

Cape May Court House, NJ  
March 16, 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.)

**Question and Answer Period on Agenda**

Carol Mattessich: With respect to the Host Community Benefits proposed resolution, I just want to understand the rules here...first on the agenda is comment on the agenda itself, correct? So, I understand that you are going to vote on this resolution and I may feel that there are a lot of things wrong with this resolution, but I understand I can reserve those comments until after the vote, correct?

Jim Pickering: You can reserve them until after the vote, but if you want Township Committee to consider them before the vote, they are offering this opportunity for people to speak about them before hand.

Carol Mattessich: There are 2 things that I think you would probably like to consider before you take the vote and I am going to reserve my comments until the end of the meeting for the public comment. I don't think it is inappropriate for us to.....I will tell you why later. There is a typo I just wanted to make you aware of before you vote. Paragraph #17 – where you say as of February 1, 2009, and should be any I think and number 19, I think I understand where you are going with the resolution and I should say there are many wonderful things about it too, but I am wondering whether perhaps there was a mistake of or an oversight in drafting on paragraph #19. It presently reads “the balance due the Township from Albrecht & Heun is therefore finalized as of December 31, 2008. That does make it sound as though you presently know the amount that was due the last day of last year and as I understand it that is a very, very open issue. So, I don't want to put words in your mouth, but as I read through this, despite my own personal feelings one way or the other about the resolution, I think perhaps aren't doing what we intended in the drafting.

Steve Barry: And what you are saying about paragraph 19, the balance due

Jim Pickering: Shall be calculated as of December, shall be finally calculated as of...I understand the comments, they are not crazy.

Carol Mattessich: Is it the intention of the Committee to say that that number has been finalized or is that not still being actively litigated?

Steve Barry: It is to be finalized, you are right.

Sam Kelly: On the same matter as the Host Community Benefits....I read this thing on line and if I am correct it is described that that fee would be a \$1 per ton?

Jim Pickering: It is reaffirming what the current agreement is, yes, at a \$1 per ton for materials brought in.

Sam Kelly: This is the new agreement....

Jim Pickering: No, there is no new

Sam Kelly: That is from the Resolution 64-91, right, that it was a \$1 a ton.

Jim Pickering: That is correct.

Sam Kelly: Is it the intention that it continue to be \$1 a ton?

Jim Pickering: That is the only agreement we have, yes. It is reaffirming that that is what the agreement is.

Sam Kelly: We have been working off an agreement for 20 years. Was there no language in 64-91 that possibly spoke to this thing being changed in relation to the fees being collected....a \$1 a ton is pretty cheap stuff. I am looking out there, there are communities that have no local tax

because of what they collect in these Host Community Benefit fees....in Pennsylvania on Waste Management they have places where the State gets \$4 a ton from these things...I mean, I am just looking at \$1 a ton, if it were correct in 1991, we certainly have to know that it can't be correct today in 2009. That's all, and you are asking for some input from the community and I am saying to you we are missing the boat on this if we are going to retroact this thing to date and that number, and I was told from members who were players in this thing that there was the intent then, when this was done initially that the fees would grow proportionately to the cost that the operation was collecting, which would make sense, but I am cautious here. I'm seeing language here that tells me we are going to get \$1 a ton...

Jim Pickering: That is what the agreement is today. What we are saying is that is what the agreement is today, it is \$1 per ton of recyclable materials brought in. We have not reopened negotiations, doesn't mean we can't, but that is what the agreement is as of today. I will add that that number is statutory; it is in the regulations that it is \$1 per ton of material brought in. That doesn't mean that if we were to ask that we renegotiate these terms that we couldn't do that, but at this point that hasn't been done.

Sam Kelly: Well I am asking you to please consider doing that.

Larry Newbold: Having read through this thing I see nowhere in here that there is any interest on this money. If I don't pay my taxes here within what, a week of the grace period, automatically I am assessed interest on that money. This is a lot of money that we have not collected and has not been paid. I think the Township and the taxpayers certainly deserve the interest on this money. Somebody has had it, somebody has used it, somebody has invested it, it wasn't us. Obviously it wasn't the Township either.

Steve Barry: We agree with you that they should pay interest and that is part of the ongoing lawsuit.

Jim Pickering: This is not the appropriate place for that to be included. The purpose of this resolution is simply to give directives and guidance to the Township's employees as to how this issue is to be treated from here on out, as of January 1, 2009 into the future.

Larry Newbold: Well Jim, I don't know where else to bring it up, it deserves to come out in front of the public and in the newspapers, where is the interest.

Jim Pickering: There is no doubt that in the litigation the Township is pursuing interest on the amount owed.

Larry Newbold: There is a lot of money involved here and somebody dropped the ball for a long time. I am a little concerned too that this investigation, or whatever it is, stays right within the house here. There needs to be a 3<sup>rd</sup> party looking at the situation that has no previous concerns, no connections with it, whatever. I would feel a heck of a lot better if somebody else were looking at this situation and making a decision on it. The track record has not been good....I don't need to go into that detail. Thank you.

Dan Lockwood: Two general questions/comments. Does this mean that the Township or the Administrator's office, on behalf of the Township, will go and recalculate the Host Community Benefit fees that it feels are due to ....

Jim Pickering: No it does not. This means that as of January 1, 2009, that our Administrator and our CFO are to follow this procedure that we are sitting here to remove any question in their minds as to what Township Committee expects of them, to bring us into compliance with our auditor's comment so that those things are done. This is merely there to give guidance to them, telling them what Township Committee believes has to be done in order to eliminate any questions from January 1, 2009 forward.

Dan Lockwood: Why wouldn't they? If you run a business you bill somebody, you figure out the bill and you invoice it. Your reaffirming past behavior, then the agreement being on monies going out, because it is my understanding that the auditor, under the direction of the Township, calculate the monies due to them on what was sold so why wouldn't the Township, if they are saying no, this is how it should have been, this is how it will be, go back and calculate the monies due to the Township based on what was brought into Future Mining and Recycling.

Jim Pickering: And that is part of the litigation.

Dan Lockwood: No, not litigation, why wouldn't you guys figure it out as a Township? Why would you pay the lawyers to figure this out? You have these numbers, you have reaffirmed the calculation, or at least you are proposing to reaffirm it going back, so to me, OK, you have now said yes, we agree. It always should have been on what they received... tons in.

Jim Pickering: The purpose of this resolution is what's happened from January 1, 2009 forward and there was some concern on some people's parts as to how they were to handle this situation, so this resolution makes it very clear as to what is to happen going forward, as to these calculations.

Dan Lockwood: OK, so then you are not reaffirming the past?

Jim Pickering: What this does do is say that the Township maintains, as it has throughout, that the 1991 agreement is to be followed.

Dan Lockwood: OK, sounds like the same thing to me, I'll move on. Then, going forward, can the Township authorize the Administrator to go out, and on a day by day basis select a vendor and purchase his materials? It is worded as though he would check on a case by case basis, depending on what public works needs....that's a lot of a big waste of time.

Jim Pickering: I don't think that is the case because it specifically states that they are to come back with recommendations to the Township Committee, at which time a resolution would be approved authorizing specific vendors to either take recyclable materials to or to purchase recyclable materials from. If there is a state contract, then perhaps it would be authorized to purchase under the state contract.

Dan Lockwood: That is where I am confused. You are not issuing a contract persay....

Jim Pickering: This is not doing that. This is directing the Administrator, the CFO to go out and find prices for both disposal of recyclable materials that the Township's public works department picks up and the price to purchase recyclable materials that the public works department occasionally uses, and to come back to Township Committee to make a recommendation as to where those purchases or where those disposals should be made and at that point Township Committee would approve resolutions authorizing that for the year. So, it would not be on a case by case basis that you have to go through RFP's all the time, this way that would be in place. Just as it is for the purchase of lots of other stuff that we do under state contract or that we have ongoing agreements with specific contractors and suppliers.

Ralph Shuman: Susan, I have a question for you, one for the Mayor and right on down to Barry. Sue, have you ever read the original agreement that they are talking about before you looked at this new agreement which they are putting in front of you?

Jim Pickering: There is no new agreement.

Ralph Shuman: There isn't, ok, but if that is the case, and that is what you are saying because you are not letting them answer, Goshen Road was supposed to have, in the original agreement, water testing done, test wells done, but this is the same promise about paying the dollar a ton, it still hasn't been done. So, how can you say, oh, we are gonna kinda like, we'll just skip over that....it is an obligation for Middle Township to protect the peoples water of this town by going back to the 1991 obligation where they said we'll monitor the water, we'll put in test wells, where is that now? Now we are just talking about a dollar...they said that they would do this at their expense and I feel that it is not in this so how can you just now let them get away, There are people out there who have been in here and complained about the water, so I say you cannot vote on this until you go back and Barry reads it, the Mayor reads it and Susan reads it and that is included because I don't care if it costs \$1 or a million dollars, this is another promise that they made and this is one that cannot be left out of this new resolution.

Susan DeLanzo: Jim, this does not negate their obligations.

Jim Pickering: It does not, if anything it just reaffirms any obligations that existed under that 1991.....

Ralph Shuman: But they still haven't .....

Jim Pickering: I am not finished Mr. Shuman. It reaffirms those obligations as contained in that 1991 agreement, if there are any such obligations. Whatever they are, that's what we're there to live up to. Now I know that since then the State has superseded some of these issues and perhaps some of those obligations that they promised in 1991, the Township can't require of them because the State has superseded those. That might be the case or it might not, I am not certain, but whatever it is, if they have obligations under the 1991 agreement, they are to live up to them.

Ralph Shuman: Then this is the question I asked you because you are sitting up there as the Township lawyer, have you read the old agreement?

Jim Pickering: Sure I have.

Ralph Shuman: Well, you know that it says that, am I right?

Jim Pickering: I believe it says that there is.....

Ralph Shuman: It says it is, so the idea that you guys could even look at this resolution, first let's take care of what they said they were going to do before you let any leniency go with that.

Jim Pickering: There is no leniency provided in this resolution Mr. Shuman.

Ralph Shuman: Then you tell me, here is my question and it is a simple question, it ain't 1991 no more, it ain't 92, all the way to the present date it hasn't been done cause we have asked for the different well tests, we have asked for this and that and there is nothing that has been done. So you tell me that 20 some years later that this is really good, that we are just going to pass the buck on this. No, its gotta be put in. If there is any pollution that's came from that place, shouldn't the

people of Middle Township at least know where it is coming from. There's people up there drinking that water up there. It's all wells that are up there.

Susan DeLanzo: Can I just, one thing, so I 'm clear about this. I ask you this Jim. It is my understanding that the original resolution is standing, that all this resolution is is telling our CFO and our Administrator how and where, for contract purposes as far as dollar amount so that we get the best bang for our buck. That is what I thought this was about, not saying nothing else matters.

Jim Pickering: It is not saying that anything else matters.

Susan DeLanzo: It doesn't negate that original agreement.

Ralph Shuman: My question to you is, it doesn't, but the original agreement was that these were the things that they were going to do. Twenty years later it is still not done, not even one test that you can show me or anybody can show me, so where do you think, ok 20 years later so now we are going to get the ball rolling. You see what I'm saying now. So, if I ask you when are they going to, when is Middle Township going to make them do what they promised in 1991, that is my question to you.

Susan DeLanzo: But it doesn't say that they won't be done.

Jim Pickering: If they have that obligation then....

Ralph Shuman: You said you read it and you seen it in there.

Jim Pickering: If it's there and the Township can require that to be enforced, then it will. But, that is not what this resolution is about. This resolution is about accounting and purchasing procedures to give our CFO and our Administrator guidance, that's it. You are bringing up ancillary matters. This section of the public session is to bring up things that are on the agenda.

Ralph Shuman: This is the same reason of why we are here tonight because this wasn't taken care of in 1991.

Steve Barry: Mr. Shuman, what I ask you to do, is if someone else is talking, wait until they are done. Thanks.

Ralph Shuman: I understand that.

Madelyn Filipski: I understand that it is common practice for everybody to have this question and answer period on the agenda, but I do appreciate that you put it there because it is very nice to have the opportunity to comment on things although I don't think it makes it necessarily easier for you prior to voting on it so I do appreciate it and thank you for it. On resolution #8, Awarding of Bids to Home Rehabilitation Projects, in the past you used to give addresses, and I think I would like to see names and addresses there. We are giving people almost 10-20 thousand dollars....if they owe us a \$1, their name gets published in the paper, so I think when we are giving home rehabilitation, I am presuming these are loans, that a lien is going to go against their house, I think we should be supplied with that information, so I wish you would make that amendment.

Kim Tomkinson: Madelyn, real quick, I think that this was something that was done through the grant department and there was a privacy notice that was passed down and that is why she has changed it from the locations to now the contract numbers, which are public record, so you are more than welcome to go to her office directly, but we do not publish the addresses on here for that reason.

Madelyn Filipski: Ok, thank you. You have cooperated with me on that before and I appreciate that. So that is a privacy issue.

Kim Tomkinson: Correct.

Madelyn Filipski: Item #11....FEMA funding comes with compliance with the pet act, which is having a disaster plan to evacuate pets during a disaster and in that case it would be helpful to know how many animals we have so I again so I would urge you again to comply with a dog canvassing. Item #24....the Host Community Benefit, I don't know if this is exactly where this should go, if it should go before or afterwards, but on #2, where you are calculating the money due to the Township based on the dollar per ton, I forwarded the resolution to you and I apologize for not bringing a copy, but the original resolution you had was to solicit an audit from Ford and Scott and I think it was an amount of \$4500. Ford and Scott subsequently said that they did not conduct an audit, so I don't know what happened there. If we are predicating what is due to us on an audit that was not supplied, I don't know if that has to be rethought, I don't know if this needs to be rethought because they stated they did not do what an audit would require. Do you have any thoughts on that?

Jim Pickering: I don't know how it impacts this resolution though. This doesn't have anything to do with the amount of money that is owed as of December 31, 2008.

Madelyn Filipski: I am reading it that the Township shall calculate the Host Community Benefit and if that is predicated on an audit, we didn't get an audit.

Jim Pickering: Where does it say audit here?

Madelyn Filipski: It doesn't.

Jim Pickering: I didn't think so.

Madelyn Filipski: If it is predicated on an audit, then we need to have one. Number 6.... I would like that to be amended to at or above the cost to the MUA.

Steve Barry: Would you say that again.

Madelyn Filipski: The MUA is at \$1.58 a ton plus 2% increase and so I would like there to be kind of a baseline amount of money put in there so that we could treat it fairly.

Jim Pickering: All that paragraph 6 says Ms. Filipski is that the CFO and the Administrator are directed to solicit prices permitted by law from licensed recycling facilities in Cape May County, including but not limited to the County MUA to dispose of these types of recyclable materials. So, we are asking them to go out and find the best prices, including that list of people that you get prices from the County MUA.

Madelyn Filipski: Right. And I am saying to you that at \$1 a ton we had a lot of problems

Jim Pickering: No, no, this is the price to, I'm sorry, I didn't mean to interrupt you.

