

**TOWNSHIP OF MIDDLE  
TOWNSHIP COMMITTEE  
WORKSESSION AGENDA  
July 20, 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.

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

**FLAG SALUTE:****DEPARTMENTAL REPORTS AND PROJECT UPDATES:****Administration/Finance:**

Presentation – Global Connect

**Presentation by Global Connect.**

*Mark Mallett: This is an emergency communication system that the Middle Township schools use when contacting parents of the kids of whenever meetings are going on. Lt. Edwards has looked into Global Connect and we brought them here to present what sort of opportunities in assisting us in emergency notifications.*

*Jessica Becote: We offer voice messaging products to many different platforms. We started out in finances and from there we built on and added parent notification systems, which is used by the schools. Today I am introducing the emergency notification system product, which is to contact residents in the event of any kind of catastrophic emergency. We are a privately funded company founded in 1999. Our corporate office is located in Mays Landing, and we have 10 outside locations. Our current client base is 2500. All of your customer service needs are handled through our corporate headquarters. We are a voice over internet protocol so we are not using any of Middle Township's lines to make mass calls. We are using our lines, which are stored in Philadelphia. We have a completely mirrored data recovery site in New York City, so if anything were to ever happen to the Philadelphia site, we could put those calls directly onto the New York City site. Also have one in Canada and in late 2009 there will be one in the Utah area. Last year we handled 833,000,000 million calls, which show that we have the capacity to handle any amount of calls that you would ever need to send out. There is also constant supervision in our office and if there were ever an error problem we would see it long before you would feel it in Middle Township. Some challenges that communities are facing today and why they are choosing to go to these systems is because there is difficulty contacting residents quickly and rapidly. They are unable to target certain messages to specifically related areas to where that event is happening. Also in today's world there are budgetary constraints due to the high costs, so we offer an alternative. We are a completely web based product. No additional fees for any additional lines needed or any upgrades used throughout the use of this system and our maintenance is free of charge. There is no hardware or software to purchase or maintain. Residents cell phones and emails may also be registered. Free data manipulation when you get your data from your carrier. Customer service is 24/7. Two types of notification that can be used; you can simply record your message or there is an interactive feature. Different kinds of mapping very helpful. Can be used for employees as well. Also offer responder counts, which is great for overtime shifts or the first responders. Can record in own voice or in text to speech. Delays and stop times can be put on calls. There is also email and text messaging that can be used as backup to voice messaging. System can be used for missing child alerts. Can view reports and filter reports. Global Connect is a low cost solution for an emergency notification product. We provide the ability to notify residents rapidly with high quality clear messages*

*Madelyn Filipski: How do you get your data?*

*Jessica: We reach out to Verizon*

*Madelyn Filipski: What happens if any of the phone lines go down, what is your experience with that?*

*Jessica: We have the data recovery centers so all the data would go into data recovery centers and send the calls out.*

*Kelly: Should the landlines go down and the electricity is out, that is why it is great to have the cell phones because they are usually always working. Usually between the emails, the cell phones, the text messaging we can usually get something out.*

*Madelyn Filipski: How many times a year do you think you would want to utilize it?*

*Chief Evangelista: It can be utilized in different ways in different parts of the Township.*

*Madelyn Filipski: And what is the cost.*

Jessica: The price is 50 cents a household per year for unlimited emergency calls.

Kelly: An additional feature we are coming out with next week are multilingual.

Chuck McDonnell: Do you do a lot with recreation departments?

Jessica: Yes, any department that is within the municipality.

Madelyn Filipski: I would like to clarify that then, you are going to upload all the data of everybody in town using the varied entities like Verizon, but if the recreation director wants specific, he has to build his own.

Jessica: Right, he would be asking for something along a totally different means, where he is trying to get calls out to his teams parents.

Kelly: The Township would have to sign a contract with Verizon stating that they are only going to use it for emergencies, they are not going to be using it for other reasons.

Mayor Doughty: If we would to go to the rec with this is the number still 50 cents per year?

Jessica: If you are going to be calling parents to notify them of upcoming games or you need volunteers, that type, you would be able to set up your own account, it would be a notification account and it would be 12 cents a call.

Mayor Doughty: When this first came out a few years ago I was invited to Avalon, did Stone Harbor sign up for this or just Avalon?

