

Cape May Court House, NJ  
 May 4, 2009  
 REGULAR MEETING  
 FLAG SALUTE  
 THIS MEETING IS BEING RECORDED:

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

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

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

Mayor Doughty: What did she just say.

Kim Tomkinson: Dan, just so you know, I want to hold all budgetary items until the end, we do have a public comment or public portion at the end for that budget. I want this to be everything else except the budget so we can get everything else going.

Dan Lockwood: Sorry, didn't hear that. The other one was the Maser Consulting for \$30,000. Is there a grant backing that \$30,000 contract or is that additional above and beyond.

Mark Mallett: No there is not a grant. That is part of the...they have done a lot of the stuff with COAH and the Smart Growth and the Master Plan items and it is a Professional Services Contract.

Dan Lockwood: So that is not outside of the normal budget, or I should say they were initially hired under a joint agreement with Dennis and Upper.

Jim Pickering; There was a partial grant related to that. That grant was 3 or 4 years ago and that grant has run out. This is to cover for the expenses of 2009, at least some of the expenses.

Dan Lockwood: Ok, thanks.

2. RESOLUTION NO. 207-09 – APPROVING PAYMENT FOR ALL BILLS – On motion by Mayor Doughty 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	\$ 6,608.41
Current Acct.	\$ 3,265,329.56

3. RESOLUTION NO. 208-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
4. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of April; Municipal Clerk for the month of April; Tax Collector for the month of April;
5. ORDINANCE NO. 1318-09 – AMENDING CHAPTER 218, SUBDIVISION/SITE PLAN, OF THE CODE OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1318-09 was adopted on motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

SECTION 1. Section 218-47, Application for development fees is revised, amended, and supplemented by the following:

Application fees required as part of a development application for the purposes of covering technical, investigative and administrative expenses involved in processing the application and revision of Township tax maps and Township records:

Category	Application Fee	Escrow Fee
24. User Charges & Fees	\$100 per lot for Subdivisions, &	None

each Easements

6. ORDINANCE NO. 1319-09 – AMENDING CHAPTER 188, SECTION 188-2, ENTITLED PARKS AND RECREATION – Following second reading, hearing, and consideration for adoption, Ordinance 1319-09 was adopted on motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

SECTION 1. Chapter 188-2, Subsection A, of the Code of the Township of Middle is hereby deleted and replaced as follows:

While in a public park or recreational area, all persons shall conduct themselves in a proper and orderly manner, and, in particular, no person shall:

- A. Have in his or her possession alcoholic beverages, narcotic drugs, or other controlled dangerous substances.

7. ORDINANCE NO. 1321-09 – TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 131, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES – Following second reading, hearing, and consideration for adoption, Ordinance 1321-09 was adopted on motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

SECTION 1. Chapter 131-6 of the Code of the Township of Middle is hereby deleted and replaced by the following:

Chapter/ Section	Short Description
131-6 (A)	The Township of Middle shall contract with a third-party billing agent who shall issue a bill in the amount of \$550.00 in each instance where EMS services are provided. Said bill shall be issued to the insurance company providing coverage for the person serves, if any, or directly to the person serves if insurance coverage is not available.

(B) In addition to the amount billed pursuant to Subsection A above, the third party billing agent shall also bill for “load miles”. Load miles are those miles traveled by an EMS vehicle from the location where the patient was initially transported to the end destination. Load miles shall be billed at \$8.00 per load mile.

8. RESOLUTION NO. 209-09 – APPROVAL FOR PAYMENT TERMINAL LEAVE – CATHERINE MURPHY – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, Catherine Murphy has submitted her resignation with an effective date of April 10, 2009, and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time, and WHEREAS, final payment is requested to be made during the month of May, 2009, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

Catherine Murphy		
Vacation Hours	35	612.50
Personal Hours	4	70.00
Balance Due		<u>\$ 682.50</u>

9. RESOLUTION NO. 210-09 – REDUCTION OF PERFORMANCE BOND – AVALON DEVELOPMENT & GOLF INC. – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Barry Abstained.

WHEREAS, \$48,544.80 is being held as a performance guarantee for Avalon Development & Golf. Inc. for site improvements at Block 114, Lot 10, also known as Rte 9 North, Swainton, and WHEREAS, the Conflict Engineer has conducted his inspection and determined that improvements having a value of \$44,544.80 have been completed, and WHEREAS, the Zoning Official has recommended that the performance guarantee for the above stated project be reduced to \$4,000.00.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Tri-Party Allocation Category Agreement be and is hereby reduced to \$4,000.00.

10. RESOLUTION NO. 211-09 – RELEASE PERFORMANCE BOND – DR. SALARTASH – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, \$88,233.00 is being held as a Performance Guarantee for Dr. Salartash for site improvements at Block 212.01 Lot 14.04, also known as 3 Broadway, Cape May Court House, and

WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and

WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Tri-party Allocation Category Agreement be and is hereby released.

11. RESOLUTION NO. 212-09 – AUTHORIZE APPLICATION AND PARTICIPATION IN THE NEW JERSEY COMMUNITY WORK EXPERIENCE PROGRAM / CWEP – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle wishes to apply to the New Jersey Department of Labor and Workforce Development to participate in the Community Work Experience Program, otherwise known as CWEP, as a host agency, and  
WHEREAS, is scheduled work activity for selected individuals receiving assistance from the County One Stop Career Center, and  
WHEREAS, the CWEP program provides the participant with a stable, supportive environment in which to learn and develop good work habits and valuable skills which they can use to build a resume when searching for employment, and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to apply and participate in the New Jersey Community Work Experience Program / CWEP.
12. RESOLUTION NO. 213-09 – PEACE OFFICERS MEMORIAL DAY PROCLAMATION – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, The Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which May 15 falls as Police week, and  
WHEREAS, the members of the Middle Township Police Department of the Township of Middle play an essential role in safeguarding the rights and freedoms of the citizens of the Township of Middle, and  
WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities, of their police department, and that the members of the Middle Township Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression or intimidation, and  
WHEREAS, the men and women of the Middle Township Police Department has grown to be a modern and scientific law enforcement agency, which provides a vital public service.  
NOW, THEREFORE, I, F. Nathan Doughty Jr., Mayor of the Township of Middle, do call upon all citizens of the Township of Middle and upon all patriotic, civic and educational organizations to observe the week of May 10<sup>th</sup> through May 16, 2009, as Police Week with appropriate ceremonies in which all our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in doing so have established for themselves and enviable and enduring reputation for preserving the rights and security of all citizens.  
I FURTHER call upon all citizens of the Township of Middle to observe Friday, May 15, 2009, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.
13. RESOLUTION NO. 214-09 – AUTHORIZE REQUEST FOR FLEA MARKET – ANIMAL ALLIANCE OF CAPE MAY COUNTY – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
WHEREAS, the Animal Alliance of Cape May County has requested permission to hold a Flea Market at the Animal Alliance Education Courtyard, located next to the Cape May County Animal Shelter on Moore Road, and  
WHEREAS, the Chief of Police and Zoning Office have no objection to said event, and  
WHEREAS, the organization has received written permission by the County of Cape May, owner of the property, to hold the event on said property.  
NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, does hereby give permission to the Animal Alliance of Cape May County to hold a Flea Market at the Animal Alliance Education Courtyard on Moore Road, in Cape May Court House.  
BE IT FURTHER RESOLVED, that a copy of this resolution shall be given to the Middle Township Police Department, Code Enforcement and Zoning Departments for notification.
14. RESOLUTION NO. 215-09 – RELEASE OF PERFORMANCE BOND – DISCOUNT HYDRAULICS / LINDA FULFORD – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, \$26,754.00 (plus interest) is being held as a Performance Guarantee for Discount Hydraulics / Linda Fulford for site plan improvements at Block 472, Lots 76, located 210 Route 47 South, and  
WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and  
WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and

WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond held in the name of Discount Hydraulics/Linda Fulford be and is hereby released including any and all interest included therewith.

15. RESOLUTION NO. 216-09 – ENDORSING APPROVAL CERTIFICATE FOR NEW/USED MOTOR VEHICLE DEALER – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, Roman P. Osadchuck t/a Good to Go Auto Sales LLC. wishes to apply for a new and used motor vehicle dealer license, and WHEREAS, said applicant is leasing the property located at 1166 US Rte 9 South, Cape May Court House, New Jersey from CAS, Inc. t/a Main Street Auto Sales; and WHEREAS, neither the Zoning Official nor the Police Department have any objections to said endorsement. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk is hereby authorized to sign the Approval Certificate.
16. RESOLUTION NO. 217-09 – CLOSED SESSION – PERSONNEL MATTERS (DISCUSSION ON CIVIL SERVICE POSITIONS) AND PENDING LITIGATION (MACRIE V. MIDDLE) – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
17. RESOLUTION NO. 218-09 – APPROVE APPLICATION FOR BINGO LICENSE – VOLUNTEER FIRE COMPANY – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Authorizing various bingo dates for Middle Township Fire No. 1 at 116 Swainton Goshen Rd, CMCH, NJ 08210
18. RESOLUTION NO. 219-09 THROUGH 221-09 – SOCIAL AFFAIRS PERMIT – THE WETLANDS INSTITUTE (ITEMS A THROUGH C) – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Authorizing various dates for social affairs permits for Wetlands Institute
19. RESOLUTION NO. 222-09 – ACKNOWLEDGMENT OF TERMINATION – TELECOMMUNICATIONS – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following termination listed below, is acknowledged under good cause.

EMPLOYEE DEPARTMENT POSITION EFFECTIVE

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Nicole Canova	Public Safety	Telecommunications Operator P/T	05/04/2009
Kimberly Carpenter	Public Safety	Telecommunications Operator P/T	05/04/2009
David Lee	Public Safety	Telecommunications Operator P/T	05/04/2009
Maryanne Michael	Public Safety	Telecommunications Operator P/T	05/04/2009
Steve Smearman	Public Safety	Telecommunications Operator P/T	05/04/2009

20. RESOLUTION NO. 223-09 – APPOINTMENTS – NEW HIRE – PART TIME TELECOMMUNICATIONS OPERATOR – 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 employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	WAGE	EFF. DATE
Kelly Mulligan	Public Safety	PS Telecommunications Operator Trainee P/T	\$10.59 ph	05/04/2009
Lauren Anzelone	Public Safety	PS Telecommunications Operator P/T	\$13.46 ph	05/04/2009

21. RESOLUTION NO. 224-09 – TITLE CHANGE – VARIOUS EMPLOYEES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby approved to the Title Change and salary opposite their name:

Name	Title	Salary	Eff. Date
Marilyn Miller	Senior Citizen Activity Coordinator	\$30,500.00	05/04/2009
Joyce Weber	Senior Tax Clerk	\$26,292.00	05/04/2009

22. RESOLUTION NO. 225-09 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – COMMUNICATIONS CONSULTANT – VARIOUS COMMUNICATIONS

PROJECTS – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and

WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following submission shall be awarded as follows for a term effective January 1, 2009 through December 31, 2009.

VComm – Various Telecommunications Projects – Not to exceed \$30,000.00

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

23. RESOLUTION NO. 226-09 – READ BUDGET BY TITLE ONLY – ADOPTION – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Township Municipal Building and copies have been made available to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

24. PUBLIC HEARING ON 2009 MUNICIPAL BUDGET:

Vilma Pombo: In previous years and this year too as far as I know the budget showed an \$850 budget expenditure for an Environmental Committee that we don't have. Why is that in there when you don't have that committee?

Tracey Taverner: She is talking about the ordinance, not the salary resolution. There hasn't been anybody in that position for, I can't tell you how many years, but the position is still listed in the ordinance, there is no definite reason for us to take it out. Its not funded, its not a position, nobody has it....the salary ordinance just states the ranges that we can pay somebody in any specific title. So, if there is an employee with that specific title, they need to be within that range.

