

Cape May Court House, NJ
February 17, 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. 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.)*

Jim Pickering: I just want everyone to understand this is something new we are trying. There have been questions in the past about resolutions that might have been considered valid issues raised after the resolutions had already been passed. Township Committee felt that maybe it would be appropriate to try, as an experiment, to allow comment on the agenda items before they are considered. They could then have the benefit of the public's wisdom on some of these things. But, it is important that we limit comment at this portion just to the agenda items.

Joseph Ravitz: Item #3, Ordinance 1316-08, Mr. Pickering, the last time this was introduced initially, you said you were going to do some research or go back. I happened to have found the initial handbook that I was presented when I joined the township and regarding vacation time, I think this is very interesting, at that time, I am just going to read the one sentence, "employees approaching retirement will be required to take all vacation prior to the retirement date"; so if something like that was in affect, you would never have to worry about payouts, you would still be paying them under their normal terms. If someone was going to retire in March, and they had 30 vacation days, they would actually retire in April and they would be paid for it and you would not have to go through that mathematical calculation. Then, with the older retirees going out, the only thing you would really be worried about would be the sick time, which is now capped for the newer people so that might alleviate some problems. The other thing I have in the ordinance is in the past when they made changes, they weren't done immediately. I think this discriminates against anybody who is going to retire this year or next year and maybe there should be a 2 year phase in from when you pass the ordinance and everyone knows about it now, you retire, retire on the old plan and you have 1 or 2 years to do so.

Carol Mattessich: I have questions on some of the checks, is it ok to hold those until later?

Jim Pickering: Sure.

Susan DeLanzo: On Item #3, Ordinance 1316-08....questioned Joe Ravitz on how that would impact him....wanted an example.

Joe Ravitz: Two comments I made, the first one being sometimes when you have retirements you have to deal with budgeting, retirement payout from the Treasurer's office and technically the person can still be an employee of the Township until such time as they walked out the door, so maybe that is the time the Township could use to train a new person or someone, depending on the work load would still be responsible to the Township in their official positions until such time as they retire. But, when they retire they will have 0 days left on the books, therefore, you are not paying them any additional compensation that wasn't already pre-budgeted in that year's salary and wages.

Susan DeLanzo: I thought that one of the main reasons for this was that people were actually getting paid for sick time they hadn't earned. I think that is something that our residents and everyone I think would agree is really not right. I mean if someone has worked and acquired the time, that's no problem. But, let's say for example that you are going to retire this year, so you would work just until January 31st so that you would get paid all of your sick time that you hadn't really earned?

Joe Ravitz: That is one way that some people would look at it. Another way is that whatever you have earned you earned as of that date from the prior year, so therefore you can say that if you have 15 sick days January 1st, it was based on the prior year's service.

Susan DeLanzo: If I work this year and it is my first year, how many sick days do I get.

Joe Ravitz: In the manual it says the first year is pro-rated. Beyond that it is based on, or could be considered to be based on your prior years, you've earned it now for the second year, you have earned 15 sick days.

Jim Pickering: It says you are entitled to that?

Joe Ravitz: Yes, you are entitled to that.

Jim Pickering: It doesn't say that if you worked January 2, it doesn't mean that you have earned the entire year's sick and vacation time. You are entitled to use that time during the course of the year if you are employed that whole year.

Joe Ravitz: Actually the way it is written I don't have a problem with for the future, that is fine, as long as everyone knows it. But you have had certain people that have gotten these benefits in the past so you should say, ok, let's make everyone aware of this and if you plan to retire and you want that, you have to get out of here within the next year, I have no problem with that. The other issue was vacation time, which was ...

Jim Pickering: I understand that, but my concern quite frankly, I guess it was the middle of this past year, that I learned about this and did some research in it and I don't think there is any basis in the law that allows that practice that had evidently been going on here and in fact I think that it is probably not permitted under this Statute, so I think for us to allow it to continue, even for another year or two so that, what I will call our near term retirees get the benefit of the old practice, even though that old practice, in my opinion not valid and potentially illegal, I think would just be perpetuating an illegal practice that shouldn't be continued. I understand that it might not seem fair because someone who retired last year got that time, someone who retires this year doesn't, but that is going to happen no matter when you do it whether you phase it in for 1 year, 2 years, 10 years, that is going to happen, so that unfairness is going to exist. I just felt that considering my opinion that there is no basis in the law for it. We also consulted with our labor council and they had the same opinion as I did.....I don't see how we can phase it in.

