



**TOWNSHIP OF DOWNE
TOWNSHIP COMMITTEE
SPECIAL MEETING MINUTES
January 19, 2011 – 7:00 PM**

Pursuant to the Open Public Meetings Act adequate notice of this meeting was sent to the Official Newspaper and was posted on the Municipal Bulletin Board. Richard J. DeVillasanta called the meeting to order at approximately 7:00 pm.

The flag salute was conducted.

ROLL CALL

Robert Campbell, Committeeperson	Present
Dennis Cook, Committeeperson	Present
Lisa Garrison, Committeeperson	Present
Tammi Reynolds, Committeeperson	Present
Steve Simmerman, Committeeperson	Present

Also present: Mr. Edward Duffy as Solicitor and Richard DeVillasanta, Clerk

Mr. Duffy introduced himself and explained he was asked to fill in for the purposes of rendering advice to the Board. There are a couple of things we are going to have to do initially to make sure we get off on the right foot. One of the first things I am going to do is ask for a vote of this Board for me to continue to render the advice tonight on an ad hoc basis for the purposes of this meeting only.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion Carried

Mr. Duffy continued he was advised that at the last meeting when Committeeman Cook was sworn in it was done by a member of the Clergy. Although that is a very nice thing to happen, legally, it lacks sufficiency under the statute. Ironically, it could have been done at the same time by the Municipal Clerk and there would be no argument, since the Oath was taken in the presence of a Clerk, that it was sufficient. We are going to error on the side of caution. Since that time, as also permitted by statute, the Committeeman has been sworn in and is now a sitting member of the Committee. However we now have to backup because there were motions made and votes taken on the position of Mayor which needs to occur again. Likewise is the issue of Deputy Mayor. So prior to conducting any business tonight, we are going to backtrack and do some organizational issues. It was my understanding this represents what occurred at the last meeting and there were no appointments beyond that. Is this information correct? The issue of solicitor and engineer were not voted on last month.

Mr. Cook stated this is correct. There were certain things voted on but his vote would not have made a difference.

Mr. Duffy asked if there were any 3 votes to 2 votes situations. If there are no Township Committeeperson objections, we now need a motion for Mayor.

Mr. Campbell made a motion to nominate Mr. Dennis Cook as Mayor. The motion was seconded by Mrs. Reynolds.

Mr. Duffy asked for any other nominations. There being none, Mr. Duffy asked for a motion to close the nominations. Mr. Campbell made a motion to close the nominations and Mrs. Reynolds seconded the motion. The motion carried.

Mr. Duffy asked for a vote in favor of making Mr. Dennis Cook Mayor of Downe Township. All were in favor and the vote carried.

Mr. Duffy turned the meeting over to Mayor Dennis Cook stating the next order of business should be the issue of Deputy Mayor.

Mr. Cook asked if he should now be sworn in as Mayor. Mr. Duffy answered yes and conducted the swearing in of Mayor Dennis Cook.

Mayor Cook called for nominations for Deputy Mayor. Mrs. Garrison made a motion to nominate Steve Simmerman as Deputy Mayor. The motion was seconded by Mrs. Reynolds. Mayor Cook called for any other nominations for Deputy Mayor. There were none. All were in favor of nominating Steve Simmerman as Deputy Mayor. The motion carried.

PAYMENT OF BILLS

Mayor Cook asked for a motion to approve the Bill List *Payment of Bills in the amount of \$139,168.74*. **Motion made by:** Mr. Campbell to approve the Bill List as presented, seconded by Mrs. Reynolds.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion Carried

RESOLUTIONS

- R-001-2011** *A Resolution Appointing the Township Solicitor for a One (1) Year Term for the Year 2011e*
- R-004-2011** *A Resolution Authorizing the Mayor to Make Appointments for the Heads of Various Departments within the Township of Downe*
- R-009-2011** *A Resolution Appointing a Risk Management Consultant for the Atlantic County Municipal Joint Insurance Fund*
- R-011-2011** *A Resolution Appointing Alternate fund Commissioner for Municipal Joint Insurance Fund*
- R-012-2011** *A Resolution Appointing Safety Coordinator for Municipal Joint insurance Fund*
- R-018-2011** *A Resolution Appointing the Township Engineer for a One (1) Year Term for the Year 2011*
- R-019-2011** *A Resolution Appointing David Battistini as the Township of Downe Stormwater Management Manager*
- R-024-2011** *A Resolution not Approving the Agreement with the CDC (Cumberland Development Corporation) for the 2011 Year*
- R-025-2011** *A Resolution appointing Members to the Planning/Zoning Board*
- R-026-2011** *A Resolution Approving Authorized Signatories for the Commercial Accounts in the Name of the Township of Downe*

Mayor Cook called for a motion to open the meeting for Public Comment on the resolutions as presented. The motion was made by Mrs. Garrison and seconded by Mr. Campbell.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion Carried

Jesse Briggs of Money Island spoke on a situation that happened at the last meeting. He stated that agreements and contracts for professional service appointments should not end on the date of the reorganization meeting in the future so it doesn't cause a situation where there is no representation throughout the reorganization meeting. This can cause a big void.

Mr. Duffy stated that is an interesting suggestion. Customarily the tradition, at least in South Jersey, is that contracts do end with the reorganization. The reorganization itself usually is on an earlier date than the normal meeting and the sole purpose of that meeting is to reorganize and appoint new staff so that at the next regular meeting of the Township you have your team in place and things can go forward. Apparently last month those points weren't taken and it created a gap.

Mr. Briggs continued that is exactly what happened and for whatever reason if there is a question about legalities, technically the solicitor is not under obligation to the Township.

Mr. Duffy continued what normally would happen in that situation is the Committee as a whole would take a vote to extend the contract. They could have voted last month to extend the contract through the month so the person rendering advice has legal authority. I asked the Township Committee tonight to do that so I had the legal authority to advise them. I can't give you the reason why that didn't happened last month, but that is the way to avoid it. Your comment is well taken because it is important for the Township to move forward smoothly.

Mr. Briggs stated he would like to follow-up on a situation from last month and recommends the Township choose another solicitor and another engineering firm for this upcoming year. Especially a new engineering firm because of what he has been hearing about the Gandy's Beach project not being supervised properly by our Engineer. They have been an excellent engineer on other things but I am not sure about on beach erosion.

Bernie Sayers of Sharp Lane asked why are there resolution numbers missing on the list tonight if you did not act on them.

Mr. DeVillasanta stated the missing resolutions were voted on at the last meeting.

Mr. Duffy answered those are the referenced resolutions where action was taken at the last meeting and where the vote of Committeeman Cook would not have made a difference.

Mr. Sayers stated he just wanted that information to be put on the record.

Mr. Briggs asked why there is a recommendation not to renew the CDC contract.