Kim Tomkinson: This ordinance is the original ordinance. You see how from time to time we have to amend an ordinance or reintroduce an ordinance to add a title like last time we reintroduced it, it was for assistant public works director. Even though that person might no longer exists, we would keep that range in there because if not you are going to have to reintroduce and readopt the ordinance to give someone that title. Do you know what I mean. So it is the original ordinance that has always been cast with some moderation that changes from year to year. So that title that was here when they had the Environmental Commission they just chose not to remove it in case they do once again reappoint someone to that position.

Dan Lockwood: It was brought to the attention of us earlier that page 40A wasn't in the budget that was originally submitted. It was a narrative on the capital expenditures.

Glen Ortman: There is no narrative, it is a blank page. There is no narrative, there is none completed for the capital department.

Dan Lockwood: The reason I was bringing it forward at this point is one example was given for the hockey rink in that it was budgeted in prior years. The budget that I have from last year doesn't have pages including the capital budget in the layout, but is that where something like that would have been laid out.

Glen Ortman: It was a project that was funded in a prior year by a previous ordinance and would not be laid out in the narrative section at all.

Dan Lockwood: Would the future capital budget be laid out there.

Glen Ortman: Just future capital budgeting, ordinances have not been adopted or introduced yes.

Dan Lockwood: It just seems to me that in the past there has been a straddle, let's call it, between the budget and then the committee adopting the capital projects and it doesn't end up on either side. I know it is adopted and documented in a regular meeting, but it doesn't get put down in this type of format so that we see it, so that it shows up there....

Glen Ortman: One thing that I am sure you realize is that sheet 40A, 40B and 40C, they are all a plan, that is not an actual budget. It is an actual plan, what they plan to do in the upcoming year and the upcoming 6 years if they project out that far.

Tracey Taverner: Even if there is a narrative listed, I can amend and change that at any time during a meeting. It is not something that is written in stone once it gets on that narrative or gets in that capital budget.

Dan Lockwood: I understand that. You don't have a foundation or a baseline you are not going to see where it strays. I know that after November you can start moving....

Tracey Taverner: That doesn't have anything to do with the capital issues. We do actually have a plan and maybe that is something that maybe Mark and I need to....you know, for next year....

Mark Mallett: We have had a couple of....actually we had 2 or 3 meetings talking about the different capitals, at the first meeting we talked about the capital, I am not sure that you were there at that one Dan, was basically going through with the wish list of all the various departments and that certainly whittled down what we are going to be spending in 2009 and also teeing up some of the out years that we have talked about and I think that a few weeks back we went through that and if you want to come in, we can talk about some of those items again. I know some of the things that we have discussed and talked about may not be laid out on page 40A and I am not sure if that is something that we need to do or not.

Dan Lockwood: I thought that it would be interesting in the future to possibly put it on paper what the committee or the accounting component or the administrative component of our government is thinking about in going forward as far as out the capital outlay. Our debt service has climbed over the last 4 or 5 years and my point is that even though most municipalities can borrow money fairly cheaply is with improvements to spread them out and try to distribute the burden on the taxpayer. It's like that 0% credit card, you know cheap money spends quick and then all of a sudden, you know, this things do, it is time to pay back the debt and we still owe a lot of money at the end of the day.

Mark Mallett: Just to talk about some of the long range capital that we have spent, it is really for the growth and the future of Middle Township. Those are projects that are really improving the Goshen Center because this year we are looking at purchasing the firehouse, doing some sidewalks and curbs....

Dan Lockwood: Don't get me started....

Mayor Doughty: He is just giving you the facts...

Mark Mallett: So there are....but the firehouse is really for the long term of the community, we have the facility right adjacent here and that has been talked about as the reasons why.....

Dan Lockwood: And I am not disputing any merit in the expenditures. I am just trying to get more information so I am familiar with what is going on and again 40A seemed to be the opportunity to do that in the budget. I know it is not hard numbers, but it lays it out and there are a lot of questions like what are we buying the firehouse for when they move, is there a number, is there a contract, you know, what is the final number on the fire department. I know that that budget doesn't fall under this department, but you know it certainly falls in the laps of the taxpayers when it is complete. I just thought that would be useful for the residents to know. For instance my understanding is we have signed a contract with Albrecht & Heun for the hockey rink so is that true that it is not an option to pull back on that project, that is going to happen?

Mark Mallett: That is correct. They have already started construction on it.

Dan Lockwood: Right, vs the dog park....we've temporarily delayed the dog park or.....

Tracey Taverner: The ordinance was issued but we have not issued any contracts to anyone for any work related to the dog park.

Dan Lockwood: We are going to try to keep some of that in house I think that the Mayor said, so that we can keep costs down, which is a great idea, but again we are committed to the \$400,000 project and we sort of put the \$25,000 project on hold. That is all, just trying to get more information on the Capital...on the budget. Thank you.

Peggy Mathis: In relation to purchase of the firehouse, that is going to go out on debt services? We are going to go for a bond on that? Is that what the plan is?

Mark Mallett: Yes it is.

Peggy Mathis: Now, several years ago we had sold a piece of property that was a substantial amount of money and that money was supposed to be earmarked for the firehouse. What happened to that money or I know that the last time I asked this they were in arrears and they weren't paying the Township the money and they were being charged late fees and stuff like that. Are we going to get that property back? Just curiosity and also with the evaluation of properties this time as much as it has gone down, is the value of that firehouse still \$1.2 million?

Mark Mallett: An appraiser would probably be the best person to speak to regarding that. However, typically, and Joe you may want to chime in, when you take a look at public buildings, their value tends to remain pretty stable. They are not a commercial building, they are generating revenues, it is not a residential property where it is easy to get comparable sales on. So, more times than not their value stays relatively consistent. Now I am not an appraiser and I don't claim to be, this is just my general knowledge.

Peggy Mathis: Ok, can you tell me where the money for that piece of property that we had sold at the a.....is that money still earmarked from the sale of that piece of property?

Jim Pickering: I don't recall that being specifically earmarked. What I can tell you is that the Township has a very sizeable capital fund I believe, what is it Glen?

Glen Ortman: As of December 31<sup>st</sup>, it is \$1,938,700 and you are adding another \$987,000 to it this year.

Jim Pickering: So it will be nearly \$3 million by the end of this year.

Glen Ortman: So that money is set aside for future capital improvements, yes.

Peggy Mathis: Ok, so it is still there. Now, also, on the arrears on that property, are they up to date on their payments or are they still behind?

Jim Pickering: They are currently up to date. We did file an action against them, the Township has enjoyed the benefit of a resolution of the action by receiving an additional \$460,000 from the purchaser of the property, which was paid by the 12/31/08. We are expecting further payments by the end of this year as well.

Peggy Mathis: I did look at the budget, I don't have it in front of me right now, I saw in the ambulance fees the money collected and the salary & wages and O&E added together, it was still...I couldn't see the benefits part, but there was where we made money on the ambulance and stuff like that about 60 some thousand dollars and I imagine that was eaten up by the benefits associated with the ambulance. Now we are going to be starting to charge \$500,000, would that also cover the expenditures we are going to have for a 3<sup>rd</sup> party to do the billing?

Mark Mallett: We have had a 3<sup>rd</sup> party doing the billing for quite a while who do an excellent job.

Tracey Taverner: We have always had that.

Jim Pickering: The 3<sup>rd</sup> party has done the billing since the inception of the program. They take, I believe it is....they take a percentage of which they collect.

Mark Mallett: The new amount that we just.....

Jim Pickering: We just awarded that contract....

Mark Mallett: I think it is 6%...

Kim Tomkinson: 5.9%

Peggy Mathis: Does the Township contribute to the ambulance purchases of the vehicles themselves and the maintenance or is it just for the employees.....

Mark Mallett: It is in the budget, you will see \$80,000 that goes to the ambulance corp; \$40,000 to Court House and \$40,000 to Rio Grande, and that is to offset their various expenses and supplies.

Peggy Mathis: Ok, and the other expense part....I guess they have other expenses too that are for paperclips and ....

Tracey Taverner: The O&E portion of the budget for EMS, the bulk of that money, I think all but 9 or 10 thousand is what we pay out to the 3<sup>rd</sup> party biller.

Peggy Mathis: OK, that is all I have. Thank you.

Dan Lockwood: Sorry, under Resolution #26, which I assume is all encompassing here it says see attached, I didn't see

Kim Tomkinson: It is attached to your agenda.

Dan Lockwood: I printed mine out...

Kim Tomkinson: Ok, does anyone around you have.....

Dan Lockwood: Ok, does this by chance include the adjustment to have the Host Community Benefit fee included into the budget....,

Tracey Taverner: The expense has always been included, the revenue has not been included as a specific line item, but we have....from the beginning we included the fee associated with the Albrecht & Heun or anything with the ticket fees or any of those purchases.

Dan Lockwood: I'm sorry, let me just slow you down on that, from the beginning what you have always included Albrecht &.....

Tracey Taverner: The introduction of the budget...the introduced budget included an increased line item to compensate for those expenses.

Dan Lockwood: Because I had asked about that in a presentation that you did and....

Tracey Taverner: It was in there, but I believe the question that may have been answered was why the revenue wasn't there. I mean, I could be wrong also, but that is what I believe the question....I had said the expenditure portion has always been included, the revenue at this point has not been included.

Dan Lockwood: Is there a reason?

Glen Ortman: You don't have a history. Until you have a history, then we will put it in there next year.

Dan Lockwood: Well then you don't have the expenses then either.

Tracey Taverner: Yes we do.

Glen Ortman: We have a history of expenses, yes.

Dan Lockwood: Well, then why didn't we write a check for the expenses then?

Glen Ortman: You had the expenses budgeted this year. They estimated approximately \$55,000

Tracey Taverner: Based on prior years.

Glen Ortman: Based on what you purchased from them in prior years.

Dan Lockwood: So that is what we wrote checks to Future Mining & Recycling for on prior years?

Tracey Taverner: No.

Dan Lockwood: Well why did they write them a check if we had an expense.

Tracey Taverner: We used prior year history, I believe Mark and I looked at 5 or 6 years to determine what the invoicing would have been had we been paying over those years. We took an average of that to anticipate an expenditure for this year.

Mark Mallett: And that's items such as topsoil, mulch and...

Dan Lockwood: I understand that, but the reason that you did not write a check was because...

Tracey Taverner: In prior years?

Jim Pickering: The reason is because as we all know, because it has been discussed at this meeting many, many times, it is because there was a running account that the Township used with A&H and there was an offset.

Dan Lockwood: So we have a history of revenue?

Glen Ortman: You have a history of what it was in the prior years, yes. Now, we have to make sure first off that they are going to make payments this year. I would not ask the Township to budget a revenue when there is going to be a deficit in that revenue at the end of the year. That would be my concern. That money should come here.

Dan Lockwood: Your thought is regardless of whether it goes there or here or somewhere else we are going to have to.....

Glen Ortman: Right, and when and if that money comes in in 2009, that will go into miscellaneous revenue, not anticipated, that will go into your surplus. You will then budget that revenue next year as a separate item of revenue.

Dan Lockwood: Ok, thank you.

Public Portion closed.

