

Cape May Court House, NJ
January 20, 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, Deputy Township Clerk Dawn Stimmel, Attorney James Pickering, and Engineer Vincent Orlando.

- 1. PLAQUE PRESENTATION – POLICE DEPARTMENT – CAPTAIN SMEDBERG
- 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.)
Ann Hearon - spoke on Haiti Earthquake and projects they are working on to help the Haiti people.
Eileen Fausey – Item 15.. Separation of Church and State
Vilma Pombo – asked for the bill list
Carol Mattessich – Items 14& 18. Needs full report on litigation as to whether township taking a pro active position. A&H has refused to make payments .. is this true?

- 3. RESOLUTION NO. 41-10 – PROMOTION – POLICE DEPARTMENT – On motion by Committeemember Doughty seconded by Mayor 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 following employees in the Middle Township Police Department are hereby promoted to the titles opposite their name at the following salaries:

Name	Title	Salary	Eff. Date
Christopher Murphy	Police Lieutenant	\$106,419.00	01/20/2010

OFFICER WAS SWORN IN

- 4. RESOLUTION NO. 42-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Dedicated Trust	\$ 33,885.14
Current Acct.	\$ 309,594.44

- 5. RESOLUTION NO. 43-10– 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.	\$1,993.50
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- 6. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of December; Tax Collector for the month of December;

- 7. RESOLUTION NO. 44-10 – RATIFY INTERLOCAL AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND MIDDLE TOWNSHIP FIRE DISTRICT NO. 2 BOARD OF FIRE COMMISSIONERS – PARTICIPATION IN JOINT INSURANCE FUND – 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 a member of the Atlantic County Municipal Joint Insurance Fund; and
WHEREAS, under the rules and regulations of the Municipal Excess Liability Joint Insurance Fund, the Township of Middle shall endorse the application of a fire district and agree to assume responsibility for the financial obligation of the fire district to the Atlantic County Municipal Joint Insurance Fund further constituting this agreement for reimbursement; and
WHEREAS, the commissioners have been accepted to participate in the ACMJIF.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Interlocal Agreement for Joint Insurance Fund Year 2010.

8. RESOLUTION NO. 45-10 – AUTHORIZE RELEASE OF UNIDENTIFIED SEWER ESCROW FUNDS TO UTILITY OPERATING ACCOUNT – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, certain trust funds contain balances that should be cancelled;
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof; that the following balances in the Sewer Escrow Account be transferred to the Utility Operating Account.

2006 voided check \$1,280.00

9. RESOLUTION NO. 46-10 – ESTABLISH DEDICATION BY RIDER FOR SNOW REMOVAL RESERVE TRUST FUND PURSUANT TO PL2001, C138 – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, PL 2001 c138 allows municipalities to receive amounts incurred for costs incurred for Snow Removal;

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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 as follows:

1. Township Committee hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Snow Removal as per PL 2001 c138.
2. The municipal clerk of the Township of Middle is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

10. RESOLUTION NO. 47-10 – APPROVE TEMPORARY TRAILER – ATLANTIC MEDICAL IMAGING – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Atlantic Medical Imaging has requested permission to temporarily locate a trailer at their location at 421 Route 9 North, Cape May Court House, in the parking lot, from Monday, February 1, 2010 through Friday February 19, 2010 while improvements are being made on their existing office.

WHEREAS, this CT Trailer will allow temporary operation while the CT unit inside the facility is undergoing an upgrade.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, that Atlantic Medical Imaging be allowed to place a trailer at their location for the purpose stated above.

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.

11. RESOLUTION NO. 48-10 – ACCUMULATED LEAVE – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following named persons be permitted to carry over accumulated vacation in excess of the one year permitted:

Marilyn Miller	3 Vacation Days
Cpt. Sharon Price	13.5 Personal Hours
Det. Sgt. Christopher Murphy	8 Personal Hours
	2 Vacation Hours
Ptl. James Loftus	4 Personal Hours
Sgt. Pat Conte	8 Personal Hours
Kendra Karstens	1.75 Vacation Hours
Debra Dunbracco	33 Vacation Hours

12. RESOLUTION NO. 49-10 – REFUND OF TAXES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

Refund due to:

Carlos O Ramirez has been granted a Veteran deduction for 2009.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
18534	1425.01	8.02 C0002	Ramirez, Carlos O 17 Williams St Rio Grande, NJ 08242 Property Location: 17 B Williams Street	250.00

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.

