

Cape May Court House, NJ
 February 2, 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 Deputy Business Administrator Mark Mallett, Deputy Township Clerk Kimberly Tomkinson, Attorney James Pickering, and Engineer Vincent Orlando.

1. REINTRODUCTION OF ORDINANCE NO. 1315-09 (WITH AMENDMENTS)– ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, Ordinance No 1315-09 has been reintroduced with amendments. Second reading, public hearing and consideration for adoption will be held on 03/02/2009 at 6:00 p.m.

BE IT ORDAINED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.

SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.

Years of Service	Additional Compensation (Percent of Annual Salary)
5 years or more	2%
10 years or more	4%
15 years or more	6%
20 years or more	8%
25 years or more	10%

Section 4 shall only apply to Township Employees hired before December 31, 1994.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2009 immediately upon final passage and publication according to law.

TITLE	MINIMUM	MAXIMUM
Accounting Assistant	\$ 18,720.00	\$ 45,000.00
Administrative Clerk	\$ 18,720.00	\$ 36,000.00
Administrative Director of Public Works	\$ 40,000.00	\$ 58,000.00
Alt. Deputy Registrar	\$ 10.00	to 15.00 p/h
Animal Control Officer	\$ 18,720.00	\$ 48,000.00
Animal Cruelty Investigator		\$ 1.00
Assessing Clerk	\$ 18,720.00	\$ 33,000.00
Asst. Animal Control Officer		\$ 1.00
Asst. Maintenance Supervisor	\$ 19,000.00	\$ 55,000.00
Asst. Recreation Supervisor	\$ 18,720.00	\$ 30,000.00
Asst. Supervising Labor	\$ 18,720.00	\$ 27,000.00
Asst. Supervising Mechanic	\$ 30,000.00	\$ 45,000.00
Asst.Zoning Officer	\$ 18,720.00	\$ 35,000.00
Attorney Planning Board	\$ 5,000.00	\$ 60,000.00
Attorney Zoning Board	\$ 5,000.00	\$ 25,000.00
Building Director	\$ 5,000.00	\$ 30,000.00
Building Inspector F/T	\$ 20,000.00	\$ 40,000.00
Building Inspector P/T	\$ 3,000.00	\$ 10,000.00
Building Service Worker	\$ 18,720.00	\$ 30,000.00
Building Service Worker P/T	\$ 7.00	to 13.00 p/h
Building Sub-code Official	\$ 7.00	21.00 p/h
Business Administrator	\$ 90,000.00	\$ 100,000.00

Carpenter	\$ 18,720.00	\$ 35,000.00
Carpenter Helper	\$ 18,720.00	\$ 34,000.00
Carpenter Helper / Truck Driver- Laborer	\$ 18,720.00	\$ 30,000.00
Certified Public Works Manager	\$ 45,000.00	\$ 60,000.00
Chief Financial Officer	\$ 23,000.00	\$ 65,000.00
Clerk P/T	\$ 7.00	TO 20.00 P/H
Clerk Typist	\$ 18,720.00	\$ 27,000.00
Clerk Typist P/T	\$ 7.00	to 12.00 p/h
Code Enforcement Officer	\$ 18,720.00	\$ 33,000.00
Code Enforcement Officer P/T	\$ 1.00	\$ 11,000.00
Code Enforcement Officer Trainee	\$ 18,720.00	\$ 30,000.00
Conflict Attorney	\$ 1.00	\$ 2,500.00
Construction Official	\$ 22,000.00	\$ 70,000.00
Coordinator of Computer Services	\$ 1,000.00	\$ 6,000.00
Coordinator of Federal & State Aid	\$10,000	\$ 20,000.00
Crew Leader	\$ 20,000.00	\$ 35,000.00
Crossing Guard	\$ 12,000.00	\$ 20,000.00
Deputy Business Administrator	\$ 90,000.00	\$ 100,000.00
Deputy Municipal Court Admin.	\$ 18,720.00	\$ 45,000.00
Deputy Municipal Emerg.Man.Coar.		\$ 1.00
Deputy Registrar of Vital Stats.	\$ 1.00	\$ 2,500.00
Deputy Tax Assessor	\$ 18,720.00	\$ 55,000.00
Director Community Dev.Program		\$ 1.00
Director of Grants & Economic Dev.Loans	\$ 4,000.00	\$ 6,000.00
Docket Clerk-Typing	\$ 18,720.00	\$ 37,000.00
Econ Devel/Paralegal/Rent Cont Off	\$ 35,000.00	\$ 50,000.00
Electrical Subcode Official	\$ 10,000.00	\$ 32,000.00
Electronic Repair Supervisor	\$ 20.00	to 22.00 p/h
Emergency Med. Tech. P/T	\$ 6.00	to 15.50 p/h
Emergency Medical Technician	\$ 18,720.00	\$ 45,000.00
Equipment Operator	\$ 18,720.00	\$ 44,000.00
Fire Inspector	\$ 20,000.00	\$ 35,000.00
Fire Inspector P/T	\$ 10.00	to 20.00 p/h
Fire Official	\$ 38,000.00	\$ 48,000.00
Fire Prevention Specialist P/T	\$ 8.00	to \$20.00 p/h
Fire Protection Inspector	\$ 5.75	17.00 p/h
Fire Subcode Inspector (Dennis Twp.)		\$ 5,500.00
Fire Subcode Official P/T	\$ 5,000.00	\$ 16,000.00
Fund Commissioner		\$ 1.00
Hearing Officer		\$ 2,500.00
Judge Municipal Court	\$ 24,000.00	\$ 50,000.00
Junior Counselors Summer Camp	\$ 6.00	to 15.00 p/h
Laborer	\$ 18,720.00	\$ 35,000.00
Laborer Clean Communities P/T	\$ 6.00	to 10.00 p/h
Laborer Grass Crew P/T	\$ 7.00	\$ 10.00
Land Use Administrator	\$ 35,000.00	\$ 50,000.00
Maintenance Supervisor & Project Manager	\$ 25,000.00	\$ 60,000.00
Manager of Parks and Grounds	\$19,000.00	\$ 42,000.00
Mechanic	\$ 18,720.00	\$ 35,000.00
Mechanic Trainee	\$18,720.00	\$ 30,000.00
Mechanics Helper	\$18,720.00	\$ 25,000.00
Member Board of Health		\$ 1,500.00
Memory Lane Coordinator		\$ 1,500.00
Motor Broom Driver	\$ 25,000.00	\$ 32,000.00
Mun. Emer. Mgt. Coor.		\$ 1.00
Municipal Court Admin.	\$ 23,000.00	\$ 55,000.00
Municipal Engineer	\$ 10,000.00	\$ 35,000.00
Municipal Prosecutor	\$ 10,000.00	\$ 35,000.00
Municipal Recycling Coordinator		\$ 1.00
Personnel Clerk	\$ 18,720.00	\$ 23,000.00
Personnel Officer	\$ 29,000.00	\$ 60,000.00
Plumbing Subcode Official P/T	\$ 4,000.00	\$ 28,000.00
Police Captain	\$ 60,000.00	\$ 115,000.00
Police Chief	\$ 65,000.00	\$ 130,000.00
Police Lieutenant	\$ 50,000.00	\$ 105,000.00
Police Officer	\$ 25,000.00	\$ 95,000.00
Police Officer Detective Stipend		\$ 750.00
Police Officer/Detective	\$ 30,000.00	\$ 59,000.00
Police Sergeant	\$ 40,000.00	\$ 100,000.00
Police Sergeant/Detective Stipend		\$ 750.00

