

Cape May Court House, NJ
May 2, 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 a representative from Engineering Design Associates.

1. *PINNING OF POPPY ON MAYOR*
2. *ARBOR DAY POSTER CONTEST WINNER PRESENTATION – BONITA MILLARD*
3. *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.)*
4. RESOLUTION NO. 220-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committee voted yes on bill list minus bills for Parker McCay.
Bill pay resolution amended to read:
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. \$ 2,364,747.52

5. RESOLUTION NO. 221-11 – APPROVING PAYMENT FOR BILLS – BILL LIST B (A&H/FMR) – 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 payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$ 1907.90

6. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST D (HATCH MOTT MACDONALD) – On motion by Mayor DeLanzo seconded by _____ and passed on roll call, the following resolution was adopted. **NO SECOND – RESOLUTION NOT MOVED.**
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. \$ 39,517.06

7. RESOLUTION NO. 222-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
8. REPORTS: The following departments have submitted their reports for the months indicated:
Finance Office for the month of March; Municipal Clerk for the month of April; Zoning Official for the month of April;
9. RESOLUTION NO. 223-11 – INSERTION OF A SPECIAL ITEM OF REVENUE – OVER THE LIMIT UNDER ARREST 2011 – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
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:

Over the Limit Under Arrest -- FY 2011 -- \$ 5,000.00

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

Over the Limit Under Arrest -- FY 2011 -- \$ 5,000.00

10. RESOLUTION NO. 224-11 – FORECLOSURE GROUP #188 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #187, be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of Certificates to Township Solicitor, James Pickering Jr., Esq. to proceed to Foreclose in Rem, the lands and premises covered by said certificates.

This Resolution hereby cancels Foreclosure Group 187.
11. RESOLUTION NO. 225-11 – ACKNOWLEDGING THE COMBINATION/CORRECTION OF SHELLBAY SHUNPIKE GOSHEN CREST HAVEN SANITARY SEWER PROJECT CONTRACTS AWARDED TO HATCH MOTT MACDONALD – SPECIFICALLY RESOLUTIONS 362-04, 366-04, 198-05 – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, The Township of Middle has had an ongoing sewer project commonly known as the SSGC project; and

WHEREAS, The Township of Middle awarded a contract to Hatch Mott McDonald for engineering services on the SSGC project pursuant to Resolution Number 198-05 in the amount of \$171,000.00; and

WHEREAS, The Township of Middle awarded a contract to Hatch Mott McDonald for engineering services on the SG project pursuant to Resolution Number 366-04 in the amount of \$236,000.00; and

WHEREAS, The Township of Middle awarded a contract to Hatch Mott McDonald for engineering services on the SC project pursuant to Resolution Number 362-04 in the amount of \$320,000.00; and

WHEREAS, the Township CFO has determined that the amount stated in said Resolutions should have been combined into one project as per USDA totaling \$566,000; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, that due to potential problems with the original resolutions the Township CFO shall hereby certify the SSGC project to the corrected amount and that the contract be affirmed and re-awarded in the correct amount.
12. RESOLUTION NO. 226-11 – AUTHORIZING THE TOWNSHIP OF MIDDLE TO MAKE APPLICATION FOR A SUBGRANT OF THE FEDERAL FISCAL YEAR 2011 OF DEPARTMENT OF HOMELAND SECURITY EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING – On motion by Mayor DeLanzo seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, Office of Emergency Management has been authorized to file application for a State Homeland Security Grant Program from the New Jersey State Police Office of Emergency Management. The EMAA Sub grant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing Township of Middle’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the EMAA Sub grant application incorporates all conditions and representations contained or made in application; and

WHEREAS, the Township of Middle, Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the Township of Middle -Office of Emergency Management adequately satisfies through the 2011 Township of Middle approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that Calvin Back, Sr., Emergency Management Coordinator and Jill Zarharchuck, Deputy Emergency Management Coordinator of the Township of Middle are hereby authorized to apply for the FY11 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Mayor of the Township of Middle; and the Emergency Management Coordinator are authorized to sign the appropriate sub grant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; Township of Middle Emergency Management Office.