Madelyn Filipski: At \$1 a ton we have had a lot of problems, so that if we generally said we want at least \$1.58 or \$1.60 or whatever is at the MUA, and that is what we generally want then we cannot be abused by a lower price.

Jim Pickering: Make no mistake, this has nothing to do with the Host Community Benefit of \$1 a ton. This has to do with how much they charge us to take recyclable materials and dispose of them at their site, which is probably I think, depending where you go, they are different prices for different materials.

Madelyn Filipski: I gotcha. I stand corrected. Then a separate item needs to be in there that we have a minimum that we will accept. For instance if Wildwood dropped half of a hotel over here, then for that amount dumped we should get paid a minimum amount from any recycling venue in the Township that accepts it.

Jim Pickering: This does not have to do with anything that the Township gets paid for dumping via the Host Community Benefit. Paragraph 6 specifically and only has to do with how much the Township pays another entity, some Class B recycling facility, to dump whatever recyclable materials there are, whether it is concrete or asphalt or tree stumps or branches, those sorts of things. It is how much the Township pays a facility to accept its recycling materials.

Madelyn Filipski: I really do understand that now, but I would like it added to this resolution that there is a minimum amount that we can expect as Host Community Benefits.

Jim Pickering: But if we take it, for instance, if the MUA facility in Woodbine and Upper Township is the place, we are not entitled to any Host Community Benefits from that.

Madelyn Filipski: But, we are supervising the recyclable places in our Township, which would be the MUA and Future Mining or whatever they named their recycling end, and as the Host Community we are to get a certain amount of money from recyclables they take in and I think that should be one price for everyone, so if the MUA is getting a \$1.58, the Albrecht & Heun should be getting \$1.58.

Jim Pickering: They are not getting anything....

Madelyn Filipski: Giving, giving us.....giving us, and the wording should simply be all recyclables are valued at the same dollar, maybe lower that to \$1....everyone should be the same, the MUA should not be getting \$1.58 and Albrecht & Heun \$1.

Jim Pickering: I understand what you are asking and I don't believe this is the appropriate resolution for that. That has to do with the amount of Host Community Benefit paid to the municipality. That is not what the intent of this resolution is.

Madelyn Filipski: I am looking at something that says future practices and then I have 2 items in there and I can probably guess that is where that goes and I want to follow up with Mr. Shuman is do we really want to be putting a future practice in here that we are going to do business with a company that we are still in litigation for and there is all of this contingent....I mean, maybe can we just....

Jim Pickering: We are not. That is what the purpose of this is, so that we are going to go out and seek bids from other providers, both providers where we can dispose of our recyclable materials and providers who can sell us recyclable materials, so our point is precisely that, to see what other prices are out there for disposal and purchase. It does not indicate that we are wed to Albrecht & Heun, that is precisely what this is about.

Madelyn Filipski: It does seem that it is more expansive, however it keeps mentioning it and I think that we assist them also that this become a line item on monies in and monies out because this has caused such an expenditure of time and hard feelings that could really be obviated by this much came in and this much went out.

Jim Pickering: That is exactly what this is doing.

Steve Barry: That is exactly what we are doing.

Madelyn Filipski: Ok, to me probably I need it to be said. I would feel more comfortable if it said this would be a line item.

Vilma Pombo: On a lot of these items on here you have prices associated with them, but on number 4 for the Gypsy Moth Program, there is no dollar amount, how much is that going to cost us this year.

Mark Mallett: We are budgeting \$100,000.

Vilma Pombo: No amendments or increases will be made on that.

Mark Mallett: Well, that is an estimate. I think last year it was about \$75,000 and it was under a different State Contract and in talking with the State Gypsy Moth folks they are re-bidding that contract and they expect it to go up.

Vilma Pombo: And the same type of spray will be used?

Mark Mallett: Yes, and it will be a little over 1200 acres.

Peggy Mathis: In regards to the Host Community Benefit Agreement, paragraphs #3 and #4, it says all the terms of the original agreement, I would imagine, including reporting requirements are going to be in affect; also instructs all of its employees, representatives to implement the terms of this agreement, being monitoring wells and stuff like this. Is there a timeline where those compliances would have to be met, just to make sure they are in compliance?

Jim Pickering: If the Township is allowed, under the law, to enforce those requirements, it will do it. My understanding is that the DEP has come in and essentially done something that is called "pre-empt the field", and the Doctrine of Pre-Emption means that the state has so regulated this field that the municipality is not allowed to do it, and in this case the DEP is in charge of the state's water resources, so they are the ones, and the only ones who can require that there be certain monitoring of wells and testing that is done. My understanding was that the DEP does do this to some extent at that facility, but the extent that it does I am not versed well enough as I sit here to do that, ok. So to the extent that the Township is going to force it, this is what I can tell you, is I will look into it again, I will try to make myself more well versed on it and at the next meeting tell you what I found out.

Peggy Mathis: Also would there be reports available for the public to make sure that the compliances are met?

Jim Pickering: All of these reports are public documents and to the extent that we have them, they are public and you are welcomed to review them and to copies of them if you make out the OPRA Request.

Peggy Mathis: Apparently there is a lot of questions on compliance issues on well testing stuff, so are you telling me you might be able to get the copies from the state so that they can be looked at within the Township itself.

Jim Pickering: I will see if there are such documents and if there are such documents then they will be public documents and if the Township has them they will be ready for review.

Peggy Mathis: Section 17, Future Practice, as of January 1, 2009 now incurred and the Township of Middle to Albrecht & Heun, that's meaning we bought stuff from there, do you have a price of what we bought so far and what our bill is or is that pending litigation also?

Jim Pickering: That is not subject to any litigation, I don't know what the amount is, but the point of this is that it shall be invoiced by Albrecht & Heun and paid by the Township.

Peggy Mathis: Ok, that is getting it all caught up to date and then from this date forward of this resolution the big process will be instituted where it might not be Albrecht next week or next month, it might be John Jones or someone else.

Jim Pickering: It is possible that they could be the low bidder...

Peggy Mathis: What if they are not?

Jim Pickering: If they are not then we wouldn't use them, or they might be the low bidder in certain circumstances and not in others, depending on where in the municipality a full truck might happen to be when it needs to empty or something like that.

Peggy Mathis: My point is, in this paragraph it is almost looking like Albrecht & Heun IS ....

Jim Pickering: No, that only applies; you have to read that paragraph in the context of the past practices. The past practice, as you know, is we ran a tally, they billed against us, we billed against them and there was a tally that went. This is ending that process and in the future any bill from them has to be invoiced to the municipality and the municipality pays it. In the future, if we buy something from them, they have to invoice the municipality and the municipality pays it.

Peggy Mathis: Ok, thank you.

Dan Lockwood: So Mark, 18, which is about implementing the process where we get billed and we pay Albrecht & Heun, that makes sense. Number 19 though has a date attached to it so can I get the interpretation from your office Mark, what that means? The balance due from Albrecht & Heun is therefore finalized as of December 31, 2008.

Jim Pickering: Just in the sense that it was agreed that it would be revised, that the balance due the Township from Albrecht & Heun is to be finalized as of December 31, 2008, which simply means that tally that was being run ends as of December 31, 2008.

Dan Lockwood: I got you. You are benchmarking everything. Alright, that makes more sense.

Sam Kelly: What you are saying now on these test wells and I think I am clear, but you are saying that 64-91 stands and it is our full intention to enforce 64-91, right, that is what we are going to do. But you are saying that these test wells have since then, the DEP came in and regulated that piece of business right out of the community's hands. So, that puts us back to how the hell did we get there at the recent hearings in zoning when we were promised test wells were a mitigating factor of putting in the new thing when in fact they knew they were making a promise for something they don't have to keep. Do you understand, this is the kind of double talk that just takes us to where we are every time. Now we are being told, those test wells, which I think were sickening to begin with selling that to people because you know what a test well means, you have already been infiltrated, its too late when it gets to a test well, you've already got a problem. But that was used as a selling tool to our zoning board, high handed, I mean do you understand what is coming from here, we are the same people. I sat at a zoning board meeting until 11:00 the other night listening to garbage. We have to keep hearing the same thing. What you just said to her, wow, that was a major point to me; there was test wells and it sold many people; well, they promised they were going to put in test wells....they don't have to put them in do they? They made a promise they don't have to keep and they know that...we are a little tired of dealing with those kind of people.

Lois Shuman: I just want to say that when I saw this Host Community Benefit thing on the agenda I did sit down and write something and I just want to get it on the record before the vote goes ahead. My first question before that is, wasn't the original resolution 41-90 for the Host Community Benefits and when did it become 64-91?

Steve Barry: 64-91 is a resolution authorizing the ven of Township Committee, legally the same, but different people to enter into an agreement with respect to Host Community Benefits, so there is one agreement, it is a contract just like any other contract, but if you get copies of it, I have a copy of it here and a copy at my other office, you will find it stapled to resolution 64-91, but 64-91 is the agreement itself that talks about these things that you are talking about. The one from a year earlier just talks about lets do this, these are the recommendations for the engineer, it is not an agreement itself.

Lois Shuman: Thanks for that verification. First I just wanted to say that I thought this day would never come, all the times that everybody, Sam, Carol, Ralph, Larry, Dan and myself have come up and spoken to you, the Committee, about this situation and now I have to ask why, why were the HCB's never paid, why wasn't this money accounted for in the annual budget, why was a tally aloud to run freely for years, how come tests were never done on this site. I had been through the mining licenses, and Ms. Tomkinson can verify that for me, and I never found a test result of the neighboring watering wells, depths of the lake or even receipts of any monies paid to the Township for HCB's. Yes, I have seen an engineer report from Mr. Orlando's office that coincides with current years for renewal of the licenses. I have never seen test results for so much as a personal comment written about the facility. Why, why has the Township allowed this to go on. Why would you wait almost 2 years to take action on this matter. You sat here and showed different emotions towards each and every one of us whether it was from laughter to anger or to just down right mean and nastiness. Whether it was walking the neighborhood and asking people questions, trying to find people, neighbors, to make bad statements about us. Isn't this so Mayor Doughty? You were taking people into conference rooms and trying to belittle them for just speaking out at these public meetings, Mr. Barry. Anyway, that is neither here nor there. I have read over this resolution and the thing that I find the funniest is everything that we have had to say in the past, to you the Committee, is at some point in this resolution. So again, I ask why? Why did it take this long to start doing something about this matter? Has the monies for HCB's for 2008 been collected? It is not under litigation, I believe the resolution should be worded a bit differently. I understand some of the stuff I am saying now has been said, like I said, I did this the other day. I brought this subject up in November of 2007 and you the Committee sat here and looked at me like I had 3 heads. You told each other to "shut that fool up" when my husband Ralph started speaking. I feel you the Committee owe each and everyone of us an apology. Yes, I will say that sometimes we may have gone a bit overboard trying to get our point across over some of the things that may have been expressed and maybe we were a bit out of line, but for you the Committee to sit up there and wasting almost 2 years doing nothing is absolutely totally

inexcusable. Last but not least I must ask you the Committee, the people of whom all of Middle Township Taxpayers depend upon to make sure that one, all of the money that is due the Township from 1991 to current date is paid in full, including interest; number two, we are going to make sure that the proper reporting gets done from the scale tear tickets, not just from “yea, we were there.” Are you going to deny renewal of all and every license this company has until all the money is paid in full. If they owe taxes, they can’t get their license, if they haven’t paid their fee, they can’t get their license. Why should they be allowed to get their license if this money has not been paid? Are you going to make sure that the amount of the Host Community Benefit is equal to the amount that transportation has to pay, because the wording in Paragraph #2, under the agreement and all its terms are in full force and affect you have, and I quote “the HCB due to the Township of Middle is based upon \$1 per ton of recyclable material received at the Future Mining location. Any amount due before or after this resolution shall be based upon this calculation.” Why should this not apply to the same rates that transportation does? This should really be considered and changed, especially with the cost of living up and the damage this facility and their trucks have caused to the neighboring neighborhoods and communities and the quality of damage to the roads greatly exceeds \$1. That is all I have to say at this time. I thank you.

Steve Barry: If I might, I actually know the answers to all but one of those questions, do you want to know the answers.

Lois Shuman: I would, please. The last question was, because this was not handled properly and we wouldn’t have had to have all of this litigation, does the Township plan on going after Future Mining and Recycling to reimburse them for all litigation fees. Why should it be a burden on the taxpayer of Middle Township. It’s not fair.

Steve Barry: Just keep going....

Lois Shuman: I’m done.

Steve Barry: Ok, I have over the past couple of months spent a lot of time with these documents and there is actually a pretty vast supply of documents which have been exchanged in this litigation. I think, where the Host Community Benefit is concerned, in my mind, I think I have resolved those questions and I said that to our litigation council because part of my obligation, and an important part of all of Township Committee’s obligation is to do the best possible for the Township and I am not sure always that I am right. You know, you wake up in the morning and say “look at that handsome genius in the mirror”, but the reality is we all make mistakes, we all make computational errors. So I want to have that checked. Included in those documents are a couple of memorandums from 1994. I am going to try to answer them in the order that you asked them, although some of your comments you circled back on what you had to say, but let me start with, I think it is your 9<sup>th</sup> comment, about collecting all the money from 1991. I can’t carry these numbers in my head, I have lost that facility, but for the years 1991, 1992 and 1993, the reported tonnage, and there are very, very limited documents for that period of time is tonnage in and assuming there were tonnage out figures reported from those periods of time, those records have not been preserved. So, for those 4 years, I think there were actually a few times, like 300 tons in 90 or 91 actually, for those first 4 years, as far as I can tell from the records that are available, there is no controversy. The Host Community Benefit was reported on tonnage in. The year 1994, the records are sufficient to tell what the tonnage in and the tonnage out was and it appears to me from the records that I have that the Host Community Benefit was reported and computed for the first time on tonnage out. There are a couple of memos that suggest that there were conversations between Future Mining on the one side and somebody from the Township, who knows who, everybody is gone, about changing that computation because there were stockpiles, a certain amount of the material was lost in the process or couldn’t be recycled, and it is also abundantly clear as a result of Mr. Alexis doing work last year based on you and Mr. Shuman’s comments, that there was no later formalized or really even documented informal agreement to change the computation from tonnage in to tonnage out. Never the less it is also clear that the computation for the period 94 through 2000 is documented differently. What you can tell from the documents we have that is in fact, we believe it was the CFO, was in fact checking the figures, and the figures were what credits were due to Future Mining verses what they owe the Township. During that period of time, it is documented, that there were payments made, money payments, made by Future Mining to the Township. There was also a credit of \$35,000 running from the Township, I am thinking, which was credited at \$5,000 a year for 7 years for real estate out near the Davies Center. In addition, there were credits for material which the Township workers dropped off, stumps, concrete, that sort of thing and things they picked up such as chipped wood or top soil. All those were checked and all of those documents have been distributed to litigation. The difficulty with those years is that only for 1994 can you tell what the tonnage out and the tonnage in was. For 1995 through 2000 we can only tell what the tonnage out was, which is the incorrect figure in our view, and what I mean by our view, is probably everybody in this room. For the years 2000 through 2007, all the documents, everybody that is interested has them, and they report all of these things, tonnage out, tonnage in, where the tonnage came from, how it is broken down into different types of material, all those things. But again, the computations were improperly or incorrectly done because everybody assumed that this change had been made in 1994 in the agreement and that is why we talk about the agreement being reaffirmed, because the agreement was never changed. So for that 8 year period 01 through 07, Ford Scott checked all the figures, you can call it whatever you want, but they checked all the figures. Now, in addition to that, the charges that Future Mining made against the Township for things dropped off and things picked up were item by item, every single item was checked by the CFO’s office. I am mindful of your point that we don’t have the weigh in receipts, we don’t have tickets from the weigh in, we just have a report saying we took in this much from this town, we took in this much of this type of

