

Cape May Court House, NJ  
October 18, 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.*)

VILMA POMBO: Question on potential litigation.

2. RESOLUTION NO. 432-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – 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 payment for the following bills in the amounts indicated are hereby approved:*

*Current Acct.      \$439,084.75*

3. RESOLUTION NO. 433-10 – 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.      \$2,142.00*

4. RESOLUTION NO. 434-10– 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:  
Municipal Courts for the month of September; Treasurer for the month of September;

6. ORDINANCE NO. 1368-10 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1368-10 was adopted on motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

***No Public Comment***

7. RESOLUTION NO. 435-10 – AMENDING AWARD OF BID-POLICE UNIFORMS-THIS N THAT UNIFORMS, LLC – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

*WHEREAS, the Township of Middle passed Resolution #428-10 AWARD OF BID-POLICE UNIFORMS-THIS N THAT UNIFORMS, LLC; and*

*WHEREAS, it has been deemed necessary to amend said contract price.*

*NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the contracted awarded to This N That Uniforms, LLC is amended to read “Not to Exceed \$20,000”.*

*BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.*

8. RESOLUTION NO. 436-10 - CLOSED SESSION – POTENTIAL LITIGATION AND CONTRACT NEGOTIATIONS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

9. RESOLUTION NO. 437-10 - AUTHORIZING CREATION OF LIEN ON PROPERTY - On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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
Kyle & Candice Lind	7 Susan Lane	470/13	\$228.92
Anthony Cunha	9 S 8 <sup>th</sup> St.	411/11	\$228.92
Joseph Toland	204 School Lane	1447/9	\$228.92
Danielle L McCauley & K D Wnek	206 Stites	240/17	\$228.92
Robert & Catherine Hisey	301 Steel Rd	271/5	\$228.92
John & Kimberly Gant	7 Liberty Rd.	1425.05/4	\$228.92
Cherie Daley	108 Bennett Ave.	270/7	\$228.92
Randy & Rachel Yarwasky	811 Goshen Road	52/13	\$228.92
Elizabeth Jacobs	22 Stagecoach Road	166/12	\$228.92
Christine Fritsch	28 Park Ave	400/12	\$228.92

10. RESOLUTION NO. 438-10 - REFUND OF 2010 TAXES - On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Refund due to 100% totally disabled American Veteran  
As stated on the attached County Tax Board judgment Joseph C Lankelis is eligible for this exemption as of August 11, 2010.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
16777	48	48	LANKELIS, JOSEPH C & RUTH E  Property Location: 19 LACIVITA DRIVE CAPE MAY CT HS, NJ 08210	605.94

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 amount 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.

11. RESOLUTION NO. 439-10 – CANCELLATION OF TAXES - On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

CANCELLATION OF TAXES DUE TO 100% PERMANENTLY AND TOTALLY DISABLED VETERAN  
Mr. Lankelis is eligible for this exemption as of August 11, 2010.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT		
16777	48	48	Lankelis, Joseph C & Ruth E  Property Location: 19 Lacivita Drive Cape May Ct Hs, NJ 08210	1,659.84 2,007.82	2010 2011	TAXES TAXES

12. RESOLUTION NO. 440-10 – APPOINTMENT-NEW HIRE-SPECIAL CLASS II POLICE OFFICER - On motion by Committeemember Doughty 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, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Brian Murphy	Public Safety	Special Class II Police Officer	\$10.50 ph	10/19/2010*

13. RESOLUTION NO. 441-10 – ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM- On motion by Committeemember Lockwood

seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

*WHEREAS, the Township of Middle is an applicant for Department of Community Affairs Fiscal Year 2011 funds for (1) up to \$500,000 from the NJ DCA Small Cities Program to install a Phase III water main project in Whitesboro and (2) up to \$200,000 from the NJ DCA Small Cities Program to rehabilitate owner occupied homes throughout Middle Township; and*

*WHEREAS, the Township will enter into grant agreement(s) for said grant(s) if approved; and*

*WHEREAS, that grant agreement(s) will require the Township of Middle to comply with all federal regulations with respect to citizen participation; and*

*WHEREAS, the Township of Middle has reviewed the Citizen Participation Plan prepared for Small Cities CDBG grantees;*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:*

*The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG is adopted by the Township of Middle; and*

*The Township of Middle will follow all regulations set forth in that document throughout the term of the grant agreement cited above.*

14. RESOLUTION NO. 442-10 – AWARD OF BID – CONTRACT TO DESIGN, INSTALL, OPERATE AND MAINTAIN INTERSECTION SAFETY CAMERA PROGRAM – On motion by Mayor DeLanzo 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 the design, installation, operation and maintenance of intersection safety cameras, and*

*WHEREAS, sealed bids were received on September 8, 2010 at 11:00 AM, and*

*WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.*

*WHEREAS, this award is contingent upon receiving approvals through the NJ DOT pilot program for intersection safety cameras and fees to be appropriated in 2011 budget.*

*AMERICAN TRAFFIC SOLUTIONS (ATS) – PENDING NJ DOT APPROVAL FOR 2011*

*NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract to design, install, operate and maintain intersection safety cameras is hereby awarded pending NJ DOT approval and no fees are to be charged to the 2010 budget.*

*FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer's Certification of availability of funds.*

15. RESOLUTION NO. 443-10 – RELEASE OF PERFORMANCE BOND – POSTING OF MAINTENANCE BOND – ACCEPTANCE OF STREET – JULIA COURT – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

*WHEREAS, most improvements located at Block 94 Lot 69, otherwise known as Julia Court is complete with the exception of items as outlined by the engineer, and*

*WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that improvements have been completed and therefore a partial release of the performance bond shall be approved, and*

*WHEREAS, the Engineer has recommended that the performance bond, in the amount of \$114,706.80 be released, and*

*WHEREAS, \$15,120.00 cash bond shall be held for street trees, and*

*WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$54,095.50 for a two-year period effective October 18, 2010.*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that a partial release of the performance bond and acceptance of the maintenance bond and guarantee are hereby authorized.*

*BE IT FURTHER RESOLVED, that Julia Court be and hereby is accepted into the Township road system for continuous maintenance.*

16. PUBLIC COMMENT:

Committeeman Doughty: Goshen Road sewer due on Friday....Hand Avenue starts tomorrow.....Whitesboro done in 2 weeks. Saturday is the Harvest Fest.

Committeeman Lockwood: Announced new marriage of clerk.

Mayor DeLanzo: New hire Class 2-Part time position. Award of bid for cameras is not guarantee for cameras...State has to award the program first.

Committeeman Doughty: Friday at noon is the Shellbay Ribbon Cutting for bike path.

Betty McGurk: Question on gas line on Hand Avenue.

Mayor DeLanzo: Magnolia to Church to Goshen to Dias Creek – Shunpike to Indian Trail.

Betty McGurk: Conifer Railroad site-anything new?

Jim Pickering: Action filed by developer against Township and also tort claim against Township. Management Conference 30-60 days.

Governing Body went into Executive Session

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Kimberly Krauss, Twp. Clerk

Prepared by D. Stimmel