

Cape May Court House, NJ
April 4, 2011
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 DeLanzo, Committeemember Doughty, Committeemember Lockwood, Township Business Administrator Mark Mallett, Township Clerk Kimberly Krauss, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando

1. 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 Public Comment

2. RESOLUTION #173-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Lockwood seconded by Mayor 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. \$ 913,180.60

3. RESOLUTION #174-11 – APPROVING PAYMENT FOR BILLS – BILL LIST B (A&H/ FMR) – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. *Committeemember Doughty abstained.

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. \$ 1,320.80

4. RESOLUTION #175-11 – APPROVING PAYMENT FOR BILLS – BILL LIST C (ANZELONE) – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. *Committeemember Lockwood
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. \$1,354.00

5. RESOLUTION #176-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

6. REPORTS: The following departments have submitted their reports for the months indicated:
Land Use Administrator for the month of March; Municipal Clerk for the month of March;
Construction Official for the month of March; Tax Collector for the month of March; Zoning Official for the month of March

7. ORDINANCE NO. 1377-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 131, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES – Following second reading, hearing, and consideration for adoption, Ordinance 1377-11 was adopted on motion by Committeemember Doughty seconded by Committeemember 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 in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 131-6 of the Code of the Township of Middle is hereby deleted and replaced by the following:

Chapter/ Section
131-6 (A)

Short Description

The Township of Middle shall contract with a third-party billing agent who shall issue a bill in the amount of \$700.00 in each instance where EMS services are provided. Said bill shall be issued to the insurance company providing coverage for the person served, if any, or directly to the person served if insurance coverage is not available.

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 phase 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.

No Public Comment

8. ORDINANCE NO. 1378-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 215 ARTICLE III SECTION 17, THEREOF ENTITLED STREET EXCAVATIONS, FEES; BOND REQUIREMENTS – Following second reading, hearing, and consideration for adoption, Ordinance 1378-11 was adopted on motion by Committeemember Doughty seconded by Committeemember 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 in the County of Cape May and State of New Jersey as follows:

SECTION 1. Section 215-17 of the Code of the Township of Middle is hereby amended to read as follows:

- 1) Trench fees.

Size of Trench Opening	Fee
First 5 square feet	\$50.00
Each additional 5 square feet	\$5.00

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 phase 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.

No Public Comment

9. RESOLUTION #177-11 – AMENDING ADOPTED PERSONNEL POLICIES AND PROCEDURES MANUAL – 2011 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. WHEREAS, the Township Committee has seen fit to make changes and amend the Personnel Policy Manual regarding Driver’s License Policy, Donation of Sick Time for Use by Disabled Employees, Bereavement Leave and the Code of Ethics Policy; so NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Personnel Policies and Procedures Manual amended April 2011 is hereby adopted.

FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of this manual be declared unconstitutional or invalid for any reason, the remaining portions of said manual shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual are hereby declared to be severable.

FURTHER RESOLVED, this manual shall become effective immediately upon approval of this resolution and all other manuals in conflict or inconsistent with the updated version dated April 2011 is hereby repealed, to the extent of such conflict or inconsistency.

10. RESOLUTION #178-11 – CANCEL GRANT RECEIVABLE BALANCE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, certain Grant receivable balances remain on the books; and

WHEREAS, it is necessary to formally cancel said balances;

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 grant receivable balances of the Grant fund be canceled:

Grant Name	to be cancelled
2008 Community Forest Grant	\$60.00

**\$60 expenditure disallowed from original grant of \$3,000.00

11. RESOLUTION #179-11 – AUTHORIZING SETTLEMENT OF LITIGATION – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle (“Township”) has been a party to a tax appeal for the 2009 and 2010 tax years filed by Conifer Greenbriar, LLC in the State Tax Court; and

WHEREAS, the Township and Conifer Greenbriar, LLC have reached an agreement to resolve their differences without further litigation;

NOW, THEREFORE, BE IT RESOLVED by the Township of Middle, County of Cape May, and State of New Jersey that the Mayor and Clerk be and are hereby authorized and directed to execute the attached “Agreement”, which is attached hereto and made part of this Resolution, and the Solicitor and Assessor are hereby authorized and directed to execute the Stipulation of Settlement attached thereto;

BE IT FURTHER RESOLVED that the Solicitor is hereby directed to advise the Court of the execution of this settlement, and to execute on behalf of the Township any documents needed to end the litigation.

