

Cape May Court House, NJ
April 2, 2012
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Lockwood, Committeemember Donohue, Committeemember DeLanzo, Township Business Administrator Mark Mallett, Deputy Township Clerk Dawn Stimmel, Municipal Solicitor Marcus Karavan. Township Engineer Marc DeBlasio was absent.

1. PRESENTATION OF MIDDLE TOWNSHIP RECREATION LEAGUE BASKETBALL CHAMPIONS

2. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.) NO COMMENTS

3. REPORTS: The following departments have submitted their reports for the months indicated:
Municipal Clerk for the month of March;

Tax Collector
Construction Office

4. RESOLUTION NO. 151-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$4,651,997.60

5. RESOLUTION NO. 152-12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeewoman DeLanzo seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Work Session and Regular Meeting, March 16, 2012

6. ORDINANCE NO. 1405-12 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND TO THE NATURE CONSERVANCY – Following second reading, hearing, and consideration for adoption, Ordinance 1405-12 was adopted on motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey it desires to sell land to The Nature Conservancy.

SECTION 1.

WHEREAS, New Jersey Statute 13:8C, otherwise known as The Garden State Preservation Trust Act, allows a municipality to sell land to a tax exempt nonprofit organization, provided that (1) the lands will continue to be preserved and used for recreation and conservation purposes, (2) any restrictions on the lands when they were held by the local government unit are maintained by the new owner, and (3) at least one public hearing on the proposed conveyance is held by the local government unit at least 90 days prior to final approval thereof by the local government unit; and

WHEREAS, the statute further provides that the municipality must provide to the Commissioner of the DEP (1) at least 30 days advance written notice of any public hearing to be held on any such conveyance, (2) within 90 days after final approval of the conveyance by the local government unit, written proof that any such public hearing was held, and (3) written notice of the conveyance within 90 days after it has been executed; and

WHEREAS, the Township desires to sell, and The Nature Conservancy desires to purchase land identified in an option to purchase attached hereto and made a part hereof as Exhibit "A" in three phases for a total price of \$109,300.00 to be paid in three parts or less for 49.324 acres, more or less;

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance

are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

COMMENTS:

Carole Mattessich wanted to know if there was a provision in the deed barring the Nature Conservancy from selling the properties sold to them by the Township to private parties.

Marc Karavan stated there is a deed restriction.

7. RESOLUTION NO 153-12–TABULATION COMMITTEE–BIKE PATH PROJECT PHASE III- On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Deputy Clerk Dawn Stimmel, Chief Financial Officer Tracey Taverner, and a representative from Engineering Design Associates, be and hereby are appointed to tabulate the bids to be taken on May 1, 2012 at 1:00 p.m. in the Middle Township Municipal Building, 33 Mechanic Street, Cape May Court House, NJ for the following:

BIKE PATH PROJECT PHASE III

8. RESOLUTION NO 154-12–PARTIAL RELEASE OF PERFORMANCE BOND- CAPE REGIONAL HEALTH ENTERPRISES– On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$290,307.60 is being held as a performance guarantee of Cape Regional Health Enterprises, Inc. for Block 1450 Lot 13, and

WHEREAS, the Township Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and

WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond in the amount of \$290,307.60 be released: and

WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$\$290,307.60 be released.

9. RESOLUTION NO 155-12– REFUND OF TAXES – On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

Refund due to payment made by the State of New Jersey Homestead Benefit Credit Program to The Township of Middle and the owner is a 100% Disabled American Veteran.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
1644	56.01	41	Hodges, Andre L & Gloria J 527 Goshen Rd Cape May Court House, NJ 08210	\$331.54

Property location: 527 Goshen Rd

125	1		Vollrath, John W 840 Rte 9 N Cape May Court House, NJ 08210	\$297.34
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Property location: 840 Rte 9 N

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2012 taxes

10. RESOLUTION NO 156-12– AUTHORIZING THE TOWNSHIP COMMITTEE TO RE-SCHEDULE THE APRIL 16, 2012 WORK SESSION AND MEETING– On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the regularly scheduled work session and meeting of Monday, April 16, 2012 are hereby re-scheduled to Wednesday, April 18, 2012 at 4:00 p.m. and 6:00 p.m. respectively.

11. RESOLUTION NO 157-12– ESTABLISHING NEW PAYROLL DEDUCTION– On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to establish a relationship with South Jersey Federal Credit Union and have payroll deductions for funding;

WHEREAS, the South Jersey Federal Credit Union will provide the necessary check off listing for employees wishing to join;

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof; that the following payroll deduction for South Jersey Federal Credit Union be hereby established.

12. RESOLUTION NO 158-12– RATIFY LEASE AGREEMENT- CAPE MAY COUNTY MEN’S SOFTBALL LEAGUE– On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Cape May Men’s Softball League and the Township of Middle for usage of the Middle Township- Georgianna and Clarence Davies Sport’s Complex fields #5 and #6 from June 11, 2012 through September 1, 2012, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

13. RESOLUTION NO 159-12– ACKNOWLEDGING SPAY & NEUTER COMMUNITY AWARENESS DAY– On motion by Committeewoman DeLanzo seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that a Spay & Neuter Community Awareness Day is scheduled to take place Saturday, April 14, 2012 from 10:00am – 1:00pm at the Martin Luther King Center.

