

Cape May Court House, NJ
January 19, 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, Deputy Township Clerk Dawn Stimmel, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando

1. RESOLUTION NO. 43-11 – RECOGNIZING MAYORS APPOINTMENTS TO ENVIRONMENTAL COMMISSION - On motion by Mayor DeLanzo seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted. Committeemember Lockwood abstained.

WHEREAS, Township Committee recognizes that pursuant to statute and local ordinance the appointments to the environmental commission are made by the mayor; and

WHEREAS, for purposes of recognizing those appointments and for sound record keeping, Township Committee recognizes the following appointments.

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 following person be and are hereby appointed to the Environmental Commission for the term opposite their name:

NAME TERM EXPIRES

| | |
|----------------------------------|-------------|
| Steve Russell, Chairperson | 12/31/2013 |
| Gary Farrow | 12/31/2013 |
| Rachel Reed | 12/31/2013 |
| Steve Atzert | 12/31/2012 |
| Christine Kobielnik | 12/31/2012 |
| Lillian Armstrong | 12/31/2011 |
| (TBD) (Member of Planning Brd.) | *12/31/2011 |
| Bob Jackson, Alt. Member #1 | 12/31/2012 |
| Vilma Pombo, Alt. Member #2 | 12/31/2012 |

*Member of the Planning Board, to serve as member of Environmental Commission, to be appointed at a later date once decision is made.

2. SWEARING IN OF NEW MEMBERS

3. PRESENTATION – DALE FOSTER, COUNTY OF CAPE MAY

Re: Shunpike/ Oyster Road Traffic Study

Senator VanDrew: Stood up and said they will do what they can to help the people on Shunpike and Oyster Rd.

Dale Foster, Cape May County Engineer, along with Ron Meltrekio of Stanteck gave results of their field investigation into accidents that have happened on Shunpike Road near Oyster Road. Applied national standards.

Recommendation: Lower speed limit from 50 MPH to 45 MPH, do striping and signage, with most important being restriping on Oyster Road. Does not warrant traffic signal.

Dale Foster stated they will implement as quickly as possible. Will continue monitoring.

Jerry Thornton: This has been top priority. Want to make roadway as safe as possible by addressing problems within the legal parameters.

Gail White: Questioned lines being put on Shunpike and a passing zone that is near 4 way stop.

Virginia Gillespie: Questioned if anyone has ever driving eastbound on Oyster and tried to cross over Shunpike when there was no construction going on.

Ron Meltrekio: No, he had done this when construction was in progress

Virginia Gillespie: Should be double lines all the way down Shunpike. Questioned whether there were any other plans for another egress for residents on Oyster.

Mark Mallett: Exploring various options.

Dan Mihal: Question on egress also, need another way to get out. Questioned proposed building of 500 seat dinner theater...question on shoulder of Secluded Hollow Road, why can't they do something like that on Oyster Rd.

Dale Foster: Secluded Hollow Road shoulder was condition of site plan.

Phyllis Harry: Traffic cut down with all of the construction and will increase when construction done.

Virginia Gillespie: Pavement on northwest side of Oyster is bad at entrance.

Mayor DeLanzo: Will send public works out to check. Questioned if flashing light on curve to Oyster would be advantageous.

Ron Meltrekio: There are highly reflective lights on the signs...maybe consider street light near the sign.

Curtis Williams: Questioned if site triangle would be maintained.

Delores Spaulding: Indian Trail speed limit. Stump in middle of driveway at Sr. Center.

Mayor DeLanzo: Will look into this.

4. 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 questions.

5. RESOLUTION NO. 44-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeeman Lockwood seconded by Committeeman 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. \$ 538,827.17

6. RESOLUTION NO. 45-11 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Albrecht & Heun/ Future Mining & Recycling) – On motion by Committeeman 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. \$ 28,950.41

7. RESOLUTION NO. 46-11 – APPROVING PAYMENT FOR BILLS – BILL LIST C (Anzelone Electric) – On motion by Mayor DeLanzo seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted. Committeemember Lockwood 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. \$479.00

8. RESOLUTION NO. 47-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

9. REPORTS: The following departments have submitted their reports for the months indicated: Zoning Official for the month of December and year end; Municipal Court for the month of December; Treasurer for the month of December; Tax Collector for the month of December; Municipal Clerk for the month of December & year end.

