

Egg Harbor Township Committee Meeting
Municipal Building, Bargaintown Road
Egg Harbor Township NJ 08234

Wednesday, December 22, 2010 – 5:00 p.m.

Amended Agenda

- I. Call to Order
- II. Opening Statement Pursuant to the Open Public Meetings Act
- III. Roll Call:
 - Joe Cafero
 - John Carman, Jr.
 - Paul Hodson
 - John Risley
 - James J. McCullough
- IV. Meeting with Township Engineer Mott
 - A. Pepper Mill Grill Release of Surety
- V. Old Business
 - A. Ordinance No. 32 of 2010
- VI. New Business
 - A. Public Works equipment award
 - B. Solid waste collection bids
 - C. Title 59 resolutions
 - D. ACMJIF Retrospective Program
 - E. CAP exemption
 - F. Constable appointments
- VII. Other Business (not listed on the Agenda)
- VIII. Closed Session

Number	Title
466	Authorizing the Township Committee to convene into a Closed Executive Session to discuss matters which may involve litigation and/or personnel
Roll Call Vote	Cafero Carman Hodson Risley McCullough

IX. Video Broadcast/Television Statement

X. Pledge of Allegiance

- XI. Roll Call:**
- Joe Cafero
 - John Carman, Jr.
 - Paul Hodson
 - John Risley
 - James J. McCullough

XII. Ordinances - Public Hearings

Number	Title
33	An Ordinance to vacate a portion of Oak Avenue, described by metes and bounds and located in the Township of Egg Harbor, County of Atlantic and State of New Jersey
Purpose	To vacate a portion of Oak Avenue
Public Comment	
Motion	To close the public hearing
Roll Call Vote	Cafero Carman Hodson Risley McCullough
Motion	To adopt Ordinance 33 of 2010
Roll Call Vote	Cafero Carman Hodson Risley McCullough
34	An Ordinance providing for the acceptance of a deed from Virdale Tolbert conveying real property along Oak Avenue
Purpose	Acceptance of deed of dedication for additional right of way
Public Comment	
Motion	To close the public hearing
Roll Call Vote	Cafero Carman Hodson Risley McCullough

Motion	To adopt Ordinance 34 of 2010
Roll Call Vote	Cafero Carman Hodson Risley McCullough

XIII. General Public Discussion

XIV. Engineer's Report

XV. Resolutions (Consent Calendar)

Number	Title
467	Resolution scheduling the 2011 reorganization meeting (January 1, 2011 at 4:00 p.m.)
468	Resolution supporting a repeal of sick leave injury
469	Resolution supporting S-2333 and A-3432 to amend Title 59 to provide immunities for beaches, boardwalks and similar property
470	Resolution supporting A-3431 to amend Title 59 by granting immunity to public entities for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance
471	Resolution supporting A-3430 to amend Title 59 by strengthening weather immunity
472	Resolution supporting S-2402 capping attorney fees in litigation against public entities
473	Resolution calling on the State Legislature and the Governor to exempt the reserve for uncollected taxes from the 2% CAP
474	Resolution authorizing Mayor and Township Clerk to execute an agreement with Atlantic County municipal Joint Insurance Fund (ACMJIF) for 2011 Retrospective Program
475	Resolution awarding contract for supply and delivery of diesel powered trash pump (Godwin Pumps)
476	Resolution awarding contract for supply and delivery of hook lift mounted leaf collector (Pierce Equipment Co Inc)
477	Resolution rejecting bid for supply and delivery of Hook-all Hooklift Model HAD 200-54 material transport systems and related retrofitting
478	Resolution authorizing renewal of alcohol beverage plenary retail consumption licenses (pocket licenses) for July 1, 2010 to June 30, 2011 where special ruling has been obtained (Deborah B Frank 0108-33-0108-003; Towne Liquor Corp 0108-33-014-008; Duvcon Inc 0108-33-013-006)
479	Resolution extending all rotary towing contract licenses through to March 31, 2011

