

Cape May Court House, NJ
January 20, 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 Clerk James Alexis, Deputy Clerk Kimberly Tomkinson, Attorney Pickering, and Engineer Orlando.

1. ORDINANCE NO. 1316-09 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 38 OF THE TOWNSHIP CODE REGARDING ACCUMULATION OF TIME FOR PURPOSES OF CALCULATING RETIREMENT PAYOUTS – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, Ordinance No 1316-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 02/17/2009 at 6:00 p.m.

WHEREAS, state statute and local ordinance entitle employees to certain “payout” benefits for accumulated sick and vacation time; and

WHEREAS, Township Committee has determined it is necessary to make certain when sick and vacation time is “accumulated” in the year of retirement;

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 38 of the Code of Township of Middle is hereby amended as follows:

SECTION 1.

ARTICLE II - ACCUMULATION OF TIME

Section 38-5. Calculation of accumulated time in year of retirement.

For purposes of any retirement payout by the Township to a retiring employee, including but not limited to payout for sick time and vacation time, time shall accumulate in the year of retirement on a monthly basis. For instance, if an employee retires on January 31st, 1/12 of the annual benefits shall have accumulated; if an employee retires on June 30, ½ of the annual benefits shall have accumulated. The payout shall be based upon the amount of time accumulated and which have not been used.

Section 38-6. Payback of time used in excess of accumulated time in year of retirement.

If an employee has used more than the accumulated time in the year or retirement, the number of days used in excess of that which is accumulated shall be reimbursed to the Township. For instance, if an employee is entitled to 12 vacation days in the year or retirement, has used them all, and retires on June 30th, he or she shall reimburse the Township for 6 vacation days. The Treasurer shall deduct any amount due to the Township from the payout or the employee’s last paycheck.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

2. RESOLUTION NO. 46-09 – APPROVE 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	\$ 3,408.99
Current Acct.	\$ 3,719,112.66

3. RESOLUTION NO. 47-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the minutes from the Township Committee meeting held January 5, 2009 is hereby approved.

4. REPORTS: The following departments have submitted reports for the months indicated: Municipal Court for the month of December; Tax Collector for the month of December; Construction Official for the month of December;

5. RESOLUTION NO. 48-09 – AUTHORIZE MAYOR TO SIGN AGREEMENT – SIGNATURE INFORMATION SOLUTIONS (FORMERLY KNOWN AS DATA TRACE ELECTRONIC FILE)- On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to renew a contract with Signature Information Solutions which would enable the Township to create and send a READ ONLY electronic file directly from the Tax Collectors Office via the tax software system to Data Trace, and
 WHEREAS, there is no cost to the Township to provide said services, and
 WHEREAS, the Township shall receive a fee of \$1200.00 for one year's worth of electronic data, and
 WHEREAS, the Township assumes no liability and/or responsibility for information provided to clients by Data Trace from information received via the electronic file, and
 WHEREAS, Data Trace fully understands that certified information shall be sought directly from the Tax Collector's Office in order to assure up to date and accurate information, and
 WHEREAS, the term of this contract shall be from January 1, 2009 through December 31, 2009.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Mayor F. Nathan Doughty be and hereby is authorized to sign the agreement between Data Trace and the Township of Middle for use of the electronic file forwarded by the Office of the Tax Collector.

6. RESOLUTION NO. 49-09 – INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE BOROUGH OF STONE HARBOR FOR COURT ROOM VIDEO CONFERENCING SYSTEM AND MAINTENANCE – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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 Stone Harbor 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 Stone Harbor 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 Stone Harbor 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

7. RESOLUTION NO. 50-09 – PARIS GRANT PROGRAM – SHARED SERVICES WITH COUNTY OF CAPE MAY – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2009-2010 grant cycle, priority funding will be given to county projects that have performed municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Middle desires to collaborate with the County of Cape May in the performance of the PARIS Grants Program, and

WHEREAS, the Township of Middle is acknowledging that their eligible funding of \$150,000 will be leveraged with the County of Cape May, and

WHEREAS, the Township of Middle is acknowledging that the County of Cape May would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle that the township does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

8. RESOLUTION NO. 51-09 – APPROVE CHANGE ORDER NO. 2 - RECONSTRUCTION OF NORTH BOYD STREET – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, on July 7, 2008 via Resolution No. 288-08, the Reconstruction of North Boyd Street was approved, 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 attached Change Order #2 for the project awarded to Ricky Slade Construction, be and is hereby approved in the amount of \$5,926.50.

