

Cape May Court House, NJ  
February 17, 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. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

*No public Comment*

2. RESOLUTION NO. 73-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Lockwood abstained.  
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	\$ 7,332.57
Current Acct.	\$ 4,385,173.95

3. RESOLUTION 74-10 – 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. Committeemember Doughty abstained.  
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.	\$ 36,920.47
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4. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of January; Tax Collector for the month of January; Treasurer for the month of January;
5. ORDINANCE NO. 1339-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY, APPROPRIATING THE SUM OF \$30,000.00 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE EMERGENCY REPAIR DUE TO FLOODING IN MARLYN MANOR SECTION OF RIO GRANDE – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, Ordinance No 1339-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/15 /2010 at 6:00 p.m.  
BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:  
Section 1. There is hereby appropriated the sum of \$30,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the emergency repair due to flooding in Marlyn Manor section of Rio Grande.  
Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.  
Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.  
Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.  
Section 5. This ordinance shall take effect after final adoption and publication as required by law.

6. ORDINANCE NO. 1340-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$215,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF POLICE RADIO COMMUNICATION EQUIPMENT – On motion by Committeemember Lockwood seconded by and passed on roll call, Ordinance No 1340-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/15/2010 at 6:00 p.m.  
BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$215,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the acquisition of police radio communication equipment.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

7. ORDINANCE NO. 1341-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$75,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION AND REPAIR OF SNOW REMOVAL VEHICLES- On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1341-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/15/2010 at 6:00 p.m.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$75,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the acquisition and repair of snow removal vehicles

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

8. RESOLUTION NO. 75-10 – TRANSFER OF FUNDS – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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:

Administration S&W 9-01-20-100-100-111	\$5,000	Public Works OE 9-01-22-290-291-267
Police S&W 9-01-25-240-240-111	\$15,000	Public Works OE 9-01-22-290-291-267
Police S&W 9-01-20-100-100-111	\$6,500	Sanitary Landfill 9-01-32-465-465-373
Police S&W 9-01-20-100-100-111	\$3,000	Engineering OE 9-01-20-165-165-249

9. RESOLUTION NO. 76-10 & 77-10 – REFUND OF TAXES (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
6325	400	10	Swanson, Kristy L Etals 24 Park Ave.	652.53	
14209	1431.04	2	Pacheco, Delia 12 Hawthorne Drive	812.50	
18236	1436.05	36	Beazer Homes 215 Aberdeen Way	333.13	

Refund Payable and sent to:  
BAC Tax Services Corporation  
1757 Tapo Canyon Road  
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.

Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
17339	1	24	Redmond, James F & Coleen M 415 Rte 47 N	1,201.86	
894	36	8	Fitzpatrick, Robert & Nancy L Etals 61 Reeds Beach Rd.	618.76	
18964	264	60.01 C0056	Wolf, Douglas K & Virginia K 27 Whimbrel Way	1,347.19	

Refund Payable and sent to:

First American Real Estate Tax Service

Refund Dept.

P O 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 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.

10. TABLED\*\* RESOLUTION – AMEND AWARD OF BID – HOME REHABILITATION PROGRAM CONTRACT 2006-13 – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
WHEREAS, a contract was awarded via Resolution 418-07 in the amount of \$23,725.00 to E&B Home Improvements for Home Rehabilitation Project 2006-13, and  
WHEREAS, the E&B Home Improvements is not able to finish the project, and  
WHEREAS, it has been deemed necessary to award the remaining balance to another contractor.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract award to E&B Home Improvements is hereby reduced to \$14,125.00, and
  
11. RESOLUTION NO. 78-10 – REFUND AND CANCEL LIEN – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, the property known as Block 17 lot 63 located at 620 Avalon Blvd. and assessed to Daniel W. & Janice M Potts was included in the tax title lien sale held on January 19, 2010 for an unpaid taxes and sewer and  
WHEREAS, a lien was struck off to the Township of Middle bearing certificate #2010-5920 and  
WHEREAS, a wire transfer in the amount of \$9,490.61 was received on January 4<sup>th</sup>, 2010 (the collector's office was not notified of the wire confirmation) prior to the tax sale date which makes tax title lien #2010-5920 null and void.  
BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer transfer \$514.42 to the sewer department for the 2009 sewer charge.  
BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.
  
12. RESOLUTION NO. 79-10 – RELEASE PERFORMANCE BOND – NEXTEL COMMUNICATIONS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, \$18,840.00 is being held as a Performance Guarantee for Nextel Communications for site plan improvements at Block 389, Lot 9.03 also known as 14 Bayshore Road, and  
WHEREAS, this bond is being replaced by a new bond in the name of TowerCo Assets, LLC., and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond, in the amount of \$18,840.00, in the name of Nextel Communications is hereby released and replaced with a bond in the name of TowerCo Assets LLC.
  
13. RESOLUTION 80-10 – RELEASE OF MAINTENANCE BOND – ROS-LEN INC. – AMBER JACK ROAD – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, \$16,649.70 is being held as a maintenance bond of Ros-Len Inc. for Block 166, Lot 14.01, also known as Amber Jack Road, 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 576-04, and  
WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$16,649.70 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 \$16,649.70 be and is hereby released.

14. RESOLUTION NO. 81-10 – AUTHORIZING EMERGENCY CONTRACT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committeemember Doughty abstain.

WHEREAS, the Township of Middle has declared an emergency in the township due to snow accumulation, and

WHEREAS, the Township of Middle needed to bring in outside contractors to assist with the snow removal, and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey contracts are hereby authorized under NJSA 10A:11-6 to the Contractors listed below:

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$7,000.00 has been authorized for the following service or items: emergency shelter generator repair. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-25-252-252-299.

