

**TOWNSHIP OF MIDDLE
TOWNSHIP COMMITTEE
WORKSESSION AGENDA
February 2, 2009 4:00 P.M. (prevailing time)**

CALL TO ORDER:

Mayor's announcement: 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). Notice of this meeting was properly given in Resolution No. 26-09 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 5, 2009

Members present are Mayor Doughty, Committeemember DeLanzo & Committeemember Barry.

Deputy Business Administrator Mark Mallett, Deputy Clerk Kimberly Tomkinson, Municipal Solicitor James Pickering, Municipal Engineer Vincent Orlando.

FLAG SALUTE:**1. SPECIAL PRESENTATIONS OR DISCUSSIONS:****a. Deputy Business Administrator Mark Mallett – Staffing and Headcount for 2009**

Mark Mallett: Trying to see where we are headed in 2009. One of the things I don't think we have is an understanding of how the Township works. Some of things I want to do through these presentations is talk about what some of the goals and objectives of the Township are, why we do the things we do and where we believe we are going. Today is going to be staffing, head count. This following presentation links to Middle Township's proposed budget, project services, developments, future strategies, that are based on discussions with Township Committee, the Business Administrator and Department Heads. The 2009 budget is a work in process and subject to change based on public input and to inherent known and unknown risks and uncertainties. In looking at the 2009 staffing objective, Middle Township's goals are to preserve the current level of service and we really want to be able to maintain the excellent service that we have had across all fronts, public safety, public works and in addition to the recreation department. Realize it is going to be a tough year. Looking at reducing staffing through attrition and retirement and have already seen some reductions over this past year as people have retired and not been replaced. Believe there are opportunities to lower labor expenses by adjusting schedules, reducing overtime and taking a look at what we can really control in regards to labor. We are working to avoid layoffs. This is why we are having these work sessions so we can come up with ideas on where we can save money.....intention is not to have layoffs. You have the public who come in and make statements that the people here are overpaid. There is a perception sometimes, which I have heard, that they don't do much and they are overpaid, which I can attest to they are not. They are very hardworking people in their effective roles and positions....just want to dispel that myth. In looking at the count.....as of December 31, 2007-2008 have broken it down by the departments that we have. This past year we ended with about 148 employees verses 153, so we are down 5 people. When you look at the part time staff, that has actually gone up.....this doesn't add cost because these are individuals who are filling in gaps and shifts that need covered....which gives us greater flexibility in covering the various shifts. Next would like to go through all of the police activity and what goes on with the police. Chris Leusner will fill us in on that.

Lt Leusner: This is just going to be a brief overview of our activity and what goes on in the police department.....our annual report is on our website where you can get a more indepth view of what we do. Call for services in 2008 were 46,146, you can see that was a slight increase; non violent UCR....there was an increase in that in 2008, that is due mainly to burglaries and thefts; for a breakdown underneath that you have 911 calls of 10,978....those have gone down a little bit; property checks 17,199; those and disorderly conduct are about 50% of our calls. Disorderly conduct covers a lot of different categories; ie domestic violence, fights and assaults where people are arrested; so there is a lot captured in the disorderly conduct category, it is sort of like a catch all. You will see on our annual report that we had 250 domestics last year...that is reported through the state and that particular number is through reports that we submit and a lot of those domestics are in that number. Around 2005-2006 we saw an increase in our calls for service and demand on the police department. We contribute that to the commercial development that went on in Rio Grande and the displacement of residents from Wildwood into the Rio Grande area. Shoplifting was increased also from the increase in commercial offices. This year our arrests were 1,681...that increased from about 1300. Motor vehicle accidents for this year were down slightly from 2007....our number 1 goal for the patrol division this year is to increase the safety for the motorists traveling on Rt 47...we are evaluating the accidents, the data, we are trying to determine where there are high risks and things that we can do to maybe coordinate our responses, that is the number 1 responsibility of the patrol division this year. We are also going to produce a patrol division to reduce the number of drunk drivers on Middle Township's roadways. You can see that the motor vehicle injuries, 214, were up from 180; deaths were down; motor vehicle summonses were up slightly and DWI's were down about 20. Some of these numbers are concrete, some there may be variances. In other areas of police activities, both the detective unit and the street crimes unit have experienced increased activity due to some of the same things the patrol division has.....commercial growth in Rio Grande and displaced persons and we have also seen an increase in fraud, residents in Middle Township are victims of crime over the Internet and that is something we hadn't seen 6 or 7 years ago.....that has increased. The indictable