10. ORDINANCE NO. 1374-11 - APPROPRIATING THE SUM OF \$230,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF POLICE COMPUTER EQUIPMENT AND SOFTWARE, HVAC SYSTEM FOR RECREATION, RESURFACE GYM FLOORS, GPS UNITS FOR PUBLIC WORKS, FINGERPRINT SCANNERS AND DOCUMENT SCANNERS FOR ZONING AND CLERK - On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, Ordinance No 1374-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 02/23/2011 at 6:00 p.m.
 BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:
 Section 1. There is hereby appropriated the sum of \$217,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey (“Township”) for the acquisition and installation of the following capital equipment to be utilized by various departments: (i) police computer hardware and software (\$68,000); (ii) recreation HVAC system and resurface gym floor (\$108,000); (iii) public works GPS units (\$20,000); (iv) zoning and clerk document scanners (\$21,000).
 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. 48-11 – TRANSFER OF FUNDS – RESERVES – On motion by Committeeman Lockwood seconded by Mayor DeLanzo 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 2010:
 Social Security \$10,000 Tax Assessor OE
 0-01-36-471-471-453 0-01-20-150-150-249
 Social Security \$ 5,000 Street Lighting
 0-01-36-471-471-453 0-01-31-435-435-475

12. RESOLUTION NO. 49-11 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JOSEPH RAVITZ – On motion by Committeeman Lockwood seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, Joseph Ravitz has retired with an effective date of August 1st, 2010, and has requested to be paid said time in 2011;
 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 Chief Financial 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.

| | | | |
|---------------|--------|----------|-------------|
| Joseph Ravitz | | | |
| sick | 260.00 | \$309.34 | \$80,428.40 |
| vacation | 50.50 | \$309.34 | \$15,621.67 |
| Total | | | |
| Due | | | \$96,050.07 |

13. RESOLUTION NO. 50-11 – APPROVAL FOR PAYMENT TERMINAL LEAVE – RICHARD MCHALE – On motion by Mayor DeLanzo seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, Richard McHale has retired with an effective date of January 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 Chief Financial 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.

| | | | |
|----------------|-------|---------|-------------|
| Richard McHale | | | |
| sick | 262.5 | \$45.50 | \$11,943.75 |
| comp | 145.5 | \$45.50 | \$6,620.25 |
| personal | 24 | \$45.50 | \$1,092.00 |
| Vacation | 226 | \$45.50 | \$10,283.00 |
| Total | | | |
| Due | | | \$29,939.00 |

14. RESOLUTION NO. 51-11 – APPROVAL FOR PAYMENT TERMINAL LEAVE – MARK DEVICO – On motion by Mayor DeLanzo seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, Mark DeVico has retired with an effective date of January 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 Administrator 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.

| | | | |
|-------------|--------|---------|-------------|
| Mark DeVico | | | |
| sick | 899.00 | \$45.50 | \$40,904.50 |
| comp | 10.00 | \$45.50 | \$455.00 |
| Total | | | |
| Due | | | \$41,359.50 |

15. RESOLUTION NO. 52-11 – SALARY CORRECTIONS – STATUTORY EMPLOYEES – On motion by Mayor DeLanzo seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, it is necessary to adjust the salaries of specific statutory employees;
 NOW THEREFORE BE IT RESOLVED that the Township of Middle hereby amends the salaries of the named employees for the years listed below.

