

Cape May Court House, NJ

July 19, 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 Clerk Kimberly Tomkinson, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando. Township Business Administrator Mark Mallett was absent.

1. PRESENTATION BY TOM DWYER OF EASTERN GEOSCIENCES INC. – STORMWATER IMPACT EVALUATION – GATHERINGS AT CAPE MAY
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.)
3. RESOLUTION NO. 285-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Mayor DeLanzo seconded by Committeeman 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 payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$ 285,819.41
4. RESOLUTION NO. 286-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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. \$ 20,580.00
5. RESOLUTION NO. 287-10 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
6. REPORTS: The following departments have submitted their reports for the months indicated:
Municipal Court for the month of June;

NO RESOLUTION NO. 288-10

7. RESOLUTION NO. 289-10 – AUTHORIZING EMERGENCY CONTRACT – STAGECOACH ROAD & SHELLBAY AVENUE EMERGENCY ROAD RECONSTRUCTION – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:11-6 authorizes the ratification of a contract under emergency situations, and
WHEREAS, the Township of Middle feels that if immediate action is not taken the health, safety and welfare of the public traveling Shellbay Avenue/ Stagecoach Road are at risk; and
WHEREAS, this Resolution shall authorize a contract in the amount not to exceed Twenty Eight Thousand Nine Hundred Sixty Five (\$28,965.00) to Ricky Slade Construction; and
NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that a contract with Ricky Slade Construction is hereby authorized in the amount of \$28,965.00.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
8. RESOLUTION NO. 290-10 – AUTHORIZATION TO CLOSE A PORTION OF BENNY’S LANDING ROAD FOR NEIGHBORHOOD BLOCK PARTY – 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 authorization is hereby given to close a portion of Benny’s Landing Road on Saturday, August 21, 2010 from 5:00pm to 12 midnight for a neighborhood Luau party.

9. RESOLUTION NO. 291-10 – APPOINTMENTS TO BOARDS – On motion by Committeemember Lockwood *seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. * **Committeemember Lockwood made motion with comment on record. “I will make this motion with one comment. I have spoke with Mark on boards. Some boards meet less than others and I think we need to create a scenario for more equity. We need a more viable way.”**

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 person be and are hereby appointed to the term of office opposite their name:

NAME	POSITION / BOARD	TERM AFFECTIVE	TERM EXPIRES	SALARY
Vera Kalish	Safety Committee Secretary	July 1, 2010	12/31/2010	\$850.00
Michael Linz	EMS Billing Administrator	July 1, 2010	12/31/2010	\$850.00

10. RESOLUTION NO. 292-10 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Lockwood seconded by Mayor 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.

11. RESOLUTION NO. 293-10 – CLOSED SESSION – PENDING LITIGATION (RAVITZ V. MIDDLE) (MIDDLE V. ALBRECHT & HEUN) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained

12. RESOLUTION NO. 294-10 – APPROVE APPLICATION - OVER THE LIMIT UNDER ARREST STATEWIDE CRACKDOWN – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day and almost 18,000 people each year; and WHEREAS, 34% of motor vehicle fatalities in New Jersey are alcohol-related; and WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that authorization to apply for the “Over the Limit Under Arrest Statewide Impaired Driving Crackdown”, in the amount of \$4,400.00 be and is hereby approved. BE IT FURTHER RESOLVED, that the enforcement dates are August 20, 2010 through September 6, 2010 FURTHER RESOLVED, that Police Captain Paul Fritsch is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.

13. RESOLUTION NO. 295-10 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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 resignation listed below is acknowledged.

EMPLOYEE	POSITION	DEPARTMENT	EFFECTIVE
Shawn Vaughan	Recreation Attendant PT	Recreation	07/01/2010

14. RESOLUTION NO. 296-10 – RELEASE OF PERFORMANCE BOND-OUR LADY OF ANGELS CHURCH - On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$23,500.00 is being held as a performance guarantee of Our Lady of Angels Church for Block 257; Lot 18; Steel Road, Cape May Court House

WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and

WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and

WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Cash Bond in the amount of \$23,557.76 (including interest accrued) is hereby released.

