

Cape May Court House, NJ
August 2, 2010
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 Tomkinson, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando

Moment of Silence for passing of Bill Belles.

- 1. 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.)*
- 2. RESOLUTION NO. 309-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$ 3,502,684.77
- 3. RESOLUTION NO. 310-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$1,167.96
- 4. RESOLUTION NO. 311-10 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- 5. REPORTS: The following departments have submitted their reports for the months indicated:

- 6. ORDINANCE NO. 1364-10 - ORDINANCE NO. 1364-10 - BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF VARIOUS SEWER IMPROVEMENTS IN THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$1,456,400 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,091,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING – Following second reading, hearing, and consideration for adoption, Ordinance 1364-10 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF VARIOUS SEWER IMPROVEMENTS IN THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$1,456,400 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,091,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Grant/Aid</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Supplemental Funding for the completion of Various Sewer Improvements in the Shell Bay, Shunpike, Goshen Road and the Crest Haven areas of the Township, including, the Construction of Sanitary Sewers, Gravity Sewers and Pump Stations, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the documentation on file in the Office of the Township Clerk and available for	\$1,456,400	\$0	\$365,400	\$1,091,000	40 years

inspection during normal Township business hours

Appropriation:	\$1,456,400
Bonds/Notes Authorized:	\$1,091,000
Grants (if any) Appropriated:	\$365,400
Section 20 Costs:	\$350,000
Useful Life:	40 years

7. ORDINANCE NO. 1365-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO PURCHASE LAND KNOWN AS A PORTION OF BLOCK 339, LOT 3, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1365-10 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
WHEREAS, Kathryn Burke Sellers and Steven Sellers currently own the land known as Block 339, Lot 3 on the Official Tax Map of the Township of Middle;
WHEREAS, The Township Committee of the Township of Middle, in order to construct sanitary sewer infrastructure seeks a portion of the said property for use as a pump station; and;
WHEREAS, the parties have come to an amicable agreement to resolve a condemnation action whereby Kathryn Burke Sellers and Steven Sellers shall sell a portion of Block 339, Lot 3 to the Township of Middle.
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, as follows:
SECTION 1. The land and structures on said land described in Exhibit “A” hereto shall be purchased for the amount of \$38,500.00 from Kathryn Burke Sellers and Steven Sellers and conveyed via a Deed. The Mayor of the Township of Middle is authorized to sign any and all documents necessary to effectuate this purchase.
SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.
SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.
SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.
8. RESOLUTION NO. 312-10 THROUGH 315-10 – REFUND OF TAXES (ITEMS A THROUGH D) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
312-10 (A) Refund due to overbills

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
16813	38.01	12 Qfarm	Meranshian, Gregory 1165 S Black Horse Pike Williamstown, NJ 08094 Location: 91 Rte 47 N	9.84	
1824	94	13	D’Onofrio, Claudia & Lucchesi, Anne 640 Goshen Rd Cape May Court House, NJ 08210 Location: 640 Goshen Rd	66.05	
5715	348.03	38.08	Kelleher, John W & Deborah 7 Painted Acres Drive Cape May Court House, NJ 08210 Location: 571 Shunpike	70.03	
5851	355.01	14	Cape Counseling Services Inc 217 N Main St Ste 202 Cape May Court House, NJ 08210 Location: 1129 Rte 9 S	6594.45	
5918	356.01	30.01	Wildwood Golf & Country Club Inc 1170 Golf Club Rd Cape May Court House, NJ 0821 Location: 2 Pin High Drive	843.19	
6023	385	2	Lighthouse Church Christian M A 1248 Rte 9 S Cape May Court House, NJ 08210 Location: 1248 Rte 9 S	1097.57	
14256	1432	5	Todd, Stephen & David 651 Hughes Street Cape May, NJ 08204 Location: 1081 Rte 47 S	271.68	
14893	1523	2 Qfarm	Cape Shores Resort Inc 4480 Gradyville Rd Newtown Square, Pa 19073 Location: 4110 Rte 9 S	1068.29	

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.