Kelly: In Cape May County it is Upper Township, Avalon, Sea Isle, all the Wildwoods.

Mayor Doughty: Ok, so Stone Harbor was involved with us on this a few years ago.

Kelly: I think that is Ken Hawk, they use it but not all the functionalities of it.

Mayor Doughty: Thank you, that was very informative.

#### Update – Proposed Recreation Fees

Mark Mallett: Wanted to give you an update on the proposed recreation fees that we talked about at the last work session and there are a couple of “to do’s” that we had so I would like for Chuck to just walk through that.

Chuck McDonnell: Township Committee was ok with the senior center fees, no changes were made. Next is the Goshen Complex and the MLK Center, before we were going with a per game fee, but to make it easier we are going to do a per day fee for fields. Baseball fields will be \$125 per day, and with the use of the lights it will be an additional \$50. Same thing with the football field, the outdoor basketball courts at the MLK Center, soccer fields....those all have lights. Those fields that we do not have lights on, obviously the light fee wouldn't apply to those, which are 3 more fields at the sports complex plus the little field at the MLK Center. The King Center gym and the Goshen gym, we are looking at \$500 a day. At sports camp we were looking at taking percentages of the attendance, however not enough kids that attend, so leaving as is. Any questions about the field use?

Jim Pickering: On the gyms it says \$500 a day, \$250 for non profit, for an entire weekend \$1500. Is it \$1500 for non profit for the whole weekend?

Chuck McDonnell: No, for non profit it would be \$250 X's 3.

Jim Pickering: I figured that is what it was, but we need to make that clear.

Mark Mallett: Right now we want to come back and talk about some of the fees again from our last conversation and then if Township Committee wants us to move forward, we will get this into an ordinance.

Chuck McDonnell: For the recreation rooms at the Goshen Complex and the MLK Center, we used to do birthday parties, this is pretty much what we have been doing is charging \$75 per hour for use of the rec rooms and if you needed the kitchen at the MLK Center it was an additional \$50 an hour. The pavilion outside the King Center is a \$300 flat fee. We may also enter into some local agreements with schools that could deviate from this. Any organizations will have to show a certificate of insurance before using the facilities. Will be separate contract and agreement for 3<sup>rd</sup> party groups.

Mark Mallett: Any groups associated with the rec department will not be charged fees. We are trying to get the fee structure straight across the board.

Steve Barry: I have a question about the \$75 an hour for the Baker Center Snack Stand. I thought the baseball folks were using that.

Mark Mallett: Yes, through August, first of September.

Steve Barry: Do they use it every day...how often do they use it? What do they pay?

Chuck McDonnell: May 2 or 3 times a week.

Steve Barry: *What do they pay?*

Mark Mallett: *\$100 per week.*

Chuck McDonnell: *Whatever season it is, that is the program that is going to benefit.*

Steve Barry: *Do these associations give you certificates of insurance now?*

Chuck McDonnell: *The only ones we have to get them from is the baseball, which they do. Everything else is run by the rec dept. The football this year is under the rec dept. There are no other outside organizations running these programs except for baseball.*

Susan DeLanzo: *Can you give me an idea, an itemized bill, for example the Pratt Tournament, tell us what that would entail, what kind of revenue would that be?*

Chuck McDonnell: *If they paid the \$75 an hour?*

Susan DeLanzo: *Well, what else would they pay? Do they pay for use of the fields?*

Chuck McDonnell: *Cape Express would pay for that; they are the ones that run the tournament. They have nothing to do with the snack stand. The Knights of Columbus is just the organization that.....*

Susan DeLanzo: *For example, that tournament, lay it out for us who pays what and how it all works.*

Chuck McDonnell: *If we went with this structure right now Cape Express would probably pay us, they set up 8 fields out there, so 8 times \$125 per day, and it is a 4 day weekend tournament, and then if we did the snack stand, which would come from the Knights of Columbus....they would be out there Friday night for 4 hours, all day Saturday, all day Sunday and all day Monday, so however many 8 hours a day....*

Mark Mallett: *\$600*

Susan DeLanzo: *\$600 a day for the snack stand and \$1,000 a day for the fields.*

Mark Mallett: *Correct.*

Chuck McDonnell: *Now if we so choose with Cape Express, since they are utilizing so many fields if we cut them a break....*