material. Now, let me back up a little bit. We also have those figures for 2008. Now, as of 2001, because of all of these computations, the Host Community Benefits monies were due the Township, what Future Mining paid, obviously they got a credit for, what we picked up or dropped off they got a credit for and this land transaction they got a credit for. As of the beginning of 2001, there was a small balance in favor of the Township. For the 01 through 07 eight year period, that balance shifted because of the transactions each year, all of which are documented in detail again, with the exception of these scale slips. At the time, as of the end of 07, based on all of these computations, which were checked, it looked as though the Township owed Future Mining \$51,000 and change. Now, the difference in tonnage, between tonnage out and tonnage in for that 8 year period was about 230,000 tons, so 51 from 230, or whatever it was, comes to \$181,000. So the report, which anyone, I think the people that are interested in this have already seen, is the report from Ford Scott for those 8 years, shifts the balance from the Township owing \$51,000 to the Township being owed \$181,000 for that 8 year period. Now, for the time before that, it is possible to compute, in my view, the amount due. The reason it is possible to compute the amount due is for the year 1994, that's one year, and actually 9 years because we now have 2008, 2001 through 2008, is that 9 years or 8 years....I have to do this with a computer or a calculator or else I get lost....we have one before and a large number of after years so it is possible to extrapolate the difference and based on that extrapolation I think it is possible to come to a fair calculation of what the numbers are for this earlier period. So, it is possible to do this computation, and I have done it and it is being check, to make sure that I haven't missed anything that I am not wrong, for that matter there isn't a more favorable calculation to the Township, because that is our obligation. Now there are 2 important, sort of side issues with all of this. First there is the idea, and there is a great expression when you deal with the government you are obligated to turn square corners, you can't cut corners. Sometimes it is more efficient to cut corners, or you can view it that way, but in your business dealings, certainly in the government you can't cut corners. And that is just as true for the government, the government shouldn't cut corners with the people and the business with whom it contracts, so it is important to actually figure this out precisely, as precisely as possible. Now, if the Township were the Joe Blow Contracting Company, and it had entered into the 1991 contract with Future Mining, and 4 years later a completely different course of conduct was adopted and followed through 10, 13, 14 years, until everybody involved in 1994 was gone and there was only an institutional memory of how to do it and this dispute arose, I think there would be a very strong argument that actions speak louder than words. That is not a legal maximum, but it might as well be and perhaps the party who had acquiesced to a different deal might be bound by it. But given it is the government and the government can react by official action, everyone is satisfied that is not the case. So that is what we mean when we say the 1991 agreement, we affirm that is the agreement, there is no other agreement. The other sort of issue out there is I have understood a couple of you who essentially suggest that everything reported is not true. The problem with that is it leaves you with no where to start. If everything you told is not true, where do you go, where do you start. So, what I have done is made the assumption that is reported is at least what happened, that the reports that we got don't over report what was taken in and don't over report the apparent obligation of the Host Community Benefit, that seems logically unlikely. So, that at least what I compute, or perhaps someone more skilled than me computes a better number, is due. If it can be shown that there are misrepresentations, and I am not suggesting that can or can't be shown, then of course the figure might be bigger. And those are 2 sort of gray issues. The 3<sup>rd</sup> thing and last thing I want to touch on, and I think I have answered all of your questions, but I'll check over the list before I stop, is interest. Once an obligation becomes overdue, and obviously much of this has been overdue for a long time, interest is due. Now this agreement doesn't call for a rate of interest for overdue obligations, but the law provides a rate of interest where none is provided by an agreement. But, when that interest starts and if it is assessed, it is something that is within the discretion of the Judge hearing this case. One of the folks talked about having an independent person decide these things. Well of course that's what happens in court, an independent person decides these things, and that independent person will take a position on interest and it is a complicated computation because court ordered interest is un compounded, but the interest rate changes every year and the amount due here changed every year because it grew every year, so it is a complicated computation, a computation that I haven't done because it is really a job for an accountant and it really doesn't matter at this point exactly what the interest is until we know what the total Host Community Benefit is. So, let me go over this. Your second, why this happened, is hard to say. In 1994 there were these discussions which left the people not in the field with the understanding, which was mistaken, that the Host Community Benefit was to be properly computed on tonnage out. That was wrong, it took on a life of its own and went on from 1994 until early 2008 when Mr. Alexis went back through all of the resolutions and found that there was no new agreement. The next question was why was a tally never done and to correct matters, tally's were done. I found it and I have seen it. My understanding is like Mr. Pickering's, but it is not been what I have focused on. Why were the depths of the lakes not checked....my understanding is that they were and our surveyors report to that fact.

Lois Shuman: Would they not be in the mining licensing folder files then?

Steve Barry: They should be.

Mayor Doughty: Let him finish.

Steve Barry: Yeh, one at a time...I listened..... I really didn't understand the next question, um, the length of time to give you all of these answers and hopefully I will sort of get the blessing of council, is because this has been in litigation. The money due the Host Community Benefits for 2008 has not been collected in answer to your question. The reports are....and the tonnage in for 2008 was approximately 71 to 73 thousand tons and the tonnage out was approximately 45

thousand tons and while there has been substantial variation in periods 2001 to 2007 on the tonnage out and the tonnage in, that is roughly the average. You said we could collect all the money from 1991, I think I responded to that. It appears to me that years 1990 through 1993 there were no problems or questions about the way things were reported. Prospectively should be get tickets from the scales, I don't know, I leave that for our council. Number 3, you want us to deny whatever licenses these corporations would need as essentially a lever to get them to acquiesce to our view as to what is due under the Host Community Benefit agreement. Let's say I had a dispute with anyone of you, and you took one view and I took another and we were in court. I don't think that it is turning square corners to cut off your electric, to shut down your business and I don't think anybody thinks that. I understand that you are angry, but I also understand, I don't make the assumption at least that when people disagree they do so in bad faith, or that they are bad people or that they are being dishonest. It has been my experience in a long life that sometimes people with whom I disagree profoundly turn out to have better arguments on their part than I had at first conceived and that even if they don't, we have an obligation, and government especially has an obligation to treat everybody fairly and directly and honestly even if we suspect that they may not have reciprocated entirely in kind. Your 4<sup>th</sup> question, your next to the last question was whether the Host Community Benefit amount per ton should be equal to the transfer station amount. The transfer station is not actually a Class B or Class C recycling facility, it is actually a transfer station for a landfill and there are different considerations. Sure, would I like to negotiate the Host Community Benefit higher, absolutely, there is no dispute about that, except obviously on the part of the folks that have to pay it, but it is a different kind of enterprise, it takes in all sorts of things. Finally, your last question was, will we ask to shift legal fees. I think this is one of those situations where what is known as the American Rule applies...there are statutes, like the Civil Rights Statutes, the Anti Trust Statutes, where the Judge can shift fees after the trial. I don't think, but I defer to Mr. Gillespie in this regard, I don't think this is one of those situations where the losing party has to pay the winning parties fees. I hope I have answered all of your questions, I mean you may not agree with my answers, but those are my answers.

Lois Schuman: I just wanted to make clarification that I said why was a tally aloud to run for years, not allowed, I said why was it allowed to run, you misunderstood me on that.

Steve Barry: You mean the balances back and forth...there is actually a positive and a negative reason for that. It is not good bookkeeping and that is why Mr. Pickering has prepared the resolution that we are talking about now. On the other hand, where budget capture concerned it is a way to get rid of stuff we need to get rid of and it is a way to get topsoil, woodchips, things like that that the public works department uses, so it has benefited the Township, it is just bad bookkeeping. The problem is not the tally, the problem is tonnage out verses tonnage in it seems to me.

Lois Schuman: My next question, is Mr. Pickering no longer in conflict since he is the one that wrote up the resolution?

Steve Barry: I don't understand your question.

Lois Schuman: I thought he was in conflict and that is why he wasn't involved in....

Jim Pickering: It has been my position throughout that I don't have a conflict. That is the first thing, the second thing is this resolution is essentially an accounting matter, this resolution goes towards how...it's accounting and purchasing procedures.

Carol Mattessich: Since we have gotten into it in detail I would just like to make a couple of comments about the resolution. Respectively, I did completely with the characterizations that Mr. Barry has accorded to the matter, I know as he said he has spent a lot of hours on this in recent months...I have spent literally hundreds if not thousands of hours on this matter beginning in the late summer of 2007, and since that time, I along with other residents, tried our hardest, our deepest and as often as we could to bring this horrible, horrible problem to the attention of the Township. When we tried to do that, in every way possible informally by coming to the Committee, we were told "don't worry about it, we have trade offs that we make." When we went to Mr. Alexis we were told literally that there were no documents available. When you talk now, both in the resolution and in the comments that were just made to the public about some running tally that was kept through the years, I absolutely differ with that characterization. There was nothing done through the years. If you mean the reports that were prepared on a so called yearly basis on the letterhead of Future Mining & Recycling, and if you mean that these are what your CFO checked for tallies, what you are saying you left the persons whom I regard to have been acting in the role of the putative bank robber in charge of the bank. When we started asking for documents in late 2007 under OPRA Requests, we were told, not only by Mr. Alexis, but by other individuals that the Township had none, that it did absolutely no monitoring of what went on to that site. I don't care whether you are looking at what was on the site or what came off the site, the fact is that nobody did anything about these matters because it was a totally inside deal between characters who had developed such a close symbiotic relationship with this Township that in some ways they ran our town. I was so gratified, in some ways, to see what is stated in the present resolution because those hundreds and thousands of hours finally came to fruition, not as a personal victory for all of us, but as something that our Township deserves, which is normal accounting processing, but to suggest in any way, shape or form that any thing that happened during the 19 years that this was in affect was normal from an accountancy or legal perspective is to whitewash the matter. Let me tell you, and as you know, I was a lawyer in this litigation and am no longer involved as a lawyer, which is why I am now free to speak as a citizen on this. During the course of the litigation we made your Township's attorney aware that our own

investigation showed that throughout the years we weren't discovering this for the first time at the end of the summer 2007, we discovered that 4 different Township officials, in prior years, had been so concerned about this that they had gone to Mr. Alexis and said what is the deal here, what is going on with these Host Community Benefits. In terms of your saying that the CFO had checked figures, I know that your CFO is here, I don't want to put her on the spot, but my understanding is that your CFO herself raised a concern with Mr. Alexis as to why these numbers were not going through her office. For those of you who are not versed in municipal accountancy, every single seminar that we ever paid Mr. Alexis's way to during the course of his tenure here as Municipal Clerk or as Business Administrator of the Township, you gotta believe that one of the principal precepts that you go to church and one of the things you hear frequently is doing to others as you would have them do unto you, one of the things that you always hear at Municipal Law Seminars, is that you never, ever, ever take a penny of public funds without booking them and I am sitting here and telling you that for 18 years this Township had a relationship with a company that owed hundreds of thousands of dollars that were never booked. Now, when it comes to the amount, this is not rhetoric. The amounts that were recited on the Future Mining reports, and Mr. Barry I so appreciate many of the points that you just made...one of the things you said and I am going to say it in kinda simple...I am not a lay person, I understand, but I think I heard what you were saying and I was impressed by it. You said, you know where there are no figures it is kind of hard to come up with that so the best I can do to begin with is to at least start with what THEY said was the amount because they are not going to overstate it so we can at least start with this as a minimum. Well, let me tell you this, in the same years that they are reporting to us an amount of 55 or 65 thousand tons brought onto the site, and saying so we owe you Middle Township \$55 or \$65 thousand dollars, the President of that company is writing a letter to the Cape May County Municipal Utilities Authority, this is September 21, 1994, saying they are now operating at capacity and would like the capacity increased of the tonnage that they bring onto their site. This would increase the allowable weekly total to 4 thousand tons, that is 210 thousand tons a year, that is way back in 1994, and ladies and gentlemen, Mr. Committeemen, Miss Committeewoman, that was only one of their 2 licenses. So, when we talk about it and again I sympathize with the fact that you start with a minimum, but you know what, why not start with this letter where the principal of the company himself was conceding that as of 1994, in September, this company was operating over capacity more than 210 thousand tons of debris a year were being brought onto this site. We had another way that we suggested that this be reconstructed until we were...

Steve Barry: That is not what that says. I know the tonnage for 1994.

Carol Mattessich: I am pleased to give a copy of this letter to anybody who is interested. We came up with an alternate approach to figuring out what really happened during those years. As you know, during the 1990's, particularly the latter part of that decade, there was a huge building boom here in Cape May County. Albrecht & Heun's Goshen site was one of the only places in town that you could bring construction debris to and one of the only places in town that many major contractors brought their construction debris. You know how many motels were taken down in Wildwood alone; hundreds of thousands of tons of debris, we believe were brought to that site. We provided the Township in the litigation with this information. We stated that we would be glad to identify during the course of hundreds of hours of investigation, we met with the contractors, we met with contractors who told us that Albrecht & Heun didn't weight their trucks when they brought them onto the site, and we made this clear throughout the litigation, that it doesn't matter what they say, they might have weighed, the fact is that trucks were being waved around the thing, so in order to reconstruct, people like Ralph and Lois Shuman went to Wildwood, and at their own expense, dug up years of construction records at the construction office there, because people here may not have been keeping tabs and monitoring and telling the truth about numbers, but over there when buildings were being demolished, people had to go and get permits for the demolition, and it happens that when they went to the construction office to get permits, many times they had to fill out an estimate of how much debris would be taken from the site. While Ralph and Lois Schuman had those records constructed over a period of months, we've turned those over to the Township. I would hope that the Township is aggressively litigating and coming up first with an approach like that and any other approaches that might be available. I just have to respectfully disagree with any intimation that what happened here was in any way normal. I know, it might have been Dan or someone had suggested that this was something that the Committee should refer to an independent body or person and I certainly have asked for that from the beginning. I don't think, and we have talked about this at other meetings, there is no way that you can all govern yourselves. It is not a topic that I want to belabor, but as you know, in our litigation a huge part of the litigation was that Mayor Doughty is very close friends with the principals of this company. Mr. Alexis, we found out in the deposition in October, is also or was also all those years close personal friends with this company. The only thing that is relevant to right now is the point that I do not believe that in the present or in the future you have the capacity to do the investigation that you should be doing to truly make sure that this never happens again. And the reason you don't is because of all these close ties. I urge that you do refer this to a 3<sup>rd</sup> party. There is a relatively new office in the State called the State Comptroller, a new kind of Comptroller who was appointed specifically to investigate, not only incidents of possible corruption, but more importantly mismanagement of relationships exactly like this. And, if you really care about looking at this with clear eyes, why not ask someone who has the ability to do the forensic accounting that you may not want to be paying for in the litigation, why not refer it to an office like that and have a 3<sup>rd</sup> party do that investigation. I mean it is already going to go through the State Ethics System for a totally different reason that came out of the litigation, but when you get into concerns, like the one you are trying to address in the resolution, why not put it somewhere that an independent 3<sup>rd</sup> party and body can actually take a

look at how there could have possibly been so few controls that all of these really serious things happened for such a long time. Thank you for your time.