313-10 (B) Refund due to appeals

<i>ACCT</i>	<i>BLOCK</i>	<i>LOT</i>	<i>OWNER/LOCATION</i>	<i>AMOUNT</i>	<i>ck#</i>
5462	329.01	25	Pitale, Donald S 171 Stagecoach Rd Cape May Court House, NJ 08210 Location: 22 3 rd Ave	28.41	
5343	322.01	2	Amundsen, Carol L 210 W Shellbay Ave Cape May Court House, NJ 08210 Location: 212 W Shellbay Ave	902.97	
19004	281	17.02	Westhead, Stephen E Trust 49 NE Shoreview Drive Lees Summit, MO 64064 Location: 209 Bennett Rd	2.39	
6168	390	1	Adelizzi, Richard 11 N Delaware Ave Del Haven, NJ 08251 Location: 3N Delaware Ave	1577.90	
14307	1435	2	Grace Oil Company P O Box 178 Rio Grande, NJ 08242 Location: 3017 Rte 9 S	1131.10	

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.

314-10 (C) Refund due to overpayment by mortgage company

	<i>ACCT</i>	<i>BLOCK</i>	<i>LOT</i>	<i>OWNER/LOCATION</i>	<i>AMOUNT</i>	<i>ck#</i>
18205	1436.05	5		Glacken, William T & Carol A 5 Lochalsh Lane		1364.55

Refund Payable and sent to:

BAC Tax Services Corporation

1757 Tapo Canyon Rd

Simi Valley, CA 93063

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.

315-10 (D) Refund due to overpayment by 100% disabled American Veteran

<i>ACCT</i>	<i>BLOCK</i>	<i>LOT</i>	<i>OWNER/LOCATION</i>	<i>AMOUNT</i>
11193	893	7	Tejada, Jose, A & Sheila 401 Gibbs St Cape May Court House, NJ 08210 Location: 401 Gibbs St	236.73
18205	1436.05	5	Glacken, William T & Carol A 5 Lochalsh Lane Rio Grande, NJ 08242 Location: 5 Lochalsh Lane	2198.14

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.

9. **RESOLUTION NO. 316-10 – CANCELLATION OF TAXES** – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
10. **RESOLUTION NO. 317-10 – ACKNOWLEDGEMENT OF TERMINATION** – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following termination listed below, is acknowledged.

<i>EMPLOYEE</i>	<i>DEPARTMENT POSITION</i>	<i>EFFECTIVE</i>
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<i>Darryl Parker</i>	<i>Public Works</i>	<i>Laborer</i>	<i>07/19/2010</i>
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11. RESOLUTION NO. 318-10 – APPROVAL FOR PAYMENT TERMINAL LEAVE – DARRYL PARKER - On motion by Committeeman Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Darryl Parker has been terminated with an effective date of July 19th, 2010, and WHEREAS, it is the policy of Middle Township to compensate terminated employees for accumulated vacation, compensation, 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.

Darryl Parker

Personal 1 day 77.38 77.38

12. RESOLUTION NO. 319-10 – AMENDING ACKNOWLEDGEMENT OF TERMINATION – 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 Resolution No. 301-10 approved July 19, 2010 shall be amended to read as follows:

EMPLOYEE DEPARTMENT POSITION EFFECTIVE

Frank Dougherty	Recreation	Baseball Commissioner	07/19/2010
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13. RESOLUTION NO. 320-10 – RESOLUTION OF CONCURRENCE BY THE TOWNSHIP OF MIDDLE DESIGNATING BUS STOPS ON ROUTE 147 – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, New Jersey Transit has proposed bus stops located on Route 147, and

WHEREAS, the Township of Middle has requested these bus stops be made official, and