Mayor Cook stated it is truly a cost benefit situation. We do not feel that the services provided are justified in terms of the cost and so we are making a resolution to not renew the contract.

The resident asked if the contract was established to maintain our website.

Mr. Cook answered yes but this is a service that we can provide ourselves.

Mr. Briggs asked about other services provided by the CDC.

Mayor Cook answered the committee feels there are other avenues to accomplish the same that would cost less.

Motion made by: Mr. Campbell to close the public portion of the meeting seconded by Mrs. Reynolds. All in Favor. Motion carried.

Mrs. Garrison interrupted and stated as we all know and it has been no secret, Mr. Campbell has a lawsuit against the municipality. I would like to make a motion that he recuses himself from participating in the voting on the solicitor, the engineer or any shared services because this has a role to play in the case against the township. The Court Order from Judge Rafferty says that he is not to participate. What I am saying is the lawsuit is for punitive damages so therefore the solicitor would be involved in that case. The engineer handles the mining issues which are at the heart of his case so therefore the engineer is going to be called on to give opinions and also any shared services which play heavily in his case. Based on the judges court order and the fact that this entity should not compromise the defense of our case I would like to make a motion that Mr. Campbell must recuse himself from these appointments or any discussions related to these appointments.

Mr. Campbell asked if he could comment on Mrs. Garrison statement.

Mr. Duffy asked Mrs. Garrison if she had a copy of the Court Order she is referencing from Judge Rafferty.

Mrs. Garrison stated that she does not have a copy but Mr. Campbell knows what he signed.

Mr. Duffy commented that he has not reviewed the Court Order so he cannot give an interpretation on it. There is a motion pending before the committee and to paraphrase the motion made by Mrs. Garrison; it would be for Mr. Campbell to recuse himself from voting on the position of solicitor, engineer and other shared services.

Mrs. Garrison added that he has to also refrain from commenting. He cannot participate.

Mr. Duffy clarified he cannot participate in the selection of those position. This is the motion made. Before a comment there would have to be a second to the motion.

Mayor Cook asked for a second to the motion. Mr. Simmerman made the second.

Mr. Duffy stated the motion has been made and seconded. Therefore Mr. Campbell may respond.

Mr. Campbell responded that for the past 13 months he has been on this committee, all he has heard from the township's previous administration is how we cannot discuss the lawsuit. We cannot mention it, we cannot mention the name, and we can't mention who is involved. Mrs. Garrison has reiterated the lawsuit over and over at anytime I have tried to make any kind of explanation to the public about what is going on I have been censored. Tonight, because it is beneficial all of a sudden, we want to present all of this information about the lawsuit to the public. Judge Rafferty's determination said there is no way that he as a judge would refuse an elected official who is elected at the will of the people from taking a seat on the Township Committee. That is what the whole purpose of that hearing was last year. He didn't say anything about me not being allowed to vote for things but what he did say was I had to make sure that I didn't get myself involved in any of the litigation working. I should not see any of those things, but he didn't say anything about me not being able to vote or do my duty as an elected official in this Township. I work for the people that are sitting here tonight and if in fact that would be the case tonight or if a document or piece of paper or junction could be produced saying that I shouldn't do this, then I will recuse myself. If it is just on the whim of certain people for me not to vote tonight, I will vote as long as the rest of my committee members will allow me to. I will vote and if there are certain people who are going to challenge my vote and take this decision to a court, I will be more than happy to take the court date but not at the expense of the taxpayers. I do intend to vote tonight unless there is some legal reason that I shouldn't and that is presented to me tonight.

Mr. Duffy stated he is obviously at a disadvantage since he has not seen the judge's order. I remember the decision of the Judge being reported in the newspaper and I recall the language being as Mr. Campbell suggested, the Judge felt that he was not going to restrict an individual from taking a seat based upon a duly elected position. There was further language in it that suggested remedies short of that would be sufficient. If a conflict arose, Mr. Campbell would have to recuse himself. I don't know if you should participate in the appointment of the solicitor. Since I don't know this information I apologize for seeming to be dense, but who is providing representation to the Township in the lawsuit?

Mr. Campbell stated Madden and Madden.

Mr. Duffy asked if the Township Solicitor was not actively participating in that defense?

Mrs. Garrison answered that there are punitive damages that have to be filled. Punitive damages were not covered by the insurance company.

Mr. Duffy asked if Mr. Farnoly was participating then in a secondary position on that issue.

Mrs. Garrison stated that if punitive damages arise the solicitor does take on that.

Mr. Campbell stated if the case ever got to punitive damages, it is not the solicitor's decision whether or not to allow or disallow them. It is something that the Township Committee, excluding myself would sit down with the lawyers and JIF and they would all negotiate. It would have nothing to do with the solicitor that is appointed tonight making decisions about the damages.

Mr. Duffy suggested that if in fact a conflict arises from the fact that your vote helped to appoint a solicitor then the answer to that conflict is that individual would not provide representation to the Township. There could be indirect costs because you are now hiring a special counsel to representative the township which is not covered by the insurance but the conflict can be resolved by another attorney providing representation to the committee. I cannot indicate to you Mr. Campbell whether or not your position would ultimately be upheld as I am not privy to the lawsuit or the underlying issues of the lawsuit and I don't know if you are disingenuous but I honestly don't know that much about the suit. I understand the position you are taking but I can't tell the township as a whole whether that is an appropriate or an inappropriate position. I can't take a position on it because I simply don't know. The form of the motion is basically for the committee to say on mass to Mr. Campbell don't vote. I don't know that to be binding on him as a duly elected township committee person.

Mrs. Garrison stated the Committee has a obligation to insist in the defense of this claim. If I am in turn going to give somebody the right who is suing us to be able to participate in these votes, then I don't think that it is in the best interest of the defense of our case.

Mr. Duffy stated let's see what the vote is on the motion because that will determine if we have to discuss it further. Right now there is a motion and a second; unless there is further discussion I would suggest that we vote.

Mrs. Garrison stated that she does have further discussion. This is from discussions I have had with our attorneys today.

Mr. Duffy told Mrs. Garrison that she has made the motion. He has responded and now I would be interested if any other committeeperson has comments or concerns to raise, if not it is going to go to a vote.

Mr. Campbell asked if he is allowed to vote on the motion as to whether or not he is allowed to vote.

Mr. Duffy addressed Mr. Campbell saying my answer to you would be identical to the other one. If you are going to vote you are going to vote and I can't tell you if that is going to be upheld later or not. What I would do is have a roll call vote.

Mrs. Reynolds asked what would happen if Mr. Campbell can't vote and we come to a stall mate, what happens then. We would still be without a solicitor.

Mr. Duffy stated that any motion or any resolution here has to be by majority vote. So if it is 2 to 2 the vote doesn't pass. That is my answer. This doesn't mean we would not have a solicitor; it would mean that the motion failed. Then you would have to figure out what else to do.