13. RESOLUTION NO. 50-10 – AWARD CONTRACT AND RATIFY AGREEMENT UNDER NON-FAIR AND OPEN PROCESS – ACCREDITATION CONSULTANT SERVICES – POLICE DEPARTMENT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between W. Scott Webster and the Township of Middle for the consultant services in connection with the renewal of accreditation for the Middle Township Police Department, 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.
W. Scott Webster – Consultant Services – Accreditation Police Department - \$20.00 per hour not to exceed \$750.00

14. RESOLUTION NO. 51-10 – CLOSED SESSION – MATTERS OF PENDING LITIGATION – MIDDLE V. FUTURE MINING; MATTERS OF POTENTIAL LITIGATION; AND UNION NEGOTIATIONS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained

15. RESOLUTION NO. 52-10 – ENDORSING THE EFFORTS OF THE STUDENTS, PARENTS, AND FACULTY, FRIENDS AND ALUMNI OF WILDWOOD CATHOLIC HIGH SCHOOL TO PETITION BISHOP GALANTE AND THE DIOCESE OF CAMDEN TO RECONSIDER CLOSING WILDWOOD CATHOLIC HIGH SCHOOL AT THE END OF THE SCHOOL YEAR – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Wildwood Catholic High School was established in the City of North Wildwood in Cape May County in 1948; and
WHEREAS, for the past sixty-two years Wildwood Catholic High School has faithfully and diligently educated and served thousands of children from the Wildwoods as well as throughout Cape May County; and
WHEREAS, the values and traditions of Wildwood Catholic High School are so engrained into the fabric of the communities of Cape May County by those persons who have been taught, mentored and graduated from Wildwood Catholic High School; and
WHEREAS, the Wildwood Catholic High School is the one and only non-public education high school within the Count of Cape May and that its closure would deny so many citizens within Cape May County an opportunity for formal parochial education; and
WHEREAS, the closure of Wildwood Catholic High School would impose an undue financial and personal burden on the students and families of Wildwood Catholic High School by forcing them to travel one hour each way to attend school, athletic practices and games, and all other extra-curricular activities and events in Atlantic County at Holy Spirit, the most proximate Catholic High School; and
WHEREAS, the closure of Wildwood Catholic High School would impose a great and far reaching negative financial impact on the teachers, employees, parents and businesses within Cape May County; and
WHEREAS, the closure of Wildwood Catholic High School would cause irreparable harm to the shore communities of Cape May County as they struggle to retain a sense of year round community and identity against a rising tide of economic adversity; and
WHEREAS, the closure of Wildwood Catholic High School would cause irreparable harm to the student body of Wildwood Catholic who will be denied the opportunity to graduate from the high school where they have developed strong and beneficial bonds with teachers, coaches and fellow classmates; so
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, State of New Jersey, County of Cape May that Middle Township hereby endorses the efforts of those involved to Save Wildwood Catholic High School beyond the 2010 school year, and
BE IT FURTHER RESOLVED that Middle Township request that Bishop Joseph Galante and the Diocese of Camden reconsider and stay its decision to close Wildwood Catholic High School.

16. RESOLUTION NO. 53-10 – CAMPGROUND LICENSE RENEWAL 2010 – On motion by Committeemember Doughty seconded by Committeemember Lockwood 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
1	Ponderosa	11	100	\$400.00
3	Cape Shores Resort Inc.	10	200	\$600.00
4	Delsea Woods Community LLC.	50	100	\$400.00
5	Bay Cove	59.66	144	\$488.00

6	Old Stagecoach	35.89	229	\$658.00
7	King Nummy	85.88	456	\$1,112.00
9	Shellbay	79.50	296	\$792.00
10	Adventure Bound Camping Resorts, Cape May, NJ	34.76	400	\$1000.00
12	Green Holly	75.75	456	\$1,112.00
13	Hideaway Beach	149.91	344	\$888.00
14	Acorn	74.90	330	\$860.00
15	Big Timberlake	89.33	800	\$1,800.00

17. RESOLUTION NO. 54-10 – MOBILE HOME PARK LICENSE RENEWAL 2010 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the several Mobile Home Park 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	Sup Site	Fee	Sup.Fee
1	Briarwood	6.50	73	0	\$350.00	\$0.00
2	Grande Woods South	31.15	100	160	\$350.00	\$500.00
3	Grande Woods North	16.25	100	0	\$350.00	\$0.00
4	Cedar Springs	3	36	0	\$350.00	\$0.00
5	Village	1.1	18	0	\$350.00	\$0.00
6	Delsea Woods Community LLC.	50	100	150	\$350.00	\$500.00
7	Captain Walt's	3	36	0	\$350.00	\$0.00
8	Rio Grande	2.58	50	0	\$350.00	\$0.00
10	A & J MHP	10.4	56	0	\$350.00	\$0.00
11	Edgewood Village	10.4	82	0	\$350.00	\$0.00
13	Park View	13.365	100	0	\$350.00	\$0.00
14	Garden Lake	63.87	150	200	\$350.00	\$500.00
15	Presidential Courts	3.5	39	0	\$350.00	\$0.00
16	Shellbay	3.42	41	0	\$350.00	\$0.00