9. RESOLUTION NO. 52-09 – SUPPORTING SENATE 2332- ESTABLISHES THAT POLICE CRUISERS HAVE A USEFUL LIFE OF FIVE YEARS AND ALLOWS LOCAL UNITS TO BOND FOR SUCH VEHICLES – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, this bill would amend N.J.S.40A:2-22 to establish that police cruisers have a useful life, when purchased new, of five years. The result of this change would be to allow counties and municipalities to bond for the purchase of police cruisers, and

WHEREAS, under current law, a local unit is not permitted to bond for any improvement or purpose having a period of usefulness of less than five years, according to N.J.S.40A:2-21. Because police cruisers have been thought to have a useful life of less than five years, because they are built around a passenger automobile chassis, counties and municipalities have not been able to bond for their purchase. Instead, they have been required to include the full purchase price of police cruisers in the annual budget, thereby disproportionately impacting upon that particular year's tax rate, and

WHEREAS, improvements in the quality of new police cruisers in recent years, however, suggest that their useful life is at least five years, and

WHEREAS, the police cruisers of counties and municipalities often are used for well beyond five years. Such evidence suggests that these vehicles have a useful life of at least five years and that local units should be permitted to bond for their purchase, and

WHEREAS, this bill would make the necessary changes in the law to allow such bonding to occur.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, State of New Jersey, hereby supports Senate 2332 as being in the best interest of the citizens and visitors of the Township of Middle.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Governor, Senator Jeff Van Drew, Assemblyman Nelson Albano and Matt Milam, and the New Jersey League of Municipalities.

10. RESOLUTION NO. 53-09 – TABULATION COMMITTEE – EMERGENCY MEDICAL BILLING SERVICES – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer Tracey Taverner, and Deputy Clerk Kimberly Tomkinson, and Deputy Business Administrator Mark Mallett, be and hereby are appointed to tabulate the bids to be taken on Wednesday February 11, 2009 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

EMERGENCY MEDICAL BILLING SERVICES

11. RESOLUTION NO. 54-09 – APPOINTMENT – NEW HIRE – PART TIME EMS – 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, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salaries opposite their names, on an as need basis

NAME	POSITION	DEPARTMENT	SALARY/WAGE	EFFECTIVE
Adam Feltwell	EMS P/T	EMS	\$10.60 ph	January 13, 2009

12. RESOLUTION NO. 55-09 – ESTABLISHING CHANGE FUNDS FOR VARIOUS TOWNSHIP DEPARTMENTS – AMENDMENT – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

Whereas, the Township Committee of the Township of Middle, the governing body thereof, authorizes the establishment of Change Funds for various departments within the town,

Now therefore be it resolved, the following departments are hereby authorized and permitted to establish change funds in the respective amounts:

Department	Officer	Amount
Tax Collector	Sandra Beasley	\$400.00
Construction	Donald Arndt	\$150.00
Vital Statistics	Bonita Millard	\$ 50.00
Municipal Court	Cynthia Lutes	\$300.00
Dog Licensing	Dawn Stimmel	\$ 50.00
Recreation	Charles McDonnell	\$ 25.00
Police Records	Joseph Evangelista	\$ 25.00
Zoning	David May	<u>\$100.00</u>
	Total	\$900.00

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

13. RESOLUTION NO. 56-09 – RATIFY REVISED INTERLOCAL SERVICES AGREEMENT – SHARED MUNICIPAL COURTS – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, Ordinance NO. 1307-08, as adopted on October 20, 2008 and effective October 29, 2008, of the Township of Middle allows Township Committee to enter into an Interlocal agreement for a shared court, and

WHEREAS, Middle Township and Dennis Township have had negotiations with regard to a shared court, and

WHEREAS, said agreement has been revised from its original approved December 22, 2008.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the revised agreement hereby be ratified.

BE IT FURTHER RESOLVED, that the mayor and other township officials are hereby authorized to sign any documents necessary to effectuate this agreement.

14. RESOLUTION NO. 57-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – CONNOR STRONG RISK CONTROL – DRUG AND ALCOHOL TESTING – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Connor Strong Risk Control and the Township of Middle for Drug & Alcohol Testing 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 January 1, 2009 through December 31, 2009.

