

Cape May Court House, NJ
May 18, 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.)
2. DRUM FISH TOURNAMENT PRESENTATION

1st Place

92 pound drum fish51 ½ inches

\$2,000 Prize

Captain Jim Goodroe

Carl Houser

John Gunther

Jim Godfrey

2nd place

78 pound drum fish48 ½ inches

\$1,000 Prize

Captain Charles Armstrong

Mike Hughes

Charles Hughes

Charles Dicnell

3rd Place49 ½ inches

77 ¼ pound drum fish

\$500.00 Prize

Boat Name Just Right

Captain Harry Cowan, Jr.

Mike Loefflad

Harry Cowan, III

Drew Cowan

4th Place49 inches

71 ½ pound fish

\$250.00 Prize

Boat Name Fisher Price

Captain Jeremy Cox

Howle Prickett

Jason Doughty

Jimmy Fowler

5th Place50 inches

70 ½ pound drum fish

\$125.00 Prize

Boat Name Coon Dog

Captain Joseph Tomlin

Jeffrey Tomlin

Michael Tomlin

James Watson
3. CERTIFICATE OF APPRECIATION

Mr. Cline, Crossing Guard – 50 years of Service
4. RESOLUTION NO. 232-09 – APPROVING PAYMENT FOR ALL BILLS – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted. Committeemember Barry 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\$ 5,129.87

Current Acct.\$ 1,113,002.42

5. RESOLUTION NO. 233-09 – APPROVING PAYMENT FOR BILLS – FMR – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. Mayor 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 for Future Mining and Recycling in the amounts indicated are hereby approved:

Current Acct.	\$ 9,424.09
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6. RESOLUTION NO. 234-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
7. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of April; Zoning Official for the month of April; 2008 Tonnage Report
8. ORDINANCE NO. 1322-09 – TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112-2 ENTITLED “CONSTRUCTION CODES, UNIFORM FEES” – Following second reading, hearing, and consideration for adoption, Ordinance 1322-09 was adopted on motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
9. ORDINANCE NO. 1324-09 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$459,950 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF VEHICLES, BALLISTIC AND TACTICAL EQUIPMENT, SURVEILLANCE AND COMMUNICATION EQUIPMENT AND COMPUTER AND INFORMATION TECHNOLOGY EQUIPMENT FOR THE TOWNSHIP POLICE DEPARTMENT – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, Ordinance No 1324-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06 /15/2009 at 6:00 p.m.
10. BOND ORDINANCE NO. 1325-09 – AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$1,435,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,363,250; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, Ordinance No. 1325-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/15/2009 at 6:00 p.m.
11. RESOLUTION NO. 235-09 – APPROVE ECONOMIC DEVELOPMENT LOAN – COURT HOUSE MOTEL – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the Economic Development loan to Court House Inn, LLC. with a property location at 419 Route 9 North, Cape May Court House, in the amount of \$55,500.00, be and is hereby approved.
12. RESOLUTION NO. 236-09 – AUTHORIZE REQUEST FOR FLEA MARKET – GOSHEN VOLUNTEER FIRE COMPANY – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Goshen Volunteer Fire Company has requested permission to hold a Flea Market at the Old Goshen School located at 316 North Delsea Drive (Route 47), and
WHEREAS, the Chief of Police and Zoning Office have no objection to said event so long as the applicant makes prior arrangements with the Fire Police for assistance with traffic and parking detail, and
NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, does hereby give permission to the Goshen Volunteer Fire Company to hold a Flea Market at 316 North Delsea Drive (Route 47), otherwise known as the Old Goshen Volunteer Fire Company on Sunday June 28, 2009 from 8:00am until 2:00pm.
BE IT FURTHER RESOLVED, that a copy of this resolution shall be given to the Middle Township Police Department, Code Enforcement and Zoning Departments for notification.
13. RESOLUTION NO. 237-09 – AWARD CONTRACT UNDER NON-FAIR AND OPEN PROCESS – ADVANCED PUBLIC SAFETY INC. – MAINTENANCE CONTRACT – 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 the Agreement between APS (Advanced Public Safety Inc.) and the Middle Township Police Department for annual maintenance for 1 Virtual Partner Engine, 19 QuickVoice, 19 QuickCommand, 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 this contract shall be from June 23, 2009 through June 22, 2010.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Advanced Public Safety Inc. (A.P.S.) ----- Maintenance Renewal --- \$3,287.16

14. RESOLUTION NO. 238-09 – AUTHORIZE CHANGE IN EMPLOYEE STATUS – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby reassigned to the position and status opposite their name with the following title and salary.