WHEREAS, the New Jersey Department of Transportation requires a resolution or concurrence in order to promulgate the required Traffic Regulation Order designating the bus stops from the Township, and

WHEREAS, the Township Committee has reviewed the request and recommends the establishment of bus stops on Route 147.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that said committee concurs with the New Jersey Department of Transportation’s recommendation to establish bus stops along Route 147, as follows:

1. Along Route 147, eastbound, on the southerly side thereof at:
 - a. Massachusetts Avenue- near side beginning at the westerly curb line of Massachusetts Avenue and extending 105 feet westerly there from (Wildwood Park Motel).
2. Along Route 147, westbound, on the northerly side thereof at:
 - a. Golf Club Road – near side beginning at the easterly curb line of Golf Club Road and extending 105 feet easterly there from (Parkway Self Storage).

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Middle will enforce the Traffic Regulation Order governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

FURTHER RESOLVED, that this resolution shall take effect upon approval of the Commissioner of Transportation as provided by law.

14. RESOLUTION NO. 321-10 – AUTHORIZING APPLICATION – MUNICIPAL ALLIANCE GRANT 2011 – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community, and

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Township of Middle Municipal Alliance grant for calendar year 2011.
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant including the administrative compliance and audit requirements.

15. RESOLUTION NO. 322-10 – AMENDING RATIFIED AGREEMENT WITH ATLANTIC CITY ELECTRIC FOR ELECTRICAL SERVICES – FORT APACHE SPORTS COMPLEX – 7 FULLING MILL ROAD – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, Township Committee approved said agreement on July 25, 2010 via Resolution 263-10 for new customer underground commercial service installation, and WHEREAS, the Township has been informed by Atlantic City Electric that the contract amount has since increased.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the attached new customer underground commercial service installation agreement is hereby amended to total \$14,933.17, and FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
16. RESOLUTION NO. 323 – RATIFY CONTRACT WITH MIDDLE TOWNSHIP AMBULANCE CORP. – JOINT PROVIDING OF EMERGENCY MEDICAL SERVICES TO PEOPLE OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Local Public Contract Law (N.J.S.A.40A:11-1 et seq.) provides for the award of contracts, for professional services without advertising for bids, and WHEREAS, the Township of Middle requires said services and funds are available for said purpose,
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following person is hereby appointed to the position designated below for the period from January 1, 2010 through December 31, 2010, and shall continue in effect on these same terms until renegotiated by the parties, but in no event shall it remain in effect beyond June 1, 2011.
BE IT FURTHER SOLVED, that a contract be executed by the Township of Middle with the following Corporation to supply professional services for the period from January 1, 2010 through December 31, 2010:

Middle Township Ambulance Corp
PO Box 331
202 S. Main Street
Cape May Court House, NJ 08210

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the Herald-Times as required by law.
FURTHER RESOLVED that this contract is contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.

17. RESOLUTION NO. 324-10 – RATIFY CONTRACT WITH RIO GRANDE RESCUE SQUAD – JOINT PROVIDING OF EMERGENCY MEDICAL SERVICES TO PEOPLE OF THE TOWNSHIP OF MIDDLE – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted
WHEREAS, the Local Public Contract Law (N.J.S.A.40A:11-1 et seq.) provides for the award of contracts, for professional services without advertising for bids, and
WHEREAS, the Township of Middle requires said services and funds are available for said purpose,
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following person is hereby appointed to the position designated below for the period from January 1, 2010 through December 31, 2010, and shall continue in effect on these same terms until renegotiated by the parties, but in no event shall it remain in effect beyond June 1, 2011.
BE IT FURTHER SOLVED, that a contract be executed by the Township of Middle with the following Corporation to supply professional services for the period from January 1, 2010 through December 31, 2010:

Rio Grande Rescue Squad
PO Box 406
603 E. Maryland Avenue
Rio Grande, NJ 08242

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the Herald-Times as required by law.
FURTHER RESOLVED that this contract is contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.