Carol Mattessich: I had occasion to talk with a couple of different people in municipal settings and there are other municipalities who have faced this question and they have faced changes. There will always be some way, if people want to take unfair advantage of the system, they can. For example, even under this ordinance, an employee can...lets say Mr. Alexis, if he had wanted to take 20 vacation days in January, when he was leaving January 31st, under this ordinance he certainly could do that.

Jim Pickering: I don't believe so Carol. I actually drafted that so that couldn't happen.

Carol Mattessich: Then I apologize, I missed that part of the Statute. In terms of the phasing in though, I think that what you are doing is not illegal, there are other towns who have done it and that it has this proportionate impact on employees who relied on the old system being in place.

Susan DeLanzo: But couldn't they get it if they worked. That is what I don't understand.

Carol Mattessich; Yes, if they worked until the end of the year.

Susan DeLanzo: That is what I am saying. If someone is dependent upon it, they could work, they don't have to leave, so I feel in fairness, work if you want the money. Just to show up, do so much and then get paid for all that time, I think that is what we are trying to bring that balance, if you will, and I am sorry if it affects Joe who may be ready to retire or someone else who may be ready to retire, but I say stay and work.

Carol Mattessich: It also could have a very beneficial impact because someone in Joe's situation with the rules changed could decide just to stay all the way through the end of next year just to make sure that the system plays out fairly on both sides and the Township would still have an experienced Tax Assessor.....

Susan DeLanzo: And we like that, that is a good thing.

Jim Pickering: I will note, that it is my understanding that anyone that has retired as of this year has not gotten paid out under the old system. Mr. Alexis has not gotten the benefit of the old system, but is being paid as if this ordinance were in affect when he retired.

Steve Barry: I am not clear what Mr. Ravitz is suggesting. I think you are suggesting that maybe we make this affective 1/1/10 so that it wouldn't impact the people that retire this year, but it would affect the people that retire next year, is that what you are suggesting would be more fair?

Joe Ravitz: I am basically saying that you are planning on changing the way that things have always been done and maybe it would be a benefit to the Township that people would say that if they want to take advantage of what everyone else has had, I am going to retire now because if I wait until next year, I won't have it. If you wait the proper time....

Steve Barry: What would be the proper time?

Joe Ravitz: Whatever legally you need to do, Tracey said she needs a years notice if you are going to have a large payout, Vera said she needs 6 months if you are going to sign up to retire so you can discuss the state of your benefits.

Steve Barry: How large could the payout be under this. What we are talking about is this years sick time, not last years sick time.

Jim Pickering: It would be 1/11th of someones annual salary because they would have earned the one month.

Chief Evangelista: It would be 1/12th of 30 days.

Mayor Doughty: You are retiring as of July 1, correct. Would this change your outlook?

Tracey Taverner: Yes it will, he would have been able to cash 30 days...

Mayor Doughty: I understand that, but you are still retiring July 1, right?

Chief Evangelista: Yes.

Jim Pickering: If you retire July 1, that is still ½ the year so will still get 15 days...,

Chief Evangelista: Yes, you can use or cash out...

Jim Pickering: But if you knew you were going to retire, and you used all 30 days by July 1st, you would owe the Township back 15 days.

Chief Evangelista: Right

Tracey Taverner: And we would collect it too.

Jim Pickering: Right, and that is the way this ordinance is drafted is to prevent that type of what some people might perceive as abuse. Again, it is just a matter, there was nothing in our local ordinances or resolutions or anywhere that supported this practice and there is nothing in the State Statute that supports the practice so....

Steve Barry: I don't want to be unfair to anybody, I just don't quite grasp the supposed unfairness. If I were to understand what would happen, lets say January of last year someone could have retired, and they could of, in their severance pay had included what their vacation time would have been had they worked for the rest of the year.....and that is the practice which is being ended.....

Jim Pickering: If they worked through January 31, which evidently was a practice that people would retire on February 1st, because it was evidently the practice that if they worked through January 31, then they would get the entire 12 months vacation time paid out when they left.

Steve Barry: This is without regard to anything they may have carried over in previous years.

Jim Pickering: This is only prospectively, that is correct.....only the vacation time that they would have prospectively been able to use had they worked the entire year.

Steve Barry: Conversely, if someone came to work on January 1st and took that years vacation in January, and worked for the whole year, at the end of the year they would have had no vacation time for that year because they would have used it in the first month.