480	Resolution authorizing release of surety for ACAD LLC aka Pepper Mill Grill
481	Resolution authorizing acceptance of improvements for Providence Professional Park
482	Resolution authorizing refund of overpaid taxes (Myers, Brunetti and Caley)
483	Resolution appointing Sharon Woolbert as Temporary Clerk II in the Police Department
484	Resolution approving salary increase for Scott Lacy
485	Resolution transferring monies from one appropriation to another
486	Resolution authorizing execution of employment agreement with Peter J Miller, Township Administrator (term of 2010-2015)
487	Resolution appointing Nicholas DiFelice as ambulance service member
Motion	To adopt Consent Calendar Resolutions 467 through 487
Roll Call Vote	Cafero Carman Hodson Risley McCullough

XVI. Resolution

488	Authorizing payment of all bills pursuant to Exhibit A
Roll Call Vote	Cafero Carman Hodson Risley McCullough

XVII. Reports

Township Committee:

Administrator:

XVIII. Approvals

Motion	To approve the closed executive session minutes of the Egg Harbor Township Committee special meeting of November 29, 2010, pursuant to Resolution 451
Roll Call Vote	Cafero Carman Hodson Risley McCullough
Motion	To approve the minutes of the Egg Harbor Township Committee regular meeting of December 8, 2010
Roll Call Vote	Cafero Carman Hodson Risley McCullough

XIX. Adjournment

Egg Harbor Township

Resolution No. 467

2010

RESOLUTION SCHEDULING THE 2011 REORGANIZATION MEETING

WHEREAS, pursuant to Article I, Section 6-4 "meetings" of the Code of the Township of Egg Harbor, the Township Committee shall meet annually on January 1, or during the first seven days of January in any year;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the date for the Township Committee's reorganization meeting for the year of 2010 is hereby scheduled to be on Saturday, January 1, 2011, at the hour of 4:00 p.m. in the Egg Harbor Township Community Center, 5045 English Creek Avenue, Egg Harbor Township, New Jersey.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be 1) mailed to the Clerk of the County of Atlantic; and 2) published in the MAINLAND JOURNAL and THE PRESS.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 468

2010

RESOLUTION SUPPORTING A REPEAL OF SICK LEAVE INJURY

Whereas, a recent study by the Municipal Excess Liability Joint Insurance Fund concluded that the cost of employee accident claims against New Jersey municipalities increased 7.7% per year since 2005 and is now \$2,520 per full time employee; and

Whereas, under 18A:30-2.1 and 11A:6-8 Municipalities and Boards of Education are permitted to adopt Sick Leave Injury (SLI) programs that extended for a period up to one year full pay for workers injured in the course of their employment; and

Whereas, recently a similar provision for State workers was repealed; and

Whereas, the supposed purpose of this supplement is to make up the difference between the weekly benefit under workers' compensation and the employee's regular earnings; and

Whereas, because workers' compensation is not taxed, employees out on workers' compensation and SLI have higher after tax incomes while off the job; and

Whereas, SLI provides an incentive for employees to resist coming back to work; and

Whereas, SLI programs are not commonly offered in the private sector and to governmental employees in other states; and

Whereas: SLI costs New Jersey Municipalities approximately \$500 per full time employee per year;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township Committee urges the legislature to amend 18A:30-2.1 and 11A:6-8 to eliminate SLI programs at all levels of government so that all New Jersey governmental employees are treated in a similar fashion; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the legislative delegation of the 2nd district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 469

2010

RESOLUTION SUPPORTING S-2333 AND A-3432 TO AMEND TITLE 59 TO PROVIDE IMMUNITIES FOR BEACHES,
BOARDWALKS AND SIMILAR PROPERTY

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach; and

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean; and

WHEREAS, S-2333 would provide that public entities are immune from these accidents regardless of the circumstances under which they occur; and

WHEREAS, public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks; and

WHEREAS, S-2333 provides that a public entity would be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township Committee urges the legislature to amend S-2333 and A-3432 to include piers, wharves, docks and similar public properties and adopt the amended bill;

BE IT FURTHER RESOLVED, a copy of this resolution shall be sent to the legislative delegation of the 2nd district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 470

2010

RESOLUTION SUPPORTING A3431 TO AMEND TITLE 59 BY GRANTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE THE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTENANCE BY ORDINANCE

Whereas, injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

Whereas, in *Lodato v. Evesham*, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

Whereas, in the same case, the courts ruled that the municipality, not the homeowner was liable for accidents on defective sidewalks notwithstanding the ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township Committee urges the legislature to adopt A3431 amending Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance;

BE IT RESOLVED, a copy of this resolution shall be sent to the legislative delegation of the 2nd district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 471

2010

RESOLUTION SUPPORTING A-3430 TO AMEND TITLE 59 BY STRENGTHENING WEATHER IMMUNITY

Whereas, under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

Whereas, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factor contributed to the accident, the immunity didn't apply because the accident was not "solely" caused by weather; and

Whereas, Municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township Committee urges the legislature to adopt A-3430 amending Title 59 as follows:

1. Changing the word "solely" to "primarily, and
2. Extending this provision to all public property including storm water and waste systems, dams, rivers and streams.

