick leave cash in policy, as outlined in Section VII, entitled Leaves of Absence, subsection “SICK LEAVE CASH-IN POLICY”, and

WHEREAS, this subsection shall be deleted in its entirety for all non-union employees for the year 2009 forward, and

WHEREAS, Township Committee shall continue to honor all existing union contracts for the year 2009.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above mentioned amendments are hereby adopted, and

BE IT FURTHER RESOLVED, that a copy of said update shall be distributed to each Township Committee person, Township Administrator, Township Solicitor, and Head of each Department.

FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of this manual be declared unconstitutional or invalid for any reason, the remaining portions of said manual shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual are hereby declared to be severable.

42. RESOLUTION NO. 188-09 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below is acknowledged.

EMPLOYEE	POSITION	DEPARTMENT	EFFECTIVE
Michael Farrell	Recreation Attendant P/T	Recreation	03/27/2009

43. **TABLED**** RESOLUTION – ESTABLISHING RECREATIONAL FACILITY FEES FOR THIRD PARTIES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, it is in the best interest of the Township of Middle to establish a structured fee schedule for usage of recreational facilities, for third parties, and
 WHEREAS, said fees should be established via resolution.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following changes shall be established for usage of all recreational facilities, for third parties, including but not limited to any league, team or organization not under the direction of the township associations or recreation department:

- A. Open gym or pickup games- The following facilities can be utilized providing there are no Recreation activities, games, practices, or maintenance scheduled. There will be no fee for open gym or pickup games.

Goshen Sports Complex- Baseball fields, Soccer field, football field, and gymnasium

Martin Luther King Center- Baseball field, outdoor basketball court, tennis court, and gymnasium.

- B. The following fields and facilities can be utilized through the issuance of a permit by the Township Recreation Department. Organized leagues and teams that are not under the direction of the township associations or Recreation Department must apply for and be issued a permit. Each team and/or league shall provide own insurance, and will be required to execute an indemnity and hold harmless agreement, and will be responsible for the condition of the building/ field/ court. Following the use of the township facility, the building/ field/ court, must be left in the same condition as it was prior to the event. The following facilities can be utilized with a permit from the Recreation Department at the costs listed below:

Baseball/Softball Fields	\$125.00 per day and an additional \$50/day if using lights. Field #1 and #6 will have only 3 games played on them per day.
Football Field	\$50.00 per game; \$75/game with lights
For organized basketball tournaments Basketball Courts (outdoor MLK)	\$25.00 per game; \$50/game with lights
Gymnasiums (Goshen and MLK) For non-profit organizations	\$75.00 per hour \$50.00 per hour
Hockey Rink	\$50.00 per game; \$75/game with lights
Soccer Field	\$50.00 per game; \$75/game with lights
Tennis Courts (MLK)	\$50.00 per hour

44. RESOLUTION NO. 189-09 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – GRANT, UTILITY AND LEGISLATIVE CONSULTANT – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and
WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and
WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following submission shall be awarded as follows for a term effective January 1, 2009 through December 31, 2009.
Salmon Ventures LTD. – Grant, Utility and Legislative Consultant – Not to exceed \$18,000.00
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$not to exceed \$18,000.00 has been bid for the following service or items grant coordinator It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 9-01-20-130-131-299
PO#209001165
45. RESOLUTION NO. 190-09 – RATIFYING MUNICIPAL ALLIANCE CONTRACT WITH CAPE MAY COUNTY FOR FY2009 – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized to sign the subcontract between the Township of Middle and the County of Cape May for the Municipal Alliance Program.
FURTHER RESOLVED, that said contract period shall be from January 1, 2009 through December 31, 2009.
46. RESOLUTION NO. 191-09 – ALLOCATING FUNDS – 2009 GYPSY MOTH SUPPRESSION PROGRAM – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Middle Township has entered into a cooperative gypsy moth control program with the New Jersey Department of Agriculture. Downtown Aerocrop Service (DEP License #90029) 339 Harding Highway, Vineland, New Jersey has been awarded the contract to apply Bacillus

thuringiensis var. kurstaki (FORAY 76B, EPA Reg. #73049-49) using aircraft to areas infested with gypsy moth larvae., and
 WHEREAS, it is necessary to certify funds for said project.
 WHEREAS, the fee associated with this project, as outlined by the State of New Jersey, is \$50/ an acre estimate, and
 WHEREAS, \$60,400.00 shall hereby be appropriated for the 2009 Gypsy Moth Suppression Program.
 As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ 60,400.00 has been bid for the following service or items gypsy moths. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 9-01-26-290-290-299
 PO# 209001167

47. RESOLUTION NO. 192-09 – ENTERING INTO AGREEMENT AND LEASE WITH MIDDLE TOWNSHIP BASEBALL ASSOCIATION FOR CONSTRUCTION OF BUILDING – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution 489-08 authorized Township Committee to enter into an Agreement and Lease with the Middle Township Baseball Association, and
 WHEREAS, terms of financing have required a modification to the Agreement and Lease, and
 WHEREAS, attached as Exhibit A is an Agreement, and attached to that is a Ground Lease, for the construction of a building for purposes of baseball uses at the Township’s recreational complex in Goshen with the Middle Township Baseball Association; and
 WHEREAS, for the reasons stated therein, the Township desires to enter into said Agreement and Ground Lease;
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, that:

1. The Township of Middle shall enter into the said Agreement; and
2. The Township of Middle shall enter into the Lease Agreement provided the conditions precedent are satisfied; and
3. The Township of Middle Solicitor and Engineer were previously authorized to prepare and file the necessary paperwork for approvals from the appropriate land use board, and any other governmental approvals which are necessary, which approvals have been obtained; and

BE IT FURTHER RESOLVED that the appropriate Township Officials are hereby authorized to execute any documents necessary to carry out the purpose and intent of this Resolution.

48. RESOLUTION NO. 193-09 – TEMPORARY TITLE CHANGE – CHRISTOPHER CURRAN – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the title and stipend indicated below is hereby removed until further notice.

Name	From	Stipend	Eff. Date
Christopher Curran	Substitute Animal Control Officer	\$2,500.00	03/24/2009

49. RESOLUTION NO. 194-09 – AWARD OF BID – CAPE PROFESSIONAL BILLING INC. – EMERGENCY MEDICAL BILLING SERVICES – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for Emergency Medical Billing Services, and
 WHEREAS, sealed bids were received on Wednesday, February 11, 2009 at 10:00 am, and
 WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Contract for Emergency Medical Billing Services shall be awarded to Cape Professional Billing Inc. for a bid amount as indicated below:

Year 1	Year 2	Year 3
2009	2010	2011
5.9% of cash received	5.9% of cash received	5.9% of cash received

50. PUBLIC COMMENT:

Steve Barry: I want to talk briefly about 3 things. First of all I want to talk about our loss this week of Art Conover, I don’t know how many of you here knew him, he died at 86, and Art Conover is Cape May County and Art Conover is Middle Township, was the Middle Township that I think we all want to preserve and it is all the kind of community and he is the kind of citizen that we want to have so I just wanted to take a moment to mention to all of you how significant a life he had. He was a stand out athlete at Middle Township School, he graduated in 1941, there probably weren’t many people here that were even alive in 1941 and then he joined the Navy and served on the USS New Jersey during the 2nd World War and then he returned to farming and he farmed his entire life, he grew food his entire life and was extraordinarily active and robust up until the very end. But, more importantly that land is still farmed and it is still the way Cape May County was when I grew up here and learned to love it. He accomplished that with his family and it was just a remarkable achievement and there weren’t that many people that remarkable. The next thing I want to talk about, and I realize it provokes ones speeches, one of those speeches that it provoked the last time was very helpful to me, I do try to listen very, very carefully to what people say and take notes