Jim Pickering: That's right, although for a new employee, in year one you earn your time. Essentially we are saying in your last year it gets prorated just like in your first year. But if it is your intent as an employee at the beginning of the year and you are working the whole year and you take your vacation in February to go skiing, there is nothing wrong with that because you are working the whole year.

Steve Barry: And you may well have vacation time from the previous year carried over anyway.

Jim Pickering: The more interesting issue Mr. Ravitz raised I thought was requiring that people use their time before they retire so that you wouldn't have a payout of vacation time. But is six of one half a dozen of the other because you are paying the same amount out either way, the person is not working, and theoretically if that person is on vacation for 3 to 6 months because they have retired, you have to bring someone else in to do the work they were doing anyway.

Peggy Mathis: I know the pension system and I know the payout because I worked in the County Treasurer's office, and we had a lot of people who would retire February 1st so they could get the full years vacation.

Steve Barry: What did you thing about that?

Peggy Mathis: Well, they changed that.

Betty McGurk: Can I ask, in the new system I think there is a cap now on some of the new contracts, is that for previous years that don't carry forward as far as vacation and sick days or do we just go from the working year?

Tracey Taverner: As far as vacation time, you can never have more than 2 years worth on the books. Sick time you can carry indefinitely, but when you retire, people hired prior to January 1, 1987, can cash in a maximum of 1 years worth of sick time. People hired after that, for everyone except PBA Contract are capped at \$12,000 and PBA is \$12,500.

Betty McGurk: And those sick days, are they paid at the current wage or the wage....

Tracey Taverner: Yes, the current wage.

Betty McGurk: So even though they could have been at maybe half the salary at the point that we pay it full

Steve Barry: Right, and if you are blessed with good health during that 25 years, you might have used virtually none of your sick days and had a whole year of sick days saved.

Peggy Mathis: You are allowed to carry over 2 years worth of vacation?

Tracey Taverner: You can never have more than 2 years worth of time on the books except for rare occasions when an employee may request special permission to carry additional time which has to be approved by the Committee.

Peggy Mathis: So it is current year and one prior year?

Tracey Taverner: Yes.

Jim Pickering: So at most it is 60 days.

Eileen Fausey: I just have a question about being sick here. Is there any requirement that you take sick days that you are actually sick. I know like in the private sector if you are out for more than 2 days then they require a doctors note.

Tracey Taverner: There have been situations where an employee may show habitual, and I am speaking on behalf of Vera now, where you see a pattern say every Friday this employee calls in sick, it can be brought to their attention that you are seeing a pattern, they are on notice, if it continues they will need to provide a doctors note....it really doesn't happen very often, but it is 3 days.

Chief Evangelista: Yes, it is 3 days if we see anyone that is using an abnormal amount of sick time, we put them on notice and ask them for a doctors note.

Eileen Fausey: But when you retire you don't actually have to be sick to get paid, right?

Steve Barry: Although there is a relatively small number of long term employees that have that year of sick time available to them, but everyone else has this \$12,000 should they be fortunate enough to enjoy good health.

Peggy Mathis: On this sick time, at my work people were never given bonus checks, I call it, where you can cash in like 15 days of sick and get paid for not being sick. When did that change? Is it state or is it Township?

Tracey Taverner: It is Township and that was put in place before I came back to work here, so prior to 2001, sometime between 1997 and 2001 that was put in place.

Peggy Mathis: And that is a Township ordinance, because I know it is not in the pension system.

Tracey Taverner: It is in the PBA Contract, but it is a little different for the police than it is for the rest of us....I would assume there is an ordinance though, but I don't know for sure.

Peggy Mathis: I was just surprised that you are not allowed to use sick for vacation, but towards November you get your bonus check for not using your sick, so I think that is like an abuse of sick time.

Question/Answer Session closed at 6:55 PM

2. PROCLAMATION – NATIONAL NUTRITION MONTH
Received by Jennifer Davis of Cape Regional accepted the Proclamation.
3. ORDINANCE NO. 1316-09 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 38 OF THE TOWNSHIP CODE REGARDING ACCUMULATION OF TIME FOR PURPOSES OF CALCULATING RETIREMENT PAYOUTS – Following second reading, hearing, and consideration for adoption, Ordinance 1316-09 was adopted on motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

WHEREAS, state statute and local ordinance entitle employees to certain “payout” benefits for accumulated sick and vacation time; and
WHEREAS, Township Committee has determined it is necessary to make certain when sick and vacation time is “accumulated” in the year of retirement;
BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 38 of the Code of Township of Middle is hereby amended as follows: SECTION 1.