18. RESOLUTION NO. 325-10 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Joseph Russo	F/T Telecomm. Operator	P/T Telecomm. Operator	\$13.46ph	08/01/2010
Thomas Lee	P/T Laborer	F/T Laborer	\$20,120.00	08/02/2010

19. RESOLUTION NO. 326-10 – APPROVE RETURN FROM LEAVE OF ABSENCE – RICHARD SITTINERI – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Richard Sittineri was out on an approved leave of absence from May 8, 2010 until July 31, 2010, and
WHEREAS, Richard Sittineri is returning back to duty from said leave.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the leave of absence for Richard Sittineri has ended and authorization for return to work on July 28, 2010 has been approved.
20. RESOLUTION NO. 327-10 – AMENDING CONTRACT AWARDED UNDER FAIR AND OPEN PROCESS – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
Committeemember Lockwood ABSTAINED.
WHEREAS, the following professional was originally awarded a contract under the Fair and Open Process, pursuant to N.J.S.A. 19:44A-20.4 et.seq., during reorganization 2010, and
WHEREAS, it has been deemed necessary to amend said contract.
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 submission shall be awarded as follows for a term effective January 1, 2010 through December 31, 2010:
1. Economic Development & Grant Admin. Consultants – Triad Associates – Not to exceed \$20,000.00
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
21. RESOLUTION NO. 328-10 – AUTHORIZING MAYOR TO SIGN RIGHT OF ENTRY AGREEMENT – WHITESBORO/EDGEWOOD SANITARY SEWER PROJECT – 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 Mayor is hereby authorized to sign the Right of Entry Agreement between the Township of Middle and NJDOT for the construction of the portion of the municipal sanitary sewer line along US Rte 9 between King Street and Lena Street, which will pass through the NJDOT Middle Twp. Maintenance Facility.
22. RESOLUTION NO. 329-10 – RELEASE OF MAINTENANCE BOND – TFM BUILDERS LLC. – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, \$27,822.75 is being held as a maintenance bond of TFM Builders LLC. for Block 12.01, Lot 63.02, also known as Allaire Lane, 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 136-08, and
WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$27,822.75 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 \$27,822.75 be and is hereby released.
23. RESOLUTION NO. 330-10 – RELEASE OF PERFORMANCE BOND – FOUR SEASONS AT STONE HARBOR (K. HOVNANIAN) - SEWER PROJECT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, \$51,461.40 is being held as a performance guarantee of Four Seasons at Stone Harbor (K. Hovnanian)
WHEREAS, the Sewer Director for the Township of Middle has requested the performance bond be released.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond in the amount of \$51,461.40 is hereby released.
24. RESOLUTION NO. 331-10 – RENEWAL – TOWING LICENSES – 2010 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, several towing license renewal applications listed below have been found to be in proper form, and the fees paid in each case.
NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2010:

License#	Tradename	Truck #	License Plate Number	Truck Make/Model	Fee	Sticker Fee Paid
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5	Gary's Automotive 1		XXK805N	2007 Chev 5500	\$450.00	\$50.00
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Roll Back