| | | Base | Long Amt | Total |
|-----------------|-------------------------|----------|----------|----------|
| 2007 | | | | |
| Tracey Taverner | Chief Financial Officer | \$61,502 | \$2,460 | \$63,962 |
| 2008 | | | | |
| Tracey Taverner | Chief Financial Officer | \$63,347 | \$2,534 | \$65,881 |
| 2009 | | | | |
| Tracey Taverner | Chief Financial Officer | \$65,247 | \$3,915 | \$69,162 |
| Sandra Beasley | Tax Collector | \$57,653 | \$3,459 | \$61,112 |
| 2010 | | | | |
| Tracey Taverner | Chief Financial Officer | \$65,410 | \$3,925 | \$69,335 |
| Sandra Beasley | Tax Collector | \$57,797 | \$3,468 | \$61,265 |
| Kimberly Krauss | Township Clerk | \$55,138 | | \$55,138 |
| 2011 | | | | |
| Tracey Taverner | Chief Financial Officer | \$65,410 | \$3,925 | \$69,335 |
| Sandra Beasley | Tax Collector | \$57,797 | \$3,468 | \$61,265 |

16. RESOLUTION NO. 53-11 – CANCELLATION OF TAXES – On motion by Committeeman Lockwood seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted.

CANCELLATION OF TAXES AS PROPERTIES ARE EXEMPT

| ACCT # | BLOCK | LOT | NAME/LOCATION | 2011 |
|--------|--------|------|--|----------|
| 17159 | 52 | 2.02 | United States of America 24 Bucks Ave | 30.38 |
| 5141 | 313 | 16 | State of NJ DEP 603 Stone Harbor Blvd | 6.83 |
| 5142 | 313 | 17 | State of NJ DEP Stone Harbor Blvd | 6.83 |
| 5143 | 313 | 18 | State of NJ DEP 607 Stone Harbor Blvd | 6.83 |
| 5144 | 313 | 19 | State of NJ DEP 609 Stone Harbor Blvd | 6.83 |
| 257 | 5 | 96 | Nature Conservancy Swainton Goshen Rd | 2,118.46 |
| 18279 | 167.01 | 119 | United States of America 160 Rte 47 S | 3,701.20 |
| 910 | 38.01 | 5 | United States of America Beach Ave | 180.59 |

17. RESOLUTION NO. 54-11 – REFUND OF TAXES – On motion by Committeeman Lockwood seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted.

Refund due to Mr. Deprinzio is a 100% Disabled American Veteran and is tax exempt as of November 9, 2010

| BLOCK | LOT | OWNER/LOCATION | AMOUNT | ck# |
|-------|-----|--|--------|-----|
| 472 | 72 | Vincent De Prinzio 220 Rte 47 S Cape May Court House, NJ 220 Rte 47 S | 236.67 | |

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.

18. RESOLUTION NO. 55-11 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Mayor DeLanzo seconded by Committeeman 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 |
|--------------|---------------|--------------------------|------------|
| Joseph Russo | Public Safety | PS Telecom. Operator P/T | 12/28/2010 |

19. RESOLUTION NO. 56-11 – ACCEPTANCE OF DEED RETURNING PROPERTY TO THE TOWNSHIP OF MIDDLE IN LIEU OF FORECLOSURE- On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, on or about December 15, 2005, pursuant to a public land sale auction, Borrower purchased certain lands and premises from the Township of Middle for a purchase price of Six Million Five Hundred Thousand (\$6,500,000.00) Dollars and received a Deed from the Township of Middle for said property dated December 15, 2005, which Deed was recorded in the Office of the Clerk of Cape May County on December 30, 2005 in Book 3207 of Deeds at Page 219; and WHEREAS, on or about December 15, 2005, in connection with the said land purchase, Borrower executed and delivered to Mortgagee a certain Mortgage Note (the "Note") in the principal amount of Four Million Five Hundred Thousand (\$4,500,000.00) Dollars dated December 15, 2005; and

WHEREAS, as security for the Note, Borrower executed and delivered to Mortgagee a Purchase Money Mortgage (the "Mortgage") in the face amount of Four Million Five Hundred Thousand (\$4,500,000.00) Dollars dated December 15, 2005 and recorded on December 30, 2005, in the Office of the Clerk of Cape May County in Book 4286 of Mortgages at Page 866 et seq., which Mortgage encumbered certain real property and improvements described therein, located in the Township of Middle, County of Cape May and the State of New Jersey; and