Mr. Campbell stated that the vote is going to happened in the next few seconds and the problem he has with the whole scenario tonight is the fact that there is no legal representation, there are no copies of any judgment, hearing or injunctions, nothing legal here, but we have a committeeperson who is on a mission and making motions to try

and keep me from voting tonight. If there was something legal presented I would not have a problem and would understand and go with the flow.

Mrs. Garrison stated I am on a mission to ensure that the Township's case is protected. This is the only mission that I have. The Committee needs to understand that punitive damages are not covered by the insurance and they are filed in this case. Punitive damages have been filed. So Mr. Campbell is seeking not just what our insurance company is going to pay but also punitive damages. Yes, I am on a mission to ensure the Township is not going to be compromised in the defense of this case.

Mr. Campbell stated there are punitive damages mentioned in the suit. There have been no punitive damages negotiated or awarded or discussed. In the event that any punitive damages were claimed and warranted, I also have the power in the case to waive the punitive damages if I so choose. I can waive the damages.

Mr. Duffy stated to Mr. Campbell he is not going to put himself in a position where he is giving legal advice on what you can do in a lawsuit. What I would say is your attorney in the lawsuit and the township attorneys in the suit would like for each of you not to say very much more tonight. I don't know that it is required. You have made a motion, stated the position, and Mr. Campbell has stated his position. That is perfectly clear. Unless the other committee members have something to say on the subject, Mr. Mayor, I suggest that we have a vote on the motion and then we figure out where we go.

Mayor Cook asked Mr. Duffy to restate the motion.

Mr. Duffy stated the motion is on the issue of solicitor, township engineer and shared services, that Mr. Campbell not participate in and not vote on those resolutions. That would be a roll call vote for the clerk.

Roll Call:

Robert Campbell	No
Tammi Reynolds	No
Dennis Cook	No
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion failed

Mr. Duffy stated the motion failed with a 3 to 2 vote. Now it is time to move on to our list of resolutions.

Mayor Cook asked for a motion to approve Resolution R-01-2011 A Resolution Appointing the Township Solicitor for a One (1) Year Term for the Year 2011.

Mr. Campbell made a motion to appoint Creese and Carr as Township Solicitor and Mrs. Reynolds seconded the motion.

Mrs. Garrison asked for the basis of the appointment.

Mrs. Reynolds stated after reviewing the auditor's reports and there were comments made about Mr. Farnoly and another person being put into the pension program. When you look at the hourly rate, it looks wonderful but Mr. Farnoly came in at \$110 and Cresse and Carr came in at \$125. However, it doesn't look as good when you add the additional \$8000.00 pension that Mr. Farnoly charges per his contract.

Mrs. Garrison interrupted that Mr. Farnoly is not in the pension plan. He charges the township a salary.

Mr. Duffy stated at one point depending on how long Mr. Farnoly has been solicitor here, he was in the pension as all township solicitors pretty much were. Starting in 2006, we all came out of the pension whether it was township solicitor, planner or whatever. We had to come out. That may represent the terms of what would have been put in I don't know what was negotiated.

Mr. Campbell stated Mr. Farnoly's services in 2007 cost about \$10,000; in 2008 his cost to us was \$30,000; and last year his cost was upward of \$50,000. When you read the invoices and see what we have been paying for it is just economics. I think Creese and Carr will save the township a whole lot of money.

Mayor Cook stated just for clarification, in his proposal he does say that the township shall likewise enroll the attorney in the PERS system if applicable and maintain the employer's obligation respecting same.

Mrs. Garrison stated Mr. Duffy is absolutely correct they were supposed to go into DCRP. They are in nothing right now. As far as where we want to look, the \$8000.00 is for meetings. If you breakdown the \$8000 salary and you took \$110 per his contract and you divide that it would equal 73 hours per year. Out of the 73 hours, you have 12 regular meeting per year. You divide that up it is 6 hours a month the man is being paid for per the contract which includes meetings, meeting prep and any consultation regarding the meeting. I don't think any of us has gotten out of here after a three hour meeting. So you don't want an \$8000 salary you want hourly? Take Mr. Farnoly's rate and take Mr. Carr's rate calculate 73 hours per year at \$125 per hour that is \$9125 that we will be expending just for the meetings. Mr. Farnoly's fees have been outside of the monthly meetings. His fees are for litigation and a lot of appeals that he is defending. That is not included in that \$8000 salary. If you want to eliminate the salary and be billed for every hour, then that needs to be taken into consideration. The people need to understand what the \$8000 salary represents. Just like any other professional, you are going to pay. If you are saying we are going to do better with Carr, I don't believe that is the case.

Mrs. Reynolds stated she is in question of Mr. Farnoly's stance from the last meeting. He sat at the meeting and witnessed a Clergy swear Mayor Cook into office.

Mrs. Garrison interrupted that nobody extended to him that he was being paid for the meeting. He wasn't being paid for that meeting.

Mr. Duffy stated he asked for a vote to be here. He will submit a bill for his attendance at this meeting based on his hourly rate.

Mrs. Garrison stated she does not have a problem with that. You are a professional and I would expect that you are paid.

Mrs. Reynolds asked what the repercussion would be if this resolutions was tabled. What happens if we do not have a solicitor in place?

Mr. Duffy responded that the committee would proceed at their own peril. As you likewise may have sensed from last month, you want to have a solicitor sitting at the meeting to give you advice during the course of the meeting.

Mr. Simmerman asked if the committee could require Mr. Duffy attend our meetings until we have an opportunity to send out RFP's.

Mr. Cook stated that we would speak against that. We are in need of a permanent solicitor to go forward and I would like to call for a vote.

Mrs. Garrison stated if we are talking about saving money I am all for it, but I do not see were this avenue is going to save money. If we choose not to pay a salary that is ok. But that salary was not a retainer just to sit on the side and take the money and do nothing for that \$8000. That \$8000 was specific, meetings and meeting prep and I don't know a solicitor that isn't charging at least 1-1/2 hour time for meeting prep. Especially with all of the issues we have had going on.

Mr. Simmerman stated that we were never charged more if we had a 4 hour meeting. It didn't matter, it was the same price. We are not looking apples to apples. I have nothing from Carr to say what they are charging for everything.

Mrs. Garrison stated that he is charging \$125 per hour. If that is what you are going to do then there is no salary. Do the \$110 per hour and move forward.

Mr. Simmerman asked what he will charge for special meetings. Mr. Farnoly charges \$200 per meeting no matter how many hours. You are not looking at the full picture. I tell you right now, when you people get done, you are going to see bills that are coming out the ying yang and you are not going to know what you are getting. You have no definition here of what he is going to charge us. Does his charge start from the time he leaves his office and get back or is it just while he is sitting here.