BE IT FURTHER RESOLVED, a copy of this resolution shall be sent to the legislative delegation of the 2nd district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 472

2010

RESOLUTION SUPPORTING S-2404 CAPPING ATTORNEY FEES IN LITIGATION AGAINST PUBLIC ENTITIES

Whereas, Public Officials and Employment practices claims against municipalities have increased dramatically during the past several years; and

Whereas, according to a ten year closed claim study recently completed by the Municipal Excess Liability Joint Insurance Fund, the cost of employment practices liability claims per employee was \$26 in the year 2000 and increased to \$125 per employee for most of the decade; and

Whereas, according to the same study, the cost per employee increased 175% to \$354 per employee in just the past two years; and

Whereas, 65% of these claims are for police and the 2011 projected cost of these claims is \$740 per officer; and

Whereas, legal fees historically represent over 70% of the cost of these claims; and

Whereas, provisions in various laws such as LAD and CEPA providing for fee shifting have encouraged attorneys to make unreasonable demands in otherwise minor cases; and

Whereas, John Farmer, Dean of the Rutgers Law School and former NJ Attorney General stated: "Even cases with marginal relevance are now being presented by plaintiffs' counsel as having substantial settlement value"; and

Whereas, in a recent case, a NJ court awarded the plaintiff's attorney a fee of \$450,000 even though the jury awarded his client only \$20,000; and

Whereas, the explosion of employment practices cases will continue until reasonable caps are placed on legal fee applications;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township Committee urges the legislature to adopt S-2404 placing a cap on attorney fee awards in fee shifting cases against public entities as follows:

- For awards (compensatory and punitive damages combined) of \$50,000 or less, the maximum fee award should be \$50,000, though a lower fee should be awarded if warranted based on considerations of reasonableness

- For awards over \$50,000, the fee award should not exceed the verdict, though a lower fee should be awarded if warranted based on considerations of reasonableness

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the legislative delegation of the 2 district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 473

2010

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operation, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operation, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities; which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblyman McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Township Committee hereby urges the swift passage and signing of A-3603; and

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exemption to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Sheila Oliver, Senator Whelan, Assemblymen Amodio and Polistina, and the New Jersey League of Municipalities.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 474

2010

RESOLUTION AUTHORIZING MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH ATLANTIC COUNTY
MUNICIPAL JOINT INSURANCE FUND (ACMJIF) FOR 2011 RETROSPECTIVE PROGRAM

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Mayor and Township Committee are hereby authorized to execute an agreement with ACMJIF for participation in 2011 Retrospective Program.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 475

2010

RESOLUTION AWARDING CONTRACT FOR SUPPLY AND DELIVERY OF DIESEL POWERED TRASH PUMP

WHEREAS, the Township of Egg Harbor received formal written bids pursuant to specifications for Supply and Delivery of Diesel Powered Trash Pump; and

WHEREAS, the bids were duly received and opened on November 23, 2010, and a determination has been made as to the lowest responsible bidder in compliance; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the following bid is hereby accepted and the Mayor and Township Clerk are hereby authorized to enter into an agreement in accordance with the bid as follows:

Godwin Pumps One Floodgate Road Bridgeport, NJ 08014		
Base Bid		\$32,311
<i>Options</i>	<i>Quantity</i>	<i>Amount</i>
Suction Screen	1	\$168
Flanged Suction		included
Step Bow	1	\$433
Suction Hose	1	\$296
Discharge Hose	7	\$453
90 Degree Quick Disconnect Bent	1	\$244
Total Award:		\$36,623

BE IT FURTHER RESOLVED, that the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein at length.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

EGG HARBOR TOWNSHIP

RESOLUTION No. 475

2010

CERTIFICATION OF AVAILABILITY

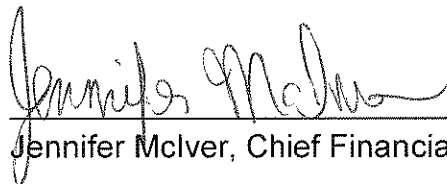
In accordance with regulations of the Local Finance Board, I hereby certify that funds are available as follows:

Sum	To	Purpose
\$36,623.00	Godwin Pumps One Floodgate Road Bridgeport, NJ 08014	Supply and Delivery of Diesel Powered Trash Pump.