25. RESOLUTION NO. 227-09 – SELF-EXAMINATION OF BUDGET – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and  
WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

#### CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated \_\_\_\_\_

By: \_\_\_\_\_  
Chief Financial Officer

26. RESOLUTION 228-09 – TO AMEND 2009 BUDGET – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
See attached
27. RESOLUTION NO. 229-09 – ADOPT 2009 MUNICIPAL BUDGET – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that it is hereby declared that the Local Budget of the Township of Middle for the year 2009 was introduced and approved at a special meeting of the Township Committee held on March 30, 2009 and was thereafter advertised in the Herald-Times in its issue on April 8, 2009 which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing.  
BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2009 was hereby read by title only, and also had public hearing on May 4, 2009.  
FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2009, and  
FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2009 is hereby adopted with amendment.
28. RESOLUTION NO. 230-09 – AWARDING EXECUTION OF FAIR AND OPEN CONTRACT – PLANNING CONSULTANT – MASER CONSULTING – On motion by Committeemember Barry seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et seq., and  
WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and  
WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following submission shall be awarded as follows for a term effective January 1, 2009 through December 31, 2009.

Planning Consultant – Maser Consulting – not to exceed \$30,000.00

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

29. RESOLUTION NO. 231-09 – AUTHORIZING APPROPRIATE OFFICIALS TO REMOVE TITLE FROM STATE DOP AS SOLICITED – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate municipal officials are hereby authorized to request from the New Jersey Department of Personnel that the listing for “Deputy Municipal Administrator” be removed from the listing.

30. PUBLIC COMMENT:

Steve Barry: I want to urge everyone to come to the COAH meeting tomorrow, and if you haven't already done so, submit any questions that you would like to have answered to Jill Zarharchuck so that they can get on the agenda, although you can do that there too, you can do it when you get there.

As part of the budgeting processes, it took a lot more time, a lot more scrutiny this year than in the last couple of years because we are under so much budget pressure, these are such tough times, and obviously some people are disappointed when certain projects didn't get funded or salary adjustments were not as good as people had hoped for, so as part of that one of the things that Township Committee did was eliminate the Health Department salary for Township Committee members and eliminated health benefits for Township Committee members. At the end of the year we anticipate eliminating some additional health benefits for other people but we did not want to do that in mid year. The challenge in this years budget was frankly to avoid layoffs. This is not a time, I certainly felt, when we could take a chance in reducing public safety and the condition of public property, but it is going to be a real tough challenge next year so we are going to do and Mr. Mallett and Mr. Ortman are going to do, and Tracey over the balance of the year is test on a frequent basis how we are doing within the budget to make sure that we don't get to the end of the year and have overspent any line items. So, it is going to be a tough year and I want to prepare everybody for that, but I thank you for your patience.

Susan DeLanzo: I actually just wanted to make a few comments. This evening we had the terminal payment for Catherine Murphy and I would love to just take a moment and if you haven't had the opportunity to meet Catherine, to tell you a little bit about her. The meeting before, we accepted Catherine's resignation. Catherine resigned due to health reasons. I would like to just tell you some of the things that she did for our community, if you didn't know her. Catherine lives on Indian Trail, she grew up here in Middle Township and her family name is Francis, you may know her many family members. She moved away after graduating college and her last job before she returned home, she was an administrator in the North Jersey school system, a very bright and talented woman. For her retirement she decided to move home here in Middle Township and to give back to her community, and she chose to do that by being the Director of our Senior Center. I feel most privileged to have first of all known her and to work with her and it is just wonderful what she has done for us. She was here for 8 years with us in the Township and she is home recuperating and we wish her the best of health and the best for the future. I just wanted to publicly take time to say thank you for all the many things that she did for us and you know, she is just like many of us, many people who live here, even when they grow up here and they come back to give back to Middle Township, so it is one more person we can be proud of and I just didn't want that to go by without just saying a few words for the much dedication and I would have to say not only did she touch many children's lives in the school system, she came back and touched the seniors here in Middle Township. She is quite a remarkable woman and it would be wonderful if we could have her come in one night and recognize her. I am hoping we can do something at the Senior Center, so I will keep you posted on that and maybe you will have the opportunity to come and celebrate the many things she has done for us.

Steve Barry: She's a wonderful person; she is just like the rest of us only much smarter.

Susan DeLanzo: Oh, she is brilliant. She is a good person and I just wanted to say thank you to her.

Mayor Doughty: Ok, Saturday we had the rabies clinic down at the public works, Steve was there. We had roughly 102 dogs, probably a few fights, but we all survived and it was another wonderful event put on by the Township and by the local veterinarians who handle this, good show of dogs and.....

Steve Barry: I had to help handle Ike and Tina. Ike and Tina were brother and sister, they are half Bulldog and half St. Bernard and they were friendlier than they looked, I can say that; they took some management. It was a great afternoon.

Mayor Doughty: Next, before we have another meeting we will have the 5<sup>th</sup> Annual Drum Fish Tournament, which helps in different recreation departments for monies that are needed. Last year we used the money we made to sod the football field, to give you an example. We have 25 boats as we speak; last year we had 47 boats at the end of the weekend. So this is a good thing, every year we are moving up and up and up. There are applications that can be gotten at the front desk, I have them up here. People haven't gotten their boats in yet but we are hoping to hit 50 by the 15<sup>th</sup>.

I happened to be with the Audubon Society the other day. The Audubon Society, one of their locations is in Middle Township in Goshen and on the 15<sup>th</sup> through the 17<sup>th</sup> it will be the birding weekend and they

asked me to bring this up and if you are not aware, tourism and boating are the main engines of Cape May County and Middle Township, but there is a little red knot on the front of it and you know, let's keep things going and that is being put on by the Audubon Society.

We had the opening day out at the rec, we are over 40 teams now in baseball, it is quite an event to see. Some people haven't been out there. I relinquished my first pitch to Steve Barry; he did better than I did, so I think next year he will take totally over on this and

Steve Barry: Yeh, let me do it from the mound next year...

Mayor Doughty: You can do it from the mound and not from the catcher's position and it is just a wonderful thing every year. We are given money by the Cape Medical Society up here, the hospital, which makes a donation to the community for the kids of this community and every year it helps to continue on this tremendous path that we are on out at the rec.

I would like to reiterate basically what Steve said that we have no layoffs in Middle Township. The services that we provide are just unbelievable and we had to work out and work through some of these things and I would like to compliment everybody that works for the Township of Middle because some of them will be sacrificing. So at that point and time I think it is a wonderful thing and we will be moving forward. At this point and time I will be opening up to the public, please raise your hand loud and clear. This gentleman right here.

Victor Norburg: I think it is very nice that you have a Drum Fish Tournament and Reed's Beach is a big part of that. If it wasn't for the Middle Township Beach Association back in the day, there might not even be a Reed's Beach right now. My concern right now, there have been several projects in Reeds Beach. In the meantime my father bought that house in 1972 and I am the present owner. Since I can remember there has never been anything done to the roads in Reeds Beach. It's a problem. All I did was the patchwork. There is money supposedly appropriated to redo that road back in the 80's that this jetty project was done and because there is so much heavy traffic from the construction of those jetties and the dredging that took place after that, they had that construction equipment that ran up and down there all the time, we have birding buses come in and out of Reeds Beach during the birding season, they all wear and tear on the road. Us poor residents that own on Reeds Beach are the ones that are suffering. It is time for this committee, this township to do something to improve that road at Reeds Beach. There have been people from that town, Reeds Beach, come before you before requesting it, I have been here before requesting that the road be done and nothing is getting done except for a little band aide once in a while. The other day I was coming by there and there is a pothole over 8 inches deep. Now it is filled up with sand, but that is not an answer. We need a permanent road on Reeds Beach that is passable, does not flood out when it rains. After you dredged it out this last time and pumped the sand on Reeds Beach, you only made it worse because now we have flooding every time we get heavy rain....6 to 8 inches of rain accumulates in the low spots. Also, to make it even worse, you have fisherman who fish along that area that was pumped in, you are now going to have bird watchers parking along that road and it is just that we can't hardly access our own properties on Reeds Beach. I would like to recommend at least on a temporary basis to restrict all parking on the bayside or the west side of Beach Avenue, especially along where it has been dredged in and stop it from being carried that sand into the roadway because it is just filling up the road so unless you go in there with a piece of equipment you only got like one lane and not even that sometime. I think where the fishermen are parking there, maybe you could do something and create parking on the middle side of that road right there. But I think you should really look at restricting parking, especially now that you have that sand barrier there that has been pumped in and you got the snow fence there to help create the sand from being washed in, but when they park there they are just collapsing that bank and making that there so that it gets impassable. You have an engineer here, I don't know if he has been out and looked at it lately, but it is a disgrace and like I said, I am a resident there, I have been there 37 years and I know that road hasn't been done anything to and it is a disgrace. I think it is time. I have talked to several of my neighbors and I am going to make you a promise tonight, the first of November the taxes will be due again, there will be a petition presented to this here and the people are going to start putting their money, their taxes in escrow. We don't have any school children on Reeds Beach, we get very little services except for trash collection, and we are getting more and more permanent residents there all the time. I am gonna retire in a couple of years and I will be a permanent resident there. I think it is time we get a permanent road. Thank you.

Lois Shuman: Mr. Barry, you had said a couple of minutes ago that you hope to see everybody tomorrow night at the COAH meeting. Is that not in fact on Wednesday night?

Steve Barry: You are absolutely right, Wednesday. I wasn't trying to mislead you, I somehow....yes, Wednesday, the 6<sup>th</sup> at 7:00 PM. It

Lois Shuman: Ok, glad you said that. On the check register you paid a gentleman Mr. Fulford \$28,000, sorry \$26,880. Is that for the resolution that you approved tonight?

Vince Orlando: That was for Joe Fulford, that was a Bond Reduction for his site for Discount Hydraulics.

Lois Shuman: Ok, is that a common practice to write out the checks before you approve it?

Tracey Taverner: The checks aren't released until the Township Committee approves the resolution and signs off on the bill list. The checks are always printed prior to today's date, however they are never released until, at the earliest, Wednesday or Thursday. There is still much more processing that gets done with them.

Lois Shuman: By any chance, are we still holding Future Mining and Recyclings \$100,000 bond? Is the treasurer's office holding it?

Tracey Taverner: I'm not holding it. Is it in Zoning escrow or something?

Lois Shuman: Is the Township holding it?

Vince Orlando: For what project?

Lois Shuman: The Bond that you recommended in Resolution #41-90 that they put up for their site on Goshen Road.

Vince Orlando: 4190?

Lois Shuman: Yes

Jim Pickering: You would have to show us the documents.

Steve Barry: She meant a resolution from 1990.

Vince Orlando: From 1990, oh, I don't know.

Jim Pickering: It is hard to imagine that that would still be out there at this point.

Lois Shuman: To imagine that it would still be out there, but you don't know for sure.

Tracey Taverner: I know that it is not in my funds. There is a remote possibility that it is in zoning escrow, but without looking at that bank account I can't tell you off the top of my head.

Jim Pickering: Is it a Performance Bond or what?

Lois Shuman: Well, it's a bond to make sure that any damage that they do would be repaired if they ever go out, this is under EDA.

Jim Pickering: Firstly this is a letter from EDA dated 2/1/1990. The resolution approved the recommendations, but that doesn't mean that they were ever adopted as part of the agreement between Albrecht & Heun and the Township. There was a subsequent resolution, I think it was in December, November or December, which set forth an agreement between the municipality and Albrecht & Heun regarding the a....

Lois Shuman: Not the agreement...

Jim Pickering: The agreement, yes

Lois Shuman: No, I thought that was 3 years later.

Jim Pickering: Ok, I thought that was in 1990.

Lois Shuman: No

Jim Pickering: Ok

Lois Shuman: Ok, thanks.

Jim Pickering: I don't know for certain, don't take my answer as a definite, I said I do not know for certain.

Lois Shuman: It was March of 1991.

Jim Pickering: That's what I thought

Lois Shuman: Ok.

Larry Newbold: Can you guess the topic, Mr. Mayor?

Mayor Doughty: You are doing the talking.