Tracey Taverner: *The only way we could do that is if we negotiate a contract. We cannot deviate from this once it is adopted.*

Mark Mallett: *Also the \$4,000 was done as a donation and as we had talked about, people who use the facilities on a more regular basis that we need to have some sort of severed agreement of contract and that probably would apply towards Cape Express.*

Mayor Doughty: *I haven't had a chance to go over it with Granigan. Soccer does not want to run the snack stand. Every other organization does. They don't want to be bothered with it.*

Madelyn Filipski: *What does the Knights of Columbus do with this money?*

Mayor Doughty: *They have a scholarship fund.*

Madelyn Filipski: *So, it comes back to Middle kids? They don't take the money that they make at that stand and put it into your program?*

Mayor Doughty: *No, they use it for the scholarship fund.*

Madelyn Filipski: *So the \$75 goes towards the use of the electricity and so forth. Then that 475 is a reasonable fee for someone that is not going to put the money back into your program.*

Vince Orlando: *It actually seems high to me.*

Mark Mallett: *We may want to take another look at it.*

Vince Orlando: *\$75 sounds like a lot of money, especially for a nonprofit. If they are paying \$800.....years ago I did Cape Express and we ran the snack bar and if we did \$1,000 total sales for the day, that was a lot. So if you are paying \$600 plus the cost of product, I think it is a wash.*

Chuck McDonnell: *The difference between the old snack stand and the new is they can do a lot more items and that is what the baseball association has seen, the increase in profit was because they had the ability to sell different things on the grills and in the fryers. Before they could just sell drinks, hot dogs and cold sandwiches.*

Vince Orlando: *But to think that if you are doing \$600 a day you are really not going to make any money.*

Mark Mallett: *Maybe as opposed to an hourly fee make it a per day fee, maybe it's \$75, maybe it's \$100, I am not sure, but that would certainly make it a lot easier.*

*Mayor Doughty: Make it a flat fee. If you are there for an hour or 8 hours, that way it is not confusing.*

*Vince Orlando: You can do that with the community centers and the community rooms, that is a more controlled environment.*

*Susan DeLanzo: I have a suggestion for you. At the Harvest Fest we provide the electric and it is \$250 for a food vendor for the day and they have to bring everything, all their equipment and everything, so if I could show up with my product and everything is there, and I personally think \$600 a day is a lot, I think we might discourage more sales than we get, but I do think that if you think about the Harvest Festival being \$250 and they have to bring everything and all we do is give them electric, then I think that somewhere between that \$600 and \$250, I think in the middle is a good number. We don't want to scare people off.*

*Mark Mallett: If everyone agrees to the fees other than the snack stand, for the next committee meeting I would like to get an ordinance prepared so that we can get these fees established.*

*Mayor Doughty: I think we are rushing it a little. I think we should get some feedback from some of the organizations first.*

*Tracey Taverner: This is something we are looking at having in place by the end of the year though.*

*Steve Barry: How many organizations use the MLK Center?*

*Chuck McDonnell: It is actually used a lot for baby showers, wedding showers, family reunions,,,*

*Steve Barry: What is a lot?*

*Chuck McDonnell: I would say 2 weekends out of a month and that is maybe a little low.*

*Steve Barry: If the kitchen was being used you have it down here for \$125 an hour, which if the function is 4 hours, that is \$500, that is going to kill those people off, that is my opinion.*

*Susan DeLanzo: A lot of people when they come they bring their own food and they don't use the kitchen.*

*Steve Barry: When someone is having a baby shower or something, which is 3 or 4 hours and that is too much money and we want people to use the facilities.*

*Mayor Doughty: I think we are on the right path here and I think if we get the auditor's off our backs we will be in good shape.*

*Tracey Taverner: If it's not done within the next few months than it is still going to be an issue because they are going to say we had all year to get this in place. We still didn't have anything in place while we were collecting money all year.*

*Jim Pickering: So it is probably going to be in the 2009 audit no matter what.*

*Susan DeLanzo: We don't really know what people are paying now. For example there was a wedding reception there on Saturday, so what did they pay?*

*Chuck McDonnell: We have been charging them \$75 an hour.*

*Steve Barry: Who collects the money?*

*Chuck McDonnell: Robert.*

*Steve Barry: It does in dedicated trust?*

*Tracey Taverner: Yes.*

#### *Land Sales*

*Mark Mallett: In regards to land sales, Joe Ravitz and David May took a look at the list of Township owned properties and as we look at it we have 3 different types; potentially developable land, landlocked properties and properties that are adjacent to state owned or conservation land.*