WHEREAS, also on December 15, 2005, Borrower executed and delivered to Mortgagee an additional Mortgage securing Mortgagee's rights in sale proceeds of each unit that exceeds 100 units, which Mortgage was recorded in the Office of the Cape May County Clerk on December 30, 2005 in Book 4286 of Mortgages at Page 876, etc; and

WHEREAS, by written agreement dated December 18, 2006, the Mortgagee granted unto the Borrower a Release of Part of the Mortgaged Property from the aforementioned Mortgage

recorded in Mortgage Book 4286 at Page 866, etc., which release was recorded on April 9, 2007, in the Office of the Clerk of Cape May County in Book of Releases 144, at Page 448; and WHEREAS, on or about April 17, 2008, the Township of Middle instituted litigation against Frank Carpino upon the said Note/Mortgage. Subsequently, the litigation was dismissed in consideration of a written agreement dated November 13, 2008, whereby the Mortgagee and the Borrower agreed to a modification and extension of the Mortgage Note and Mortgage that provided inter alia that the payment of the remaining principal balance was due and payable with any accrued interest on December 15, 2010; and WHEREAS, the Township of Middle received a deposit payment on the purchase of the property from the Borrower in the amount of Two Million (\$2,000,000.00) Dollars and has received principal payments on the Mortgage in the additional amount of Two Million Six Hundred Fifty Thousand (\$2,650,000.00) Dollars, plus interest; and WHEREAS, the outstanding principal indebtedness of Borrower under the Note and Mortgage is \$1,850,000.00, together with interest calculated as of December 15, 2010, in the sum of \$111,000.00, for a total of \$1,961,000; and WHEREAS, the Borrower has informed the Mortgagee that the Borrower has not made the payment due on December 15, 2010 and has expressed a willingness to execute and deliver a Deed to the Mortgagee for the property which is still subject to the Mortgage, not including the property which was released from the Mortgage; and WHEREAS, the Township has determined that would outweigh any benefit and that any attempt to obtain the money from the mortgagor would be speculative; NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that: That the Mayor and municipal solicitor are hereby authorized to sign any documents necessary to take this property back in lieu of pursuing a foreclosure, including a settlement agreement and mortgage dismissal, and also to accept and record the deed.

20. RESOLUTION NO. 57-11 – APPROVE CHANGE ORDER NO. 1 – SHANNON OAKS/ ELLA AVENUE DRAINAGE IMPROVEMENTS – On motion by Committeeman Lockwood seconded by Committeeman 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. 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 Landberg Construction LLC be and is hereby approved in the amount of \$22,569.00.

21. RESOLUTION NO. 58-11 – APPOINTMENT – NEW HIRE – RECREATION ATTENDANT PART TIME – On motion by Committeeman 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, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite their name:

| NAME | DEPARTMENT | TITLE | SALARY | EFF. DATE |
|-----------------|-----------------------|--------------------------|-----------|------------|
| Frank Dougherty | Recreation Department | Recreation Attendant P/T | \$10.00ph | 01/19/2011 |

22. RESOLUTION NO. 59-11 – AUTHORIZING STIPEND – WOODBINE COURT – On motion by Mayor DeLanzo seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted. Committeeman Lockwood abstained.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the following yearly stipends are hereby authorized in connection with the shared services agreement between the Township of Middle and the Borough of Woodbine for Municipal Court services:

| | | |
|---------------------|---|------------|
| Judge George Neidig | Judge - Shared Municipal Court | \$7,000.00 |
| Cindy Lutes | Shared Court Municipal Court Administrator | \$5,000.00 |
| Marian Ragusa | Shared Court Municipal Prosecutor | \$4,000.00 |
| Carol Fiore | Shared Court Clerk Typist | \$2,000.00 |
| Elizabeth Keen | Shared Court Deputy Municipal Court Administrator | \$2,000.00 |
| Anthony Harvatt | Shared Court Municipal Public Defender | \$2,000.00 |