Larry Newbold: You are supposed to be the Mayor.

Mayor Doughty: I think we all know what it is, but continue on.

Larry Newbold: Four trips to Code Enforcement, 5 trips to the council so far. No corrections to the frenchman's home on Shadow Lane. No one lives there or visits the property. Grass and years of leaves wrap the entire property and years of trees and leaves in the gutters. Last time after hearing the problem, Elijah Scull visited the site the next morning and could not believe this was allowed in Middle Township. My neighbor also confronted code enforcement. Cutting grass is not an option, and not removing dead leaves is a fire hazard. Apparently the Township has over 50 lawsuits pending, and I gather that you people spend too much time in depositions and court cases, meeting with lawyers and of course the taxpayers pay. I noticed that the Mayor in the Atlantic City Press the other day got very upset with the situation down in Rio Grande with the trains. There sits a big eyesore down there and we just want it cleaned up. The Mayor says we gave them 2 years. That's nice to know. Middle Township is working to clean up other properties

nearby. Before I left here, the house right across the street, this is the current problem of grass, just for the heck of it if you would really like to measure it, it is over a yard high right now. This is what we are dealing with. Code Enforcement has said he didn't think the guy was still alive. I understand a letter was supposed to be sent to the French Embassy to see if he is still alive or not. I want to know what you are doing and when you are going to do it. Why you are not doing it, why you haven't done it.

Mayor Doughty: Mr. Mallett, do you wish to respond to that.

Mark Mallett: There is a memo today that I received from Jim Amenhauser, the Code Enforcement individual, and I believe grass has to be over 10" long before we will look at it as a code enforcement violation. If that is the case, 9 Shadow Lane I believe is the address....

Larry Newbold: It is 36" now.

Mark Mallett: Well, now there will be the debris picked up, the lawn mowed and a lien placed on the property. Actually there are currently liens from 2004 and 2005, where a 3<sup>rd</sup> party has a lien on it and they could foreclose on it if they so chose to. Taxes have been paid on it up through 2008, they are current on their taxes. As I mentioned last time, both the code enforcement officer and also our construction official walked around the house just to make sure there aren't any code violations regarding the house, such as broken windows, mold on the walls or ceilings or anything else like that indicating anything like leaking roofs. They said there is none of that. So, we are addressing the law issue because it now is a code enforcement violation and that is being handled.

Larry Newbold: How about the gas cans, the kerosene cans? They are in the shed in the back and the door is wide open. Mr. Scull and I both saw it there. Any kid could get in there and start a fire. This is pathetic that we would have to come here this many times, go to code enforcement, go here and bring this thing up repeatedly. The Mayor is concerned about the railroad tracks in Rio Grande. I am concerned about across the street and this has been going on for 15 years or better. Nobody lives there, nobody visits the place, it looks like hell. Why do we pay taxes around here anyhow? I want some answers.

Mayor Doughty: What did he just get through saying to you?

Larry Newbold: I want to know when they are going to come out, what day?

Mark Mallett: The taxes are current. It was a bit damp today.

Mayor Doughty: This week.

Larry Newbold: This year, 09, right? They are going to get the leaves off and they are going to get the grass off, is that right?

Mark Mallett: That is correct.

Larry Newbold: Are you going to pile it up on the road or are you going to take it off the property?

Mark Mallett: It will be removed from the property.

Larry Newbold: Seeing is believing gang! If it isn't I will be here the next time to report.

Mark Mallett: No worries.

Shirley Green: The property that I am here to discuss with the Committee is Rt 9 S. in Whitesboro. I'm, if you are familiar, on the corner of Rt 9 and Wiley Street, I have a big yellow house, there is another piece of property that I own just north of this house. Now you are on the corner, mine is on the corner, and then we have another little broken down structure right next to it. Going down the L to Wiley Street to the railroad track there are other parcels that we own. The Township or the Title Company, or whomever came and did a reassessment of this area, said this property was undersized and they combined the structure on 9 North, the little building, they combined that little building, which was purchased separately, which I understand the merge, but anyway they gave this an address of 1901/1905. The back portion, and I guess the yellow house, the L, they gave this address 5 Wiley Street. Now, on this 5 Wiley Street there is a little cottage, which has 2 little efficiencies. They assessed this property at \$339,000. Now, I went to the Township, I am going to get past that in a minute to get to a point here. On this property that I had purchased it had the yellow house, it had this little building - this little cottage, and next to it it had a 4 unit apartment that was proposed, it was approved, septic and all in 1978. Now the structure has already been there and I came to the Township to put a roof on this building. The construction office says that I have to go to zoning to get a permit. I went to zoning and zoning tells me that because it has been changed to a community business, that this is nonconforming and this building cannot get a roof. The only way I can put a roof up is if I am going to consider it to be a storage. Well, I don't want to lie to say it is going to be a storage when I have intentions on it being the 4 apartments that it was from the beginning. They are telling me because it didn't have a roof that it wasn't considered that it was an apartment and they also have told me that they could merge this property because it was nonconforming. However, in your Zoning, and they are telling me there is no such thing as grandfathered, this lot merging they had the right. However, if you go under the grandfather clause, and this is what it, but this doesn't even go under, but what it goes under is merged with the exception of an L and back to back. And this property that they merged is an L and it is back to back. What they have done, and you can see what this is, and this is why I reached out to some people here, for some reason I am still back in this circle, back in the zoning that is telling me that I am still non conforming and that there is no way I am getting a roofing permit on a building that I didn't put the building there.

This was already there long before I purchased this building; it's a concrete building that has been there and then when I went to the construction office they said well, you have to follow new construction. New construction means we got to find out the density of this brick. This brick has been there and the brick is, you know, 30 years. If that is the case, there is not a house in Cape May County that is over 30 years that their brick should not be tested. They are saying that you can't put a roof; it's a single family dwelling, it's single family and just want to put a roof on it. They want me to go under the new construction. But I am sure, because I do meet, and not only is it the merge with the exception of an L and back to back, which this property is, because here it is here, this is Rt 9, this is the little structure that is there, this is the yellow house, this yellow house is on lots, these 2 lots, this goes to the corner, the corner of Wiley Street. You go to Wiley Street and here is where the little building, the little bungalow is and this here is where the 4 unit is, this is where this 4 unit is. Now I go there and they tell me because it is not conforming I can't put a roof on this building and I can't utilize this building because this is nonconforming. What I want to know, for \$339,000, there is nothing on this property except this little bungalow, what am I paying taxes on \$339,000 and can't get a roof permit. I really want somebody to explain this to me, and not only that, this yellow building, they are saying that this building here is 1905 and they got, if you look on the assessment, they got the identification of this house, on this building that is broken down, at a \$187,000. I am paying almost \$7,000 in taxes on 2 structures that they are identifying as all broken down, there is no activity going on in them and I am paying that kind of money to this Township. I need somebody and all I am getting is the run around.

Mayor Doughty: No you aren't. This gentleman right here at the end....

Shirley Green: Right, I have spoken with him, I called him

Mayor Doughty: And I believe you were given the answer on what to do.

Shirley Green: And they refused to do this. They refused to give me a permit to put this roof on. You had the, the construction people came out, sited me 3 times, threatened \$2,000 a day and they said get a permit. Well ya can't get a permit, so what do you want me to do. So, I did call the officers because this is harassment. You are tellin me, I mean you are saying you cannot build and if you look at the grandfather clause, which it falls under and which they are trying to tell me it doesn't fall under, and I have read this thing, I have bought the book and I know what this says and it clearly says, with the merge on here, that they can merge whenever and whatever, I am just going over it quickly, and it also says the merge provision shall not apply with respect to L shaped lots or back to back lots, isolated lots. This is on page 259, which falls under merge, the Township merge. Then you also have, if you went under the grandfather clause, which they are telling me that it is not true, which I am telling you that it is, that under the lawful use of the land or structures existing at the date of adoption of this chapter as amended may be continued, although such use or structure does not conform to the provision specified in the chapter as amended. Ok, this is another one. Then they also have a non, a prior non conforming structure. Alright, I'm gonna go through all of this and just go to one part of it, a non conforming structure may be restored, repaired in the event of a partial destruction. You've got, I don't know how many foot building, and all it needs is a roof, if that is not partial, I don't know what is. And it says, and that if it may be restored or repaired in the event of a partial destruction, therefore, but shall not be reconstructed if it was totally destroyed. Ok, so there again and then you have another one and this is what I am saying, this is coming out of the Township Code Book, but yet, if zoning will not give me a permit and construction says I have to follow new construction. But this here should have been, it is more than one issue...this property should have never been merged. It should have never been merged because it comes under the exception. In the back of this property here, I want you to see, in the back of this I have another lot, which this is on Reading Avenue, so what is being done by them merging this property now is keeping me from even using that piece of property. This is a completely different street, this is Reading Avenue. And I don't understand, and when I talk to the different ones, I talk to different ones they are just not satisfying me...how come I can't put a roof and they are saying oh well it was never used as a house before. What do you want me to do with the buildings? Do you want me to tear them down, what do you want me to do? You're telling me I can't use the structure that is already there, which should have been under the grandfather. I want somebody to tell me....

Mayor Doughty: There is the gentleman right there, all you have to do is listen. We went through it 100 times...

Shirley Green: We went through it but I....

Vince Orlando: There are 3 separate issues...

Shirley Green: Yeh, we gotta a lot of issues with that.

Vince Orlando: There are 3 separate issues....I will address the first issue and Mr. Ravitz maybe you can help with the second too. The issue with respect to the existing concrete block building, your existing concrete block structure, it was never used for anything, it was a foundation with concrete block walls and built in approximately the mid 1970's. At that point and time Mr. Green showed me an approval from the Cape May County Health Department which showed as a 4 unit development with septic approval, and this is from 1978. That building was never built to its entirety. It was never an apartment; it was a concrete block building along with footings. So it was never utilized, it was never a structure that was CO'd and it was built and left there to remain. Fast forward I guess 40 years, 30 years later the Green's approached Mr. May to put a roof over this and Mrs. Green accurately depicted, she said she wanted to use it as apartments. Mr. May spoke with me and I believe he spoke with Mr. Ludlam and that particular zone at this point and time does not permit apartments and it was never a pre-existing non conforming structure, it was approved, it had a septic permit, we couldn't tell if it had any zoning permits or if it had any permits from the construction official since it dated back so far, but it did have a septic approval. So, as far as the zoning

office is concerned it is not an existing structure. The only opportunity, we had said to the Green's were you can make it a storage building as part of the complex there, but you can't use it for apartments. If you want to use it for apartments the remedy is to go to the appropriate planning or zoning board for site plan approval for this type of use and that is your remedy. The remedy is not coming to this board, I don't believe this board has the authority to do anything. It is an existing concrete block, not even called a structure, it is a foundation and concrete block walls that was never occupied so it is not a building that was ever CO'd. With respect to the other 2 issues, the merger, I sent her down to see Mr. Ravitz. When Mr. Connelly and who did the consolidation did consolidate all the lots to meet the minimum zoning requirements. I think there are 6 or 8 lots, Ms. Green?

Shirley Green: 6 or 8

Vince Orlando: 6 or 8 lots, there is possible opportunity to unconsolidated them, but that time has come and gone and they have to go in for a minor subdivision in order to unconsolidated those lots and that is the remedy there. With respect to the taxes, again I would leave that to Mr. Ravitz and I didn't have a chance, that wasn't an issue, that's a relatively new issue, I didn't know anything about the taxes.

Shirley Green: Right, well because it is so much I didn't even go into all of this, I think I have mentioned this. But, the problem that I am having with this is that, with the last letter from Mr. May, even if you separated it, because you changed it to a community business, it still will not be able to be utilized.

Vince Orlando: As I indicated to you earlier, you would have to go to the zoning board for an approval.