*Jim Pickering: Another category is that which is attached to other Township parcels.*

*Steve Barry: Do we have a list of these yet?*

*Mark Mallett: Yes.*

*Jim Pickering: One of the purposes of this is to try to figure out how Township Committee wants the properties identified and broken up into categories. There was some policy discussion that has to happen instead of Mark and I deciding this. As we were looking at some of the requests, there were a number, which people wanted to buy parcels which were adjacent to their property that would give them buildable lots. You could buy a parcel from the Township for the assessed value of \$5,000 and end up with a property worth \$100,000 and then put a house on it,*

which then has the effect of increasing our COAH requirements without any benefit to the municipality at all except for the onetime payment of \$5,000.

Steve Barry: And the 1 ½ %..we are digging a COAH grave.

Jim Pickering: Exactly, w fall further behind is the point. I felt rather than doing business as usual, which was let's get the revenue in by the sale and get them back on our tax roles, but with this COAH thing hanging on us out there, there needed to be a discussion among Township Committee members as to whether you want us to continue to get the money in, get them back on the tax role when we know they are going to be developed or do you want us to stop that and consider other factors such as other things I think we need to talk about.

Mark Mallett: There are about 13 parcels of land that are developable, which would have some minor variances necessary. There are around 100 or parcels that have the potential to be developed, but they lack street access, water and sewer. As we talk about paving streets and redoing existing streets in Middle Township, and David even throughout, what if we started paving some of the roads that are paper roads now and create possible COAH contracts with them.

Steve Barry: We would have to own all the property on those streets to make that worthwhile.

Mark Mallett: We would need to look at that and understand it better. Joe was going to get a quote from Van Note Harvey to do some additional training on the GIS System and the map system that we have so we can get this whole color coded map and it will lay things out a lot better. WE would like to get all updates on the GIS System mapping system as we take on more properties or the sewer gets extended. When you take a look at the map it will be easier to visualize where the potentially developable properties are as opposed to looking at a list of block and lots.

Steve Barry: The 13 or so that you found, they are sewerred?

David May: Not all of them. That list was created when Habitat was first starting to look for buildable properties. That is where they got the properties they are building on now.

Steve Barry: Those are big enough for a septic system, right?

Jim Pickering; Yes, they were outside of the sewer area and large enough to put a septic system on. We did not look at lots that were inside the sewerable area because we felt they had the potential to be subdivided and COAH housing developed on them.

Vince Orlando: Joe, doesn't your office have the ability to print a map showing all the vacant properties in Middle Township.

Joe Ravitz: No, not now, that was the purpose of getting the GIS.

Mark Mallett: We got the GIS, but when I talked to Joe he never got the training to be able to do all of its capabilities. That was not part of the package when it was purchased. When Joe spoke with Lou Connelly, he thought the best way to do it was for us to have a specific project and he would help assist us on getting that project started and that is almost going to be on the job training and getting this whole thing done. Joe is looking to get some pricing on that now.

Joe Ravitz: Any town that has the GIS System has to keep it concurrent with the municipal tax map. Once we have the map, we can manipulate it within our office once we are trained. We can then do a zoning layer, a sewerred area or areas that are potentially sewerred. It is a wonderful thing, but it needs training, which we never got, it was cut out of the bid. Liz is taking a GIS course that is going to be run by the college at no charge.

Mark Mallett: This will be a really helpful tool, you can visualize what is where. I believe 8 of those 13 properties that are developable have sewer..

Steve Barry: My initial reaction to those people that have 50 feet and want another 50 feet is, long term we are just cutting our own throats. We are better off buying the privately owned property than selling to them.

Jim Pickering: That was one of my thoughts. They come to us and say they want to buy one of our properties, say no but we will buy yours and that way we develop the buildable lots and we can use COAH money to buy those lots.

Joe Ravitz: I am not arguing with what you are saying, but there are also a lot of municipally owned properties that are between 2 fully developed properties, so that would not create a COAH property. We have a number of properties in Middle that would be in that situation. We might have a 25X100' lot between 2 property owners and my suggestion would be we send them out a notice and if they are interested in contacting the Township and if they are interested in acquiring the additional property for whatever reason.

