

Cape May Court House, NJ
December 21, 2009
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 Doughty, Committeemember DeLanzo, Committeemember Barry, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Attorney James Pickering, and Engineer Vincent Orlando.

1. PRESENTATION BY MIDDLE TOWNSHIP POLICE DEPARTMENT
Chief Leusner and Committeemember DeLanzo presented Diane Shinn with a plaque for years of service and dedication to various volunteer events.
2. PRESENTATION – NATIONAL NIGHT OUT AWARDS
Butch Hamer presented National Night Out Awards
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.)*
Vilma Pombo – asked for street addressed for agenda items #7 & #8
4. RESOLUTION 515-09 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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:

Dedicated Trust\$ 3,465.13

Current Acct.\$ 731,299.83
5. RESOLUTION NO. 516-09 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember Barry seconded by Committeemember 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.\$ 3,832.21
6. REPORTS: The following departments have submitted their reports for the months indicated:
Municipal Court for the month of November; Treasurer for the month of November;
7. ORDINANCE NO. 1334-09 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ACCEPTING A GIFT OF REAL PROPERTY BLOCK 734 LOT 3 – Following second reading, hearing, and consideration for adoption, Ordinance 1334-09 was adopted on motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
No Public Comment
8. ORDINANCE NO. 1335-09 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY ACCEPTING A GIFT OF REAL PROPERTY BLOCK 1220 LOT 2 – Following second reading, hearing, and consideration for adoption, Ordinance 1335-09 was adopted on motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
No Public Comment
9. ACKNOWLEDGEMENT OF RESIGNATION: The Township of Middle has received a letter of intent to retire for Captain Richard Smedberg of the Police Department effective January 1, 2010.
10. RESOLUTION NO. 517-09 – REFUND OF TAXES – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
Refund due to:
Richard W Hearn has been granted a Veteran deduction & Hilda Pike a Senior deduction for 2009.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
18304	473	19.05	Hearn, Richard W & Trudy A 10 Carmen Drive Cape May Court House, NJ 08210 Property Location: 10 Carmen Drive	250.00
1291	43	7	Pike, Hilda	250.00

			27 Rte 47 N Cape May Court House, NJ 08210 Property Location: 27 Rte 47 N	
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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 taxes.
 BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

11. RESOLUTION NO. 518-09 – APPROVE REQUEST FOR LEAVE WITH PAY – MILITARY – POLICE OFFICER MATTHEW MARTINO – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, Police Officer Matthew Martino was called to Active Military Duty on December 3, 2009, EFFECTIVE December 7, 2009, and
 WHEREAS, he is being placed on a military absence for a period until May 14, 2010, and
 WHEREAS, N.J.S.A. 38A: 4-4 requires Government Entities to pay organized militia on military leave for a period not to exceed ninety (90) workdays.
 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 Police Officer Matthew Martino shall be granted paid Military Leave for a period of ninety (90) workdays and will utilize accrued time thereafter until return, if applicable.

12. RESOLUTION NO. 519-09 – TEMPORARY APPOINTMENTS – NEW HIRE – VARIOUS DEPARTMENTS – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, the following individuals shall be temporary appointed in the departments as designated below.
 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 temporarily appointed to the following position at the salary opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
Todd Christensen	Public Works	P/T Laborer	\$9.00 ph*	12/14/2009
Daniel Dunn	Public Works	P/T Laborer	\$9.00ph*	12/14/2009
Christopher Keeler	Public Works	P/T Laborer	\$9.00ph*	12/14/2009
Thomas Lee	Public Works	P/T Laborer	\$9.00ph*	12/21/2009
Jeanette Moore	Various	P/T Clerk Typist	\$9.00ph	01/04/2010
Paul Bennett	Recreation Facilities	P/T Recreation Attendant	\$9.00ph*	12/22/2009
Charlie McNeal	Recreation Facilities	P/T Recreation Attendant	\$9.00ph*	12/22/2009
Daniel Auld	Recreation Facilities	P/T Recreation Attendant	\$9.00ph*	12/22/2009