5	Gary's Automotive 2	XF305W	1994 Chev HD3500
	\$50.00		

Roll Back

25. RESOLUTION NO. 332-10 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BIKEWAYS PROGRAM AND FOR THE SAFE ROUTES TO TRANSIT PROGRAM – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the Transportation Trust Fund provides funding to municipalities; and
WHEREAS, the Bikeway Grant Program provides funds to counties and municipalities to promote bicycling as an alternate mode of transportation in New Jersey; and
WHEREAS, the Safe Routes to Transit Program enhances the ability of communities to invest in projects that can improve the safety and practicality of walking to a public transportation system;
WHEREAS, municipalities cannot adequately create or expand local bikeway systems and pedestrian improvements based on their own financial resources; and
WHEREAS, the Township of Middle is requesting Bikeways and Safe Routes to Transit monies from said funds to complete a Phase 3 Bikeway from Shellbay Avenue to Indian Trail and complete pedestrian improvements to a bus stop for commuters residing in the Whitesboro-section of the Township; and
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Middle Township formally approves the grant applications for the above stated projects.
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to submit electronic grant applications identified as Middle Township Phase 3 Bikeway and Middle Township Safe Routes To Transit to the New Jersey Department of Transportation on behalf of the Township of Middle.
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the grant agreement on behalf of the Township of Middle and that her signature constitutes acceptance of the terms and conditions of the grant agreements and approves the execution of the grant agreements.
26. RESOLUTION NO. 333-10 – APPROVAL TO SUBMIT GRANT APPLICATION AND EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION – RECONSTRUCTION OF MAIN STREET (MA-2011-MIDDLE TOWNSHIP-00001) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is in the process of submitting an application to the New Jersey Department of Transportation for Municipal Aid for 2011 for Main Street in Whitesboro.
NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, formally approves the grant application for the above stated project.
BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as “Reconstruction of Main Street” (MA-2011-Middle Township-00001)” to the New jersey Department of Transportation on behalf of the Township of Middle.
FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Middle and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
27. RESOLUTION NO. 334-10 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
Committeemember Lockwood ABSTAINED.
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 | | |

Louis Cerceo	57 Siegtown Road	99.02/4	\$228.92
Robert & Catherine Hisey	301 Steel Road	271/5	\$228.92
Leon & Armelle Boissier Palun	9 Shadow Ln	212.03/37	\$228.92
Richard & Virginia Hess	408 Rte 47 N	5/4	\$228.92
William F. & Christine Rynne	512 Cedar	994/4	\$228.92
Scott Peter	681 Dias Creek	164.02/19	\$228.92
Scot Jones	26 N. 11 th Street	398/10	\$228.92
Giuseppe & Sherry De Gaetano	27 Meadow Valley	475.01/83	\$299.15

28. RESOLUTION NO. 335-10 – AMEND EMERGENCY CONTRACT – STAGECOACH ROAD & SHELLBAY AVENUE EMERGENCY ROAD RECONSTRUCTION – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:11-6 authorizes the ratification of a contract under emergency situations, and

WHEREAS, the Township of Middle awarded an emergency contract to Ricky Slade Construction on July 19, 2010 via Resolution 289-10 for the Shellbay Avenue/ Stagecoach Road emergency road reconstruction; and

WHEREAS, it has been deemed necessary to amend said contact price.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that a contract with Ricky Slade Construction is hereby amended to total \$30,883.50 (original amount of \$28,965.00 plus additional asphalt \$1,918.50)

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ 30,883.50 total contract has been bid for the following service or items road improvements. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: C-04-00-890-000-199

PO# 21008076

29. RESOLUTION NO. 336-10 – AWARD CONTRACT UNDER NON-FAIR AND OPEN PROCESS – GLOBAL CONNECT EMERGENCY NOTIFICATION SYSTEM – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Township has determined that the value of the following contract will not exceed \$17,500.00, and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) provides for the award of contracts for professional services without advertising for bids, and

WHEREAS, this contract is not therefore subject to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, and

WHEREAS, the Township of Middle wishes to enter into a contract with Global Connect for the purpose of an emergency notification system, who's voice messaging system allows you to reach thousands of contacts with personalized messages within minutes, and

WHEREAS, in an emergency situation, you may need to reach first responders, other staff members, volunteers, and residents, quickly and easily.

WHEREAS, the Township of Middle requires said services, and funds are available for said purpose,

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following company is hereby appointed to the position designated below for the calendar year 2010.

BE IT FURTHER RESOLVED, that a contract be executed by the Township of Middle with said company to supply professional services for the calendar year 2010.

Global Connect – Emergency Notification System – Not to exceed \$8,000.00

FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.

