

Cape May Court House, NJ
May 7, 2012
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 Lockwood, Committeemember Donohue, Committeemember DeLanzo, Township Business Administrator Mark Mallett, Deputy Township Clerk Dawn Stimmel, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. PINNING A POPPY ON THE MAYOR – AMERICAN LEGION AUXILIARY UNIT 198
2. ANNOUNCEMENT BY MAYOR – MIDDLE TOWNSHIP BECOMING TREE CITY USA
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.)
NO COMMENTS.
4. REPORTS: The following departments have submitted their reports for the months indicated:
Municipal Clerk for the month of April;
Office of the Registrar
Construction Office
Zoning Office
Tax Collector
5. RESOLUTION NO. 196-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Donohue seconded by Committeewoman 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. \$ \$ 4,581,513.42
6. RESOLUTION NO. 197-12 - APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE) On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.
RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$ \$ 1,557.00

ABSTAINED: Mayor Lockwood
7. RESOLUTION NO. 198-12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeewoman DeLanzo seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Work Session and Regular Meeting, April 16, 2012.
8. RESOLUTION NO 199-12-DUPLICATE TAX SALE CERTIFICATE - On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
WHERE AS, Chapter 99 laws of 1997, requires authorization of the governing body for replacement and issuance of a duplicate tax sale certificate held by a third-party lien holder, which has been destroyed or lost.
Now, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Middle of the County of Cape May, State of New Jersey, hereby authorizes the Tax Collector, upon receipt of an

appropriate affidavit from the owner of the certificate, prepare a replacement certificate for Tax Sale Certificate # 2012-6584 and issued to the original lien holder known as:

US Bank Cust For Pro Capital I LLC
50 S 16th ST #1950
Philadelphia, Pa 19102

BE IT FURTHER RESOLVED, that this replacement certificate, duplicated in original form, shall be marked as "duplicate".

BE IT FINALLY RESOLVED, that a copy of said duplicate certificate shall be attached herewith, and a certified copy be forwarded to the Tax Collector and lien holder.

9. RESOLUTION NO 200-12 RETURN FROM MILITARY LEAVE - On motion by Committeewoman DeLanzo seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle that Matthew Martino is hereby authorized to return to work in the Department of Public Safety as a Police Officer from Military Leave effective May 22, 2012.

10. RESOLUTION NO 201-12-AUTHORIZING PURCHASE UNDER STATE CONTRACT-POLICE VEHICLES On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to purchase police vehicles, and

WHEREAS, through the State Contract Purchasing System, Contract # T-0098, these vehicles are available; and

WHEREAS, the total amount of the purchase for the two black and white vehicles is \$50,779.38, and the total amount for the one standard vehicle is \$23,220.69, and funds are available as evidenced by the Chief Financial Officer's Certification; and

WHEREAS, the vehicles being purchased by authorization of this resolution are Dodge Charger Pursuits.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the Police Department is hereby authorized to purchase three(3) aforementioned vehicles at a cost of \$74,000.07.

FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Charles S. Winner Inc.
Carmen Dodge
250 Haddonfield Berlin Road
Cherry Hill, NJ 08034-3409

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ 74,646.07 has been bid for the following service or items police vehicles. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 2-01-26-315-315-688

PO#21201061

11. RESOLUTION NO 202-12-APPOINTMENT-NEW HIRE-Brian Crispen- Class II Police Officer- On motion by Committeewoman DeLanzo seconded by Committeeman Donohue 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 her name:

NAME	DEPARTMENT	TITLE	SALARY EFFECTIVE
Brian Crispin	Public Safety	Class II Police Officer	\$ 10.50 ph 4/30/12

12. RESOLUTION NO. 203-12 AMEND RESOLUTION #149-12 -APPOINTMENT – EMERGENCY MANAGEMENT COORDINATOR- PAUL FRITSCH - On motion by Committeewoman DeLanzo seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the appointment of an Emergency Management Coordinator must be a 3 year term from date term became effective; so

THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following term expiration date be changed to reflect 3 year term below.

NAME	POSITION	TERM AFFECTIVE	TERM EXPIRES	SALARY
Emergency Management Coordinator	Paul Fritsch	3/19/12	3/19/15	\$4650.00

13. RESOLUTION NO. 204-12 AWARD OF LEASE AGREEMENT – GRASSY SOUNDS FISHING PIER - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids towards concessions for the Grassy Sounds Fishing Pier, and

WHEREAS, sealed bids were received on April 11, 2012 at 1:00 p.m., and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid 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 lease for the Grassy Sounds Fishing Pier Concession be and hereby is awarded to:

*Grassy Sounds Marina Operations LLC
Bid for 5 Years \$25,000.00*

14. RESOLUTION NO. 205-12 APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY- On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to apply for a project under the Safe and Secure Communities Program, and

WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Middle for the purpose described in the application.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:

- 1. As a matter of public policy the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety.*
- 2. The Attorney General of New Jersey will receive funds on behalf of the applicant.*
- 3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.*
- 4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law*

15. RESOLUTION NO. 206-2 APPOINTMENTS – VARIOUS BOARDS - On motion by Mayor Lockwood seconded by Committeeman Donohue 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 volunteer boards as indicated below

<i>NAME</i>	<i>BOARD</i>	<i>TERM EXPIRES</i>
<i>Jim Norris</i>	<i>Zoning Board Alt #1</i>	<i>12/31/13</i>
<i>Melanie Collins</i>	<i>Zoning Board Alt #2</i>	<i>12/31/12</i>

16. RESOLUTION NO. 207-12 – RELEASE PERFORMANCE BOND – WILDWOOD GOLF AND COUNTRY CLUB- On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$161,610.00 is being held as a performance guarantee of Wildwood Golf and Country Club for Block 356.01 Lot 30, and

WHEREAS, the Planning/ Zoning Board 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 \$161,610.00 is hereby released.

17. RESOLUTION 208-12- RELEASE OF PERFORMANCE BOND- MISCHISSIN- On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, \$35,970.00 is being held as a performance guarantee of Susan M. Miscvhisin, DMD, P.C. for Block 333 Lot 7, and
 WHEREAS, the Planning/ Zoning Board 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 \$35,970.00 is hereby released.

18. RESOLUTION 209-12-RELEASE OF TRUST ACCOUNTS- On motion by Mayor Lockwood seconded
 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.

19. RESOLUTION 210-12-APPROVAL FOR PAYMENT TERMINAL LEAVE-- On motion by Committeewoman DeLanzo seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, Christopher Murphy has retired with an effective date of May 1st, 2012, 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.

Christopher Murphy

<i>vacation</i>	<i>273.60</i>	<i>52.22</i>	<i>14,287.39</i>
<i>Sick</i>			
<i>(capped)</i>	<i>1,333.00</i>	<i>52.22</i>	<i>12,500.00</i>
<i>personal</i>	<i>40</i>	<i>52.22</i>	<i>2,088.80</i>
<i>comp</i>	<i>58</i>	<i>52.22</i>	<i>3,028.76</i>
<i>total</i>			<i>31,904.95</i>

I certify that the above figures are a true accounting of this time based solely on the documentation provided by the personnel department and that sufficient backup documentation is available for inspection.

 Susan Quinones, Deputy CFO

May 7, 2012

20. RESOLUTION 211-12-ACKNOWLEDGEMENT OF RESIGNATION- On motion by Committeewoman DeLanzo seconded by Committeeman Donohue 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.

<i>EMPLOYEE</i>	<i>DEPARTMENT POSITION</i>	<i>EFFECTIVE</i>
<i>Scott Fraser</i>	<i>Special Class II Officer</i>	<i>06/01/12</i>
<i>Nichole Arenburg</i>	<i>Special Class II Officer</i>	<i>05/05/12</i>

21. RESOLUTION 212-12-AMEND SALARY RESOLUTION- On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, salary ranges for officers and employees of this Township have been established by Ordinance No. 1403-12, and

WHEREAS, said ordinance further provides that the exact salary of each officer and employee shall be as determined from time to time by resolution of the Township Committee, and WHEREAS, it is necessary to amend salary resolution 13-12 to accommodate raises and promotions of various employees.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the attached schedule showing salaries and wages of the Township Employees shall constitute the salary Resolution for the year 2012, subject to such additions as may be made by Resolution of the Township Committee during the year 2012.

22. RESOLUTION 213-12-APPOINT NEW HIRE- CLERK TYPIST- On motion by Committeewoman DeLanzo seconded by Committeeman Donohue 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 his name:

<i>NAME</i>	<i>DEPARTMENT</i>	<i>TITLE</i>	<i>SALARY</i>	<i>EFFECTIVE</i>
<i>Alan Morris</i>	<i>Registrar</i>	<i>Clerk Typist</i>	<i>\$ 9.00 ph</i>	<i>May 8, 2012</i>

23. RESOLUTION 214-12 - CLOSED SESSION – LITIGATION-RAILROAD AVENUE PARTNERS; CONTRACTUAL MATTER-COAH TRUST FUND; UAW NEGOTIATIONS On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted

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:

2.) The general nature of the subject matter to be discussed is as follows:

LITIGATION- RAILROAD AVENUE PARTNERS

CONTRACTUAL MATTER-COAH TRUST FUND

NEGOTIATIONS - UAW

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.

**Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the following topic in closed session: Litigation- Railroad Avenue; Contractual Matter-COAH Trust Fund. This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist. The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.*

24. RE-INTRODUCTION OF ORDINANCE NO. 1408-12 - AN ORDINANCE AMENDING ORDINANCE 1403-12 - ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE- On motion by Mayor Lockwood seconded by Committeeman Donohue

and passed on roll call, Ordinance No 1408-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on June 4, 2012 at 6:00 p.m. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.

SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years of service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.

<i>Years of Service</i>	<i>Additional Compensation (Percent of Annual Salary)</i>
<i>5 years or more</i>	<i>2%</i>
<i>10 years or more</i>	<i>4%</i>
<i>15 years or more</i>	<i>6%</i>
<i>20 years or more</i>	<i>8%</i>
<i>25 years or more</i>	<i>10%</i>

Section 4 shall only apply to Township Employees hired before December 31, 1994.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2012 immediately upon final passage and publication according to law.

25. RESOLUTION AMENDING RESOLUTION #93-12 - FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES - PRE- EXISTING ENGINEERING PROJECTS – ENGINEERING DESIGN ASSOCIATES- On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted

WHEREAS, on February 6, 2012, Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 93-12, and

WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg to serve as Municipal Engineer at its January 2012 reorganization meeting, and

WHEREAS, there are numerous pre-existing engineering projects, which are in various states of completion, that have been serviced, from inception, by the previous Municipal Engineer, Engineering Design Associates (EDA), and

WHEREAS, the Committee believes it is in the best interest of the Township to allocate the responsibilities for the completion of said projects and related activities for the purposes of continuity and familiarity.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Engineering Design Associates (EDA) shall complete the remaining work required on said projects and activities as follows:

CONSTRUCTION MANAGEMENT STAGE

Project #	Job Name	Not to exceed contract amount
51242	Michael's Court Subdivision	\$7,000.00

Committeewoman DeLanzo acknowledged the police luncheon for retired officers at the Senior Center, said it was a very nice function. Also said last Friday's Spaghetti Dinner held by the Senior Advisory Committee was very successful. It was held at the Senior Center from 4:00 to 7:00 PM.

Committeeman Donohue spoke of the email he received from John Radzieta pertaining to 8 veterans whose cremated remains are still at the funeral home. They are looking to have a ceremony here in Middle Township before they are transported for burial. He would like to see Middle Township residents attend when this ceremony takes place to honor those 8 vets.

Mayor Lockwood stated he also hopes we have a good turnout for the vets. He spoke of Opening Day Baseball at the Goshen Complex. It was a good day, the fields looked great. The Sustainable Jersey meeting had an excellent turnout, good speakers. Dare Graduation had about 240 kids in attendance at the PAC Center, the kids had great enthusiasm. Matt Martino, one of Middles police officers, came home from Afganistan. We did a "welcome home flash mob" with police, fire and lots of sirens. Congressman LoBionda was in town and spoke with some of the small business owners.

PUBLIC COMMENT:

Barbara Cresse questioned why on Item #25 of the Agenda that Vince Orlando was awarded a contract.

Committeeman Donohue explained that our current engineer had been a partner in the project and to avoid any conflict of interest, Marc DeBlasio stepped back.

Barbara Cresse commented about a resident that had spoken with her about an Escrow Account that he has and already has money taken out of and the project has not even started.

Mayor Lockwood said that if she would give him the information on that, he would have it checked out.

Carl Carmelowicz questioned the Safe and Secure Program-what is it?

Chief explained that it is a grant that we receive through the state, which amounts to about \$60,000, to be used in the police budget.

Carl Carmelowicz questioned Chris Murphy's retirement figures - said he would like to see caps on sick time, personal time and comp time. Said he worked for the government and he got a good retirement package with health benefits and good pension fund, but now that he is a tax payer he would like to see something done about this.

Mayor Lockwood explained that senior officers that are retiring are grandfather in, but that sick time does have a cap on it.

Mark Mallett stated sick time has been capped since January 1, 1987, there are only about 4 or 5 left that are grandfathered in.

Betty McGurk wanted to know if there was anything new on Conifer?

Marc Karavan advised getting close-nothing new. Presentations will be made to the appropriate boards with public comment.

John McCann wanted to know if Fishing Creek road had been cleared and why was bond not released. Was road moved over and is it in the correct place or not.

Mayor Lockwood will check with engineer (who was not present at meeting) and let him know the next meeting.

John McCann wanted to know who owned the property that was originally sold for 6.6 million?

Mayor Lockwood said the Township owns some of it. That area is basically like a checker board as to how it is owned.

Betty McGurk said she is concerned about not having input on Conifer, residents may no have a recourse with the decisions made by Judge and attorneys.

Motion to go into closed session:

1st Committeewoman DeLanzo 2nd Committeeman Donohue

Roll Call Vote: Committeewoman DeLanzo, Committeeman Donohue, Mayor Lockwood

Motion to adjourn meeting:

1st Committeeman Donohue 2nd Committeewoman DeLanzo

Roll Call Vote: Committeewoman DeLanzo, Committeeman Donohue, Mayor Lockwood

Meeting Adjourned: 9:38 PM