Susan DeLanzo: I have a question going forward from all of this. Can we just arbitrarily demand a higher dollar, the dollar is statutory, I mean you...so we have no recourse to raise the fee?

Jim Pickering: No, you can't...we do not unless we were to reopen some sort of negotiation and it would have to be by mutual agreement and even then some people might argue that you can't do it because the Statute, again, is what controls, I have not looked at that issue specifically, but...

Susan DeLanzo: Well Mr. Kelly referenced that there were other communities getting more money per ton than we are.

Steve Barry: That was in Pennsylvania.

Sam Kelly: I didn't say that, I said that there, number one, we negotiated the dollar in 1991, I don't have that information, I saw that the State, if you go on line you can do these things quickly, and the State of Pennsylvania, through Waste Management gets \$4 a ton at certain sites, are they the same programs, I don't know. That's why I am not sitting up there, I am sitting down here. What I am saying to you, based on and I am hearing some other evidence here, that there might have been some inclination in the original arrangement here that it was to grow proportionately to the fee that was being charged, and if it did, I would have to say that that was pretty simple math. If they grew 300%, then it sounds like we should be getting 300% more. I don't know if you can or can't negotiate it, I am not the attorney here, but it sounds to me and all I was suggesting was while you are looking at this, and as a taxpayer I am asking that that is something that should be considered. Seems like that is way out in front of us right now when I am hearing so much of the history of this thing is still up in the air, but that is all I am suggesting.

Susan DeLanzo: Ok, I just wanted to be clear about that, that if there was anyway for us to raise the fee I am in favor of it. This particular accounting does not mean that we cannot address that in going forward.

Jim Pickering: In the future you could do that. This resolution has a pretty limited purpose and we have talked about this for well over an hour now and again the purpose of this resolution is merely the accounting issues and if there was something not right, this Township Committee is trying to make it right. People have been in this audience, and some of the same people who are passionate tonight have been passionate that this be fixed, and tonight it is being fixed and they are still upset so I don't know what to say to be honest with you. An hour and a half has gone by on this. The purpose of allowing these comments at the beginning of the meeting was so that we could get through this and comments that might be worthwhile for Township Committee to consider in the resolution, that is why Township Committee said let's open it up at the beginning. I gotta tell you we have gone far, far beyond what the purpose of this was and frankly I have let it go this far because I know that this is an important issue for the community and I know Township Committee considers it an important issue, so it has been a wide ranging, almost wild ranging discussion, but we have had it for an hour and a half and I strongly urge that Township Committee move on, we have a lot to do.

Kirk Kelly: This number 11 here, please bear with me, I have a speech impediment. I plan on being a fixture here also, I'm a little tired of waiting, there are issues out at the beach that I have tried to bring up, some people are not here any longer, some people are new...

Steve Barry: Are you opposed to this resolution in some way?

Kurt Kelly: Well, I want to see this FEMA thing put through and I want to be part of it. Being the only resident out there for roughly 15 years and another resident for about half of that, whenever I see a car go by with a decal on the door or non residential type tags, I am going to go out and give them 100% of my opinion knowing all too well that I only pay probably about 2 cents of their paycheck. So, if you will, I would like to put my 2 cents in here. I want some attention to Reed's Beach, I won't use as much passion as these folks, I know how to make a phone call. The realities are I don't feel safe on my street. If things in my neighborhood are not remedied, should we face a Katrina like catastrophe, I won't get crap back. I don't feel safe no more and I would like to be a part of the FEMA thing if you don't mind.

Mark Mallett: I am going to be meeting with Frank McCall of Emergency Management of the County this week so I will probably be meeting with you next week.

Kirk Kelly: I met with this gentleman for about an hour and a half and he claims he is going to try and make a diligent effort so I am going to allow him a little bit of time. We only have about 6 permanent residents and a lot of transient residents, they come down on weekends and they really don't want to hear Mr. Kelly keep going on about this but they could loose what they got too. They are lucky to have 2 or 3 houses, Mr. Kelly only owns one. If we don't bring up the codes, I will loose my home if we have a disaster and won't get a dime back. Everything is too low. You gotta do something folks.

Madelyn Filipski: I want to look at 24 again. The Municipal Audit Report, is that the directive action plan that you are referring to? What is that?

Jim Pickering: Which paragraph Marilyn?

Madelyn Filipski: It is the second WHEREAS in 24.

Jim Pickering: My understanding was that in the 2007 Municipal Budget Audit prepared by Ford Scott, this is different than the audit on the...this is the annual audit of the municipality, that there was a comment in that audit that this situation should be fixed in this way.

Madelyn Filipski: Ok, and I think all of us here appreciate that you are addressing this problem and I know that you must feel plagued by this and I wonder if we might table it for you to have some opportunity to consider what you have heard this evening, and it may be that you don't want to change a word of this, but you spent a lot of input and we've spent a lot of years going over this.

Steve Barry: In terms of the accounting that we are proposing to do and correct here, we need to give this guidance and direction now. The comments that folks have made tonight, to be blunt about it, have been made before and I know we have all been mindful of them, and I have certainly been mindful of them and I was mindful of them every minute I went over these documents. I think they mean what I think they need. I'm going to make them available my analysis to council, in fact I have already done that and when that process is complete, if it doesn't prejudice the litigation and if it doesn't prejudice the Township in litigation, I will make it available to everybody so that hopefully they come up with a more favorable analysis, but this needs to be done to get how we proceed from a bookkeeping point of view correct and going forth, at least in my view.

Madelyn Filipski: Ok, thank you.

Mark Mallett: Real quick, so everyone understands what Tracey and I are doing, the CFO, who is also here, we are putting together an RFP regarding recyclable materials that are taken to the various facilities and what is purchased. That is what we are in the process of doing right now. I know there are a lot of other things that are being discussed, but that is the direction we are headed in and I'm not quite sure what else we can do, if we can wrap it up and move on.

Betty McGurk: I am really glad it is getting changed and we will be invoicing but can I ask, do we have running tallies with any other companies, do we do running tallies, is that a common practice.

Jim Pickering: I am not aware of any and if I find out there are any ,....

Betty McGurk: Is running a tally a legal thing to do?

Jim Pickering: I'm not an accountant, I'm not a Certified Municipal Auditor, all I can tell you is it was in the Municipal Audit, there was a comment and we are responding to it.

Madelyn Filipski: I would like to chime in here and maybe help you out a little bit Mr. Pickering, for a change. When I looked at the MUA funding, I don't know if it would be entirely called a tally, but on the budget it says the amount we get back, it doesn't say the amount we are charged so it may be that you have done that before. So there are 2 figures and they subtract one from the other and then give you the amount.

Steve Barry: We get 2 different kinds of credit from the MUA, and they are credits, you are correct.

Madelyn Filipski: And so probably it is in the accountancy and that probably might be considered a tally and probably another issue that you might want to look at.

Jim Pickering: If it shows up in the Municipal Audit Report, then we will address it.

Madelyn Filipski: OK.

Steve Barry: Why don't we go to our agenda.

Ralph Schuman: You always refer to, and you have done this a lot, in 1994, the document that you so called read, can you read the names on that document, who was in that group who tried to do this. Could you give us these names.

Steve Barry: The 2 documents, actually there is....I don't have them in front of me so no, it is not like they have names all over them....one is a handwritten memo with a copy of the agreement, one is a recapitulation from Future Mining as to what is due as of 1994, one is a spread sheet showing the amounts due for 1994 and I am drawing a blank on the 4<sup>th</sup> one. When I distribute this those copies will be attached and you can make of them what you will.

Ralph Schuman: Well it is not about make up what you will because what you said is this that and so far not one person out here in the audience has a name that you refer to all the time in this 1994 document. That is all I was asking.

Steve Barry: There aren't memos from Bob to Joes....Dear Bob, this is Joe, I think you oughta do the following thing.

Ralph Schuman: So, if we did an OPRA Request for this 1994 document that you keep floating back to, what we would find is what you just said.

Steve Barry: I can't tell you what you would get from it, but

Ralph Schuman: That is what I am asking you...

Steve Barry: I already told you what....look...you are disposed to consider that it is like the hole in the wall gang, what I think doesn't matter...you won't accept anything I say as being in good faith...you argue with everything I say....and we will never get this meeting over.

Ralph Schuman: My question was a very simple question. You referred to this document of 1994....OK, my question is how can I get this, since you have looked at it, I think that it would be real nice so that other people could look at it because I know Lois has looked for it and you know what I mean it would just be nice if we had the same information that you have to see who the players were, who were playing with the Township's actual, you know, who were the players that were playing with Middle Township's money.

Steve Barry: I understand your question and I answered it.

Ralph Schuman: No you didn't.

Steve Barry: Well I answered it....

Ralph Schuman: You didn't give me one name.

Steve Barry: There are no....well these things from Albrecht & Heun and Future Mining say Future Mining on them and say who the officers are, the others are handwritten notes on documents.

Ralph Schuman: But who was the Township's officials that sat in with this agreement.

Steve Barry: There was no agreement, Ralph.

Ralph Schuman: I know, but...

Steve Barry: You mean who participated in the discussion?

Ralph Schuman: Yes

Steve Barry: I do not know and I did not inquire. I can tell you who the....let me finish....

Ralph Schuman: You guys scare me that maybe, that maybe I could do this with my taxes

Steve Barry: Listen, we have had enough....

Ralph Schuman: I have one other small question...

Steve Barry: You said you had one, come on

Ralph Schuman: Well that was a small question with a real long answer that no one knows anything....you made it long. I'm still gonna to go back to the same question...the original agreement with the water test and everything, they got up at the Township Zoning Board, they had water people there, we're gonna promise this, we're gonna promise this, we're gonna do this and we're gonna have monitoring wells, we're gonna pull them and we're gonna go forth,. This is the same stuff that they did in 1991 and that was never taken care of. It's in the resolution, it's been ignored by the Township....

Steve Barry: Excuse me....excuse me....

Ralph Schuman: Yes

Steve Barry: This has nothing to do with the agenda.

Mayor Doughty: Ok, lets move on.

## 2. PUBLIC HEARING – COMCAST CABLE – RENEWAL OF MUNICIPAL CONSENT **Public Hearing for Comcast Cable Renewal of Municipal Consent**

Kim Schalek (Salmon Ventures): We are here this evening for a public hearing for the Cable Franchise Renewal. Just to give you a little background as to why we are here again, the Township is currently served by Comcast Cable and there are 2 Franchises. There is one that covers a small section of Swainton and the second one covers the rest of the Township. The Cable Franchise that covers the larger area was approved by the New Jersey Board of Public Utility back in 05. That Franchise Agreement was to run until July of 2011. After that time period, the smaller section, the Swainton section, was due to expire. Comcast filed an application in 2005, went through the normal negotiation process, held a public hearing and one of the things that came out

during this discussion was a desire by the Township to combine the Franchise into one agreement so that it would be a cleaner process for the Township as well as the cable provider and it would allow it to be done once and not twice. Went to the Board of Public Utilities, who ultimately has the authority to approve these agreements and it was their determination that the cleanest way to do this would be to come back to the Township and have the cable provider submit an application for an early renewal. That way both will be approved simultaneously, we can move forward, even though we will have 2 documents, they will be on the same time table, so the purpose of this evening is for people from the public, if they would like to put any comments on record, this is for the larger Franchise Agreement, the one that covers all but the Swainton area. Any concerns they have about the current cable service. One of the things that I would like to point out is that rates are not affected through this process, those are set by the FCC, so if somebody has a concern or complaint about the rate, that is not addressed under this process.

Jim Pickering: Mayor, Ms. Schalek is here as the Township's consultant through this process. I have worked with her extensively as has the Cable Advisory Board through this process which has gone on, she had indicated, for a couple of years. We are fortunate to have Mr. Taylor here, Mr. Barry Taylor who is a representative of Comcast, I believe he is the, what is your title there Barry?

Barry Taylor: Director of Government Affairs.

Jim Pickering: Director of Government Affairs, and he is here to answer any questions, so what we need to do here tonight is to have a public hearing.

Kim Schalek: At this point I think Mr. Taylor has a comment that he would like to read for the record.

Jim Pickering: That's fine, but let me explain a little bit of what will happen. He is going to read a comment and then there will be a public hearing, after that there will be...the proposed Ordinance has to be approved by the State, sent back to us for adoption and that is essentially how it works. The benefit of this is we will have both Franchises on the same schedule that will save money in the long run so we are not doing this twice every ten years or so, we are doing it once.

Barry Taylor: I apologize but we need to go through this because there are formalities associated with this process and since it is a public hearing for renewal, there are certain points I have to cover, so if you will bear with me. We are entering the final stages of the cable television franchise renewal process. We began that process in August of 2008 on this particular franchise by notifying the Township that we wish to renew and we then filed an application for renewal on December 10, 2008 with the Township Clerk's office. Today's hearing is another step in that process. As Ms. Schalek said this is an opportunity for the governing body and for the cable company to hear from the public that have any concerns about service or other issues concerning television service in the Township. There are 4 questions that the Township may consider in renewing this nonexclusive franchise; one of these is has the cable operator substantially complied with material items of the existing franchise and applicable laws. I am sure you will find that Comcast has done so. Has the quality of the operator's service, including signal quality, response to complaints and healing practices been reasonable and what the community needs. Middle Township is provided all of the same services as Comcast customers throughout Southern New Jersey and have a 24 hour day, 7 day a week consumer contact point at our Voorhees call center in Camden County. We also have local offices and local technicians to meet the needs of the community. We provide services in both English and Spanish and we have evening and weekend installations and other service windows. The 3<sup>rd</sup> question, does the operator have the financial, legal and technical ability to provide the facilities and equipment it is proposed to provide. As you are aware, Comcast is the largest provider of cable television services in the United States and we certainly have those capabilities. The final question, is the cable operator's Franchise renewal proposal reasonable to meet future cable related needs of the community. Taking into account the cost of meeting such needs, and as I mentioned earlier we provide all the same services here in Middle Township as we do throughout Southern New Jersey, so all of the upgrades that have occurred elsewhere in our systems have occurred here as well. I would like to thank you for your time and attention and I look forward to hearing comments from the public. Thank you very much.

