

Cape May Court House, NJ
August 15, 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. PRESENTATION BY MAYOR

Mayor DeLanzo recognized Dennis Roberts of the Bellevue Tavern for his generous contributions towards the recreational department. For several years Mr. Roberts has held golf outings and donates the proceeds to the township for new equipment.

Mayor DeLanzo recognized Tony Tejada, founder of a basketball camp in Whitesboro. Tajada stated it was a free camp for Whitesboro residents, something they might not otherwise be entitled. Mayor stated this camp taught them more than just basketball skills.. it teaches life lessons.

Mayor DeLanzo also recognized the Concerned Citizens of Whitesboro and the children who worked for the beautification project, cleaning up various streets within the township. Mayor DeLanzo also recognized Rosie Jefferson for leading the group.

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 Public Comment.

3. RESOLUTION NO. 375-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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. \$ 2,538,703.21

4. RESOLUTION NO. 376-11 – 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.

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. \$ 705.87

5. RESOLUTION NO. 377-11 – 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.

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. \$ 3,932.00

6. RESOLUTION NO. 378-11 – APPROVING PAYMENT FOR BILLS – BILL LIST D (HATCH MOTT MACDONALD) – 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. \$ 15,840.33

7. RESOLUTION NO. 379-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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 the minutes from the Township Committee meeting held August 1, 2011 are hereby approved.

8. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of July; Tax Collector for the month of July; Zoning Official for the month of July;

9. ACKNOWLEDGEMENT OF RETIREMENT: Diane Shinn, Public Safety Telecommunications Operator will retire effective September 1, 2011.
10. ORDINANCE NO. 1393-11 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$50,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE WHITESBORO WATER PHASE III CONSTRUCTION – Following second reading, hearing, and consideration for adoption, Ordinance 1393-11 was adopted on motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call. Section 1. There is hereby appropriated the sum of \$50,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the Whitesboro Water Phase III Construction
- Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.
- Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.
- Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.
- Section 5. This ordinance shall take effect after final adoption and publication as required by law.

11. RESOLUTION NO. 380-11 through 382-11 – REFUND OF TAXES (ITEMS A THROUGH C) – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

380-11 Refund due to property is exempt for 2011 and the 1st and 2nd quarters were paid

Acct	Block	LOT	OWNER/LOCATION	AMOUNT	ck#
19052	1414.01	7 C0002	Cape Counseling Services Inc 1129 Rte 9 S Ste 1 Cape May Court House, NJ 08210 Property location: 1046 Rte 47 S #B	\$4,159.39	

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.

381-11 Refund due to overbill 2011

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
730	17	81	Sepe, William F & Barbara ETALS 731 Caravel Lane Foster City, CA 94404 Location: 718 Avalon Blvd.	\$114.72	
17512	38.01	41	Douglass, Donald T & Eileen 64 Reeds Beach Rd. Cape May Court House, NJ 08210 Location: 50 Reeds Beach Rd.	\$710.67	
17074	1414.01	1	Mattera, Michael J & Barbara 19 E Secluded Lane Rio Grande, NJ 08242 Location: 1034 Rte 47 S	1,107.66	

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.

382-11 Refund due to appeals 2011

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
15459	117.04	29	Island Bay LLC C/O Kennedy Funding Two University Plza #402 Hackensack, NJ 07601 Location: 45 Seabreeze Lane	\$574.00	
15458	117.04	30	Island Bay LLC C/O Kennedy Funding Two University Plza #402 Hackensack, NJ 07601 Location: 47 Seabreeze Lane	\$574.00	
15457	117.04	31	Island Bay LLC C/O Kennedy Funding Two University Plza #402	\$574.00	

			Hackensack, NJ 07601 Location: 49 Seabreeze Lane	
15456	117.04	32	Island Bay LLC C/O Kennedy Funding Two University Plza #402 Hackensack, NJ 07601 Location: 51 Seabreeze Lane	\$574.00
6811	466.01	24	Mulligan, Bonita S 7 E New York Ave. Villas, NJ 08251 Location: 15 Bay Shore Rd.	\$534.69

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.