12. RESOLUTION #180-11 – REVISING AGREEMENT WITH CONIFER GREENBRIAR, LLC. TO ALLOW REDUCTION IN PERFORMANCE GUARANTEE – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, The Township of Middle and Conifer Greenbriar, LLC had previously entered into an agreement approved by a Resolution of the Township Committee that required Conifer Greenbriar, LLC to post a security guarantee in the form of a Letter of Credit in the amount of \$1,252,000.00; and

WHEREAS, pursuant to that same agreement, the Township was not going to release a performance that had been posted on behalf of Conifer Greenbriar, LLC's predecessor in title, Lennar / U.S. Homes, Inc., which bond was made by SafeCo, Inc.; and

WHEREAS, pursuant to a settlement agreement on numerous tax appeals, approved simultaneously herewith by Township Committee, it is agreed that the amount of the Letter of Credit can be reduced when work is completed and approved by the Municipal Engineer to \$750,000.00, and that the SafeCo, Inc. bond can be released; and

WHEREAS, the municipal engineer has indicated that \$750,000.00 in the form of a letter of credit is a sufficient performance guarantee for what remains on the project, particularly where the project appears to be progressing well; and

WHEREAS, the municipal solicitor has determined that SafeCo, Inc. bond is redundant and not necessary;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle:

1. That upon completion of work and approval by the Municipal Engineer pursuant to custom and as permitted by the Municipal Land Use Law, the security guarantee in the form of a Letter of Credit submitted on behalf of Conifer Greenbriar, LLC, may be reduced to no less than \$750,000.00.
2. The performance bond posted for Lennar / U.S. Homes, Inc. by SafeCo, Inc. can be released in full.
3. This Resolution is intended to act and does in fact act as an amendment/revision to the existing Agreement between the Township of Middle and Conifer Greenbriar, LLC.
4. The Mayor and other officials are authorized to sign any documents necessary to carry out the purposes and intents of this Resolution.

13. RESOLUTION #181-11 Through #185-11– REFUND OF TAXES (ITEMS A THROUGH E) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

(A) Refund due to the State of New Jersey has issued a homestead benefit credits on properties that are tax exempt

Account	BLOCK	LOT	OWNER/LOCATION	AMOUNT
6986	472	72	De Prinzio, Vincent G & Bonnie G 220 Rte 47 S Cape May Court House, NJ 08210 220 Rte 47 S	77.66
11193	893	7	Tejada, Jose A & Sheila 401 Gibbs ST Cape May Court House, N J 08210 401 Gibbs ST	90.81

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 amount payable to the above mentioned parties, as a refund of 2011 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

(B) Where As, the property listed below was deeded to the United States of America on September 19, 2010 and the property is tax exempt for 2011 and the former owner has made a payment towards 2011

BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
910	38.01	5 Scott L Crewe 326 Long Hill RD West Brookfield, Ma 01585 Property location: Beach Ave	3.78	

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 2011 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