Principal Account Clerk-typing	\$ 18,720.00	\$ 22,000.00
Principal Assessing Clerk	\$ 18,720.00	\$ 40,000.00
Principal Clerk-Typist	\$ 18,720.00	\$ 36,000.00
Principal Personnel Clerk	\$ 18,000.00	\$ 40,000.00
Principal Technical Aide Public Works	\$ 18,720.00	\$ 35,000.00
Project Manager	\$ 45,000.00	\$ 60,000.00
PS Telecommunications Oper.Trainee P/T	\$ 6.50	to 15.00 p/h
PS Telecommunications Operator	\$ 18,720.00	\$ 50,000.00
PS Telecommunications Operator, P/T	\$ 6.50	to 15.00 p/h
PS Telecommunications Operator,Trainee	\$ 18,720.00	\$ 40,000.00
Public Defender	\$ 7,500.00	\$ 17,000.00
Public Works Superintendent	\$ 28,000.00	\$ 68,000.00
Pumping Station Operator/Sewer Repairer	\$ 18,720.00	\$ 45,000.00
Real Estate Officer		\$ 1.00
Receptionist	\$ 6.00	to 10.00 p/h
Recreation Aide P/T	\$ 6.00	to 15.00 p/h
Recreation Attendant	\$ 18,720.00	\$ 33,000.00
Recreation Attendant p/t	\$ 6.00	to 18.00 p/h
Recreation Attendant/ Senior Center / PT	\$ 7.00	to 18.00 p/h
Recreation Leader\Sports	\$ 18,720.00	\$ 40,000.00
Recreation Program Administrator	\$ 22,000.00	\$ 63,000.00
Recreation Program Coordinator	\$ 18,720.00	\$ 20,000.00
Recreation Program Specialist	\$ 18,720.00	\$ 38,000.00
Recreation Supervisor	\$18,720.00	\$ 33,000.00
Recreation Superintendent	\$35,000.00	\$ 50,000.00
Recreation Director	\$35,000.00	\$ 60,000.00
Registrar of Vital Statistics	\$ 20,000.00	\$ 42,000.00
Rent Control Board Attorney		\$ 2,500.00
Secretary Board of Health		\$ 1,000.00
Secretary Cable TV Advisory Bd.		\$ 850.00
Secretary Council on the Arts		\$ 850.00
Secretary Economic Dev. Council		\$ 850.00
Secretary Environmental Comm.		\$ 850.00
Secretary Ethics Board		\$ 850.00
Secretary Planning Board		\$ 850.00
Secretary Recreation Council		\$ 850.00
Secretary Rent Leveling Board		\$ 850.00
Secretary Shade Tree Comm.		\$ 850.00
Secretary Sr. Citizen Advisory Board		\$ 850.00
Secretary Traffic Comm.		\$ 850.00
Secretary Zoning Bd of Adj.		\$ 850.00
Senior Assessing Clerk	\$ 19,000.00	\$ 26,000.00
Senior Building Service Worker	\$ 18,720.00	\$ 25,000.00
Senior Citizen Activities Coordinator	\$ 8,000.00	\$ 22,000.00
Senior Citizen Life-Line Coordinator	\$ 1,000.00	\$ 2,000.00
Senior Clerk	\$ 18,720.00	\$ 21,000.00
Senior Clerk Typist	\$ 18,720.00	\$ 45,000.00
Senior Computer Operator	\$ 18,720.00	\$ 40,000.00
Senior Emergency Med. Tech.	\$ 18,720.00	\$ 40,000.00
Senior Mechanic	\$ 18,720.00	\$ 40,000.00
Senior Payroll Clerk	\$ 18,720.00	\$ 24,000.00
Senior Personnel Clerk	\$ 18,720.00	\$ 38,000.00
Senior Tax Clerk	\$ 18,720.00	\$ 35,000.00
Sewer Equipment Operator	\$ 18,720.00	\$ 60,000.00
Sewer Maintenance Superintendent	\$ 30,000.00	\$ 70,000.00
Sewer Repairer	\$ 18,720.00	\$ 30,000.00
Solid Waste & Recycling Advisor to Mayor	\$ 5,000.00	\$ 12,000.00
Substitute Animal Control Officer	\$ 1,000.00	\$ 3,500.00
Summer Camp Coordinator Stipend	\$ 1,000.00	\$ 5,000.00
Supervising Dispatcher Stipend		\$ 1,500.00
Supervising Equipment Operator	\$ 28,000.00	\$ 50,000.00
Supervising Laborer	\$ 20,000.00	\$ 38,000.00
Supervising Mechanic	\$ 19,500.00	\$ 52,000.00
Supervisor Clean Communities	\$ 7.00	to 12.00 p/h
Supervisor / Heavy Equipment Operator	\$19,000.00	\$ 50,000.00
Supervisor Water/Sewer B/C	\$ 19,000.00	\$ 68,000.00
Tax Assessor	\$ 23,000.00	\$ 72,000.00
Tax Clerk	\$ 18,720.00	\$ 28,000.00
Tax Collector	\$ 23,000.00	\$ 60,000.00
Technical Assistant Const. Off.	\$ 19,500.00	\$ 50,000.00

Township Attorney	\$ 15,000.00	\$ 150,000.00
Township Clerk	\$ 53,000.00	\$ 65,000.00
Township Clerk/Business Administrator	\$ 23,000.00	\$ 115,000.00
Township Committee	\$ 17,000.00	\$ 20,000.00
Violations Clerk		\$ 1,000.00
Zoning Officer	\$ 20,000.00	\$ 65,000.00

2. RESOLUTION NO. 66-09 – APPOINTMENT – TOWNSHIP CLERK – 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, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite their name:

NAME	TITLE	SALARY	EFF. DATE
Kimberly Tomkinson	Township Clerk	\$55,000.00	2/1/2009

3. SWEARING IN OF TOWNSHIP CLERK

4. RESOLUTION NO. 67-09 – APPOINTMENT – BUSINESS ADMINISTRATOR – 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, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite their name:

NAME	TITLE	SALARY	EFF. DATE
Mark Mallett	Business Administrator	\$93,000.00	2/1/2009

5. SWEARING IN OF BUSINESS ADMINISTRATOR

6. RESOLUTION NO. 68-09 – APPROVING PAYMENT FOR ALL BILLS – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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	\$ 3,158.25
Current Acct.	\$ 3,573,131.39

7. RESOLUTION NO. 69-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the minutes from the Township Committee meeting and Work Session held January 20, 2009 are hereby approved.

8. REPORTS: The following departments have submitted their report for the month indicated below:
 Treasure for the month of December; Municipal Clerk for the month of January; Zoning Official for the month of January; Tax Collector for the month of January;

9. RESOLUTION NO.70-09 – APPOINTMENTS – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following persons be and are hereby appointed to the term of office opposite their name:

NAME	BOARD	POSITION	TERM AFFECTIVE	TERM EXPIRES	SALARY
Kimberly Tomkinson	Board of Health	Board Secty	2/01/2009	12/31/2009	\$1,000.00
Kimberly Tomkinson	N/A	Municipal Improvement Search Officer	2/01/2009	12/31/2009	N/A

10. RESOLUTION NO. 71-09 – APPROVAL FOR PAYMENT TERMINAL LEAVE – WILLIAM S. WEBSTER – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, William Webster has retired with an effective date of January 1st, 2009, and
 WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, and personal time, and
 WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time,
 NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

William Webster		
Sick Hours	1,755.00	84,520.80

11. RESOLUTION NO. 72-09 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JAMES ALEXIS – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, James Alexis has submitted his retirement forms with an effective date of February 1st, 2009, and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated sick, vacation, and personal time, and
 WHEREAS, final payment is requested to be made in equal pays from 2/13/09 through the end of 2011, and
 WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time,
 NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

James Alexis

Vacation Days	59.5	26,644.10
Sick Days	250	111,950.00
Personal Days	.5	223.90
Balance Due		<u>\$138,818.00</u>

12. RESOLUTION NO. 73-09 – RENEWAL OF GRAVEL PIT PERMITS – 2009 – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Mayor Doughty abstain
 WHEREAS, the several Gravel Pit Permit Renewal applications listed below have been found to be in proper form, and the fee paid in each case, and
 WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and
 WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, “certification is currently recommended” for the following licensees, and
 NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2009 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132.

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
4	Siegtown Partners, LLC.	98 / 2	35.37	600.
6	Albrecht & Heun	94/19.02	57.5	600.
7	Albrecht & Heun	94/19.01	41.03	600.
		94/20	31.4	
11	Albrecht & Heun	95.03/21	42.64	600.

FURTHER RESOLVED, that the above licenses be issued upon the conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.

13. RESOLUTION NO. 74-09 – INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE BOROUGH OF AVALON FOR COURT ROOM CONFERCING SYSTEM AND MAINTENANCE – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40:8A-3 authorizes municipalities to enter into agreements for the purposes of exchanging, sharing and cooperating with regard to services common to said communities through Interlocal Services Agreements; and
 WHEREAS, the Borough of Avalon is in need of services relating Court Room Video Conferencing System and Maintenance; and
 WHEREAS, the Township of Middle has certain equipment and personnel available to meet the needs of the Borough of Avalon in this area; and
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference;
 BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the attached Interlocal Services Agreement between the Township of Middle and the Borough of Avalon for Court Room Video Conferencing System and Maintenance, which is hereby incorporated by reference, pursuant to N.J.S.A. 40:8A-1 et.seq

14. RESOLUTION NO. 75-09 – REFUND OF TAXES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 Refund due to overpayment made by Mortgage Company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	CK#
18222	1436.05	22	BEAZER HOMES CORP 5 GLEN COVE COURT	316.99	
18210	1436.05	10	MILLER, HOLLY M 17 LOCHALSH LANE	316.99	
15933	51	51	DOUGHERTY, WILLIAM & NANCY 21 WOODLAND ROAD	1,166.17	

Refund payable to:
 COUNTRYWIDE HOME LOANS
 1757 TAPO CANYON ROAD, STE 300
 SIMI VALLEY, CA 93063

15. RESOLUTION 76-09 – CANCELLATION OF TAXES – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 CANCELLATION OF TAXES AS PROPERTIES ARE EXEMPT

ACCT #	BLOCK	LOT	NAME/LOCATION	2009 1 ST + 2 ND 1/4
118	4.01	29	State of New Jersey Dept of Environmental Protection 293 Rte 47 N	1,828.68

16. RESOLUTION NO. 77-09 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – ECONOMIC DEVELOPMENT LOAN – SHELTON MOTEL – 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 of the Township of Middle, the governing body thereof, that the Economic Development Loan Mortgage indicated below is hereby canceled.

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign said discharge of mortgage.

Borrower	Mrtg Dated	Date Satisfied	Sum of Principal
Shelton Motel, Inc.	June 25, 2004	1/22/2009	25,000.00

17. RESOLUTION NO. 78-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – MITCHELL HUMPHREY SOFTWARE – CONSTRUCTION AND ZONING SOFTWARE PRODUCTS – On motion by Mayor Doughty seconded by Committeemember Barry 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 Mitchell Humphrey and the Township of Middle for software products license and maintenance support 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.

FURTHER RESOLVED, that the term of this contract shall be from August 1, 2009 through July 31, 2010.