and it had to do with the Host Community Benefit. When it first arose as a controversy and the dimensions of it became clear, since it was handled as an offset just like the Cape May County MUA Host Community Benefit, it took a little while to understand all of the contentions and at the point that I think I grasp those contentions, which was about 13 months ago, my first thought was this, and some of you don't know me so you may not know that I have been a lawyer for 33 years and a particular kind of lawyer, what I do is litigation. I spent all day in court today picking a jury and starting a jury trial and there are good and bad things about litigation. It is a very good system for working out disputes in a way that smokes out the facts and develops what the rules of the law is that apply, but it is a bit like a poker game where the lawyers and their clients hold some cards closed and they show other cards and it is even more complicated than that because I have my view of where it is going and the lawyer on the other side has his view of where it is going and what happens is, to some degree it is really not a transparent process. And so, when you have an issue where people say, oh well whatever you say we don't believe you, whatever you say we are suspicious, litigation doesn't work very well to flush out those kinds of issues because a shrewd lawyer for the Township or a shrewd lawyer for any of the litigants in the case is trying to work the case to the advantage of their client not to produce the clearest possible picture because you always think possibly that some aspect of the picture might be better for the other guy than it is for you. But sometimes, particularly where government is concerned, clarity is more important than the bottom line, so it seemed to me then that the best way to resolve the question of what was due and why was it due was to have the judge appoint a special master and why it is so valuable to listen is, I heard Ms. Mattessich really say that 2 weeks ago and I hark back to what I thought for a few months ago that it is in some ways the quickest most efficient and most transparent way to develop in a way that everybody understands what happens. Now some of you probably aren't familiar with special masters, but what sometimes happens in lawsuits is the judge appoints someone and that someone is usually a lawyer, often a retired judge with experience in investigating and resolving disputes and that person typically has sweeping power to compel information and sweeping power to decide what the facts are based on the information they compel. Depending upon the authority they are given by the judge in this case, who would be Judge Armstrong, power to say not only this is what happened but these are the rules that applied to what happened and so this is the bottom line. And I thought then, and I think now that it is probably the best way and the quickest, and probably even the least expensive way to resolve the dispute. Now, normally this kind of conversation doesn't take place in public because the Township is a litigant, so normally you have an Executive Session discussion on how are we going to handle this particular piece of litigation and it happens all the time because an entity as big as the Township always has litigation and you don't want the other side to know what you are thinking because it is a poker game. Now, having said that, there are pluses and minuses. There are very big pluses, and I think the biggest plus is the decision making, not only about how the question should be resolved, but the decision making about how it should be explored is turned over to a competent, we hope super competent, outsider so it is not a question of who is holding what card close, there is somebody who has the judicial power, the judicially granted power, to pull all of that information out and spread it out. That is the plus side it seems to me and there are some efficiencies because the amount of attorney activity on all sides of the case is cut way down, so there are some expense savings, so that seems to me is a wonderful thing. And my reviving this idea was a product of listening carefully to what Ms. Mattessich said the other day and so I am going to proposedly do that. Normally this kind of discussion, as I say, would be in an Executive Session. But, I want to make clear that there are 2 potential downsides to doing it this way...it is sort of a full disclosure thing. One of the potential downside is as a legal dispute or any kind of a dispute develops, the landscape shifts a little bit. You begin to look at a fact a different way, you learn a new little fact, you learn the nuance, and in a normal lawsuit what happens is the players are always adjusting their perception of the odds. In 95% of all disputes like this settle because the people involved in this dispute have this sort of shifting perceptions of how it is going to turn out and you give that up, you give that control up when you turn it over to a special master who plenary's is the word we use, or absolutes should be the word, but complete authority to investigate and decide, you give that up and that means that you increase your own risk a little bit, so that is an important consideration. The other potentially negative aspect of having a special master decide your case is you can anticipate that it would almost certainly proceed much more quickly than litigation. Now on States that would seem like a fine thing I would think, but the dispute over Host Community Benefits is a spin off, to some degree, of the dispute over whether the parent company of Future Mining should be permitted to develop a gravel pit on Indian Trail. Now, to the extent that folks oppose that, and many people do, particularly Mr. Shuman and other interested parties to the extent that this dispute over the Host Community Benefits is an impediment to getting to that problem, that impediment goes away once the decision is made as to what the facts are and who owes who what. So, those are the negative considerations. In my view they are very much outweighed by the positive considerations, which are that people can have confidence. Judge Armstrong is a magnificent, magnificent Judge. She has a full plate and this case could take a year or two to resolve and it would resolve in a fight between lawyers that you wouldn't get to observe, but a special master would be somebody with all the talents and skills of a Judge Armstrong, selected by Judge Armstrong, not by any of the players and anybody could suggest who that would be, obviously anyone could have any input that they wanted and who that might be. But, those that know Judge Armstrong know that complete confidence can be reposed in her in that kind of decision. Then no one could say well, anybody is playing footsie with anybody because it is out of all of our hands what happens, so I am going to suggest that, it is not a resolution type thing Township Committee manages litigation, but, I thought then and I think now it is probably the best way to solve that particular issue which has bedeviled a lot of people, so I just wanted to tell you that in public even though it is highly unusual, it is normally the sort of thing you would do in an Executive Session and give the Solicitor the direction to go ahead in that way. So I wanted to explain that.

The other thing I wanted to talk about was a very interesting meeting I had on March 3rd, 2009. On March 3, 2009, which is not very long ago, Senator Van Drew arranged so that some of the towns that were particularly severely and negatively impacted by COAH, about which many of you are beginning to learn, that we could meet with the Commissioner of the Department of Community Affairs, who is Joseph Doria, and head of COAH, who is a woman named Lucy Vandenberg and before I describe that meeting and what it did to my thinking about this issue, the concern that has arisen recently is about 2 projects that were

