

The following Executive Session took place on December 3, 2007 prior to an action Workshop Meeting of the Township Committee of the Township of Middletown, which was held at 7:00 pm in the Conference Room, One Kings Highway, Middletown, New Jersey.

Township Clerk Heidi R. Abs called the meeting to order and read the following notice:

The Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to The Asbury Park Press and The Courier and by posting at the Middletown Township Municipal Building and filing with the Township Clerk all on January 11, 2007.

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Absent	None

Also present were Bernard M. Reilly Attorney, Frederick Jahn, Acting Administrator, Richard Wright Chief Financial officer, Anthony Mercantante Planning Director, Charles Heck, Tax Assessor, Edward Dunn, Assistant Administrator.

Mr. Reilly, the Township Attorney, read the following resolution into the record in full:

RESOLUTION - EXECUTIVE SESSION

It was moved by Committeeman Hall, seconded by Mayor Scharfenberger and carried to adopt the following resolution.

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Nay	None
	Abstain	None
	Absent	None

WHEREAS, the Open Public Meetings Act provides that the Township Committee may go into Executive Session to discuss matters that may be confidential or listed in N.J.S.A. 10:4-12, and

WHEREAS, it is recommended by the Township Attorney and Township Administrator that the Township Committee go into Executive Session at this time to discuss matters set forth hereinafter which are permissible for discussion in Executive Session.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township Committee shall go into Executive Session to discuss the following items:

1. Property Acquisition or Sale– NJSA 10:4-12(b)(5)
 - Open Space Property Acquisition / Sale – “ATOD” upon formal action, estimated July 2008.
2. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
 - Poricy Park Contract Negotiation – “ATOD” upon formal action, estimated July 2008.
 - Cell Tower Lease Contract Negotiations – “ATOD” upon formal action, estimated July 2008.

- PBA-(Special Duty) Contract Negotiations – “ATOD” upon formal action, estimated July 2008.
 - Revaluation/Professional Services Contract Changes- “ATOD” upon formal action, estimated January 2008.
3. Litigation - NJSA 10:4-12(b)(7)
- Middletown v. Middletown PBA Court Decision – “ATOD” upon formal action, estimated December 2007.

Revaluation Services Contract:

The Tax Assessor gave a status report on the revaluation contract and the progress and field work and explained that more inspections may be possible upon request by tax payers. The Assessor gave a status on the real estate market and possible depreciation of the market. The Assessor discussed meeting the April 1, 2008 deadline for tax appeals and the April 15th deadline for the completion of tax ratios. The Assessor informed the Committee that Realty Appraisals had completed 9,000 assessments. The Mayor discussed hiring an Attorney to evaluate whether the Township has a case to delay the revaluation due to the status of the work and the depreciating trend in the real estate market. The Mayor discussed the possibility of the Tax Attorney bringing a case to the County Tax Board with enough evidence to show that a delay in the final assessment was required. The township Administrator discussed a recent request made by the Township to delay the revaluation to the tax board which was denied. The Committee discussed the probable reassessment, appeals, and the lack of existing comparable sales numbers. The Attorney was directed to retain a Tax Attorney to evaluate the revaluation and the need for a delay in the Revaluation and to negotiate with the Revaluation company.

PBA/SOA Special Duty Work Fee Negotiation:

The Township Attorney discussed the draft ordinance and negotiation of rates. The Attorney informed the Committee of a meeting with the SOA and PBA which lead to the removal of the short term notice rate. The Attorney discussed the costs involved on calculation of the Township portion of rate. The Attorney was advised to move forward to finalize ordinance for introduction.

Middletown v. Middletown PBA Court Decision -Supreme Court Case

The Township Attorney discussed the Supreme Court decision and background of the Supreme Court taking the case.

PBA Collective Bargaining Negotiations:

The Attorney advised that an outline of the issue would be prepared and the Committee will review at that time.

Poricy Park Lease Negotiation:

The Committee discussed the negotiations for the renewal of the Poricy Park Lease with no changes over the past five years. The new Board of Trustees to include 1 Township Committee member, The Director of Parks and Recreation, and 1 Member from the Board of Education in voting seats.

It was moved by Committeeman Wilkens and seconded by Committeeman Hall, and carried to recess and reconvene after the Public portion of the meeting.

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Nay	None
	Abstain	None
	Absent	None

The Township Attorney read the following resolution in the Public Portion of the Workshop Meeting:

RESOLUTION - EXECUTIVE SESSION

It was moved by Committeeman Hall, seconded by Committeeman Wilkens and carried to adopt the following resolution.

Roll Call Vote:	Present:	Brightbill, Hall, Short, Wilkens, Mayor Scharfenberger
	Nay	None
	Abstain	None
	Absent	None

WHEREAS, the Open Public Meetings Act provides that the Township Committee may go into Executive Session to discuss matters that may be confidential or listed in N.J.S.A. 10:4-12, and

WHEREAS, it is recommended by the Township Attorney and Township Administrator that the Township Committee go into Executive Session at this time to discuss matters set forth hereinafter which are permissible for discussion in Executive Session.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown that the Township Committee shall go into Executive Session to discuss the following items:

4. Property Acquisition or Sale– N.J.S.A. 10:4-12(b)(5)
 - Open Space Property Acquisition / Sale – “ATOD” upon formal action, estimated July 2008.
5. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
 - Cell Tower Lease Contract Negotiations – “ATOD” upon formal action, estimated July 2008.

Cell Tower Lease Agreement Contract:

The Township Administrator discussed the current negotiations and responsibility to maintain the cell tower lease agreements in the Township. {REDACTED}

Open Space Acquisitions:

The Township Planner discussed anticipated funds from the State for reimbursement of properties purchased by the Township under the open space plan. The Planner also discussed the impact of the revaluation on the Open Space tax and debt service payments. The Planner also discussed other sources of funding from the Port Authority, NY EPA, Monmouth Conservation Foundation, and the Harbor Estuary Foundation. The Committee requested further follow up to obtain more timely reimbursements from the State Green Acres Fund. There was a discussion of the status of negotiations on various properties and the possible availability of funds to acquire.

ADJOURNMENT

It was moved, seconded and carried to adjourn the meeting at 9:55pm.

Respectfully submitted by:



HEIDI R. ABS
TOWNSHIP CLERK

APPROVED:


GERARD P. SCHARFENBERGER, MAYOR