Mitchell Humphrey Software – Construction and Zoning Software Maintenance -- \$5,485.00

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$5,485.00 has been bid for the following service or items construction & zoning software. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 9-01-31-462-462-299
 PO# 20900292

18. RESOLUTION NO. 79-09 – CLOSED SESSION – MATTERS OF PENDING LITIGATION (RAVITZ ROMM VS. TOWNSHIP OF MIDDLE) AND MATTERS OF ANTICIPATED LITIGATION – 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,

WHEREAS, this executive session is for the purposes of discussing anticipated litigation, and matters are subject to the attorney client privilege.

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: MATTERS OF PENDING LITIGATION (RAVITZ ROMM VS. TWP. OF MIDDLE)
- 2.) The general nature of the subject matter to be discussed is as follows: MATTERS OF PENDING LITIGATION (RAVITZ ROMM VS. TWP. OF MIDDLE)
- 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.

19. RESOLUTION NO. 80-09 – ACCUMULATED LEAVE – 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 named persons be permitted to carry over accumulated vacation in excess of the one year permitted:

William Mayerson 5.5 Vacation Days

20. RESOLUTION NO. 81-09 – APPOINTING RISK MANAGEMENT CONSULTANT – AWARDING THROUGH FAIR AND OPEN PROCESS – 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 is a member of the Atlantic County Municipal Joint Insurance Fund, a self insurance pooling fund, following a detailed analysis, and WHEREAS, the Township solicited for RFP's on January 20, 2009 via Resolution NO. 61-09, and furthermore accepted said RFP's on February 2, 2009 at 10am, and WHEREAS, the Bylaws of said Fund require that each municipality appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the Bylaws, and WHEREAS, the Bylaws indicate a fee not to exceed six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the governing body, and

WHEREAS, NJSA 40A: 1 1-5 (1) (in), specifically exempts the hiring of insurance consultants from competitive bidding as an extraordinary unspecifiable service, and
 WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of a Risk Management Consultant's are clearly an extraordinary unspecifiable service, which therefore render competitive bidding impractical.
 NOW THEREFORE, be it resolved that the governing body of the Township of Middle does hereby appoint Michael McLaughlin as its Risk Management Consultant in accordance with 40A: 1 1-5, and
 BE IT FURTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A: 1 1-5 (1), (a), (i).

21. RESOLUTION NO. 82-09 – RELEASE CASH PERFORMANCE BOND – STEPHEN WESTHEAD – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Barry abstained
 WHEREAS, \$16,320.00 (plus interest) is being held as a Performance Guarantee for Stephen Westhead for site improvements at Block 281 Lot 17, also known as Bennett Avenue, and
 WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and
 WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and
 WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Cash bond (plus interest) with Commerce Bank be and is hereby released.

22. RESOLUTION NO. 83-09 – AUTHORIZING PURCHASE UNDER STATE CONTRACT – POLICE VEHICLES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, there is a need to purchase police vehicles, and
 WHEREAS, through the State Contract Purchasing System, Contract # T-0098, these vehicles are available; and
 WHEREAS, the amount of the purchase per vehicle is \$22,577.00 and funds are available as evidenced by the Chief Financial Officer's Certification; and
 WHEREAS, the vehicles being purchased by authorization of this Contract are four (4) 2009 Ford Crown Victoria.
 NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the Police Department is hereby authorized to purchase four (4) aforementioned vehicles at a cost of \$22,577.00 per unit.
 FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Charles S. Winner Inc.
 Winner Ford
 250 Haddonfield Berlin Road
 Cherry Hill, NJ 08034-3409

23. RESOLUTION NO. 84-09 – SUPPORTING TAX ABATEMENT ON PERMANENTLY RESTRICTED COUNTY AND STATE FARMLAND – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, the State of New Jersey has enacted the 'Farmland Assessment Act, C.48 L. 1964, N.J.S.A. 54:4-23, et seq. for the purposed of valuation and assessment of farmland at a reduced rate, and
 WHEREAS, the State of New Jersey has enacted N.J.S.A. 4:1C-11 known as the "Agriculture Retention and Development Act," to promote to the greatest extent practicable and feasible, the continuation of agriculture in the State of New Jersey while recognizing the potential conflicts among all lawful agriculture land due to personal health situations, litigation problems, and the implementation of approved farming practices, and
 WHEREAS, the Township Committee of the Township of Middle recognized that preserved and protected farmland may not be in active agriculture production all the time, but the easement restrictions continue in perpetuity, eliminating all possibility of development.
 NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey objects to the recent actions of the County Board of Taxation removing the farmland assessment rate on certain protected farms due to inactive agriculture production, and the Township Committee furthermore supports and encourages all local and State initiative to abate taxes on restricted County and State farmland, and
 BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to Senator Jeff Van Drew, Assemblymen Nelson Albano and Matt Milam, the Townships of Dennis, Lower and Upper, the Boroughs of West Cape May and Woodbine, and the County of Cape May.

24. RESOLUTION NO. 85-09 – ACKNOWLEDGEMENT OF TERMINATIONS – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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 terminations listed below, are acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Brandon Hamer	Recreation	Recreation Attendant P/T	01/20/2009
George Lewis Jr.	Recreation	Recreation Attendant P/T	01/20/2009

25. RESOLUTION NO. 86-09 – RELEASE OF MAINTENANCE BOND – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, \$1,738.26 (plus interest) is being held as a maintenance bond of Jerry's Excavating / Jerry Jorgenson for Block 1018, Lots 33-36 also know as an extension of Allen Street, and

WHEREAS, the Engineer for the Township of Middle has conducted his site observation of the referenced area, and

WHEREAS, the Engineer for the Township of Middle has recommended that the bond be released, and

WHEREAS, the Zoning Officer has certified that the bond in the amount of \$1,820.23 be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond with Commerce Bank in the amount of \$1,820.23 (includes principal and interest) be and is hereby released.

26. PUBLIC COMMENT:

Steve Barry: These are difficult times and we have a lot of hard work ahead of us in getting through the next year. Every single person here has a hard ahead of them in getting through the next year. We look forward to any help you can give us, any suggestions you may have as we go through the budgeting process during the next 2 months.

Susan DeLanzo: I would just like to say thank you for a job well done, first of all to the police administration and mostly to Lt. Chris Leusner who put together our end of the year statistics from the police department...that is available on the website. Fact are facts, but what was really impressive to me was the manner in which it was presented and also it was quite obvious to me what a spectacular job our department is doing with the resources that they have. Also in this evenings work session I thought Mr. Mallett did a great job in presenting the facts and the process of enlightening everyone to what we do, what is here and what some of the challenges are. I think the process is really a good one and easy to understand and thank you.

Mayor Doughty: I would like to commend you also for doing a very good job. It helps us, it will help everyone in Middle Township and at the end of the day we have some hard choices to make here.

PUBLIC PORTION

Joe Ravitz: Resolution #23, Supporting Tax Abatement on Permanently Restricted County and State Farmland, why did you bring this resolution out?

Jim Pickering: It is not unusual for local municipal entities to take positions on pending legislations, this is proposed legislation from our local legislative representatives and as I understand it, what this legislation would do is fix what some people believe to be an inequitable situation where someone has essentially sold their development rights through the Farmland Preservation Program. On one hand they have sold their rights and on the other hand to retain your farmland assessment you still have to farm it. Some people feel that it is inequitable that they have sold their development rights, they can't do anything else with it anymore but to maintain the farmland assessment, they have to continue to farm it.

Steve Barry: One of the considerations in working on the Plan Endorsement Process is to try to lessen whatever pressures we can on undeveloped land.

Joe Ravitz: My opinion is that this resolution is harmful to the typical resident of Middle Township. You are talking about people who have, as Mr. Pickering correctly stated, sold, and I emphasize the word SOLD, the development rights to the County of Cape May or to some other entity where they were paid in full and in some cases they have spent hundreds of thousands of dollars to millions of dollars. Now they are saying that they don't have to keep the bare minimum that the legislature had in mind to keep the farmland going I think is a burden that the taxpayers of Middle Township will have to pay for that. Think it is a very ill advised resolution.

Carol Mattessich: Where did this resolution come from.

Mayor Doughty: It was delivered to the Township from Van Drew's office.

Carol Mattessich: So obviously there was no discussion on it because that would have had to been discussed at a public meeting and there was no discussion with the Township's Tax Assessor about it.

Mayor Doughty: That is correct.

Bill Adams: My opinion, I'm one of those farmers that raised cane about the farmland situation the way it is and supposedly there is a process going on in Trenton that they are going to change that farmland thing. My opinion is people like Wheelers Farm, you say that hundreds of thousands of millions of dollars, I know what they got out there and they sold the rights so they wouldn't develop....in that situation I agree with this man, I think if anything if they want to turn around and tax it with regular property values then the Township should turn around and let them buy it back in taxes. What I am saying is you are taking somebody's livelihood away that could have turned around and developed all of that land and could have made a lot more money by developing, but they don't want it. The people who owned that didn't want it, so it has been taxed farmland all those years....to me sounds like the Township is getting greedy and wants more money anyway they can get it.

Madelyn Filipski: Prior to the holiday I had asked you or you had agreed to provide the Closed Session litigation results to the public. Was wondering if you had an opportunity to compile that for the last 5 years.

Steve Barry: What I understood your question to be, and what I did, and I brought this list to a great many meetings since you were last here, was the list of pending lawsuits for the years 2007 and 2008, that is what I did.

Madelyn Filipski: Would like that information. So you have the information and I can pick that up at the Township.

Steve Barry: No these are my notes, but I can certainly report on it. During that 2 year period of time, and I excluded from this list personnel matters, which as a matter of civil service law would be subject to public disclosure, the Township was involved in 52 matters of litigation.