PO#: 2100312 ANZELONE ELECTRIC

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$68,000.00 has been authorized for the following service or items: snow removal. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-26-290-291-267.

PO#: 21000313 ALBRECHT & HEUN

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$25,000.00 has been authorized for the following service or items: snow removal. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-26-290-291-267.

PO#: 21000314 JW HAND

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$4,000.00 has been authorized for the following service or items: snow removal. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-26-290-291-267.

PO#: 21000315 HJ COWAN

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$4,000.00 has been authorized for the following service or items: snow removal. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-26-290-291-267.

PO#: 21000316 GARY'S AUTOMOTIVE

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$5,000.00 has been authorized for the following service or items: snow removal. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-26-290-291-267.

PO#: 21000317 CHEW BROTHERS

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$15,000.00 has been authorized for the following service or items: snow removal. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-26-290-291-267.

PO#: 21000320 COCO BROTHERS

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$5,000.00 has been authorized for the following service or items: emergency repair MLK center. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-25-252-252-267.

PO#: 21000323 NICK BADAME REFRIGERATION

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Tracey DeVico Taverner, CFO

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$4,000.00 has been authorized for the following service or items: replace electronic traffic sign destroyed by snow. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-25-240-240-299. PO#:

21000324 ALL TRAFFIC SOLUTIONS

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Tracey DeVico Taverner, CFO

15. RESOLUTION NO. 82-10 – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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 2010 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 \$319,000.00

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 \$319,000.00. That said emergency temporary appropriation shall be provided for in the 2010 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.

16. RESOLUTION NO. 83-10 – APPROVE TEMPORARY TRAILER – KOEPPPEL – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Mr. Richard Koepfel of 1 Fairway Drive, otherwise known as Block 12.01 Lot 45.23, has requested permission to place a temporary trailer at said residence during the repairs of a home/business that suffered damage during a fire, and

WHEREAS, Mr. Koepfel has been forced to find temporary living quarters during said repairs and is requesting committee permit him to place a temporary officer trailer on site until September 1, 2010.

NOW THEREFORE BE IT RESOLVED, that authorization for placement of a temporary trailer is hereby granted by the Township Committee, the governing body of the Township of Middle, at the location of Block 12.01 Lot 45.23, otherwise known as 1 Fairway Drive.

FURTHER RESOLVED, that a copy of said resolution shall be given to the Middle Township Construction, Zoning, and Code Enforcement offices for notification.

17. PUBLIC COMMENT:

Committeemember Doughty – thanked everyone for efforts during snow storm. Great effort.

Committeemember Lockwood – acknowledged professionals for dedication during rough storm. Thank you volunteers... lots of hours in. Never going to be prepared for something like this. No loss of life in Middle Township.

Mayor DeLanzo – Very proud of residents who took this snow storm serious... very inspiring... very proud of Nate and Dan. They were wonderful to work with. Thank you everyone.

Mitchell Nichols – asked to be placed on list for emergency services. Surprised he never got a call to help out. Why? How was selection made?

Andrew Smith – indicated that he along with Calvin Back made the phone calls. Went down alphabetical list.

R. Shuman – comment on amount of snow contracts. Paid per hour?

Mallett – indicated rates varied on the different equipment used.

Shuman – asked for list of equipment used and rate. Paid rate?

Committeemember Doughty - will put a list together.

J. Pickering – will look at law on emergency contracts to see what is required during emergency. Explained what “rate” means to public.

R. Shuman – has done rate jobs before. Knows township has to pay one and it’s expected.

Carol Mattessich - #5. Same amount authorized in resolution or is this for an additional \$30,000.00?

Mallett – same

Mattessich – reiterated and wanted clarification that Mr. Smith made all the calls to contractors during emergency.

Andrew Smith – explained the emergency situation and that he was part of the group that made calls.

Mattessich – asked again who made calls and rate of each contractor. Asked for list of contractors. “Can we expect list of what contractors did what and rate of equipment?”

B. McGurk – asked when bids are due for cell tower. Expressed concern about new studies on cell towers. Surprised about cell tower bid... was unaware. Wondering if at the beginning of each meeting you could take time to recap what occurred at work session.

Madelyn Filipski – indicated she felt that ordinance proposed punished people for working for township. “Don’t think they should be punished since they work for us”. Asked J. Pickering if he would work full-time for township and save township money. Would like pathway of no conflict. Asked committee to do whatever it takes to settle Albrecht and Heun lawsuit.

Elaine Fausey – Curious if township could go to term limitations by resolution or referendum.

J. Pickering – indicated he didn’t think it was possible to do something of that sort.

Committeemember Lockwood – indicated he would look into it.

Joanne Massarella – asked what action Beazer was taking behind their property. They are digging.

Orlando – hard pipe plan approved. Installing new pipe.

Carol Grey – asked for particulars on piping

B. McGurk – asked if there might be a second problem. Ground Well results?

R. Shuman – asked about slope on property.

Carol Moore – asked if David May pulled permits and whether any additional permits will be issued until problem complete.

M. Filipski – asked about various checks on bill list. Also asked if committee go to ethics classes and the purposed of ethics video shown by Personnel Director Vera Kalish.

Carol Moore – asked if township will dredge lake.

Pickering along with Vince Orlando and JR Heun explained the 80 yards removed and process.

There being no further business the meeting was adjourned at 7:15pm.

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Kimberly Tomkinson, Twp. Clerk