Steve Barry: We want to look carefully to make sure it doesn't create the opportunity to sub divide.

Jim Pickering: We could deed restrict those properties and be specific.

Mark Mallett: With the 13 that had been identified as developable, is that something you want us to take a look at a little closer?

Steve Barry: Sure. The ones that are sewerred we look at closely; the ones with septic systems would probably have to go to Habitat or somebody like that.

*Madelyn Filipski: What GIS mapping is available through the county? Is that a help here or not?*

*Joe Ravitz: We have been using the county GIS in my office but ours is a much more refined scale.*

#### *DEP and DOT Grant Opportunities*

*Mark Mallett: Another thing, DEP and DOT grant opportunities...last week there was a DEP Grant application that Marcia Shiffman has made us aware of and it is to develop and implement climate friendly guidelines and zoning standards to reduce greenhouse gases. This grant will allow us to develop zoning ordinances for compact mixed use development and/or transient oriented development, etc., and I just thought this ties in very well with the Master Plan that we have under way right now. Pre-application is due September 4<sup>th</sup>.*

*Jim Pickering: How much is the grant?*

*Mark Mallett: The one it was recommended we apply for goes between \$25,000 and \$200,000.*

*Jim Pickering: Does it cost anything to apply?*

*Mark Mallett: No it does not. Any fees would be coming out of the grant at no cost to us. We will get more information on it.*

#### **Public Works & Engineering:**

#### Recommendation to award RFP – Class B Facilities

*Next is a recommendation to award an RFP for Class B facilities. We did the RFP back in April or May, advertized it a couple of times, waited the appropriate amount of time for responses and we received 2 responses; one from A&H Mining and one from Future Mining & Recycling. Both have the same ownership structure. The purpose of the RFP was to get prices for items that we purchase from Class B Recyclers such as concrete, root mulch, etc. and also to get prices on items that we take to Class B Recyclers such as concrete, brush, tree parts, etc. We have an Inter Local Agreement with the MUA and when you look at the MUA, and this is where we can compare brush and tree parts, which is something we take quite a bit of, they are looking at a price of \$33 per ton vs Future Mining at \$25 per ton. It certainly makes more sense to go to Future Mining, which is closer and will result in less travel time. More attractive to take to the MUA are the leaves and grass clippings. Future Mining has propose \$5 per cubic yard, and it is free to take them to the MUA. Would be about \$100 per truck, 10 trucks a day, it would be \$1,000 per day. To take to the MUA it would cost us about \$60 per trip, when you take a look at the labor, fuel cost and maintenance, round trip it is about 38 miles estimated at about an hour with 2 people on the truck, financially it makes more sense to take them to the MUA. One of the things that was suggested last week when at public works is they have a 40 cubic yard dumpster and the thought was to take the packer, put all the leaves in there, take the dumpster and put it on another truck on a daily basis and have one person driving that up and back. I just want to pursue that a little more with Andrew and Rick to make sure that is something we can do, at least try it and see if that would work.*

*Jim Pickering: Would they be putting them directly from one truck into the other.*

*Mark Mallett: It would be going from a truck into a 40 cubic yard dumpster.*

*Jim Pickering: They cannot be dumped onto the ground and then put into a dumpster.*

*Mark Mallett: It would not be onto the ground.*

*Steve Barry: They would become uncompressed.*

*Jim Pickering: It is not just that, it raises the transfer issue with the DEP. I think just directly putting them into a different can creates some odd issue, but you do have this compression issue too. You can take 20 yards of compressed leaves from your truck and put it into a dumper and it might be 40 yards, I just don't know what the affect of that is.*

*Steve Barry: The rough figuring is it is \$40 cheaper per load to run them up to Petersburg.*

*Jim Pickering: The difference is Albrecht & Heun is proposing \$5 a ton and in the past they have taken it for free.*

*Vince Orlando: Does the \$60 also include the cost of manpower?*

*Mark Mallett: Straight cost of manpower. But then again you can take a look at manpower as being a fixed amount of what we are going to be paying these guys no matter how we allocate those resources, so the variable costs would be your fuel and maintenance of vehicles.*

*Vince Orlando: I think what Vince is saying now these people are going to be away for an hour when they would normally be here so there is going to be less time to pick up leaves, which means they are going to be spending more overall time picking up leaves....3*