Madelyn Filipski: When you say matter of litigation, that is a separate lawsuit rather than individuals that won or could be 2 separate lawsuits?

Steve Barry: As opposed to what?

Madelyn Filipski: As opposed to discussions of them continuously.

Steve Barry: I do not understand your question.

Madelyn Filipski: There are 52 separate items of litigation for 07 and 08 against the Township of Middle

Steve Barry: That were pending at some point during those 2 years, some are still pending, some were concluded.

Madelyn Filipski: And you have a list of them available for us, right?

Steve Barry: I have my notes, it is not prepared in a list to provide other people, it is bits and pieces I got from other people and annotated myself with notes to myself. You want to know about the cases, is that what you wanted to know?

Madelyn Filipski: Yes, but I would like something more definitive than what you are describing.

Steve Barry: Then you don't want to know about the cases.

Madelyn Filipski: I do want to know about them but you seem to be suggesting that you only have fragmentary notes.

Steve Barry: That's right. I can tell you what the cases are, if you want to know about 52 cases.

Madelyn Filipski: I don't want to just stand here and do that now, I want to know if it is going to be available at some time.the County itself recently published a list of their cases, would you consider doing something like that.

Steve Barry: Each and every one of these cases is already publicly available. None of these are confidential.

Madelyn Filipski: I am understanding that but guess going back to the Sunshine Law and Public Records.

Steve Barry: These are all public records.

Madelyn Filipski: It is not public records when you have a Closed Session and you do not put down, you have done that in the past but you are doing it now, what is there and part of the Sunshine Law is when the case is finished it is supposed to be announced publicly and that has not been done. So now I am asking you to make a public declaration of those cases that have been resolved.

Steve Barry: OK, I'm ready. I'm ready to tell you.

Madelyn Filipski: Ok, do you want to do it now and waste this time or do you ..

Steve Barry: If you want to do it some other time, I will do it some other time.

Madelyn Filipski: Again Mr. Pickering I feel this is a case where we are not in compliance with the Sunshine Laws.

Steve Barry: I resent that. I was prepared and what you would have learned was for the cases that were concluded, I would have told you how they were concluded and in some cases there were discussions in Closed Sessions and for many cases there were not for reasons that I would have explained, but you may not tell me that you do not want to hear what you asked me and then make an inference about what it was you asked me not to tell you.

Madelyn Filipski: There is no inference being made. They are not recorded in the ordinances or the resolutions as they should have been. That is what I am referring to. Now would you like to explain, I see

that you have Ravitz & Romm on for discussion, would you like to explain because I understood that that case ended.

Steve Barry: No, it did not end. At one point there were 3 cases, one of the 3 cases was a case between other parties, there was a case initiated by Mr. Heun against Mr. Ravitz, the Township and some other people were brought in, the court dismissed the dispute between Mr. Heun's and Mr. Ravitz, but dismissed without prejudice so that they could be folded if that was decided to be the prudent thing to do by any of the parties. Certain issues raised by Mr. Ravitz and potentially raised by the Township in the other 2 matters of litigation are still pending. There are 2 cases still pending.

Madelyn Filipski: OK. I would like for you to explain to me the steps you are using to recover the Host Community Benefits legally?

Steve Barry: I have addressed that at length on numerous occasions. The simple answer is that it is in litigation, the Township's Attorney, John Gillespie, actually spent today going over records at Albrecht & Heun/Future Mining site. He will be making a report on his preliminary findings there. As is said, the matter is still in litigation. There are outstanding requests for documents, and I suppose there will be depositions and at the conclusion of that, Judge Armstrong will make a decision about how much is due.

Madelyn Filipski: I read in the newspaper that you quoted this cost to us of this litigation was \$30,000....did I read that correctly?

Steve Barry: Well, I don't know what you read so I can't speak to that, but the point that I talked about is the cost is about \$35,000. That was at that time....that was late 08.

Madelyn Filipski: Who are the lawyers appointed for this.

Steve Barry: John Gillespie.

Madelyn Filipski: Is he with Parker McCay, Brown & Connery....

Steve Barry: Parker McCay.

Madelyn Filipski: Ok, because I show in a 4 month period on your check register showing \$46,000 from August to December 15th to Parker McCay and that is only for 4 months of a 17 month process.

Tracey Taverner: We do pay Parker McCay for other service.

Madelyn Filipski: So you would be able to compile for us a list of the cost from the beginning of the 17 month period.

Steve Barry: Personally....

Madelyn Filipski: I don't know, what is the method on how to do this, I am asking you how to do this. Can you do that. I would like to know the cost. I am looking at constant money being transferred into the legal O&E account, upwards of \$400,000 and not seeing where that money is going to.

Steve Barry: I understand your point. In order to answer your question about what sum of money might appropriately, in my view, be spent on this litigation, I would have to make comments about ongoing litigation in the presence of the attorneys and the parties in the litigation. You can appreciate, I am sure, that would be unwise to do.

Madelyn Filipski: Yes, I understand. I just want to know how much it is costing. What would you suggest I do to find that out.

Steve Barry: It is not for me. What we pay Parker McCay or anybody is a public record, so obviously you can make a request for those payments and they will be tendered to you is the simple answer. But, I am not in a position to explain while litigation is ongoing my views of the merits and how to proceed.

Madelyn Filipski: In the location for the Host Community Benefits, when we hired Ford Scott and we paid \$38,000 to them for a 4 month time period, they missed an item of revenue that is quit large. Are we reconsidering them as our auditors or accountants.

Steve Barry: Your question contains a statement that I can't agree with, I've forgotten the logical explanation for it, but you are making a factual assumption that I would have to accept in order to answer your question and I decline to make that assumption.

Madelyn Filipski: Then you are happy with the services that they provide.

Steve Barry: I have been favorably impressed.

Madelyn Filipski: Mr. Pickering I had given you a delineation of the development of the request for a hockey rink and the first thing that was on that was a request to put it out to bid, which I did not think was appropriate in terms of following

Jim Pickering: I know I had a discussion with Mr. Alexis about the process that was done and I was satisfied that it was done according to standard protocol and the way that it was supposed to be under the Statute. Recollection was it was initially done through the bonding process and there was a grant that we applied for, which defrayed about 35% of the cost.

Madelyn Filipski: I am concerned that an item was put on the agenda that was not even approved or discussed.

Jim Pickering: It would have been done during that process. I don't believe that there is a requirement that there be a resolution or an ordinance done that says we are going to build road x,y,z and then at the next meeting have an ordinance approved to pay for road x,y,z, I don't think that is necessary. The ordinance itself is the action taken by the governing body, the ordinance for the bond or however they are going to pay for it, whatever it is, whether it comes out of the capital budget or the capital account or whatever it is, that is the notice, that is the decision making process that the governing body goes by. It is not a 2 step process, #1 are we going to do it and #2 let's approve the funds to do it. Under the Statute it is one step, we are going to pay for it by doing this bond, this is what we are going to do. If someone doesn't want to do that project, then they vote no on the bond.

Madelyn Filipski: So you are saying on the bond that someone up here came up with the idea to have a hockey rink, asked Mr. Orlando to bid out or come up with what he thought would be a reasonable cost for that, which is how he described the process to me, and then you voted on putting out a bid for the hockey rink with no discussion.

Jim Pickering: I believe the discussion would have been during the time period when the bond was done.

Steve Barry: Several months ago your position was it wasn't in the budget. When I showed you it was in the budget, you said no, it was not in the budget. We are doing the best we can to answer your questions.

Madelyn Filipski: I understand Mr. Barry. I just find it amazing that you are up there doing our budget and you cannot read an empty space in the budget, I don't understand....

Steve Barry: I appreciate that you don't.

Madelyn Filipski: I just don't understand how you can look at that and not see \$400,000 in an empty space. When the Committee members speak up here and they are under oath, can you explain what the difference is between a deposition and an oath. Are Committee members, when they speak, under oath here?

Pickering & Barry: No.

Madelyn Filipski: And is Mr. Barry under any special obligation as a member or officer of the court with his comments.

Steve Barry: We are all under the same obligation.

Madelyn Filipski: OK, I received a check register and have several times emailed about missing check numbers, I wonder if those are going to be made available.

Tracey Taverner: If they were not on the check register they were not substantial, they could have been manual checks, voided checks

Mark Mallett; Ms. Filipski, I have it.

Madelyn Filipski: Thank you. Ms. DeLanzo I have communicated with you several times on animal control and I am wondering if you have any thoughts about organizing something more than we have now.

Susan DeLanzo: I am composing my response to your email. What else do you want to know.

Madelyn Filipski: I was wondering if you were going to have any changes, for 5 years I have asked for a committee, an ad hoc committee....

Susan DeLanzo: Yes, I do not believe that we need a committee, but I am having discussions to see what it would be to do a dog canvass.

Madelyn Filipski: It has been said to me that there is the feeling that I am the sole voice interested in this committee...is that your feeling? That I am the only member of the public that is willing to speak up about this issue.

Steve Barry: What issue?

Madelyn Filipski: The animal control issue and having a committee and being part of the larger community that is trying to solve the problems for animals in this community.

Susan DeLanzo: My personal opinion is I do not know why we would need a committee, you express your concerns and I take them into consideration and try very hard to find a solution if there is a problem. I do not know what a committee would do, that someone coming into a meeting, calling me on the phone, there are lots of people who call and say they are having a problem with a specific problem, we have an animal control officer dispatched to go, so not sure what a committee would accomplish.