BE IT FURTHER RESOLVED, that said stipends are effective beginning January 1, 2011

23. RESOLUTION NO. 60-11 – AMEND DONATION OF TIME FOR FELLOW EMPLOYEE – On motion by Mayor DeLanzo seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted. WHEREAS, Resolution No. 518-10 was approved on December 20, 2010 authorizing the donation of time for George Seabrook by a fellow employee, and WHEREAS, while reconciling time for the Sewer Department the Personnel Director noticed an error in the calculation of time for George Seabrook, and WHEREAS, due to this error an additional day must be donated to George Seabrook. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, that the request from the following Middle Township employee, to relinquish the following amount of time to George Seabrook, be and hereby is approved:

| EMPLOYEE NAME | TYPE OF DAY | TIME DONATED |
|---------------|-------------|--------------|
| Judy Lowe | Sick | 1 (2010) day |

NOW THEREFORE BE IT FURTHER RESOLVED, that the total amount of contributed time be credited to George Seabrook as Sick Days.

24. RESOLUTION NO. 61-11 – ACCUMULATED LEAVE – On motion by Committeeman Lockwood seconded by Committeeman Doughty 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 named persons be permitted to carry over accumulated vacation in excess of the one year permitted:

Lee Ann Russ ½ Vacation Day

25. RESOLUTION NO. 62-11 – AWARD OF BID – HOME REHABILITATION PROGRAM CONTRACTS 2010-1 THROUGH 2010-11 / REJECT BIDS CONTRACT 2010-6 – On motion by Committeeman Lockwood seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contract No. 2010-1 through 2010-11, and

WHEREAS, sealed bids were received on December 14, 2010 at 1:30 p.m., and

WHEREAS, it appears that the following bids submitted below represent a figure equal to the lowest bids received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contracts for the following Home Rehabilitation Programs be and hereby is awarded as described:

| Contract No. | Lowest RESPONSIBLE Bidder | Total Bid Amount | PO # |
|--------------|-----------------------------------|------------------|----------|
| 2010-1 | LGE Associates | \$18,095.00 | 21004032 |
| 2010-2 | LGE Associates | \$9,885.00 | 21004033 |
| 2010-3 | Total Property Management | \$14,730.00 | 21004031 |
| 2010-4 | Rainbow International Restoration | \$9,829.35 | 21004037 |
| 2010-5 | LGE Associates | \$4,750.00 | 21004034 |
| 2010-7 | Rainbow International Restoration | \$18,170.15 | 21004038 |
| 2010-8 | LGE Associates | \$20,230.00 | 21004035 |
| 2010-9 | Rainbow International Restoration | \$13,062.99 | 21004039 |
| 2010-10 | LGE Associates | \$13,283.00 | 21004036 |
| 2010-11 | Rainbow International Restoration | \$13,224.02 | 21004040 |

BE IT FURTHER RESOLVED, that all bids for Contract # 2010-6 were over the maximum amount eligible for award, therefore all bids for said contract are hereby rejected and this project will once again go out for bid at a later date.

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ see above has been bid for the following service or items housing rehab. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: R-23-56-880-000-011

PO# see above

26. RESOLUTION NO. 63-11 – RELEASE PERFORMANCE BOND – GREAT AMERICAN TROLLEY CO., INC. AND RICHARD ADELIZZI – On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$20,000.00 is being held as a performance guarantee of Great American Trolley Co., Inc. and Richard Adelizzi for Block 466.01 Lot 9 & 10; Bayshore Road, Del Haven.

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

WHEREAS, the Zoning Officer 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 \$20,000.00 is hereby released.