*Mark Mallett: And potentially incurring overtime.*

*Steve Barry: Right, if it takes 3 hours to load a truck and 1 hour's to dump it, you have lost that 1 hour of collecting leaves.*

*Jim Pickering: Right you have lost 33% of your time and theoretically it is going to take you a third more time to pick up the leaves.*

*Madelyn Filipski: Did you factor the \$25 and \$33 with the money that we are getting back? Does that lower the cost of tonnage? I'm talking about what we get back from them from what we put in there.*

*Steve Barry: If we sell the mulch, it reduces the rate they pay?*

*Madelyn Filipski: They give us back an amount of money, which I believe was \$34,000 for the items that we take there that they are able to utilize and reuse.*

*Jim Pickering: That is not how I understand it. We had our recycling coordinator make sure that all the people who take items to other recycling people, like boxes out of Home Depot or Wal-Mart, we get receipts and we can take them to the MUA and they get counted towards our overall recycling effort. They pay back based on the overall amount that is recycled, not just the amount that is recycled at their facility. It is the amount that is totally recycled throughout the municipality that we can prove through receipts or not. I don't think grass and wood chippings count towards that, it is paper, metal and glass, that kind of stuff that you get the return on.*

*Madelyn Filipski: If we are getting money back from the MUA, does that balance out the \$25/\$33 difference.*

*Jim Pickering: Mark has already said that it is \$40 cheaper to go to the MUA.*

*Mark Mallett: It is cheaper to go to Albrecht & Heun for the grass clippings.....*

*Madelyn Filipski: For other things, but it may not be cheaper because we would not be getting the large check at the end of the year from the MUA. Do you calculate that in the per hour.*

*Vince Orlando: It is only leaves and grass.*

*Steve Barry: You figure if we are collecting leaves and grass in Rio Grande and we could take it to the Erma facility, which is 1/4 of a mile away as opposed to driving it to the MUA. It really depends where in this Township it is, we can't send one truck to one place and one to another.*

*Mark Mallett: Another thought was in the past public works had a chipper, would it make sense to purchase a chipper and have all the chipped branches and tree parts stored at public works for the residents of Middle Township would be able to take them away utilize them for their own purposes. Would that be something we could look at.*

*Vince Orlando: We would need a lot of storage at public works for that and it would increase the workforce too.*

#### *Change of Street Name – "Sea Gull Lane"*

*Mark Mallett: Change of street name....received a call from Mrs. Begley in Avalon Manor...she lives on Seagull Lane...there is a street named Seagull Road in Avalon and Mrs. Begley does not get her mail, magazines or newspapers because they are being delivered to 5 Seagull Road as opposed to 5 Seagull Lane. She has contacted the post office and still has been unable to get this resolved. Would like us to change the name of the street.*

*Steve Barry: What is the cost to us?*

*Vince Orlando: It has to be done by Ordinance, Joe handles the tax map changes through Van Note Harvey.*

*Jim Pickering: So there is some expense involved.*

*David May: We could charge \$100 for the new tax map.*

*Jim Pickering: And the publication notice for the ordinance.*

*Mark Mallett: If we found out the cost and made it cost neutral to the Township, is that something that we would consider?*

*Susan DeLanzo: I don't have a problem with it.*

*Mark Mallett: If we could come up with some amount, then I could talk to her about that.*

*Susan DeLanzo: What does it cost for a street vacation, \$250?*

*Jim Pickering: We are going to approve an ordinance on that topic directly to make sure that everything is cost neutral to the municipality.*

#### *Request for Road/Water/Street Light – 11<sup>th</sup> Street*

*Kimberly Tomkinson: First item to be presented is a request for a road, water and street light on 11<sup>th</sup> St.*

Mark Mallett: *John Bellace and Ed Wendell have come in and want to talk about their roadway in the area that they are living in.*