(C) Refund of 1st quarter paid by Conifer due to appeal
2011

block	lot	qualifier	owner	2011 1st 1/4
1432	6	C0001	Conifer Greenbriar LLC	259.88
1432	6	C0002	Conifer Greenbriar LLC	259.88
1432	6	C0003	Conifer Greenbriar LLC	259.88
1432	6	C0004	Conifer Greenbriar LLC	259.88
1432	6	C0029	Conifer Greenbriar LLC	259.88
1432	6	C0030	Conifer Greenbriar LLC	259.88
1432	6	C0031	Conifer Greenbriar LLC	259.88
1432	6	C0032	Conifer Greenbriar LLC	259.88
1432	6	C0033	Conifer Greenbriar LLC	259.88
1432	6	C0034	Conifer Greenbriar LLC	259.88
1432	6	C0035	Conifer Greenbriar LLC	259.88
1432	6	C0036	Conifer Greenbriar LLC	259.88
1432	6	C0037	Conifer Greenbriar LLC	259.88
1432	6	C0038	Conifer Greenbriar LLC	259.88
1432	6	C0039	Conifer Greenbriar LLC	259.88
1432	6	C0040	Conifer Greenbriar LLC	259.88
1432	6	C0041	Conifer Greenbriar LLC	259.88
1432	6	C0042	Conifer Greenbriar LLC	259.88
1432	6	C0043	Conifer Greenbriar LLC	259.88
1432	6	C0044	Conifer Greenbriar LLC	259.88
1432	6	C0045	Conifer Greenbriar LLC	259.88
1432	6	C0046	Conifer Greenbriar LLC	259.88
1432	6	C0047	Conifer Greenbriar LLC	259.88
1432	6	C0048	Conifer Greenbriar LLC	259.88
1432	6	C0049	Conifer Greenbriar LLC	259.88
1432	6	C0050	Conifer Greenbriar LLC	259.88
1432	6	C0051	Conifer Greenbriar LLC	259.88
1432	6	C0052	Conifer Greenbriar LLC	259.88
1432	6	C0053	Conifer Greenbriar LLC	259.88
1432	6	C0054	Conifer Greenbriar LLC	259.88
1432	6	C0055	Conifer Greenbriar LLC	259.88
1432	6	C0056	Conifer Greenbriar LLC	259.88
1432	6	C0057	Conifer Greenbriar LLC	259.88
1432	6	C0058	Conifer Greenbriar LLC	259.88
1432	6	C0059	Conifer Greenbriar LLC	259.88
1432	6	C0060	Conifer Greenbriar LLC	259.88
1432	6	C0061	Conifer Greenbriar LLC	259.88
1432	6	C0062	Conifer Greenbriar LLC	259.88
1432	6	C0063	Conifer Greenbriar LLC	259.88
1432	6	C0064	Conifer Greenbriar LLC	259.88
1432	6	C0065	Conifer Greenbriar LLC	259.88
1432	6	C0066	Conifer Greenbriar LLC	259.88
1432	6	C0067	Conifer Greenbriar LLC	259.88
1432	6	C0068	Conifer Greenbriar LLC	259.88
1432	6	C0069	Conifer Greenbriar LLC	259.88
1432	6	C0070	Conifer Greenbriar LLC	259.88
1432	6	C0071	Conifer Greenbriar LLC	259.88
1432	6	C0072	Conifer Greenbriar LLC	259.88
1432	6	C0073	Conifer Greenbriar LLC	259.88
1432	6	C0074	Conifer Greenbriar LLC	259.88
1432	6	C0075	Conifer Greenbriar LLC	259.88
1432	6	C0076	Conifer Greenbriar LLC	519.76
1432	6	C0077	Conifer Greenbriar LLC	519.76
1432	6	C0078	Conifer Greenbriar LLC	519.76
1432	6	C0079	Conifer Greenbriar LLC	519.76
1432	6	C0080	Conifer Greenbriar LLC	519.76
1432	6	C0081	Conifer Greenbriar LLC	259.88
1432	6	C0082	Conifer Greenbriar LLC	259.88
1432	6	C0083	Conifer Greenbriar LLC	259.88
1432	6	C0084	Conifer Greenbriar LLC	259.88
1432	6	C0085	Conifer Greenbriar LLC	259.88
1432	6	C0086	Conifer Greenbriar LLC	259.88
1432	6	C0087	Conifer Greenbriar LLC	259.88
1432	6	C0088	Conifer Greenbriar LLC	259.88
1432	6	C0089	Conifer Greenbriar LLC	259.88
1432	6	C0090	Conifer Greenbriar LLC	259.88