complaints....528 in 2008 and 514 in 2007. In 2005-2006 were around the 350 number in terms of the indictable complaints. Some of the notable cases the detective division investigated.....they have investigated over 40 sexual offenses last year; a double stabbing in Court House; 2 robberies, one in Whitesboro and one at the Family Billiards in Rio Grande. Next is the street crimes unit....you don't see anything for 2007 because they came into affect in late 2007. They executed over 10 search warrants, they arrested over 158 people, and they seized over \$10,690 last year. The real value of the street crimes unit is they have a pool of confidential informants that we never had in the police department before. They have helped with crimes that the major crimes unit and the patrol units have been investigating. We also have special units that work with the County Task Force and the Coast Guard Dive Team; the SWAT Team has been regionalized, we used to have 8 members with a \$500 budget, but through regionalization have been able to get a lot more money and deliver a lot better services to the residents. We operate our own dive team, but there are discussions to regionalize that. Hostage negotiation team is in the process of being regionalized. Dare Program does a great job at the elementary school. Our Honor Guard goes to special events, big supporters of Special Olympics.

Mark Mallett: Starting with the police, we have 58 vs 45.....2008 – police administration, which includes Captain Webster who is retired, so as of January 1, 2009 he is no longer on our payroll so that should be going down by 1. There is also going to be 2 other officers retiring and right now we are looking at attrition or retirement to reduce head count and the intention at this point is not to replace those individuals due to the tight budget constraint that we are facing. Dispatch has remained pretty consistent. The call levels and activity levels have remained around 45,000 to 46,000 calls.

Public Works and Sewer. Have been asking different department for different measurements and metrics on their activity. For public works we saw an overall production of about 1100 tons and that results in production and activity fees we have spent on getting rid of the trash, so that is about \$100,000 savings. The sewer is essentially self funding, the customers who use the sewer system are the ones paying for the sewer system. We have a slight increase in sewer customers, it goes up to about 3900. When you look at Phase I and Phase II of the Whitesboro Sewer Project, that will increase customers by about 450 people. We also have a certain number of calls that the employees of the sewer department make as part of their responsibilities. The head count has been pretty stable over the last couple of years. In the public works we are seeing a savings of 1 person who retired and was replaced by an employee that was already there.

Construction and Zoning: When you take a look at the activity in 2007 and 2008, no shocker, it has gone down. Permits issued for construction is down 523 permits, which is a 16% reduction. When you look at the zoning activity, it has gone down 11%. Would anticipate 2009 being another tough year. These departments are pretty small, 4 people in the zoning office and some of the people in construction office are part time. Don Arndt was promoted within the department after an employee left.

Recreation Center: This touches a lot of people, the Goshen Complex where all of the fields are; they have added a skateboard park and a hockey rink that is soon to be under construction. The Martin Luther King Center does have the basketball court and baseball field, but they also have more of a community center with indoor activities such as line dancing, homework club and other activities that really do serve that community. If you look at the youth programs, baseball and softball have gone up significantly over the years, 126%. The summer camp is where we saw a decrease and one of the reasons there was because of the increased fees. Right now we are re-looking at summer camp for this year. Seems like the hours, people dropping their kids off at 7:30 and not picking them up until 5:00 was somewhat challenging, and it almost turned into a daycare and am not sure that is the intention of the summer camp. Track and field has always been pretty popular, nice to see that went up in 2008. We are actually down 2 people in recreation. We have 3 full timers but that is offset by the increase in part timers and that is for covering additional hours at the rec center. The committee is looking to adjust the hours at the rec centers to reduce some of the labor costs.

Senior Center: Have 2 full time people there in addition to a couple of part time people.

EMS: 5 full time people there. In taking a look at the activity they did about 3,000 runs in 2007 and 2008. These guys are pretty busy. They do have part timers to fill in for the evening hours. Spoke with Sean, about 80% of their runs are routine runs, going to the different convalescent homes, there are a lot of seniors in the area.