ARTICLE II - ACCUMULATION OF TIME

Section 38-5. Calculation of accumulated time in year of retirement.

For purposes of any retirement payout by the Township to a retiring employee, including but not limited to payout for sick time and vacation time, time shall accumulate in the year of retirement on a monthly basis. For instance, if an employee retires on January 31st, 1/12 of the annual benefits shall have accumulated; if an employee retires on June 30, ½ of the annual benefits shall have accumulated. The payout shall be based upon the amount of time accumulated and which have not been used.

Section 38-6. Payback of time used in excess of accumulated time in year of retirement.

If an employee has used more than the accumulated time in the year or retirement, the number of days used in excess of that which is accumulated shall be reimbursed to the Township. For instance, if an employee is entitled to 12 vacation days in the year or retirement, has used them all, and retires on June 30th, he or she shall reimburse the Township for 6 vacation days. The Treasurer shall deduct any amount due to the Township from the payout or the employee’s last paycheck.

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.

4. RESOLUTION NO. 87-09 – APPROVING PAYMENT FOR ALL BILLS – 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	\$ 3,408.99
Current Acct.	\$ 3,719,112.66

5. RESOLUTION NO. 88-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

6. REPORTS: The following departments have submitted their report for the month indicated below:
Municipal Court for the month of January; Construction Official for the month of January;

7. RESOLUTION NO. 89-09 – TABULATION COMMITTEE – ELECTRICAL SERVICES – GOSHEN DAVIES COMPLEX RESTROOMS – 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, 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, be and hereby are appointed to tabulate the bids to be taken on Wednesday March 25, 2009 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:

ELECTRICAL SERVICES – GOSHEN DAVIES COMPLEX RESTROOMS

8. RESOLUTION NO. 90-09 – TABULATION COMMITTEE – PLUMBING SERVICES AND PLUMBING ACCESSORIES – GOSHEN DAVIES COMPLEX RESTROOMS – 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, 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, be and hereby are appointed to tabulate the bids to be taken on Wednesday March 25, 2009 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:

PLUMBING SERVICES AND PLUMBING ACCESSORIES – GOSHEN DAVIES COMPLEX RESTROOMS

9. RESOLUTION NO. 91-09 – APPROVE APPLICATION FOR RAFFLE LICENSE – CENTER FOR COMMUNITY ARTS – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, the Center for Community Arts has applied to Legalized Games of Chance Control Commission for a Raffle License, and

WHEREAS, the location will be at, Wildwood Golf Club, 1170 Golf Club Rd., Cape May Court House, NJ 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 21, 2009 at the location of 1170 Golf Club Road, CMCH, NJ 08210 to be held from 6:00pm until 10:00pm is hereby approved.

10. RESOLUTION NO. 92-09 – SOCIAL AFFAIRS PERMIT – CENTER FOR COMMUNITY ARTS – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Center for Community Arts has applied for approval to sell alcoholic beverages at an event to be held at Wildwood Golf Club Inc., 1170 Golf Club Road, CMCH, on March 21, 2009 from 6:00 p.m. to 10:00 p.m., and

WHEREAS, they have provided proper documentation to the Township of Middle,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

11. RESOLUTION NO. 93-09 – SOCIAL AFFAIRS PERMIT – RIO GRANDE VOLUNTEER FIRE CO. – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Rio Grande Volunteer Fire Co. has applied for approval to sell alcoholic beverages at an event to be held at Rio Grande Fire Co. Bingo Hall, 1120 Rte 47 South, Rio Grande, NJ on April 26, 2009 from 12:00 noon to 6:00 p.m., and

WHEREAS, they have provided proper documentation to the Township of Middle,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

12. RESOLUTION NO. 94-09 – SALARY ADJUSTMENT – WILLIAM BARGER – On motion by Committeemember Barry seconded by Mayor 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, County of Cape May, State of New Jersey, that the following employee salary will be amended to the amount opposite their name:

NAME	TITLE	SALARY	EFF. DATE
William Barger	Supervising Mechanic	\$51,420.00	02/05/2009

13. RESOLUTION NO. 95-09 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and

WHEREAS, the applicants are entitled to a refund of this money,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts as listed on the attached sheets shall be released.

