

Cape May Court House, NJ  
March 1, 2010  
REGULAR MEETING  
FLAG SALUTE  
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor DeLanzo, Committeemember Doughty, Committeemember Lockwood, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando.

1. PROCLAMATION – YOUTH ART MONTH  
*Mayor DeLanzo presented plaques to students from Middle Township Schools and Margaret Mace School in connection with Youth Art Month.*
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.)  
*No Public Comment*
3. RESOLUTION NO. 84-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct.	\$ 2,532,834.66
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4. RESOLUTION NO. 85-10 – 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.  
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.	\$ 57,940.50
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5. REPORTS: The following departments have submitted their reports for the months indicated:
6. ORDINANCE NO. 1338-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY ESTABLISHING GUIDELINES AND FEES FOR STREET VACATIONS – Following second reading, hearing, and consideration for adoption, Ordinance 1338-10 was adopted on motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
7. ORDINANCE NO. 1342-10 – AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF AVALON LLC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF MIDDLE, NEW JERSEY – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, Ordinance No 1342-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/05/2010 at 6:00 p.m.
8. ORDINANCE NO. 1343-10 – AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF WILDWOOD LLC TO CONSTRUCT, CONNECT AND OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF MIDDLE, NEW JERSEY – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1343-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/05/2010 at 6:00 p.m.
9. RESOLUTION NO. 86-10 – TABULATION COMMITTEE – RECONSTRUCTION OF BENNETT ROAD – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Tomkinson, and Business Administrator Mark Mallett, be and hereby are appointed to tabulate the bids to be taken on Tuesday, March 30, 2010

at 1:00 PM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33  
Mechanic Street, Cape May Court House, NJ for the following:

RECONSTRUCTION OF BENNETT ROAD

10. RESOLUTION NO. 87-10 – AMEND AWARD OF BID – HOME REHABILITATION PROGRAM CONTRACT 2006-13 – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, Ellen Thomas participated in the Middle Township Housing Rehabilitation Program, and WHEREAS, the project was bid and a contract awarded to E&B Home Improvements via Resolution 418-07 in the amount of \$23,725.00, and WHEREAS, E&B Home Improvements has failed to make repairs as agreed upon by Ellen Thomas, E&B Home Improvements and the Township of Middle, 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 a contract is hereby awarded to Gemini Builders in the amount of \$9,600.00 in order to complete repairs and bring the project to a satisfactory status.

11. RESOLUTION NO. 88-10 – REFUND OF TAXES – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
18939	264	60.01 C0031	Farmer, Lawrence S Jr 7 Marie E 6 Sanderling Court	948.76	
5354	322.01	5	Seitz, Donald C Jr & Julie M 3 Bellewood Rd	100.18	
17875	350	17	Mc Cabe, John L III & Krex, Melissa 22 Woodview Lane	56.04	
12128	998	1	Demers, Richard & Katherine L 501 Cedar Ave	180.70	

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.

12. RESOLUTION NO. 89-10 – RELEASE OF PERFORMANCE BOND – POSTING OF MAINTENANCE BOND – ACCEPTANCE OF ROAD /SOUTHERN SHORE DRIVE – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, the improvements located at Block 168 Lots 21-26, 40, otherwise known as Southern Shore Drive, constructed by Lawrence A. Pray Builders Inc. is complete, and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and WHEREAS, the Engineer for the Township of Middle has recommended that the performance bond in the amount of \$135,454.97 be released, and WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$56,439.57 for a two-year period. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the release of the performance bond and acceptance of the maintenance bond and guarantee hereby authorized. BE IT FURTHER RESOLVED, that Southern Shore Drive be and hereby is accepted into the Township road system for continuous maintenance.

13. RESOLUTION NO. 90-10 – AWARD CONTRACT UNDER NON-FAIR AND OPEN PROCESS – RABIES CLINIC – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township has determined that the value of the following contracts will not exceed \$17,500.00 and are renewal contracts from previous years, and WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) provides for the award of contracts for professional services without advertising for bids, and WHEREAS, these contracts are not therefore subject to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, and WHEREAS, the Township of Middle requires said services, and funds are available for said purpose, 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 following persons are hereby appointed to the positions designated below for the calendar year 2010. BE IT FURTHER RESOLVED, that a contract be executed by the Township of Middle with each of said persons to supply professional services for the calendar year 2010.

Baysea Veterinary Hospital ----- Rabies Clinic \$100.00 (\$65.00 per hour)

FURTHER RESOLVED, that generally the rabies clinic only requires one hour, but said clinic will remain open, if animals are present, for an additional hour, with fee pro rated.

FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.

FURTHER RESOLVED that these contracts are contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.

14. RESOLUTION NO. 91-10 – REDUCTION OF PERFORMANCE BOND – MANISH SINGH – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$100,176.00 is being held as a performance guarantee for Manish Singh for site improvements at Block 99.02, Lot 54.08, also known as Village Drive, and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$61,567.20 have been completed, and

WHEREAS, the Zoning Official has recommended that the performance guarantee for the above stated project be reduced to \$38,608.80.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Irrevocable letter of credit be and is hereby reduced to \$38,608.80.