proposed by 2 different developers, who for reasons best known to themselves decided to wait until the last minute and, I have a rule in my life, if you create an emergency by bad timing on your part, it is not my emergency. But, they did that and they got caught in their own switches I guess. But because those applications are pending before our Zoning Board, I will not in any way, and I don't think any member of Township Committee should, express any opinion about whether those are good projects or bad projects or have particular problems or particular qualities, and that is because the Zoning Board is an independent body and it would be completely improper for Township Committee in an open way or any of its members, or in a quiet way to try to influence that public body. That public body has the obligation to reach its own decision about this and depending upon what decisions they reach the matters associated with those 2 projects may come before us and they may not, we can't anticipate that. Now, I am not going to attempt to describe COAH except to say that it is as defective and broken bureaucratic system as I have ever encountered in my long life of dealing with laws and regulations. It is not just the mess, it is an ever morphine mess, it is not that it is just a moving target, it's a terrible mess. However, when people have talked to me about it over the last few weeks, it is such a complicated mess that the amount of misinformation that I encountered was staggering but not surprising. So, for people who are really interested in what COAH is all about, where it came from, what its reach of power is, which is very, very substantial, the best description, and one of the only objective descriptions that I have ever seen what COAH is and how it operates and what the dangers it holds for many communities is in this book. It is Volume 36 of New Jersey Practice and the discussion of this issue begins in that book at Section 21. You will find it in the Reference Section of the Cape May County Library and some lawyers have it in their library, it is part of a large and expensive series, but it is a very, very clear explanation. For me to attempt any explanation would distract me from this discussion. I think I have an understanding, but everybody's understanding is different. It comes from this whole Mt. Laurel issue and what's wrong....anyway, I left the meeting with Lucy Vanderberg, does anybody here remember Jim Jones and that terrible tragedy in Jonestown? There has been a....out of that tragedy has emerged a very colorful expression, you hear about people and they'll say "they drank the Cool Aide"....and I left that meeting, which was in Dennis Township, late at night, on a Friday night, and it was a day not unlike this, it wasn't as bad as today, shaking my head thinking the Cool Aide's gottem, the Cool Aide's gottem. But we have to understand what that means for us, but first I want to explain what it means for me. How many people here have actually ever been homeless, raise your hand. No home....I'll tell you how it happened to me. In January of 1959 I was in 4th grade and somebody came and told me my home had burned down and I lived there with my 7 brothers and sisters and my parents in South Dennis...we had no insurance, I didn't know that at 10, and I went from having a home and a pet cat and collections of stuff to being one of 10 people who had nothing but the clothes on their back and a 1952 Nash Ambassador. So, I really do understand in my heart to have nothing but a car that is not big enough to have 10 people to sleep in. That doesn't say what kind of housing we should provide to other people, but I want to explain to you that I can see this issue from a number of sides. The second consideration for me, I grew up in South Dennis, which is just over the border from Middle Township, and I spent a lot of my formative years in South Dennis, Goshen, places like that and it was so beautiful. What COAH proposes, threatens that beauty and threatens that community. The 3rd sort of leg of this stool is my meeting with Lucy Vanderberg. Nice, nice person, if you met her you would really like her, you would be happy to socialize with her, I am sure, and to have her as a neighbor and a fellow church member. But, she drank the Cool Aide. The rule...the case that COAH comes from I won't discuss, but it has a very important phrase in it and it says "no municipality need suffer a radical transformation." I will say it to you again, it is part of the law that underlies this. People have told me that there is no law here, there's plenty of laws here, "no municipality need suffer a radical transformation". Well, what is proposed for us is a radical transformation in ways that haven't even come up yet. For those of you that have been coming to meetings for the last couple of years, you have heard me, as I make these comments at the beginning of the public sessions; talk about the Plan Endorsement process that Mr. Noel is heading very ably and what it means for our centers, because COAH is just part of what it means for our centers, the problem is bigger than COAH in terms of the ways it potentially will change our community and this whole COAH thing comes from the fact that there used to be exclusionary zoning, you have heard of the Mt. Laurel case. The people in Mt. Laurel didn't want Camden to come through Collingswood out to Mt. Laurel and they were found by the courts 34 years ago, while I was in law school, to have designed the way they zoned their community to have economic and at that time racial stratification. You know, if you are rich you lived here and if you are poor you lived there and never the twain meet, and that was found to violate the New Jersey Constitution. Well Middle Township never had that; it's too big to have that. Middle Township was lots of different communities, some of which were relatively low income, none of which were of particularly high income, but because we are such a big Township and we have sewer in some parts of it, we are exposed to this nuttiness from Trenton, and it is nuttiness. The COAH conception is that there will be 115,000 affordable units developed by 2018 and over 900 of them will be in Middle Township. Now think about that, even if you don't get out of town much, just think about how dense the population of New Jersey is once you get north of really, New Brunswick. I think of Toms River as north. Up there they think of Toms River as South Jersey even though it is 80 miles from here. Well why on God's earth, if you really do need 115,000 affordable house, would you put almost 1,000 of them on a tiny little peninsula, on the southern part of the peninsula, in the most remote part of the state where there are almost no year round jobs. Why would you do that? Only if you drank the Cool Aide would you even consider doing it. There are aspects of these rules that haven't even come up yet for public discussion. Those of you who are worried about these particular projects are seeing just one aspect of this. I will give you an example. Middle Township is very limited in density in most areas, not because of anything we say or do, but because of what the DEP does on nitrate dilutions. So, the state says on the one hand you have to do one thing and on the other hand you have to do something contradictory....that is crazy. Now COAH mandates this...suppose you build one house, you owe a fee to COAH of 1 1/2 % the value of that improvement and you have to pay that to the Township and the Township is supposed to use that to create affordable housing. Now, if you develop one house, two houses or three houses, you have to pay 1 1/2 % of each. If you develop the 4th house, you have to provide a 5th affordable house, you are the developer now, and COAH estimates the subsidy involved in that 5th house at \$180,000, which means the developer to build 4 houses has to subsidize a 5th house to the point of \$180,000, which means each of the 4 houses that

are market rate is subsidizing that to the tune of, if my math is correct, \$45,000. So that is \$45,000 for the cost of each of the first 4 houses. Ain't gonna happen, can't work, not going to happen. So, a developer builds 3 houses, OK, so now let's say they are \$300,000 houses, the Township gets 3 times \$13,500 with which we are supposed to somehow create, like the loaves and the fishes, except that God knows that's not going to happen, out of \$13,500 we are supposed to produce \$180,000 subsidy. Just completely crazy. If somebody builds commercial properties, there was all kinds of crazy rules that were going to kill the development of commercial property throughout the State. So, a law was passed saying that the COAH fee for that is 2 1/2 % of the value of the commercial improvement. Now that...COAH insists that these are not taxes by the way, but if you are paying them, it doesn't matter what you are calling it you are writing a check. And we are supposed...the Township somehow...any municipality, not us, this is every town, is expected to produce housing based on one in sixteen employees and how many employees is based on square footage and the type of commercial facility it is. So, the Township might get in, you might get in \$25,000 on a big building and somehow you are supposed to create 2 living units on a \$360,000 subsidy...completely nuts. How in the world would you ever do it. It is completely and totally nuts. Now, so one temptation is to say this is so crazy, remember there was a lady who shaved her hair and was on TV years ago and she had this ad and she would say "stop the insanity", we have been working for years on this whole Smart Growth and COAH, and almost every meeting and these are open meetings, somebody says we have to stop the insanity. But it is not so easy. While it can't work economically, and it is ultimately the clumsiest social engineering, Soviet Russia couldn't have come up with social engineering this clumsy and stupid. Some towns have opted to say we're not playing your game, but there are enormous negative consequences to that that have to be realized. If you are not inside COAH and you are outside, and we are inside, if you are outside and a developer comes in and let's say hypothetically, and this developer is not doing this 100% housing, which I am not going to make any comments about, the developer just wants to put in, let's say a 250 unit family, you know, ordinary apartment complex that are in lots of places in the country, in Rio Grande, this is hypothetical. In order to do that, even with all the approvals and the Township says God bless you, I think it is wonderful, and the zoning board and the planning board and everyone says it is fine, that developer has to apply 20% COAH units, not because we say so, but because State laws says so. But let's say again, hypothetically the zoning board of adjustment says, ya know, we don't think so, ya know we are worried about our schools, we are worried about our traffic, we are worried about the context of our community we are thinking, no municipality need suffer radical transformation and they say no! Again, this is all hypothetical...the builder, if you are not inside COAH, goes up to Atlantic City and files a Builders Remedy Lawsuit. West Cape May just went through this, they were exposed, they largely won, the developer spent \$500,000 in professional fees and wanted West Cape May to pay him... it didn't happen, but hundreds of thousands of dollars later they won, but they had some unique things, it's a tiny town, it's very low, very wet, they don't really have much developable ground, but we do, we have developable ground. What we have done is if we are naked to Builders Remedy Lawsuits, we have surrendered any control at all, so for our own community, to a judge and some planner, who very likely has had a few sips of the Cool Aide, the judge appoints a planner as a master and now its been turned over and it is out of our hands, it is a runaway train and we are going to get whatever they say and guess what, we still have to go in and come inside COAH and they are going to make us then. It is as ugly a dilemma as the town faces and it is why I have said at the beginning of many, many meetings, this is an ugly train that is coming down the track...it makes no sense economically what they propose...it is just a tool so that developers...the real negative consequence to us is that developers can break our control over our own community and it's a very, very, very delicate dance to prevent that from happening. And I wanted to tell you where I stood on this because it can't work, what they propose in a positive way can't conceivably work; it is a tool for destruction. That being said, contrary to what some people think, it's the law of the land and so we just have to be very careful as to how we deal with it because what we are going to have to do is to work with our legislators who have a bill in the hopper to change it and we may even have to go beyond that to get our legislators to talk about changing the New Jersey Constitution so that that language in the Mt. Laurel case, that "no municipality need suffer a radical transformation" really means something and that we don't loose all of our power to a judge and to a planner who has had some of the Cool Aide. So, this is a very serious problem and I want to make you understand that everybody cares about this, not just me, but everybody up here and everybody out there really cares about this issue and is very worried about it. So thank you for...I have gone on longer than I normally would, but, much longer than a sane person might, but I wanted to share these thoughts with you.