12. RESOLUTION NO. 383-11 through 387-11 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH E) – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
- 383-11 WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2011 in the sum of:
- Pet Smart Grant -- FY 2011 -- \$ 13,000.00
- BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
- Pet Smart Grant -- FY 2011 -- \$ 13,000.00
- 384-11 WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2011 in the sum of:
- 2009 Recycling Tonnage Grant -- FY 2011 -- \$ 56,361.94
- BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
- 2009 Recycling Tonnage Grant -- FY 2011 -- \$ 56,361.94
- 385-11 WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2011 in the sum of:
- Alcohol, Education, Rehab Enforcement Grant -- FY 2011 -- \$ 2,157.39
- BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
- Alcohol, Education, Rehab Enforcement Grant -- FY 2011 -- \$ 2,157.39
- 386-11 WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2011 in the sum of:
- Emergency Management Grant -- FY 2011 -- \$ 5,000.00
- BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
- Emergency Management Grant -- FY 2011 -- \$ 5,000.00
- 387-11 WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any

Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
 WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2011 in the sum of:

JAG Grant -- FY 2011 -- \$ 230.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

JAG Grant -- FY 2011 -- \$ 230.00

13. RESOLUTION NO. 388-11– APPROVAL FOR PAYMENT TERMINAL LEAVE – ROSALIND JEFFERSON – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, Rosalind Jefferson has submitted her retirement forms with an effective date of July 1st, 2011, and
 WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated sick, vacation, and personal time, and
 WHEREAS, final payment is requested to be made in August 2011, and
 WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time,
 NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

Rosalind Jefferson	
7.5 Sick Days	\$1,027.50
12 Vacation Days	1,644.00
3 Personal Days	<u>411.00</u>
	\$3,082.50

14. RESOLUTION NO. 389-11 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance, and
 WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc., and
 WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”, and
 WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied.
 WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations, and
 WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.
 FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROP. LOCATION	BLOCK / LOT	AMOUNT
Dana Eller	211 W. Pacific	325/5	\$104.26
Anthony Cunha	9 S. 8th St.	411/11	\$109.47
Herbert Jaudon	301 Goshen Rd	60/11	\$100.71
Robert & Rosalie King	124 Indian Trail	208/4	\$109.47
Constance Dadura	13 Linden Ln.	1469/2	\$123.27
Steven & Kristina Lashley	14 N. 10th St.	397/6	\$104.27
Joseph Toland	204 School Lane	1447/9	\$118.64
Giuseppe & Sherry De Gaetano	27 Meadow Valley	475.01/83	\$104.27
Sol Garcia	307 Linden Lane	1474/4	\$104.27

15. RESOLUTION NO. 390-11 – AUTHORIZING CONTRACTOR TO EXTEND CONTRACT PERIOD FOR AN ADDITIONAL 60 DAYS – VARIOUS DRAINAGE IMPROVEMENTS – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, the Notice to Proceed for the above referenced project was issued on January 10, 2011, and
 WHEREAS, the contract period was set for sixty (60) days, and
 WHEREAS, due to issues with construction, the engineer has recommended an extension to said construction contract time for a period of 60 days.
 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 construction contract period with

Albrecht & Heun for the "Various Drainage Improvement" project is hereby extended for an additional 60 days.