*rate goes to \$10.00 after 6 months of employment

13. RESOLUTION NO. 520-09 – APPROVE CHANGE ORDER NO. 1 – HOUSING REHABILITATION 2008-11 – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
 WHEREAS, on September 21, 2009 via Resolution No. 418-09, the above project was approved, and
 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 Gemini Building Company, be and is hereby approved in the amount of \$1,890.00.
14. RESOLUTION NO. 521-09 – AUTHORIZING STIPEND – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, due to circumstances beyond the control of the Township of Middle, Middle Township employees performed certain job functions which were otherwise to be performed by a Dennis Township employee(s) during the time that the Middle Township and Dennis Township Courts were a shared court as part of an Interlocal agreement; and
 WHEREAS, as part of that Interlocal agreement, if such a situation arose, Dennis Township was to compensate Middle Township; and
 WHEREAS, Middle Township has billed Dennis Township pursuant to that Agreement, and Dennis Township has paid Middle Township; and
 WHEREAS, Township Committee desires to offer a onetime stipend to these employees in recognition of such work performed.
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that Elizabeth Keen and Carol Fiore are granted a onetime stipend of \$1,200 (annual) each for the time period February 1, 2009 through December 1, 2009, resulting in a realized stipend of \$1,000.00, which stipend shall cease as of December 1, 2009 and not be recurring.
15. RESOLUTION NO. 522-09 – AMENDING RESOLUTION 187-09 – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 187-09 passed on April 6, 2009 deleted the “Sick Leave Cash in Policy” for all non-union employees for year 2009 forward, and
WHEREAS, said resolution also amendment a variety of other sections as well,
WHEREAS, it is the opinion of the Township Committee to further amend Resolution 187-09 to place the “Sick Leave Cash in Policy” back in the Personnel Policy Manual and Handbook where it was originally.

16. RESOLUTION NO. 523-09 – APPROVAL OF PAYMENT CASH OUT SICK LEAVE – VARIOUS EMPLOYEES – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township allows the cash out of accumulated sick time by employees who meet the guidelines set forth in the personnel policy manual, and
WHEREAS, final payment is requested to be made on January 4, 2010, and
WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time,
NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employees in the amount referenced below.

Mark Mallett	5 Days	1,788.45
Dawn Stimmel	5 Days	804.40
LeeAnn Russ	5 Days	948.90
Kim Tomkinson	4 Days	846.16
Donald Arndt	3 Days	705.78
Elizabeth Keen	2 Days	285.90
Raymond Klecz	40 Hours	570.08
Sean McDevitt	10 Hours	229.06
Debra Dunbracco	3 Days	389.58
Marilyn Miller	5 Days	586.55
David May	5 Days	839.30
Matthew Statzell	2.5 Days	511.23
Robert Matthews	4 Days	578.28

I certify that the above figures are a true accounting of this time and that sufficient backup documentation is available for inspection.

December 16, 2009

Tracey DeVico Taverner, CFO

17. RESOLUTION NO. 524-09 – TRANSFER OF FUNDS – On motion by Committeemember Barry seconded by Committeemember 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 2009:

From	Amount	To
Gasoline 460-475	\$1,000	Construction OE 196-299
Gasoline 460-475	\$7,000	Bldgs & Grds OE 310-299
Gasoline 460-475	\$2,500	Finance S&W 130-111
Gasoline 460-475	\$1,000	Zoning S&W 185-111
Gasoline 460-475	\$15,000	Communi S&W 250-111
Utility Surety Bond 503-312	\$2,000	Utility OE 502-299
Gasoline 460-475	\$1,000	Animal Con S&W 340-111
Gasoline 460-475	\$9,000	Clerk S&W 120-111
Gasoline 460-475	\$ 200	Street Light Costs 435-475

18. RESOLUTION NO. 525-09 – ADOPTING A NEW JERSEY GOVERNMENTAL 457 DEFERRED COMPENSATION PLAN DOCUMENT – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle (hereinafter referred to as the “Employer”) by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”) effective March 19, 1991 for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and
WHEREAS, the Employer desires to adopt a restated Plan Document; and
WHEREAS, such revised Plan Document shall supersede the previously adopted Plan Document.
NOW, THEREFORE BE IT RESOLVED that the governing body of the Township of Middle hereby adopts a deferred compensation plan provided by Great-West Life & Insurance Company that has been assigned the plan identifier 74-PD-GWL-120208 by the Division of Local Government Services.
BE IT FURTHER RESOLVED that the Employer is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Taxpayer

