

Cape May Court House, NJ
 February 1, 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.

1. PRESENTATION BY MAYOR
2. 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.)
Eileen Fausey – referred to item 16
George Loper – Legacy of Cape May
3. RESOLUTION NO. 59-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – 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 payment for the following bills in the amounts indicated are hereby approved:

Dedicated Trust	\$ 4,261,017.74
Current Acct.	\$ 19,099.98

4. REPORTS: The following departments have submitted their reports for the months indicated: Treasurer for the month of December; Municipal Clerk for the month of January; Construction Official for the month of January; Zoning Official for the month of January;
5. ORDINANCE NO. 1336-10 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1336-10 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.
No Public Comment
6. ORDINANCE NO. 1337-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO AMEND SECTION 215-15 OF THE TOWNSHIP CODE REGARDING DEFINITION OF PUBLIC WORKS SUPERINTENDENT REGARDING SIGNATORIES TO ROAD OPENING PERMITS – Following second reading, hearing, and consideration for adoption, Ordinance 1337-10 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.
No Public Comment
7. ORDINANCE NO. 1338-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY ESTABLISHING GUIDELINES AND FEES FOR STREET VACATIONS. – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1338-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03 /01/2010 at 6:00 p.m.
8. RESOLUTION NO. 60-10 – REFUND OF OVERPAYMENT – SEWER – On motion by Committeemember Doughty 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 Director of Sewer is hereby authorized to make the adjustment to sewer account referenced below:

ACCT. NO.	OWNER	BLK / LOT	AMOUNT
06623	Estate of Marion Seddon, Jane E. Seddon, Executrix	424 / 22	\$115.00

9. RESOLUTION NO. 61-10 – SPAY DAY USA – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, pets provide companionship to more than 71,000,000 households in the United States, and

WHEREAS, humane societies and animal shelters have to put down more than four million cats, dogs and rabbits each year, many of whom are healthy and adoptable, due to a lack of critical resources and public awareness, and

WHEREAS, this tragic overpopulation of pets costs citizens and taxpayers of this country millions of dollars annually through animal service programs aimed at coping with the millions of homeless animals, and

WHEREAS, spaying and neutering has been shown to dramatically reduce the overpopulation of pets and feral cats, proving to be a wise investment in saving animal lives and taxpayer dollars, and

WHEREAS, veterinarians, national and local animal protection organizations, and private citizens have joined together again to advocate the spaying and neutering of pets and feral cats on "Spay Day USA 2010".

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that February 23, 2010, is designated "Spay Day USA."

BE IT FURTHER RESOLVED, that the mayor is hereby authorized and requested to issue a proclamation calling upon the people of Middle Township to observe the day by having their own cats, dogs, and rabbits spayed or neutered or by sponsoring the spaying or neutering of another person's pet.

10. RESOLUTION NO. 62-10 – AUTHORIZING PARTICIPATION IN ONLINE AUCTION – GOVDEALS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Township Committee are desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Municipal Clerk.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is outlined on Exhibit A attached hereto this resolution.

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township Committee reserves the right to accept or reject any bid submitted.

NOTICE OF SALE OF PROPERTY

Please be advised that the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, shall conduct a sale of surplus property online. The address of the auction site is govdeals.com. The surplus property is being sold in an "as-is" condition without express or implied warranties.

The online auction will commence on February 17, 2010 at 12:00 Noon and conclude on March 1, 2010 and the surplus property being sold are listed below:

1995 Gehl Asphalt Paver 14079

1999 Ford Crown Victoria White in Color. VIN # 2FAFP71W6XX142730 (Non-Running)

(2) 2008 Ford F-250 Pick-Up truck beds

(5) Tail Gate Salt Spreaders

All bidders must pre-register with GovDeals at govdeals.com.

The successful bidder shall be required to execute a hold harmless and indemnification agreement.

The Township Committee reserves the right to accept or reject any bids submitted.

11. RESOLUTION NO. 63-10 – NOTICE OF TAX SALE - On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

1. I am the Tax Collector of The Township of Middle, County of Cape May, State of New Jersey.
2. Notice of The Tax Sale that was held on January 19, 2010, was published in the Herald-Times, Rio Grande, New Jersey, on January 6th and January 13th 2010.
3. Two tax sale in-lieu of notices were mailed to each parcel listed in the tax sale pre postage paid. The first was mailed on December 29, 2009 and the second was mailed on January 6th, 2010
4. A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:
 1. Middle Township Municipal Hall
 2. Green Creek Post Office
 3. Cape May Court House Post Office
 4. Whitesboro Post Office
 5. Rio Grande Post Office
5. A Notice Of Tax Sale was mailed to the owner of record, whose name appears in the

List at the last known address, postage prepaid.