NAME	TITLE	SALARY	EFFECTIVE DATE
Joseph Russo	Public Safety Telecommunications Operator Full Time	\$26,000.00 (Probation period)	05/09/2009
Jennifer Teasenfitz	Public Safety Telecommunications Operator Part Time	\$13.46 p/h	05/09/2009

15. RESOLUTION NO. 239-09 – APPOINTMENTS – VOLUNTEER BOARD – On motion by Committeemember Barry seconded by Committeemember 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 persons be and are hereby appointed to the various boards for the term of office opposite their name:

Member	Board	Position	Effective	Term Expiration
Jan Kotowski	Traffic Committee	Alternate Member	05/18/2009	12/31/2010*

* Filling the unexpired term

16. RESOLUTION NO. 240-09 – AUTHORIZING THE CAPE MAY COUNTY FIRE POLICE TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Ordinance 1009-98 permits application made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle, and WHEREAS, Cape May County Fire Police has submitted an application to the Municipal Clerk’s Office to do so, and

WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted and attached to this resolution, and

WHEREAS, the Chief of Police of the Township of Middle has reviewed the application and has determined that there is no public safety reason for the Township of Middle to deny this application.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Cape May County Fire Police to solicit funds on the roadways of Middle Township.

17. RESOLUTION NO. 241-09 THROUGH 244-09 ; 253-09 – REFUND OF TAXES (ITEMS A THROUGH E) – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

18. RESOLUTION NO. 245-09 – REDUCTION OF PERFORMANCE BOND – CLARENCE AND DENISE MARTINDALE / MARTINDALE’S INC. – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, \$89,461.00 is being held as a performance guarantee for Martindale’s Inc. for site improvements at Block 12.01, Lot 57.01, 57.02, 58, also known as 1609 Route 9 North, and WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$62,622.84 have been completed, and

WHEREAS, the Zoning Official has recommended that the performance guarantee for the above stated project be reduced to \$26,838.16.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Site Improvement Performance Bond be and is hereby reduced to \$26,838.16.

19. RESOLUTION NO. 246-09 – RELEASE OF MAINTENANCE BOND – COLONIAL AVENUE – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted. Committeemember Barry Abstained

WHEREAS, \$9,776.67 (plus interest) is being held as a maintenance bond of Frederick Langford for Block 335.01, Lots 2, 3, 5 also known as Colonial Avenue, 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 Colonial Avenue has already been accepted into the Township Road System via Resolution 281-07, and

WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$10,142.04 (principle plus interest) be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond with Commerce Bank in the amount of \$10,142.04 be and is hereby released.

20. RESOLUTION NO. 247-09 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
21. RESOLUTION NO. 248-09 – AUTHORIZING REQUEST FOR PROPOSALS – DISPOSAL OF RECYCLE MATERIALS TAKE TO CLASS B RECYCLING FACILITIES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
- WHEREAS, the Township of Middle wishes to request written proposals for disposal of recyclable materials taken to a Class B Recycling Facilities until 1:00 p.m. on Wednesday, June 17, 2009, at which time various Township Officials will be responsible for tabulating and opening the proposals.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that request for proposals for the disposal of recyclable materials taken to a Class B Recycling Facilities, on behalf of the Township of Middle is hereby authorized as designated below:

Disposal of recyclable materials taken to a Class B Recycling Facilities

Up to and until 1:00 p.m., Wednesday, June 17, 2009

33 Mechanic Street, 2nd Floor Conference Room,
Cape May Court House, NJ 08210

22. RESOLUTION NO. 249-09 – AUTHORIZING REQUEST FOR PROPOSALS – MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
- WHEREAS, the Township of Middle wishes to request written proposals for materials picked up or delivered from Class B Recycling Facilities until 1:00 p.m. on Wednesday, June 17, 2009, at which time various Township Officials will be responsible for tabulating and opening the proposals.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, that request for proposals for the material picked up or delivered from Class B Recycling Facilities, on behalf of the Township of Middle is hereby authorized as designated below:

Materials picked up or delivered from Class B Recycling Facilities

Up to and until 1:00 p.m., Wednesday, June 17, 2009

33 Mechanic Street, 2nd Floor Conference Room,
Cape May Court House, NJ 08210

23. RESOLUTION NO. 250-09 – SALARIES – 2009 – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
- Current Salary resolution amended to include non-union cost of living increases
24. RESOLUTION NO. 251-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – R & R RADAR, INC. – On motion by Mayor Doughty seconded by Committeemember 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 Agreement between R & R Radar, Inc. and the Township of Middle for maintenance service agreement 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.
- FURTHER RESOLVED, that the term of this contract shall be from June 1, 2009 through December 31, 2009

R & R Radar, Inc. – Radar Maintenance Service - \$2,280.08

25. RESOLUTION NO. 252-09 – APPROVE VENDOR LICENSE – SUMMER DAZE ICE CREAM – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
- WHEREAS, the following applicant has applied for a Vendor's License to operate an ice cream truck within the confines of the Middle Township, and
- WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.
- WHEREAS, all applicants have been verified with the local police department and the Cape May County Health Department to verify that no criminal history exist and that all vehicles are in compliance.