Relief Act of 2001 (United States Public Law No. 105-34), the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), the Pension Protection Act of 2006 (PPA), the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act), and final Treasury Regulation §1.457-4, and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent, and;

WHEREAS, the Employer desires to attract and retain qualified employees; and

WHEREAS, the implementation of a Deferred Compensation Plan will serve the interests of the local governmental unit by enabling it to provide enhanced retirement security to its eligible employees; and

BE IT FURTHER RESOLVED, the Tracey DeVico Taverner, Chief Financial Officer is hereby designated as the Local Plan Administrator of the Plan; and

BE IT FURTHER RESOLVED, the Township Committee of the Township of Middle is/are authorized to execute a Service Agreement with Great-West Life & Annuity Insurance Company 56-SA-GWL-010506 and to submit all necessary documents to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

19. RESOLUTION NO. 526-09 – AUTHORIZING REQUEST FOR PROPOSALS – DISPOSAL OF RECYCLE MATERIALS TAKE TO CLASS B RECYCLING FACILITIES – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. Mayor Doughty Abstained

WHEREAS, the Township of Middle wishes to request written proposals for disposal of recyclable materials taken to a Class B Recycling Facilities until 1:00 p.m. on Wednesday, January 13, 2010, at which time various Township Officials will be responsible for tabulating and opening the proposals.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that request for proposals for the disposal of recyclable materials taken to a Class B Recycling Facilities, on behalf of the Township of Middle is hereby authorized as designated below:

Disposal of recyclable materials taken to a Class B Recycling Facilities

Up to and until 1:00 p.m., Wednesday, January 13, 2010

33 Mechanic Street, 2nd Floor Conference Room,
Cape May Court House, NJ 08210

20. RESOLUTION NO. 527-09 – AUTHORIZING REQUEST FOR PROPOSALS – MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. Mayor Doughty Abstained

WHEREAS, the Township of Middle wishes to request written proposals for materials picked up or delivered from Class B Recycling Facilities until 1:00 p.m. on Wednesday, January 13, 2010, at which time various Township Officials will be responsible for tabulating and opening the proposals.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that request for proposals for the material picked up or delivered from Class B Recycling Facilities, on behalf of the Township of Middle is hereby authorized as designated below:

Materials picked up or delivered from Class B Recycling Facilities

Up to and until 1:00 p.m., Wednesday, January 13, 2010

33 Mechanic Street, 2nd Floor Conference Room,
Cape May Court House, NJ 08210

21. RESOLUTION NO. 528-09 – AUTHORIZING TEMPORARY CLOSE OF A PORTION OF 9TH AVENUE IN THE EDGEWOOD SECTION OF MIDDLE TOWNSHIP – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the development at the end of 9th Avenue in the Edgewood Section of Middle Township has been placed on hold, and

WHEREAS, due to illegal dumping in the area of 9th and Garden Avenue, the residents of 9th Avenue have requested that the township temporary close off this section of the road to deter this activity.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the end portion of 9th Avenue and Garden Avenue be temporary closed to public traffic until further notice.

22. RESOLUTION NO. 529-09 THR 530-09 – RATIFY INTERLOCAL SERVICES AGREEMENT – ANIMAL CONTROL (ITEMS A THROUGH B) – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

Ratifying Interlocal Agreements with Avalon and Sea Isle City for Animal Control Services.

23. RESOLUTION NO. 531-09 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – HOUSING REHABILITATION GRANT – On motion by Mayor Doughty seconded by Committeemember 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 the Housing Rehabilitation Grant- Mortgage is following is hereby discharged:

Borrower	Mrtg Dated	Date Satisfied	Sum of Principal
Ruth Beatty	June 27, 2003	June 27, 2008	\$4,325.00

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign said Discharge of Mortgage.