Municipal Court: Volume of courts is about same. Nearly 75% of the activity is from traffic violations and the balance is disorderly persons, indictable offenses, and when you take a look at what is going on this year the activity is going to go up somewhat; as everyone has heard we have done an Interlocal with Dennis Township, that has already started, will be on Thursday; there is an additional employee that we got and that is a Dennis Township employee who will be working out of here. For opportunities to save money we have to look for Interlocal Agreements with other municipalities.

Our goal is to keep the employees, we are down 2 people, one was in finance where an additional person left in 2007 and also in facilities and maintenance we are down 1.

We have various commission secretaries who are compensated through attending meetings and keeping minutes over and above their normal scope of duties. We also have Board of Health who receive additional compensation of \$1500 and \$1,000 for the secretary.

Any questions?

Helen McCaffrey: Have received information and have cross referenced it with Federal information that says there is human trafficking going on in Cape May County, especially in Rio Grande and Wildwood, especially immigrant community. Could you tell me what the Township is doing about this?

Jim Pickering: Sounds like a police matter. We are not at liberty to discuss a police matter at a public meeting.

Helen McCaffrey: Are you doing anything? It wasn't posted on the stuff that you were doing.

Jim Pickering: Again the Township is not obligated nor can it divulge investigations, even if there are or are not investigations.

Helen McCaffrey: Is not asking about investigations, asking about where they said they had so many drunk drivers, so many domestics.

Lt. Leusner: If you have any information about anything going on in Middle Township we would appreciate your sharing it and we will completely investigate it.

Helen McCaffrey: If you would like to see me after the meeting I will make sure you get together with one of our detectives.

Dan Lockwood: Will there be an additional step that correlates these numbers to actual dollars?

Mark Mallett: Yes.

Eileen Fausey: Noticed that on some of the places where you have a full time employee and part time employees taking their places, is there a formula followed as to how many part time employees it takes to fill a full time employees place. It doesn't make sense to fill in for one person to hire 7 full timers.

Mark Mallett: Part time employees work 20 hours a week...they earn \$9.00 an hour for the first 6 months, then we will look at their wages and work performance. For full time employees there are benefits added on to that which is probably 35% to 40% on top of individual salaries.

Eileen Fausey: Another thing about part time is she knows no part time employees are entitled to benefits, except the committee. Is there any possibility we can save some money by not making the committee eligible for benefits?

Mark Mallett: That is certainly something for discussion.

Steve O'Conner: Could you explain the savings in the court merger?

Jim Pickering: Dennis is paying Middle Township \$1,000 for use of its facilities. There are savings because we consolidated the Judge. There was a Middle Township employee that retired, so now there is a Dennis Township employee there; there is also the issue regarding capital expenditures which are going to be shared now; the court needs some upgrades and that will be shared and we will compliment that by doing an Interlocal Agreement that will hopefully make us more eligible for grants to cover those capital expenses.

Steve O'Conner: Is it possible to get a ballpark dollar amount that will be saved this year?

Mark Mallett: As I think we already mentioned, it will save about \$30,000.

2. PENDING / PROPOSED ORDINANCES: -

a. Salary Ordinance NO. 1315-09.

Previously introduced on January 5, 2009. Ordinance must be amended to include titles of Township Clerk and Business Administrator. *Township Committee must establish ranges associated with each position.*

3. PUBLIC COMMENT:

Eileen Fausey: If citizens think there is something that should be done by resolution, can they just suggest it to the committee and you will take it under advisement and perhaps put it on the agenda?

Jim Pickering: That is the way to do it. You can suggest Township Committee take a position on say x,y,z and then they can take it into advisement and decide whether to do it or not.