Mayor Doughty: Anyone in the audience with questions.

Jean MacLore: Mr. Taylor, I understand that here in Middle Township there are many housing developments where the wires are underground and with the increased digital HD, all these different services that are available, there are people in the Township that are having difficulty maintaining the signal from your company. Does your company have any plans of upgrading or updating any of this underground equipment.

Barry Taylor: Quite honestly I am not aware of any such comments and I would be delighted to hear them and glad to leave you a card if you can give me some specific information so I can give you some specific answers. In general, if I don't know a problem exists, I can't comment on it.

Jim Pickering: Are you asserting that you have signal problems at your house in Reeds Beach.

Jean MacLore: Not myself personally, but relatives and friends in Middle Township, especially in Cape May Court House, some of the housing developments that are about 20 years old at this point have underground systems and they are having a lot of difficulty.

Jim Pickering: Do you know that it is related to the fact that they are underground.

Jean MacLore: That is what they have been told by the Comcast service people.

Mayor Doughty: Now wait a minute, you seem to be jumping all over here. One minute we were at Reeds Beach...you know we are only 72 square miles.

Jean MacLore: I live at Reeds Beach that is why I said within the Township.

Dan Lockwood: Mr. Taylor, is there 2 Franchise Agreements

Barry Taylor: Yes, it is historical. When cable was first getting started the Swainton area was served by cable company A, that was formed in 1970 whatever, and they took that portion and came across that causeway. Then there was another company, 4 or 5 cable companies back, that had its facilities in Wildwood and they served the primary portion of the Township. And over the course of time it has wound up with Comcast owning them all and these Franchise Agreements being historically covering these 2 different geographies of the Township.

Dan Lockwood: So the Swainton Franchise Agreement would be related to the tower at the end of Avalon Boulevard.

Barry Taylor: I don't know, you got the wrong guy for that question. I assume, no, I don't think it would be. It is possible there is a historic tower there, I am not sure if it is ours or not, but to the best of my knowledge all the signals for the Swainton area at this point and time, today, come from our Rio Grande area. They go out to Avalon and then they come back in.

Dan Lockwood: Ok, so, what I am looking at is, renewing the agreements, you are able to do that and you are sure you have the facility to serve those agreements in full.

Barry Taylor: Absolutely, there is no relationship to the service of the geography ..the technology has changed so much...

Kim Schalek: Combining the Franchises has no affect on that, this is just paperwork...the one document covering the whole Township.

Jim McGill: I consider part of the service, but Comcast this last year has moved its TV guide section, so the poor people who don't have digital do not know what is on because they moved the TV guide. I think that is a poor reflection on service.

Barry Taylor: Let me address your question and let me also add something to what Ms. Schalek said. There are really 2 things that your public body cannot control; one is rates the other is channels. If this doesn't come out the way you like it, these guys are innocent because they have no voice in that. If you want to be mad at someone, be mad at me, but the plain truth of the matter is that the world is going digital and about 85% of our customers these days do have digital equipment. Over the course of the next year or so probably everyone will have digital equipment because of the way the technology has evolved and everyone then will have the TV guide channel. In the meantime, Comcast and every other cable company in the United States is in an awkward position because we have been in business a long, long time, we started back in the days of analog TV, we still have a lot of analog channels. All of our competitors, satellite companies, Verizon and other competitors of other areas outside of New Jersey are already all digital. We're making the slow transition, I'm sorry, we are in the middle because there are a many folks who want to keep that old system. But the majority of our customers, 88% of them do want to make the change, they want lots of HD channels, they want lots more digital channels, they want faster internet speeds, they want more telephone services and the only way that we can do this is to shift certain channels from analog to digital because analog channels consume 6 to 10 times as much band width as a digital channel, so by taking that TV guide channel and moving it to digital, which remember is seen by 80 to 85% of our customers, we can now offer maybe 3 more HD Channels, but we are in the middle. If you have the old system, and you like the old system, you don't want us to do that. But our other customers, the larger majority, do want us to do that, so we are in a situation where a certain percentage of our customers is not going to like those decisions, but those decisions are really all going to go away sometime in the not to distance future when everything becomes digital, and I am not talking about digital signals being sent over the air, I am talking about cable companies slowly going digital so that they will be offering, and in a position to compete with their competitors, the satellite companies and Verizon, who are also offering more digital, and because they do, they can offer more channels and more other things that we can do while still trying to preserve some of the analog channels for our long term customers. No good answer for anyone.

Jim McGill: I just want to know what is on TV.

Sam Kelly: I have no problem whatsoever, and that is what I want to say quickly is that, and I never thought I would say this, but Comcast to me has become probably the best utility provider that I have to do business with and they bring me my pornography at high speed.

Betty McGurk: To be honest with you, I have had a little problem over the years because we rent a high def box, but it only works on 1 television. When all the channels go high def will we still have to get a second box like if you wanted high def channels in the bedroom do you still have to go rent another box to get the high def , will that change at all?

Barry Taylor: Not to the best of my knowledge, but the technology is always changing, for instance I can tell you about a piece of technology that is coming down the line, Sony, Sonic, Samsung and I forget who else have joined with Comcast and 2 of the other, 2 or 3 of the other media cable companies to develop what the computer folks call platform so that everybody is reading the same things. That will deliver certain things including standard definition digital, I am not sure whether it will be high definition digital, but at least for the foreseeable future you will need a box to translate the high definition signal. Because the signal is part of a tier service there are a couple of things that go on, one is if Mr. Jones has 78 channels on analog, but Mr. Smith has all, whatever they are now, 900 channels, including 75 on HD the box is part of the way to separate these billing things. But additionally our HD signals have to be translated back to your set and right now without that universal platform, that doesn't exist. Now, will that come out into the market place and how long will it be, quite frankly I don't know. But for the foreseeable for every HD set that you have, you will need an HD box.

Betty McGurk: The cable companies, they provide most people with HD without an extra charge and they let you, it is sort of like you are buying an HD television but it is only for the one television that is in the living room, then the cable company charges us extra to get those same channels and it is sorta, ya know, a little bit odd because you have so many channels downstairs, but if you want to go upstairs to finish watching, you have to go rent another box to get what you have on the downstairs.

Barry Taylor: You asked specifically about HD and that is true and that is true for an HD set because HD only translates over an HD box. It is not as true about standard digital and there will be some very, very much less expensive digital translators coming along within the next year or so.

Madelyn Filipski: Your advertisement says that you don't have to worry about an analog when you change to digital, so I am a little bit concerned

Barry Taylor: You are talking about 2 different things. There are 2 things going on concurrently and it is confusing, one is the over the air broadcast change to digital and that is like channel 3, 6 or 10 changing their signal from analog, which they have been since the 40's or 50's to digital. If you have an old set that doesn't have a digital tuner on it you will no longer be able to get those signals if you are dependent on a private antenna. But, if you have cable or satellite, we translate those signals so they will come to your set just as they always have.

Jim McGee: So, if you have cable you don't have to worry about it?

Barry Taylor: If you don't have cable, if you are dependent on an antenna, even if it is for your 3<sup>rd</sup> TV in the guest bedroom, come June that will stop working and your choices to fix that are to either hook it up to cable, get a converter box through the federal converter box program, or get a TV set that has a digital tuner.

Madelyn Filipski: Am I never going to be able to get the book channel or the TV guide channel?

Barry Taylor: If you change to digital you will have the TV guide channel, I don't know about a book channel.

Madelyn Filipski: Book TV is 102 and 104, it doesn't come in on analog now, you switched it to digital format.

Barry Taylor: Are you talking about C-SPAN?

Madelyn Filipski: Yes, that is what I think it is, C-SPAN 1 OR 2.

Barry Taylor: C-SPAN 2 appears on digital, if you get one of those little a to d digital boxes, you will see it. You are entitled to that, it's in there and you can get a free digital box right now. Just go down to the local office and as a Preferred Basic Subscriber, you have like 78 channels, you are entitled to a free digital box, so you will get C-SPAN and some of the others things that disappeared including the TV guide channel.

Steven O'Connor: I was just curious, when you extend the contract with Comcast does that set up any impediments with say Verizon to come in here.

Jim Pickering: It does not, it is a nonexclusive franchise so they are not the only franchisee and Verizon will be coming here in the Township sometime in the next, I believe, they have to do it within the next year under the State Statute. I know that a representative from Verizon is coming for the next Cable Television Advisory Board meeting.

Kim Schalek: I wanted to mention to that for the record I don't know if they are aware, but the Township does have a Cable TV Advisory Committee, so Mr. Taylor, our Representative from Comcast under the ordinance is obligated to come to a Township Committee meeting upon request once a year, but he also does make appearances with an invitation from the Advisory Committee. So these don't have to wait until a hearing like this if you have an issue. I'm sure that the Advisory Committee would love to hear your concerns.

Barry Taylor: If you have an immediate concern that for one reason or another isn't getting addressed by calling 1800 COMCAST, if you let Mr. Mallett or anybody else in government know, then they can give me a call.

Public Portion Adjourned at 7:11 PM

3. **PUBLIC HEARING – PROPOSED MUNICIPAL ACTION – GYPSY MOTHS 2009**  
**Public Hearing for the Proposed Municipal Action Regarding Gypsy Moths for 2009.**

Mark Mallett: We touched upon this a little bit. We are going to be spraying about 1200 acres. For those of you interested, I have a map showing where they are going to be spraying.

Mayor Doughty: Let me say this, this program is set up for a year in advance, so if you try to get into it now it would be very difficult. They started last year going out and doing the Gypsy Moth counts. If you know anybody that wishes to pay to have their house sprayed or acreage, get a hold of Mark Mallett. So, in other words if you wish to spend a little money to have your acreage sprayed, last year we waited too late, but I probably had a half a dozen people ask me if we can do that.

Steve Barry: This concept that we have, comments to the agenda, has as its purpose people raising issues about things that are actually on the agenda, not sort of freelancing about other things. I guess, in some ways, if everybody has got an issue off their chest, it doesn't really matter if we hear it at the earlier comment section or the later comment section. But I would urge some restraint in that regard since sometime people are here for a particular item. So, if we spend a really long time on what are essentially important in particular peoples minds, but unrelated items, it really may be...it could be seen as a discourtesy to people who came here for item #3 or item #5 and they want to participate on that item and go home. So, obviously we talked about what we talked about, its all important, its all fine, but perhaps at another meeting, if we could discipline ourselves to talk about just agenda items at that point, it doesn't really make any difference to the people that are here for the whole meeting because what is the difference to some degree in what order we discuss things, but for the folks who come here for an award or to make a specific presentation, they may not be as fascinated by a particular topic as other people, so, it's just something to think about.

4. **RESOLUTION – GYPSY MOTH CONTROL PROGRAM –** On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
WHEREAS, the gypsy moth *Lymantria Dispar*, has been found heavily defoliating tree and plant growth in the Township of Middle, and  
WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees, and  
WHEREAS, the Township Committee of the Township of Middle has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

5. **RESOLUTION NO. 130-09 – APPROVING PAYMENT FOR ALL BILLS –** On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. Mayor Doughty Abstained.  
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	\$ 5,112.82
Current Acct.	\$ 667,061.49

6. **RESOLUTION NO. 131-09 – APPROVING MINUTES FOR PREVIOUS MEETING –** On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the minutes from the Township Committee meeting and Work Session held March 2, 2009 are hereby approved.

7. **REPORTS:** The following departments have submitted their reports for the months indicated: Tax Collector for the month of February; Construction Department for the month of February; Municipal Court for the month of February; Zoning Official for the month of February;

8. **RESOLUTION NO. 132-09 – AWARD OF BID – HOME REHABILITATION PROGRAM – CONTRACT 2008-7 THROUGH 2008-12 –** On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
WHEREAS, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contract No. 2008-7 through 2008-12  
WHEREAS, sealed bids were received on January 15, 2009 at 1:00 p.m., and  
WHEREAS, it appears that the following bids submitted below represent a figure equal to the lowest bids received, which complies with specifications.  
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contracts for the following Home Rehabilitation Programs be and hereby is awarded as described:

Contract No. PO #	Lowest RESPONSIBLE Bidder	Total Bid Amount	
2008-7	Professional Exteriors	\$18,900.00	20900819
2008-8	Mod Con Inc.	\$9,250.00	20900820
2008-9	Mod-Con Inc.	\$7,900.00	20900821
2008-10	Professional Exteriors	\$12,660.00	20900822
2008-11	Mod Con Inc.	\$11,175.00	20900823
2008-12	Gemini Building Company	\$10,345.00	20900824

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ see above has been bid for the following service or items housing rehab . It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: R-23-56-880-000-011 PO# see above

Tracey DeVico Taverner, CFO

9. RESOLUTION NO. 133-09 – SALARY ADJUSTMENT – RECREATION DEPARTMENT – 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, County of Cape May, State of New Jersey, that the following employee salaries will be amended to the amount opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
Derek Jensen	Recreation	Recreation Attendant P/T	\$10.00 ph	03/16/2009
Shawn Vayhen	Recreation	Recreation Attendant P/T	\$10.00 ph	03/16/2009
Earl Wilson	Recreation	Recreation Attendant P/T	\$10.00 ph	03/16/2009

10. RESOLUTION NO. 134-09 – AUTHORIZE APPLICATION – US DEPARTMENT OF JUSTICE / OFFICE OF COMMUNITY ORIENTED POLICING SERVICES – COPS HIRING RECOVERING PROGRAM – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby authorize the application to the US Department of Justice, Office of Community Oriented Policing Services for the COPS Hiring Recovering Program. FURTHER RESOLVED, that Police Lt. Christopher Leusner is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.

11. RESOLUTION NO. 135-09 – AUTHORIZING THE COOPERATION OF MIDDLE TOWNSHIP AND CAPE MAY COUNTY RECOGNIZING THE COUNTY AS LEAD AGENCY FOR THE DURATION OF THE FEMA FUNDED COUNTYWIDE MULTI JURISDICTIONAL ALL HAZARD PRE-DISASTER MITIGATION PLANNING PROJECT – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the property owners of Cape May County experience a high rate of repetitive property losses caused mainly by flooding and they reside in a unique geographic location that could experience geographic location that could experience a variety of natural and man-made disasters; and WHEREAS, the County of Cape May received a grant from the Federal Emergency management Agency (FEMA) to develop a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan to mitigate the potential life and property losses associated with man-made and natural disasters; and WHEREAS, Cape May County, together with all sixteen municipalities, will develop a Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan that will describe the hazards the County and Municipalities face and the risks associated with those hazards, and will develop strategies for mitigating those hazards; and WHEREAS, a Hazard Mitigation Steering Committee will be formed that includes one member from each Municipality, requiring that Middle Township appoint a representative capable of attending meetings, working with the selected contractor to identify critical facilities, at-risk populations, potential losses, and producing historical records, studies, and reports relevant to this planning process; and

WHEREAS, Middle Township acknowledges that they will be required to adopt by Resolution, the Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan developed by the Hazard Mitigation Steering Committee after Federal Emergency Management Agency conditional approval.