Alcohol & Drug Testing----- Conner Strong Risk Control

15. RESOLUTION NO.' 58-09 through 59-09 – CANCELLATION OF TAXES (ITEMS A THROUGH B) – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

58-09 (a) Cancellation of taxes due to owner eligible for 100% Veteran status

ACCT #	BLOCK	LOT	NAME/LOCATION	2009 1 ST + 2 ND 1/4
17387	11	12	Osmundsen, Stanley M & Cheryl Property location: 40 Brooks Ave	3,238.34

59-09 (b) CANCELLATION OF TAXES AS PROPERTIES ARE EXEMPT

ACCT #	BLOCK	LOT	NAME/LOCATION	2009 1 ST + 2 ND 1/4
61	2	14	State of New Jersey Dept of Environmental Protection 539 RTE 47 N	1,105.16
8404	600	1	Nature Conservancy Randolph St	14.85
1523	52	3	United States of America Goshen Rd	7639.84
2805	142	4	United States of America 147 Rte 47 S	92.93
1436	50	3	Cape May County 208 Rte 47 N	2402.78

16. RESOLUTION NO. 60-09 – NOTICE OF TAX SALE – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

Notice of The Tax Sale that was held on January 13, 2009, was published in the Herald-Times, Rio Grande, New Jersey, on December 17, 2008 , December 24, 2008,

December 31, 2008 and January 7, 2009

A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:

1. Middle Township Municipal Hall
2. Green Creek Post Office
3. Cape May Court House Post Office
4. Whitesboro Post Office
5. Rio Grande Post Office

A Notice Of Tax Sale was mailed to the owner of record, whose name appears in the List at the last known address, postage prepaid.

17. RESOLUTION 61-09 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDED CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS

A. Risk Management Consultant – The consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume, or transfer the risk loss. Shall assist the Municipality in understanding and selecting the various coverage’s available from the Atlantic County Municipal Joint Insurance Fund, review with the Municipality any additional coverage’s that the Consultant feels should be carried but are not available from the Fund and subject to the Municipality’s authorization place such coverage outside the fund. Shall further assist in the preparation of applications, statements of values and similar documents requested by the Fund, review the municipalities’ assessment as prepared by the Fund and assist the municipalities’ preparation of its annual insurance budget. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Assist where needed in the settlement of claims, with the understanding that the scope of the Consultant’s involvement does not include the work normally done by a public adjuster. And any other services as required

18. RESOLUTION NO. 62-09 THROUGH 63-09 – RELEASE OF PERFORMANCE BOND – STREET OPENING – FOGLIO CONTRACTING, INC. (ITEMS A THROUGH B) – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

62-09(a) WHEREAS, \$5,000.00 is being held as a performance guarantee for Foglio Contracting Inc.

for the street opening located on Diamond Road, and

WHEREAS, Certified Public Works Manager has conducted his inspection and determined that all improvements have been completed, and

WHEREAS, it has been recommended that the performance guarantee for the above stated project be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above reference opening has been inspected and approved and the performance bond shall be released.

63-09 (b) WHEREAS, \$5,000.00 is being held as a performance guarantee for Foglio Contracting Inc. for the street opening located on Laurel Avenue, and

WHEREAS, Certified Public Works Manager has conducted his inspection and determined that all improvements have been completed, and

WHEREAS, it has been recommended that the performance guarantee for the above stated project be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above reference opening has been inspected and approved and the performance bond shall be released.

19. RESOLUTION NO. 64-09 – AUTHORIZING CONTRACT WITH D & B ELECTRONICS – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, the Martin Luther King, Jr. Recreation facility located in Whitesboro is in need a sound system; and

WHEREAS, the Township of Middle has received a gift in the amount of \$8,745.00 from the Concerned Citizens of Whitesboro, Inc. providing funds to assist in the purchase of sound system equipment to be utilized in the Martin Luther King, Jr. Recreational Center, Whitesboro; and

WHEREAS, the Concerned Citizens of Whitesboro, Inc. has provided documentation to the Township of Middle specifying the particular sound system and process of installation of same; and

WHEREAS, N.J.S.A. 40A:11-13.1 and also N.J.S.A. 40A5-29 allows the Township of Middle to accept a gift and order a specified product and installation; and

WHEREAS, the Township of Middle shall fund the remaining \$3,000.00 from the Recreation Dedicated Trust Fund in order to have a sound system installed at the Martin Luther King, Jr. Recreation Center; so

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the above referenced sound system equipment and installation be ordered pursuant to N.J.S.A. 40A:11-13.1 and N.J.S.A. 40A5-29.

THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle that a contract for this sound system and installation be executed by the Township of Middle and that the Township Clerk/Business Administrator, James Alexis, is hereby authorized to sign such contract.

20. RESOLUTION NO. 65-09 – CLOSED SESSION – MATTERS OF PENDING LITIGATION; RAVITZ ROMM VS. THE TOWNSHIP OF MIDDLE. – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

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

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

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

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.