Mr. Campbell stated his proposal states no travel time. You keep talking about \$8000. Mr. Farnoly billed this Township \$50,000.

Mrs. Garrison stated they are going to be the same for Mr. Carr if you are doing the same issues. Outside of that \$8000 you have this amount. That means that amount did not have anything to do with meetings it was above and beyond that salary. Now you are telling the people out here that you would rather spend \$125 per hour on all the extra than \$110 per hour.

Mayor Cook closed the comments and discussion and moved to a vote.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	No
Steve Simmerman	No

Motion carried

Mayor Cook called for a motion to approve Resolution R-004-2011 A Resolution Authorizing the Mayor to Make Appointment for the Heads of Various Departments within the Township of Downe.

Motion made by: Mr. Campbell to approve *Resolution R-004-2011* and seconded by Mr. Reynolds.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mayor Cook called for a motion to approve Resolution R-009-2011 A Resolution Appointing Hardenbergh as Risk Management Consultant for the Atlantic County Municipal Joint Insurance Fund.

Motion made by: Mr. Campbell to approve *Resolution R-009-2011* and seconded by Mrs. Reynolds.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mayor Cook called for a motion to approve Resolution R-011-2011 A Resolution Appointing Dennis Cook as the Alternate Fund Commissioner for the Municipal Joint Insurance Fund.

Motion made by: Mr. Campbell to approve *Resolution R-011-2011* and seconded by Mrs. Reynolds.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mayor Cook called for a motion to approve Resolution R-012-2011 A Resolution Appointing Richard J. DeVillasanta Safety Coordinator for the Municipal Joint Insurance Fund.

Motion made by: Mr. Campbell to approve *Resolution R-012-2011* and seconded by Mrs. Reynolds.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mayor Cook called for a motion to approve Resolution R-018-2011 A Resolution Appointing the Township Engineer for a One (1) Year Term for Year 2011.

Mrs. Reynolds made a motion to make Sickle and Associates Township Engineer and Mr. Campbell seconded the motion.

Mrs. Garrison stated Victor Spioto is the son of Mr. Campbell's girlfriend and works for Sickles.

Mr. Campbell replied that he is a draftsman for the company.

Mrs. Garrison stated this is a conflict.

Mrs. Reynolds stated t she would like to make it known on the record that she did not know that information. She was not aware of that relationship.

Mr. Duffy stated if a family member is in an employee position within a firm, you should recuse yourself from voting.

Mr. Campbell stated that he recues himself.

Mayor Cook made a second for the nomination of Sickle and Associates.

Mrs. Garrison stated she thinks the public should know why we are appointing individuals.

Mayor Cook stated Sickles and Associates has a lot of expertise and experience and is currently doing marine engineering and bulk heading. We have three islands where we have significant need in this area. From my investigation they have done a high performance in the past. The performance is not like what we have had to date in this particular area. It seems they have the depth and expertise not only to handle marine engineering and bulk heading but also the Department of Transportation and road building. They have a full complement of engineering services to meet the needs we would have in Downe Township.

Mrs. Garrison asked Mayor Cook to expound on his dissatisfaction with the past engineer.

Mayor Cook stated he has personally visited and climbed over and under and looked around and spoken to a number of people and is disappointed at the workmanship. Especially in terms of the recent Gandy's Beach project. He is

very disappointed with the lack of progress in the Money Island bulkhead. He requested a copy of all drawings and materials from the Money Island bulkhead project and was shocked that there has been no progress. There are no drawings. We have been put in jeopardy with our Department of Transportation Grant for that reason and that is very disappointing. They for all practical purposes have closed their Vineland office. They have not answered phone calls and have not returned phone calls promptly. We don't have any more time to waste on these projects given the state of the economy and the requirements of these grants. He also feels that the fee structure of the nominee is very good and the individuals are flexible enough to work with us in the ways that a township such as ours needs. We require that type of cooperation and coordination.

Mr. Campbell asked if he could comment even though he has recused himself.

Mr. Duffy answered no.

Mrs. Garrison stated she has a problem with Mayor Cook's dissatisfaction with the Gandy's Beach Bulkhead. She hopes everybody understands the only thing FEMA permitted to be done is to replace what was there. We could not in turn lengthen the sheathing because we already know that previous committees shortchanged that whole project. They shortened the sheathing, they did not put in weep holes, and they only replaced what was there. If the sheathing was short the only thing we could do was replace the sheathing the way it was designed. I had to hear that the pilings were cut. They don't come in to size. They come in, they pound them down or shake them down however and then you cut them. Pennoni has a vast amount of waterfront experience. The Money Island project has not been delayed because of our engineer; it has been delayed because of DEP. DEP has only allowed us to do so much stuff. There were no design drawings. We were not going to pay for design drawings when the DEP was going to say no. It was a good thing too, because some of the things we wanted to do they said absolutely not. That would have been the biggest waste of the Township's money to have drawings ready when we already had been told when we did the walkthrough with them that we could not do that. So in turn we would have been paying for more drawings. Looking at qualifications. If you are going to look at rates, Pennoni is cheaper on the Engineering than anybody else. Yet again, we are not going to go that route. We are not going to go the cheaper route. They have not jeopardized a thing. You can only do so much with DEP. The one thing that they have said is we are going to not be project engineers. We are going to let Coastal Engineering be the project engineer. We are not paying a dime to have them. Like I said we dealt with all the inside issues in all fairness. I have never contacted them and not gotten a call back. We are also looking at mileage with another engineer. Sickles is going to charge us \$0.35 a mile and they are 50 miles away. Already you have that bill. They are going to charge \$48 in clerical. That is going to add up very quickly with drawings and the typing of reports. Pennoni charges nothing on clerical and nothing on mileage.

Mayor Cook stated the DEP has said that we have a current violation. When they cut the tops of the pilings they undermined the structural covering that was keeping in arsenic, cooper and a few other chemicals that the DEP has very serious laws about releasing into the environment and in this case into the water. As I speak they did not seal those up to date. That is an active DEP violation. I should not have to be the one to find those kinds of violations. I depend upon them to protect this Township against those kinds of violations. The marine company that came in and did the job didn't do it properly. They didn't dig down deep enough. It was supposed to be a multi-day job and they were in and out of there in one day and we spent thousands. I am very troubled by that. I have a higher standard and I am going to expect that of all of our contactors.

Mrs. Garrison stated Pennoni had asked of our concerns and they were not given any. They were not given the opportunity to contact the contractor. If that is the case and you are going to hold somebody to a higher standard you also have to give them the ability to make that correction if what you are stating is true. We don't know what we are facing with state aid. It has been constantly going down. There has been talk about a pilot fund reduction. That is great if we want to do all these things, but what we are doing is we are increasing our fees and I am sorry, Pennoni has an excellent reputation and that is something I don't feel is fair for this committee to take away from them. Their Vineland office is not closed. I have contacted them and asked that question and I was told no, we are still in this location.