Shirley Green: Right, but the zoning board costs \$10,000 do undo something that should not have never been done because of the situation. So you are charging me to go get an approval to get all the site plans and it is going to run a \$10,000 bill to me that this should have never even have happened.

Vince Orlando: You never had an approval on that building ma'am.

Shirley Green: Can he run home, I have all of the stuff where it came into this township, yes it did. Do you want to go home on my table and get....yes it did and it shows, it had the electric, it had the plumbing, it everything that you are saying that it didn't have, the only thing, this man had got sick, but it had been approved through this Township and also with the septic design from, and you can see this, the septic design from the Health Department. This has already been, if you want to just look at this you will see, this was already approved.

Vince Orlando: That's, unfortunately that was 30 years ago and I don't believe those permits are valid. I can tell you that the septic permit is not valid because the rules and regulations, while we don't, that is something with the county...

Shirley Green: Well it is going on city sewer now so it doesn't...we are getting sewer in there so really it doesn't apply, but the point is that this was approved. You are saying that it never was, but it was. So you got me there with a building now, you have me there with a building and I would like to know what am I supposed to do with all of this property and you are telling me because the yellow house is there, if I don't make it a business then the rest cannot be used. I need somebody to explain to me what is it that you all want me to do because this is what it seems like you are derailing me to do something you want me to do and I would like for someone to tell me what is it I need to do to get a permit to do what we are doing because you are saying that it is non-conforming....I need somebody to tell me something.

Mayor Doughty: I believe Vince did that at the meeting that we had.

Vince Orlando: I believe, and Mr. Pickering is here and maybe there is another legal remedy, but I believe that as far as the planning and zoning board is concerned, your only remedy at this point and time is to go to the zoning board of adjustment to seek approval.

Shirley Green: I don't have \$10,000 to give you. So, I don't know what you want me to do. I don't have \$10,000 to give you to put on a \$5,000 or \$10,000 roof. I don't have the money to give you and you put it, ya'll zoned it, you changed the zoning to a community business, which required more footage and now you are telling me that those buildings that are on there are not grandfathered, just go ahead and knock the buildings down. Well, I would like the construction man to come and I would like to see his bill to see if I am going to afford that, so obviously I am feeling that you are trying to force me to do something that is to your advantage, but it would be good if you could just tell me what it is then to have them buildings sit there, paying all this taxes and I can't do anything with those buildings. I really don't know what is needed here and I don't have \$10,000, so I don't know what you want me to do.

Jim Pickering: Firstly, I don't know where the \$10,000 comes from, it might cost that much but it is not coming to the municipality. It might cost that much with regard to professional fees, etc. But, there are a number of different issues you are dealing with here. And, the only issue, I don't think the Township has a preference as to what you do, they just want you to comply with what the laws and regulations are and there are zoning regulations. Zoning regulations have certain requirements....that zone was evidently changed in 1987 to Community Businesses, to the CB Zone in 1987. So, and this building, which is essentially a foundation with 4 walls and was never used as a dwelling or for any purpose, could not be considered a pre-existing non-conforming use because it never had that pre-existing non-conforming use. And, Shirley to be fair this is the first time I am dealing with this issue tonight. I mean I have heard issues about it here and there, but as far as the zoning issue goes, this is the first time I am dealing with it. But, it is very clear, it seems to me, that this is not a pre-existing non-conforming use because it was only ever a foundation without 4 walls.

Shirley Green: Ok, if I give you the documentation to support this, that what I am telling you, then what. Because I haven't got it, but if you stay here I will go home and get it.

Jim Pickering: Hold on, hold on. That's Ok, but even if it was an approved use in 1972 or 1978, whichever date that it was, and it was never put into affect, ok, those approvals would give someone protection for a certain period of time, and when that time limit elapses, you no longer have the benefit of those approvals. When the zoning changed, that is when those approvals, after a period of time, lost their affect. So, that is what has happened, the approvals that you had ran out. Especially with the septic permit.

Shirley Green: Where would I find this at? Where would I find what you are telling me that your grandfather, that if you don't use them within a certain period of time, what statute, what law, what book, what wherever would I find that statement that statement that would support that.

Jim Pickering: It is in the Municipal Land Use Act.

Shirley Green: It is in the Municipal Land Use? Well, because according to the one in this Land Use Act, this Land Use Act says that .....

Jim Pickering: That's the Municipal Ordinance, yes, but you are mixing issues up.

Shirley Green: Ok, so this is it. It says the lawful use of land

Jim Pickering: But you are mixing issues up. What I am talking about is just the zoning issue as to that one building and I am trying to explain that to you, that that one building has certain issues, alright, and I believe that this 4 unit dwelling approval that was there in 1972 or 1978 ran out after the zoning change because it was never put into effect.

Shirley Green: Where would I find what you are telling me that your permits or your approvals run out? Where would I be able to find that in a documentation to tell me that this will....if I put something here and I got sick and I couldn't get it done that I had a time restraint on what time this building had to be done, if not this would no longer be in effect. Where would I find this?

Jim Pickering: I don't know the specific citation off the top of my head, but I can find it for you and I assure you that that is the law.

Shirley Green: Ok, I will look it up if you can just give me where I can find it.

Jim Pickering: I will do that for you, but I can assure you that permits do not last forever. I am not aware of any permit that lasts forever, especially for almost 35 or 40 years.

Shirley Green: But if it was approved, if it was approved but the person got sick and could not continue then you are saying that this building can no longer, because of a time frame, that this building could no longer be taken care of, I mean redone, continued within a time frame. Is that what you are saying.

Jim Pickering: There are certain, what I will call equitable exceptions, that if someone was up against the wall as far as getting their construction started and they got ill they could always go back to the zoning and planning board and say look, I wasn't able to get this done in time because I became ill. Can you give me a break on the extension and the law actually does provide for those types of hardship exceptions or tolling of the time period. And you can do that, as long as it is reasonable. If that person became ill and they weren't able to get their project started again within a reasonable period of time, the boards would likely grant such a tolling period. But, 35 years or 40 years is a long time not to get that construction started again. So, I doubt that period would be found by any court to be equitable to extend permits that period of time where there has been a zoning change in between.

Shirley Green: So you want me to tear the building down, what do you want me to do, because you are saying there is nothing I can do with this building because it is not going to be accepted so I want you to tell me, do you want me to tear this building down and then what. Cause this is what you are saying, I can't use it, this is what has been said more than one time. I can't use it because it is non-conforming, because it is now a community business, you are only allowed one business on there and the yellow house, they're considering it to be the business. That's what I want to know, so the yellow house is the business, I got all this property, I got the yellow house and all these buildings, I didn't put them there, all of these buildings have been there, I didn't put those buildings. So you are telling me that I can only use that yellow house and nothing else on there is conforming and is not legal. This is what you are telling me so I want you to tell me what do you want me to do? I could put a Methadone Clinic in according to your stuff, I could put in a mall, I could put in all this stuff according to your rules here, but you are telling me a building that is already existing and this township needs housing because all the housing you are putting in, you are putting in 240, you are putting this stuff in, but you are telling me that I can't put in 4 one bedroom unit. I really need somebody to help me understand this because I am not understanding it.

Jim Pickering: I can't tell you what the Township wants you to do other than comply with what the zoning ordinance says.

Shirley Green: I don't have \$10,000 to give to the Township for something that you put together and created a grandfather clause back to back and an L, I cannot, there is no way I can pay you \$10,000 to change it when it should not have been done in the first place. So I don't know...

Jim Pickering: That is a different issue, which if you want me to address I will do that too.

Shirley Green: Well, I did reach out to you

Jim Pickering: Firstly, the Township would not be paid \$10,000 to redo that.

Shirley Green: According to the fee, they gave me the fee schedule, I have the fee schedule.

Jim Pickering: To do a minor sub-division the fees to the municipality are not \$10,000.

Shirley Green: I have the total fee schedule, everything that is charged in order to do this.

Jim Pickering: OK.

Shirley Green: I got that.

Jim Pickering: Well, I can assure you to do a minor sub-division does not exceed, comes nowhere close to the fees to the municipality is not \$10,000. I know tonight we did an ordinance to make it so that an applicant pays the \$100 fee to revise the map and I am sure that there is an application fee and an escrow fee, but it comes nowhere close to \$10,000.

Shirley Green: Right, \$650 for an application fee. That \$650, an expense put on me that it shouldn't have been, if the \$650 and then I have to get somebody to do a site plan, I then have to get them to draw up, you are talking and of course they don't want to see me, they want to see an attorney, so now I got another attorney expense, so by the time you finish it is \$10,000. Believe me, by the time you finish.

Jim Pickering: Ok, so we are up to \$750 with the \$100. I do not disagree with by the time you finish paying all your professionals it is expensive. My only point is that money is not coming; you are saying it is paying the municipality. It doesn't come through the municipality other than the map change fee, the application fee and the escrow fee. Alright, now on that issue about the merger, alright, the Township went through its revaluation. As part of that it was required to redo its tax maps. During the tax map process the Township hired the firm of Van Note Harvey who redid the tax map. The reval was done by a company called Tyler, but the tax map was done by Van Note Harvey. They have an office here in Cape May Court House and Mr. Connelly was the surveyor. They and, I don't know to what extent our assessor's office was involved in this process, but they went through and looked at properties, which under the law would have been considered to have merged. And under the law when you have undersized lots and common ownership, which are contiguous with one another, and which are undersized, then they merge and become one lot. But, there are exceptions to that as you pointed out, but generally the concept is if I own an undersized lots, then I am not entitled 2 undersized lots next to each other, I am not entitled to 2 houses, I am entitled to one house to try and make it conform to what is consistent with the neighborhood and with the zoning. That is what merger is. Now, and it doesn't apply in every case because it depends on how the lots were created and in some cases it depends on how the lots were purchased, alright. Mr. Connolly, in redoing the tax maps, merged many undersized properties in the Township. Most of them were appropriately merged. There were some which were in hindsight and which he probably couldn't tell under the circumstances, not appropriately merged. The Township went through a process of where we left the door open for a period of I think it was almost 3 years. Two years where we said if anybody comes in and thinks that their property...if anyone believes that their property was inappropriately merged, and you would know because it would come.....you would no longer get 2 tax bills, you would get 1 tax bill.

Shirley Green: I have 2 tax bills...on the same ...

Jim Pickering: On this property that you are talking about?

Shirley Green: I have 2 tax bills..

Jim Pickering: I find it hard to believe that it merged then. I can't imagine that you have 2 properties....Mr. Ravitz do you know, have you looked at this, are there 2 tax bills or 1?

Joe Ravitz: 2 tax bills, 2 separate line items.

Jim Pickering: 2 separate lots.

Joe Ravitz: Yes.

Jim Pickering: Did they merge?

Joe Ravitz: No. One merged and one was a stand alone.

Shirley Green: Ok, so here is the map right here. If you would like to look at this so you can see

Jim Pickering: Without looking at what the former map was and

Shirley Green: I got the former...I got them both. Ok, here is what it was. Ok, here is your L, here is your Rt 9, ok; this is 100 by 129 going back here. Ok, this is where those little apartments are. This is Reading Avenue, ok, I had purchased this.

Jim Pickering: So 12 is still a separate line item.

Shirley Green: They are saying 12 is a separate line item but going to your evaluation you will see

Jim Pickering: Ok, so 12 doesn't matter, 12 is still a separate lot.

Shirley Green: They are saying that, they are saying that, but on the assessment it has incorporated this....

Jim Pickering: That is a separate issue now, you have a....hold on, you know what would work better instead of listening to you and me going through this, I haven't sat down with you and gone through this have I?

Shirley Green: No.

