

Cape May Court House, NJ
November 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 Krauss, 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 comment

2. RESOLUTION NO. 444-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by seconded by 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. \$ 4,298,111.49

3. RESOLUTION NO. 445-10 – 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. \$ 57,526.98

4. RESOLUTION NO. 446-10 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

5. REPORTS: The following departments have submitted their reports for the months indicated:

6. ORDINANCE NO. 1369-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO PURCHASE EASEMENTS FOR DRAINAGE PROJECT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1369-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/06/2010 at 6:00 p.m.

WHEREAS, The Township of Middle finds it necessary to make drainage improvements on a Township road identified as Galloping Way; and

WHEREAS, to make the improvements, certain easements are necessary; and

WHEREAS, the property owners have agreed to sell said easements for \$1.00 each; NOW,

THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, as follows:

SECTION 1

1. It is in the public interest and will support the general health and welfare to install certain drainage improvements on Galloping Way in the Township of Middle.

2. Temporary Easements are necessary for construction of said improvements, and Permanent Easements are necessary for the improvements over the following properties as identified on the current Township tax map, but have not yet been obtained:

Block	Lot	Property Owner
166	15	Chaz Ray Builders, Inc.
166	17	Robert and Christine Paradee
166	18	Bonnie Ciaramella
166	7	Nancy M. Lang

3. The easement on the properties shall be as described in the attached metes and bounds descriptions.

4. The Township Solicitor is authorized to have deeds of easement prepared, executed, and recorded.

5. The price for each easement shall be for \$1.00.

6. This ordinance is also intended to confirm any easements already obtained by the Township on the above referenced lots.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

7. ORDINANCE NO. 1370-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO PURCHASE EASEMENTS FOR SANITARY SEWER PROJECT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1370-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/06/2010 at 6:00 p.m.

WHEREAS, The Township of Middle is in the process of constructing what is commonly referred to as the SSGC sewer project; and

WHEREAS, to make the improvements, certain easements are necessary; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, as follows:

SECTION 1

1. It is in the public interest and will support the general health and welfare to install sanitary sewer in the Township of Middle.

2. Temporary Easements are necessary for construction of said improvements, and Permanent Easements are necessary for the improvements over the following properties as identified on the current Township tax map, but have not yet been obtained:

Block	Lot	Property Owner
163.01	183.01	Madalyn Trobetta
10.02	1	Atlantic City Electric

3. The easement on the properties shall be as described in the attached metes and bounds descriptions.

4. The Township Solicitor is authorized to have deeds of easement prepared, executed, and recorded.

5. The price for each easement shall be for \$1.00.

6. This ordinance is also intended to confirm any easements already obtained by the Township on the above referenced lots.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

8. RESOLUTION NO. 447-10 – CANCEL UNEXPENDED CAPITAL BALANCES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus returned to capital improvements fund and unused debt authorizations may be canceled;

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 unexpended and dedicated balances of the General Capital appropriations be canceled:

Ordinance Number	Date Authorized	Project Description	Amount Cancelled	
			Funded	Unfunded
1029-98	12/21/1998	Various General Improvements: b) Purchase of Computer, Mapping Imaging and Recording System for Police Dept. d) Purchase of Land at Goshen Complex	\$ 5,004.91	\$ 35,819.07
1169-04	8/13/2004	Various General Improvements: a) Reconstruction of Roads e) Various Improvements to Goshen Recreational Play Area	581.06	25,987.17
1303-08	8/18/2008	Construction of Dog Park	25,000.00	
1126-03 amended by 1304-08	4/7/2003	Various General Improvements: d) Telephone System	65.50	
			<u>\$ 92,457.71</u>	<u>\$ -</u>

BE IT FURTHER RESOLVED, of the amount canceled above, that \$25,000.00 be returned to the general capital improvement fund and \$67,457.71 be credit to general capital fund balance.

9. RESOLUTION NO. 448-10 THR 449-10 – 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.

448-10 (A) Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
587	13.02	32	Clark, Michael J & Victoria 2 Royal Oaks Drive	1,053.88	

Refund Payable and sent to:

BAC Tax Services Corp.
1757 Tapo Canyon Rd.
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.

