

Cape May Court House, NJ  
December 5, 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 & CHIEF OF POLICE
  - Mayor DeLanzo and Chief Leusner presented Paul Fritsch with a plaque of appreciation for his retirement.
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.)

*Jessica Dare, American Littoral Society indicated her support for item #30 on agenda.*  
*Carole Mattessich asked about item #29. What conflict does it cover and why Parker McCay.*  
*Asked about bill list and asked what Albrecht & Heun was being paid for.*
3. RESOLUTION NO. 581-11 – 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.     \$ 2,886,843.22
4. RESOLUTION NO. 582-11 – APPROVING PAYMENT FOR BILLS – BILL LIST B (A&H/FMR) – On motion by                    seconded by                    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.     \$ 21,555.81
5. RESOLUTION NO. 583-11 – APPROVING PAYMENT FOR BILLS – BILL LIST C (ANZELONE) – On motion by Committeemember Doughty 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.     \$ 2,738.00
6. RESOLUTION NO. 584-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
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 and Work Session held November 21, 2011 are hereby approved.
7. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of November; Land Use Administrator for the month of November; Zoning Official for the month of November;
8. RESOLUTION NO. 585-11 – AMENDING AWARD OF BID – RECONSTRUCTION OF MAIN STREET (M-2230) – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, Resolution No. 580-11 awarded November 21, 2011 awarded the Reconstruction of Main Street project to Charles Marandino, LLC. in the amount of \$341,986.18(base bid and alternate #1), and  
WHEREAS, the award should have been for the base bid and alternate 2 in the amount of \$388,456.16.  
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Reconstruction of Main Street by and hereby is awarded to Charles Marandino, LLC. in the amount of \$388,456.16.  
FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer’s Certification of availability of funds.

9. RESOLUTION No. 586-11 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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.
10. RESOLUTION NO. 587-11 – AMENDING TABULATION COMMITTEE – CONTRACTS #2010-12 & #2010-13 - REHABILITATION OF 2 HOMES IN MIDDLE TOWNSHIP - 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Mark Mallett, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, and Grants Coordinator Jill Zarharchuck be and hereby are appointed to tabulate the bids to be taken on December 21, 2011 at 1:00 PM in the Middle Township Municipal Building, 2ND Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
 CONTRACTS #2010-12 & #2010-13 - REHABILITATION OF 2 HOMES IN MIDDLE TOWNSHIP
11. ACKNOWLEDGEMENT OF RETIREMENT: Robert McHale and Paul Fritsch of the Police Department have submitted their letters of intent to retirement effective December 1, 2011. Also, Police Officer Jeffrey Devico has submitted his letter of intent to retire effective October 21, 2012.
12. RESOLUTION NO. 588-11 – ACKNOWLEDGEMENT OF RESIGNATION – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below is acknowledged.
- | EMPLOYEE           | DEPARTMENT    | POSITION                 | EFFECTIVE  |
|--------------------|---------------|--------------------------|------------|
| Zina Beth Thompson | Public Safety | P/T EMT                  | 11/28/2011 |
| Donald Mabry       | Recreation    | Recreation Attendant P/T | 11/17/2011 |
13. RESOLUTION NO. 589-11 – AUTHORIZING CLERK TO CHANGE NUMBER OF UNITS ON BRIARWOOD MOBILE HOME PARK LICENSE – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
 WHEREAS, Local Ordinance Section 175-2 requires that each Mobile Home Park obtain a license from the Township Clerk; and  
 WHEREAS, Local Ordinance Section 175-8 has a specific procedure and timelines for supplemental licenses; and  
 WHEREAS, Local Ordinance Section 175-9 provides that license number 1 is issued to Briarwood Trailer Park and is for 73 sites; and  
 WHEREAS, within Briarwood Trailer Park there is a single family residential dwelling that is not counted as a site and which is not separately assessed; and  
 WHEREAS, Briarwood Trailer Park desires to remove the single family residential dwelling and replace it with a mobile home; and  
 WHEREAS, Township Committee finds that removing a single family home and replacing it with a mobile home is not the type of change that fits within the requirements of Section 175-8 regarding supplemental licenses, but is instead a de minimus change that exchanges a single family home for a mobile home; and  
 WHEREAS, Township Committee finds that it is in the public interest to make this change;  
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds that the Clerk shall change Mobile Home Park License #1, issued to Briarwood Trailer Park, from 73 sites to 74 sites, conditioned upon Briarwood Trailer Park removing the single family residential dwelling before any mobile home is placed on the 74th site, and also conditioned upon the Clerk finding that any and all other requirements of the Application are met by the Applicant.
14. RESOLUTION NO. 590-11 – AMENDING AWARD OF BID – MIDDLE TOWNSHIP PARKING LOT IMPROVEMENTS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, Resolution No. 72-11 awarded the Middle Township Parking Lot Improvement project to Midwest Construction & Painting, Inc., and  
 WHEREAS, the award amount indicated on said resolution inadvertently indicated the wrong award amount, and  
 WHEREAS, it is necessary to amend the amount of award by an additional \$94.00.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Middle Township Parking Lot Improvements by and hereby is awarded to Midwest Construction & Painting Inc. for a total amount of \$137,994.16. FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer's Certification of availability of funds.