21. PUBLIC COMMENT:

Mike Granigan: I am Mike Granigan, President of the Cape Express Soccer Club and on a somewhat annual basis we just like to show our gratitude and help cover some of our cost and help pay some of the bills for us being able to utilize the recreation field at Goshen. Here is a check for \$4,000 and in addition to that, we hope to, once the weather breaks... we would also like to make some improvements to the actual field where we are, so when the weather breaks we are going to go out there and put a little plan of action together and maybe put something in towards the fields come the springtime. So thank you very much Middle Township.

Mayor Doughty: I would like to thank you. This gentleman works for Cape Express or is Cape Express and how this works is he also helps our recreation program and the local people in Middle Township and

we certainly do appreciate everything that he does. He is a very cooperative individual, Mr. Granigan, and whenever we sit down to have a meeting he is there and we iron things out. This is a very fine donation to the Middle Township Rec Department and a few years ago they gave \$15,000 to rebuilding the fields and this is part of how we keep the recreation fields in wonderful shape and he will continue to do that and let this be an experience for other sporting events in Middle Township.

Jim Alexis: Mayor and Committee, prior to ending the agenda I would like to give you an update on the Refunding Bond Program that was started last fall. As everybody knows, the monetary market in our country literally fell to its knees in September, at the very time that the Township was going through a Refunding Bond process of about \$4.2 million dollars worth of indebtedness. The law requires that the Township be in a position to save a minimum of 3% when they go to Refunding Bonds. I was notified late last week by Anthony Inverso from Phoenix Advisors, who is advising the Township on how to proceed with these Refunding Bonds, that the market is now in such a position that the Township would be able to save the 3% in value that's required by law. We simply have to update our Preliminary Offering Statement, which we started working on that immediately after I talked to Mr. Inverso last week. The ratings on our bonds are still consistent and the rates are dropping so that we can meet or exceed the 3% requirement by Statute. I have discussed the subject with our municipal auditor and with our chief financial officer, and we have the documentation just about complete to be able to go to sale.

Mayor Doughty: Very good. Do we have any clue what that will.....

Jim Alexis: At the present time, no, other than we will meet the 3% requirement established by Statute. And that is all I have on the agenda for this evenings meeting.

Steve Barry: Well I spent the morning in court in Camden today, which is a good reminder of what a nice place this is to live. We have plenty of nice places to eat and attractive vistas near our Court House and there it is broken glass and dead Pit Bulls, it is pretty sad. But, I got out in enough time to listen to the whole inaugural ceremony on the radio coming home and it was maybe not the best venue, but it was just such a moving event I think in our national life and one of the most remarkable events of my life, of our life times and I hope everybody enjoyed and appreciated it as much as I did.

Susan DeLanzo, Deputy Mayor: Those are my sentiments exactly. I did have the opportunity today, as I am sure many of you did, to watch it on television. What really, I think, was most striking is that no matter where you sit, what side of the aisle you are, there were so many people there, millions of people today and what composure and emotion and I couldn't help but think about home, I couldn't help but think about Middle Township. With all of the contrast of our city and differences of opinion, that we all come together and work together on what ever obstacles we face and I have such optimism and hope. I wish our President and our country well. I'm sure that right here in our small town USA we will meet success too.

Mayor Doughty: Small town USA, we are here. At 8:30 this morning I go to my usual haunt, and there were a couple of people in there asking me what to do....I said, you come with me, I will tell you what to do. So, we went to Goshen Road with probably a home full of people of 50 or more, it was quite a spectacle. Without a doubt, food you couldn't beat, home cooking, and it was just a wonderful event. Dale Gearhart, the Press Photographer was there; Brian Ianieri, I guess they are still eating out there on the Goshen Road so they haven't returned. It was quite a spectacle to see that right here in Middle Township and the young lady looked over and said to everyone in there, "in 4 years everybody in this room will be going there." Of course, everybody that was there was from Middle Township and it was quite a spectacle to see; the cheering, the food, the camaraderie was just wonderful. There is Mr. Leusner sitting in the back. If you don't know him, he is the ex-Mayor here. Whatever trouble we got in is because of him and whateverevery meeting I think of you....I look over at Susan and you would start the Pledge of Allegiance louder than anybody in the world and I still can't top you and Susan looks at me and I look at Susan and we continue on from that point. But we remember the good old days.

Charles Leusner: I got out while the getting was good. The were the good old days, and being a former politician and history and typing teacher at Middle Township High School, I was glued to the TV today and I have to rank what happened as one of the top five events of my life. Just like 911 and November of 1963, and for those of you who were alive on December 7, 1941, today is the day that you will all remember, were you alive then Jim?