16. RESOLUTION NO. 391-11 – RATIFY LEASE AGREEMENT – MARY KAY AT MIDDLE TOWNSHIP SENIOR CITIZEN CENTER – On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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 Whitney Pickens of Mary Kay and the Township of Middle for usage of the Middle Township Senior Citizen Center from August 8, 2011 through August 6, 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.
17. RESOLUTION NO. 392-11 – RATIFY AGREEMENT WITH ATLANTIC CITY ELECTRIC FOR ELECTRICAL SERVICES – SHELLBAY PUMP STATION – On motion by Committeemember Doughty seconded by Committeemember 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 attached agreement with Atlantic City Electric associated with the cost to replace 1 pole, install 2 spans overhead primary and neutral, install 1 pole w/anchor, install 25 kva overhead transformer and make permanent connections for service at Shellbay Ave hereby ratified in the amount of \$20,000.00, and FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
18. RESOLUTION NO. 393-11 – AUTHORIZATION TO CLOSE A PORTION OF JULIA COURT FOR NEIGHBORHOOD BLOCK PARTY – 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 authorization is hereby given to close a portion of Julia Court on Saturday, August 27, 2011 from 4:30pm to 8:00pm for a neighborhood block party.
19. RESOLUTION NO. 394-11 – APPOINTMENTS – NEW HIRE – TELECOMMUNICATIONS – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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 employees are hereby appointed to the following position at the salaries opposite their names:
- | NAME | DEPARTMENT | TITLE | SALARY | EFFECTIVE |
|---------------|---------------|--------------------------------|-------------|------------|
| Jake Loefflad | Public Safety | PS Telecommunications Operator | \$28,500.00 | 09/01/2011 |
20. RESOLUTION NO. 395-11 – RENEWAL OF GRAVEL PITS – 2011 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, the several gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, "recertification is currently recommended" for the following licensees, and NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2011 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:
- | NO. | NAME OF LICENSE | BLOCK/LOT | ACREAGE | FEE |
|-----|-----------------|-----------|---------|----------|
| 7N | Albrecht & Heun | 94/19.01 | 41.03 | \$600.00 |
| 7S | | 94/20 | 30.50 | |
- FURTHER RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.
21. RESOLUTION NO. 396-11 – APPROVE ADOPT A SPOT GRANT – On motion by Mayor DeLanzo seconded by Committeemember 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 a Mini Grant for the "Adopt a Spot Project", be and are hereby awarded to the following:
Concerned Citizens of Whitesboro
Various Locations
08/05/2011
22. RESOLUTION NO. 397-11 – ACKNOWLEDGING AND OUTLINING OVERTIME POLICY TOWARDS COMPENSATION OF FULL TIME AND/OR PART TIME ANIMAL CONTROL OFFICERS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that should the Animal Control Officer or Part-Time Animal Control Officer be called to work after his/her regular work day, that employee shall receive a minimum of two (2) hours pay at time and one half (1 ½) for all hours worked.

23. RESOLUTION NO. 398-11 – ESTABLISHING A GREEN TEAM FOR SUSTAINABLE JERSEY PROGRAM – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the Township Committee of the Township of Middle strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and
WHEREAS, the Township Committee of the Township of Middle wishes to build a model of government which benefits our residents now and far into the future with green community initiatives outlined in the Sustainable Jersey program, which are easy to replicate and affordable to implement; and
WHEREAS, in an attempt to focus attention on “Green” issues, the Township Committee wishes to establish a Green Team; and
WHEREAS, the Township Committee of the Township of Middle wants to begin the process of focusing on “Green” issues by starting with audits of municipality facilities and operations first; and
WHEREAS, the Township Committee of the Township of Middle has applied for and received a Clean Air Cool Cities grant in the amount of \$2,500 to provide administrative and technical assistance to the Green Team; and
WHEREAS, the following actions will be priorities for the Green Team as the Township moves to do their share to lessen the environmental impact of its operations: energy conservation; smart growth principals; protection of natural resources; smart growth principals of development; and community education.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that we do hereby establish a Green Team consisting of all the members of the Middle Township Environmental Commission.
NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Middle that the following persons are hereby appointed to the Green Team for the remainder of 2011:
Steve Russell, Chairman
Gary Farrow
Steve Atzert
Rachel Reed
Christine Kobielnik
Jeffrey L. Schafer, CEM
Vilma Pombo
James Amenhauser
Lillian Armstrong
Dawn Stimmel, Sec.
24. RESOLUTION NO. 399-11 – LOCAL FINANCE BOARD – ANNUAL AUDIT OF BOOKS, ACCOUNTS & TRANSACTIONS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:5-4 requires that governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and
WHEREAS, The Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Township Committee and also Kimberly Krauss, Township Clerk, as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and
WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and
WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:
General Comments
Recommendations
and
WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:
General Comments
Recommendations
As evidenced by the group affidavit form of the governing body, and
WHEREAS, such resolution of certification shall be adopted by the governing body no further than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and
WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed o the affidavit, as provided by the Local Finance Board, and
WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject he members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “ A local officer of member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