NOW, THEREFORE, BE IT RESOLVED by Township Committee that Middle Township does hereby agree to participate in the planning process fully and recognize the County of Cape May as the lead agency in this planning process.

BE IT FURTHER RESOLVED, that Middle Township has assigned the following person as the Point of Contact for our Municipality and said person will be responsible for attending the kick off meeting, Hazard Mitigation Steering Committee meetings, and assure the minimum requirements of the municipal participation is met:

Jill Zarharchuck, Deputy Emergency Management Coordinator

12. RESOLUTION NO. 136-09 – AUTHORIZING MAYOR TO SIGN STATEMENT OF CONSENT FOR A COUNTY OF CAPE MAY TREATMENT WORKS APPROVAL APPLICATION – RIO GRANDE PUMP STATION MODIFICATION – 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 of the Township of Middle, the governing body thereof, that Mayor F. Nathan Doughty be and hereby is authorized to sign the statement of consent for a County of Cape May Treatment Works Approval Application for modifications to the Rio Grande Pump Station.

13. RESOLUTION NO. 137-09 – AUTHORIZING MAYOR TO SIGN DOCUMENTS IN CONNECTION WITH THE WHITESBORO / EDGEWOOD PHASE I SANITARY SEWER PROJECT – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle is in the process of installing a sanitary sewer system in the Whitesboro and Edgewood parts of the Township of Middle, and  
WHEREAS, the township has applied to USDA/RD for the additional funding necessary for this project, and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized to sign all documentation as necessary, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary on connection therewith.
14. RESOLUTION NO. 138-09 – SOCIAL AFFAIRS PERMIT – WILDWOOD CIVIC CLUB E.M.D. – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
Wildwood Civic Club E.M.D. has applied for approval to sell alcoholic beverages at a Fundraiser Fashion Show to be held at Wildwood Golf Club Inc., 1170 Golf Club Road, CMCH, on March 29, 2009 from 12:00 p.m. noon to 5:00 p.m
15. RESOLUTION NO. 139-09 – REDUCTION OF PERFORMANCE BOND – NANCY GIBSON – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, \$42,924.00 is being held as a performance guarantee for Nancy Gibson for site improvements at Block 48, Lot 39, also known as 79 Rte 47 South, Dias Creek and  
WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$4,629.00 have been completed, and  
WHEREAS, the Zoning Official has recommended that the performance guarantee for the above stated project be reduced to \$38,295.00
16. RESOLUTION NO. 140-09 THROUGH 141-09 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED (ITEMS A THROUGH B) – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.  
140-09 (A) WHEREAS, N.J.S.A. 19:44A-20.4 et. seq. requires that contracts with a value exceeding \$17,500 be awarded pursuant to a “fair and open” or “non-fair and open” process; and  
WHEREAS, the Township Committee feel the best interests of the residents of Middle Township would be best served by the Township requesting proposals and qualifications, and considering and awarding contracts by use of a Fair and Open process; and  
WHEREAS, the Township Committee desires to establish the Fair and Open Process; and  
WHEREAS, the Township Committee desires to establish the criteria for the consideration of proposals and qualifications, and the award of Contracts submitted in accordance with the Fair and Open Process; and  
WHEREAS, the Township Committee desires to establish the positions which for the year 2009 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; and  
WHEREAS, the Township Committee has decided to go beyond what is required by the state statute and to submit all professional services contracts to the Fair and Open process, even those that are below the \$17,500.00 threshold;  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that:  
1. THE FAIR AND OPEN PROCESS  
A. The Township Committee of the Township of Middle has determined that the following procedure constitutes a fair and open process and shall be the manner in which requests for proposals and qualifications are sought, accepted, and awarded:  
1. A request for proposals and qualifications shall be publicly advertised on the Township of Middle’s internet website beginning on March 17, 2009 and continuing on the website through March 24, 2009;  
2. The Township shall accept proposals until 1:00 o’clock on march 24, 2009.  
3. Proposals shall be in a sealed envelope addressed to:  
Kimberly Tomkinson, Township Clerk  
Township of Middle  
33 Mechanic Street  
Cape May Court House, NJ 08210  
**The envelope shall also state the name of the person or entity submitting the proposal and the position for which the proposal is submitted.**  
4. The envelope shall contain one original and two copies of the proposal.  
5. The proposal shall include (this is mandatory) at a minimum, a statement of the following:

- A. Qualifications and Experience of person or entity specifically with regard to the position sought
- B. Scope of Services proposed to be provided
- C. Contact Information, including name, address, phone number, email address
- D. Fee Proposal
- E. Office Staffing Plan and Resources
- F. Location of Office from which services shall be provided
- G. References
  
- H. Potential Conflicts

6. On March 24, 2009 at 1:00 pm, the Municipal Clerk shall open each of the proposals and shall announce the proposals received by name, and a short summary of the proposal and qualifications.

7. The proposals shall be submitted to Township Committee for consideration at which time Township Committee may award a contract by approving a resolution. If a majority votes to seek interviews, interviews may be held between Township Committee and the person or entity that submitted proposals. Township Committee may send proposals to Township Board's or Agency's for consideration and approval as is appropriate.

**2. CRITERIA BY WHICH REQUESTS FOR PROPOSALS AND QUALIFICATIONS SHALL BE EVALUATED**

A. The Township of Middle hereby discloses in writing that all of the submissions in response to the Request for Proposals and Qualifications submitted through the fair and open process described above, will be evaluated by the Township Committee of the Township of Middle and awarded or rejected on the basis of the following criteria. Proposals will be evaluated by the Township Committee of the Township of Middle on the basis of the most advantageous, price and other factors considered. The evaluation will consider:

- 1. Experience and reputation in the field
- 2. Knowledge of the Township of Middle and the subject matter to be addressed under the contact
- 3. Availability to accommodate any required meetings of the agency
- 4. Compensation proposal
- 5. Other factors if demonstrated to be in the best interest of the Township of Middle
- B. The following criteria, found under the competitive contracting rules at N.J.A.C. 5:34-4.2, if determined to be of assistance, may also be considered by Township Committee. These criteria are not intended to be limiting or all-inclusive, and they may be adapted or supplemented in order to meet the Township Committee's needs. No criteria will unfairly or illegally discriminate or exclude otherwise capable vendors.
  - I. Technical criteria:
    - a. Proposed methodology:
      - i. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?
      - ii. Is the vendor's proposal complete and responsive to the specific RFP requirements?
      - iii. Has the past performance of the vendor's proposed methodology been documented?
      - iv. Does the vendor's proposal use innovative technology and techniques?
      - v. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?
    - II. Management criteria:
      - a. Project management:
        - i. How well does the proposed scheduling timeline meet the agency's needs?
        - ii. Is there a project management plan?
      - b. History and experience in performing the work:
        - i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
        - ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
        - iii. Does the vendor document industry or program experience?
        - iv. Does the vendor have a record of moral integrity?
      - c. Availability of personnel, facilities, equipment and other resources:
        - i. To what extent does the vendor rely on in-house resources vs. contracted resources?
        - ii. Are the availability of in-house and contract resources documented?
      - d. Qualification and experience of personnel:
        - i. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
        - ii. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
        - iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?
    - III. Cost criteria:
      - a. Cost of goods to be provided or services to be performed:
        - i. Relative cost: How does the cost compare to other similar proposals?
        - ii. Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?
      - b. Assurances of performance:
        - i. If required, are suitable bonds, warranties, or guarantees provided?
        - ii. Does the proposal include quality control and assurance programs?
      - c. Vendor's financial stability and strength:
        - i. Does the vendor have sufficient financial resources to meet its obligations?

**III. REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS**

A. Grant, Utility, and Legislative Consultant - complete grant applications and advise Township Committee on utility and legislative issues impacting the Township.

**141-09 (B) Planning Consultant** - provide professional planning services and advise the Township Committee, Planning and Zoning Boards, on the master plan, housing plan, zoning and land use matters, plan endorsement, environmental studies, and other related planning services that may be deemed necessary to the Township.

17. RESOLUTION NO. 142-09 – APPROVE CHANGE ORDER NO. 3 – DIAMOND ROAD, RAILROAD AVENUE, SATT BOULEVARD SANITARY SEWER EXTENSION AND SATT BOULEVARD ROAD CONSTRUCTION – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, on July 7, 2008 via Resolution No. 299-08, the above project was approved, and WHEREAS, it has been deemed necessary to issue a change order for said project, in connection with additional planting required by NJDEP. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #3 for the project. awarded to Foglio Contracting, Inc., be and is hereby approved in the amount of \$16,865.00. As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ 16,865.00 has been bid for the following service or items Change Order NO. 3. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: c-08-55-946-000-199  
PO#20802258

18. RESOLUTION NO. 143-09 – APPROVE CHANGE ORDER NO. 4 - DIAMOND ROAD, RAILROAD AVENUE, SATT BOULEVARD SANITARY SEWER EXTENSION AND SATT BOULEVARD ROAD CONSTRUCTION – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, Foglio Contracting, Inc. was selected to for the Diamond Road, Railroad Avenue, Satt Boulevard Sanitary Sewer extension and Satt Boulevard Road Construction, within the confines of the Township of Middle. WHEREAS, it has been deemed necessary to issue a change order for said project, in connection with an adjustment of unit prices to reflect as-built quantities. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #4 for the project awarded to Foglio Contracting, Inc. be and is hereby approved for a **decrease** in the amount of \$58,151.13. As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ Decrease of \$58,151.13 bid for the following service or items Change Order # 4 It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: C-08-55-946-000-199  
PO#20802258

19. RESOLUTION NO. 144-09 – DESIGNATING THE EMPLOYEES OF THE TOWNSHIP OF MIDDLE WHO ARE AUTHORIZED TO SERVE ON THE COUNTY OF CAPE MAY TASK FORCE AND/OR TEAMS – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. WHEREAS, certain employees of the Township of Middle have been designated and authorized by their Department Head to serve as a volunteer member of a County Task Force and/or Team, and WHEREAS, it is necessary for the governing body of the Township of Middle to be aware of which employees have been so designated and authorized on an annual basis, and WHEREAS, it is necessary for the Atlantic County Municipal Joint Insurance Fund (ACMJIF) to be aware of which employees are entitled to Workers’ Compensation coverage when they are serving as members of these County Task Forces and/or Teams, and WHEREAS, it is necessary for the County of Cape May to be aware of which employees have been so designated and authorized in order to determine whether these employees are covered through the County of Cape May General Liability coverage when they are serving as members of these County Task Forces and/or Teams. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, on this 16<sup>th</sup> day of March, 2009, as follows:

1. The list of the employees of the Township of Middle who are designated and authorized to serve as a member of the respective County of Cape May Task Force and/or Team are on file with the Clerk of the Township of Middle, the Executive Director of the ACMJIF, and the County Counsel for the County of Cape May.
2. A copy of this resolution shall be forwarded to the Executive Director of the ACMJIF and County Counsel for the County of Cape May so that they may be aware of the employees who have been designated and authorized to serve on the respective County Task Force and/or Team

20. RESOLUTION NO. 145-09 – CANCELLATION OF LIEN AND TAXES – FORECLOSURE GROUP #186 – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
Foreclosure group 186  
Docket #F-37481-08  
Final judgment date: February 3, 2009  
Recording date: February 26, 2009

account	block	lot	certificate #	former owner	location	TTL amt	2009 1st 1/2
4033	196	7	2007-5006	Gaston W Wilder	Walnut Ave	48.11	6.84

9654	720	3 2007-5068	Adaline Floyd	Jackson St	434.49	95.48
9767	732	3 2006-4824	John H Burke	Jasper St	110.92	15.28
10249	789	2 2007-5070	John & E H Johnson	Everett St	81.51	13.61
10607	830	6 2007-5077	Annie Collins	Clinton Ave	53.15	8.05
10633	832	7 2007-5078	King T Greer	Raleigh Ave	170.00	32.79
10718	844	1 2006-4843	Margaret B Jackson	Fishborn St	171.43	23.51
11216	895	3 2007-5093	Evelyn Lawrence	Scott St	245.09	48.25
11336	907	2 2007-5098	Frank R & Clemmie L Taylor	Fishborn St	224.21	40.82
11400	914	3 2006-4868	Ralph W Ward	Gibbs St	225.82	30.31
11500	924	5 2007-5099	Wilbert Banks	305 Raleigh Ave	162.01	34.02
11624	934	7 2007-5103	Calvin Ellis	W Dunbar St	118.78	16.70
11812	951	4 2007-5110	Betty Flamer	Sumner St	119.66	21.65
11805	951	8 2007-5109	Iva Drayton & Edna E Gaines	George Ave	208.28	30.93
12311	1024	19 2006-4895	Susie Crawford	Rte 9 S	803.53	130.51
12675	1056	11 2007-5134	Ina W Holland	Gibson St	1961.04	426.15
12831	1080	2 2006-4914	David G & Russel J Antwerpen	Florida Ave	216.51	30.93
13211	1182	5 2007-5162	Marion C Shaw	North Wildwood Rd	88.58	16.77
13455	1297	2 2007-5166	Joseph Klapp	Hereford Ave	30.41	3.10
					5473.53	1025.70

21. RESOLUTION NO. 146-09 – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2009 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$186,700

NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$138,200. That said emergency temporary appropriation shall be provided for in the 2009 budget under the title of:  
See Attached List
2. That one certified copy of this resolution be filed with the Director of Local Government Services.