Jim Alexis: No, I missed that one, not by much, but I missed it.

Charles Leusner: It is a day I will never forget. What happened in Washington, DC is the largest crowd to ever view an inauguration, breaking Lyndon Johnson's previous record, the enthusiasm of the people, and you know when I was a teacher I used to tell my students you can be anything you want to be, and even though many of them became doctors and lawyers and Naval Academy graduates and distinguished members of the community, from coast to coast, today proved that it can happen to anybody, no matter where you are from. I got to tell you something, I just got chills watching that whole thing unfold...it was remarkable. I am going to miss great moments in presidential speeches, however, from the David Letterman show. The cameras panned in on Middle Township's favorite son who had a front row seat behind the President, did you see Stedman with Opra? He was right there, no surprise, they are friends. Like something I have never seen....just a fabulous occasion. This is Jim Alexis's last meeting and I will remember the date of it, not because of his last meeting, but because today was Inauguration Day. Just unbelievable. And Steve Barry, Chief Evangelista and I were born and raised in Camden, so watch what you say about Camden.

Steve Barry: It has fallen on evil times.

Chuck Leusner: Yes it has.

Steve Barry: It doesn't mean the people there are bad, but its just....

Chuck Leusner: Yeh, I have a cousin who is a Lt. in the police department up there and asked him to take me to my old neighborhood and he said that wouldn't be a good idea.

Mayor Doughty: And you know as we go forward yesterday was Martin Luther King's Anniversary and down at the rec in Whitesboro it was quite commendable, the place was packed with people and as I was going out the door my wife was still yelling at me, it's Martin Luther King,, it is not Obama, so we gotta get these people straightened out here....but, Jim Alexis and Obama together here, there you go. Never forget it.

PUBLIC PORTION

Carol Mattessich: I also was extremely gratified to watch the events of today and having supported Obama for quite a long time, I was particularly struck by the way everyone here watched that speech, since frequently I am on the opposite side of conventional wisdom in this room. I will just note that in his speech, the President noted how very important it is, particularly in the context of smaller communities, where no one ever tried to stifle descent and looking forward I certainly thank all of you to the extent that we continue to disagree on things for what I expect will be your according me and other dissenters the same respect that we accord to you. I do have a few questions about things that were on tonight's agenda, and I will be real quick. Item #1, there is an Ordinance on Payment on Accumulated time. Could you tell me what the current policy of the Township is on that.

Jim Pickering: I can address this Mayor, if you want. There is no formal policy. It appears that there was an informal, unofficial practice that in the past that if an employee worked in the year of retirement, at least until January 31 of that year of retirement, then the Township was paying them for an entire years worth of sick and vacation time. When Mr. Alexis and I became aware of that, sometime last year, I looked into it, we had our labor council look into it and frankly did not find anything in any State law that would allow that to happen. Further there wasn't anything in any municipal ordinance that would support that practice. It appears that it was merely a practice that was in place, or a number of years and a number of former employees benefited from that practice, but we felt that it was important that, since that practice I don't believe is permitted by the law, that it be stopped, so this ordinance has been introduced and Township Committee will consider making a policy that will change the practice.

Carol Mattessich: Mr. Alexis is leaving on January 31, will the terms of this Statute apply to him?

Jim Pickering: Mr. Alexis is aware of this and he has stated that he will not take advantage of that practice from the past as he, in his opinion, did not feel that it was fair to do so.

Carol Mattessich: I appreciate that and I really commend Mr. Alexis for taking that position. Item #6 – Forgive me if I am wrong in the way I am reading this, lending of Stone Harbor Court Room Video Conference System Equipment – are we being paid for that, is Middle Township receiving remuneration?

Susan DeLanzo: Yes we are, we have been for several years. WE have had a contract previous, and this is a renewal for the next 3 years for a contract and I am happy to report that the money has increased.

Carol Mattessich: How much will they be paying per year?

Susan DeLanzo: \$1200.00

Carol Mattessich: And how much does the equipment cost us per year?

Susan DeLanzo: We have owned the equipment, I guess, for at least 5 years, so I don't know, why would it cost us anything?

Carol Mattessich: Is there a price that we paid at the beginning that you recall?

Susan DeLanzo: You mean did we purchase it, yes we purchased it, I don't remember what that cost was, maybe \$5,000 I am going to say.