13. RESOLUTION NO. 227-11 – REFUND OF TAXES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

Refund due to former owner filed appeal for 2009 and 2010 and the properties were sold during the settlement of the appeal

Account	BLOCK	LOT	OWNER/LOCATION	2009	2010
18681	1432	6 C0121	Conifer Greenbriar LLC 207 Seacrest Lane	418.94	589.05
18682	1432	6 C0122	Conifer Greenbriar LLC 205 Sea Crest Lane	418.94	589.05
18683	1432	6 C0123	Conifer Greenbriar LLC 203 Seacrest Lane	418.94	589.05
18684	1432	6 C0124	Conifer Greenbriar LLC 201 Seacrest Lane	418.94	589.05

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

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2009 and 2010 taxes.

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

14. RESOLUTION NO. 228-11 – DECLARING DEVELOPER IN DEFAULT ON PERFORMANCE GUARANTEE – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the Harbor Place Development had land use approvals for a development at Block 136, Lot 14; and
WHEREAS, pursuant to local ordinance and the Municipal Land Use Act, Harbor Place Development provided a performance guarantee in the form of a Tri-Party Allocation Category Agreement in the amount of \$561,627.00 posted with the Township on August 20, 2008; and
WHEREAS, the Tri-Party Allocation Category has not been drawn down, and the remaining amount is the original amount; and
WHEREAS, portions of the project have been started, but the project has not been completed, and those portions which were to be public improvements have not been completed; and
WHEREAS, the Township intends to complete the public improvements;
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle that Harbor Place Development is hereby deemed in default of its obligations as it has not completed this project but left it partially completed, that the appropriate Township Officials are hereby authorized to take whatever measures are necessary to carry out the purposes and intents of this Resolution, including but not limited to securing an amount less than the full amount of the Letter of Credit if in the opinion of the municipal engineer the amount is sufficient to protect the Township's interests and finish the project in a manner satisfactory to the municipal engineer.

15. ACKNOWLEDGEMENT OF RETIREMENT: Effective July 1, 2011 the following employees will retire: Rosalind Jefferson, Public Works Dept.; Judy Lowe, Sewer Department; Michael Elias, Police Department.

16. RESOLUTION NO. 229-11 – 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.

17. PUBLIC COMMENT:

Committeemember Doughty - Stone Harbor Golf Wine Tasting – tickets available. Benefits recreational programs.

Middle Township 7th Annual Drumfish May 20th & 21st also benefits recreational department. Last year 45 boats... since to be gaining 5 boats each year.

Opening day last Saturday.... Also paper shredding day brought in 12 tons and 3 tons of cardboard. 600 cars. Next one will be sometime in October.

Committeemember Lockwood - Earth Day mystery project through Council on the Arts. They need more bottles for project if public has any to donate.

Reiterated desire to appoint Tony Anzelone to Emergency Management.

Indicated that if no progress with signed settlement with Albrecht & Heun township should consider pulling back contract. Residents felt it was an unfair settlement. Time is running out on issue.

Mayor DeLanzo – Environmental Commission will also be present at Earth Day. Saturday is rabies clinic.. free for cats and dogs. 2-3pm

Larry Fields – Has heard that shooting machine at recreational center is going to be moved to Middle Township High School... why? Machine purchased through donations and money raised by basketball association. This machine would be isolated at the high school.

Clint Freeman – indicated that he agreed with Mr. Fields. With machine at high school the kids that it was bought for would not be able to use it. Why move it to another facility? High School kids could use it at the recreational center.

Committeemember Doughty indicated that money was donated by the Bellevue Tavern, Drumfish Tournament and the basketball association. The high school needs it for the summer for the Lamar Greer program and well as Mr. Lahey. Anyone who wants to use it get ahold of the high school and they will have someone there to open the building. We use their track, baseball field, etc. and have a wonderful working relationship. It's "wonderful to help someone in need" It would be coming back 1st of September. If other entities wanted to use it they could purchase their own.

Tracey Taverner – indicated that other schools use that machine at the rec. center and she didn't believe that the high school would welcome other schools they play against to use it at the high school.

Freeman – Asked how old the high schools machine was??

Sam Kelly – indicated that he once considered running for committee.. "So much closer". Nate just dismissed that man without fair representation. "I'm in guys."

Meeting was adjourned at 7:05pm.

Kimberly Krauss, Twp. Clerk