Madelyn Filipski: There is a larger picture that doesn't happen in a 5 minute way and just as we are discussing all of the issues with the budget that comes together with one thing, by looking at the separate pieces to form a more cohesive whole, a committee would do that. Instead of responding and reacting, it would be pro-acting.

Susan DeLanzo: We do have ordinances for animal cruelty and State Statutes. It is just a difference of opinion.

Madelyn Filipski: It is a difference of opinion. Middle Township is contributing largely to the death of the animals in the shelter and I feel that we can make changes as a group that we cannot make individually, if it would, it would have happened over the 5 year period that I have been asking about this.

Mark Mallett: I addressed your concerns and I thought we had covered many of these topics. Maybe you don't agree, but I believe we are all trying to work towards the same goal of protecting the animals and minimizing however possible what animals are being euthanized. Part of my research, when I was looking into it, yes Middle Township does have a significant portion of the animals that are taken to the County Shelter. We also bring in support by having Interlocal Agreements with Stone Harbor, Avalon, West Cape May, Cape May Point and when reading the County report, the number of animals, and I think you were specifically concerned about the cats that are euthanized, it is because they are feral cats and cannot be socialized or adopted or they also have contagious respiratory diseases and they are euthanized so they don't get the rest of the animals in the shelter sick. I specifically addressed that to you and we appreciate your concerns. We did get the PetSmart Grant, which I know you say we should have gotten sooner, the fact is we got it in October. Since then we have spayed/neutered 14 animals, we have traps, Bill Candell has a CNR program in place, so I believe we are doing a lot of things that are proactive. To Susan's point, we don't believe that an ad hoc committee is necessary because I believe we are aware of it and we are being proactive.

Madelyn Filipski: I don't believe you are being proactive when you are awarded a grant in June and you don't act on it until December and a similar town is awarded the same grant and did 251 animals. What I don't consider proactive is when you have sent the most cats to the shelter and euthanasia is the end of a painful life, it is not the destruction of healthy animals, which is what feral cats are. Other communities in this county have worked hard to reduce the number of animals, and Middle does not do that. That is what I am talking about. We have the most dog bites, sold 460 licenses, where the ADMA estimates that we have as many as 3,000 dogs in this community. I don't think that is being proactive Mr. Mallett. I have volunteered, other people have volunteered and in the end if you want 25 people here or 100 emails saying people are agreeing with what I am saying, I will be happy to provide those.

Mark Mallett: I don't believe I was requesting that. What I was saying is we do appreciate your concerns and that I believe we are taking the right steps.

Madelyn Filipski: Well I don't think you are and that is why I am saying this. I have been coming here for 5 years asking that something be done and I have watched other communities do something and it is very disheartening that Middle Township does not; and it is not euthanasia, it is the destruction and killing of viable lives.

Mark Mallett: I am just reading and addressing what was said in the Cape May County Animal Shelter Report, euthanasia is what they call it, you may call it something else.

Madelyn Filipski: If people prefer to think of it as euthanasia so they can live with it, I look at what happens over there and it is healthy animals being killed under the name of feral cats, which many times are just scared.

Tracey Taverner: Mrs. Filipski may I address the PetSmart Grant. When we received the grant it was after the budget was adopted, so in order to insert that into the budget we have to adopt a resolution for Chapter 159 and that has to be sent to the State. We cannot touch or spend one dime of that money until the State approves that. I actually had to call the State to tell them they still hadn't approved our resolution; they said they were delayed by the budget process in reviewing budgets. We could not spend it until the State gave us permission, which is why there was the delay in spending it from when we actually received it.

Madelyn Filipski: I understand that but you received it later because you did not send a letter of confirmation that you received the initial grant. The initial grant was given a 10 or 14 day time period in which to respond that you accepted the grant. The Township did not comply with that, then had to rewrite a letter to see if PetSmart would indeed award them the grant back. It seems to me that if Lower Township could manage to get that money into circulation, then we could also.

Larry Newbold: I have been collecting quite a collection of newspaper clippings on this Host Community Benefits, and some of the comments that were made here earlier tonight certainly do not reflect the reporting that went on in the Gazette on December 4, 2008.

According to that, a 6 page report by Ortman concluded that at least \$180,000 remains unpaid in HCD obligations from recent years. The report specified that it was not an audit and noted the unavailability of documents from 1990 to 2000. The question is, is this money being considered in the budget as part of the operating budget for Middle Township, and how about the interest on this money. This is something that has been hanging fire for a long, long time and I don't see anything coming to fruition to reimburse the taxpayers of Middle Township. There is no question that we have a national financial meltdown, state meltdown and probably a county meltdown, a Middle Township meltdown and every taxpayer out here has had a financial meltdown. All you have to do is look at your 401K's. This is money that is certainly owed the taxpayers and where is it, when are we going to see it, how long do we have to wait to see this money? This is something that never should have happened to begin with, if someone had been doing their job, someone was obviously asleep on this thing and let it go for a long, long time, since 1990, and I am sure it is probably happening today, no money is being collected. I would like to hear a comment from the troupes up here, what is going on and when are we going to see something here.

Steve Barry: I'll try again. In 1991 a contract was entered into with Future Mining & Recycling by resolution, I don't have my file unfortunately for that year, so I don't remember the resolution number. But in any case, that resolution called for there to be a Host Community Benefit based upon \$1.00 for each ton and the operative language was "received." In 1994 there were discussions, and there were a couple of memorandums located from that time that flush out what that discussion was, and at least in part that discussion was that the Host Community Benefit be based upon tonnage out rather than tonnage in. Mr. Schuman was coming and talking about leaves, which are really a side issue of the Host Community Benefits, so Mr. Alexis went back and looked through the resolutions and ordinances going back to that time and found, and at that time he was head of public works so it wasn't his role to enact things, although he was aware of these discussions and made memorandums in his file about it. What had happened was, for whatever reason, it was lost in the midst of time, no one active now was even involved, no resolutions adopted entering into any new contract. However, the Chief Financial Officer back then and the folks at Albrecht & Heun exchanged the required information and the balances were checked off over the years, we have recovered some of those documents. What happened was, I am told with Albrecht & Heun and I have seen the documents from the Township, most of the records for the charges back and forth were destroyed in a routine document purge, I think in 06, doing that from memory, could be wrong about the year. We have very detailed records for the years 2001 through 2007, and those were the records used by the Township's auditors to come up with the \$181,000. That leaves several questions; there is no question in my mind that the \$181,000 is due. The folks on the other side disagree and say no, no, no, we made a deal, or if we didn't make a deal, tons received really means tons out, and that case is hanging fire. But, there are 2 other more difficult questions. An easy question is interest, absolutely we are entitled interest. The more difficult questions are how far back can we go now and that is a question of State Statute, in terms of the Statute of Limitations and I think that takes us back to 1998. For the years 1994 through 2000, we have reports of tonnage out on summaries; we don't have the original detailed quarterly reports that give us tonnage processed, tonnage out and tonnage in. It is possible, in my view, to infer from the tonnage out what the tonnage in was. Then we get to another question, which I will call the Ralph Shuman question, and I don't want to put words in his mouth, he is not here, but I think he is suggesting that the records are not reliable, perhaps, that is the Future Mining and Recycling records. Based on the records that we have, I think that it is possible to extrapolate backwards and say what the tonnage in was for the applicable period of time. That obviously raises the amount due and we are entitled to interest. This problem of how you compute amounts due in the face of a position that the records are fictitious, is a very difficult factual question that everyone is working very hard on right now. Unfortunately, the question of whether or not the records that have survived are accurate records is what is bogging us down at the present time, so that if I could give you a timeline, I would, but it is very difficult to say what will be involved in delving into the you can't believe anything you hear claim. But based on the records that do exist, I think the numbers are pretty clear.

Larry Newbold: Has Middle Township ever received one nickel on this deal?

Steve Barry: Yes

Larry Newbold: How much?

Steve Barry: Mr. Newbold, I am not an accountant, I don't carry numbers in my head, but it is in the records that will be distributed in litigation and everyone involved in the litigation has copies, I think.

Larry Newbold: Is it one year or two years or many years.....

Steve Barry: I don't remember the numbers in enough detail to tell them to you, but they are written down, you can disagree with them but there are numbers written down. I hope that helps.

Larry Newbold: This is a real, real sad situation, especially with the meltdown that we have going on right now, the Township needs the money and we certainly could use it instead of getting zapped with higher taxes.

Steve Barry: Of course you are right. The question of when it could be put into the budget really is, if we receive the money this year, which I hope we do, it will be an unanticipated revenue, which I think will mean that it will go into next year's budget. But, Mr. Newbold, next year's budget will be tougher than this year's budget and the money will be welcomed.

Vilma Pombo: I have 3 questions that do not have to do with any of this other stuff. I do want to say that I support Madelyn in her request in educating people in TNR, which is trap, neuter and release, instead of taking all those cats to the shelter. There is no reason for it. Back prior to December BPU came out with some monies that were available for municipalities to have an audit program done on their energy. I was just wondering if you participated in any of that.

Steve Barry: I don't think we did the BPU, we did have an energy audit early in the year, sadly it is one of those problems where it is an unattractive time to make significant capital outlays, which will repay us over time, but is a pretty frightening time economically to make significant capital outlays with sort of a long term unknown payback.

Mayor Doughty: We did have 2 gentlemen here about solar power. The capital outlay on those is atrocious and the payback time is 25 years out.

Vilma Pombo: I understand that but I think this is a different thing.

Steve Barry: You're talking about tightening up windows, that sort of thing.