Eileen Fausey: This concerns how much public records cost. Whenever someone tries to get public records they are being charged 75 cents a page; realizes it is a Statute, but do you realize that there have been lawsuits all over the state where there have been some rather large settlements because of the cost to the public. Knows the county has adopted one and Lower Township; there are several class action suits upon various counties in New Jersey. Just thought that prior to being sued, maybe it would be nice to adopt an ordinance lowering price. Knows it doesn't cost 75 cents for an employee to make a copy. She can go to Staples and get it for 10 cents a copy. It makes the public feel that in order to get documents, it costs a lot of money and that discourages people from trying to see things that they are interested in. Knows that the jobs as citizens is to tell the committee what we need them to do and your job is to try and serve us in that regard. Thinks currently that 75 cents per page keeps people from trying to get

documents. It would be an idea that the Township can just go ahead, before they are ordered by law or have a lawsuit going against us, because apparently this guy is making rounds and he has gone through a lot of counties so far, and thinks in the long run you would save money and that would encourage citizens to take a more active part in government. Just an idea and thinks it would make it easier for the residents to help the committee do their job.

Mayor Doughty: Will take that under advisement.

Madelyn Filipski: Would like to follow up on that, on several occasions have forwarded the county article where they have been sued by a James Smith of Avalon. There are groups that are Open Public Records advocates who have sued numerous counties, numerous towns; one town, Beach Haven was not making their Closed Session minutes available to people and they had to pay \$1,200,000. Sees it that the money they make from suing one town, they use to sue the next town. They are now operating in Cape May County, they are making an initiative in Lower Township; would suggest to our community that we are in total compliance with the Open Records Act so we are not paying legal fees that we can avoid. There is an online discussion called Cloudy Days on Open Public Records, and it delineates the failure of most communities to follow the Open Public Records Act and the Sunshine Law. Urges Township to save money and not be vulnerable to people who are aggressively going from town to town to do this.

Jim Pickering: Can tell Mayor and Committee that we are in complete compliance with the Open Public Records Act. The charge that has been referenced, it is 75 cents for the first 10 pages of copies, 50 cents for the next 10 pages of copy and 25 cents thereafter. The Township's ordinance, which on the Open Public Records Act, which we had redone earlier last year, I believe, is in complete compliance with the Open Public Records Act. The lawsuits that have been referenced are challenging the price for different reasons than the Open Public Records Act. Has not read the different cases and decisions, has only seen the news articles which don't really explain anything except that a certain county or municipality has decreased expenses. Most of those in the past have been against County Clerk's Offices, not necessarily municipalities. This is the first hearing that there is litigation against municipalities. It sounds as if, from what Ms. Filipski has told us is that she has been in touch with those folks and maybe we are next. Will look into what the allegations are against the other municipalities. Finds it hard to believe that if you are in compliance with the fees that the state legislatures say you can charge for records, that you are somehow going to be held liable for some other fee that you should have been charging. Will look into and report back.

Eileen Fausey: Knows that it says 75 cents for the first 10 pages, 50 cents for next 10, etc., that gives you the cap that you can charge, you could charge less if you wanted to, is that correct? It doesn't say you have to charge 75 cents, but you can't charge more than that.

Jim Pickering: Not sure, will have to look at the Statute again.

Eileen Fausey: If you can do it cheaper, you don't necessarily have to follow this if it is less. Wouldn't it be nice if you could and help out the citizens.

Steve Barry: The answer is yes, but, you just sat through a presentation about staffing pressures. Spends a lot of time ordering and requesting records and the typical charge paid is \$10.00 search fee, \$1.00 a page for first 100 pages, and then a declining amount thereafter. Different institutions charge different amounts. The problem with copying and the cost of copying stuff is really not putting the stuff in the copying machine, the problem is going and finding the things, handling paper is very expensive in service businesses, locating the paperwork, getting it out of the file, pulling the staples out of it, unclipping it and then putting it all back again is really quite labor intensive, so the cost is not the cost for running pieces of paper through the copier, it is really labor costs. Mindful of what being said, don't hear me as disagreeing with you, but it is not as simple as it only costs 5 or 10 cents per copy in a copy machine. There is a significant labor cost in finding records, preparing them to be copied, and then returning them to wherever they came from, so we don't want to charge too much, we don't want to charge too little.

Eileen Fausey: The solution might be to upgrade to electronic records.

Steve Barry: Absolutely right. Once they are scanned, it would be much easier. People will be given CD's. However, the start up of going paperless is substantial. We do plan on eventually doing.