15. RESOLUTION NO. 591-11 – SUSTAINABLE LAND USE PLEDGE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, land use is an essential component of overall sustainability for a municipality; and WHEREAS, poor land-use decisions can lead to an increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead.
- NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that we resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Middle Township a truly sustainable community. Furthermore,
- We have included these principles in the most recent master plan revision and reexamination report and will continue to update our land-use zoning, natural resource protection, and other ordinances accordingly.
  - Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when land-use decisions.
  - Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles through, when planning transportation projects and reviewing development applications. We have and will continue to reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.
  - Natural Resource Protection – We have completed a Natural Resources Inventory to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning. We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources.
  - Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.
  - Housing Options - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.
  - Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.
  - Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bike-ability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.
16. RESOLUTION NO. 592-11 – AUTHORIZING STREET OPENING PERMIT WAIVER – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Committeemember Lockwood abstain
- WHEREAS, Local Ordinance Section 215-15D does not allow for any road opening permit for any road that has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except in an emergency situation; and WHEREAS, Susan DeLosso, residing at 5 N. Boyd Street, also known as Block 233, Lot 7, in Cape May Court House, purchased her home on July 31, 2008, just before Boyd Street was reconstructed and was therefore not informed that the reconstruction was to take place, and if she had been she would have at that time had a natural gas line installed to her home; and WHEREAS, after making other improvements to her property, and delaying the conversion to natural gas, Ms. DeLosso now wishes to convert from propane to natural gas heat, the difference between the two types of fuel being a cost savings of thousands of dollars during the life of the heating unit; and WHEREAS, in order to make the conversion, Ms. DeLosso needs a road opening permit to install a natural gas line from the road to her home;
- NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds:
1. That the unfortunate coincidence of Ms. DeLosso purchase of the home and the reconstruction of Boyd Street, and the significant price difference between propane and natural gas, combine to create a hardship on Ms. DeLosso; and
  2. That at the time that this Resolution was approved, nearly 40 months have elapsed since the reconstruction of Boyd Street; and
  3. That an exception to the 5 year moratorium is appropriate in this circumstance; and

4. That the Public Works Director and/or the Municipal Clerk is hereby directed to issue a road opening permit for Block 233, Lot 7 for the purpose of installing a natural gas line, pending the submission of an application, correct fees and bonding associated therewith.