Vilma Pombo: Yes. There was an editorial in the Press and they seemed to think it was a valuable program, but not many towns or even school districts had even signed up. There is a website for it, New Jersey Clean Energy.com. Governor Corzine gave permission to municipalities to not pay off municipal pensions for the retirement funds. Are you going to cut your donation to this fund or are you going to do like Cape May who said no to this deferral.

Steve Barry: It doesn't sound like a very good idea to me to defer it. The interest rate is high and that is the profit interest rate. What it really turns out to be is anything the state says.

Mayor Doughy: Totally against it, but you never want to close that door.

Vilma Pombo: My third question is about windmills. A lot of towns are coming up now with zoning ordinances as to where they can be or what they can be. Does Middle Township have any ordinances governing windmills?

Jim Pickering: It does not at this point. I know that there has been some discussions at various levels through the Plan Endorsement Committee at the Planning Board as to whether there should be or should not be. I know the last thing that I saw on it was Upper Township had considered such an ordinance, but they decided to table it and make it part of their Master Plan process because of what they considered to be the expense of making a change to the ordinance that was Township wide. Their concern was that you would have to notice every resident in the entire municipality served by mail return receipt requested, which I have not researched so I don't know that I agree with them about that, but there is no reason I would disagree with the work that was done by Mr. Young or Mr. Monzo. Whether it should be done as part of the Plan Endorsement Master Plan process eventually, that probably makes sense to me.

Vilma Pombo: Someone in Middle Township was asking permission to put up a windmill. How would you handle that when it comes to you.

Jim Pickering: It went to the zoning board as I understand it. You can ask for a Use Variance from the zoning board and if you can meet certain standards that are required under the Municipal Land Use Act then you can put that use on your property.

Steve Barry: I read that application and it didn't actually reach a hearing as I recall because there were questions, it was a very small lot with a windmill up against the bulkhead and there were a lot of engineering questions that just didn't get answered and I think it was withdrawn by the applicant....at least the one I am familiar with. There may be others that I don't know about.

Carol Mattessich: Beginning with #12, Renewal of Gravel Pit Permits, do those include the Indian Trail site.

Steve Barry: No.

Carol Mattessich: It does include the Goshen Road sites, correct.

Steve Barry: Yes....well, I speak too quickly, let me look at the numbers.

Carol Mattessich: 4, 6, 7 and 11 are the ones.

Steve Barry: Yes, #6 is Goshen Road, I am pretty sure.

Carol Mattessich: Why were licenses renewed to parties that owe the Township money?

Steve Barry: I have answered this question before, and I am sure you will recall that I did, and this is just my answer because I voted on this....it is possible to disagree without being disagreeable, Miss Mattessich and these Albrecht & Heun people take the position that I am wrong about the Host Community Benefit and that you are wrong about it. Now I agree with you and I disagree with them....but it is not the sort of thing where they are dead beats that don't pay their bills, they contend a bonafide disagreement and I am content to take them at their word that it is a good faith disagreement and get to the bottom of it. That doesn't mean that you punish someone with whom you disagree by refusing them other benefits or rights to which, in my view, they are legally entitled.

Carol Mattessich: That is your position Mr. Barry. Ms. DeLanzo, can I have your position with respect to why you voted on a resolution granting licenses to Albrecht & Heun when they had owed the Host Community Benefits. I had understood that you made a public statement that you were not going to do so.

Susan DeLanzo: I think we are taking that out of context of what I meant because at the time your question was why are we awarding contracts to people who owe us money. I believe that was when it was a fair bidding process. I somewhat agree with Mr. Barry in that if I disagree I don't think that the measure should be so. I feel confident that we have legal representation that will come to the bottom of this. Just as it is your right and your husband's right to sue the Township over what he considers valid, and we still give him a paycheck.

Carol Mattessich: It is the legal thing to do ma'm.

Steve Barry: And it is a legal thing to renew a gravel pit license if you are entitled to renewal.

Carol Mattessich: I guess I am going toward what considerations did you take into affect,.....let's move to the Siegtown Rd site, in considering whether to grant that license tonight, did you take into affect the comments that have been made at the public meetings in respect to the early start time and the noise.

Steve Barry: Not only did I take them into account, I actually went there at 6:00 in the morning and made my own observations as to what was happening at the site and on Swainton Goshen Road and on Route 9.

Carol Mattessich: And how did that weigh?

Steve Barry: In addition I had inquiries made about what was going on with the well monitoring at the Williams pit site. Well, as I sat there at 6:00 in the morning with nothing happening, I reflected on the fact that this activity, at that site and the Goshen Road site, is in support of the United States Coast Guard Base. It was dark out, it was too dark to read and I did not want them to see me there in case there was any infarious activity that I might otherwise observe. So I sat there thinking that the reason these projects start up early is because at the Coast Guard Base the requirement is they want the fill there at 7:00 in the morning and they want it to continue to get through until 5:00 at night and I can't speak as to whether the United States Coast Guard knows what it is doing down there, but I think there is no question whatever that our public safety on many levels depends on installations like the Coast Guard Base and the Coast Guard deserves our support. That was my reflection before I saw or heard anything happen of any significance. Then I saw a little bit of activity that there was a pickup truck in there and then a bunch of trucks began to arrive, large dump trucks, and they arrived around 6:20 to 6:25, somewhere around that neighborhood and began to load and leave maybe 15 minutes later. Based on what I saw and heard, I did not see or hear anything alarming while I was there. I assume something similar was going on at the Goshen Pit, but I did not go there. So, I took those circumstances into account in this vote. However, whether or not the hours of operation for this particular Coast Guard related activity are a good thing or a bad thing, we have a gravel pit ordinance and they satisfied the terms of the gravel pit ordinance and in my view they are entitled to have their license renewed.

Carol Mattessich: Thank you. I think it is always helpful for the public to hear public officials reasons for doing things, and I appreciate that. Number 18, there were a couple of things said about outstanding litigations and I did not realize that we had 62 over the last year alone, I know there are a lot out there and I know it would be very difficult for the public to understand some of the things that have happened, but I just want the public to be clear and the record to be clear that in the Ravitz/Romm litigation that is no longer being actively litigated by Ravitz and Romm. Our claims were satisfied and have been dismissed because Mayor Doughty announced that he would no longer vote on Albrecht & Heun matters as the Township insisted on prosecuting the Host Benefit Community action, at which point we, the court, did not have jurisdiction to entertain Ravitz and Romm's claim as individual citizens. We took everything as far as we could and it is now totally in the Township's hands. I am particularly concerned about that because a couple of times, and again Mr. Barry I know this is not on purpose, but a couple of times after the Township had entered and started taking that position into litigation, you stated at public meetings that we were still responsible for processing the Host Community Benefit claims. I want it to be very clear that is all on the Township now, we are not permitted to go any further.

Steve Barry: I agree with the latter part of what you said. It certainly is the Township's sole responsibility at this point, that part I do agree with. We will diligently pursue it I assure you.

Carol Mattessich: WE are now out of those litigations altogether and there is only one pending, just so it is clear.

Steve Barry: No, there are 2 pending.

Carol Mattessich: What is the second.

Steve Barry: There is an employment litigation.

Carol Mattessich: That is one, what is the other?

Steve Barry: The Host Community Benefit Case is still pending.

Carol Mattessich: We are out of that.

Steve Barry: I understand...the case is still pending.

Carol Mattessich: Ok, so it is pending from the Township's perspective. I wanted to point out that in that litigation again I am only doing this in response to some comments that Mr. Barry made and again I know that it is very hard to stay up on top of everything. I was very close to the issue and I wanted to share this information with you because I think from what you have said, you probably find it very material. Back in 1994 when you had informed us that Albrecht & Heun is now taking the position that it asked for tonnage out to be weighed as opposed to tonnage in and they also had claimed that they had started feeling financial pressures around that time. At that very time, Albrecht & Heun was submitting to the county and the state a letter which I have provided to the Township Attorneys claiming that they were operating at maximum capacity and needed an increase to what would have taken them and what actually did take them during that time period to more than 200,000 tons per year.

Steve Barry: That is partially accurate. I am familiar with those documents.

Carol Mattessich: Is that because you represented them at that time or

Steve Barry: Ms. Mattessich, of course that is not true. The reason is because I have read all of the Host Community Benefit documents that have been produced.

Carol Mattessich: What part don't you agree with?

Steve Barry: From 1995 to 1997 the upper tonnage limits as I recall them based on County resolution were 24,500 tons.

Carol Mattessich: Per year? For which license?

Steve Barry: Yes, the Class B license. In 1997, I have incomplete documents for 1997, but it looks to me like the County MUA's tonnage cap was lifted.

Carol Mattessich: You apparently misheard what I said then and I appreciate what you just explained, because what I said was in 1994 Albrecht & Heun wrote a letter to the County and the State saying that they were operating above capacity and wanted that increase. I didn't state when that increase was actually permitted, I have not seen.....

Steve Barry: Two steps, 1995 and 1997.

Carol Mattessich: Ok, very good. So you are aware that certainly impacts on anything they now claim was in agreement back in 1994.

Jim Pickering: At this point Mr. Barry, let me jump in and tell you that you are getting into positions and strategies that.....