14. RESOLUTION NO. 96-09 through 98-09 – REFUND OF TAXES (ITEMS A THROUGH C) – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

96-09 Refund due to overpayment made by Mortgage Company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	CK#
3067	163.02	1	SUPER, TRACEY D & REBECCA C 602 DIAS CREEK ROAD	611.07	
6808	466.01	21.02	GENOVESE, SHAWN M & TRACI S 35 BAY SHORE ROAD	808.04	
17361	1425.04	4	SHAGREN, THOMAS E & HEATHER 7 VICTORY DRIVE	1,109.59	

Refund payable to:

WELLS FARGO HOME MORTGAGE

1 HOME CAMPUS

X2502-011

DES MOINES, IA 50328

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.

97-09 Refund due to the State of New Jersey Homestead Rebate division, as the payment is intended for the former owner of the property listed below.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
1560	55.01	55	Former owner: Garry L & Carol L Shaw Property location: 118 Rte 47 N	660.94	

Refund Payable and sent to:

State of New Jersey

Department of the Treasury

Division of Taxation

P O Box 266

Trenton, NJ 08695-0266

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.

98-09 Refund due to overpayment made by Mortgage Company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	CK#
502	12.01	154	Farrell, James & Shannon 1547 RTE 9 N CMCH, NJ	1,066.57	
17640	114	8 C0016	Buchholz, Richard D 404 West Hampton Court CMCH, NJ	1,273.99	
17713	114	13 C0087	D'Amora, Hector J & Denise M 710 St Andrews Drive CMCH, NJ	1,219.03	
18128	252	9	Eberly, Deborah	1,055.39	
4799	253	6 C0001	9 Schoolhouse Lane CMCH, NJ Thomas, Eric V & Stephanie A	1,326.15	
6513	418	7.02	111 W Atlantic Ave CMCH, NJ Pawlus, Claudio & Jacqueline	816.00	
6910	468	21	105 S 10 th Street Cox, Jeffrey	150.54	
7032	472	44.01	24 Lola Lane Green Creek, NJ Mathis, John M Jr & Amalia G	906.70	
14089	1427	11	248 Rte 47 S CMCH, NJ Rich, John W IV	955.90	
14451	1443	2	61 Mimosa Drive Rio Grande, NJ Jones, Frank H & Doris E 7 Corson Street Rio Grande, N	756.43	

Refund payable to:
 First American Real Estate Tax Service
 Refund Department
 PO Box 961250
 Fort Worth, TX 76161-9887

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.

15. RESOLUTION NO. 99-09 – APPROVE LEAVE OF ABSENCE – CHRISTOPHER CURRAN –
 On motion by Mayor Doughty seconded by Committeemember Barry 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 the Leave of Absence with pay (accrued vacation time) for Christopher Curran, is hereby approved effective February 17, 2009 through February 23, 2009

16. RESOLUTION NO. 100-09 – AUTHORIZING PURCHASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to purchase a copy machine for the Township of Middle, in the County of Cape May, State of New Jersey; and
 WHEREAS, machine will be leased for the following department:

1. Treasurer's Department

WHEREAS, this can be purchased through State Contract # T201, and
 WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

TYGRIS Financing Inc.
 10 Waterview Blvd
 Parsippany, NJ 087054

For the lease/purchase of copier machines for 36 payments in the amount of \$695.00 per month.

17. RESOLUTION NO. 101-09 – AUTHORIZE INSTALLATION OF STREET LIGHT AND AUTHORIZING STREET LIGHT DIRECTOR TO SIGN NECESSARY AGREEMENT – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to install various street lights within the municipality, and

WHEREAS, the following is a list of requested street light additions:

POLE # SIZE (per w hps) LOCATION

W-18854	100	E Main Avenue & 11 th Street, Edgewood
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18. RESOLUTION NO. 102-09 – EMERGENCY TEMPORARY BUDGET AMENDMENT– On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2009 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and
 WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$48,500
 NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$48,500. That said emergency temporary appropriation shall be provided for in the 2009 budget under the title of:
See Attached List
2. That one certified copy of this resolution be filed with the Director of Local Government Services.