12. RESOLUTION NO 64-10 – CAMPGROUND RENEWALS – 2010 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the several Campground license renewal applications listed below have been found to be in proper form, and the fee 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	Acreage	Sites	Fee
11	Sea Pines Campground	76.92	553	\$1306.00

13. RESOLUTION NO. 65-10 – RELEASE OF MAINTENANCE BOND – TOMPKINS BUILDERS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$322,843.49 is being held as a maintenance bond of Tompkins Builders for improvements at Block 132.01 Lot 8, 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, the Zoning Officer has certified that the Bond in the amount of \$33,843.49 be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the NJ Administrative Code Standardized Performance Bond in the amount of \$33,843.49 be and is hereby released.

14. RESOLUTION NO. 66-10 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – ECONOMIC DEVELOPMENT LOAN – RIO STATION – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Economic Development Loan Mortgage indicated below is hereby canceled.

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign said discharge of mortgage.

Borrower	Mrtg Dated	Date Satisfied	Sum of Principal
Richard Rutherford t/a Rio Station Inc.	May 4, 2004	September 1, 2009	25,000.00

15. RESOLUTION NO. 67-10 – PROMOTION – ANDREW SMITH – ADMINISTRATIVE DIRECTOR OF PUBLIC WORKS – On motion by Committeemember Doughty 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, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite their name:

NAME	TITLE	SALARY	EFF. DATE
Andrew Smith	Administrative Director of Public Works	\$52,000.00	01/01/2010

16. RESOLUTION NO. 68-10 – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – VOIP NETWORKS – HARDWARE/SOFTWARE MAINTENANCE AGREEMENT – 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 a need to enter into agreement with VOIP Networks for maintenance agreements for hardware and software in connection with the telephone system, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations, and WHEREAS, the proposal provided indicates that value of the agreement will exceed \$17,500, and WHEREAS, the anticipated term of this contract January 1, 2010 through December 31, 2010, and WHEREAS, VOIP Networks has submitted a proposal indicating they will provide the maintenance of said system as outlined in proposal for \$16,436.40 for Township Hall and \$4,755.80 for the Public Works Facility, and

WHEREAS, VOIP Networks has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the VOIP Networks from making any reportable contributions through the term of the contract, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution

17. RESOLUTION NO. 69-10 – APPROVE RETURN FROM LEAVE OF ABSENCE – VINCENT WATKINS JR. – On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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 for Vincent Watkins Jr. has ended and authorization for return to work on January 25, 2010 has been approved.
18. RESOLUTION NO. 70-10 – ACKNOWLEDGING SUPPORT AND COMMITMENT TO PARTICIPATE IN PARIS GRANT APPLICATION IN CONNECTION WITH THE COUNTY OF CAPE MAY – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments, and
WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves, and
WHEREAS, in the 2010-2011 grant cycle, priority funding will be given to county projects that have performed municipal inventories, needs assessments and strategic plans for all of their municipalities, and
WHEREAS, the Township of Middle desires to collaborate with the County of Cape May in the performance of the PARIS Grants Program, and
WHEREAS, the Township of Middle is acknowledging that their eligible funding of \$150,000 will be leveraged with the County of Cape May, and
WHEREAS, the Township of Middle is acknowledging that the County of Cape May would be both the lead agency and the applicant for such a proposal, and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Township of Middle does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.
19. RESOLUTION NO. 71-10 – TABULATION COMMITTEE – LEASE OF REAL PROPERTY OWNED BY THE TOWNSHIP OF MIDDLE MUNICIPAL MONOPOLE COMMUNICATIONS TOWER MUNICIPAL BUILDING – 33 MECHANIC STREET – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Tomkinson, and Business Administrator Mark Mallett as well as a representative from VComm, be and hereby are appointed to tabulate the bids to be taken on Tuesday, March 9, 2010 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
LEASE OF REAL PROPERTY OWNED BY THE TOWNSHIP OF MIDDLE MUNICIPAL MONOPOLE COMMUNICATIONS TOWER MUNICIPAL BUILDING - 33 MECHANIC STREET
20. RESOLUTION NO. 72-10 – APPROVE APPLICATION FOR RAFFLE LICENSE – OUR LADY OF THE ANGELS KNIGHTS OF COLUMBUS COUNCIL – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Our Lady of the Angels Knights of Columbus Council 12184 has applied to Legalized Games of Chance Control Commission for a Raffle License, and
WHEREAS, the location will be at, 626 Goshen Road, CMCH has been approved by the Middle Township Committee as an Amusement Game Zone, and
WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
WHEREAS, the proper application and fee have been received.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night March 13, 2010 at the location of 626 Goshen Road, CMCH, NJ 08210 to be held at 4pm is hereby approved.
21. RESOLUTION NO. 73-10 – CONIFER GREENBRIAR BOND REQUIREMENTS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
Whereas, a 176 single family unit development was planned on Block 1432, Lots 6.01 and 6.02 by Lennar / US Homes, also known as Seaboard Village, LLC, and in which just 40 such units were built; and
Whereas, Lennar / US Homes has since dissolved via bankruptcy proceedings; and
Whereas, the performance bond on the project was originally posted by Safeco Insurance Company of America on behalf of U.S. Home Corporation in the amount of \$7,132,351.20, which has been reduced in accordance with the Municipal Land Use Law to \$2,482,057.20, which bond the Township continues to hold; and
Whereas, what remains of the project was purchased by Conifer Greenbriar, LLC at a bankruptcy auction; and