<b>GENERAL GOV.</b>		
01-20-100-100-	General Administration	S&W
		OE
01-20-100-101-	Public Affairs	S&W
		OE
01-20-105-105-	Human Resources	S&W
		OE
01-20-110-110-	Mayor & Committee	S&W
		OE
01-20-120-120-	Municipal Clerk	S&W
		OE
01-20-120-121-	Codification	OE
01-20-120-122-	Records Management	OE
01-20-130-130-	Financial Admin	S&W
		OE
01-20-130-131-	Grants Admin	S&W
		OE
01-20-130-132-	Bond Registrar	OE
01-20-135-135-	Audit Services	OE
01-20-145-145-	Tax Collector	S&W
		OE
01-20-150-150-	Tax Assessor	S&W
		OE
01-20-155-155-	Liquidation of TTL's	OE
01-20-155-156-	Legal Services	S&W
		OE
01-20-165-165-	Engineering Services	S&W
		OE
01-21-180-180-	Smart Growth	OE
	Planning Board	OE
01-21-185-185-	Zoning Board	S&W
		OE
01-22-195-195-	Code Enforcement	S&W
		OE
		1,000.00
		10,000.00
		1,000.00

01-22-195-196-	Construction	S&W	
		OE	
01-22-195-198-	Demolition of Substandard Bldgs	OE	
01-22-195-200-	Electrical Inspector	S&W	
01-23-210-210-	Surety Bond Premiums	OE	
01-23-220-220-	Other Insurance Premiums	OE	
01-23-215-215-	Worker's Compensation Insurance	OE	
01-23-220-220-	Group Insurance Premiums	OE	
01-23-220-221-	Dental Insurance	OE	
01-23-220-222-	Prescription Insurance	OE	43,000.00
01-23-310-310-	Public Bldgs & Grounds	S&W	
		OE	
01-25-240-240-	Police	S&W	
		OE	
01-25-250-250-	Communications	S&W	
		OE	
01-25-252-252-	Emergency Management	OE	
01-25-262-262-	Rescue Squad	S&W	5,000.00
		OE	10,000.00
01-25-262-263-	Contributions to 1st Aid Squads	OE	
01-25-264-264-	Volunteers In Medicine Donation	OE	
01-25-265-265-	Fire Protection	S&W	
01-25-275-275-	Prosecutor	S&W	
01-26-290-290-	Gypsy Moth Control	OE	
01-26-290-291-	Public Works Department	S&W	
		OE	
01-26-300-301-	Shade Tree	OE	
01-26-305-306-	Garbage & Trash Removal	OE	
01-26-305-307-	Sanitation	OE	
01-26-305-308-	Recycling Contractual	OE	
01-26-315-315-	Motor Pool	OE	
01-27-330-330-	Board of Health	S&W	
		OE	
01-27-340-340-	Animal Control	S&W	500.00
		OE	
01-27-340-340-	Animal Shelter	OE	
01-27-360-360-	PATF Contribution	OE	
01-28-370-370-	Recreation	S&W	5,000.00
		OE	
01-28-370-371-	Senior Center	S&W	
		OE	
01-28-380-380-	Beach Restoration	OE	
01-30-415-415-	Terminal Leave	OE	
01-31-430-430-	Electric	OE	
01-31-435-435-	Street Lighting	OE	2,000.00
01-31-436-436-	Postage	OE	
01-31-440-440-	Telephone	OE	15,000.00
01-31-446-446-	Natural Gas	OE	15,000.00
01-31-447-447-	Fuel Oil	OE	
01-31-460-460-	Gasoline	OE	
01-31-462-462-	Manit & Service Policies	OE	
01-32-465-465-	Sanitary Landfill	OE	
01-35-470-470-	Contingent	OE	
01-36-471-471-	PERS (In Caps)	OE	
01-36-471-471-	Social Security	OE	
01-36-471-471-	PFRS (In Caps)	OE	
01-36-475-475-	PERS Employer Liability	OE	
01-36-475-475-	PFRS Employer Liability	OE	
01-41-704-704-	Safe & Secure Grant	OE	
01-42-101-101-	Interlocal CMC Tech School	OE	
01-43-490-490-	Municipal Court	S&W	
		OE	1,000.00
01-43-495-495-	Public Defender	S&W	
01-44-901-901-	Capital Improvement Fund	OE	
01-44-904-904-	Construction of Bus Shelters	OE	
01-44-905-905-	Telephones & Public Works	OE	
01-41-730-730-	Police Body Armor	OE	
01-41-707-707-	Cops In Shops	OE	
01-41-708-708-	Aggressive Driving	OE	
01-41-899-899-	Matching Grant Fund for MAC	OE	

01-41-709-709-	Reconstruction of Boyd Street	OE	
	Total		107,500.00

	<b>TEMP.UTILITY</b>		
07-55-501-501-	Operating Budget	<b>S&amp;W</b>	
		<b>OE</b>	25,000.00
07-55-502-504-	User Charges	<b>OE</b>	
07-55-512-512-	Capital Outlay	<b>OE</b>	
07-55-502-503-	Group Insurance Premiums	<b>OE</b>	4,000.00
07-55-502-503-	Other Insurance Premiums	<b>OE</b>	
07-55-502-503-	Dental Insurance	<b>OE</b>	
07-55-502-503-	Prescription Insurance	<b>OE</b>	1,700.00
07-55-541-541-	Social Security	<b>OE</b>	
	Total		30,700.00

22. RESOLUTION NO. 147-09 – TRANSFER OF FUNDS – RESERVES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
 WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year,  
 NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2008:  
 Administration S&W \$1,000 Bldgs & Grounds OE  
 8-01-20-100-100-111 8-01-23-310-310-292

23. RESOLUTION NO. 148-09 – REFUND OF OVERPAYMENT – SEWER – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, the governing body thereof, that the Director of Sewer is hereby authorized to make the adjustment to sewer account referenced below:

ACCT. NO.	OWNER	BLK / LOT	AMOUNT
04544	Mark Mallett	230 / 4	\$516.66
17031	Lois Williams	326 / 20 C0173	\$575.00

24. RESOLUTION NO. 149-09 – REAFFIRMING HOST COMMUNITY BENEFIT AGREEMENT AND ESTABLISHING ACCOUNTING AND PURCHASING PROCEDURES FOR PUBLIC WORKS – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Mayor Doughty Abstained  
 WHEREAS, there exists a dispute between the Township of Middle and FMR a subsidiary of Albrecht and Heun, Inc., with regard to the manner in which the Host Community Benefit due to the Township of Middle is calculated pursuant to an agreement fully executed March 25, 1991 (“The Agreement”), pursuant to Resolution 64-91 approved March 21, 1991 and which is attached hereto; and  
 WHEREAS, the 2007 municipal budget audit report indicated that the payment of the Host Community Benefit by Albrecht and Heun to the Township of Middle, and the purchase of certain items by the Township of Middle from Albrecht and Heun, must be handled in a different manner; and  
 WHEREAS, Township Committee desires to set forth the manner in which it will proceed in the immediate future so that the public, township employees, and Albrecht and Heun are aware of the Township’s position as of January 1, 2009 and going forward;  
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, that the following is the policy of the Township with regard to The Agreement, and the accounting between the Township of Middle and Albrecht and Heun:  
**The Agreement and All of Its Terms Are in Full Force and Effect**  
 1. The Agreement and all of its terms are in effect, and have always been in effect since executed.  
 2. The Township of Middle shall calculate the Host Community Benefit (“HCB”) due to the Township of Middle pursuant to the terms of The Agreement. The HCB due the Township of Middle is based upon \$1.00 per ton of recyclable material received at the Future Mining location. Any amount due before or after this Resolution shall be based upon this calculation.  
 3. Any and all other terms of The Agreement, including reporting requirements, are also still in effect.  
 4. The Township of Middle hereby instructs all of its employees, representatives, and agents to implement the terms of The Agreement, and hereby notifies Albrecht and Heun of its expectation that it will comply with The Agreement.  
**Recyclable Materials Taken to a Recycling Facility by the Township**  
 5. Recyclable material is picked up and sometimes generated by the Township of Middle’s Public Works Department, including concrete, asphalt, stump and tree parts, leaves, and grass clippings, which materials must be taken to a licensed facility.  
 6. The Township’s Administrator and Chief Financial Officer are hereby directed to solicit prices as permitted by law from licensed recycling facilities in Cape May County (including but not limited to the Cape May County Municipal Utilities Authority) to dispose of these types of recyclable materials.  
 7. The Township’s Administrator and Chief Financial Officer are hereby directed to determine the cost of transportation and labor to dispose of these types of recyclable materials.

8. The Township's Administrator and Chief Financial Officer are to make a recommendation to Township Committee as to the most appropriate location(s) to take these recyclable materials considering all factors, including price, transportation and labor costs. It is possible that different facilities could be used depending upon where within the Township the recyclable materials originate, and where the Township's public works truck is located when full or when ready to dump.
9. Upon receipt and consideration of this recommendation, the Township Committee may approve a Resolution(s) directing where recyclable materials are to be disposed.

**Recycled Products Purchased by the Township**

10. The Township of Middle has an active, talented, and energetic team of public works employees. Due to their efforts at constructing certain projects, they save the Township tax dollars each and every year. As part of that process, the Township must purchase recycled products, including but not limited to, recycled concrete, wood chips, spreader sand, and top soil.
11. The Township's Administrator and Chief Financial Officer are hereby directed to investigate which of these products are available on State Contract from Cape May County suppliers. If there are any products not available on State Contract from Cape May County suppliers, they are to locate such suppliers, and seek bids from them to supply such recycled products.
12. The Township's Administrator and Chief Financial Officer are to make a recommendation to Township Committee as to the most appropriate location to purchase these recycled products considering all factors, including price, transportation and labor costs. It is possible that different facilities could be used depending on where in the Township needs the material.
13. Upon receipt and consideration of this recommendation, the Township Committee may approve a Resolution(s) authorizing such purchasing via the State Contract or a separate contract.

**Accounting Practices**

**Past Practices**

14. The process used over the past years between the Township of Middle and Albrecht and Heun whereby a running tally was kept is to end effective December 31, 2008.
15. The Township will seek any and all payments due the Township via the pending litigation.

**Future Practice**

16. As of January 1, 2009, any HCB owed the Township of Middle shall be paid to the Township of Middle by Albrecht and Heun in the amount required and when required by The Agreement.
17. As of January 1, 2009, and amount incurred owed by the Township of Middle to Albrecht and Heun due to disposing of recycled material at Albrecht and Heun's facility, or due to the purchase of recycled products from Albrecht and Heun, shall be invoiced by Albrecht and Heun, and paid by the Township of Middle.
18. The Chief Financial Officer is hereby directed to implement a process of payment and collection which will eliminate any comment in the annual audit.
19. The balance due the Township from Albrecht and Heun is therefore finalized as of December 31, 2008. The Township will seek any and all payments due the Township via the pending litigation.

25. RESOLUTION NO. 150-09 – EXECUTING AGREEMENT WITH MIDDLE TOWNSHIP BASEBALL ASSOCIATION – SNACK STAND – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby authorize the execution of the agreement with the Middle Township Baseball Association for use of the snack stand at a rate of \$100.00 per week from \_\_\_\_\_ until \_\_\_\_\_ and other terms acceptable to the municipal solicitor. FURTHER RESOLVED, that the mayor is hereby authorized to sign said agreement in connection therewith.
26. RESOLUTION NO. 151-09 – AUTHORIZING STREET LIGHT DIRECTOR TO SIGN NECESSARY AGREEMENT – FRONTAGE ROAD – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. WHEREAS, there is a 150w cobra street light located on Frontage Road, in the Burleigh / Grassy Sound area of Middle Township that is on property owned by the Township of Middle, and WHEREAS, this pole has been confirmed as being the responsibility of the Township of Middle by Rick Ceglarski, Public Works Superintendent, and WHEREAS, a Street Opening Request Form has never been executed by the Township of Middle, as to take ownership and pay the monthly bill associated therewith, and WHEREAS, in order to keep this street light in operation, an agreement must be executed by the Township of Middle. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Street Light Director is hereby permitted to sign said agreement authorizing the monthly payment associated with the street light located on Pole No. 50023 located on Frontage Road.

27. PUBLIC COMMENT:

Larry Newbold: I am back with my usual complaint about the Frenchman. I believe it is #9, this gentleman has never ever put a number on his house....he bought the house 20 years ago for his daughter in law. His daughter in law died before she ever moved in. No one visits the house, no one has been in the house to my knowledge, the leaves and stuff are just accumulating all over the place....its an abomination, there is trees literally growing out of the downspouts. Been to Code Enforcement twice, haven't heard a word yet back from him, I presume he is working on it, but, um, this is an abomination and why we have to come in here all the time,.....no one seems to know whether the guy is alive or dead....I've heard that he is some diplomat over in France someplace...people are trying to buy the house from him, sent letters to him in French, he never responds. Apparently he's dumped a pile of money into a savings and loan or someplace to pay the taxes, but that sure as hell doesn't cut it when it comes to maintaining a property. Mayor, I

don't think you would appreciate having this guy next door to you nor would anybody else. I want to know what the Township is going to do about this situation. There are other houses down around Whitesboro, places like that, that are at least 20 years old and have all collapsed and the roofs are leaking and it is an impact on the community, it shows, when people see this, I guess they laugh, well, that's Cape May County, ya know. Well, maybe it is Cape May County but it doesn't have to be that way and it shouldn't be that way. We have enough people being paid to do a job, that should be doing the job, but I guess it is like the Federal Government, apparently it is happy hour from Monday morning to Friday afternoon at sunset, but a, I don't know, how many more times to I have to bring this up. Every year, same thing, there is enough there to probably fill up 5 trucks full of leaves and debris, it is unreal.

Mayor Doughty: Thank you, I got it. I will handle it with you.

Madelyn Filipski: First of all I would like to thank Mr. Barry for spending so much time with me going over the litigations against the township and putting together packages and I am unclear, can I share that.

Steve Barry: Sure. And I think it was a fruitful conversation, especially for you, it sounds like a toughie, but most of it is just routine housekeeping.

Madelyn Filipski: Yes, it was astonishing to me.

Steve Barry: Yes, but when you look at them they are just oh, running a sewer line through or foreclosing a tax lien.

Madelyn Filipski: I understand that and I thank you for your time and the effort you put together in collecting that. And the second thing, and I see a lot of the gentlemen in blue here, so I would like to say that as you construct your budget I would like for you to eliminate things that we could possibly do without and give the police department the money they need to keep us safe and to keep themselves safe....they need 4 men, we need 4 men.

Joe Ravitz: Tonight, and Steve pointed it out and Jim pointed it out, the resolution on the Host Community Benefits, I think was a very good thing and the process of talking about it and don't think a lot of the public understood what you were saying at first about it being a bookkeeping thing and an organization. I would just like to make a simple recommendation that maybe it is time that we have a blue ribbon panel put together to settle some of the issues that are remaining about what we can do in the future about tonnage rates or implement new ways of checking to make sure that the reporting is done properly and I would suggest that maybe at least the committee appoint a blue ribbon panel, would certainly recommend that Mr. Mallett, who is our administrator and who was not here for any of this past history would certainly be a good objective person to listen to it and maybe a representative from the Taxpayers Association and anybody else that the Committee would wish to put on this panel and then they could report back to the Committee and the public.

Janet DeLorenzo: Right now as you know North Beach, well South Beach doesn't have a road and North Beach is atrocious, 40 potholes within 1/2 mile, you can't drive on the right side, you can't drive on the left side...you are dodging, your kidneys are going to be ruptured pretty soon....it has become a safety issue now and everybody has asked me to start coming and we need to find out how to get the road fixed. We just need it paved and we also need 2 new street lights. There are over 13 people that live there year round in that neighborhood and it is dark late at night and that road is traveled....Smoky's down at the end and I will tell you from 5 to 8 in the morning the cars are going and that road is just getting worse and worse. We need to know what we do to get a road.

Mayor Doughty: We will look at it the next time we do a capital budget on the outlay.

Janet DeLorenzo: When is that going to be.

Mayor Doughty: That I can't answer you.

Janet DeLorenzo: How can I find that out because I am going to have to answer to everybody when I go back so instead of everybody coming they decided to have just one person go because it is just going on too much...I mean and the puddles are now getting like this deep.

Mayor Doughty: They will be fixed by the weekend.

Janet DeLorenzo: Well I appreciate that, but we need a new road.

Mayor Doughty: Potholes and new roads are 2 different things.