1432	6	C0091	Conifer Greenbriar LLC	259.88
1432	6	C0092	Conifer Greenbriar LLC	259.88
1432	6	C0125	Conifer Greenbriar LLC	259.88
1432	6	C0126	Conifer Greenbriar LLC	259.88
1432	6	C0127	Conifer Greenbriar LLC	259.88
1432	6	C0128	Conifer Greenbriar LLC	259.88
1432	6	C0129	Conifer Greenbriar LLC	259.88
1432	6	C0130	Conifer Greenbriar LLC	259.88
1432	6	C0131	Conifer Greenbriar LLC	259.88
1432	6	C0132	Conifer Greenbriar LLC	259.88
1432	6	C0133	Conifer Greenbriar LLC	259.88
1432	6	C0134	Conifer Greenbriar LLC	259.88
1432	6	C0135	Conifer Greenbriar LLC	259.88
1432	6	C0136	Conifer Greenbriar LLC	259.88
1432	6	C0137	Conifer Greenbriar LLC	259.88
1432	6	C0138	Conifer Greenbriar LLC	259.88
1432	6	C0139	Conifer Greenbriar LLC	259.88
1432	6	C0140	Conifer Greenbriar LLC	259.88
1432	6	C0145	Conifer Greenbriar LLC	259.88
1432	6	C0146	Conifer Greenbriar LLC	259.88
1432	6	C0147	Conifer Greenbriar LLC	259.88
1432	6	C0148	Conifer Greenbriar LLC	259.88
1432	6	C0149	Conifer Greenbriar LLC	259.88
1432	6	C0150	Conifer Greenbriar LLC	259.88
1432	6	C0151	Conifer Greenbriar LLC	259.88
1432	6	C0152	Conifer Greenbriar LLC	259.88
1432	6	C0161	Conifer Greenbriar LLC	259.88
1432	6	C0162	Conifer Greenbriar LLC	259.88
1432	6	C0163	Conifer Greenbriar LLC	259.88
1432	6	C0164	Conifer Greenbriar LLC	259.88
1432	6	C0165	Conifer Greenbriar LLC	259.88
1432	6	C0166	Conifer Greenbriar LLC	259.88
1432	6	C0167	Conifer Greenbriar LLC	259.88
1432	6	C0168	Conifer Greenbriar LLC	259.88
1432	6	C0169	Conifer Greenbriar LLC	259.88
1432	6	C0170	Conifer Greenbriar LLC	259.88
1432	6	C0171	Conifer Greenbriar LLC	259.88
1432	6	C0172	Conifer Greenbriar LLC	259.88
1432	6	C0173	Conifer Greenbriar LLC	259.88
1432	6	C0174	Conifer Greenbriar LLC	259.88
1432	6	C0175	Conifer Greenbriar LLC	259.88
1432	6	C0176	Conifer Greenbriar LLC	259.88

29366.44

Refund payable to:

Conifer Greenbriar LLC
183 E Main St 6th Floor
Rochester, NY 14604

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 2011 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

(D) Refund of 2009 taxes due to appeal

	2009		credit	prorated from 3/9/2009	to 12/31/2009		
	block	lot	qualifier	location	owner	deed date	refund
18585	1432	6	C0025	701 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18586	1432	6	C0026	703 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18587	1432	6	C0027	705 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18588	1432	6	C0028	707 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18653	1432	6	C0093	102 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18654	1432	6	C0094	104 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18655	1432	6	C0095	106 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18656	1432	6	C0096	108 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18657	1432	6	C0097	202 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18658	1432	6	C0098	204 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18659	1432	6	C0099	206 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18660	1432	6	C0100	208 Tidewater Avenue	Conifer Greenbriar LLC	3/10/09	418.94
18673	1432	6	C0113	407 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94

18674	1432	6	C0114	405 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18675	1432	6	C0115	403 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18676	1432	6	C0116	401 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18713	1432	6	C0153	202 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18714	1432	6	C0154	204 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18715	1432	6	C0155	206 Seacres Lane	Conifer Greenbriar LLC	3/10/09	418.94
18716	1432	6	C0156	208 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18717	1432	6	C0157	302 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18718	1432	6	C0158	304 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18719	1432	6	C0159	306 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
18720	1432	6	C0160	308 Seacrest Lane	Conifer Greenbriar LLC	3/10/09	418.94
							10054.56
							refund

Refund payable to:
Conifer Greenbriar LLC
183 E Main St 6th Floor
Rochester, NY 14604

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 2009 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