The expenditures shall be chargeable to the following

Budget Year	Line Item	Appropriation Number
2010	Diesel Powered Trash Pump	C-03-10-016-000-914

Dated: December 22, 2010



Jennifer McIver, Chief Financial Officer

Egg Harbor Township

Resolution No. 476

2010

RESOLUTION AWARDING CONTRACT FOR SUPPLY AND DELIVERY OF HOOK LIFT MOUNTED LEAF COLLECTOR

WHEREAS, the Township of Egg Harbor received formal written bids pursuant to specifications for Supply and Delivery of Hook Lift Mounted Leaf Collector; and

WHEREAS, the bids were duly received and opened on November 23, 2010, and a determination has been made as to the lowest responsible bidder in compliance; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the following bid is hereby accepted and the Mayor and Township Clerk are hereby authorized to enter into an agreement in accordance with the bid as follows:

Eagle Equipment Inc. d/b/a Peirce Equipment Co., Inc. 3388 Route 22 West Branchburg, NJ 08876	
Base Bid	\$25,210
<i>Options</i>	
Spare Parts (3) items per spec	\$1,620
Total Award:	\$26,830

BE IT FURTHER RESOLVED, that the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein at length.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

EGG HARBOR TOWNSHIP

RESOLUTION No. 476

2010

CERTIFICATION OF AVAILABILITY

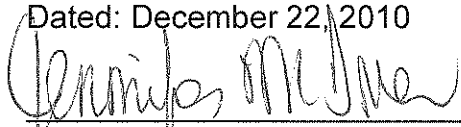
In accordance with regulations of the Local Finance Board, I hereby certify that funds are available as follows:

Sum	To	Purpose
\$26,830.00	Eagle Equipment Inc. D/b/a Peirce Equipment Co. Inc. 3388 Route 22 West Branchburg, NJ 08876	Supply and Delivery Of Hook Lift Mounted Leaf Collector.

The expenditures shall be chargeable to the following

Budget Year	Line Item	Appropriation Number
2010	Hook Lift Mounted Leaf Collector	C-03-10-016-000-915

Dated: December 22, 2010



Jennifer McIver, Chief Financial Officer

Egg Harbor Township

Resolution No. 477

2010

RESOLUTION REJECTING BID FOR SUPPLY AND DELIVERY OF HOOK-ALL HOOKLIFT MODEL HAD 200-54 MATERIAL
TRANSPORT SYSTEMS AND RELATED RETROFITTING

WHEREAS, the Township of Egg Harbor received formal written bids pursuant to specifications for Supply and Delivery of Hook-all Hooklift Model HAD 200-54 Material Transport Systems and Related Retrofitting; and

WHEREAS, the bids were duly received and opened on November 23, 2010, and a determination has been made that they are not in compliance with bidding regulations;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the bids are rejected;

BE IT FURTHER RESOLVED, that the Township Clerk's office is hereby authorized to re-bid the project.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 478

2010

RESOLUTION AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES (POCKET LICENSES) FOR JULY 1, 2010 TO JUNE 30, 2011 WHERE SPECIAL RULING HAS BEEN OBTAINED

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Alcoholic Beverage Plenary Retail Consumption Licenses issued to the licensees designated below are herewith renewed retroactively for the licensing year July 1, 2010 to June 30, 2011, pursuant to Special Ruling by the Director of the Division of Alcoholic Beverage Control dated December 7, 2010.