449-10 (B) Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
13879	1412	7	Cummiskey, Robert A & Louise F 41 W Secluded Lane	1,054.32	

Refund Payable and sent to:

Wells Fargo Real Estate Tax Service
Attn: Financial Support Unit Region 1
1 Home Campus
MAC X2302-04D
Des Moines, IA 50328 -0001

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 – REDUCTION OF PERFORMANCE BOND – CONIFER GREENBRIAR, LLC. – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, \$1,252,000.00 is being held as a performance guarantee of Conifer Greenbriar LLC. for Block 1432; Lot 6; Rte 47 South, Rio Grande, and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$177,198.38 have been completed, and

WHEREAS, the Land Use Administrator has recommended that the performance guarantee for the above stated project be reduced to \$1,074,801.62.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Irrevocable Standby Letter of Credit be and is hereby reduced to \$1,074,801.62.

11. RESOLUTION NO. 450-10 – APPROVE APPLICATION OVER THE LIMIT UNDER ARREST 2010 YEAR END STATEWIDE CRACKDOWN – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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 \$5,000.00 be and is hereby approved.

BE IT FURTHER RESOLVED, that the enforcement dates are December 6, 2010 through January 2, 2011

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.

12. RESOLUTION NO. 451-10 – REFUND OF PAYMENT – SEWER – 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, of the Township of Middle, the governing body thereof, that the Director of Sewer is hereby authorized to make the adjustment to sewer account referenced below:

ACCT. NO.	OWNER	BLK / LOT	AMOUNT
14856	John L. Hewitt	1519/ 10	\$115.00

13. RESOLUTION NO. 452-10 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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
Diamond Street LLC.	4 Diamond Road	1414.01 / 39	\$228.92
Romeleotes, LLC.	1177 Rte 9 S	355.02 / 23	\$228.92
Paul Greenspan	39 Crest Road	226.04 / 7	\$228.92
Deborah Mahle & Jeffrey L. Bucsek	671 Dias Creek Rd	164.02 / 15	\$228.92
Giuseppe & Sherry DeGaetano	27 Meadow Valley	475.01 / 83	\$228.92
J. L. Goodway & Beverly J. Saylor	1453 Burleigh Road	1410.01 / 52	\$228.92
Edward M. & Catherine Jones	610 Rte 9 N.	127 / 27	\$228.92

14. RESOLUTION NO. 453-10 – RELEASE OF PERFORMANCE BOND – BRIAN SHARPE – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, \$38,239.20 plus interest is being held as a Performance Guarantee for Brian Sharpe for site improvements at Block 356.02 Lot 10, also known as 42 Cedar Meadow Drive, and

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 (plus interest) with Commerce Bank be and is hereby released.

15. RESOLUTION NO. 454-10 – 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.
16. RESOLUTION NO. 455-10 – AUTHORIZING PARTICIPATION IN ONLINE AUCTION – GOVDEALS – 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 the owner of certain surplus property which is no longer needed for public use; and
WHEREAS, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.
NOW THEREFORE, be it RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, as follows:
(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Municipal Clerk.
(2) The sale will be conducted online and the address of the auction site is govdeals.com.
(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
(4) A list of the surplus property to be sold is outlined on Exhibit A attached hereto this resolution.
(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
(6) The Township Committee reserves the right to accept or reject any bid submitted.
17. RESOLUTION NO. 456-10 – AWARD OF BID – NINTH AVENUE AND GARDEN AVENUE DRAINAGE AND ROADWAY IMPROVEMENTS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for Ninth Avenue and Garden Avenue Drainage and Roadway Improvements, and
WHEREAS, sealed bids were received on October 20, 2010 at 1:00pm, and
WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Ninth Avenue and Garden Avenue Drainage and Roadway Improvements
WECO Construction Inc. in the amount of \$118,849.00
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
18. RESOLUTION NO. 457-10 – AWARD OF BID – MIDDLE TOWNSHIP VARIOUS DRAINAGE IMPROVEMENTS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty abstained.
WHEREAS, it has been deemed necessary and desirable to solicit bids for various drainage improvements, and
WHEREAS, sealed bids were received on October 20, 2010 at 1:30pm, and
WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Middle Township Various Drainage Improvements
Albrecht & Heun, Inc. in the amount of \$116,937.00
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
19. RESOLUTION NO. 458-10 – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – VIABLE NETWORKS LLC. – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has a need to enter into agreement with Viable Networks LLC for computer hardware in connection with the police department, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations, and
WHEREAS, the proposal provided indicates that value of the agreement will exceed \$17,500, and
WHEREAS, the anticipated term of this contract is retroactive from January 1, 2010 through December 31, 2010, and
WHEREAS, Viable Networks LLC. has submitted a proposal indicating they will provide hardware of said system as outlined in proposal for a price not to exceed \$33,000.00, and