Susan DeLanzo: Well, I am not a lawyer and I hope I don't get myself into trouble, but as you know, if you have been here when we have been given the presentations by the 2 developers, I have questioned the density, along with other questions and I have to tell you that I am not trying to speak about the proposed projects themselves, I am just speaking about...hopefully I am not misunderstood because although I have never been homeless, you know, and I have had the wonderful support of my family around me through many trial times, as I am sure all of us have, I do realize that we do need to provide affordable housing. So what I am about to say, please don't misunderstand me in my heart, I speak basically from my heart for my town and also for the times that we are facing right now. I have been on Township Committee for a while, 8 years, this is my 8th year, and I recognize the need for affordable housing and have spoke about it with developers, and everything that was proposed was very spacious and beautiful and so forth, and actually my hope was always that we would do scattered housing in neighborhoods, something like a duplex, a quad or a triplex, something like that. I still believe that we can do that, I think that we have Township land and we have many contractors that are out of work right now and we could probably get grants to do things, and yes, it might be enough, it might not be 900 units, but it is something proactive. I am not trying to taint the zoning board with anything, but I don't think that we should be giving pilots at this time, I think we should be waiting; I think that we live in uncertain times and certainly if our state government can't understand that, well then we need to go to Trenton to make them understand that. We need to give ourselves time, time to see that we can endure this and what it means. It doesn't mean I want to sit back and do nothing. I hope that we can explore this scattered housing and do something proactive and like I said, it might not...people are going to say, well it is not enough. But, right now I think that times are too uncertain and basically I think that has to come from the committee about the pilot and we can put our...they can go to

zoning, but it still comes back to us, we have to make that decision. I have spoke to people individually and I am here publicly to say that I am not going to vote for pilot, I think we need time, we need time to decide, time to see the impact to our community. You know, I try to abide by the law, I try to do the right thing and this is such a conflicted thing and I am sure all of you feel the same way. At this moment and time we need to take stock of what we have, what we are and proceed very slowly and cautiously, so I am not a long speaker and my heart is with this town and all of you, I'm trying not to get emotional, but thank you. I have pictures of houses that we can build affordably, so I hope that is where the conversation goes.

Mayor Doughty: Where this basically began in 1983 was the Mt. Laurel decision passed down by the State Supreme Court. They claim that all of these units have to be built by 2018, I am just hitting you with a few numbers here because I don't want to bore you anymore, but these are some of the things that we are faced here with. We are going to do what is best for the community, I am not as old as Art Conover, but I am close, he and I both grew up here together so we know what's good and bad and what have you, and we will fight for what is right for this Township.

This past weekend we had a wonderful shredding project going on in Middle Township here that we could all be proud of. After that Tammy had an Easter Egg Hunt and it was just a wonderful thing, and then on Friday night we had Stedman Graham at the MLK talking about things, what they could do for basically homeless people, so we continue on with that whole situation. So we are here for the people of New Jersey and Middle Township and at this point and time we open up to the public.

Larry Newbold: Another day another dollar. The last time I was here I was talking about our famous Frenchman that lives on Shadow Lane and hasn't lived in the house for 20 years, bought it for his sister-in-law and she proceeded to die before she ever moved in and this has been a constant problem. Nobody visits the house, nobody lives in the house and the place is abominable. I talked to Code Enforcement today and he said he didn't think the guy is alive. I don't think he is alive either. The guy is apparently some diplomat or something that is why they can't touch him, but he had an airline, I don't know what he called his airline but I could imagine that he must have a lot of money so you can put that together too. He pays the taxes, but that doesn't cut the grass, doesn't paint the house, doesn't fix it up, the place looks like hell....and this is Middle Township. I could show you other places around here too if you want to take a tour. In fact, the media, I will give them an invitation, I'll show you the county the way I see it. They say you can't do anything, ya know, but how bout calling the French Consulate to find out if this sucker is still alive or dead. His estate, they might not even know he owns this property here in Cape May County. I guarantee you one thing, if this affected Nate's house, it would be taken care of, but since it is on Shadow Lane I guess it is ok for us to....I don't know what you want to do about it, but I think 20 years is long enough. One letter to the French Consulate to find out whether the guy is alive or dead and then move from there. You have lawyers, they are getting paid a good salary here. I saw the resolution here about the possibility of controlling speech and what have you and these guys over here, they are my buddies....I wouldn't swap suits with them for a minute. We need these guys, they are really important in Middle Township. On the other hand, when I hear about controlling speech, I look over here and I see more blocks per square inch than any meeting I have ever been to. Maybe they are here because they don't want these concentrations of low income housing because these guys are going to have to set up their trucks down there, their cars and have the ambulance next door waiting for the next run. Hats off to these guys, they are super. I have other things to do other than come to these meetings at night....this is where the action is and I am really concerned about what is happening up here and I think a lot of other people are too. We are starting to get the message gang and in case you wonder the public is really getting upset, just go back and look at it. Thank you.

Eric Springer: Thank you Mr. Pickering for tabling that. I am probably the last generation in Middle Township High School that read in 1984 because after 1984 they took it off the curriculum and when I read that it sent shivers down my spine. I understand that you are all decent people, that you are all good people, but it is the slippery stuff that we have to be careful of. I appreciate your reconsidering that and I hope you really reconsider it and understand that the First Amendment is the most important one and that is why people smarter than all of us put it first. Also, as far as the Pilot Program, I am speaking as a man whose Great Grandfather hangs on that back wall, as a man who raised his family here, as a teacher, as a member of the loyal opposition, but that is not here or there. I hope you fight Trenton on this, because it is wrong. If they do that to this town, it will destroy this town, it might not destroy it overnight, and it won't, because we are strong and resilient people and we will make the best of it, but eventually what will happen, it will destroy this town. The principals involved in it, the people who are involved in it, not just the builders from out of town, but the other people who are involved in it, we all know and we all know what their motivation is. I think it is wrong to have a bunch of people come in and when the Old Man Potter from It's a Wonderful Life to make a quick buck and build run down towns and shanties and destroy our neighborhoods. If we plan it right, if we do it right there should be affordable housing for everybody. When I first moved back here from college, I couldn't afford a home. When I first moved back here from college, the first place....I couldn't buy a house in Court House, I had to buy one in West Cape May and we all know what happened there and I was lucky enough to buy a house in Court House. But still, if I came back here as a first year teacher, I still couldn't live here. Now we sold the five million dollars worth of land and how many of those houses can they afford....and then we just gave away another couple of million dollars worth of land to the Nature Conservancy, which is important, but no more teachers or cops moving into there either....and no teachers or cops or nurses are going to move into these places either. We need to think realistically and plan smart and I hope you actually do that. Thank you.

Fran Fiore: President of Local PBA 59, I represent the officers here in town, I am also a Township officer here. I just wanted to clarify the record. All these guys are off duty, they are here on their own time.

Joe Ravitz: I want to thank Susan, she is 100% right. Single family homes that are underutilized in Middle Township are abundant. Local contractors, electricians, plumbers and other people can get in and do some

of the work and keep the dollars here in our community and we need leadership like that to tell the people in Trenton, this is for our community, not something that somebody in Trenton has in mind for these big housing projects. Steve, you said it before that they keep changing the rules up in Trenton and we are spending thousands of dollars every year on consultants and trips up there and lawyers and engineers, we should just tell them no. Just simply say no, don't take our chances with the development because as you said we have so many environmental problems down here I don't see how anybody could have a big development tract. I think the way to go is exactly what Susan said and we should be proactive and we should work with other communities in the same situation and this committee and committees in Dennis Township and Lower Township and Galloway and Hamilton, let Trenton know what we think. Thank you.

Steve Barry: With these projects with pilots we feel that directly, locally, the impact. But there is the even crazier part and that is, you know we don't think about Federal money because it is so far away and the Federal Budget is so huge most of us don't think about it except when we look at how much money we pay in taxes. But these things are largely financed with Federal Tax Credits, which the developers sell on the Federal Tax Credit market and what that means is the people that buy the Tax Credits don't have to pay the taxes that they earn on the money they earn so obviously these are wealthy people or they wouldn't be buying Tax Credits, so guess who actually pays the taxes if they don't pay....we are all right here, and that is actually a much bigger piece of the pie, it is just we are not thinking about it because it is just part of the big national pie. It's sort of like every layer is crazier than the last layer, which is a little daunting.