15. RESOLUTION NO. 297-10 – ENDORSING APPROVAL CERTIFICATE FOR NEW/USED MOTOR VEHICLE DEALER – GWS ENTERPRISES LLC (GRANDE WOODS SOUTH) – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Committeemember Lockwood Abstained
WHEREAS, the GWS Enterprises LLC (Grande Woods South MHP) currently has mobile home units on various sites within the mobile home park that they wish to sell to potential residents, and
WHEREAS, there will be no placement of mobile home units along the roadway for show or for sale to the public and all units will be sold on the approved pad areas, and
WHEREAS, the Zoning Official has no objection to said endorsement so long as the above condition is met and that all zoning and construction regulations dealing with setbacks and permits are followed; so
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk is hereby authorized to sign the Approval Certificate.

16. RESOLUTION NO. 298-10 – AUTHORIZING GRANT APPLICATION – WATER CONNECTION – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the owners of 2604 Rte 9 South in Rio Grande, otherwise known as Block 1112 Lot 1 wish to connect to the Phase II water connection, and
WHEREAS, the owner failed to apply during the original grant application process, and
WHEREAS, they have submitted three estimates for said hook-up, and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the grant application for water connection is hereby approved for 2604 Rte 9 South, otherwise known as Block 1112 Lot 1, and
BE IT FURTHER RESOLVED, that said contract be awarded to Howard LeConey Plumbing and Heating in the amount of \$2,125.20.

17. RESOLUTION NO. 299-10 – SOCIAL AFFAIRS PERMIT – MIDDLE TOWNSHIP DEMOCRATIC CLUB – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained.
WHEREAS, the Middle Township Democratic Club has applied for approval to sell alcoholic beverages at an event to be held at 600 Bayberry Drive, Cape May Court House, NJ, on August 26, 2010 from 2:00 p.m. to 7:00 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.

18. RESOLUTION NO. 300-10 – AUTHORIZING ACTING CONSTRUCTION OFFICIAL – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Don Arndt is the Construction Official for the Township of Middle; and
WHEREAS, Mr. Arndt will be out of the office from July 19, 2010 through July 23, 2010, and
WHEREAS, Mike Koochembere has the qualifications to substitute for Mr. Arndt, performing the duties of Construction Official, while he is out of the office; and
WHEREAS, it is appropriate to name Mike Koochembere Acting Construction Official in the absence of Don Arndt during the time period of July 19, 2010 through July 23, 2010; and
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, State of New Jersey, County of Cape May that Mike Koochembere is hereby named Acting Construction Official from July 19, 2010 through July 23, 2010.

19. RESOLUTION NO. 301-10 – ACKNOWLEDGEMENT OF TERMINATION – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Frank Dougherty	Recreation	Baseball Commissioner	07/01/2010

20. RESOLUTION NO. 302-10 – AUTHORIZING CREATION OF LIEN ON PROPERTY – VARIOUS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance, and
WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc., and

WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”, and
WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied.
WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations, and
WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.
FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROP. LOCATION	BLOCK / LOT	AMOUNT
Mark & Sharon Shaw	257 Indian Trail	472/98	\$228.92
Edward & Catherine Jones	610 Rte 9 N.	127/27	\$228.92
Elizabeth Jacobs	22 Stagecoach Road	166/12	\$228.92
Danielle McCawley & K.D. Wnek	206 Stites Ave	240/17	\$228.92