Jim Pickering: And to be fair, you and I have talked about different issues regarding this property, but we have never talked about the zoning issues or construction issues or anything else.

Shirley Green: No, no we didn't. No we did not, ok.

Jim Pickering: Ok, so instead of the entire municipality having to sit here and listen to you and I go over the details of the former map and the current map, although Mr. Orlando has already sat down and gone over this with you at length, I will try, how about if you and I agree to meet and try to go over this.

Shirley Green: Ok, we can do that. We will do that.

Jim Pickering: OK, and if there is a solution, I will try to help you out with it, but there might not be a solution, I want you to understand, on this issue of the merger. The Township very publicly, we told everybody, if you think you are inappropriately merged, let us know. We left the window open for 2 years. All you had to do was come in, we had a form in 3 offices, I think, in collections, assessors and zoning, if you want to deconsolidate and it was inappropriately consolidated, we will deconsolidate it at your request, and unfortunately you didn't do that.

Shirley Green: Unfortunately I am working with subprime lenders. I am courts, I'm in Trenton, I'm everywhere....

Jim Pickering: Unfortunately you were unable to do that, but you have to understand too though that the Township needed to know at some point its tax map was finalized and we weren't going to be dealing with these issues forever. So, we did publicize it, we did put it out there and it was there for a long time. Now what I will tell you is I will do what Mr. Orlando did, I will try to sit down with you and figure these things out. I can tell you though Mrs. Green, as I understand it from what I have heard is that you have been putting this roof on without the building permits. And you know you can't do that.

Shirley Green: Right, and there is nothing in the grandfather clause that says, but....

Jim Pickering: But you can't take the law into your own hands. You know that Mrs. Green.

Shirley Green: But he did come down to get a permit...and wasn't given one.

Jim Pickering: And he wasn't given one, so that doesn't mean

Shirley Green: They sent him over there, but this was before I had told him to go ahead because there is nothing in the grandfather clause that even said that we needed a permit. I thought we was doing something, he thought he was doing something good to come down here, but there is nothing that said in there....

Jim Pickering: Mrs. Green, they are 2 different issues. There is a zoning code, ok, which you have to comply with and there is also a construction code, which you have to comply with, and they are there for different reasons. The zoning code is there to make sure our neighborhoods are nice, our water is clean, our environment is well preserved, all those issues. The construction code is there for a different issue, which is to make sure when somebody is asleep in their bed on the second floor of their building that the floor doesn't fall in and they don't get hurt and other similar things.

Shirley Green: There is no second floor, it is one floor.

Jim Pickering: Whatever it is, whether it is that, the roof, the foundations, whatever it is, there is a construction code that has to be met too. They are totally separate codes, totally different issues enforced by different people, that is why we have a zoning code official and we have a construction code official, because they are different issues and unfortunately, everybody in this room has to comply with all of them.

Shirley Green: Right and I understand that and I respect that, but however....

Jim Pickering: So after 35 years I understand that you wanted to put a roof on this. Why you had to do it right now and do it without a permit has the construction code official a little bit concerned because you are putting up a roof without a construction permit and everybody knows that you need a building permit to put a roof up. Just to be clear, we are not talking about replacing the asphalt shingles on an existing roof, we are talking about constructing a brand new roof, right, with new rafters, new plywood, new everything.

Shirley Green: But there was nothing in the grandfather clause that states that I needed a variance or approval. There was nothing in that clause that states that.

Jim Pickering: Because you are looking in the zoning code, which is different than the construction code and the construction code requires that you get a building permit.

Shirley Green: Alright, when I went to ask for a copy of the books and the laws of the construction code, there is none.

Jim Pickering: No, that is not true. There are....the books are about this thick..

Shirley Green: That's fine, where would I be able to get them?

Jim Pickering: You can actually get them on line, the Uniform Construction Code is adopted by the State of New Jersey, it is on the DCA website....State of New Jersey, Department of Community Affairs.

Shirley Green: I have already spoken with them. They do not govern, they only govern building, they do not govern zoning.

Jim Pickering: You are correct about that, absolutely right...you are 100% right, but they do govern building so the fact that you are putting the roof up, those rules govern.

Shirley Green: They said no, that it went under zoning. Right, building does, but because zoning will not give a permit, neither will the construction office.

Jim Pickering: Absolutely correct.

Mayor Doughty: Shirley and Pickering, break it up.

Jim Pickering: Alright, Ms Green and I will try to meet and try to....I will at least try to explain it to you. I can't tell you that I can help you because from what I have heard from the zoning official and the construction code official it sounds to me as though they are correct. BUT, I will listen to your arguments and review it.

Shirley Green: But I don't want to vent, Ok, I don't want to vent. I've vented all over and am still right back in the same position. I don't want to vent, if this needs to be taken care of, I don't want to vent and if that is what we are doing, I don't want to do that.

Jim Pickering: Well, I can only tell you Ms. Green, I don't need to hear you vent either, I don't need to hear anybody vent, so my point is to either get together and give you straight answers to yes we can fix this the way you want it to be fixed or what you want to have happen can't happen under the law. I will try to do that.

Shirley Green: Right, but this is the appropriate because this is an L, this is the appropriate....

Jim Pickering: On the one issue that might be the case, but there are many issues that you are dealing with.

Mr. Green: I just want to ask a quick question, the sewer line that is going on in Whitesboro, like maybe \$12 million dollar work that is just starting up down there and I just want to ask maybe Vince Orlando, how big does the lots have to be now for somebody to build on down there?

Jim Pickering: I can tell you this, that is not a \$12 million dollar project, I believe that the entire project, Phase I and Phase II, is a total of \$3.5 or \$4 million dollars at the most. It seems the first one is \$2.4 and the second is \$1.2 million.

Mayor Doughty: It was on the board down there.

Mr. Green: There are no numbers on that board.

Mayor Doughty: I will get them for you.

Kim Tomkinson: You can also call Kathy Meers in the sewer department.

Mr. Green: I just want to know how big the lots have to be.

Jim Pickering: I can tell you this, as far as how big the lots have to be that is governed by the CAFRA Permit. One of the things that the CAFRA Permit has in it is that they allowed us to hook up to specific lots and they are the lots which have houses already on them. This is consistent with the CAFRA Permit that was issued to the Township before when we did a project back in Green Creek and Del Haven. Every CAFRA Permit that the DEP has issued recently has this restriction in it, so that if you have a vacant lot and you want to develop that vacant lot, you have to go in and file your own CAFRA Permit and try to get approvals from the DEP to hook up to that sewer permit. The DEP was very concerned that because we are installing sewer that does not mean that we are going to increase the density. Now, there is some dispute, I don't want to say dispute, there is a discussion ongoing between the municipality and the DEP as to exactly what lots would be able to....or what an owner of a property would need to do in order to develop the property and hook up to the sewer and right now frankly we don't know the answer to that.

Shirley Green: He's talking about the size.

Jim Pickering: The size, make no mistake, the size is governed by the zoning ordinance, it is not governed by CAFRA Permit for the sewer project or anything else. But even if you have a lot size that is big enough, it doesn't mean that you will be able to hook up into the sewer system. They are different issues, different permits.

Mr. Green: Like myself, me and my wife own some property in Whitesboro. We waited so long for the sewer. Everybody kept saying the sewer is coming, so we didn't bother about these other buildings, I said let's wait until the sewer comes. As soon as they said they were putting sewer in there, me and her started to work on these buildings and stuff, that is the reason this came up.

Jim Pickering: You still should have gotten building permits though, right?

Mr. Green: I understand, I understand.

Kurt Kelly: What this gentleman was speaking about, yes I understand there is money to fix the road, but hypothetically it is when the dredging is finished. That dredging is scheduled to have another 253 added to it at some future date. Future dates, I have followed this a lot, I know, we are always at the mercy of Mother Nature when it comes to having these water projects done, if you will. They have been put off, for that second part that was done, we have been put off 4 times because of data. Once those guys were done and left, they told me that, I don't remember the right term, but they would come in and vacuum out around the box, that is how a jetty works, it has to be clear in order to take on the influx of sand. If it's all filled up it will go right back to the way it was. The sand goes over the top and goes up Bidwell Creek and floods it up. Hypothetically, yeh, there is money floating in limbo somewhere to fix that road, when they are hypothetically done, but the hypothetical is Mother Nature. We can talk a little more in detail and I could give you some numbers if I could possibly encourage folks to make sure we are the next ones in line, if you will, but there are only a handful of gentleman that are allowed to do that type of work and be bonded for that type of work and when you mix in the equation of mother nature you have to be a little bit more persistent in when our turn comes. Believe me there are a lot of other issues besides the potholes that you might not be aware of. There are a lot of other places along the Delaware Bay that are now gone. And one I would like to mention is Thompsons Creek. We have a lot of issues that remain at Reeds Beach that have more less a blind eye and that will be no excuse at some point. It is very involved.

Man's Voice: It is very involved but it didn't stop the Township from quadrupling our taxes.

Sam Kelly: I would like to know when we got a COAH attorney. When did that happen?

Jim Pickering: We have had a COAH Council for at least 2 years, maybe 3....

Sam Kelly: Why? Why do we have a COAH attorney?

Jim Pickering: Because it is a very esoteric area of the law, it is difficult to understand, it is very much a specialty within the law and that is why. I felt the Township would be better served, having someone who knows all of the ins and outs and the difficulties associated with COAH.

Sam Kelly: What is that going to cost?

Jim Pickering: It does, it costs us money each year a significant amount of money.

Tracey Taverner: That money is being charged to the actual COAH account.

Jim Pickering: So far we have been able to bill all of the monies attributable to COAH against the COAH Trust Fund, which developers have paid into here in the Township. The Township frankly had.....

Sam Kelly: That's not putting up houses, that is paying the council.

Jim Pickering: Absolutely, it is a shame isn't it. But COAH does allow 20% of the Trust Fund to be used for Administrative expenses.

Sam Kelly: That is not our target is it, to use that 20%.

Jim Pickering: Unfortunately it is not a target, we would like to use as little of it as possible, but unfortunately I think, I don't know where we are on it, but I would bet that we are probably getting closer to the 20% than to the 0%.

Sam Kelly: You see where I am going, I am not trying to be argumentative, but here we are we got 20% of that money that we are finally getting into the kitty, not going to do any part of the job that it was meant to do, it is going to go to administrative costs.

Jim Pickering: I agree. It is ridiculous. Mr. Kelly, no one reels against this system more than I do, but its what the law is and when Township Committee took their office and when I became the municipal solicitor, we all took an oath to uphold the law and there is no doubt that COAH is unfortunately right or wrongly the law of the state.

Sam Kelly: I understand that COAH is the law, but isn't the fact that our projections are higher than theirs now because we intend to develop more than.....

Jim Pickering: That is absolutely not the case. Their projections for the first and second round are pretty much set in stone and I have discussed with COAH Council and others the possibility of us challenging those numbers and that number is 454 units I believe.

Sam Kelly: That's behind us.

Jim Pickering: That's behind us, exactly and I have tried to come up with reasons that we could challenge those numbers and frankly anybody and everybody I have talked to said you are not going to change those numbers. Frankly I have considered just filing an action for the sake of filing the action to say that we are filing an action because we are against these numbers and have a court tell us that we are done, but that would just be wasting money and I didn't see the sense of doing that. So, we didn't do that just to make a point or just to tilt to the windmill. The 3<sup>rd</sup> round rules, COAH had numbers for projected 3<sup>rd</sup> round rules and the number that COAH had is anticipating an additional hundred or so units for the municipality. I forget what that number was. But, when we looked at what was actually there, it was clear that what was on the ground, built based upon CO's that our construction office had issued. What was on the ground was more than what they had projected, and COAH's regulations had allowed you to accept to use one of two models. One of them was their projected numbers if they were accurate and true or what was true on the ground. The municipality felt that rather than playing with numbers and putting their head in the sand, and turning the blind eye and playing the game, that we would be truthful and honest and say this is what actually happened, because eventually COAH was going to catch up to them with what was actually happening on the ground. So the municipalities....essentially what it was is COAH's projections were inaccurate. So, if you want to say that their projections were less than what the municipality reported it is because the municipality reported the truth and COAH's projections were inaccurate. So that is why you see that difference between their projection and what is reported in the Township's plan.