Glen Pennycook: How many houses do they need, 1,000? There are 4500 of them bellied up over in Wildwood, give them the condos that went belly up. There are like 10,000 of them over there that are either bank owned or going into foreclosure and there are 4500 of them that I know of from talking to different people that nobody is living in them, they are trying to sell them or whatever, but there are 4500 of them.

Steve Barry: Our Senator and Assemblymen are trying to restore the ability to do that in COAH.

Mayor Doughty: Don't worry, we are on top of it.

Sam Kelly: Yes, I have never been homeless. With 13 kids in my family we moved every time the rent was due. I have sympathy there. I began this trek into here, you guys well know that, I brought my grandchildren, my 9 grandchildren in here and sat them down and said where are they going to live? That was my whole purpose of getting involved here. For 5 years I have been trying to get the troops riled, although I gotta say you guys did it for me. What I have to say to you on this COAH issue, when you talk about builders remedy, but what we have done to our planning board, what our fair share plan here is worse than any builders remedy could ever be. You look at 900 units in this type of setting. The first thing we have to think about, forget the taxes, that's selfish, we do a disservice to any child we place in that environment. People who build a low income housing project, we got them in Wildwood, we got them in Woodbine, we got them in Lower Township, why do we think we are going to do something different here. It hasn't been any different for 50 years.

Steve Barry: Sam, I agree with that. I see it exactly that way. We owe these children more than that.

Sam Kelly: Absolutely and it doesn't even get beyond that. When I look at our planning board, when I look at our Fair Share Proposal, Conifer was there last year, so this is coming from the community as well, not just from these entrepreneurs who are just taking advantage of a bad situation. We have to stop this thing in its tracks, there is no way this thing can happen, there is absolutely no way, we are a vacation community, we have campgrounds and people aren't going to come here for that. We don't need to get to the taxitions; we don't need to get to the density, those buildings just have no purpose here, they have no purpose anywhere in the country.

Steve Barry: Don't you think the density is tied right in? It's the density that is the problem.

Sam Kelly: I understand that. I came from Philadelphia, I came from row homes, my family was clear enough to move here in the 50's to get us away from that, move us in so that we integrated into middle class communities as though we were poor, but we were exposed to these things. My father and mother never owned a home and I was 40 years old before I owned my first one, but I came from this and I understand this completely, I really do, and I can't believe that we are entertaining, that we are even at this level of thinking about it and from our planning board of which you are a member and yet nothing was ever shared back to the community that those projects were on the books, why? They are grotesque, they do not belong in a forward thinking community, they are yesterday, they are absolutely yesterday. There are alternatives and I understand that COAH is a tough piece of business...just when we get back to our Master Plan we talk about Smart Growth and how the DEP is a tough piece of business, that is bureaucracy man and that is all a tough piece of business. But there's opportunities, there is a lot of work that has been going on since the mid 90's. HUD went into that Hope 6 Program, now it is not a perfect fit here, but it can be referenced clearly for anyone that doesn't want to repeat the mistakes of the past...it shows you cannot put all those people of that same income level into a group like that and come back with anything different than what we have been coming back with for 50 years. It's just not going to happen, so we don't even need to discuss the impact of taxes or anything else, its an abomination, it doesn't belong in our community, we don't want it, it's not coming. Thank you.

Carol Mattessich: Quickly on the COAH, a two word answer and a three word answer; two words, Kris Kristie, who is running for governor, I don't mean to be partisan in this but I mentioned this at the last meeting, the fact is that you have a gubernatorial candidate who has said he will rescind or do his best to dismantle COAH if and when he takes office. In my view, I am asking the Committee members to at least consider this, I am not asking you to vote for Kris Kristie, I am asking you to consider the possibility that

someone may be elected who if action is taken before that election, it would have really been meaningless. If he is elected and he is successful in rescinding the legislation, it may be that you won't have to grapple with Trenton at all. The 3 word answer is Habitat for Humanity. I would like to join my husband in really give heartfelt thanks to Susan for standing up and taking a position on this really incredibly important issue and point out that all of the Committee in the past has supported various efforts by Habitat for Humanity in those projects that have been built so far. I have had the honor of meeting a number of the families who have actually moved into these wonderful single family homes that are built with our towns peoples own hands, supplies and their sweat. Typically the person who is being awarded the home helps build their house as well and my understanding is that has been a tremendously successful experience to be. I would say that we are the type of community where a lot of people actually rally behind additional projects like that. Free standing homes, perhaps on small plots, but in all areas and as I stated before I am so in favor of affordable housing here because whatever we do for our brother, we are really doing for all of us as a group so that means we have got to be as occlusive as possible, but the answer is not to put people in housing that we ourselves would never choose to live in. Also, on Host Community Benefits, just so I don't waive anything on the record, I will really be quick about this, I am not going to repeat forward comments about why we got involved in the litigation that ultimately resulted in the community rescinding the mining license 18 months after we filed that litigation. We did do that...we withdrew from the litigation when we were told that the Township would be prosecuting the Host Community Benefit matter and this is the first I have been hearing about a Special Master. I frankly don't know whether or not it meets concerns that I have had about the close relationship between the Township and the company that I believe did not pay as many Host Community Benefits as they were supposed to. I would make a request of the Committee, and I am again hearing about this for the first time, but, it would be wonderful if citizens could make some input to the Special Master, particularly where conflicts have been alleged in the past, I think that would go a long way toward helping the public, you know, feel that the process is working.

Steve Barry: I absolutely contemplate that.

Carol Mattessich: OK, I actually did volunteer my time and use my law license, which I usually let lie dormant now, to take citizens comments or to help people put together whatever affidavits they may want to make because I think this is an important issue and we've got to build the public comments on that. Thank you.

Steve Barry: Thank you.

Jim Pickering: Real quickly on Habitat for Humanity, the municipality has been working with Habitat and in fact has agreed to give 2 lots to Habitat for Humanity in order to build 2 COAH units. I know I have been involved in that project and Township Committee has voted to support that and I believe there is actually a meeting with Habitat tomorrow to further that along so that they can build 2 units. So this Committee has been in favor with working with Habitat to build those types of single family COAH compliant units.

Mayor Doughty: Steve and Susan and I were down on Indian Trail when we dedicated that, you know there was a beautiful home that was dedicated, I think there are 2 more out there right now and I happened to look to the west and there was a house there, I don't know who lives there or owns it, but it was a deplorable mess and we looked over there and him and I said, ya know, we ought to do something about this place. Thank you. We are there, we're with you.

Rose Tore: I live on Reeds Beach Road, I live on North Beach Avenue, this is an entirely different thing that I want to ask you about. I was here last year and I asked about 2 projects that we would like to have here. The landscape of our street is entirely different than it was years ago. Most of the people just came for vacation, well now there is a lot of people there who live there full time like myself and my neighbors. We had a dredging project that just went on there, which filled the beaches up but it made another problem. There are huge potholes in the street, I am not talking like several here and now, I am talking about huge potholes in the street that are really dangerous to drive on. So we would like to know if somebody can fix the street for starters. The other problem that we have is when you come in on Reed's Beach Road and you go either left or right, if you go right onto North Beach Avenue, there is a light at every other pole, which is great, for 2/3 of the street. From that point on to the marina there are no lights at all...none. It is jet black there at nighttime. Now you have a lot of people that live there on that side and you can't even walk outside without a flashlight. A year ago I asked about the lights and the street and I was told they would be going up for you soon, so I come back this year and bring it up again.

Mayor Doughty: Thank you. Vince, I believe you took a ride down there, didn't you?

Vince Orlando: I did Mayor, at your request.

Mayor Doughty: You were here the last meeting, not last year, or was that someone else?

Rose Tore: That was my neighbor.

Vince Orlando: Mayor, at your request I did do a survey of the property and will prepare an estimate at your direction. It is quite an endeavor and you talked about Capital Improvement projects and this would be one that will absorb quite a few dollars to repave as has been indicated and we have had problems with the street flooding but with the dredging project it seems it has subsided a little bit.

