

The following Executive Session took place on November 19, 2007 prior to an action Regular 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, Short, Wilkens, Mayor Scharfenberger  
                                 Absent                Hall

Also present were Bernard M. Reilly Attorney, Robert M. Czech Township Administrator, Edward Dunn Assistant Administrator, and Anthony Mercantante Township Planner.

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

**RESOLUTION - EXECUTIVE SESSION**

It was moved by Deputy Mayor Brightbill, seconded by Mayor Scharfenberger and carried to adopt the following resolution. All present voted aye.

**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. Litigation - NJSA 10:4-12(b)(7)
  - Gulf Insurance v. Middletown – “ATOD” upon formal action, estimated July 2008.
  - Prevost v. Middletown – “ATOD” upon formal action, estimated December 2008.
3. Contract Negotiations – N.J.S.A. 10:4-12(b)(4)
  - Administrator Contract Negotiation – “ATOD” upon formal action, estimated July 2008.
  - Cell Tower Revenue Lease/Sale Negotiations- “ATOD” upon formal action, estimated December 2007.

Administrator's Contract Negotiation- The Administrator discussed the status of Jersey professional Management for recruiting services for the Township Administrator position and his recommendation. Dan Mason of Jersey Professional Management gave a brief description of their organization and how they handle the process of hiring for the position. Frederick Jahn of Jersey Professional Management discussed his experience and qualifications as an interim administrator.

Gulf Insurance v. Middletown –

The Township Attorney discussed the status of the suit and advised the Committee the Township will need to engage a surety expert. The Attorney advised the Committee that the discovery phase is on-going and discussed the amount of damages caused to the Township.

Prevost v. Middletown-

The Township Attorney discussed background of their suit {REDACTED}

The Township Planner, Director of Parks and Recreation and Chief Financial officer joined the meeting.

Cell Tower Negotiations-

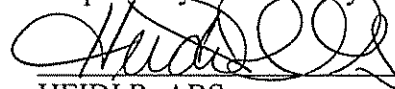
The Administrator discussed his recommendation of the sale of the remaining 50% revenue stream from cell towers. The Administrator discussed moving forward with bids and a proposed timeline to publish bids and award the contract {REDACTED}

Open Space:  
{REDACTED}

**ADJOURNMENT**

It was moved, seconded and carried to adjourn the meeting and reconvene into the Workshop Meeting.

Respectfully submitted by:



HEIDI R. ABS  
TOWNSHIP CLERK

APPROVED:

  
GERARD P. SCHARFENBERGER, MAYOR