CONSUMPTION LICENSES	
Name, Address, License Number, and Special Ruling Docket No.	
Deborah B. Frank Mailing Address: 100 S. 30 th Avenue Longport, New Jersey 08403 0108-33-001-003 11-10-6853	
Towne Liquor Corp. Mailing Address: 6733 Black Horse Pike 2 nd Floor Egg Harbor Township, NJ 08234 0108-33-014-008 11-10-6854	
Duvcon Inc. Address: 3373 Bargaintown Road Egg Harbor Township, NJ 08234 0108-33-013-006 11-10-6829	

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 479

2010

RESOLUTION EXTENDING ALL ROTARY TOWING CONTRACT LICENSES THROUGH TO MARCH 31, 2011

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that all rotary towing contractor's licenses are hereby extended through to March 31, 2011.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 480

2010

RESOLUTION AUTHORIZING RELEASE OF SURETY FOR ACAD, LLC AKA PEPPER MILL GRILL

WHEREAS, a letter of credit was issued by The Bank to the Township of Egg Harbor on behalf of ACAD, LLC aka Pepper Mill Grill in the sum of \$257,068.73; and

WHEREAS, there is a cash surety of \$28,563.19 on deposit with the Township; and

WHEREAS, the applicant has requested a release of the letter of credit and cash surety since the project is being abandoned; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey; and that the letter of credit issued by The Bank to the Township of Egg Harbor on behalf of ACAD, LLC in the sum as indicated on the attached Exhibit A for ACAD, LLC aka Pepper Mill Grill, is hereby authorized to be released, and the cash surety refunded to the respective party listed; and

BE IT FURTHER RESOLVED, that the Township Treasurer and other appropriate officials be and they are hereby authorized to sign the check(s) to accomplish the authorized refund(s).

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 480

2010

RESOLUTION AUTHORIZING RELEASE OF SURETY FOR ACAD, LLC AKA PEPPER MILL GRILL

Letter of Credit \$ to Release	Letter of Credit to Release	10% Cash Surety to be refunded	Refund Issued to
\$259,068.73	S040423	\$28,563.19	ACAD, LLC 28 Cove road Moorestown, NJ 08057-3950

Egg Harbor Township

Resolution No. 481

2010

RESOLUTION AUTHORIZING ACCEPTANCE OF IMPROVEMENTS FOR PROVIDENCE PROFESSIONAL PARK

WHEREAS, a Covenant to Indemnify and Hold Harmless agreement was given to the Township of Egg Harbor on December 12, 2006 by Providence Professional Park, LLC for improvements known as Providence Professional Park; and

WHEREAS, the applicant has requested the Township to accept the improvements of Providence Professional Park communicating this request to the offices of the Township Engineer; and

WHEREAS, the Township Engineer, upon an on-site inspection, has determined that all the improvements have been completed and therefore recommends the Covenant of Indemnify and Hold Harmless agreement to be released;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the improvements for property known as Providence Professional Park are hereby accepted;

BE IT FURTHER RESOLVED, the Covenant of Indemnify and Hold Harmless agreement for Providence Professional Park is hereby released.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 482

2010

RESOLUTION AUTHORIZING REFUND OF OVERPAID TAXES

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that refunds for overpaid taxes pursuant to the attached **Exhibit A** are hereby authorized; and

BE IT FURTHER RESOLVED, that the Township Treasurer and other appropriate officials be and they are herewith authorized to sign the checks to accomplish the refunds authorized.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Attachment: Exhibit A

RESOLUTION TO REFUND OVERPAID TAXES
December 22, 2010

BLOCK/LOT	NAME/ADDRESS	REASON	YEAR	AMOUNT	CHECK #
1218/1	Joseph C. Myers 17 Silver Avenue Egg Harbor Township, NJ 08201	Overpayment 4th Quarter	2010	\$250.00	
5410/4	Stephen M. & Monica L. Brunetti 75 Marsh Road Egg Harbor Township, NJ 08201	Overpayment 4th Quarter	2010	\$250.00	
2726/12	Larry Caley 120 Iris Drive Egg Harbor Township, NJ 08234	Overpayment 4th Quarter	2010	\$250.00	
			TOTAL	\$750.00	

Egg Harbor Township

Resolution No. 483

2010

RESOLUTION APPOINTING SHARON WOOLBERT AS TEMPORARY CLERK II

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that Sharon Woolbert, Clerk I, in the Police Department, is hereby appointed on a temporary basis as Clerk II, Level 6, in the Police Department effective January 1, 2011 through June 30, 2011.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 484

2010

RESOLUTION APPROVING SALARY INCREASE FOR SCOTT LACY

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that, *effective January 1, 2011*, the following increase in salary is herewith provided:

EMPLOYEE	BI-WEEKLY SALARY
Scott Lacy	\$1,917

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 485

2010

RESOLUTION TRANSFERRING MONIES FROM ONE APPROPRIATION TO ANOTHER

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of appropriations during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has submitted the recommendation to the Township Committee concerning the transfer of the funds in the 2010 budget between certain appropriations as itemized on the attached Exhibit A, which said Exhibit is hereby incorporated into this paragraph as part of this Resolution as if fully set forth herein; and

WHEREAS, the Township Committee has reviewed, accepted, and approved the transfer of funds as set forth in Exhibit A;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the transfer of the funds in the 2010 budget be and the same are hereby authorized as set forth on the annexed Exhibit A.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Attachment

Egg Harbor Township
 Resolution 485
 December 22, 2010

ATTACHMENT 2010 TRANSFER #3			
	Exhibit A		
APPROPRIATION	FROM	APPROPRIATION	TO
Clerk OE 0-01-20-120-120-245	\$1,500.00	Electric OE 0-01-31-430-430-399	\$10,000.00
Clerk OE 0-01-20-120-120-267	\$1,000.00	Police SW 0-01-25-240-240-101	\$41,000.00
Clerk OE 0-01-20-120-120-295	\$100.00	Street Lights OE 0-01-31-435-435-399	\$2,000.00
Finance OE 0-01-20-130-130-221	\$300.00	Legal OE 0-01-20-155-155-279	\$21,000.00
Finance OE 0-01-20-130-130-274	\$175.00	Munc Bldgs OE 0-01-26-310-310-279	\$17,000.00
Finance OE 0-01-20-130-130-275	\$40.00		
Auditor 0-01-20-135-135-269	\$1,000.00		
Engineering OE 0-01-20-165-165-269	\$4,000.00		
Planning OE 0-01-21-180-180-279	\$2,000.00		
Zoning OE 0-01-21-185-185-269	\$1,400.00		
Group Ins RX 0-01-23-220-220-322	\$7,100.00		
Group Ins Dental 0-01-23-220-220-361	\$17,500.00		
Unemployment 0-01-23-225-225-364	\$1,000.00		
Police OE 0-01-25-240-240-222	\$28,000.00		
Communications OE 0-01-25-250-250-264	\$1,000.00		
Ambulance OE 0-01-25-265-267-259	\$1,500.00		
Ambulance OE 0-01-25-265-267-279	\$6,000.00		
Ambulance OE 0-01-25-265-267-221	\$500.00		
Roads OE 0-01-26-290-290-279	\$5,000.00		
Equip Maint OE 0-01-26-300-300-348	\$1,000.00		
Social Security 0-01-36-472-472-297	\$6,000.00		
Mun Court OE 0-01-43-490-490-245	\$85.00		
Mun Court OE 0-01-43-490-490-261	\$300.00		
Mun Court OE 0-01-43-490-490-269	\$4,500.00		
TOTAL	\$ 91,000.00	TOTAL	\$91,000.00

Egg Harbor Township

Resolution No. 486

2010

RESOLUTION AUTHORIZING EXECUTION OF EMPLOYMENT AGREEMENT WITH PETER J. MILLER, TOWNSHIP ADMINISTRATOR

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute an Employment Agreement as follows:

<u>Name</u>	<u>Position</u>	<u>Term</u>
Peter J. Miller	Township Administrator	2010-2015

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 487

2010

RESOLUTION APPOINTING NICHOLAS DiFELICE AS AMBULANCE SERVICE MEMBER

BE IT RESOLVED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that **Nicholas DiFelice** is hereby appointed as an hourly part-time employee in the Township to serve the Egg Harbor Township Ambulance Service as a member at an hourly rate of \$13, effective December 26, 2010.

Dated: December 22, 2010

Eileen M. Tedesco, RMC
Township Clerk

Egg Harbor Township

Resolution No. 488

2010

RESOLUTION AUTHORIZING PAYMENT OF ALL BILLS

BE IT RESOLVED by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey that all bills as enumerated on the annexed Exhibit A are hereby authorized to be paid.

Dated: December 22, 2010

James J. McCullough, Mayor

Attest:

Eileen M. Tedesco, RMC
Township Clerk