Carol Mattessich: I certainly wasn't trying to engage anybody about the case, I would just like to point out what I thought was inaccurate statements that had been made to the public particularly where I am concerned or the people I represented were concerned. Let me ask you with respect to a question, Madelyn Filipski, or a series of questions that Madelyn Filipski was asking, I would really like to understand this. When you consider things like the hockey rink or what Vilma just brought up, the issue of the windmill. On that one Steve had a very concrete opinion on the hockey rink, I am sure everyone has reached different opinions. What is your vision for Middle Township in terms of your ability, and perhaps you wouldn't do this, to get out to the public at the time you are considering costly projects, a list of those projects or explain at meetings that I am individually are considering sponsoring this hockey rink idea or sponsoring a windmill idea. At what point do you think it is useful for the populous to hear that you are considering projects. I realize I have asked this 3 different ways now, I am really trying.....

Steve Barry: Your question is clear enough. The answer is it is never too early and the specific answer in this instance is that at the very first work session of this year was a detailed discussion of all the potential capital projects and these ideas over the next several years. Unfortunately that particular meeting was not well attended, but we will recap it as we go through the budget process.

Jim Pickering: It was recapped again....

Steve Barry: That is right, at the very next meeting, Mr. Mallett recapped it at the general meeting.

Carol Mattessich: OK, I really appreciate that, that is wonderful to know and I will get ahold of that.....

Mark Mallett: You can also talk to Mr. Ravitz because we did talk about it at a department head meeting so maybe he can share some of the projects that are going on too.

Carol Mattessich: Well, believe it or not I feel it is really important to get this information from the governing body and I am concerned about the information sifting through to the public and the Press as well. Again, with respect to a comment that was made about the presence of attorneys and parties in litigation being present, we are not actively involved any longer in the Host Community Benefits litigation. One more question, on the check register there is a check in the amount of \$13,714 to Albrecht & Heun, dated February 2, do you know what that was for.

Steve Barry: I know the answer to that one, yes. It is the closeout of the Indian Trail grading work. There was a long standing dispute, the money hadn't been paid for a long time....go ahead

Jim Pickering: That was for Ft. Apache, not Indian Trail.

Steve Barry: I misspoke, got my controversies mixed up....the engineers down there, CMX, are not the keen alert group in some respects perhaps, they weren't able to get a well permit so the problem was the seeded field couldn't be watered and there were disputes about the grass in the seeded field and finally there was a compromise in the outstanding bill approved by the engineers and Albrecht & Heun and I don't remember the numbers, maybe Mr. Mallett has them.

Mark Mallett: It resulted in about a \$9,000 savings, we were expecting somewhere around \$21,000 or \$22,000.

Steve Barry: The resolution was, the contractor did what they were supposed to do but then the grass didn't do as well as hoped because the well wasn't put in because the engineers were unable, for whatever reason, to get a well permit so the grass couldn't be watered. But Mr. Corson's office is well on the way to getting that rectified, aren't you?

Carol Mattessich: So in other words, the engineer gave a sign off and they were paid the rest of what they billed?

Steve Barry: Well, some balance of it. It has been outstanding for a long time.

Carol Mattessich: And one more little question, Country Wide Home Loans for \$1800, February 2, Check #42622.

Jim Pickering: Probably an overpayment of taxes.

Dan Lockwood: Design Collaborative, 445596, do you know what that check was for?

Tracey Tavern: You can call tomorrow and we can go over it.

Dan Lockwood: I was present at a meeting with Ken Hamann regarding the sewer issue and a check for \$1600, is thatsewer fee

Tracey Taverner: Do you know how many checks I write...

Dan Lockwood: I understand that.

Jim Pickering: I believe it is. There was a resolution approved by the board approved by the board a few meetings ago resolving the dispute with Mr. Hamann.

Dan Lockwood: On the Albrecht & Heun Future Mining & Recycling I am going to back to something that is a reporting that you are now receiving, in reflection of our realizing that we weren't getting our fees, we weren't getting our reports, maybe we were getting our reports, Mark have you changed the way that your office is now handling these or actually do you hand these over to the Treasurer's office to account for these.....

Jim Pickering: You mean the quarterly reports that are due pursuant to the resolution and the agreement, is that what you are referring to?

Dan Lockwood: To the accounting, because there are offsets. The former Administrator, Jim Alexis, had handled that in his office.

Jim Pickering: I don't know that that is the case. I simply don't know that that is the case and I have never heard that anywhere else, so I think you might be assuming something.

Dan Lockwood: Ok, Tracey was it handled in the Treasurer's office?

Tracey Taverner: No, it was not.

Dan Lockwood: So, then, I believe the Treasurer's office does handle the accounting involving the Cape May County MUA Host Community Benefit Fee. Is that correct, yes. So we have similar situations but completely different standards within the Township so my question is, is this going to be corrected, it would only make sense that it would need to be if we are going to start accounting for these correctly in the budget.

Steve Barry: These actions that you ask about are contained in our Audit Action Plan and the answer to your question is yes.

Dan Lockwood: So, has that been done.

Steve Barry: No, the quarterly report just came in a few days ago so perhaps, they are in the middle of the budget thing, so I doubt they have reconciled it yet for last year.

Tracey Taverner: No, and there is still the issue over what numbers we are using.

Steve Barry: Oh, we are using tonnage in.

Dan Lockwood: The offsets would have to be, because again, if in fact even tens of thousands of dollars, much less hundreds of thousands of dollars were bartered in essence with an offset of Host Community Benefit fees, well then that would be a no bid contract. That dollar amount would have to go through a bidding process or at least some sort of annual resolution to go through non fair because it is a specialized service...I know Albrecht & Heun is the only recycling facility in town and it makes sense that we bring our stuff to them but I think that it is also fair that that stuff goes on the books through the Treasurer's office

Steve Barry: You are absolutely right and it absolutely will and Mr. Pickering is working on a resolution to memorialize just exactly how that is going to be done this year.

Dan Lockwood: The second question was already answered because you said you got the reports recently from Albrecht & Heun for last year.

Steve Barry: Yeh, it was one day last week, I can't tell you which day it was.

Dan Lockwood: I do disagree though, you said you couldn't budget that money, all money that the Township puts in the budget are anticipated revenues, we anticipate that we are going to end up with our original agreement being tonnage in, which I said before I feel is a true reflection of what we are trying to accomplish....

Steve Barry: We will certainly supply your comments to the auditor in that regard

Dan Lockwood: I still feel as though you can budget that money. You can look at the history, what they have done and what money the Township would receive from that....

Steve Barry: You mean for the current year?

Dan Lockwood: Yes, going forward, its anticipated revenue...

Steve Barry: When I said that I felt that it would come in as unanticipated revenue, I was talking about the proceeds of litigation, not the money that would be due for this year. But, after this year sure.

Dan Lockwood: That is an excellent point. The file point that I think is worth discussing is that, if we are arguing about a past amount because like you just said that would be unanticipated revenues, that's one thing, but we do have an agreement in place and I think going forward we should be collecting those monies or it could adversely affect Albrecht & Heun's ability to operate. It is only fair. Your earlier rationale for they can have a disagreement about something but still have a legal right to do other things, then I can appeal my taxes and still get a building permit on my property?

Steve Barry: Even if you appeal your taxes you still have to pay them, so the answer is yes. I take your point although your factual example is wrong.

Dan Lockwood: Is it your intention to say yes, now you have to start paying this or is this lawsuit about the contract going forward....

Jim Pickering: I can tell you, it is the intention that they are going to pay based upon tonnage in and it will be recorded and accounted in the correct way. We are going to tell them that they are supposed to pay us the dollar for every ton that comes in, they haven't agreed to pay that, but that doesn't mean that they are not going to say that they are going to pay us for every dollar that goes out. I am sure that there is going to be some sort of payment to the municipality this year, and I am supposing this, ok, that they are going to pay it based upon tonnage out, just as they have been giving us credit for for however many years that has been, in which case we are going to have to go after the difference between the amount that they paid for tonnage out verses the amount that has come in.

Steve Barry: I can tell you that from last year, the tonnage in as reported by Albrecht & Heun came to about 71,000 tons...I am not certain about the number for the tonnage out, it was like 45,000 maybe, I just don't remember maybe something like 48,000, that is my recollection, those are the numbers for last year.

Dan Lockwood: I think again that Mr. Shuman, and I don't want to put words in his mouth, it is my understanding is his theory was that the records weren't consistent with the deed.

Steve Barry: Ok, was that all he was saying?

Dan Lockwood: Yes, that was basically what he was saying.

Steve Barry: Oh, ok, I put a more sinister complexion on it. Well, ok, I have reviewed the DEP records for about 6 years.

Dan Lockwood: Under Resolution #20, the Risk Management Consultants, could someone elaborate on that resolution and what we are accomplishing there and maybe who the company is.

Jim Pickering: We are required under the JIF Agreement to have, I think there is a State Statute that requires us to have a Risk Management Consultant. We have a Risk Management Consultant, we went out through the fair and open process that was advertised, bids were received and Township Committee awarded it.

Steve Barry: It is part of the NIA Group, which is part of the Passagno Insurance Agency, I think it is like a regional or national insurance brokerage firm.

Dan Lockwood: And they will be doing this at what cost.

Jim Pickering: I think it is 6% , it says fee not to exceed 6% of the municipal assessment.

Dan Lockwood: Of what?

Jim Pickering: I think that is the assessment that we pay to the JIF.

Dan Lockwood: Didn't we get a big refund from them last year?

Mayor Doughty: We usually get \$60,000-\$70,000 don't we Tracey?

Dan Lockwood: Ok, that is why I don't understand this, it is based on another number.

Mayor Doughty: It is like a dividend.