27. RESOLUTION NO. 64-11 – APPOINTMENT – SENIOR CITIZEN ADVISORY COUNCIL – On motion by Mayor DeLanzo seconded by Committeeman Doughty 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 person(s) be and is/are hereby appointed to the Middle Township Senior Citizen Advisory Council:

| NAME | TERM EXPIRES |
|----------------|--|
| Eduaro Iocca | 12/31/2011* Filling unexpired term of Hank Kyle |
| Florence Jones | 12/31/2011* Filling unexpired term of Dolores Spaulding |

28. RESOLUTION NO. 65-11 – RELEASE OF MAINTENANCE BOND – WILLIAM BROWN – On motion by Committeeman Lockwood seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, \$3,448.13 plus interest is being held as a maintenance bond of William Brown for Block 963, Lot 5, also known as an extension to a portion of Reeves Street, and
WHEREAS, the Engineer for the Township of Middle has conducted his site observation of the referenced area, and
WHEREAS, the Engineer for the Township of Middle has recommended that the bond be released, and
WHEREAS, it should be noted that these improvements have already been accepted into the Township Road System via Resolution 551-08, and
WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$3,448.13 be released.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond in the amount of \$3,448.13, plus any interest accrued, be and is hereby released.
29. RESOLUTION NO. 66-11 – APPROVE APPLICATION FOR BINGO LICENSE – RIO GRANDE VOLUNTEER FIRE COMPANY – On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Rio Grande Volunteer Fire Company has applied to Legalized Games of Chance Control Commission for Bingo Nights, and
WHEREAS, the location will be at, 1120 Rte 47 S, Rio Grande, NJ 08242, has been approved by the Middle Township Committee as an Amusement Game Zone, and
WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
WHEREAS, the proper application and fee have been received.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Bingo Night (with the dates listed on the form attached) at the location of 1120 Rte 47 S, Rio Grande, is hereby approved.
30. RESOLUTION NO. 67-11 – APPROVE APPLICATION FOR RAFFLE LICENSE – RIO GRANDE VOLUNTEER FIRE COMPANY – On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Rio Grande Volunteer Fire Company has applied to Legalized Games of Chance Control Commission for Raffle Nights(Annual Instant Raffle License), and
WHEREAS, the location will be at, 1120 Rte 47 S, Rio Grande, NJ 08242, has been approved by the Middle Township Committee as an Amusement Game Zone, and
WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
WHEREAS, the proper application and fee have been received.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the instant raffles sold at the location of 1120 Rte 47 S, Rio Grande, are hereby approved.
31. RESOLUTION NO. 68-11 – CLOSED SESSION - PENDING LITIGATION (ALBRECHT & HEUN; CONIFER); PURCHASE , LEASE OR ACQUISITION OF REAL PROPERTY– On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained.
WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and
WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and
WHEREAS, said Closed Session shall be held directly after this open session.
NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: PENDING LITIGATION (ALBRECHT & HEUN; CONIFER); LEASE OR ACQUISITION OF REAL PROPERTY
2.) The general nature of the subject matter to be discussed is as follows: PENDING LITIGATION (ALBRECHT & HEUN; CONIFER); LEASE OR ACQUISITION OF REAL PROPERTY
3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED
4.) This Resolution shall take effect immediately.
32. RESOLUTION NO. 69-11 – 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 |
|------------------|------------------------------|-------------|----------|
| Thomas J. Neider | 7 N. 11 th Street | 397/22 | \$143.74 |

33. RESOLUTION NO. 70-11– SALARY ADJUSTMENT – 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 employee salary will be amended to the amount opposite their name and retroactive to the date specified below:

| NAME | TITLE | SALARY | EFF. DATE |
|---------------|--------------------------|-------------|------------|
| George Neidig | Judge of Municipal Court | \$35,000.00 | 01/01/2011 |

34. RESOLUTION NO. 71-11– AWARDING CONTRACT UNDER NON-FAIR AND OPEN PROCESS – VAN NOTE-HARVEY – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to enter into a contract with Van Note-Harvey, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations, for services towards parcel maintenance with the GIS System, and

WHEREAS, the proposal provided indicates that value of the agreement will not currently exceed \$17,500, and