Rose Tore: No it hasn't. It is worse. It is worse because it gets trapped in there now. The beach is real high and the water goes in there and stays there for 2 days sometimes because it has nowhere to go, it used to drain off, now it doesn't. And I am asking for lights, I am asking for just 2 lights. I have talked to the

electric company and they said if you put the lights up they will maintain them and there won't be any cost to you to light them every night.

Mayor Doughty: Thank You.

Vince Orlando: Anyway, the project would entail road reconstruction, raising the road, and substantial drainage. It is quite a project.

Gina Lacroix: First of all I would like to thank you very much for the cold patch that you did for us. It lasted about 24 hours. We are not asking for a raising of the road, we are asking for repaving of the road, to resurface it, that is what we are asking for, we need it to be resurfaced. There are potholes now, they are more than potholes, they are craters. They are more than a foot wide and probably 8 to 9 inches deep. Something needs to be done with this road.

Mayor Doughty: I thought we filled them in after the last meeting, but, we will look into it.

Gina Lacroix: They were cold patched, and it lasted about... well, half of them were cold patched and it lasted about 24 hours. Also, recently there have been a number of break ins in the houses on North Beach Avenue, yet another reason why we need proper lighting on that road.

Mayor Doughty: We will take it under advisement. Smokey, I know that you have a lot to....

George Swicka (Smokey): I just want to point out that, just to add what she said, it has been since about 1972 since probably North Beach Avenue and the Jetty, to where the dredge spoils were placed that the Township has done anything. The road is a disgrace. It is about 40 years since they have done anything with that part of the road. The other half was done in 85, around the S turn, and the dredge spoils. That was done after Hurricane Gloria, but not down toward the marina, its been almost 40 years. So, if you like driving on a vibrater, that's.....

Mayor Doughty: Thank you.

Janet DeLorenzo: Just to reiterate the same thing, resurfacing the road, the problem with the sand and the reason why it is not draining off the way it used to after the dredging project is they didn't put those fences up and all the sand just literally blew right over to the wetland side and that all needs to be just taken and moved down either towards the marina or over to the south side to block up their side, that sand needs to be removed, that shouldn't be there. The other thing, with the 6 or 7 break ins that we have had during the last couple of weeks, we do need more police force, which we have seen these guys, and thank you, but we have to do something. And the guys with the patch, tell them to get off the truck and tap it please and heaven forbid if they sweep the sand out of the hole, ya know, he did 20 of the 45 that I had counted, ya know, I know it's not you but if you could get on them to.....

Mayor Doughty: They are our responsibility. Thank you.

Man in Audience (no name given): I just have a question, how does this COAH Bill affect this Pilot Program or does that have any bearing that COAH had specified that this had to be done or anything like that.

Steve Barry: No, not in a direct way. These sort of 100% affordable projects are financed through the sale of Federal Tax Credits and in order to get the funding or the financing through the New Jersey Housing Finance Agency, the developer, whoever it might be, it might be these, it might be somebody else from another town, they put together a funding package which they give to the Housing Financing Agency and if they don't have a particular kind of pilot in that funding package, they are not going to get the financing.

Man in Audience (same one from above): But this is in the law that they have to have this pilot program to get these Federal Funds.

Steve Barry: The developer does. That is their position and I think they are right about that. So, if they don't have the pilot, they don't get the Federal Funds.

Man in Audience: So the burden of the taxes will be going to the resident taxpayer, is that what they are saying.

Steve Barry: Well, not only in the pilot way, but in the way that it is funded because it is funded through the sale of Federal Tax Credits. It's not 100% funded by that but it is about 50 to 60% funded by that.

Man in Audience: And who determines the payment in lieu of taxes?

Jim Pickering: The amount is actually specified in those grant applications, there is a number that they want, that they will accept. But, the pilot itself is negotiated between the municipalities and the developers.

Man in Audience: It is my understanding that this pilot program, the Payment in Lieu of, none of the taxes go towards payment of the expenses at the schools, is that correct?

Jim Pickering: There is no obligation to do so. The entire payment comes to the municipality and a small portion to the county.

Man in Audience: So all these low income housing people will probably have children, and it cost \$11,000 just for 1 student, so that is going to have to be picked up by the present tax payers?

Jim Pickering: You can reach your conclusions on that, I am not going to comment on that.

Steve Barry: You have reached an area where you have to be careful of what you say because you don't want to be quoted in later litigation. That is, we have reached that decision.

Tom Morosky: We've only lived here going on about 4 years ago and we bought the property outright, but if this project goes through, 4 years from now we won't be here.

Mayor Doughty: Thank you.

Michael Hajek: Let me be so bold as to give a slight history lesson. Middle Township is not so different as South Brunswick, Mosaic County. Mr. Barry, let me just rectify your statement, you said the density was up until New Brunswick, it has now gone Hightstown and West Windsor and South Windsor areas, it is spreading. South Brunswick is a township of 44 square miles. When I moved into South Brunswick Township there were approximately 1800 residents in the town, I lived on Dean's Lane, I had approximately 120 cars go past my house a day. When I left South Brunswick, it was a Township of 48,000 and I could not get out of my driveway because the last count was 2800 cars a day. When I left South Brunswick Township, they had already built 5,080 homes in the Township and they had another 360 on the line, which included your Mt Laurel housing. Your Mt. Laurel housing had to be the same façade so that you couldn't walk down the street and say oh, this is low income and so on and so forth. The density is moving down here. We have the land, we're high, we are prime for building and that building is moving down here. What the basic problem is, is if the board accepts certain conditions they create a precedent that all boards will have to fight in the future. Right now the 2 applications are looking for height relief, and if that is approved by any board you will meet that all the way down the road from whatever developer. If any application comes in and fits within the guidelines, the ordinances and everything on site, no board can deny them. It is an automatic approval or they can take you to court and they will shove it right down your throat. The only reason we are safe in these 2 applications because they are looking for the tax relief and height that takes them off the book on that. Density is something we are going to eat down here. They are going to be coming in, they do not fit in with the surrounding areas, surrounding areas all single family homes...they put a nice name to it, "Workforce Housing." Gee, you know what that is, that is project homes. I lived in New York, I am a New York City boy and I lived right next to Stieverson Village. I don't have to tell you what Stieverson Village is, you read enough about it in the paper. You have the same type of housing in Philadelphia and you have it throughout the whole country. I don't have a problem with it as long as it is maintained.....however, over a period of time it is not maintained. I'm not going to go too much further on it because I just wanted to get out the point of what happened in South Brunswick can happen here in Middle Township because we are prime with prime property, high property, dry buildable property and we can have a bunch of applications that come in here and fit the bill and we can do nothing about them. I just want to point out the fact that whatever we do and whatever the boards decide on, we've got to be extremely careful because whatever they approve now we will eat further on down the line and if we choose to deny them it will cost us an awful lot in lawsuits and litigation.

Steve Barry: It is an excellent point.

Mike Hajek: Yes, it is a very good point. Thank you very much.

Bernice Brunson: With Trenton, you have to really deal right with Trenton. They control our water, we have salt and all of this now going on and what about our Senators, the ones that we voted into office, are they really working for us here.

Steve Barry: Absolutely.

Bernice Brunson: Every time you turn around it is wetlands this and wetlands and wetlands and wetlands, and having to go to Trenton for certain things before and don't wish to have to do it but let's get hustling and get up to Trenton and let them know what is going on.

Steve Barry: I will give you the address, Lucy Vanderberg.

Bernice Brunson: Everyone needs to get together and get up there.

Ron Sullivan: Is there a deadline for the developers, do they

Mayor Doughty: Tomorrow or the next day...

Jim Pickering: They have applications pending before the zoning board and there is a time line and now that they are supposedly being heard, they can go until their applications are finished. There was supposedly a deadline, which has no impact on the municipality, it is not a consideration for the municipality to consider, it is the developer's issue, where they evidently had a grant deadline to meet. But, that is not a factor for this municipality to consider.

Elija Scull: Do we have a Master Plan that has been sent to the State and if we do, has it been approved by our State?