Jim Pickering: Mr. Barry raised the point and that is I have seen requests come through to the Township where for instance someone is looking for the records purely to make money off the records. Someone might do a request for a list of anyone who has say a dog license (making this up now) or construction permit or something like that, so that they can then make a list and solicit business from those people. Unfortunately why should those people be able to get the benefit of the public employee going and accumulating all of this information, copying it for them and they pay the same which John Q Public with the best of intentions to be a solid citizen is asking for the records. I guess there is a balance somewhere in between as to what is charged, you certainly can't be judging people's motives as to why they want things and I guess what the state legislature has done is say this is reasonable. Firstly, it will be up to me to tell the committee what the law says, and then it will be up to them to decide what that balance is.

Susan DeLanzo: I would be curious about how many hours a person spends in this process. How many people that we have in the Township would be doing that. Is there a way of kind of understanding that. Kimberly, you do a lot of that, is there any way to keep track of the time spent doing this.

Kimberly Tomkinson: It would be difficult to keep track of the time spent copying, it depends on the documentation and request. Obviously, if a larger request, you are taking your time away from all your other daily activities to go back and research years and years and years of documents in order to fulfill a request, and they have to acknowledge the fees otherwise we could get stuck with copying all those records and no one comes to pick them up, so it is like a

back and forth process in the beginning and then once that has been established you can proceed with the request. Every office is responsible for copying their own records.

Steve Barry: There is a shameful practice that has developed where people who can't find honest work get lists of people who got tickets from the municipal court clerk's office and then send them letters saying they will represent them for \$1.95.

Susan DeLanzo: Tracey, is there some way we monitor the money that is brought in for this?

Tracey Taverner: Every department reports it differently to me. Some report it as copying fees, some report it as miscellaneous.

Kim Tomkinson: A lot of offices if it is only 1 or 2 pages and something they have immediate access to, they do not even charge, but if it is something that is time consuming and it is a large amount of documents, that is when they have to do the whole OPRA Request.

Mayor Doughty: We will go to the other municipalities in the county and see what they are getting and then analyze it.

Jim Pickering: Just to be clear Tracey, just to be clear, you don't have an obligation to actually compile information, your obligation

Tracey Taverner: When I have to redact information....

Jim Pickering: That is a different story...it becomes especially time consuming because you have to make a copy first, then redact and then copy again, the person is paying for the one copy and you had to actually make 2 copies in order to obtain a clean original and you charge 75 cents.

Madelyn Filipski: Believes the newspaper articles are somewhat nebulous, has not had a chance to read the case law, however, it is her understanding from reading those articles that the case law says that you are allowed to charge for the toner and the paper. The issue is not so much the 75 cents, it is avoiding a lawsuit in this community. Feels it needs to be searched out because there are people who are coming here who are not in this community who have this as a goal. If things are made available to the public such as video taping meetings, then you won't have to be bothered by these OPRA requests.

Tracey Taverner: Knows within her office if someone is requesting a report she can go to her computer and convert to a pdf, she does just email it to them and she does not charge them. However, there is a lot of stuff in office such as vouchers, bills, etc. that are not pdf and to have to scan all information requested into the computer is time consuming.

Dan Lockwood: It was referenced in the presentation that happened earlier that there were positions as secretaries on boards and other ancillary positions that existing Middle Township employees might hold because they are very limited in their scope and you don't want to go find a new person, do those positions add to pensions or their rate of pay for vacation time.

Tracey Taverner: No they don't.

Dan Lockwood: Also, it has been a forgone conclusion for as long as I can remember that the Middle Township Committee members be members of the Board of Health...is there a particular reason that drives that? Doesn't see where that would make them a more likely candidate than say someone else in the community who might have a health background or be a little more involved.

Jim Pickering: Always thought that was a statutory requirement, but does have note on his desk to review the Board of Health Statutes. Every town he is aware of throughout Cape May County, that is the way it is. All of the governing body members are on it with the addition of other civilians.

Madelyn Filipski: Are they all paid commissions, because most of our boards are not paid.

Mark Mallett: When you look at those particular boards, they are volunteer boards, however the secretaries on those boards are compensated because there is preparation in advance of the meetings, taking the minutes of the meetings, and they work post meetings, so those are the only people compensated on those boards.

Steve Barry: But the members of the Board of Health are paid and that is something we are examining as part of the budget process.

Meeting Adjourned 5:13 PM.

Kimberly Tomkinson, Twp. Clerk