Carol Mattessich: OK, great. That relates to a question I had about the Shared Municipal Court System and I know that is a partial topic of Item #13, you told us to come to you with questions when we kind of hear information on the streets, I was actually at a party and someone said that they had heard that the combination of the Middle Township and the Dennis Township courts is going to result in a very small payment by Dennis Township to Middle Township, but that we are going to be holding an extra day of court here and taking care of their files, etc. I am not saying that is true, I am saying there is some rumors out there.

Susan DeLanzo: I would be happy to tell you why I think it is a good idea. We are saving in the matter that we are getting an employee that we are not paying for. Dennis Township is providing the employee, paying the salary and we benefit. We will be able to utilize that employee for our courts and Dennis courts, Monday through Friday, be here and handle that. As you know, we had a retiree in that department and we have not replaced that retiree and so this person will be coming and we will have that benefit of that staff,

that is one thing. The second thing is that we will be saving money with the Judge and the Prosecutor being the same, the Dennis Township Judge and the Dennis Township Prosecutor is the same as Middle Township.

Carol Mattessich: Will Dennis Township be contributing to the salary of the Prosecutor and the Judge?

Susan DeLanzo: Yes.

Jim Pickering: Let me make one thing clear, the 2 ways that this happens, and I don't mean to interrupt Deputy Mayor, but in some towns they merge the court, ok, that is when one town takes the lead and is the actual court and the other place just pays money. That is not what is happening here. This is what is called a Shared Court, so there is still actually a Dennis Township Court, it just sits here in this building; there is still a separate Middle Township Court, so it is a shared court, there is still Dennis Township employees and there are Middle Township employees, so it is a shared court, not a merged court.

Susan DeLanzo: And Dennis Township is also going to contribute to overhead for the lights, electric, heating and cooling and all of those things so there is a fee that they are going to pay for that. One thing I would like to add is that this is just really a one year contract, so if there is something that we have missed or something that should be fine tuned or whatever, we have the opportunity to do it in a short time.

Steve Barry: Actually there is another way we look to the contributing as well, and that is for the date it is scheduled for Dennis Township, they are going to pay for the cost of police presence. Obviously we bear that already for the days that it is Middle Township Court. And in addition, if we have the court on different days, that creates flexibility for our department in terms of making sure that officers are available without incurring overtime, so just on hard cost we should save about \$30,000 minimum this year, and hopefully some of the efficiencies will make that even better.

Susan DeLanzo: Yes. And there are going to be security upgrades that will be happening, which they are contributing to.

Jim Pickering: And we are applying for a Shared Services Grant to pay for the additional

Susan DeLanzo: We wouldn't be able to apply for a grant if we didn't have.....having Shared Services allows us to do that, so it opens up other windows of opportunity for us.

Carol Mattessich: Very helpful, I appreciate that. Another question, which I am just asking for clarification on, the gravel pit that Eileen Fausey has diligently asked questions about, which is off Route 9, actually up near Siegtown Road, there have been tons and tons of trucks in the early morning and I frequently run into them because I drive in that area in the early morning and I heard, and again I am not stating this is fact, I am asking whether there is any truth to this report, I heard that there was at least one complaint and perhaps multiple complaints from neighbors about the early starting time at that pit and that when the Middle Township Police were dispatched to ask why the work was started that early, they were told that they were given permission to do that either by the administrator or a member of the committee. My question would be whether there is any truth to that report.

Jim Pickering: I can tell you, I received a phone call from the police chief about this matter and I looked extensively into the local ordinances as well as State Statutes and there is not anything, unfortunately, in our ordinance or the Statutes that give a start time for mining operations that I could find anywhere. If you are aware of one, then let me know about it, but I couldn't find one that has a start time. At the chief's suggestion, I also looked at the Noise Ordinance or the Noise Statute and would find that very, very difficult to apply under this circumstance. I can tell you that is where I started and I am not aware of any information being granted by anyone, but perhaps Township Committee might want to....

Steve Barry: I just want to say, no one ask me for permission nor did I give anyone permission, but I did inquire...I received no complaints except for Ms. Fausey appearing at our last regular 6:00 PM meeting where she raised the topic and as a result of that inquiry I have learned that the contract calls for the trucks to begin delivery to the United States Coast Guard Base site at 7:00 AM, so that obviously would dictate an earlier starting time. In addition, in response to Ms. Fausey's concerns, I went the next morning at 6:00 AM to make some observations and in addition Mr. Mallett has made inquiries to the DEP as to whether any of our concerns, in terms of environmental concerns, were of a worry. Our preliminary indications are no, but we are going to follow up on that and press them for additional ongoing information, that is the DEP.