17. RESOLUTION NO. 593-11 – CANCELING OUTSTANDING CHECKS – GENERAL ACCOUNT – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, there are certain checks that have been outstanding in the Middle Township General Account for a period of more than six months, and  
WHEREAS, it is the desire of the Township Treasurer to return these funds to the Middle Township General Account.  
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 the following checks be and hereby are canceled and will be returned to the General Account of the Township of Middle.
- |                 |                            |          |
|-----------------|----------------------------|----------|
| General Account |                            |          |
| 47808           | 01/19/11 Brian Hermann     | \$125.00 |
| 47848           | 01/19/11 Pawlus, Claudio   | \$8.75   |
| 48513           | 03/21/11 Perles, Joseph A. | \$200.00 |
18. RESOLUTION NO. 594-11 – RELEASE PERFORMANCE BOND – LIME CREEK LLC. – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, \$48,967.50 is being held as a performance guarantee of Lime Creek LLC for Block 333 Lot 15, 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 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 \$48,967.50 is hereby released.
19. RESOLUTION NO. 595-11 – APPROVE RETURN FROM LEAVE OF ABSENCE – FRANK IERVANTE – 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 the leave of absence for Frank Iervante has ended and authorization for return to work on November 23, 2011 has been approved.
20. RESOLUTION NO. 596-11 – APPROVE CHANGE ORDER NO. 1 – FORT APACHE ROBERT “OCKIE” WISTING RECREATIONAL FACILITY IRRIGATION WELL – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, the Fort Apache Robert “Ockie” Wisting Recreational Facility Irrigation Well project was awarded November 16, 2009 via Resolution No. 478-09 to Uni-Tech, Inc., and  
WHEREAS, due to various complications with the project, and work necessary by both Atlantic City Electric and Verizon on the site, the project has taken longer than expected.  
WHEREAS, a change order for electrical work towards the hook-up of said well is necessary to complete the project.  
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 #1 for the project awarded to Uni-Tech Inc. be and is hereby approved in the amount of \$5,180.00.
21. RESOLUTION NO. 597-11 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ELIZABETH TARENİK – ENVIRONMENTAL CONSULTANT FOR ENVIRONMENTAL COMMISSION – 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 Agreement between Elizabeth Terenik and the Township of Middle for the position of Environmental Consultant for the Environmental Commission, 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.  
BE IT FURTHER RESOLVED, that Elizabeth Terenik 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, based on the fact that Mrs. Terenik has indeed already been awarded various contracts where the aggregate amount is over \$17,500.00, and said Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.  
FURTHER RESOLVED that this contract will prohibit Elizabeth Terenik from making any reportable contributions through the term of this contract, and  
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.  
Elizabeth Terenik – Environmental Consultant to Environmental Commission – Not to exceed \$2,500.00

22. RESOLUTION NO. 598-11 – APPROVAL FOR PAYMENT TERMINAL LEAVE – PAUL FRITSCH – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
 WHEREAS, Paul Fritsch has retired with an effective date of December 1st, 2011, and  
 WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, and personal time, 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.  
 Paul Fritsch

vacation	366	56.35	20,624.10
sick	1137.5	56.35	64,098.13
personal	22	56.35	1,239.70
comp	0	56.35	0
total			85,961.93

23. RESOLUTION NO. 599-11 – APPOINTMENT –NEW HIRE – DEPUTY CHIEF FINANCIAL OFFICER – 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 employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Susan Anastasio- Quinones	Finance	Deputy Chief Financial Officer	\$60,000.00	12/8/2011

24. RESOLUTION NO. 600-11 – REFUND OF TAXES – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

Refund is due to a New Jersey State Tax Court Appeal for 2011 taxes

Account	block	lot	OWNER/LOCATION	AMOUNT
15115	355.01	16	United Realty LLC 1135 Rte 9 S	\$3,567.50

Make check payable to:  
 Michael I. Schneck, Trustee for United Realty LLC  
 301 South Livingston Avenue Suite #105  
 Livingston, N.J. 07039

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.

25. RESOLUTION NO. 601-11 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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
Romeleotes LLC.	1177 Rte 9 S	355.02/23	\$347.30
Charles T. Rich c/o C. Scott	15 Fishing Creek	166/51	\$347.30
Richard J. Sr. & Regina R. Anderson	17 Fishing Creek	166/52	\$347.30
Anthony J. Cunha	9 S. 8th Street	411/11	\$76.61

Alice M. Giannusso	10 Woodcock Ln.	48/16	\$76.61
Herbert T. Jaudon	301 Goshen Road	60/11	\$109.47
Christine L. Fritsch	28 Park Ave	400/12	\$104.26
Henry Michael Jr.	9 S. 5th Street	408/12	\$109.47