FURTHER RESOLVED that these contracts are contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.

30. RESOLUTION NO. 337-10 – ADOPTING SECTION 125 CAFETERIA PLAN – 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 the attached Section 125 Cafeteria Plan of AFLAC is hereby adopted, pending review and ratification by the governing body and municipal solicitor, retroactive to July 1, 2010.

31. RESOLUTION NO. 338-10 – AUTHORIZING RIO GRANDE RESCUE SQUAD TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle, and

WHEREAS, Middle Township Ambulance Corp has submitted an application to the Municipal Clerk requesting to do so, and

WHEREAS, the County of County Cape May, via Resolution 403-10, has endorsed the Rio Grande Rescue Squads application to solicit contributions along the intersection of County Route 618 and Route 9 in the Burleigh Section of Middle Township, and

WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Rio Grande Rescue Squad and has determined that there is no public safety reason for the Township of Middle to deny this application, and

WHEREAS, although said application was received by the Municipal Clerk on April 19, 2010, the New Jersey Department of Transportation did not forward their approval to Rio Grande Rescue Squad until July 21, 2010, which was received by the Municipal Clerk's Office on July 30, 2010, therefore Township Committee had no jurisdiction to approve two of the three dates requested on said application (June 13, 2010 and July 24, 2010).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that authorization is hereby granted to Rio Grande Rescue Squad to solicit funds in the roadways of the Township of Middle on August 29, 2010.

32. RESOLUTION NO. 339-10 – CLOSED SESSION – PERSONNEL MATTERS (TAX ASSESSORS OFFICE) ; PENDING LITIGATION (MIDDLE V. ALBRECHT AND HEUN)
- On motion by Committeemember Lockwood seconded Mayor 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

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: PERSONNEL MATTERS (TAX ASSESSORS OFFICE) ; PENDING LITIGATION (MIDDLE V. ALBRECHT AND HEUN)

2.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

3.) This Resolution shall take effect immediately.

33. PUBLIC COMMENT:

Committeemember Doughty: Spoke on upcoming recreation tournaments.

Mayor DeLanzo: Attended King Center on Saturday. Acknowledged Concerned Citizens and Tony Tayada for basketball camp. Bill Belles passed over the weekend. He was a great man.

Lillian Wade: Anything going to be done with easement on her property or does she have to do it herself due to flooding.

Vince Orlando: Doesn't think there is anyone to lean out basin or drain. Township cannot touch due to Fresh Water Wetlands rules and regulations.

Lillian Wade: Entrance into Whitesboro-is Township doing anything with the water problem there.

Vince Orlando: Reiterated Grant App on agenda.

Committeemember Lockwood: Depended on Township receiving grant money.

Lillian Wade: Sewer and Water everywhere but her street...when is it coming to her.

Fran Grant: Emergency funding-how much money is levied in that fund?

Mark Mallett: Emergency funds are raised in taxes the next year.

Vilma Pombo: Yellow lines on curbs-asked that they be made for the general public.

Vince Orlando: Working on plan for both buildings.

Frances Deerlove: Congratulated Chief on attention to Avalon Manor. Chief had addressed the residents at a meeting of the residents. Frances stated tax condition unfair—Tax Assessor did all of Avalon Manor but not Leonards Lane.

Committeemember Lockwood: Explained reason he was aware of due to tax appeals on Old Avalon Blvd.

Betty McGurk: Wanted insight on Master Plan regarding ratable and assessments on sewerer lots.

Jim Pickering: Will look into it.

Mr. Dearlove: New Assessor appointed?

Mayor DeLanzo: No

Steve O'Connor: Recourse for commercial properties that left and property is now an eyesore.

Lillian Wade: Alarm went off at house, was told by police department that it was not registered. Was sure it was...is there something new going on.

Chief explained alarm registration system.

Adjourned 7:15 PM

Kimberly Tomkinson, Twp. Clerk