Carol Mattessich: I am really, really grateful for that information and it might be needless to say this, but it would seem.....all of this is so interesting and it is so kind of policy oriented for you all who are running the community that where you have members of the community who have repeatedly expressed concern about mining operations on many different levels, including now the fact that early morning hours can be disruptive by a lot of activity. I would hope that in future deliberations of licenses of ALL operations or anything that you do with mining ordinances, that you could perhaps start taking the non mining residents concerns into affect. I really appreciate what you just imparted.

Mayor Doughty: I did not have anything to do with it because I will stay away from the Albrecht & Heun situation due to the court things and...

Carol Mattessich: Thank you Mayor.

Mayor Doughty: You are welcome. Susan, did you tell them to go?

Susan DeLanzo: No.

Carol Mattessich: Just one further question. There is a line item for Muscelli and Martino and I just wondered who that was. It is 1/20/09, check #42470.

Jim Alexis: What item on the agenda are you referring to?

Carol Mattessich: It is on the check register Mr. Alexis, page 2, check #42470.

Jim Alexis: That is our architect and engineer of record for the Whitesboro School Project. The \$15,000 is being paid for out of a \$400,000 grant that we received from the Department of Community Affairs under the Small Cities Community Development Block Grant Program.

Carol Mattessich: Ok, thank you, thank you very much.

Dan Lockwood: I would like to start with just a couple of comments. It was a great thing that happened today, I hope the republicans are nicer to Obama than the Democrats were to Bush because more than any time in my life, or at least since I have been paying attention, it is time for us to come together again and hopefully we can espouse that sentiment from our small town. Second I would like to say I have enjoyed working, when I have had the opportunity to, with Mr. Alexis, he is a true professional, and as much as we disagreed on many issues, there have been times when he has handled my affairs personally in just a superior manner as far as administrator's go and I am sure that came with your experience, but I would like to express that sentiment. Aside from that, I would just like a couple of updates more than anything. Primarily our Host Community Benefit Fees, first, do we have an update on, have we received the annual numbers from Future Mining and Recycling?

Jim Alexis: The 2008 numbers I should have either Friday or Monday.

Dan Lockwood: Ok, and then I would assume the Cape May County MUA will be right in the same time frame or have you gotten theirs already?

Jim Alexis: I do not have the CMC MUA's numbers as yet.

Steve Barry: My recollection is that they come later in the spring, they did last year.

Dan Lockwood: Ok, has there been any headway on a resolution of the past due or the fees in dispute?

Jim Pickering: The headway is that the Township will be pursuing that vigorously. There was a decision from Judge Armstrong last week on other ancillary matters in that litigation and the Township will be pursuing those claims regarding the Host Community Benefits.

Dan Lockwood: Now that the year has ended, is there any anticipation of changes as to how it has been handled so far, I guess specifically will the accounting be done quarterly, will we look at the offsets. I know that we have discussed putting this into the budget, but has the details of that been flushed out at all?

Steve Barry: We are working on that and we have instructed the solicitor to draft the resolution that sets out in detail how we are going to deal with it this calendar year. We hope to have that within the next couple of weeks.

Dan Lockwood: Would that agreement flow to any other recycling operations of the Host Community Benefit fees? I mean there must be an agreement in place...I mean is there a resolution in place for the MUA?

Steve Barry: Probably, you know I have never read it.

Jim Alexis: It is called the source separation game and there are only 2.

Steve Barry: We only have 2.

Dan Lockwood: Yes, I know, but the MUA allows for increases over time, you know, I don't think they are called cost of living, but what I have seen is....

Steve Barry: There is a COLA in the MUA.

Dan Lockwood: Yes, it moves up a little bit.

Steve Barry: The more difficult part of your question or the more difficult thing to craft has to do with all of the accountings and that is what we hope the resolution will deal with. In the middle of the litigation over what is due on the Host Community Benefit, I don't think we are in a position to change the agreement. There is a resolution and an agreement in affect from 1991, and we certainly want to look at improving that agreement, but we have got to put to rest what is actually do under that agreement to the end of 2008 and I think at this point it is going to be relatively simple, I am optimistic.

Dan Lockwood: I appreciate your optimism, but I would somewhat disagree in the fact that we have 2 issues at this point that are going forward that make it now more important. One is we have year end, we

are rebudgeting, it is a tight year, the board obviously acknowledges that we need to look at our numbers closely. Secondly, they are still pursuing another mining and recycling facility at a different location; so, it would seem again, in a transition, important to reestablish exactly how we are going to handle this issue.

Steve Barry: You mean in the event that a new recycling center is established in another location?

Dan Lockwood: Correct.