19. RESOLUTION NO. 103-09 – TRANSFER OF FUNDS – RESERVES – On motion by Mayor Doughty seconded by Committeemember Barry 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 2008

From	Amount	To
Administration S&W 8-01-20-100-100-111	1,000	Motor Pool 8-01-26-315-315-612
Administration S&W 8-01-20-100-100-111	700	Public Works OE 8-01-26-290-291-299
Administration S&W 8-01-20-100-100-111	300	Police OE 8-01-25-240-240-234
Administration S&W 8-01-20-100-100-111	3,000	Bldgs & Grds OE 8-01-23-310-310-292
Administration S&W 8-01-20-100-100-111	2,000	Legal 8-01-20-155-156-249

20. TABLED ** RESOLUTION – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – CONFLICT ENGINEER – PAUL DIETRICH – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

21. RESOLUTION NO. 104-09 – WHITESBORO SANITARY SEWER SYSTEM (PHASE II) – 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 Whitesboro Sanitary Sewer System (Phase II), and

WHEREAS, sealed bids were received on December 30, 2008 at 10:00am, and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest RESPONSIBLE bid received, which complies with specifications and requirements as set forth by the State of New Jersey.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Whitesboro Sanitary Sewer System (Phase II) be and hereby is awarded to:

F. W. Shawl & Sons, Inc. – Option 5 - \$1,714,953.68

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

22. RESOLUTION NO. 105-09 – APPROVE TEMPORARY TRAILER – APPENZELLER FAMILY – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, ON February 11, 2009 the home of Mr. David Appenzeller located at 477 Rte 47 North, suffered extensive fire damage, and

WHEREAS, After Disaster Housing Corp. has requested permission to set up temporary housing (trailer) on their property while their home is being replaced or repaired.

NOW THEREFORE BE IT RESOLVED, that authorization for placement of an emergency trailer be and is hereby granted by the Township Committee, the governing body of the Township of Middle.

FURTHER RESOLVED, that the trailer may remain for a time period of six months from the date of this resolution until August 31, 2009.

FURTHER RESOLVED, that approval of said trailer is contingent upon compliance with safety requirements set forth by the Construction Official and compliance with all other regulatory agencies including but not limited to the Middle Township Zoning Office.

23. RESOLUTION NO. 106-09 – AUTHORIZE EXCEPTION TO BID SPECIFICATIONS – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, state statutes allow a municipality to require or not require certain types of performance guarantees and other documents as part of the construction bidding process when a contract is anticipated to be less than \$100,000.00; and

WHEREAS, in consideration of a number of factors, including but not limited to, the anticipated amount of the contracts, the type of work that is to be done, the amount of time that the contract is to last, the slight risk involved of any sort of a default by a successful bidder, current budget constraints, the current economic condition in general, and Township Committee's desire to attract more bidders, hopefully more local contractors bidding, and lower bids;
NOW THEREFORE BE IT RESOLVED, that Township Committee hereby directs that in the bid specifications for (list the two projects) that a bid bond and surety guarantee not be required.
FURTHER RESOLVED, that the Township Solicitor and the Architect shall eliminate any other bid requirements and documents which will further the purpose of this Resolution as stated above.

24. PUBLIC COMMENT:

Steve Barry: Just wanted to comment that the Wildwood Water Utility has applied for an increased Tariff, they want to go to \$2.36 for 1,000 gallons. That is very much under the existing Tariff for New Jersey American Water, but it is not good news for the folks in Rio Grande since their water is going to go up a little bit, but still much cheaper than the Northern part of the county.

I want to commend Mr. Mallett for the series of presentations he has been making and is going to continue to make on the budget. I think they have been helpful to everyone, they have focused us on both the big picture and the small picture, and he has sacrificed tonight, his son is up for the middle school championship in wrestling and he has foregone going to that tonight in order to answer your questions and make these presentations and I think those kinds of sacrifices should be noticed, especially since coming down from Atlantic County to work here was supposed to give him more family time, not less, so I want to say on behalf of everyone, I appreciate his efforts very much.

Susan DeLanzo: Along with thanking Mark for the presentations, I think it has been a good experience for all of us and I think we have all learned quite a bit and engaged in good dialogue. I also just wanted to thank a few people. This past weekend we had our annual President's Weekend Basketball Tournament, and what is really nice about that is we have a lot of people who come to Middle Township, first of all it is through the recreation program and we have of course our staff, which is Chuck McDonnell the Director, Robert Matthews and Tammy Devitt, along with Clinton Freeman and Jim McHale and other people who work the snack stand, and what is really nice is that we have a lot of people coming to our community and enjoying very good sportsmanship games and families get to come and watch their children and we as residents can be very proud that when they come to our facility that they are very impressed first of all by whom they see, our residents who are very friendly and gracious, and also our facility, and that is not to be diminished by the goal of this, not only are we providing a good sportsmanship atmosphere, but monies are generated which goes into our recreation program. There are a lot of people that we owe thanks to for that and I just wanted to say how proud I am of everyone in our community of their gracious and hosting of events like this.