18. RESOLUTION NO. 55-10 – AWARD EMERGENCY CONTRACT – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained
WHEREAS, the Township of Middle declared an emergency in the Marlyn Manor section of Rio Grande, due to extreme flooding, via Resolution No. 35-10, and
WHEREAS, the Marlyn Manor section of Rio Grande in the Township of Middle has suffered drainage problems that have become apparent very recently, some of which is believed to be caused by a drainage pipe that is not functioning due to it being clogged by tree roots; and
WHEREAS, the Township Committee finds, based upon personal observation, photographic documentation, and statements made by residents, that this presents an emergency situation which negatively impacts on the public health, safety and welfare in that immediate area; and
WHEREAS, the municipal engineer sought quotes from various contractors, the results which are listed on the letter as attached and made part of this resolution.
NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey a contract is hereby authorized under N.J.S.A. 10A:11-6 to Albrecht & Heun, Inc. in the amount of \$22,450.00. (see letter below)

On Monday, January 18, 2010, I received price quotes for the emergency drainage repair for 4th Street in Marlyn Manor (see attached quotes). The quotes are listed below:

1.	Albrecht & Heun, Inc.	\$22,450.00
2.	Ricky Slade Construction	\$25,610.00
3.	James Hemingway, Garden State General Construction	\$29,350.45
4.	Walters Marine Construction, Inc.	\$42,200.00
5.	Asphalt Paving Systems, Inc.	\$49,495.00

I have directed Albrecht & Heun, Inc. to proceed with the required repairs as indicated on the plan. The representative from Albrecht, & Heun, Phil Heun, Jr., has indicated to me that work will commence this week.

19. RESOLUTION NO. 56-10 – PBA CONTRACT – SALARIES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Mayor DeLanzo Abstained
Whereas, the current PBA contract as approved by Township Committee has expired effective 12/31/2009.
Whereas, negotiations are currently ongoing and a salary step guideline was established in said contract and Township Committee desires to adhere to said salary step guide;

Therefore, be it resolved, the following listed employees be placed in their designated step as of the dates so listed.

Effective 1/1/10			Effective 2/1/10		
Employee		Salary	Geiger		46,930
			Jones		46,930
Bryan	Joshua	63,325	Larkin	Leonard	52,395
Castellano	Gino	90,952	Lindholm	Martin	46,930
D'Alonzo	James	85,186	Martino	Matthew	52,395
DeLanzo	Jennifer	90,952			
Greenwaldt	Michelle	68,791	Effective 4/1/10		
Hagan	David	79,721			
Higginbottom	Mark	85,186	Trombetta	Giacomo	52,395
Johnson	Phillip	90,652			
Loftus	James	90,952	Effective 9/1/10		
Martin	Kenneth	90,652			
Miller	Ronald	57,860	Martin	Daniel	57,860
Norton	John	63,325	Saettler	Kurt	52,395
Novsak	Steven	68,791			
Ruiz	Julio	79,721			
Sill	Jason	90,952			
Super	Tracey	57,860			
Sweitzer	Jason	85,186			

20. RESOLUTION 57-10 – TRANSFER OF FUNDS – RESERVES – On motion by Committeemember Doughty seconded by Mayor 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:
Administration S&W \$4,000 Administration OE
9-01-20-100-100-111 9-01-20-100-100-299
Administration S&W \$1,000 Construction S&W
9-01-20-100-100-111 9-01-22-195-196-111
Administration S&W \$ 500 Zoning S&W
9-01-20-100-100-111 9-01-21-185-185-111
Utility S&W \$10,000 Utility OE
9-07-55-501-501-111 9-07-55-502-502-299

21. PUBLIC COMMENTS:

Betty McGurk – COAH. Anything on COAH? Anything on bike path?

E. Fausey – Picture by Ruth Fisher. Where is it?

Mr. Tracey – spoke on Beazer Home area and drainage problem.

Carol Gregg – Giving Beazer too much time to solve flooding problem. When was last bldg. permit issued?

Lois Shuman – questioned Beazer Homes bond

Thomas Duffy – Asked if there was a law that “says anything that you do to a neighbor that causes flooding” can be rectified by lawsuit.

Steve Smith – 200ft of property on his home has drainage easement. Child could drown.

Cheryl Spaulding – inquired about grants regarding sewer in Whitesboro.

E. Fausey – was there ever a sewer impact study done?

Mr. Tracey – North side of Beazer’s property same problem exist.

Len Verity – Developed Meadows Edge.. had engineer design all underground drainage. Has been frustrated and would like to sit down with someone and have ordinance interpreted. Safety issues in Woodland Estates.

Carol Mattessich – Forensic account to calculate what went on on that site.

Meeting was adjourned at 8:11pm

Dawn Stimmel, Deputy Clerk