Mayor Cook stated there are two people in that office. There is a receptionist and a low level employee. They went from a vast wing to a small room and a bathroom. It is not a working operating office. The fact that we were not told that, I have a problem with. In terms of the past year, in terms of an employee who has left, I have some

concerns and questions about that. I think given the challenges we have all heard about, I think we have to move forward and employ a different engineering firm where Downe Township is going to get their attention. I don't feel that adequate attention has been given to the Township and especially given the money that we have spent. Also, once a job is done, I don't want to have to take someone into court or chase after a subcontractor. The damage is done and Mother Nature is throwing her full weight. You can't just go in and fix some of these problems easily. They are very expensive. I want the job done right the first time.

Mrs. Garrison says she concurs because we are already paying the township solicitor more money, so I really don't want to go to court either.

Mr. Simmerman stated, as Pennoni has stood here and said, they can only replace it exactly like it was they cannot improve it. That is what we okayed because that was all they were allowed to do. I forget the price of what the whole thing is going to cost after you get all of the DEP approval. You are stating that the poles have arsenic in them.

Mayor Cook answered yes, and copper and a lot of other things.

Roll Call:

Robert Campbell	Recused
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	No
Steve Simmerman	No

Motion failed

Mayor Cook made a motion to nominate Bach Associates as Engineer.

Motion made by: Mr. Campbell and seconded by Mayor Cook.

Mrs. Garrison asked what the basis for the choice of Bach Associates is.

Mayor Cook stated they were his second choice for all the same reasons that he shared in terms of his first recommendation.

Mr. Campbell stated Bach was his second choice based on ability, price, etc. Pennoni who through the years are personal friends of his and he has known in his business. They are great guys. What that transpired this past year has really disappointed him with Pennoni. Mrs. Garrison talked about Money Island and all the meetings they had and how they physically located where the bulkhead was going to go and I supported it. We need that bulkhead on Money Island. That was in September, after that was determined and approved by the DEP, which came very quickly, it has been 4 or 5 months since then and Pennoni has not done anything to move that project other than push paper and make promises. I am disappointed because of that reason and because of what went on over in Gandy's Beach. They didn't have an inspector and despite what Mrs. Garrison thinks, we did make the sheathing longer this time. We made them as long as we could and we set them in until they hit refusal. They go down until they won't go any further and you cut them. There were no inspectors on site during that project. We spent \$24,000 with the contractor and we didn't have an inspector onsite for that day. They were there one day. The work wasn't done correctly. All that being said, I think we need a fresh engineer. Our Township engineer does not have to do everything we do in this Township. We can send a bid out on special projects to other engineers. We don't have to use the Township Engineer. The way we used Pennoni was like giving them a blank check. We never argued their prices we just voted for it. We don't have to do that. Based on all of these things Bach is my choice because of their fees and experience and track record.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	No
Dennis Cook	Yes
Lisa Garrison	No
Steve Simmerman	No

Motion failed

Mayor Cook asked for another nomination for Engineer.

Mrs. Garrison nominated Pennoni Engineer and Mr. Simmerman seconded it.

Mayor Cook asked for further comments and discussion on the nominee. There were none.

Roll Call:

Robert Campbell	No
Tammi Reynolds	No
Dennis Cook	No
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion failed

Mayor Cook stated there were two additional qualifications papers received.

Mr. Duffy stated that a motion can be made to nominate one of the two remaining proposals or a motion can be made to rebid and solicit other proposals. Those are your choices.

Mr. Campbell made a motion to nominate Battistini Consulting Services. The motion was seconded by Mr. Cook.

Mrs. Garrison stated to Mayor Cook that one of the concerns was that Pennoni has a small office; Battistini's staff is one person.

Mayor Cook stated Mr. Battistini knows Downe Township very well. He has an incredible record in terms of qualifications in municipalities that he has worked for. He has a very distinguished record of performance. He knows marine engineering. He knows DOT and as already been stated, all of these firms subcontract out for certain services. He really has impeccable credentials and reputation. He is very proximate. He is very convenient. I have personally met him on many occasions and seen him out on particular jobsites. I think he has a very good relationship here within the Township.

Mr. Campbell stated he thinks Battistini could do a real good job for the Township. We have a real direct connection with him. As said before, we don't have to use him for every project. We can always bid out to other people. Mr. Battistini lives in Millville. As mentioned he is a sole proprietor and is working out of a small office. Pennoni is also working out of a Hammonton office which is also 50 miles away. When I have spoken to Mr. Dougherty I have called him at the office in Hammonton. I think that Mr. Battistini knows the issues of the Township. He worked on the Money Island project. I think he would do a good job for us. He is connected and has been involved in every aspect of municipal engineering, town engineering, Army Corp engineering, DOT. He has a tremendous track record. I would support the nomination of Mr. Battistini.

Mayor Cook stated Mr. Campbell makes a good point about Money Island. As far as he is concerned, he is the one who did the work on Money Island in terms of what was accomplished. So he already has a very intimate knowledge of the Money Island project. We are up against some timelines here in terms of a \$400,000 grant and a DOT grant and I am very concerned given the state of affairs within the state and all of the economic challenges that we possibly could sacrifice with some of these extensive grants. Here is someone who can pick up and get it done.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	No
Steve Simmerman	No

Motion carried

Mayor Cook called for a motion to approve Resolution R-019-2011 A Resolution Appointing David Battistini as the Township of Downe Stormwater Management Manager.

Motion made by: Mr. Campbell to approve *Resolution R-019-2011* and seconded by Mayor Cook.

Mrs. Reynolds asked if this locks Mr. Battistini into all stormwater management projects. We just spoke about not having just one engineer.

Mrs. Garrison stated this isn't a project type of thing.

Mr. Duffy confirmed it is a statutory position. No there could still be other individuals.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mayor Cook called for a motion to approve Resolution R-024-2011 A Resolution Not Approving the Agreement with the CDC (Cumberland Development Corporation) for the 2011 Year.

Motion made by: Mr. Campbell to approve *Resolution R-024-2011* and seconded by Mrs. Garrison.

Mrs. Garrison stated she wholeheartedly agrees at this time. Again, I fought very hard that there would be no increase in the local purpose tax. With everything going on, I think the \$4100 we pay for them needs to be utilized in other areas of our budget.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mayor Cook called for a motion to approve Resolution R-025-2011 A Resolution Appointing Members to the Planning/Zoning Board.

Motion made by: Mr. Campbell to approve *Resolution R-025-2011* and seconded by Mr. Simmerman.

The committee reviewed the list of new members

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mrs. Garrison stated she didn't realize a resolution was required.