Mayor Doughty: I think it started on Thursday evening, if I am not mistaken and went all the way through Monday. This is quite an event for the Township, well received by all, people will say that is a hidden gem in there...if you haven't been out to the Goshen rec there new floor, new siding and it just presents itself very well to Middle Township. The same goes for the Martin Luther King Center. I, like Susan, would like to commend those people who are dedicating their time and it is just good to see the people working together to make for the better of Middle Township and I am quite sure there were businesses that were helped very good by this event this weekend.

Vince Orlando: Mayor, there was a very positive impact this weekend.

PUBLIC PORTION:

Peggy Mathis: Who is the street light director?

Mark Mallett: Did you call about a street light being out? I had Rick Ceglarski contact someone about a street light that was out and also had him contact AC Electric and they said it would be a couple of weeks, he was going to see if he could get that moved up. I don't know if that was with your street light or not.

Peggy Mathis: Yes, it is on Hoppy's Lane. I had spoken with your Secretary, Dawn and she told me how to plug it in with Atlantic City Electric and it was very easy. But we have several pole numbers with the same number.

Mark Mallett: I will call him and see if that is the one he followed up on because I know he was calling Atlantic Electric trying to expedite getting the light replaced.

Vince Orlando: It's a new pole, isn't it?

Peggy Mathis: It's a new pole, yes, but you know what I think it is I think they cut the wires when they do plantings around there so, oh well and that has happened several times because the one out on Shunpike got cut when they put in the sprinkler system.

Miles Truesdale: Last fall the Committee passed a resolution where you contributed \$6,000 to do a soil analysis on Site 103. Have you gotten a report back on that yet to see what that report may have indicated regarding the soil analysis they were going to do?

Steve Barry: I have not seen it. I don't think we got it back because I would have read it.

Mayor Doughty: We will look into it.

Miles Truesdale: Did you pay for it.?

Steve Barry: Yes

Jim Pickering: I just don't think it is done yet.

Steve Barry: This is the spoil site down near Nummy's Island, right?

Miles Truesdale: Yes.

Chief Evangelista: I saw a presentation during the work session on a new development going down in Rio Grande and I know it is only one of about 3 or 4 that will be going in in the next 4 or 5 years that will come on line or be on the books. My concern as the Police Chief is the developing at this point in the Township is going to be really critical with the Township budget being the way it is. For Mrs. DeLanzo to be that concerned up front, these people would pay a fee as opposed to taxes, but even if this was commercial development where they would be paying tax, I understand this budget is limited to a 4% tax, so we could collect all of the money we can, we just can't spend it. My concern is the calls for services, especially with the number of people, 167 units which would probably be 500 people going into this one area. It could be a safe issue, one from the inside, crime can come from the inside out or the outside in, or within the complex. I just don't know what we do.

Mayor Doughty: I do, Joe. I think that your words have been very well accepted and I know we will take care of it if that happens. I think the Township police department will be rewarded with the number of individuals and units going in there.

Chief Evangelista: Well, as people retire, and me being one of them, and replacements not coming up, we are going to have an issue just day to day over the next year or so.

Mayor Doughty: I think we all understand that up here and when it goes before the zoning board we will be attuned to what is going on and.....

Chief Evangelista: I don't want to be the doer of saying you can't do these projects, but I just want the people in the Township to understand that the development that took place over the last 4 or 5 years busted this Township wide open and the State has placed a burden upon us, which is just unbelievable. If we were a town that couldn't grow, it wouldn't have affected us that bad, but the police department for one didn't grow as much as the Township did and now we are going to be hurting. I think down the road we have to look at these projects, I don't know how you stop them and I don't know if you should or not, and I am not here saying now that you shouldn't do this, but I think there is going to be a price to pay with all of this development going in and I am just concerned.

Mayor Doughty: Thank you very much, we will take it under advisement.

Meeting adjourned 7:12 PM

Kimberly Tomkinson, Twp. Clerk

Minutes prepared by D. Stimmel, Deputy Clerk