Janet DeLorenzo: Well, that is why we wanted to find out about the capital...

Maureen McCormick: I spoke with Mr. Alexis last year, he actually was out on South Beach Avenue at the time and said that there was money in the budget to repave North Beach....did that get redirected?

Mayor Doughty: He's gone, we can't help you.

Maureen McCormick: Would Mr. Mallett then have the same budget plan or, I know that he is gone, but if he stood there on the beach last year and said there was money put aside to repave North Beach Avenue, I'm just curious as to where....

Steve Barry: I am not aware of that.

Maureen McCormick: I will say, I have been out there 11 years now, love it, watch the public works guys, Rose and I are on a first name basis I call her so much for help out there and at public works those guys show up when I call, but their pothole experience, I mean they might use a little bit of training to sit on the back and just sort of shovel the stuff as they are riding along.

Mayor Doughty: Gotcha covered. In fact, we were at South Beach on Friday...

Maureen McCormick: I saw that, when I got home from work there was a whole new pile up there.

Susan DeLanzo: I want to ask Vince a question about that. First of all, it is my understanding that yes we can fix a pothole but to build a road we would have to put a bulkhead and raise the road because the road.....

Mayor Doughty: No, there is a road there

Maureen McCormick: No, North Beach is already paved. It is so chopped up that it just needs to be repaved. South Beach is different and we understand that and everyone there is trying to figure out what to do to make that better so there are 2 different, even though they kind of connect.

Vince Orlando: Mayor, I think there are a couple of issues. There was a road out there, it floods on a periodic basis and there was a discussion earlier on whether or not to try to raise the road so it would be passable during high tide events, either moon tides or high tide events, that was one issue. As far as I can tell, and we haven't done any engineering estimates to repave the road for at least the last 15 years. A while back we did some litigation efforts build some dunes out there in order to try to prevent some of the water from going onto the road so that it is passable. The thought has been to see what the Army Corp of Engineers does with the dredging project to see if we start to gain beach back there. In the last 22 years that I have been associated with the town, we have probably lost about 30 foot of beach there. Back in the mid 80's there was a beach there, now the water comes right up to the edge of the road. The hope was that when the Corp gets done their work that we will regain the beach and maybe not have to raise the road, so I think that during the discussions with Mr. Alexis it was discussed that if we pave the road now or do we have to raise it and that is kind of the cat and mouse game that we have been playing over the years because we don't want to put monies into repaving it and then it not being passable during a storm events because obviously that would eliminate the whole purpose, so

Steve Barry: Elevating and paving it, apart from the expense, creates access issues.

Vince Orlando: It would provide some problems with properties, but at a point and time, it was discussed between myself and Mr. Alexis that if in fact we were going to raise it we would have a town meeting with all of the people....you are going to have to raise your driveways, in order to make it passable you may have to do some onsite work for your properties in order to gain access to the road. So, we haven't done anything just because we have kind of been waiting.

Maureen McCormick: When it comes to raising the road, what is the difference between raising the road and crowning the road, where if it is elevated in the center so that if it begins to flood, people do have access to get their cars out....they often do that in the communities of North Wildwood, Wildwood, Wildwood Crest, Stone Harbor, many different places, they crown the road.

Vince Orlando: The problem there is not the crowning of the road it is that the mean high water has been encroaching more and more over the years and the discussion has been, as we did over in Pierces Point where we actually physically raised a road in order to eliminate some of the flooding problems, crowning the road in time will not help it, it may only create a small area where you can ride down the center, but if that high water line keeps coming in, it doesn't matter, so there was a discussion of physically raising the road at least 18 inches in order to hedge against high water coming and encroaching on the road. That was a discussion that we had a number of years ago and of course the Township had their efforts of getting the Corp money and the Mayor was influential in getting that money directed towards the dredging.

Mayor Doughty: We basically have 4.2 million dollars in the dredging project for Reed's, Pierces, Sunray, but that pocket has dwindled, in other words we can no longer get money it seems, we are just about at the cusp.

Vince Orlando: And the problem we have is that if we grade the road and pave it now, and we do have a storm event, there is a possibility of loosing that new paving, so to pave it at the same level may not be the smartest thing at this point and time unfortunately. I understand the situation.

Maureen McCormick: I understand what you are saying also, but you need to understand that these potholes are so large and so deep they will ruin cars, and cold patch doesn't work, sorry. At the beginning of the summer, all due respect to you Mr. Mayor, you have your tournament out there in May, they come along, they cold patch, that weekend all the pickup trucks come down

with the boats behind them and by the end of the week all the cold patch that has been put in has been torn up and we are back to the same situation until the next May. Something really does need to be done.

Janet DeLorenzo: My question, did the North side, that didn't have to be raised up, I thought it was just the South side.

Vince Orlando: North side, I mean there is low points in the road

Janet DeLorenzo: There is that one spot

Vince Orlando: There are actually 2 low points in the road that really have flooding during high tide events.

Mayor Doughty: Thank you and we will look into it.

Jean McCoy: The lighting situation on North Beach, if you go opposite 167, is the last street light, you still have ¼ to 1/3 of a mile down the road to where the marina is, there are year round residents living down in that area of the road and it is pitch dark. One of the gentlemen, 83 years old, God forbid, I hope he never tries to go out of his house at night because he is not going to be able to see anything. It is that dark down there. People trying to walk their pets down there, things like that, it is dangerous because sometimes people do use that road at night and they come down rather quickly. They are not going to see as they go around the curve before the marina and if somebody is out on that road and there are no lights out there, it is really a big safety issue. We could really use 2 street lights out there.

Mayor Doughty: OK, I will get them in before the Drum Fish Tournament, how's that?

Steve Barry: Actually our street light item in the budget is pretty slim.

Sam Kelly: I would like quickly to speak to the Committee about the low income housing that has been proposed and you have heard 2 presentations on. I've seen the presentation before zoning this past Thursday on the one...it is 168 units on little less than 17 acres, actually mitigated to probably somewhere about 10 by the time you talk about the wetlands and buffers that are required there, so you are really talking about some high density, but beyond that, you know when I first came here, you know Mayor because I came to your office after the first meeting I came here and I filled the room with my grandchildren. I had a grandson who had just returned from the Marines in Iraq, he has done his training to be a police officer here in our community or here in Cape May County and there is no place for him to live. I was concerned and I am still concerned about affordable housing, that is my main issue today, and this is not an answer. We are looking at trouble, this type of housing is being imploded all over the country from days past. You can call it what you want, you can call it workforce housing but you know I heard the presentation, \$27,000 for a single person, \$31,000 maxed out for a couple. Most of your employees right here in the Township would not even be able to move in there, they make too much money, so that is low income housing. There are alternatives and we really need to explore them. We got here because we blew this thing from day one, we paid no attention to it, but we can't let these folks come in here, they are opportunists, that is all they are, if you Google a COAH crises, Middle Township will come up on top of the list, there is no question about it, we let ourselves get there. I heard conversations about Blue Ribbon Panels on things, boy there is one that should exist for certain. We need to know how we are going to address this, you know, you don't cure the common cold with cancer, it is just a bad idea. I would like to ask if any of you are familiar with the HUDS Hope 6 Program concept. This is where they use scattered sites for public housing, or dispersed housing pattern, mixed income housing. I'm saying to you there are alternatives, we don't have the gun to our head, we don't have the financing issues that have to be settled by April that those people do. We have issues that we have many years to deal with, we need them on board now for our young folks who have no place to live. But to create that type of housing is just disastrous to the community. All the other implications, forget the fact that you can't add those types of traffics in Rio Grande that is already inundated. I stood in my little development trying to talk to this gentlemen for 5 minutes recently, 40 homes in my development, we couldn't talk, we were at an intersection and we couldn't talk because of the traffic that just kept coming by. Now you are going to throw 168 units on 10 acres at probably the busiest intersection in Cape May County, it just wouldn't even make sense. That is just some of the implications, but the reality is of what you are putting there. I heard the young lady that testified, one of the representatives from TopSail, she was excited about the whole thing. I heard a comment from someone there that because they had been in Missouri said that this young lady needs to tap her heels 3 times and get back to Kansas, it wasn't real what they were hearing and it truly was not. She spoke of, when one of the panel members asked her about one of the pieces of the facility, she advised Oh, that would be offices for social services, then he pried a little more of what kind of social services are we talking about that are going to be housed there. Oh, we have been in contact with Pat Devaney and she is excited about opening an office in here. I know who those folks are, and I know that 90% of their business is drug and alcohol abuse, that is what they do. Who are their clientele, they know who they are bringing in to this facility. The Hope 6 Program Concepts, this is one of the few comments, "In general much of the philosophy comes from a theory that apartment buildings are not healthy spaces for human habitation. Only with substantial wealth can an apartment building maintain the characteristics security, social networking and urban integration that the designers feel is necessary for a healthy community." And that is just reality, when you know what these places are, we have them here in Cape May County. You guys, many of you know what I did with the Census, I worked with them for 3 years in the past Census, and much of what I

did was these type of facilities, what they called special places, I recruited, I recruited over 600 people to go in and do Census in these type of things. I know what existed there. I was amazed, I worked in 3 states and it didn't change in Delaware, it didn't change in New Jersey and it didn't change in Pennsylvania. That type of clustered housing for low income is a crises coming at you. And one more quick statement, and this is so that you understand that there are alternatives. Although scattered site public housing has been promoted as an alternative to large projects that concentrate poverty and problems, little systematic information is available about its characteristics and performance. However, "Scattered Site Housing Characteristics and Consequences" by James Hogan fills this gap with an important synthesis of survey data, secondary data and case studies describing scattered site as a demonstrably better housing choice for families than concentrated high density projects. These are known failures everywhere, there is information out there, there is a way to deal with this thing, I will come forward with my own time, I will help, I will sit on a committee if that is what needs be, I have 9 grandchildren, I want them to live here as I raised my family here, I was raised here and I know we need affordable housing, but this is not the way to go, we need to explore alternatives.

Betty McGurk: I have to agree with everything Sam said, I sat through the presentation today and it all looks wonderful, it seems like the ideal, but we have concentrations on streets that already cannot handle what they have. Like Sam had said, I have gone to site after site where they gave examples of these housing projects as they are standing and being presented to us and time after the time the Township's were in crises because they ended up with these facilities for them to rehab. It works out well the first year or two and then they don't start making the dollar amount that they wanted to make or that they had hoped to make, investors start dropping out and then what happens is the buildings start needing more maintenance than they care to do and there is just site, after site, after site where the Township has ended up with these projects and they have 30 year deed restrictions, they cannot be anything else for 30 years. So you could be looking at a good 10 years maybe, and you could also be looking at having these apartments come back to us, for us to manage and maintain; and then there are the taxes, like I was saying earlier at the meeting where you are not getting the revenue for these, you are getting some dollars, yes, they that pay type of system, there is some dollars, but as opposed as to what could go down on this projected one down on Hand Avenue, you are losing money. By their own admission, 23% are new people, that is 23% right off the top of people after our jobs right now, after our services right now and then you have a certain percentage of they said of people that are coming back in to the area, but that's gotta be considered new because they don't have jobs here right at that point, they are not paying taxes right at that point and they are bringing in more children school age so once again more services. It is not that I have anything against the poor, I am a poor person, but once again, then like you said we have the revenue of the people who are renting and have rentals that are contributing to our tax role. It just seems to me that we really have to take this a little slower, look into the area that we are going to multifamily, maybe do units no more than like 6, it is just not working across the country. Twenty here, ten there, individual homes, it seems to be the way to go and I really hope that we don't rush into a 30 year deal of no taxes and being 30 years of you can't have anything but this before we even know if it is going to work and before we know if we even need it. Please don't push these projects onto communities. I can't even conceive 90 houses at the end of Mechanic Street where as you go down Mechanic Street someone has to pull over while the other car passes. We have lived here for years and we really need to have you help us preserve our community and like Sam said, people will volunteer and people will work on trying to find better ways, but please don't rush into these problems.

Steve Barry: I have a question and we are going to be called upon to look at these issues, you have to understand, we are not trying to be coy with you, but because this is in front of the zoning board, Township Committee can't like give them a hint, that would be wrong, they have to be independent. But tell me, which of these projects did you visit and where are they?

Betty McGurk: I didn't visit, I never said I visited, I went on the website and went through site after site after site of these particular projects.

Steve Barry: Alright, I misunderstood; you haven't been there, OK.

Karen Williams: I have some questions for the Committee. It is rumored that the Whitesboro Community Center is going to be closing until 12:00 Noon.

Mayor Doughty: No, that is not the case, rumored, but not the case. You don't want to go with rumors.

Karen Williams: Now branching off from that it made me think a little bit more, at that community center now there is a sign out that says Cape Human Resources and Head Start Program. The Head Start Program was originally in the Whitesboro School. I was wondering, when are they going to finish the school so they can go back because there are children in that need to be commuted all the way up to Woodbine or Wildwood.

Mark Mallett: Mid year.

Steve Barry: It is within site.

Karen Williams: And they will be able to contact you to negotiate to get back in there?

Mayor Doughty: Yes, contact Mark Mallett.

Bernice Brunson: I agree with Sam. It seems as though the problem that has been brought in front of the Township is something that should have been done years ago. We dropped the ball, because having been on the planning board we also had to allow low income in all the construction that was built. Now we are getting people in here, they come down here for the summer and then they go back. The rest of us stay here to take over the problems that we have. The talk about putting this building in, in Rio Grande, talk about putting a community center and they talk about going over the height. To me it is just not right because Mayor I think I mentioned to you about a Senior Citizen's Center where people did have the nursing homes and they needed a place to stay rather than other places than nursing homes, but they need their own little apartment in which to stay. With these people coming in, they bring in everybody and that is going to put more work on our policemen, firemen, our schools, they're not thinking about that. All they think is to bring in people from Missouri to do this. That's not right. And then they say when they get the rent, they say no taxes, they're waiting for this or waiting for the other, no taxes. So, they figured they would give the Township a couple of hundred thousand dollars, or 60% of the rent. Now if they raise the rent, then you get another increase for the Township. We don't need that. We know that a mistake was made, that the building for low income wasn't done when it should have been done. But, we don't want to go and give the Township more extra money to spend out that shouldn't be done. It's not right. Sometimes things sound good and if it sounds good, it is not good. They brought all these professionals in, the professionals don't live around here. Let me talk about sidewalks, who is going to build sidewalks in Rio Grande. It's just ridiculous and they are going to have a meeting on the 30<sup>th</sup> of this month because the public didn't have a chance to talk. As you can see now, a lot of our taxes go to the schools, that means they will be bringing more children in and I don't have anything against kids but that means more buses, more police services which we are going to need and if you keep it up it will be just like Millville and Vineland and you know yourself, you used to leave your doors open and nothing happened...now a days you can't do that. I know we have to get so many houses here in Middle Township, but let's not rush it, let's take our time and do it right.

Meeting Adjourned 7:54 PM

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Kimberly Tomkinson, Twp. Clerk

Prepared by D. Stimmel, Deputy Clerk