WHEREAS, Van Note-Harvey has submitted a proposal indicating that the services as outlined in proposal towards parcel maintenance shall not exceed \$12,000.00, and

WHEREAS, Van Note- Harvey 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 Van Note-Harvey 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

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$12,000.00 has been bid for the following service or items parcel maintenance. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: t-17-00-889-000-016 \$3,300.00 ; 0-01-20-150-150-249 \$8,700.00
PO# 2110019

35. RESOLUTION NO. 72-11 – 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, it has been deemed necessary and desirable to solicit bids for improvements to the Middle Township Parking Lot, and

WHEREAS, sealed bids were received on December 14, 2010 at 1:00 PM, and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.

BASE BID & ALTERNATE NO. 1 TOTAL

Midwest Construction & Painting, Inc. \$137,900.16

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.

FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer's Certification of availability of funds.

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ 137,900.16 has been bid for the following service or items parking lot. It is further certified that sufficient

funds are available from the following appropriation or ordinance to cover this contract: C-04-00-889-000-199 \$69,755.00; C-04-00-890-000-199 \$68,145.16 “As per M. Mallett charge to roads & drainage.
PO# 21004041

36. RESOLUTION NO. 73-11 – APPOINTMENTS – NEW HIRE – SPECIAL CLASS II POLICE OFFICERS – 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 | |
|-----------------|---------------|---------------------------------|------------------|------------|
| Steven McCullen | Public Safety | Special Class II Police Officer | \$10.50 ph | 01/19/2011 |
| Mary Champion | Public Safety | Special Class II Police Officer | \$10.50ph | 01/19/2011 |
| Scott Frazer | Public Safety | Special Class II Police Officer | \$10.50ph | 01/19/2011 |
| Peter Stencler | Public Safety | Special Class II Police Officer | \$10.50ph | 01/19/2011 |

37. RESOLUTION NO. 74-11 – DCRP CONTRIBUTION – MARK MALLET – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, certain township employees are not included in the state pension system, but are instead included in the state run DCRP program, an alternative retirement account; and WHEREAS, certain employees were not included in the DCRP by the Township, and thus those employees incurred lost investment opportunities; and

WHEREAS, the Township intends to make those employees whole, and to provide the lost investments in an amount based upon the Dow Jones average during the period when the employees were not included the DCRP,

NOW, THEREFORE, BE IT RESOLVED, that the Township contribute as matching funds to the DCRP account of Mark Mallett the sum or \$3,735.98, and that the Treasurer is hereby authorized to do what is necessary to make that contribution.

38. RESOLUTION NO. 75-11 – RESCINDING RESOLUTION NO. 41-11 AND AUTHORIZING SETTLEMENT PAYMENT – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

Whereas, Leon Linthicum is an employee of the Township of Middle, and

Whereas, pursuant to Resolution 165-10, a portion of a payment was made to Mr. Linthicum pursuant to an agreement to settle all disputes between Mr. Linthicum and the Township; and Whereas, another payment is due to Mr. Linthicum; and

Whereas, Resolution 41-11 approved January 5, 2011 inadvertently approved the incorrect amount due to Mr. Linthicum, and

Whereas, the final terms of any and all payments will be memorialized by a subsequent resolution which will address all of the various matters necessary to effectuate the terms of the applicable order;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Treasurer pay to Mr. Linthicum \$46,358.33, subject to the adjustment for all necessary taxes and other withdrawals as required by law including unemployment benefits reimbursement.

Committeeman Doughty: Nothing more to say...more snow.

Committeeman Lockwood: Supports Environmental Commission...is looking into how Board Secretaries are paid...not fair to pay same as those who do a lot of work. Four Class II officers is good idea.

Mayor DeLanzo: Attended Habitat for Humanity Home Dedication on Saturday...very proud of our community.

39. PUBLIC COMMENT:

Steve Russell (Chairman of the new Environmental Committee) – Guarantees there will be meetings of the Environmental Committee-pledged to be very aggressive.

Meeting adjourned 7:35 PM

Dawn Stimmel, Deputy Twp. Clerk