*John Bellace: I want to give you a very short synopsis and I want to put this in 3 different things. Amenities, which is what Mark was just describing, the second is drainage pipe in the road and the last one is land development on 3 separate things. The amenities part; we have one street light that went in in 2007, we don't have any water, we don't have any road. We have owned the ground in our family since 1952, when our taxes were about \$600. When we moved our houses in in 1982 our taxes went to about \$1300. In the 25 years since assessment and reval in 2007 our taxes went from \$1300 to around \$2700. Then 2007 came and we went from \$2700 to almost \$4200 in one year. And again for that we have no street lights, no road, no water. What we get from the Township is public works that does a nice job of clearing our road when we call them and taking care of mowing one side of the road with the equipment and is responsive when we need things. My compliments to them. We also get police protection, the 4 times that we have been broken into and the officers have been professional, courteous and responsive. We have been broken into 4 times because there is nothing there. As we go along we are trying to figure what we are getting for our \$4200 in taxes, and at this point, we don't know. We asked for a road, we were promised that we would be put on a schedule for a road between Poplar and Main and between 10<sup>th</sup> and 11<sup>th</sup> on Main, which is 2 blocks. We are still waiting. The water that we were told we would possibly be included in a grant program with the water company, that kind of just went by the way. Here we are 2008 and we don't have either one. The water is behind us, it did go in on 10<sup>th</sup> Street. There are 7 houses in that square block and maybe 2 have water, but we were never offered it, never came to us to see if we wanted it. I showed the Mayor and I showed Mark pictures of what it is like on our road at night and to say it is dark would be an understatement, it is pitch black. What we are asking for is a street light like we were promised, a road between Poplar and Main and on Main between 11<sup>th</sup> & 10<sup>th</sup> and water. The second thing is the drainage pipe. At the corner of 11<sup>th</sup> & Main there is a drainage pipe that runs under the roadway. I worked for the JIF for years, so I know what a safety hazard this is. Not only is it a safety hazard because it is open on both ends with no grading in front of it, but it can't drain anything when it is 6 or 8 inches above the ground, it can't drain anything. The only thing it can do is that if the other side is higher than the side, which is on Ed's ground, it will run it back on, and it does, because water can't go into the pipe and through and it floods part of his ground and the road, it is graded that way and the pipe can't do anything the way it is situated. The third one is land development; we recently received a letter in regards to a developer that was asking the NJDEP to give him a Letter of Interpretation in regards to the wetlands, which is on the opposite side of Main Street all along on the backside of 11<sup>th</sup> Street. No one can tell us what this is in regards to other than he might be developing the ground he might not be. He might be putting in one house, he might be putting in 12 houses. But, our issue is when we put our homes in there we had to develop a plan through the County Board of Health and through the Township to put in septic systems, which we did. We met everything with permits. If this developer is in the wetlands and has to put in extra fill for the septic, where is the run off going to go, where is it going to go and how high does he have to go up, even if he can develop it. So, there are issues and concerns. We undertook a large cost to put pole lights on the front of our houses just to light up the front of our properties. Ed was just broken into 2X's within 3 weeks this year. He put a light up just to light up the whole side yard, plus the damage they do to the house. Thank you for your time.*

**Legal:**

Donation of Block 1220 Lot 2

Kim Tomkinson: *Jim Pickering, did you want to speak regarding the donation of Block 212.03.*

*Jim Pickering: Today I got a phone call from Tom Fahlen, an attorney, representing an estate. There is a parcel that the estate wants to donate to the municipality. It's a small piece on old 147, North Wildwood Blvd. and has a total assessed value of \$300. It is unbuildable, but there are a few things going on that I think it would be worthwhile for the municipality to have that. We would loose \$3 a year in taxes. Ok, I can put that on the next agenda.*

Mayor Doughty: *Yes.*

**Construction/Plan/Zoning:**

**Recreation:**

**Police:**

**Buildings and Grounds**

**RESOLUTIONS:**

RESOLUTION – WAIVING REQUIRED PERFORMANCE GUARANTEE FOR SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 1 NORTH FIFTH STREET, RIO GRANDE A/K/A BLOCK 1480 LOT 4 ON THE TAX MAP OF THE TOWNSHIP OF MIDDLE

*Kim Tomkinson: Next is a resolution waiving the required performance guarantee for site improvements for property located at 1 North 5<sup>th</sup> Street, which is Rio Grande aka Block 1480; Lot 4 on the tax map.*

*Jim Pickering: I had asked that this be put on the agenda. This is a request from the Association for Retarded Citizens....*

*Steve Barry: They are withdrawing their request.*

*Jim Pickering: I spoke to their attorney today to ask them to look into another way to do this. They are going to get a tri-party agreement from their financing bank, so this is no longer necessary and can be withdrawn from the agenda.*

**ORDINANCES:****(SCHEDULED FOR ADOPTION)**

ORDINANCE NO. 1326-09- TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112-2, SECTION 4, THEREOF, ENTITLED "CONSTRUCTION CODES, UNIFORM FEES."