(E) Refund of 2010 taxes due to appeal

Account	block	lot	qualifier	owner	deed date	credit for 2010
18585	1432	6	C0025	Conifer Greenbriar LLC Ryan Homes	8/27/10	386.27
18586	1432	6	C0026	Conifer Greenbriar LLC Ryan Homes	8/27/10	386.27
18587	1432	6	C0027	Conifer Greenbriar LLC Ryan Homes	8/27/10	386.27
18588	1432	6	C0028	Conifer Greenbriar LLC Ryan Homes	8/27/10	386.27
18653	1432	6	C0093	Conifer Greenbriar LLC Ryan Homes	3/9/10	111.30
18654	1432	6	C0094	Conifer Greenbriar LLC Ryan Homes	3/9/10	111.30
18655	1432	6	C0095	Conifer Greenbriar LLC Ryan Homes	3/9/10	111.30
18656	1432	6	C0096	Conifer Greenbriar LLC Ryan Homes	3/9/10	111.30
18657	1432	6	C0097	Conifer Greenbriar LLC Ryan Homes	7/23/10	330.62
18658	1432	6	C0098	Conifer Greenbriar LLC Ryan Homes	7/23/10	330.62
18659	1432	6	C0099	Conifer Greenbriar LLC Ryan Homes	7/23/10	330.62
18660	1432	6	C0100	Conifer Greenbriar LLC Ryan Homes	7/23/10	330.62
18673	1432	6	C0113	Conifer Greenbriar LLC Ryan Homes	12/8/10	551.47
18674	1432	6	C0114	Conifer Greenbriar LLC Ryan Homes	12/8/10	551.47
18675	1432	6	C0115	Conifer Greenbriar LLC Ryan Homes	12/8/10	551.47
18676	1432	6	C0116	Conifer Greenbriar LLC Ryan Homes	12/8/10	551.47
18713	1432	6	C0153	Conifer Greenbriar LLC Ryan Homes	12/28/10	584.27
18714	1432	6	C0154	Conifer Greenbriar LLC Ryan Homes	12/28/10	584.27
18715	1432	6	C0155	Conifer Greenbriar LLC Ryan Homes	12/28/10	584.27
18716	1432	6	C0156	Conifer Greenbriar LLC Ryan Homes	12/28/10	584.27
18717	1432	6	C0157	Conifer Greenbriar LLC Ryan Homes	8/5/10	350.19
18718	1432	6	C0158	Conifer Greenbriar LLC Ryan Homes	8/26/10	384.63
18719	1432	6	C0159	Conifer Greenbriar LLC		384.63

18720	1432	6	C0160	Ryan Homes	8/26/10	
				Conifer Greenbriar LLC		384.63
				Ryan Homes	8/26/10	
						\$9,359.80
						refund

Refund payable to:
Conifer Greenbriar LLC
183 E Main St 6th Floor
Rochester, NY 14604

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 2010 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

14. RESOLUTION #186-11 – AMENDING RESOLUTION 150-11 – LEASE AGREEMENT BURGESS HAMER – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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 Resolution No. 150-11 shall hereby be amended to accurately reflect the lease agreement with Burgess Hamer and the Township of Middle for usage of the Martin Luther King Center from March 1, 2011 through December 31, 2011, 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.

15. RESOLUTION #187-11 – RECOGNIZING APRIL 10-16 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services, and
WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and
WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Middle Township Police Department, and
WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services, and
WHEREAS, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety, and
WHEREAS, Public Safety Dispatchers of the Middle Township Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients, and
WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.
NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, and State of New Jersey, declares the week of April 10th through 16th, 2011 to be National Public Safety Telecommunications Week in the Township of Middle, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

16. RESOLUTION #188-11 Through #189-11 – APPROVE CHANGE ORDER – WHITESBORO/EDGEWOOD PHASE I SANITARY SEWER PROJECT – (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 - (A) WHEREAS, Perna Finnigan Inc. was selected for the Whitesboro/Edgewood Phase I Sanitary Sewer Project, within the confines of the Township of Middle.
WHEREAS, it has been deemed necessary to issue a change order for said project, in connection with additional asphalt needed to complete overlay paving on all roads on the east side of NJSH Route 9.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #10 for the project awarded to Perna Finnigan Inc. be and is hereby approved in the amount of \$6,146.10.
 - (B) WHEREAS, Perna Finnigan Inc. was selected for the Whitesboro/Edgewood Phase I Sanitary Sewer Project, within the confines of the Township of Middle.
WHEREAS, it has been deemed necessary to issue a change order for said project, as a final adjustment of contract quantities to reflect as-built quantities.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #11 for the project awarded to Perna Finnigan Inc. be and is hereby approved in the credit amount of \$39,784.11