Mr. Duffy answered yes they are mayoral appointments with the exception of the Class III member. The Class III is a designation by the Committee. Customarily at the reorganization meeting there is a memorialization of who is appointed and the length of terms. What happens in Townships is people forget who is appointed and for what terms. The actual adoption of the resolution is to memorialize the choices with the exception of the Class III which is the Mayor's designations.

Mrs. Garrison stated it is not the committee's decision who the appointees are.

Mr. Duffy stated that is correct. I just want to make sure that the public understands that we are not voting on his appointees. Those are Mayor Cook's choices.

Mayor Cook continued that Steve Simmerman's type should be changed from a Class I to a Class III member.

Mr. Duffy stated the Township Committee is voting on that designation because that is the Mayor's choice.

Mayor Cook called for a motion to approve Resolution R-025-2011 A Resolution Appointing Richard J. DeVillasanta Safety Coordinator for the Municipal Joint Insurance Fund.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

Mayor Cook called for a motion to approve Resolution R-026-2011 A Resolution Approving Authorized Signatories for the Commercial Accounts in the Name of the Township of Downe.

Motion made by: Mr. Campbell to approve *Resolution R-026-2011* and seconded by Mrs. Garrison.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Yes
Steve Simmerman	Yes

Motion carried

COMMITTEE COMMENTS

Mayor Cook asked for comments from the committee.

Mr. Simmerman stated he recently picked up a paycheck and was wondering if he missed something in a meeting to authorizing a raise.

Mayor Cook stated he has not received a paycheck yet.

Mr. DeVillasanta stated it is his mistake. There was a union raise and he thought it was customary that it is an across the board raise.

Mr. Simmerman stated the committee is not in the union.

Mrs. Garrison continued that she would hope anyone not in the union did not get a raise.

Mr. Simmerman stated it looks like a 3% raise which is against the Governor's decree.

Mrs. Garrison continued it's against the Governor's wishes. Also I hope anybody not in the union is also paying the 1.5% towards their medical. Mr. DeVillasanta you need to check on that. I don't have my check but I will give it back so you can make those corrections.

Mr. DeVillasanta confirmed.

Mr. Simmerman stated the change is in the gross pay. If you take the gross at \$198.26 and you multiply it by 26 it comes to \$51.50. That is \$152 more than what we are suppose to get according to what we voted on. I am not here to make more money but I will take it if they really want to give it to me. We are trying to keep taxes down now. I don't want a local purpose tax and everything I can do I will do.

Mayor Cook thanked Mr. Simmerman for bringing this to our attention

Mrs. Reynolds would like to thank Zac King for coming to the township Meeting. He is the newest Board of Education member and really has great ideals.

Mayor Cook stated we have great attendance from the Education Board members.

Mayor Cook stated we are going to have our agendas out the Thursday before Monday's meeting. By Thursday at 12noon the agenda for the following weeks Monday meeting will go out. We will put it on our website, thanks to Mr. Raudenbush; we will fax it to the three post offices within our geographic boundary. Mayor Cook thanked Mr. Raudenbush for that suggestion. For your convenience, we listed the website on your agenda tonight under our Township heading. You will be able to go on there as of Thursdays at 12noon and get the agenda. We are also going to post it on two bulletin boards. Right outside this hall next to the door which will be dedicated to committee business. What does one do when the building is locked after hours, we will have the agenda posted in the window box outside the front door. Also the cutoff date for bills, resolution, and etc being put on the agenda will be the Tuesday at 12noon before the Monday meeting. It is real unfair to staff to be constantly coming to them with materials to get on the agenda the day of or a couple days before the meeting. This makes us more efficient. This is our policy. This is what we are going to meet and you can hold to it. We hope that it will encourage citizens to come out and participate more because you will know in advance the issues that we will be discussing. If you want to send something in about anything, please direct it to our Administrator. We want everything to flow through his office. He has the responsibility of keeping his calendar and distributing the materials.

Another goal is to have a phone answering machine on our main phone within the next couple of weeks. That has been a suggestion from the public. We are going to hold ourselves to that by the next meeting.

Mr. Campbell stated he saw the public notice for the meeting dates for 2011 and noticed Monday, January 2, 2012 which might be a holiday for New Years. Please verify that date and make any corrections.

Mayor Cook stated responding to the public, we will also have an old business section on our agenda.

OLD BUSINESS

Feral Cat Colony Update

A few weeks ago we spoke in terms of the feral cat colony. We have reached out to two groups. I want to thank several of you for helping to facilitate that and getting names and phone numbers. We want to hold our meeting on Fortescue Island. We have asked a church if they would graciously open their doors so that we could hold the meeting. We are looking at either February 11th or 18th for that meeting. We are waiting on one of the persons we have invited to confirm. We have invited Karen Levy who is very active in the Animal Friends Group and the president of that organization, Carolyn Aveny. She has consented to come to the meeting and is checking her calendar. Also Joan Bullick from Saving the Animal Foundation. This meeting will be an informational meeting to address the situation. Everyone is encouraged and invited to come to share their thoughts. We have been reading some things in the newspaper. I have received some calls about it and I am learning a lot. I will be chairing that meeting and looking forward to it. You may want to mark your calendars. We will have it probably around 7pm. I am pleased we are making progress on that situation.

Gandy Beach – Bulkhead Status Report

Mayor Cook stated we spoke about that project tonight. We did meet with two residents out there and walked the site and observed it first hand.

Mrs. Garrison interrupted that Mayor Cook knew this was not a good night for the meeting for her and she apologized to everyone and stated she must leave.

Mayor Cook continued we reached out to the engineering firm and requested additional information including reports. We are monitoring and managing the project very closely.

Mr. Simmerman stated we are still waiting for reports on the street lighting. Can this be kept under Old Business because there was concern on the number of poles and what we are paying for?

Mayor Cook stated he reviewed the bills and was shocked at what we are paying on a monthly basis to Atlantic Electric. If there is anyone who wants to work on that situation please come forward.

Mr. Simmerman stated there have been numerous calls to Atlantic Electric in the last two years and we are not getting an answer.

Mayor Cook stated we are going to get an answer. We spent \$5,500 last month multiply that by 12 months. We can do this cheaper and we will. The only thing holding us back is people power. We need more folks addressing some of these issues and working on these issues. That is a very sobering process to look at those bills. Believe me, we can do a lot better and we will because we have to.