26. RESOLUTION NO. 602-11 – TABULATION COMMITTEE – DISPOSAL OF RECYCLABLE MATERIALS TAKEN TO CLASS B RECYCLING FACILITIES – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Mark Mallett, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on December 28, 2011 at 1:00 PM in the Middle Township Municipal Building, 2ND Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
 DISPOSAL OF RECYCLABLE MATERIALS TAKEN TO CLASS B RECYCLING FACILITIES
27. RESOLUTION NO. 603-11 – TABULATION COMMITTEE – MATERIALS PICKED UP OR DELIVERED FROM CLASS B FACILITIES – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Mark Mallett, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on December 28, 2011 at 1:00 PM in the Middle Township Municipal Building, 2ND Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
 MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES
28. RESOLUTION NO. 604-11 – APPROVAL FOR PAYMENT CASH OUT SICK LEAVE – VARIOUS EMPLOYEES – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township allows the cash out of accumulated sick time by employees who meet the guidelines set forth in the personnel policy manual, and  
 WHEREAS, final payment is requested to be made on December 9, 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 employees in the amount referenced below.
- |                     |        |            |
|---------------------|--------|------------|
| William Barger      | 4 Days | \$863.44   |
| Christopher Camp    | 5 Days | \$977.70   |
| William Mayerson    | 4 Days | \$354.24   |
| Andrew Smith        | 5 Days | \$1,020.00 |
| Mark Mallett        | 5 Days | \$1,824.25 |
| Dawn Stimmel        | 4 Days | \$656.40   |
| Elizabeth Keen      | 5 Days | \$729.05   |
| Raymond Scott Klecz | 40 Hrs | \$592.80   |
| Sean McDevitt       | 40 Hrs | \$934.40   |
| Lee Ann Russ        | 5 Days | \$1,258.60 |
| David May           | 5 Days | \$856.10   |
| Marilyn Miller      | 5 Days | \$598.25   |
| Deborah Dunbracco   | 5 Days | \$662.25   |
| Donald Ardnt        | 5 Days | \$1,199.80 |
29. RESOLUTION NO. 605-11 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH FAIR AND OPEN PROCESS – PARKER MCCAY – 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 Parker McCay and the Township of Middle for the conflict attorney services be and is hereby ratified and the contract is hereby awarded through the Fair and Open Process as described in Pay-To-Play Statutes in the amount not to exceed \$10,000.00.  
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
30. RESOLUTION NO. 606-11 – REQUESTING CAPE MAY COUNTY FREEHOLDERS CONSIDER SUBMITTING A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM LOCAL GOVERNMENT ASSISTANCE APPLICATION FOR LAND ACQUISITION AND PARK DEVELOPMENT – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
 WHEREAS, Cape May County is eligible to receive up to \$900,000 for land acquisition and park development for the County Open Space and Farmland Preservation Program by applying for a matching grant offered through NJDEP Green Acres Program; and  
 WHEREAS, Green Acres matching grant funding can be used to acquire land for recreation and conservation purposes including ocean, bay and/or river waterfront, or a lake, pond, beach or stream that provides opportunity for physical and visual public access, swimming, water sports,

fishing and/or boating; a natural area such as a wildlife preserve, forest and/or wetland that provides opportunity for conservation, nature observation, water quality and water supply protection, camping and/or hiking; an historic property; or land suitable for playgrounds, athletic fields, and other types of active and passive outdoor recreation facilities or opportunities; and WHEREAS, Green Acres loan funding can be used for the development of land for outdoor recreation and conservation purposes, which must be accessible to the public; and WHEREAS, nineteen other counties in the state regularly apply for and receive matching funds from the State Green Acres Program; and WHEREAS, on November 9, 1989, Cape May County voters approved by a two to one margin, a ballot question endorsing the establishment of a trust fund to preserve open space and agricultural lands; and WHEREAS, the Trust is funded by a county property tax of one cent per \$100 of assessed valuation and raised \$5.5 million toward land preservation last year; and WHEREAS, the 2007 Cape May County Open Space and Recreation Plan recognizes that open space is of special importance to the County's future; and WHEREAS, the 2007 Cape May County Open Space and Recreation Plan recognizes that the County has an open space deficit of 4,001 acres and is in need of additional public recreational land and open space and therefore, recommends the maintenance and expansion of the existing County Park System, and the continuation of the County's Open Space Preservation Program in conjunction and coordination with other public and private open space preservation programs; and WHEREAS, the County Comprehensive Plan states that the County Open Space and Farmland Preservation Program, in conjunction with State Green Acres and other programs and land trust, is expected to reduce the County open space deficit; and WHEREAS, two goals of the Open Space and Recreational Plan are to encourage coordinated open space and recreational; planning, acquisition and development initiatives of state, county, and local governments and conservation organizations; and to effectively use funds from the Cape May County Open Space and Farmland Preservation Program, and other sources of funding that may become available; and WHEREAS, ecotourism in Cape May County generates over \$522 million annually; and WHEREAS, over \$260 million was approved through the last funding round of the "2009" Green Acres Bond Act" for local government open space acquisition and park development projects; and NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, at the request of the Middle Township Environmental Commission, we hereby request the Cape May County Freeholders to consider submitting an NJDEP Green Acres Program Local Government Assistance Application for Land Acquisition and Park Development.