Jim Pickering: The State particularly doesn't approve a Master Plan. The municipality does have a Master Plan in place, we have ordinances. One of the reasons that both of these developments, or projects, are at

the zoning board because they are not permitted by our current zoning, so that is why they are at the zoning board. It is not as if the municipality, through its zoning, has invited this type of project here at all, that is why they are at the zoning board. If they were conforming at the zoning, then they would be at the planning board, but they are not, so..

Elija Scull: Did we conduct a study that COAH derived from a study from somebody that now says to a certain date that we are obligated to build so many homes?

Jim Pickering: There is an obligation, and this gets complicated, but in short there has been an obligation incurred from 1983 I believe until the year 2000 I think it was.....

Steve Barry: It is a long twisted confusing story and this is the place to get it. Most other places you turn for it, it is a housing advocate or opponent and you get a slant. This is the most unslanted history of how we ended up in the mess we are in.

Elija Scull: I would just like to say I am for affordable housing, but like the lady said, I would like to see it throughout the community and be homes, but wouldn't that be a golden opportunity to perhaps try to regionalize, I know we have people on trying to regionalize our district as a county district for the schools and perhaps invite our island communities that do not contribute to school taxes for more money, so we can have a better police force, better fire, better schools and maybe create some jobs. We have no jobs for these people. I have had to lay off 3 people myself.

Steve Barry: Wonderful idea. Yes, workforce housing, it is part of the craziness.

Elija Scull: As more people from the outside come in, it's like illegal immigrants coming in, they work for landscapers for \$5 or \$10 an hour, and poop people like us who are already established here are struggling to keep paying our bills, they are loosing jobs because they are driving the rate down for employment. I am not a big, big fan of unions because they are kind of an abuser, but unionizing is a good thing if it is not misused.

Janet DeLorenzo: I was just going to agree with him and he's right. My family came down here 20 years ago, I was born technically in Trenton and why don't the developers go back to Trenton and redevelop Hamilton Avenue and Perry Street, not here, there is a call there, not here.

Ralph Shuman: Barry you mentioned a couple of things, and one thing I know you talked about the houses and this and that, but you also jumped on the Host Community Benefit and everything about that in your own way. My question is, I know that your firm wrote up one of the original agreements, do you feel that you are conflicted?

Steve Barry: No, but the use of a Special Master just eliminates all those concerns.

Ralph Shuman: Right, but I am asking you, if it ever came in front of you to vote, do you feel that you are conflicted because your law firm worked on the resolution?

Steve Barry: No.

Ralph Shuman: Ok. Now, I know the Mayor, he is kind of like in limbo, but Susan....

Mayor Doughty: I am not in limbo....

Ralph Shuman: I know, you abstained from it. But, here is a question and this has been told to me by more than one person, more than a hundred people, that Albrecht & Heun hosted democratic meetings to vote you in, do you feel that you are conflicted?

Susan DeLanzo: They did not do that. I will tell you what they did do. I held a free event, my first year of campaigning, and actually I didn't ask them to do it, they offered and no one was charged, so I don't see the point, I mean.....

Ralph Shuman: Well the point is if I came over to your shop and I cleaned your windows and I asked you to vote for me, would that make you feel conflicted to vote for me because I did something for you?

Susan DeLanzo: No.

Ralph Shuman: No, so what you are saying is whatever they did for you doesn't sway you either way?

Susan DeLanzo: No. I have a business. A lot of people come and patronize my business and I don't feel obliged to.....

Ralph Shuman: It's not that, but it was said more than once through other people that they hosted a benefit to get you elected.

Susan DeLanzo: Well I don't even know that they voted for me. I didn't ask them to do it, they offered to do it and no one was charged, it was a free event.

Ralph Shuman: So who paid for it.

Susan DeLanzo: I paid for it, for whatever we had, I think it was hamburgers and soda and I had music and there were balloons...

Ralph Shuman: Well, where was it held?

Susan DeLanzo: It was held, is that considered their back yard? What is that?

Mayor Doughty: I have no idea what he is talking about....

Ralph Shuman: Well, it was at their house.

Susan DeLanzo: Well, it was behind their house. I went down, yes, it was behind their house. It was the first time I had ever been there.

Ralph Shuman: Mayor, were you there too?

Jim Pickering: Do you recall if you were there Mayor?

Mayor Doughty: No, I don't.

Steve Barry: I know I wasn't. But I was once there for a fund raiser for Bill Hughes about 20 years ago.

Ralph Shuman: I find that interesting. But Sue, getting back to what you said about the house, I do agree with you on that. Here's the only other question that I have, I don't care, but I think that whatever what went on in the Township it should have been the builders responsibility for all of these developments that were put in to put in the low income housing because it is their burden, and now its became the taxpayers burden. And I think it's the Committee who votes for the project to go to the planning board and that a lot of this wouldn't happen, ya know I

Mayor Doughty: Wait a minute, do you want to restate that again...you got that all.....

Jim Pickering: That is not the case at all.

Mayor Doughty: You got that all.....

Steve Barry: Just let it go.

Ralph Shuman: Well, if every development had to put in affordable housing as they went on to the planning board, we wouldn't be in this deficit of let's say 1,000 low income homes.

Jim Pickering: What you are talking about is something called inclusionary zoning and the law never allowed for that in the past. The law as it is proposed allows for that, but even that has been struck down once or two or three times now and it is under litigation again because some builders are saying you can't force me to build it, and I know the rule on the first and second round did not allow a municipality to impose that requirement on a builder to do it. It is nice to say, would that had been the case, but that just wasn't the case.

Ralph Shuman: Well, I happen to go to zoning meetings too and I know that on the corner of Oyster Road and Shunpike there is a development proposed in there and I know that they were required to put in some low income houses and Vince Orlando, I know he knows that to be true, he's shaking his head yes and if this would have went on at Ryan Homes and all these other developments, that number of thousands would be a lot lower.

Jim Pickering: The reason it was allowed to be done at that project and some others was because they were there, firstly it was after the second round rules were over I would imagine, so it was at least in the rules somewhere to have that type of inclusionary zoning. But more importantly, they were there seeking a use variance, and because they were in front of the zoning board for a use variance, the municipality was able to say we will grant your user variance conditioned upon that type of inclusionary zoning or inclusionary units being constructed. The zoning board, when you are there for a use variance, has that type of influence, or persuasive power I will say, and you have a conforming project that goes to the planning board, you can't make those types of actions on someone, you can't place those types of conditions upon them, so that's why it was done on the project you are talking about and why it couldn't be done at others.

Steve Barry: I wanted to remind you that we have a Closed Session on personnel matters.

Terri Shad: I would like to thank Mr. Barry and Ms. DeLanzo for speaking about both of these projects and I know that you are interested and I hope that you don't have a conflict so that you can have a vote, I am concerned about that. I am concerned about traffic flow, crime, obviously the number of students that would be put into our school system and density, I just think that it is a really a dangerous project for this town. I don't want to count the number of cars that I will have to see when 900 units are built.

Rick Rixey: I just want to commend the board for not showing their hand tonight like you said you weren't going to, but you did show your hand and it is appreciated, and you are going to fight for us hopefully? This flies in the face of what I do, I am a realtor and I took an oath to promote home ownership and this would directly fly in the face of that and I would appreciate everything that you can do.

Betty McGurk: I was wondering, something was said in reference to, and I know you can't talk too much about that, but in reference to those 2 sites that they were on our COAH plan that we had submitted in December. Is that true that these 2 sites were part of the COAH plan?

Jim Pickering: I can address that. Mr. Barry referred to a delicate dance, and we have essentially been in that little minuet for awhile now. What we have been trying to do is conform with the requirements of COAH so we can get as much protection as possible by complying, being inside COAH, so that we are not subject to a Builder's Remedy Action so that developers can't just come here and essentially almost do whatever they want and at the same time, try not to or being against certain types of...or being against the COAH system as a whole. As Mr. Barry said, it makes no sense. I think I've probably dealt with it more than anybody else up here and I have to tell you it boggles my mind what this system is and ...

Steve Barry: It just gives you a headache to think about it.