14. RESOLUTION NO 160-12–EMERGENCY TEMPORARY BUDGET AMENDMENT On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

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

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$1,361,905. That said emergency temporary appropriation shall be provided for in the 2012 budget under the title of:

See Attached List

15. RESOLUTION NO 161-12– APPOINTMENTS TO VARIOUS BOARDS– On motion by Committeewoman DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following persons be and are hereby appointed to the term of office opposite their name:

NAME	BOARD	POSITION	TERM EXPIRES
Steve Atzert	Environmental Commission	Chairman	December 31, 2012
Catherine Smith	Council of the Arts	member	December 31, 2014
Sally Garrison	Traffic Advisory Committee	member	December 31, 2013

16. RESOLUTION NO 162-12-NEW HIRE- PUBLIC SAFETY- CLASS II POLICE OFFICER On motion by Committeewoman DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite her name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Nicole Arenburg	Public Safety	Class II Police Officer	\$ 10.50 ph	4/30/12

17. RESOLUTION NO. 163-12 - EXECUTING LEASE AGREEMENT WITH MIDDLE TOWNSHIP BASEBALL ASSOCIATION – SNACK STAND On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby authorize the execution of the agreement with the Middle

Township Baseball Association for use of the snack stand at a rate of \$100.00 per week, or \$15.00 per day, from April 18, 2012 through June 5, 2012.

FURTHER RESOLVED, that the Mayor is hereby authorized to sign said agreement in connection therewith.

18. ****TABLED****RESOLUTION NO. 164-12 - SUPPORTING NJDOT INSTALLING DYNAMIC MESSAGING SIGNS-WESTBOUND RT 147 AT MILEPOST 1.6, NORTHBOUND RT 47 AT MILEPOST 1.9, NORTHBOUND RT 9 AT MILEPOST 10.3 - On motion by seconded by and passed on roll call, the following resolution was adopted.

19. RESOLUTION NO. 165-12 – SOCIAL AFFAIRS PERMIT-WILDWOOD GOLF CLUB INC- On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Wildwood Golf Club Inc has applied for approval to sell alcoholic beverages at an event to be held at 1170 Golf Club Road, CMCH, on May 30, May 31, June 1, June 2 and June 3, 2012 from 11:00 a.m. to 1:00 p.m., and

WHEREAS, they have provided proper documentation to the Township of Middle,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

20. RESOLUTION 166-12 - CLOSED SESSION –LITIGATION- RAILROAD AVENUE PARTNERS; CONTRACTUAL MATTER-COAH TRUST FUND; NEGOTIATIONS-UAW - On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

WHEREAS, said Closed Session shall be held directly after this open session.

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

2.) The general nature of the subject matter to be discussed is as follows:

LITIGATION- RAILROAD AVENUE PARTNERS

CONTRACTUAL MATTER-COAH TRUST FUND

NEGOTIATIONS - UAW

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

**Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the following topic in closed session: Litigation- Railroad Avenue; Contractual Matter-COAH Trust Fund; Union Negotiations – UAW.*

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist. The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

Committeewoman DeLanzo announced that the Township is holding their Awareness Day on Saturday, April 14 from 10:00 AM to 1:00 PM at the Martin Luther King Center. Great opportunity for pet owners to get information on what is available in our area for pets.

Also announced that the Township has received notice that it is being recognized as a Tree City. She thanked the people who worked hard for this.

Committeeman Donohue recognized the Middle Township Board of Education for delivering a flat tax rate this year. That sends an important message to people we are serious on holding the line on taxes.

Mayor Lockwood commented that he a Committeewoman DeLanzo attended the MT Chamber board Dinner and that the Business Person of the Year was Nate Doughty.

Commented on what great basketball teams we have.

Stated Steve Atzert is the new Chair of the Environmental Commission and he looks forward to that board doing great things.

21. PUBLIC COMMENT:

Betty McGurk wanted to know if there was anything new on the Railroad Avenue Project.

Marc Karavan stated they had the conference today with the Judge and others involved and any project will be presented to the appropriate boards.

Carole Mattessich questioned if Conifer has been promised Pilot Treatment and if the Township has made any commitments.

Mayor Lockwood said yes to Pilot Treatment and no to Township making a commitment yet.

Betty McGurk wanted to know if \$300,000 COAH Fund still on table.

Mayor Lockwood said they will be discussing that tonight in the Closed Session. There are contractual obligations that will eventually be discussed in open forums.

Carol Mattessich stated she disagrees with the idea of Pilot treatment. It involves deferring taxes. It is only OK with her if it is not for profit organization.

Motion to go into closed session:

1st Committeewoman DeLanzo 2nd: Committeeman Donohue

Roll Call: Committeewoman DeLanzo, Committeeman Donohue, Mayor Lockwood

Motion to adjourn meeting:

1st Mayor Lockwood 2nd Committeeman Donohue

Roll Call Vote: Committeewoman DeLanzo, Committeeman Donohue, Mayor Lockwood

Dawn Stimmel, Deputy Clerk