Steve Barry: Of course, you are right. It's obvious.

Dan Lockwood: I know it has been a concern of citizens in the past that the Host Community Benefit Fee transfer to another facility and I think that it would be regardless of whether.....

Steve Barry: You must have been at the same party with Ms. Mattessich.

Dan Lockwood: Ah, no

Carol Mattessich: I don't know what that means.

Steve Barry: It is just a rumor, there is nothing to that.

Dan Lockwood: Well, yeh, that is what I said, other concerned citizens, I've never brought it up but I have heard the concern that it wouldn't transfer over regardless of who the owner is that any other recycling operation would start up in this town, so anyhow, I think that my point now more than ever it is not time to drag our feet, it is time to press forward and solve this issue.

Steve Barry: Thank you for your input.

Dan Lockwood: Can I get an update on the Master Plan/Smart Growth.

Steve Barry: Yes, we will be meeting on the 23rd with representatives of the DEP regarding the center boundaries and we made some nice progress with Kate Meade on our sort of overall zoning conception plan.

Dan Lockwood: I'm sorry, who?

Steve Barry: Kate Meade from the DCA on the zoning aspects of the plan.

Dan Lockwood: I know that at the end of the year the Office of Smart Growth had concerns about the rather large complex off of Indian Trail and I think it is Pennsylvania Avenue, or it may be just off of Shunpike there, in regard to how that is going to tie into our center designations. Is that something that you are also.....

Steve Barry: I think that is resolved.

Dan Lockwood: That is resolved? Could you give me a little insight on the resolution then, how that was overcome?

Steve Barry: The DEP and the DCA seemed agreeable that that area be included in the center and that is extremely important because of how much it does for our COAH obligation, so that appears to be a resolved portion of it.

Dan Lockwood: Ok....

Jim Pickering: Just to be clear Mr. Barry, it is not that entire site, it is a portion of it, a small part of that site that appears at this point they will include inside of the center.

Steve Barry: Seventy to 75% of it will be preserved as Open Space.

Dan Lockwood: I think that initially was the target anyhow. There was a large portion of that getting sent to Open Space.

Steve Barry: Well that's....not 2 years ago but for the last 6 months, yes.

Dan Lockwood: Alright, moving on, I understand there was another Work Session on the budget earlier this evening.

Steve Barry: There will be a Work Session on the budget before every regular meeting until that gets resolved.

Dan Lockwood: Was there anything handed out, any information that I could get after the meeting on that one.

Steve Barry: It was a verbal presentation by Mr. Mallett in detail.

Dan Lockwood: Ok, I believe that is it. Thanks.

Sam Kelly: I just wanted to say to Jim that I am very grateful, Mr. Alexis, that our friendship survived all of this. To our other Jim, there wouldn't be any law....I am grateful as a taxpayer that you are going to handle the computations of the approved sick and vacation times the way you do, but wouldn't you think anything in the law that would preclude it because I have negotiated and in fact, fought it in the courts, years ago with your predecessor Bruce Gorman, he won for the massive layoffs of the SETA employees in the county and we won.....they were vested in fact from day one of the year because we had contractual language that said that, so there is nothing in the vault that will preclude?

Jim Pickering: There is not. Let me be clear about that. This would apply to employees who do not have a separate negotiated contract, that is accurate. It could be negotiated.

Sam Kelly: It could be negotiated, exactly. I would like to say, also, to Dan that I suspect that Mr. Barack Obama is going to give a lot more reason for the republicans to be nicer to him than the democrats have been to Mr. Bush. And then I would just like to ask, by what right did you start this meeting tonight without Vilma being present! Shouldn't that have been addressed. Does anyone know of her whereabouts, was anyone besides myself concerned.

Steve Barry: She has been faithfully attending the Plan Endorsement meetings.

Vilma Pombo: I had been doing volunteer work, in fact I left early so I could attend the last portion of this meeting.

Meeting adjourned 6:52:24

Presentation of plaque to Jim Alexis for his 25 years of service upon his retirement.

8:03 PM

Jim Pickering: We are back on the record, we were in Executive Session, we were joined in the Executive Session by John Gillespie by phone and the matter of R&R vs the Township of Middle was discussed and Mr. Gillespie was given directions by Township Committee and no significant decisions were made that would necessitate a resolution being approved or anything. I will note for the record that Mayor Doughty stepped out of the room for the entire Executive Session.

Meeting adjourned at 8:03 PM by Deputy Mayor Susan DeLanzo

Kimberly Tomkinson, Deputy Clerk

Prepared by D. Stimmel