17. RESOLUTION #190-11 – RELEASE OF PERFORMANCE BOND – STREET OPENING – RICHARD WATSON – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, \$5,000.00 is being held as a performance guarantee for Richard Watson for the street opening located at 103 Delaware Avenue, and

WHEREAS, Administrative Director of Public Works has conducted his inspection and determined that all improvements have been completed, and
WHEREAS, it has been recommended that the performance guarantee for the above stated project be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above reference opening has been inspected and approved and the performance bond shall be released.

18. RESOLUTION #191-11 – AWARDING CONTRACT UNDER NON-FAIR AND OPEN PROCESS – WPCS INTERNATIONAL INC. – GPS UPGRADE FOR POLICE AND ADDITIONAL GPS UNITS FOR PUBLIC WORKS VEHICLES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has a need to acquire GPS units for vehicles associates with the Public Works Department and also to upgrade GPS units associated with the Police Department, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations, and
WHEREAS, WPCS will provide training as well as a yearly on-site maintenance included in said purchase, and
WHEREAS, the proposal provided indicates that value of the agreement will exceed \$17,500, and
WHEREAS, WPCS International Inc. has submitted a proposal indicating they will provide GPS units as outlined in proposal for the amount not to exceed \$30,000.00, and
WHEREAS, WPCS International Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the WPCS International Inc. from making any reportable contributions through the term of the contract, and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution
19. RESOLUTION #192-11 – AWARDING CONTRACT UNDER NON-FAIR AND OPEN PROCESS – WPCS INTERNATIONAL INC. – PURCHASE OF MOBILE DATA TERMINALS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has a need to acquire Mobile Data Terminals for the police vehicles, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations, and
WHEREAS, the proposal provided indicates that value of the agreement will exceed \$17,500, and
WHEREAS, WPCS International Inc. has submitted a proposal indicating they will provide MDT's as outlined in proposal for the amount of \$30,062.00, and
WHEREAS, WPCS International Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the WPCS International Inc. from making any reportable contributions through the term of the contract, and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution
20. RESOLUTION #193-11 – DECLARING DEVELOPER IN DEFAULT ON PERFORMANCE GUARANTEE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Stone Harbor Properties, Inc. had land use approvals for a development at Block 136, Lot 13, also known as 1140 Stone Harbor Boulevard; and
WHEREAS, pursuant to local ordinance and the Municipal Land Use Act, Stone Harbor Properties, Inc. provided a performance guarantee in the form of an Irrevocable Letter of Credit from Cape Bank in the amount of \$349,987.50 dated September 23, 2009; and
WHEREAS, the Letter of Credit has not been drawn down, and the remaining amount is the original amount; and
WHEREAS, portions of the project have been started, but the project has not been completed, and those portions which were to be public improvements have not been completed; and
WHEREAS, the Township intends to complete the public improvements.
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle that Stone Harbor Properties, Inc. is hereby deemed in default of its obligations as it has not completed this project but left it partially completed, that the appropriate Township Officials are hereby authorized to take whatever measures are necessary to carry out the purposes and intents of this Resolution, including but not limited to securing an amount less than the full amount of the Letter of Credit if in the opinion of the municipal engineer the amount is sufficient to protect the Township's interests and finish the project in a manner satisfactory to the municipal engineer.