15. RESOLUTION NO. 'S 92-10 THR 95-10 – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH D) – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Approving various dates for Social Affairs permits for Wildwood Golf Club, Wildwood Civil Assoc. and Middle Township Baseball Assoc.

16. RESOLUTION NO. 96-10 – RELATIVE TO AUDIT CONTROLS REQUIRED FOR THE ISSUANCE OF STATUTORY BONDS BY THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (MEL) issues statutory bonds conditional upon members adopting effective control to minimize losses;

WHEREAS, the governing body has reviewed a report from its auditor and concludes that the controls in place concerning the handling of finances and financial transactions are satisfactory;

NOW, THEREFORE, BE IT RESOLVED by the governing body of Middle Township that a copy of this resolution, together with a copy of the report shall be forwarded to the MEL.

17. DISCUSSION WITH REPRESENTATIVES FROM BEAZER HOMES

*Mike Branman, Christopher Gillen, John Hersoge and James Beagen presented Township Committee with plan on resolving flooding issue between Gathering of Cape May and Marlyn Manor in Rio Grande.*

John Hersoge showed outline for remediation on southern side, relocation of fence, and placement of berm. Above ground pipes is first part of plan.

James Beagen of Maser Consulting was contacted to help out with challenges on drainage. He indicated that rainfall is 3<sup>rd</sup> highest on record. 30% higher than normal which has contributed to high water table. The effect is that surface runoff cannot percolate. Indicated that Beazer proposes physical barrier to collect surface water and prevent runoff with berm and small swales leading to retention basin.

Committeemember Doughty asked the length of time until completion.

Hersoge – working on temporary drainage. Looking at couple month time frame.

Committeemember Doughty asked how many homeowners would be affected

Hersoge – 16

Committee asked particulars regarding landscaping and clean up.

Carol Gregg- asked Mr. Hersoge particulars on the basins.

Thomas Duffy asked for explanation on where run offs are going on 7<sup>th</sup> street.

Joanne Maserella asked Beazer reps to visit her home to see the damage.

Elaine Fausey – when plan was approved was rain fall in last 50 years considered?

Gary Doyle – if retention basin is made for 100 yr rain why are they overflowing?

June Motts – clogged drains in Rio Grande addressed?

Roy Moore – diversion of water temporary?

Hersoge – indicated that ultimately the pipes will be underground.

David May – who maintains swalls on property?

Orlando – Homeowners Association, Basins and piping?

Hersoge – Correct the Homeowners Association would.

T. Duffy – indicated he has had a drainage property since Beazer raised property 6ft.

C. Gregg – is drainage normally put in during the beginning of the project?

Branman – based on the particulars of each development. Unique to each development.

T. Duffy – property was dry. Had to rearrange basin to be cut.

Fran Grant – was there a reason to raise Beazer higher than the neighboring neighborhood?

Orlando – explained that ground water regulations by state and residential site improvement standards.

End of presentation

#### 18. PUBLIC COMMENT:

Frank Brad – spoke of conditions of township. When do additions get taxes? When is a place reassessed?

J. Pickering – explained assessment process.

Joanne Oxley – spoke of flooding in Shannon Oaks. Believes flooding is due to burm placed on Wuerkers Farm.

Orlando – indicated that US Homes Development actually helped Shannon Oaks. Wuerker water used to run on properties but US Homes actually has been stopping water from running onto Shannon Oaks properties.

Bethann Smalls – neighbor of Ms. Oxley.. property is covered in water. Believes burm is causing flooding.

Jay Gleason – spoke of drainage on Oyster Road. Concerned with safety. Asked committee to look into other ways to enter Honeysuckle area.

Ruthann Doyle – lives in Shunpike Secluded Hollow area. Retention ditches from Hoppy and Tallyho now runs into Secluded Hollow. Can retention system be turned into conveyance system? Thinks maybe Loyalton property is a factor.

V. Orlando – suggested reaching out to County of Cape May since it is a County Road. Will look into Loyalton.

Eleanor Steere – lives in Shannon Oaks. Backyard is an ocean.

Paul Barnerd – lives in Shannon Oaks. Been there 25 years and never had this problem or any problem with ponding. Laid level with Wuerkers Farm, now with all that fill water table is restricted. Burm has prevented water from perking. Has had issues with storm drains for last 4 years.

Barcley Harrison – has various pot holes on dirt road (Fernley Street). Now causing damage on new vehicles.

Leequile Harrison – asked for help from township to fix road. Something to make it easier to travel.

Bobby Harrison – has same problem and needs help.

Fran Grant – Ella Avenue. Concerned with 2ft of dirt that was taken from development and is now causing drainage issues in front of home.

Lillian Way – wants someone to look at property... drainage pipe in rear of property.

B. Harrison – does state give money to redo road.

Mr. Peterson – spoke of drainage pipes in Shannon Oaks due to neglect.

Betty McGurk – asked the process of bid openings for cell tower process. Offered more information on health issues.

There being no further business the meeting was adjourned 9:15pm.

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Kimberly Tomkinson, Twp. Clerk