Dan Lockwood: Budget Item/Pet Peeve, I have been involved in a lot of companies where salaried employees get accrued sick time and accrued vacation time, sick time more often than not is use it or lose it, vacation time can be banked. It is only sick when they leave, we don't pay them extra money beyond their salary. So, if they leave and they have sick time they haven't taken, you pay them the full rate?

Steve Barry: There is no simple answer to that.

Jim Pickering: It has to do with when you were hired.

Tracey Taverner: At this time it is capped based on the hire date, I believe it was in the 80's, it was January 1, 1987, anyone hired prior to that is entitled up to 1 to 4 years.... except for police, I think their contract.....

Steve Barry: I think \$12,500 is maximum. We have a few employees who have been here so long that under the old policy they are entitled to quite a bit of money, that will flush out probably this year.

Dan Lockwood: So then how do we plan on paying this out?

Jim Pickering: They are entitled to demand it all in the same year I believe.

Tracey Taverner: I just need to be notified by December 31 of the year prior if someone wants all of their money so that we can plan accordingly with their budget.

Madelyn Filipski: I looked at 3 or 4 pages in the Herald of Tax Liens so it seems to me that we have a remedy to seek money that people owe us, there are some atand I realize that they still owe the money, but I am wondering at what point the inch that we have to pay for in the Herald pays for bringing that money in. There were also a lot of \$16.20 fees in there and I was wondering if that was a reason for tax sale.

Jim Pickering: Make no mistake, the Township has no choice, it is the State Law, if someone is even a penny short, and I think I have even seen them where it is a penny, they have to collect it. What they are doing is, they are selling Tax Certificates, which means if I didn't pay my taxes everyone else would have to pay my share and that isn't fair, so they allow my Certificate to be sold. The law says you sell my obligation and someone actually comes in and pays my taxes for me. Then I have to redeem that certificate at a later point. After 2 years, people get to foreclose if they have paid my taxes for 2 years, they get to come and foreclose against my house and become owners. If you watch late night infomercials, you see all those real estate gurus and stuff, this is one of the games that they play. You start at 18% interest at a tax sale and the bid is a reverse bid. People actually pay extra in order to own it. So you bid down, and that way the municipality gets the benefit of actually getting the money that they were anticipating. So it is required to be done by State Statute, number one; and number two it's actually a way to help everyone else's taxes stay low. Even with that being done there is still a line item in every budget called "Reserve for Uncollected Taxes" and that Reserve for Uncollected Taxes is for all of those certificates that essentially don't get bought up. Everybody else has to pay into that reserve to pay the taxes, that is one of the biggest issues that Township Committee deals with is our rate of collection, because if you are collecting 100% of your taxes, you don't have very many Tax Certificates being sold and everyone else doesn't have to fill in that reserve. But if only 90% of the people are paying their taxes, theoretically 90% of the tax base, that 90% would have to pay an extra 10% in order to make up for what all those other 10% don't pay.

Steve Barry: That is because we are the tax collector for the county and the school system so that little plot where you are talking about the taxes are only \$100, if there is \$100 unpaid and we don't collect that \$100, let's say the school and the county taxes come to \$75 or \$80, we still have to send them that \$75 or \$80. So you are right, there is a balancing judgment that you have to exercise about whether the municipality would foreclose that tax lien and take it off the tax roles so that we no longer have to fool with it and we don't have to pay that \$70 to the county and schools.

Jim Pickering: We do do foreclosures at times, but since I have been here it has never been on anything except vacant ground and it has usually been after 10 or 20 years of people not paying the taxes.

Mr. Brad: A lot of these people can't pay their taxes because we feel like we are being overtaxed. What do we do to eliminate frivolous things, so far this year I haven't seen any of these jobs, like newsletters and stuff like that come out that actually were costing the taxpayers \$250 a week, a thousand dollars a month, which is pure waste. I remember at the last meeting I was at Mayor, you said do I have any comment. Well, we were still in the health department meeting, I believe there are 12 of those a year and they last about 10-15 minutes and that means each one of you folks gets \$3,000, which is \$1,000 an hour. That's a lot of money, that pays for a lot of peoples taxes I would think.

Mayor Doughty: We are looking at all avenues to cut.

Steve Barry: And that is specifically one.

Mr. Brad: Well, yourself Mr. Barry, you are the only one that collects health benefits for a less than part time job. Nothing against you personally, but that is like what, \$16,000 - \$18,000 a year.

Steve Barry: Well, it is \$15,000, but yes.

Mr. Brad: When you get those 10% of the people that are losing their homes, I know one guy in particular that is about ready to lose his home. You have those enormous salaries out there, this enormous sick time stuff, that's BS because it is coming out of our pockets. We have no chance of getting \$115,000, what, because I didn't get sick, well you are not going to get sick because you are not doing that much.

Steve Barry: You said several insulting things,

Mr. Brad: It is not an insult, it is a fact. I am not insulting you.

Steve Barry: Can I interrupt? You insulted somebody else who isn't here. It is your right as an American citizen to do that. But I think it is both my right and obligation to say that you are wrong and you are rude when you say the person that got the \$115,000 didn't earn it and didn't do anything. He worked harder than you can ever imagine working for a lot of years.

Mr. Brad: That is where you are rude sir. I used to work 3 or 4 jobs and I didn't have the benefit of one of these deals. No one is giving me \$1,000 an hour.

Steve Barry: Well, I have given you my opinion. I don't have a high opinion of attacking the absent. Let me talk about the rest of what you raised. The amount of time that people put in on Township Committee is substantial. I am mindful of your comment about medical insurance. I am in a happy position to be able to afford to pay it myself, but that is not very common, is it Mr. Brad? So I have elected this year to go off and pay it myself through another plan. But frankly, most people can't do that, most people here couldn't do that and it would be unfair as a policy to ask other people to do it, so I am not going to ask other people to do it, but I will do it myself. And if you have anything to say to Mr. Alexis or Mr. Webster, please say it to them directly.

Mr. Brad: Absolutely.

Madelyn Filipski: Is there a way for part time workers, the Township can arrange a better deal through its own health insurance plan for somebody like you or other part time workers to purchase their insurance through the Township at perhaps a substantial savings.

Tracey Taverner: No, there is not, not with the State Health Benefits.

Steve Barry: In my case I have the option of doing it through my own office and the cost is about the same, it really is not that different. Medical insurance for a family, spouse and children, depending on selections you make is \$12,000 to \$15,000 a year.

Madelyn Filipski: I look at the VIM Clinic, I look at the people in this community struggling, I'm fortunate that I have health insurance....

Steve Barry: Is that a product of public employment?

Madelyn Filipski: Yes, and I would like people to have that available to them and if we could put something together for part time workers, is that possible, we really need to care for people.

Steve Barry: You are absolutely right...

Jim Pickering: But legislature, just a year ago, because of the public outcry of part time employees getting health benefits passed laws at the insistence of the public that they did not want part time people getting health benefits.

Madelyn Filipski: I am saying they can have the option of paying for it through a plan that you got.

Steve Barry: They are making \$9.00 an hour, they are not making enough money take home to pay the premiums.

Madelyn Filipski: That is what I am saying, if there is a possibility where they could pay into the system, I know it is a moot point because

Steve Barry: If we had a private plan we could do it, but let me say again, the part time workers take home pay isn't enough to pay the premiums for a family medical plan. I have employees whose medical insurance I pay for them is probably 50% of their salary. The people that work for the Township that make \$20,000/\$24,000 a year, if they have a family, their medical benefits may cost \$15,000 a year. We have a terrible system in this country and we should all seek reform at the national level, but I don't see how it makes sense to say that we could put up a plan without dipping into the taxpayers pocket, and that is not realistic this year.

Mayor Doughty: We contribute \$2500 a year to VIM.

Mr. Adams: I have been hearing about the county wanting to move the library, has the Township approached the county with their opinion about this and what is your opinion?

Steve Barry: Absolutely, and we are against it.

Mayor Doughty: We are absolutely against it and the library will stay right where it is, we have been informed.

February 2, 2009

Township Committee Regular Meeting

Mr. Adams: That is a definite?

Steve Barry: That is what was said in November.

Mr. Adams: Then the prosecutor's office is not going to take it over then?

Mayor Doughty: That is true.

Steve Barry: That is what he said, that is what he told us.

Mr. Adams: While we are asking, the 3rd floor of the court building is mostly empty,

Mayor Doughty & Steve Barry: We agree with you.

Mayor Doughty: Meeting adjourned. 7:44 PM

Jim Pickering: Actually Mayor we are going into executive session to discuss a matter of pending litigation, we will be coming out into regular session and there is a possibility we might take some action, depending on decisions that are made.

8:23 PM

Jim Pickering: We are back in the regular session, we had an executive session, it was advertised to discuss pending litigation, Ravitz/Romm, we were anticipating Mr. Gillespie to be present, there was some talk about him getting on the cell phone or speaker phone, but we decided to put that off until another time, so that matter was not discussed. It was a matter of potential litigation and a need for me, the municipal solicitor to give the Township Committee some confidential advice specifically regarding what factors can be considered in awarding bids. That advice was given, there was questions from Township Committee and I provided answers to them from a legal perspective. The issue as to whom to award the bid has not been made, that issue will be placed on the agenda for the meeting scheduled for Tuesday, February 17th. Township Committee will notify Mr. Mallett as to whom they wish to award to between now and then. Each individual members will contact Mr. Mallett, he will poll the board. I think that is all that happened in the executive session.

8:25 PM Meeting Adjourned.

Kimberly Tomkinson, Twp. Clerk

Prepared By: Dawn Stimmel