**(SCHEDULED FOR ADOPTION)**

ORDINANCE NO. 1327-09 – ESTABLISHING REQUIREMENTS FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR RECREATION EMPLOYEES AND VOLUNTEERS

**(SCHEDULED FOR ADOPTION)**

ORDINANCE NO. 1328-09 – VACATING A PORTION OF ROOSEVELT AVENUE

**(SCHEDULED FOR INTRODUCTION)**

ORDINANCE NO. 1329-09 – AMENDING CHAPTER 48, ENTITLED PUBLIC RECORDS

**(SCHEDULED FOR INTRODUCTION)**

ORDINANCE NO. 1330-09 – REVISING CHAPTER 13 OF THE CODE REGARDING THE ESTABLISHMENT OF A SHARED COURT OR A JOINT COURT WITH ANOTHER MUNICIPALITY

**(SCHEDULED FOR INTRODUCTION)**

ORDINANCE NO. 1331-09 – TO SELL TWP. LAND TO HABITAT FOR HUMANITY

*Kim Tomkinson: Ordinance 1329-09, an ordinance amending chapter 48, entitled Public Records, is scheduled for introduction.....*

*Jim Pickering: I had emailed everybody about this. This has to do with a recent case in Mercer County which kind of supports the decisions of some judges that under the OPRA Statute, the numbers that we have adopted before that explicitly say that a municipality can charge this, this, this and that, is not what the intent of the Statute was and instead has to be a number that is the actual cost of reproducing the copies and not include labor costs. Dave DeWeese, who is council for the JIF, sent a memo that we should determine what our actual costs are. The cases involving this have generally been settled at 15 cents per copy. The county has a 15 cent rule that it adopted through a settlement of a class action lawsuit. This proposed ordinance will change the municipality's fee to 15 cents across the board.*

*Madelyn Filipski: Could you speak as to how COAH housing is taxed? Is it the same tax base that everyone else pays.*

*Jim Pickering: It is not, it is the lower rate. If a COAH compliant unit is sold to a family and they pay the subsidized value of let's say \$120,000, they will pay their taxes on \$120,000, they don't pay it on the market rate, they pay it on the \$120,000.*

*Madelyn Filipski: If it sells later.....*

*Jim Pickering: If it sells later and it is outside of the COAH compliant sale, then it would go to market rate, but they can't sell it outside of the COAH compliant sale, it is deed restricted and after 30 years it goes back to being a market rate unit.*

*Madelyn Filipski: Very glad we joined the other communities around us on the OPRA charges. Thinks there should be a refund to the people who have been charged more, believes that was part of the county case also.*

*Jim Pickering: I can tell you that the case law up until this Mercer County case applied and the case law actually emanated from the class action involving clerks where there is an explicit statute stating what the fee can be and that it can only be what the actual costs are. So, up until this Mercer County case there is no reported Superior Court Case indicating that is what the law should be.*

*Vince Orlando: I would like to say one thing before we end the work session. Myself and Mr. Mallett went out to look at some of the roads and started to develop a game plan for some projects. The Mayor brought to my attention that there is a little bit of money left from the last bond ordinance, approximately \$80,000 and to come up with a small road to do as part of that. During our visit we looked at 1<sup>st</sup> Avenue on the other side of the Parkway, probably about 8 years ago the back half was done and we stopped about 300 feet from Golf Club Road. That second section really needed to be done, but we had limited funds. It may not be a bad idea to do that portion. There are some severe drainage problems during heavy rains. I would like the Committee's feelings on this project, would you like to proceed or wait and do a whole big project.*

*Mayor Doughty: Makes the motion.*

*Susan DeLanzo: Do you know approximately what it will cost.*

*Mayor Doughty: No, because we have to give him the go ahead.*

*Vince Orlando: I will go out and measure it up and come back to the committee with an estimate.*

**MOTION TO ADJOURN THE MEETING:**

*Meeting adjourned 4:27.*

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Kimberly Tomkinson, Twp. Clerk

Minutes prepared by D. Stimmel, Deputy Clerk