Jim Pickering: It is impossible to understand and every time you think you have wrapped your mind around it, there is some other bizarre little nuance that makes everything that you thought was the foundation nothing but a foundation. It's craziness. So, there was, in order to get the protection to stay inside COAH, the municipality was required to submit by 12/31/08 a housing plan. And to do that, we have to show how we can potentially meet our obligation. If we submitted the plan that showed that we came up 800 units short, we were not going to have the benefit of the protection, we would not be inside COAH. As it is, we have been deemed complete the comment period...right, I said, we are in the comment period and if COAH finds that our plan is acceptable, then we may have some of the protection of being inside COAH and not be subject to the horrors of a potential Builders Remedy Action. At the same time, I think you have heard the Township Committee's frustration and my own frustration in trying to deal with that, so that is the dance we are playing. Being against the system as a whole, but trying to stay inside to protect the municipality from the potentials of the Builders Remedy Action and to do that we had to have a plan that could be submitted by 12/31/08.

Betty McGurk: But isn't that giving the developers that are trying to do this particular ones, as Mr. Schmidt kept saying now he has all these special protections....

Jim Pickering: I don't think he has any protections at all,

Betty McGurk: Yeh, he's claiming....

Jim Pickering: Yeh, he's claiming it, Fred and I have disagreed many times. I can tell you that all that I think that housing plan means is that these are projects, which if approved, it didn't say the municipalities supports them, it didn't take a position one way or the other, but if those projects are approved, then they would help meet the numbers requirement. It didn't say that the municipality supports them or does approve them, but obviously because they have to go to the zoning board.

Betty McGurk: So, basically the same zoning is going to apply whether they are COAH or not a COAH project?

Jim Pickering: As of right now. Now there is a PD..... none of them are in the PD Zone, there is one zone, planned development zone, which does require a 20% COAH set aside, but that is the only zone in the municipality. And that would be something I was talking about, that type of inclusionary zoning where you would build as you went. In that type of planned community that would be a place where that could happen.

Betty McGurk: I just wanted to say to the public that is here and might not know that there is, until April 23rd, a couple of comment periods that I was speaking to a director, well actually to a Supervisor, Dennis DeNaro, and he said he has heard from residents and it is very important that he does hear from residents about these particular ones.

Jim Pickering: Absolutely, the municipality advertised that and indicated with.....

Steve Barry: Now, bear in mind, suppose,

Jim Pickering: Kim, that was advertised wasn't it?

Kim Tomkinson: I didn't do the advertisement for that so I am not sure.

Betty McGurk: I found it from the COAH people themselves. I was told by our first Case Manager, Judith Gillian, but she is away now for a while so I had to a Dennis DeNaro.

Steve Barry: Suppose that you don't think that it is a good plan and you object, do you persuade COAH not to approve that plan so that we are outside the plan? I don't mean to pick on you, don't understand it this way, but that creates a situation where the developer just goes right to court.

Betty McGurk: So, basically then my next question would be, if that is the case, it seems like every time, like we said these rules are absurd, every time we turn we are being told Builders Remedy and to me 90 units, by your own admission is about on buildable maybe 7 ½ acres because of CAFRA and stuff down at the end of Mechanic Street, that is pretty much a Builders Remedy, that is pretty dense, it probably wouldn't get much worse than that...

Steve Barry: No, no.

Betty McGurk: Well, Steve I did look on some websites and in reference to some... I am no expert by any means, I am not meaning that, but I did look and there are a lot of towns that they said even with the Builders Remedy had come in, they still worked with the towns and things and that is neither here nor there.....the bottom line is then the only place is through zoning to stop these?

Steve Barry: No, nobody said that. But, if we are outside COAH and the develop has open to them a Builders Remedy lawsuit, they are driving the buggy.

Betty McGurk: Ok, if these don't get.....

Jim Pickering: Make no mistake, the Township has, the zoning in the Township has up till now and even through now stopped this type of development because the zoning doesn't allow it and again, that is why these projects are both at the zoning board.

Betty McGurk: If this doesn't get approved and doesn't go through the zoning, which I am praying it doesn't, then how is our protection still there with COAH if one of those sites are removed.

Jim Pickering: To be perfectly honest with you, that is not a bad question.....

Betty McGurk: Doesn't that put us right back into the same thing as if we had fought and took that site off?

Jim Pickering: Essentially we would probably have to find another way to make up for the loss of those units in order to have what would be considered a viable claim.

Betty McGurk: Then maybe that is where we need to start looking at these individual duplexes and.....

Jim Pickering: Our plan does include individual duplexes and Habitat for Humanity homes, it includes a number of rehab units, it includes single family residential dwellings like you are talking about, it includes all those things. But, it also includes in the plan to play that dance, or dance that dance, it has those 100% projects in them because they are there and it's a huge number, and from a financial standpoint to make that number, even half of that number is a huge number, to do it through single family dwellings is going to be a humungous undertaking. One of the other things Mt. Laurel says is, and this is one of those horrible ironies, the local taxpayers is not supposed to be incurring any of the expense associated with COAH housing. So, theoretically the taxpayer is not supposed to be, the municipality is not supposed to be taking money out of the General Fund to fund low-mod housing in this community. Now, this municipality, through the foresight of some of its fathers here has been fortunate to establish a Housing Trust Fund which developers have paid into when they have received certain Use Variances. So, there is a sizeable sum of money there to help with some of these projects, so that money is out there, but it is not enough to fund 700 single family dwellings.

Betty McGurk: But, at the same time I just want to thank Susan for her comments and actually Steve, like I said, there are some of us that have been looking into it and we do understand what you are saying because we are seeing the same absurdities, but at the same time I urge all the people, we're in this fight with you, don't think the Committee.....we've been detached from this and we didn't even realize that these situations were being put in this nature upon us to this extent until we found it on paper and heard about these first few. So, with that being said, we as citizens out here are going to push and fight for changes, we're here to do that and we are certainly willing to do that and we are going to just keep pushing because it has to change and 937 units, we actually built....they are asking for what we have done in the last 5 years in building, just in COAH homes. It's amazing and that is what they expect from us in the next few years and that is just crazy.

Steve Barry: If it was just crazy, I would be satisfied. If it was merely crazy I would be on board.

Jim Pickering: To make it even crazier, remember if we did it only through inclusionary zoning to try to get that 900 number, it would be thousands of additional.....

Steve Barry: 4500 homes....it would completely build out the Township. All you have to do is really start playing with the numbers, this is nuts, this is completely nuts.

Betty McGurk: This is what we are telling, that's why I'm calling Trenton and all places and telling them, this is nuts.

Steve Barry: And Jim Pickering and I sat with, she is the nicest lady in the world, and I leave and I say, "Whew, that was some strong Cool Aide."

Elijah Scull: Back to the question of the study, did we submit a study that shows market rate housing, commercial business and jobs related to that because those are the 3 things that are needed to conform with COAH.

Steve Barry: This is all top down, it is just imposed and it just doesn't fit any town, it is not just our town it doesn't fit.

Elijah Scull: So where did the number come from that said we had to build this many houses.

Jim Pickering: From the State. They look at the number of CO's that have been issued over so many years, the US Census, they come up with these numbers.

Elijah Scull: Well COAH specifically stated that there must be jobs to support, I believe it is 16 jobs for every single affordable housing unit, right out of the New Jersey Planners Office.

Steve Barry: Well they say we have to make available the home for every 16 new jobs that are created, not that there have to be 16 available jobs in order to.....it's the other way around, which is crazy.

Elijah Scull: So, should we not be challenging that?

Steve Barry: This is all being challenged. This has been in litigation since 1985, it is nonstop litigation, the Affordable Housing Advocates, the League of Municipalities is challenging it, the Builders Association...everybody is challenging everything all the time, which is part of the craziness. That is why it is just always a shifting picture and a shifting target. But, we are part of the group that is challenging this and what is successful achieving that, only time will tell.

Mayor Doughty: We are going to adjourn this meeting and go into Closed Session.

Meeting Adjourned 8:41 PM

Kimberly Tomkinson, Clerk

Minutes prepared by D. Stimmel, Deputy Clerk