21. RESOLUTION NO. 303-10 – APPROVE CHANGE ORDER NO. 6 –
WHITESBORO/EDGEWOOD PHASE I SANITARY SEWER PROJECT – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Perna Finnigan Inc. was selected for the Whitesboro/Edgewood Phase I Sanitary Sewer Project, within the confines of the Township of Middle.
WHEREAS, it has been deemed necessary to issue a change order for said project, in connection with an adjustment associated the elimination of the Bayview jack and bore crossing and modified sewer design north of West Main Street.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #6 for the project awarded to Perna Finnigan Inc. be and is hereby approved for a credit in the amount of \$80,175.00
22. ORDINANCE NO. 1366-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY CONSENTING TO THE COUNTY OF CAPE MAY PURCHASE OF LAND KNOWN AS BLOCK 167.01, LOT 92, FORMERLY KNOW AS BLOCK 34.02, LOT 90, ALSO KNOWN AS 170-174 ROUTE 47, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, Ordinance No 1366-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/16/2010 at 6:00 p.m.
WHEREAS, the Cape May County Agriculture Development Board has granted final approval for the purchase of a Development Easement on property owned by Warren C. Stiles, Beverly A. Schellinger, Irvin R. Stiles and Anne P. Stiles, Executrix of Herbert D. Stiles, at a certified value of \$12,825.00 per acre, designated as 83.73 acres, Block 167.01, Lot 92, formerly known as Block 34.02 and Lot 90, also known as 170-174 Route 47, Middle Township, Cape May County, New Jersey, and on the Official Tax Map of the Township of Middle;
WHEREAS, the Board of Chosen Freeholders of the County of Cape May has entered into a contract to purchase said easement;
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, has reviewed the aforesaid application, pursuant to N.J.A.C. 2:76-6.10(a) 4, and in the best interest of the Township approves the application and the purchase of the development easement of the property designated as, Block 167.01, Lot 92, formerly known as Block 34.02, Lot 90, 83.73 acres, Township of Middle, Cape May County, New Jersey.
23. RESOLUTION 304-10 – MAKING REQUEST TO COUNTY OF CAPE MAY REGARDING DRAINAGE ON SHUNPIKE – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the weather this past winter caused serious drainage problems on certain residential streets in The Township of Middle, including but not limited to Shun Pike and certain streets off of Shunpike, such as Secluded Hollow Road; and
WHEREAS, Shun Pike is within the jurisdiction of the County of Cape May; and
WHEREAS, Secluded Hollow Road is within the jurisdiction of the Township of Middle; and
WHEREAS, The Township of Middle desires to make drainage improvements to the situation at Secluded Hollow Road; and
WHEREAS, this being a regional drainage problem demanding a regional solution;
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, that the Township of Middle hereby requests that the County of Cape May make drainage improvements to Shun Pike a priority to be designed and built as soon as possible, and to allow the Township of Middle to use the County of Cape May system in conjunction with the improvements that could then be made by the Township of Middle on Secluded Hollow Road.

24. PUBLIC COMMENT:
- Rebecca Cochachanco: Thanked committee, neighborhood has drafted petition (read into record).

Committeeman Doughty: Good job to Vine on road construction.

Mayor DeLanzo: Conifer informed public of decision on project.

Jim Pickering: They have 45 days for appeal

Mayor DeLanzo: Announced Dwyer to be first on the agenda-giving report on study and findings on flooding in Marilyn Manor.

Rebecca Cochachanco: Concerned if water table doesn't drain back to normal, is concerned about what will happen during next cycle of rainfall. What is the best way to help stop the flooding since her area is between a marsh and a body of water.

Lois Schuman: What is emergency?

Fran Grant: What was repair?

Committeeman Lockwood: Spoke with Mark on Boards. Some meet less than others. Create a scenario for more equitablemore viable ways.

Committeeman Doughty: Frank Dougherty is still very active. Is staying on with no pay. Going to try to work out payment plan for groups he brings in. Every field is full this weekend.

MarkMallett: Is looking into PSC.

Edward Taylor: Incorrect signs up with former Township Committee members info. Suggest removal of signs so taxpayers do not need to pay to replace. Hand Avenue speed limit – no one does 30 mph.

Vilma Pombo: Presented info to committee: 1. Dog licensing necessities; 2. Vest pocket pans.

Fran Grant: Street needs repaired.

Betty McGurk: Good news on Conifer. Master Plan people would be surprised property could be looking at 60 units.

Lois Shuman: Asked about permit for Grande Woods S.

Meeting adjourned 7:30 PM

Kimberly Tomkinson, Twp. Clerk