WHEREAS, Viable Networks LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Viable Networks LLC. from making any reportable contributions through the term of the contract, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution

20. PUBLIC COMMENT:

Committeemember Doughty stated he felt this year's harvest festival was very successful. Next event is Xmas in Court House on Mechanic Street in December.

Committeemember Lockwood – Halloween was also a success. Attended budget cutting seminar.. which is on everyone's mind. Trying to get a jump on the 2011 budget. Ever idea thrown out a the seminar is something Middle Twp. has already done! Good sign.

Mayor DeLanzo – it has been a wonderful fall season so far in Middle Twp. Had a meeting with the residents of Oyster Road.. will be residents do the talking....

Den Mehal, Southern Shores Drive. Wife & Daughter broadsided in motor vehicle accident coming out of Oyster Road onto Shunpike. Residents in that area know dangers of that road.

Discussed various options to eliminated traffic and dangers within intersection. Wanted timeframe on options discussed.

Mayor DeLanzo indicated that it was her hope to do it in connection with the county since that intersection belongs to the county/twp. She spoke about need to look into legalities involved with the sight triangle and will touch base with Mr. Pickering for particulars.

Jim Pickering indicated he would speak with Mr. Tyler (owner of property within sight triangle) and discuss easement options.

Terry DiAntonio – asked for double line on Shunpike for no passing.

Candy Bright – asked if with double line as proposed by Ms. DiAntonio residents would be able to make a left turn into their properties.

Pickering – indicated that you can legally turn into driveways with a double line.

Chief Leusner agreed.

Yvette Lovalette – thinks lowering the speed limit would be the ultimate solution. She shared the story of her accident with the audience and committee.

Caren Rixey – Brought up the idea of eminent domain and also the ponding at the corner of the intersection. Should be considered a safety issue.

Yvette Lovalette – wanted committee to know that she was a pedestrian in her accident and if she was walking where the speed limit was higher she could have been killed.

Lillian Wade – asked when resurfacing on Main Street will start. Flooding at intersection.

Mark Mallett – has not heard anything yet from State on application.

Vince Orlando – will look into it to find temporary solution.

L. Wade – who maintains easements... in particular the one on Wiley Street? Heard that there was a easement there and that is the reason for flooding.

Pickering – asked particulars on easement and explained different types. He asked who the easement belonged to and what type of easement Ms Wade thought it was.

Ms. Wade was unsure.. Orlando to look into it.

Ms. Gillespie – supports easement for sight triangle on Oyster and Shunpike. Asked if it would help committee if everyone would raise hands to show support.

Ray Marotta – Spoke about line of sight along all of Shunpike. Indicated he lives right on Shunpike (2 Aspen) and constantly hears accidents. Liquor bottles collect there as well.

Committeemember Lockwood mentioned cutting back of trees in area of Aspen. Asked to add this to the list of items to discuss with county.

Isabella Kelly Prince reiterated comments on lack of sight within area of Shunpike. Commented about branches along roadway.

Pickering – once again reminded residents that Shunpike is a County Road, therefore residents would have to refer to County Public Works Dept. for maintain of branches along roadway.

I. Prince indicated she called county and they told her to call Middle. Stated it was a safety concern.

Joe DiAntonio – Twp. needs speed traps. Needs signs like ones on Rte 538 indicating ‘No tolerance for speeding’.

Committeemember Doughty indicated police car was stationed on Shunpike today.

Kathleen Wisely informed Committeemember Doughty that the car was empty and has leaves on it.

Chief Leusner spoke to audience about signs on Shunpike that collect information on traffic patterns and speeds to give police a better indication of times to target speeding.

There being no further business, the meeting was adjourned at 7:10pm.

Kimberly Krauss, Twp. Clerk