25. RESOLUTION NO. 400-11 – ACCEPTING CORRECTIVE ACTION PLAN – AUDIT 2010 –

On motion by Committeemember Doughty seconded by Committeemember 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, the governing body thereof, that the following is hereby accepted as the Corrective Action Plan for the 2010 Audit for the Township of Middle and be it further resolved that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs, Division of Local Government Services as well as a copy of this Resolution be forwarded to Ford, Scott and Associates, LLC, Glen Ortman, Registered Municipal Accountant:

Finding #1:

- a. Description: The State Technical Accounting Directive for Fixed Asset Accounting requires the Township to maintain a Fixed Asset Ledger.
- b. Analysis: The Township has not updated its fixed assets ledger since 2008. Ledgers do not provide enough detail.
- c. Corrective Action: The Township will provide updated and more detailed ledgers in the General Fixed Asset Ledger for all activity.
- d. Implementation Date: June 15, 2011.

Finding #2:

- a. Description: The Finance Office did not sufficiently review and maintain encumbrance and accounts payable balances.
- b. Analysis: There were existing encumbrances on the Township’s books that should have been reviewed for accuracy.
- c. Corrective Action: The Township CFO will review all open encumbrances for accuracy.
- d. Implementation Date: August 15, 2011.

Finding #3:

- a. Description: Payments made to contractors in excess of their original contracts.
- b. Analysis: The Sewer Director authorized work from contractors in excess of their contracts approved by Township Committee.
- c. Corrective Action: The Township’s various departments will not authorize work without Township Committee and the CFO’s approval.
- d. Implementation Date: May 1, 2011.

Finding #4:

- a. Description: The Township did not sufficiently review State Health Benefit employee listing.
- b. Analysis: The Personnel Department did not sufficiently review the detailed billing lists received by the new health insurance. The Finance Office has never received the detailed listings as they are considered confidential in nature.
- c. Corrective Action: The Township’s Personnel Officer will sufficiently review all detailed billings received for health benefits for accuracy before submitting invoice for payment.
- d. Implementation Date: June 15, 2011.

Finding #5:

- a. Description: The Township’s Sewer Department did not ensure that all user accounts were billed when a new software system was installed.
- b. Analysis: The Sewer Department did not sufficiently review the user accounts after a new software system was installed. Some user accounts were missing which resulted in a delayed billing.
- c. Corrective Action: The Township’s Sewer Department will sufficiently review all user accounts to ensure their accuracy and completeness. payment.
- d. Implementation Date: June 15, 2011.

Finding #6:

- a. Description: The Township did not receive approval for its Snow Removal Trust Fund.
- b. Analysis: The Township properly processed a resolution authorizing the creation of the Snow Removal Trust Fund. The resolution was promptly sent to the DLGS, but never recorded by them. The DLGS website does not regularly update their fiscal reports section for review.
- c. Corrective Action: The Township’s Finance Office will place a direct call to the DLGS to confirm receipt of such resolutions. The resolution was approved by a Mr. Robert Kennedy upon calling the DLGS directly.
- d. Implementation Date: July 27, 2011.

FURTHER BE IT RESOLVED, that a copy of this Resolution be forwarded to the Department of Community Affairs Division of Local Government Services.