24. RESOLUTION NO. 532-09 – RELEASE OF MAINTENANCE BOND – GREGORY BOSTARD – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, \$3,277.88 (plus interest totaling \$3,385.63) is being held as a maintenance bond of Gregory Bostard for a Devane Street extension, 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 this portion of Devane Street has already been accepted into the Township Road System via Resolution 477-07, and
WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$3,385.63 be released.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond with Commerce Bank in the amount of \$3,385.63 be and is hereby released.
25. RESOLUTION NO. 533-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – POGUE SAFETY AND HEALTH CONSORTIUM – ALCOHOL AND CONTROLLED SUBSTANCE TESTING – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Pogue Safety and Health Consortium and the Township of Middle for Alcohol and Controlled Substance Testing be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
FURTHER RESOLVED, that the term of this contract shall be from January 1, 2010 through December 31, 2010.
Alcohol and Controlled Substance Testing----- Pogue Safety and Health Consortium
26. RESOLUTION NO. 534-09 – AWARD OF BID – HOME REHABILITATION PROGRAM CONTRACT 2008-13 – On motion by Mayor Doughty seconded by Committeemember Barry 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. 2008-13, and
WHEREAS, sealed bids were received on December 10, 2009 at 1:00pm, 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 contract for Home Rehabilitation Contract 2008-13 be and hereby is awarded as described:
Gemini Builders --- \$21,730.00 - Contract 2008-13
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
27. RESOLUTION NO. 535-09 – APPROVE LEAVE OF ABSENCE – VINCENT WATKINS JR. – On motion by Committeemember DeLanzo seconded by Mayor 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 Leave of Absence without pay for Vincent Watkins Jr., be approved from December 7, 2009 through January 7, 2009.
28. RESOLUTION NO. 536-09 – APPROVE ECONOMIC DEVELOPMENT LOAN – 1155 RTE 9 LLC. – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the Economic Development loan to 1155 Rte 9 LLC. in the amount of \$100,000.00, be and is hereby approved.
29. PUBLIC COMMENT:

Committeemember DeLanzo wished everyone a Merry Christmas. Wished Matt Martino a safe return. Christmas in Middle wonderful.

Mayor Doughty wished Happy New Year and “Happy Christmas”.

Committeemember Barry informed everyone he had to leave for a colonoscopy prep and left at 6:30pm.

Vince Orlando – plans received from Beazer on remediation. Couple items on plan that are not quite understood but will work with Beazer. Preliminary engineer estimate Marlyn and Linden in

the spring when weather dries out. Drainage on other parts of town not any better. Last month 200 calls at a minimum on flooding. Double amount of rain fall this year.

Francis Deerlove – Merry Christmas and Happy New Year. Avalon Blvd. was reassessed but Leonard’s Lane was not. Does not agree with assessor. He has talked with assessor and now will go to County.

Carol Moore – Survey of Property. Her property is next to drainage easement and has concern with damage to property. Who is responsible?

Steve O’Connor – What is plan with Fire House on Boyd Street.

M. Mallett – Relocate zoning and construction. Shift Vital Statistics to current zoning location, meeting space in construction. Police are using garage for storage. Move to take place in January.

Mayor Doughty – reiterated same comments.

Chief Leusner – explained storage of vehicles and equipment and reduction of response time with relocation from Public Works.

O’Connor – plans for exterior of parking lot? Greenery?

Orlando – Aid concept plan unfortunately was not awarded. Applied for 2 grants but haven’t received funding.

O’Connor – Thought Historical Prevention was the plan with the New Year.

V Pombo – 2010 Budget. New trash pickup contracts mean new routes?

Mallett – Minimum change. Notice will be sent to those residents that will be changed.

Joanne Maserella – 60 days for water study into March?

Orlando – yes

Carol Greg – asked what a bond is used for.

Pickering – explained performance bond procedures and requirements.

C. Gregg – asked if residents can use Beazer performance bond to fix problems with houses due to Beazer.

Brian Dickensen – commented on frustration with problems with home.

Steve O’Connor – asked if committee can issue a Stop Work Order.

Jim Menzel – Showed pictures to committee of flooding.

Greg Bostard – Dad’s home is on Linden Lane. Spoke of Drainage ditch on Linden.

James Bostard – 15 ft of water under house. Presented pictures to committee.

Robin Craft – presented pictures to Committee.

There being no further business the meeting was adjourned at 7:45pm.

Kimberly Tomkinson, Twp. Clerk