Whereas, the Township is entitled to retain a performance bond in the amount no less than 30% of the original bond amount; and

Whereas, the Township has demanded a performance bond be placed by Conifer Greenbriar, LLC separate and apart from the Safeco Insurance Company of America bond on behalf of U.S. Home Corporation; and

Whereas, Conifer Greenbriar, LLC has asked that the Township accept less than the 30% to which the Township is entitled due to the current situation in the bond market; and

Whereas, the existing residents in the development, via their Condominium Association, have asked that the Township approve the request so that the project may get moving again and the necessary improvements made as soon as possible; and

Whereas, these residents, and other Township residents, have been adversely impacted by the failure of these improvements to be timely made; and

Whereas, the Municipal Engineer has provided an engineer's cost estimate which indicates that the remaining improvements will cost \$1,252,000.00, which amount includes a 20% contingency; and

Whereas, the Township Committee does not believe that this will create, nor does it intend for it create, any sort of precedent for other developments, as this is a situation with unique factors, including but not limited to a partially completed project where numerous township residents are adversely impacted;

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

1. Conifer Greenbriar, LLC will provide a letter of credit in the amount of \$1,252,000.00 to satisfy the performance bond requirements of the Municipal Land Use Law; and
2. Conifer Greenbriar, LLC will not seek a reduction of the Letter of Credit until the project is completed;
3. Conifer Greenbriar, LLC, the Condominium Association, and the Township shall establish a schedule as to which site improvements will be completed and when, which if not followed will result in any building permits issued being rescinded; and
4. The Township shall not release the Safeco Bond but shall continue to hold it pending completion of the project or other action the Township chooses to take with regard to that bond.

22. PUBLIC COMMENT:

Sam Leone, Owner/Representative of Conifer spoke on Rio Grande Property and recent purchase of development.

Joe Ravitz – informed committee that Conifer currently has tax appeal at State Tax Court that could cost township money.

George Loper – asked Conifer Rep. when project is to begin again.

S. Leone – indicated they are waiting on bond. Ryan Homes is marketing sales. Start with models before holidays.

Joe Connolly – asked if the club house will have pool by summer. This is third summer without.

S. Leone – indicated that club house will include heated pool. Reviewing with architect plans and will review with association prior. Ryan Homes looking for Conifer to complete club house for better marketing.

Tom Sullivan – VP of Association. Hopes Township Committee will consider complaints and wants resolution on bond to go through.

Jim Pickering and Mayor DeLanzo discussed tax appeal.

Joe Maffei – most of the work in the Marlyn Manor section complete.

Mayor DeLanzo – remembering friends that have passed .. Betty DeVico and Petey Back

Betty McGurk - #19.. remind everyone that owner of property is 100% liable of any health issues.

E. Fausey – asked if committee is asking departments to cut budget and if so by what percentage?

M. Mallett – will be going over line by line of the budget with the departments. Some instances unable to predict and each department is different.

Carol Mattessich – commented on bonding of Green Briar and cell tower health issues. Also asked on plans for fire house.

Vilma Pombo - #9.. for Rabbits too?

M. Mallett – Cats and dogs only.

Jack Devine – spoke of low income housing in comparison to Green Briar project.

S. Leone – Ryan Homes is trying to sell houses for what market can sell. Conifer has no intension on making this project into affordable housing.

B. Hamer- asked how much the township purchased the fire house for.

Carol Moore – asked about status of Beazer Homes grading

Carol Grey – asked whether any portion of the Beazer bond was released.

Joe Maffei – explained bond release process.

Cheryl Spaulding – asked how to obtain a Whitesboro Sewer Grant.

There being no further business the meeting was adjourned at 4:45pm.

Kimberly Tomkinson, Twp. Clerk