31. RESOLUTION NO. 607-11– AUTHORIZING TOWNSHIP TO EXCEED STATUTORY 60-DAY BID LIMITATION – CONTRACT AND MANAGEMENT SERVICES FOR THE TOWNSHIP OF MIDDLE, NEW JERSEY, MUNICIPAL WASTEWATER SYSTEMS – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, it was deemed necessary and desirable to solicit for bids for management services towards the Township of Middle Municipal Wastewater System, and WHEREAS, the Township received bids on October 18, 2011 at 2:00 PM for said project, and WHEREAS, NJSA 40A:11-24 delegates the time table for making awards and returning deposits, and WHEREAS, statute states that the contracting unit shall award or reject the contract in no case more than 60 days after receipt, except that the bidders who consent thereto at the request of the contracting unit, be held for consideration for such longer period as agreed, and WHEREAS, there was language in said proposal that outlined a 90-day review timeframe for said project, in which the bidder had consented to when bidding the project, and WHEREAS, the Township of Middle is scheduled to award the contract and does hereby wish to exceed said time frame until February 22, 2012, and WHEREAS, the Township has received written consent from the only bidder to retain bid documents for this additional timeframe. NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle is hereby authorize to extend the award time for the above referenced project until February 22, 2012.

32. RESOLUTION NO. 608-11 – TRANSFER OF FUNDS – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year,

NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2011:

From	Amount	To
Sanitary Landfill 1-01-32-465-465-373	\$ 500.00	Clerk S&W 1-01-20-120-120-111
Sanitary Landfill 1-01-32-465-465-373	\$3,000.00	Legal OE 1-01-20-155-156-249
Sanitary Landfill 1-01-32-465-465-373	\$1,000.00	Construction S&W 1-01-22-195-196-111

Public Works S&W 1-01-26-290-291-111	\$3,000.00	Public Works OE 1-01-26-290-291-299
Public Works S&W 1-01-26-290-291-111	\$3,000.00	Motor Pool OE 1-01-26-315-315-677
Group Insurance 1-01-23-220-220-411	\$40,000.00	Gasoline 1-01-31-460-460-475

### 33. PUBLIC COMMENT:

Committeemember Doughty indicated that Christmas in Court was a success. Tree donated by Knights of Columbus.

Committeemember Lockwood stated he was happy to have Tim Donahue in the audience tonight. Also, indicated that the township has yet to move forward with compliance plan for assessment of taxes in Middle Township. Talked to Ray Brown, disappointed that we have not moved forward. Also spoke of employment practices for new hires. "Seems irresponsible not to address." Did also enjoy Christmas in Court House.

Mayor DeLanzo indicated that compensation for assessor for compliance plan has been a "monetary moving target" and it was never a question of not putting it forward.

Committeemember Doughty indicated that he prides himself in getting Public Works down to 10 people. There are times doors are closed because we have not hired.

Committeemember Lockwood indicated that in order to take care of the compensation issue with the compliance plan we could do a resolution that would pay normal overtime rates.

Mr. Pickering indicated that it doesn't hurt to wait another 2 weeks. Asked Committeemember Lockwood to put forward proposal to consider in next 2 weeks.

Vilma Pombo thanked committee for passing item #30.

Frances Deerlove expressed concern that Leonard's Lane is not on the list of roads to be repaved.

Mr. Orlando indicated that Leonard's Lane should be lumped in with Avalon Blvd. to be repaired since it is in poor condition.

Mr. Deerlove brought up issue again regarding asphalt that was dumped at the end of Leonard's Lane. Mr. Mallett was supposed to get copies of permits for him to review from DEP. Mr. Mallett had indicated to him (Deerlove) that he had given permission to dump the asphalt.

Mr. Mallett stated that when Mr. Dooley approached him he called Mr. Alexis, who indicated that it was past practice. Mallett agreed he gave the approval.

Miles Truesdale thanked committee and engineer with paving on Avalon Blvd. Turned out well. Asked what the next step was in the temporary sign ordinance.

Mr. Pickering to look into it.

Elizabeth Terenik spoke of grant that funded her position with Environmental Commission.

Jon Hand- looking for answers on billing issue with Hurricane.

Mr. Pickering indicated that he would have an answer one way or another at the next meeting.

Jessica Dare spoke on having more open space and congratulated committee on moving forward with open space plan.

Barb Cresse – received a call that David May was working on Christmas Wreaths during the working day. She will be filing a complaint with the Ethics Board. Has seen him getting a haircut and eye exam during the work day.

There being no further business the meeting was adjourned at 7:25pm.