Sam Kelly: I don't understand, why would we get so honest now when we are all knowing that there is all this....the future of COAH is so unsure at the moment and all of its implications are so unsure. So why didn't we just sit on the number that was more comfortable for the community and deal with it if we had to in the future when we don't know what the future would be and we are all kind of hopeful that it is not going to be this worst case scenario we are facing right now.

Jim Pickering: Aren't we all, but if it is the worst case scenario the Township has done what it can to protect the municipality.

Sam Kelly: Again, I just disagree; I just don't know why we went to confession at this time.

Jim Pickering: I don't think it was about going to confession. The municipality had to do one of 2 things. As I understand it, the regulations required one of two models and there was considerable discussion about this very issue Mr. Kelly. This was not something that was done blindly or just willy nilly. There was considerable discussion and when I say that I mean hours and hours of consultations with COAH Council, with the planners and there was a decision made as to which was the best way to handle this situation of their inaccurate number and the truth. The bottom line was more protection could be afforded the municipality by doing the model too, which was saying what were the actual COAH numbers the something else.

Sam Kelly: And my sense is that it just always seems to go to support that development mentality....

Jim Pickering: There is nothing from that decision that in any way supports any sort of development mentality. If anything it was done to prevent additional development because it provided the most protection against builder's remedies actions.

Sam Kelly: By coming up with the worst case scenario that could possibly come out of a builders remedy .....

Jim Pickering: There is no worst case scenario, it's the actual scenario, it is not....the number that the Township used in the plan is was the actual number, not a worst case scenario number, it was the actual number.

Sam Kelly: Your Fair Share Plan looks like a worst case scenario of the builders remedy to me.

Jim Pickering: Well, I don't know how you arrive at that opinion.

Sam Kelly: I don't want to argue with you Jim. My question was, and I thank you for answering, was when we had COAH Council and then I expressed some concerns here and I want to that we were right on target to spend that whole 20% and in the meanwhile we are not getting anything done.

Jim Pickering: I agree with you. It stinks.

Dan Lockwood: I know you said based on actual, but the plan works on projected numbers for jobs and projected developments that may be approved but never completed, for instance the large development behind the post office. That is virtually abandoned. So, there are projections, there are guesses built into this plan, are there not?

Jim Pickering: There are certainly projections, yes, there is no doubt about that. Nobody can tell the future and that is the difference. The number that the Township used was what has happened in the past. It was actual CO's issued. We could tell what has happened in the past and that is what the planner based the numbers on. What you are asking me is, are there projections, of course there are. That's the future and nobody can tell what the future is going to hold.

Dan Lockwood: But the number is based on the future too. I spoke to Vince about this and he said that you have some stuff that has been applied for, not necessarily approved .....

Jim Pickering: You are mixing apples and oranges. Mr. Kelly's question went to how come our projection is higher than the COAH projection for the 3<sup>rd</sup> round rules. Now you are asking a different question about how we are going to meet or you are talking about an issue, which is a different issue, which is how are we going to meet those numbers.

Dan Lockwood: You are misunderstanding my question. My point is the plan talks about job estimates....estimates, going out as far as I think 2035, it talks about there will be no possible commercial development, it even talks about how commercial development will be maxed out because of our center designations, a limit in these types of zones and that a lot of our future commercial activity will probably be through rehabilitation and revitalization of existing properties, so you do in this plan talk about.....you justify that increase in the number because of what might happen. Just because a development is approved doesn't mean they are going to build a house there.

Jim Pickering: You are mixing numbers up. The first round rule number is 454 as I understand it. That is my recollection off the top of my head. There is a 3<sup>rd</sup> round obligation. Now the 3<sup>rd</sup> round obligation, which currently exist, which is what I am talking about as for CO's that have been issued, it is actually on the ground takes the Township's number up to 724 I think it is. Now, the Township is obligated, under its plan, under the COAH regulations when it prepares its plan, to say what do we project that is going to happen in the Township between now and 2030, or 2019 I think it is, so to some extent are we saying what is going to happen in the future. That is what the regulations require us to do is to plan, that is what planning is. It is saying what is going to happen in the future and that is what this is. It is a plan, it is a projection as to what is going to be out there.

Betty McGurk: I am just curious, they have to plan Conifer at the end of Mechanic Street and Top Sail down in Rio Grande and in the plan I believe it said that the town plans to approve these. If they don't get the zoning for them, your numbers are going to be way off. Where do you go past that then? Do you have other sites or something in mind to make up these numbers because, you know, we have 90 on 9 acres, or close to 7 acres, that is probably close to what a builders remedy would be if they came in and did anything because you couldn't get too much more and still park your car on that type of property. But, if these ones don't go and you put them in the plans and they don't get approved through zoning, that is 200 and some units that you now don't have, so where do you go after that.

Steve Barry: What COAH requires, as bad as it is, is a realistic plan to reach the goal by 2018. They haven't gone so far yet, and I pray they never do, to require that municipalities, and we are not alone in this, there are hundreds of municipalities in our fix. At this point we are not required to build, we are required to plan to make it possible to create that kind of quantity of housing over that period of time. It is an ugly picture and you are absolutely right. Hopefully, reason will prevail. But COAH, as bad as it is and as crazy as it is, was designed actually, this doesn't make any sense, but it was designed to protect towns from Mt. Laurel too, which was decided in 1983 and to some very, very minimal extent, there are ways in which it does do that.

Betty McGurk: The only thing though, it also says you can't change the integrity and feel of the fabric of the town.

Steve Barry: The fabric of the town, absolutely....

Betty McGurk: And 90 units, let's face it, at the end of Mechanic Street surrounded by preserve, in an industry that the Mayor just mentioned, our industry of bird watching is \$522 million dollars a year in Cape May County. Tell me, to be honest with you, it would be like saying we are going to extend the bike path right down through there and stuff and to say that this was planning, I am so sorry and I don't mean to be rude to anyone who worked on this, to say that we have a bike path and we are trying to keep the integrity and feel of the town and there is bird watching, and I hear the owls out there all the time, there are salamanders and stuff, it would be like telling the birdwatchers, "oh yeh, by the way use this bike path and stuff", and it would be not much different than going to the everglades and having 90 apartment units as you pass by while you are trying to look at the wild life. I think this thing in general, you have to stop, and that is of course where you are working and trying to petition the state, that this is a unique area. We have a spine of water just down the center, we have salt water intrusion all around; you don't bird watch on 1 acre somewhere, it's the entirety, and \$522 million dollars a year is a big industry and I think we are going to have to fight for that because like I said, birdwatchers, really think about it, don't want to go to a place that looks like the suburbs of Camden to try to look at a hawk. We have been stressing this of course as individuals and groups of people to Trenton and this is something that really has to be considered.

Steve Barry: It is an excellent point, very well made and we hope there are, not only are we working to amend the COAH Plan, but in addition there are objections to the COAH Plan, which come not just from folks like you, we have objections from, what I refer to as the unfair housing group, which say that we don't go far enough in the plan. So, I hope that COAH will conduct hearings and mediation in this, and I hope that your voice will be heard and that everybody's voices will be heard and I hope, at the very least, that it buys us some time, because time is everything.

Betty McGurk: That is exactly how we feel.

Steve Barry: So we agree.

Betty McGurk: Yes, we agree on that one, we definitely agree.

Jim Pickering: Committeeman Barry, I note that at the same time that we have been trying to comply with the regulations, buying time essentially, and also protecting the municipality from the builders remedies action, we are also fighting the regulations; we are part of the League of Municipalities lawsuit, which is challenging these very regulations. So, we are essentially doing everything that we can. We are complying, we are providing the protection for the municipality and at the same time we are saying to the state that these regulations and this law is absurd.

Mayor Doughty: I think there are 258 other communities with us.

Jim Pickering: Correct.

Steve Barry: There are some towns this doesn't even impact. Land is too expensive in Avalon. You can go and buy blocks in Camden and build affordable housing, but that is the flip side of it. So, there are a lot of towns that are not affected by this, but we have hundreds of partners in suffering.

Dan Lockwood: I find it hugely ironic that we have Shirley Green here who has property in our township and you can't build on a lot that seems to have been used as some sort of residential capacity over the years....

Vince Orlando: Dan, it hasn't been used. Understand one thing, it hasn't...

Dan Lockwood: Well there is a building on it....

Vince Orlando: No it is not a building, it is a foundation with 4 concrete walls...

Shirley Green: There are buildings on it, and I have....

Vince Orlando: It is a foundation with concrete walls, and she has a remedy, she can go to the zoning board and get an approval. It's apples and oranges.

Dan Lockwood: Well we are concerned about builders coming down here and developing our properties without our permission, I mean we have been trying to help the Tower Carpino tract, I think, build on property that sold for 6.3 million dollars. I hope that part of the motivation is that they don't turn around and sue us because we sold them a piece of property that they can't build on.

Vince Orlando: Well, and they have a 20% set aside.

Dan Lockwood: I understand that, and we have been trying to help them but they can barely get their project done. I mean, I am not even sure that it will get done, but you guys are protecting us from stuff that we can't get done even when we try.

Vince Orlando: There is no question there. I mean, I think that if you are insinuating, obviously the 4 units that Shirley wants to build, if she came to the zoning board, you know, there is a process and she could make those affordable units if she wants. I don't think she is going to make them affordable, there is no requirement that says she is going to have to make these low and moderate income housing units. She is going to be able to rent them for any price that she wants.

Shirley Green: I have 22 houses in Whitesboro and the majority of them are Section 8. I have been taking guests, and you can call the Section 8 people, so don't say that I am doing....

Vince Orlando: But they don't count towards our numbers Shirley, it is a whole different process.

Shirley Green: What do you mean they don't count to your number?

Steve Barry: They don't count as affordable.

Shirley Green: They are affordable, are you kidding me.

Steve Barry: They don't count.

Vince Orlando: They are not deed restricted.

Betty McGurk: They have to have a 30 year deed restriction minimum to be considered. That is why so many places aren't being counted.

Shirley Green: Let me tell you, you are telling me that all those properties, they don't count, but yet when the Township needed, because the lack of housing, they utilized those property counts to take the numbers up.

Vince Orlando: They don't count unfortunately.

Steve Barry: We never said it wasn't crazy.

Shirley Green: Yeh, it is, very crazy.

Billy Adams: Everybody thinks that this low income housing, like she says she wants you to count her housing cause she gets a cheap rate, she keeps saying that she gets a cheap rate. Low income housing, some of those people when that comes here, if it comes here, they won't be paying anything, somebody is gonna pay it for them.

Shirley Green: No

Billy Adams: Yes, yes. They might not even have to pay \$50 a month, ok, because if they don't have a job and nowhere to live that is how the Federal Government is gonna pay for it. General houses don't count because guess what, we get way more than what those people are going to pay.

Shirley Green: I don't rent to them because this is what I have attracted. This is the need for the people in Whitesboro, this is what is needed, it is not because I just went in and oh, I am going to do Section 8, it didn't happen that way. It just so happens that I am the only one that basically has a lot of housing and people are in need of housing. And that is how it happened. It wasn't that I went looking for that, it found me.

Billy Adams: No, I know that, but what I am saying is, is that rent is going to be way lower....