NEW BUSINESS

Mayor Cook stated here is one reason why we need to do better. Our pilot funding. Last year we received \$362,000. The very funding is threatened. It depends on who you talk to in the executive branch. Some people say there is no phase out and others say there is. In three years this could be a zero revenue source from \$362,000. That will be a very significant tax increase. We have received word that we are going to have a cut in this funding in the year that began January 1, 2011 in the amount of \$112,000. That is what the Governor has put forth in his policy statement. Mr. DeVillasanta, Mr. Campbell and I journeyed to Senate President Sweeney's office in West Deptford last week. He was in Trenton but we meet with his assistant. We pressed our case. The individual seemed very hopeful and interested and understood our points and thought that we have very valid points and concerns. We were 1 of the 8 townships most affected by a cut in this funding. However, there are 294 townships out of 566 in the state that receive this Garden State Trust Pilot (payment in lieu of taxes) money. A number of these townships only receive a very small amount \$500 to \$1000. The loss of that, a township can sustain. Our township cannot sustain the loss of \$362,000. 70% of our land is in this program. I am going to speak more to this in subsequent meetings. I have no illusion that one visit to anybody's office is going to do the trick. We have to make an all out effort in terms of the executive branch and our legislators. We have to reach out to Senator Van Drew. His township is going to be effected in a very significant way. We can expect the Dennis Township people to reach out to Senator Van Drew, we have to reach out too. We have to reach out to Senator Sweeney in additional ways. The three of us going was nice, we filled a small conference room, but we can't begin to do it alone ourselves. On Election Day we each have one vote, but in our township we have more than three votes. We have to inundate them with letters of protest of what this is going to mean to our way of life here in Downe Township and the betrayal this represents. We bought into this program. We were probably one the first shared services. This is a shared services deal with NJ Fish & Game, Green Aces and Natural Lands Trust and several more. We are doing shared services and we are providing services to all of those individuals who come into our township to benefit from the environmental wonder, the gem, the jewel that we have within this township. I don't think there is any other township on earth like this township. When you go from one end to the other you just see all the different environmental areas. We are the ones that saved the American Eagle in New Jersey. The last remaining nest was right in our creek. We did that and there is a lot more that we are preserving. We are the real deal. This needs to be preserved. We gave up ratable with an understanding that we would receive some support and revenue in return. Not what we could have gotten if it was a different ratable. Our hands are tied. Anyone who wants to sell their property to Natural Lands Trust can do so and we loss a higher ratable and we will received \$20 an acre which now is going to decrease. It just got decreased by a third. There is no doubt in my mind that within one or two years it will be zero. Also there is nothing that says that Natural Lands Trust has to protect this land in perpetuity. It all depends on what's put on the deed. Somebody can sell land to them at one price and thirty years later they can sell it at 100 times what they paid for it. There is nothing we can do about it because we believed that when referendums were passed and people voted to put money aside for the Garden State Trust Pilot and also put additional acreage under this program that the money would be used to support the townships in which this land exists. They are taking this money and they are funding projects in Newark and Trenton. I don't think that is what the people had in mind when we passed these referendums. I feel betrayed by state government and the legislature and the people should feel betrayed because their money is not being put to the purpose they believed when they voted to support referendum and this type of funding. This shared service goes back to 1970 and each year there were more acres and more acres included. They own 70% of our land mass. We have over 22,000 acres in this program and now they are pulling the rug from underneath, now that we created this jewel in partnership with the state. I feel that the state is welching on the understanding and the agreement that we had. People need to know that and legislators need to be remained of it. If you don't remind the legislators they will think about other things. This is where each and every one of us here needs to pull together a work group that is going to join with us where we can go about this in a very disciplined way as if we are in a war, because we are. Right now we are almost losing this war and we are going to loss this war if we don't hop to it. We are going to be reaching out and participating and asking other townships and

municipalities to cooperate and coordinate with us and we are going to do a statewide effort, a full court press. I can absolutely assure you what will happen if we do nothing. We all know what happens when we do nothing, we will get nothing. I am optimistic. The money that has been dedicated in the past to this project is a drop in the bucket. This is not going to solve the State's fiscal problem. It is critical in terms of us maintaining our integrity in all aspects of our culture and way of life here in Downe Township. We know we are worth fighting for and we know we can count on you. I am going to be reaching out and please reach out to me if you would like to involve yourself in any way shape or form. We need everybody's efforts. It is critical to start to get a letter writing campaign going. I am going to reach out to Doug Fisher. He is the secretary of agriculture. He sits on the governor's cabinet. He gets a chance to talk to the Governor. I know he will be with us. We are going to reach out to our area legislators. I am proud and excited that our State Senator is the president of the Senate. I have every confidence that he will fight hard for us. We have to do our part by generating those letters. We have to organize and we have to do it quickly. We have about four months on this. If this gets passed in the next fiscal budget then it will be a done deal for this year and we will have lost \$112,000. This is just the beginning. We are hoping we can count on you and I know that we can and I know that we can be successful.

Mayor Cook asked for any other new business.

PUBLIC COMMENT PORTION OF THE MEETING

Motion made by: Mr. Campbell to open the meeting for public comments and seconded by Mrs. Reynolds.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Absent
Steve Simmerman	Yes

Motion carried

Mayor Cook asked the residents to state their name and address and requested if they could limit what they want to say to about 3 minutes.

Resident Mr. Bernie Sayers of Sharp Lane stated there are two things going on that are connected, cats and the NLT. I have mentioned this on two separate occasions and I can't understand why you are bothering to have this meeting in the church in Fortescue. I think you should handle this in the way you would handle this if it were any other private citizen having a feral cat colony on their property. You would call the health department or whoever is in charge of such things. The bills should be going to the NLT not to the township. I happen to talk to Steve Eisenhower, the NLT representative last Friday outside as we were coming into the senior meeting and I asked him about the situation. He said that he took a letter I wrote to the editor along with some other information from my website and he sent the information to the powers that be and they consider it a serious problem. I think that you as Mayor should reach out to the NLT before you go to all the trouble to have this meeting. I understand you have already talked to the church and so forth but reach out to the NLT to see what they think about it.

Mayor Cook stated this is an information meeting. We want to hear from everybody. No one is going in with a pre-frozen position. The idea here is to develop a plan which we stated in our last meeting to address this issue. You are welcome to reach out to individuals that you know. I hope you will give Mr. Eisenhower a call and say come out because we will get the information out. We know the meeting will be held on one of the two days I mentioned. We want people to put that date on their calendar and hopefully come out.

Mr. Sayers asked if the time Mayor Cook is speaking comes out of his three minutes.

Mayor Cook answered no.

Mr. Sayers continued he is a little offended because the Mayor has been here only a couple of hours and already he is limiting him. Mr. Sayers stated the three minutes is not fair, considering the fact that we have a lot more to worry about then cats in Fortescue. You just stated we are going to loss \$112,000 if this happens. The NLT is part of that

problem. Why should we be extending any energy or money toward the NLT. Call up the health department and say go down and look at those cats and if there is a bill send it to NLT. You want to have a meeting and have a meeting of some significance have the meeting on pilot funding. Why have a meeting on cats. It makes no sense.

Mayor Cook thanked Mr. Sayers and stated we are going to be meeting on both issues.