26. RESOLUTION NO. 401-11 – DEPARTMENT CHANGE – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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 department change for the following employee is hereby acknowledged:

Name	Prev. Dept.	New Dept.	Title	Effective
Rita Kirk	Finance Dept.	Public Works Dept.	Senior Clerk Typist	08/22/2011

27. RESOLUTION NO. 402-11 – APPROVE CHANGE ORDER NO. 4 – SHANNON OAKS / ELLA AVENUE DRAINAGE IMPROVEMENTS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, Landberg Construction LLC was selected for the Shannon Oaks / Ella Avenue Drainage Improvement Project, within the confines of the Township of Middle, via Resolution No. 429-10.
 WHEREAS, bids were received on September 21, 2010 at 1:30pm.
 WHEREAS, in order to successfully connect the flood-prone portion of the development to an outfall, storm water piping was required to be installed or replaced, and
 WHEREAS, due to the fact that the development is 30+ years old, many issues were uncovered during pipe installation, and
 WHEREAS, the elevation of many of the services were unknown and accordingly the contractor and engineer were forced to relocate piping in many locations to avoid conflict with existing services, and
 WHEREAS, relocating pipe into the roadway at some locations also required additional concrete curbing and asphalt, therefore the project ended up costing more than the original amount bid by the contractor.
 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 #4 for the project awarded to Landberg Construction LLC be and is hereby approved in the amount of \$26,255.00.
 BE IT FURTHER RESOLVED, that it is hereby acknowledged and approved that the total percent change for the contract is 28.46%, therefore exceeds the 20 percent limitation, as outlined in N.J.A.C. 5:30-11.3.
 BE IT FURTHER RESOLVED, a certification by both the Municipal Engineer and Landberg Construction has been received and filed in the Office of the Municipal Clerk, indicating the same, as outlined in N.J.A.C. 5:30-11.9

28. RESOLUTION NO. 403-11 – SALARY ADJUSTMENT – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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 salary will be amended to the amount opposite their name as specified below:

NAME	DEPARTMENT	TITLE	SALARY / RATE	EFF. DATE
Mary Champion	Public Safety	Class II Police Officer	\$12.50 ph	08/15/2011
Brian Murphy	Public Safety	Class II Police Officer	\$12.50 ph	08/15/2011

29. RESOLUTION NO. 404-11 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and
 WHEREAS, the applicants are entitled to a refund of this money,
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts as listed on the attached sheets shall be released.

30. RESOLUTION NO. 405-11 – RENEWAL – TOWING LICENSES – 2011 – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, several towing license renewal applications listed below have been found to be in proper form, and the fees paid in each case.
 NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2011:

License#	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
05	Gary's Automotive 1		NJ XK805N2007	Chevy 5500 Flatbed		\$450.00 \$50.00

31. RESOLUTION NO. 406-11 – TABULATION COMMITTEE - FURNISH AND DELIVER TWO (2) NEW 2011/2012 GASOLINE POWERED 6X4 UTILITY VEHICLES - On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 NOW THEREFORE 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 Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Krauss, Business Administrator Mark Mallett be and hereby are appointed to tabulate the bids to be taken on Thursday September 8, 2011 at 1:30 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
 FURNISH AND DELIVER TWO (2) NEW 2011/2012 GASOLINE POWERED 6X4 UTILITY VEHICLES

32. PUBLIC COMMENT:

Carl Carmelowitz asked about the status of the cameras at the intersections.

Chief Leusner gave him an update on the status of the grant.

Steven O'Connor asked about the sewer rate increase. Was there a public hearing and is it justified.

Committeemember Doughty indicated that 1990 was the last increase and the auditors told us to do so. After all those years we needed an increase in rates.

O'Connor asked if the township is taking preventative measures for repairs and also asked for an update on the Conifer litigation.

Mr. Pickering indicated that the township is waiting on a decision from the appellate division.

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

Kimberly Krauss, Twp. Clerk