Shirley Green: It is way lower now. Most places you can go, a 3 bedroom you can get at least \$1500 to \$1800. I am way down, way down, and it is because this is all that you can get at this point and time, so I don't want you bad mouthin...

Jim Pickering: Nobody is bad mouthing anything here, but let's make sure it stays as comments to the committee and not a discussion among each other.

Joe Ravitz: Jim, Steve, you made comments which I agree with. I am glad the Township is participating in the fight against COAH with the other municipalities. But a couple of points that Sam had brought up and one other here that I have, Maser Consulting we have in here not to exceed \$30,000, where roughly if you took it over the last 4 years at approximately \$25,000 a year as an average, that is \$100,000. I don't know what the special council has cost us, but it is adding up to a lot of money that I don't think we are getting anything solid, anything that we can point to that we are getting something as taxpayers back that is a return on this money. So, I would like to make a suggestion that maybe Township Committee consider hiring, excuse me, not hiring, volunteer a blue ribbon committee of people that are in the housing business, that are in the banking business, people from our own community to sit down and help work out a plan that maybe we could be an advisory board and delay spending as much money as possible until we see how COAH straightens out. I certainly agree with you that we should be participating with the other municipalities, any money that we put in there I think is a positive strong reaction that I think this community must do. But on the other hand, maybe we could find volunteers that won't cost us anything from our own community to look at a game plan for the future with COAH and just keep putting off spending as much money as possible.

Bernice Brunson: When they had our property reassessed, was there a meeting or something on that?

Jim Pickering: There was not a meeting when it was done. Mr. Conley, who redid the tax maps made decisions and he applied the laws, he saw it, understood it and the number of lots got consolidated into one lot. The other advantage to the municipality, by the way, is it cost the municipality significantly less to have less line items so that if there were....it used to be that people would have like 8 or 10 25X50' lots and there would be 10 different tax bills that would go out, 10 different line items. Well, when the assessing company comes, they get paid by the line item, so they would assess each one of those 10 lots. Well, by consolidating them into one lot, there therefore was only one line item that would get billed by the assessing company. So, I know that we went from something like, I want to say 18,000/13,000 line items.....

Joe Ravitz: After last week there were over 17,000 line items and we got it down to 11,000 and change.

Jim Pickering: Alright, so by getting the line items down a significant amount of money, almost close to 30 to 40% by reducing the line items on the bill to the reval company.

Bernice Bronson: Because I was wondering when I got my tax bill and I am saying what is this and I looked and my lot was gone and it was added to my house and I was a little upset about it because nobody said anything to me and when I looked at how the land was done over where my lot was say \$58,000 or a little more, now it \$181,000. I mean this here is just a little much. I am not the only one who had this done to them, there are others and they were wondering why they weren't told about it.

Jim Pickering: The tax map process started before I was here as municipal solicitor. But, my understanding is that it was discussed and certainly when people got their tax bills they knew that there was a merger because they got less tax bills or instead of having 4 or 5 items on their tax bill they only had the one lot. Some people even had their lot number changed. So, people knew about it and that is why we left this window open for 2 or 3 years to allow people to come in and say hey I don't want my lots consolidated, I would rather have 6 different lots, even if I can't do anything with them, I would rather have 6 different lots. The Township was very open, amenable and liberal about granting that deconsolidation of the lots.

Bernice Brunson: But with what I had I could put a garage on it or something and rented it out.

Jim Pickering: Well you couldn't put a garage on it because that would not have been a permitted use in the zone. Now that it is part of your same property you probably could put a garage on it, but it depends what zone you are in if you could put another residential unit there.

Bernice Brunson: I am just trying to understand why the taxes went up so high, and whoever did it whether they were taking our property here on this end to compare to Cherry Hill or some of those other places and I was just wondering.....

Jim Pickering: The assessment of your property was done based upon local property values existing sales that they could use to stay with the values. And, if you want to dispute that you can always file a tax appeal. The date to file that is by April 1<sup>st</sup> of each year.

Bernice Brunson: Ok, I guess I will have to. I have another question. I know Catherine Murphy, and I was wondering, was her title the same as it is here, Senior Citizen Activity Coordinator?

Tracey Taverner: I believe it was.

Bernice Brunson: And how much was she getting at the time?

Mark Mallett: I think it was about \$17,000 or so on an annual basis for, I think it was about 20 hours a week.

Susan DeLanzo: Catherine was considered a part time person. Marilyn Miller was the full time person. So, in effect we are not really replacing Catherine.

Bernice Brunson: What was Marilyn's salary before?

Mark Mallett: It was a little over \$23,000, I think \$23,300 or so. It was right around there, what she was making, prior to this promotion.

Bernice Brunson: So now her salary is \$30,500?

Mark Mallett: That is correct.

Bernice Brunson: Well I thought that the Township was short with money and things like that, and when I start looking at salaries and things like this, I mean, when I saw in the paper where the Township had to do certain things to lower.....

Mark Mallett: We aren't replacing Ms. Murphy, she will not be replaced and she was making approximately \$17,000 a year, so if you take a look at that it is going to be a net savings of about \$10,000 or so going forward.

Bernice Brunson: So will Marilyn Miller have to have an assistant or something or is she the only one running the.....

Susan DeLanzo: There are already other people who do work part time. I think the total part time hours altogether are like 20 part time hours, but it is broken up by several people.

Bill Adams: You say that you are taking that person and you are giving them a \$7,000 increase in one shot.

Mark Mallett: That is correct.

Bill Adams: That is correct. I mean, there is a cap on what you spend on your municipal budget, there is not a cap on what you can pay somebody at one time?

Jim Pickering: This person has a different job title and additional obligations and responsibilities now.

Bill Adams: \$7,000 worth in one shot? Is she basically doing the same job she did before?

Jim Pickering: No, no, no, no, no.

Mark Mallett: No, let me explain what she will be doing now. Before she was an assistant; now she is going to be responsible for putting together the programs, putting together the calendar and also being responsible for the budget that we have laid out and implementing it.

Bill Adams: My point is you have people that work on your roads, actually labor intensive road work, that make less money than she does. Also, supposedly we are going to have a grant so the Chief here can get 4 more guys rehired, that already should have been hired and the only reason he is getting them rehired is because we are getting a grant. What happens after that grant money goes away. How are we going to pay for it next year?

Steve Barry: If we get the grant it will be for 3 years.

Bill Adams: Ok, for 3 years. But, we are still undermanned. What I am saying is we are giving all these raises to other things; we are not putting money where we need to put it. Ok, a big thing is our fire prevention bureau. I got a paper here that we are losing almost \$200,000 a year for fire prevention, and we are putting up a brand new firehouse and part of that fire house is for fire prevention out front. It is estimated that that is over \$300,000. They took in about \$115,000 and it is over \$198,000 for just salaries,

that is not counting utilities or whatever. If we are going to cut somewhere, let's keep the police and keep some of the other things that we need and cut something like that and not give \$7,000 raises.

Mayor Doughty: How old are you Billy?

Bill Adams: 56 years old.

Mayor Doughty: You are getting there. You will understand what a senior center project is. Bernice I don't know whether you were done or not, go ahead.

Bernice Brunson: He's 56 and I am 83 and I have been around a long time and I am not for me, I am for others. I do know that Catherine had, she had administrative and she had everything as far as education wise. That is why I asked why this was and what the other person was and I am quite sure that Marilyn doesn't have the education and the stuff that she had to do, I am just saying from the salary, I can see somebody getting step salary, but a whole chunk like that at one time, that is why I was questioning it.

Shirley Green: Question, now that the properties decreased in value, when do you plan to do another reassessment, you know because the houses have deflated in pricing for what they are worth. Does the Township have any time frame for when they plan on reassessing the property values?

Jim Pickering: The Township would be required to do a reval, or essentially it could be required, if the county board were to tell it to do so of the property values fell more than 15% and that is based upon the Township's equalization rate. If the equalization rate went to 115%, then they could require us to do a reval. I can tell you that the equalization rate in Middle Township this year, I believe, is exactly at 100, I think it is 100.58 or something like that, which means that according to the sales, and this is a very odd year, because usually we base our value upon existing sales and we can go to existing sales and say this in the neighborhood, this is a 3 bedroom house that is comparable to this 3 bedroom house in the same neighborhood and we can say that these sales match up and that kind of thing. The problem is this year there really aren't that many sales. The sales that are there appear to be supporting the existing assessments, that is why our equalization rate is still at 100.58%. The other thing I just want to point out, 2 things, firstly if everybody's property decreased 20% and the Township went in and decreased everybody's property by 20%, your taxes would stay the same. They are not going to go down because everybody still has to pay the same amount. It just means that the rate would go up. So, if your assessment goes down, everybody's went down the same amount, the rate would have to go up. It is just that simple, I don't know how else to put it. The other thing is, you don't want the reval because the reval costs a lot of money and that means that is money that comes out of the municipal budget. The school doesn't have to pay for it, the county doesn't have to pay for it, the library, the fire districts, they all get the benefits of having the reval, but they don't have to pay for it. The municipality alone has to pay for the reval. The reval the last time cost the municipality, with the tax map, was over a million dollars I believe, but just the reval alone was \$600,000, which the municipality is allowed to pay for with an emergency appropriation paid for through a bond over 5 years I believe, and this is the last year the municipality is paying for that bond, I am pretty sure, am I right Glen?

Glen Ortman: Yes.

Jim Pickering: So, you don't want us to have to do a reval. It cost a lot of money and if everybody's properties get the same decrease percentage wise, everybody ends up paying the same taxes anyway and in fact you could end up paying more because now we are paying for the reval.

Lois Shuman: Mr. Pickering I was looking over it after you spoke and it actually said that it is hereby granted municipal approval of the Township of Middle upon meeting requirements attached and mirrors the memorandum, so could find out if they are still holding the \$100,000 bond.

Jim Pickering: I will try to find that out.

Lois Shuman: I would appreciate it. The only other question I have is, are the taxpayers paying for this special master or is the company paying for the special master?

Jim Pickering: If a special master is appointed and Mrs. Shuman is referring to the possibility, which Mr. Barry discussed at a meeting or two ago, to resolve the Host Community Benefit litigation with Albrecht & Heun or Future Mining, if the judge appoints a special master, she will address the issue of payment. I can tell you it is typical, and I have never seen an exception, that the special master would be paid by contributions from all parties, probably on a half/half basis.

Steve Barry: If the judge does this, it is up to the judge not us, there are 2 savings. You remember what I talked about 2 weeks ago, first we save a lot of money in lawyers' costs, so does the other side, but what the heck, we save money and secondly, it gets done more quickly and efficiently. There is less posturing, it just turns it over to an independent person. If all goes well it should cost us less not more in terms of transactional costs.

Mayor Doughty: Ok, let's call it a night.

Jim Pickering: Mayor don't forget that we have an Executive Session this evening and we will be coming out of the Executive Session and will not be taking any action at that time. If anybody wants to stick around and see what that action is.....

8:28:06

Jim Pickering: Township Committee is back in regular session. We were just in Executive Session, a matter was discussed regarding the fact that the State Department of Personnel has posted a position for Deputy Municipal Administrator. For whatever reasons, the Township Committee, largely due to the budget, is not going to fill that position and I am asking that a resolution be motioned and seconded and approved to the effect that the appropriate municipal officials notify the Department of Personnel and that the position be pulled from its current posting.

Steve Barry: I will make that motion.

Mayor Doughty: Seconded

Motion Passed on roll call.

Jim Pickering: Thank you, that is all the business from the Executive Session. There was discussion regarding some litigation in the Macri matter and Township Committee gave me some parameters within which to try to resolve that matter.

Meeting adjourned 8:56 PM.

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Kimberly Tomkinson, Twp. Clerk

Minutes prepared by D. Stimmel, Deputy Clerk