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 vendor application is hereby approved and that the following individuals are hereby authorized to participate in vending activities as set forth for a license period effective the date of this resolution until 12/31/2009 unless sooner surrendered, suspended or revoked.

JOHN W. FRAME / DONNA M VAUGHAN

SUMMER DAZE ICE CREAM

Depot : 406 W. Maple Avenue, Wildwood, NJ

FURTHER RESOLVED, that each of the following permits are hereby approved as follows:

Applicant	PERMIT TYPE
John Frame	1. Child Safe Vendor Permit

	2. Motorized Vendor Drive Permit
Donna Vaughan	1. Child Safe Vendor Permit 2. Motorized Vendor Driver Permit
Steven Lerch	1. Child Safe Vendor Permit 2. Motorized Vendor Driver Permit
Michael Flannery	1. Child Safe Vendor Permit 2. Motorized Vendor Driver Permit
Brett Reilly	3. Child Safe Vendor Permit ONLY

FURTHER RESOLVED, that each of the following vehicles is hereby approved as follows:

Vehicle No.	Make/ Model	Vin No.
1	1992 GMC G3500	42GDHG31K6N521973
2	1990 Ford E350	21FDKE37G4LHB08833

(RESOLUTION 253-09 SEE ABOVE)

26. PUBLIC COMMENT:

Committeemember Barry – Thank you to Jill, Rick and Jimmy Collins for help with Drum Fish Tournament.

Committeemember DeLanzo – Reminded everyone about the Memorial Day Parade 10-12noon followed by festivities at the Legion Hall.

Mayor Doughty – 5th Annual Drum Fish Tournament and Baseball Assoc. Wine Tasting scheduled.

V. Pombo – Asked for clarification on item #15

Steve O’Connor – Asked about the Bike Path; Conifer Project and Launching Pier.

B. McGurk – reiterated view on Conifer Project and plan endorsement.

L. Newbold - \$100,000.00 Bond. Mr. Pickering is supposed to look into it.

M. Mallett – 1980 A & H Bond. Spoke with Zoning nothing in trust.

Pickering – Do we even know if something was posted.

T. Taverner – I am not showing anything.

J. Pickering – Recommendation early in permitting process where they asked the municipality to support their application for permit from State. Mr. Orlando drafted letter with certain recommendations that were adopted by the municipality in a resolution that said if you’re going to do this is what we recommend you do. I do not believe they had to go in front of Planning for site approval. Merely a recommendation adopted in resolution. Separate agreement that has to do with HCB that has nothing to do with bond.

Sam Kelly – Chair on Zoning made it pretty clear.

Mayor Doughty – what are we referring to.

S. Kelly – on this issue that is in front of zoning right now.

S. Kelly – Spoke of “Inherently Beneficial Use” and Class B Recycling Centers. Asking about rehabilitation resolution for motels.

D. Lockwood- Since Zoning Brd is an independent board, unsure why committee cannot speak on subject and is unsure why township has not voted on PILOT.

COAH Report submitted- Public Comment period over. Has twp. received any feedback?

J. Pickering – I know that there were comments but we haven’t received their response to our plan.

D. Lockwood – Request that we reach out to COAH.

Update on Future Mining and Recycling. What is check on agenda for?

M. Mallett - We are paying for items we take there and purchase from there. Stumps, branches taken there. Request for RFP approved today.

Vilma Pombo – COAH Plan. We do have until 2018 to meet the figures shown on there.

J. Pickering – That is correct but we do have to submit the plan. The point is we do have to have a plan. And the regulations say that we have to show a plan on how we were going to meet the

obligations. Both previous and future obligations. And we did that and by doing so we provided significant protection to the municipality.

S. O'Connor – Plan that the twp. submitted in December included the Conifer project correct!?!?

Pickering – Yes

O'Connor – is it your opinion that even though it was included in the plan doesn't necessary mean the twp. supports that project?

Pickering – That is my opinion just like it doesn't mean it supports the other projects necessary that were listed in the plan. All it means is that if this project gets approved we want it to go to our first and second obligations because they are much harder to satisfy....

Mike McGurk – Asked committee to amend plan to buy time.

Pickering – We understand and will consider that suggestion.

Kurt Kelly – Asked for progress on concerns with holes on Reeds Beach. Point is we could take care of a good portion by back filling some of the holes. Hole about foot and a half deep. Do they plan on fixing road or raising elevation?

Mayor Doughty - can't help you with that but I can see that the holes are filled in.

Larry Newbold – Dennisville Road even though it is a County road it runs through Middle Twp.. The section by Donut Connection uneven and a hazard.

There being no further business the meeting was adjourned at 7:50pm

Kimberly Tomkinson, Twp. Clerk