21. RESOLUTION #194-11 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS
- A. The work being solicited involves sanitary sewer consulting services for a sewer extension to include a pump station, force main, and restoration of roadways.
22. RESOLUTION #195-11 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ROBERT FINEBERG – CONFLICT ATTORNEY – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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 Robert Fineberg and the Township of Middle for the conflict attorney services to handle performance bond issues for Sand Castle Cove Development, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes in the amount not to exceed \$2,500.00.
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
23. RESOLUTION #196-11 – CONFIRMING ENGINEER’S CONTRACT INCLUDES CERTAIN INSPECTIONS OF SEWER PROJECT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the Municipal Engineer is Vincent Orlando, P.E., which contract was awarded pursuant to the fair and open process; and
 WHEREAS, it is within the course and scope of his contract to perform certain inspections on behalf of the Township; and
 WHEREAS, the Township is currently under construction of a sewer project commonly known as the SSGC project; and
 WHEREAS, the project is funded by the U.S.D.A. which requires certain forms of contract documents; and
 WHEREAS, the SSGC project needs engineering inspections completed immediately for the ongoing construction; and
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle that it confirms that the contract with the municipal engineer includes inspections of sewer projects, and the SSGC sewer project particularly, and that the municipal engineer may execute certain contract documents and any other necessary documents to ensure funding and payment from the USDA for these engineering services.
24. ORDINANCE #1384-11 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE - On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1384-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/16/2011 at 6:00 p.m.
 BE IT ORDAINED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:
 SECTION 1. The positions listed in the attached schedule are hereby created.
 SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.
 SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.
 SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.
- | Years of Service | Additional Compensation
(Percent of Annual Salary) |
|------------------|---|
| 5 years or more | 2% |
| 10 years or more | 4% |
| 15 years or more | 6% |
| 20 years or more | 8% |
| 25 years or more | 10% |
- Section 4 shall only apply to Township Employees hired before December 31, 1994.
 SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2011 immediately upon final passage and publication according to law.

25. RESOLUTION #197-11- SALARIES – 2011- On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, salary ranges for officers and employees of this Township have been established by Ordinance No. 1376-11, and
WHEREAS, said ordinance further provides that the exact salary of each officer and employee shall be as determined from time to time by resolution of the Township Committee.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the attached schedule showing salaries and wages for Non-Union Township Employees shall constitute an amendment to the salary Resolution for the year 2011 as previously adopted January 5, 2011, subject to such additions as may be made by Resolution of the Township Committee during the year 2011.
BE IT FURTHER RESOLVED, that the following salary amendments shall be retroactive back to January 1, 2011.

26. 2011 BUDGET REVIEW PRESENTATION

27. PUBLIC COMMENT:

Committeemember Doughty: Rec field will be done next week....thanks for all the contributors and donations.....made in excess of \$40,000. Thanks to Mr. Heun. May 9th at the top of the Bellevue and meatball contest. Proceeds to go to the rec programs....tickets available. Committee will be the taste testers. Good time for all. Thank you to Mr. Orlando as well.

Mayor DeLanzo: Congratulations to the Mock Trial Team. Went to State Championship...going to Nationals in Arizona. Telecommunications Month....would like to say thank you wonderful, challenging and emotional job.

Mrs. Muchler: Jacob Muchler chosen, out of 23 students, as Student Ambassador for People to People. Leaves on July 12th.

Peggy Mathis: Quads on bike path....when is grass going to be started on bike path....AC Electric has torn up some areas....trash in the bushes.

Vince Orlando: The project is still under construction.

Peggy Mathis: Question on Conifer tax appeal and location.

Jim Pickering: Yes, location Rio Grande.

Vilma Pombo: Spoke about spay/neuter day.

Mayor DeLanzo: Saturday, MLK Center, Spay/Neuter Awareness Day. Vendors will participate....giving out info on their services. Residents can get a voucher for spay and neuter for their pets.

Vilma Pombo: Resolution on Animal Cruelty Month?

Mayor DeLanzo: Will be on April 18th.

Steve O'Connor: When was last tax increase and what is projection for 2012?

Mark Mallett: Will look into it when last tax increase was. 2012 Projection-lots of variables....hard to project...fair statement to say hard for people to have burden every year.

Committeemember Lockwood: Look forward for potential cost savings....seeing most communities have some slow steady growth.

Peggy Mathis: Is SJ Gas going to come back and rip up areas being repaved by capital improvement and sewer?

There being no further business the meeting was adjourned at 7:17 pm.

Kimberly Krauss, Twp. Clerk