Mr. Miller of Methodist Road in Newport asked if Resolution R-04-2011 could be discussed. Another question is on the bill list he would like clarification on Mr. Farnoly for \$4,961 and Pennoni for \$5,332. Is that a one month billing or is that several months billing.

Mr. Campbell stated the total for the Pennoni bill amount is from 7 or 8 different bills and some are from escrow accounts from plan reviews. There is a whole list of different bills.

Mr. Miller asked if this closes them out for the year.

Mr. Campbell stated he could not answer that at this time.

Mr. Miller asked about Mr. Farnoly's amount.

Mr. DeVillasanta stated that amount is for two months of billing.

A resident asked about the Department Heads list.

Mr. Duffy stated that a copy of that resolution should be posted.

Mayor Cook distributed the Department Heads list to Mr. Miller and a representative of the press.

John Sorotio of Newport had some questions about some of the projects being worked on by the engineers. Isn't it customary to put a project out for at least three bids.

Mayor Cook stated that did happen.

Mr. Sorotio asked how that works with grants.

Mayor Cook answered it works the same, we would go out for competitive bids.

Mr. Sorotio stated it is his personal opinion, we should be going out for pricing on bids. There are a lot of people desperate for work today. There is a lot of room to negotiate and everything is negotiable today. Too many people are out of work and if you feel something is high especially with this economy the way it is going, say no and walk away. Also, with this tax rate on the \$112,000, how much does a penny generate to the township today.

Mayor Cook answered that at \$125,000 it would be 6.5 cents. It is roughly \$20.00 per penny. Once again, our hands are tied and even if we wanted to we couldn't go to the people to raise that cap until November and the year is over then.

Mr. Sorotio continued roughly \$20.00 per penny because you fall under the 2% cap also. You could almost say that this state is projecting there will be a \$10.5 billion deficit for this year. So you know cuts are coming on all sides the school and the Township. May I suggest here that we what to accomplish things and this is for everybody on the Board. I think something when you get into arguments with each other here; it should be taken into executive session. It shouldn't be brought out to the public. Hash it out there, put your gloves on whatever but don't bring it to the public. If you are here to get something done, when you keep on bickering back and forth you are not going to accomplish nothing.

Mr. Sayers stated Mr. Sorotio needs to look at the open public meetings act. All of your discussion and all of your deliberations should be done in public. That is the whole idea behind it. We have had way too much behind the scenes stuff going on and it should be done here. As much as you may not like it, that is how it should be.

Mr. Sorotio stated what we are seeing here right now is not accomplishing anything.

Mayor Cook stated we are not going to have a debate back and forth. Mr. Sorotio thank you for your remarks they are well taken and in the future I will be very carefully when a person gets up and takes a counter view to something that an individual has just said. Both can speak their points without addressing the other individual. This is not a forum for debate between residents at a meeting such as this.

Mr. Sayers stated he would like to make a comment about the effort that Mayor Blizzard put in regarding the pilot funding. If I am not mistaken she found that there was roughly 6,000 acres of property which is owned by the NLT. She found out that this amount of land was not receiving pilot funding because that land was not deed restricted. You made the comment in your presentation regarding pilot funding that they could sell the land for 100 times what they paid for it. This is absolutely true in regard to that 6,000 acres and this is an issue that we need to bring out and let the public know about. That was a very important point that you brought up and I appreciate that.

Mr. Sayers continued Mr. Miller wants him to use some of his three minutes. What are your appointments for the Zoning Board?

Mr. Duffy read the names of the members of the Zoning Board.

Mayor Cook asked for any other public comments.

Mr. Jesse Briggs asked for an explanation to the charge of \$500 for damage to a portable toilet.

Mayor Cook answered yes we had off road vehicles that damaged a portable toilet in Fortescue.

Mr. Briggs asked if there was a police report filed on this incident.

Mr. Campbell answered this is the second time this is has happened where someone has run over a portable toilet and smashed it. I don't believe there was a police report. It happened in the middle of the night. Mr. DeVillasanta and I are trying to check to see what's happening. I think we should have insurance but the last time they argued with us and would not pay for the damages. We will investigate this and find some recourse to deal with it.

Mr. Briggs asked if the charges for hauling fees are for one month at about \$4,000.

Mayor Cook answered that bill is for about 5 weeks of hauling. This is something else we have to look into. We only have 1600 people in this township and if you see what we are paying for trash, something is not right and that is something that we are looking at very carefully. Also this includes individuals we tear down structures and bring it to the township against county law. We really have to get a handle on this because something is not right. In order to get through his current year we are going to need to do this. In addition we really want to look at an expanded recycling program. Too many of our neighbors are not recycling and we could be defraying the costs.

Mr. Briggs stated he is still seeing convenience center worker assisting members of the public with throwing cardboard in the general trash. We should remind them to place it in the cardboard container. I have a couple of thoughts on the issues of the township money. Mrs. Reynolds, you stated in your campaign that you would not be accepting an salary. I would suggest to some of the other committee members that at various time they would be willing not to have a salary. I would like to propose that the committee consider not paying themselves this year as a savings to the township. There are certain things we need to look at as far as revenue sources that we haven't looked into yet. For instance solar fields that were being proposed in the township, those panels are not taxable as far as personal property tax so I know a number of communities have business license and some of that is based income and the type of business they own. I think the township should look into that. These are not business that create jobs for the township but they do generate revenue and it could help the town.

Mr. Campbell asked if he is referring to solar fields or solar panels on individual homes.

Mr. Briggs answered if you are putting panels on your own home that is not a business.

Mr. Campbell stated when one is going in to create a utility company to make electric, I agree with you there should be some benefit to the town. Alloway Township does it with the nuclear power plant. It is a utility company that makes electricity and they collect a tremendous amount of revenue from the utility company. We have looked into how legitimate and in what way we could collect if a utility company comes into this township. Like Hanson, they are building a utility company out there.

Mayor Cook stated we are very interested in ways that we can cut costs and generate revenue.

Mr. Sayers made a statement in regard to the convenience center and what is happening there. For the last 18 or 20 years I have been coming in here meeting after meeting and telling you that people dump there all the time. Take a ride tomorrow or better yet do it tonight. As you drive out to Sharp Lane you will see there is a road which goes towards the convenience center. That gate is big enough that you could walk through there with a 55 gallon drum. It has been like that for years. If you close that off you will save a lot in regard to the illegal stream of trash going into the convenience center.

Mayor Cook called for a motion to close public session.

Motion made by: Mr. Campbell and seconded by Mrs. Reynolds.

Roll Call:

Robert Campbell	Yes
Tammi Reynolds	Yes
Dennis Cook	Yes
Lisa Garrison	Absent
Steve Simmerman	Yes

Motion carried

Mayor Cook thanked everyone for coming out and asked that they continue.

ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Campbell, seconded by Mrs. Reynolds and unanimously carried.

Respectfully Submitted

Richard DeVillasanta, Clerk