

Cape May Court House, NJ
October 19, 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. ORDINANCE NO. 1333-09– ESTABLISHING THIRD PARTY FEES FOR USAGE OF TOWNSHIP RECREATIONAL COMPLEXES – Following second reading, hearing, and consideration for adoption, Ordinance 1333-09 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.

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

SECTION 1: PURPOSE

It is in the best interest of the Township of Middle to establish a structured fee schedule for usage of the recreational facilities by third parties

Samuel S. De Vico Senior Citizen Center	
Membership Fee	\$5.00
Middle Twp. Employee/ Gov’t Org./ Sr. Citizens	\$100 / Event
\$30/3 Hr. Mtg	
Middle Township Community Organization	\$300.00/year for 1
Meeting a Month	
Non Profit / Private Organization	\$150/ Event
\$75/ Monthly Meeting (6+Mtgs/ year)	
Commercial Organizations	\$250 / Event
\$125 / Monthly Meeting (6+Mtgs / year)	
\$75 / Weekly Mtg (2+ Mtgs/ Month)	
Goshen Complex and Martin Luther King Center	
Baseball / Softball Fields (Tournaments)	\$125 / Day/Field
with lights	additional \$50 / Field
Football Fields	\$125 / Day
with lights	additional \$50 / Day
Organized Basketball Tournaments	\$125 / Day
with lights (outdoor MLK courts)	additional \$50/ Day
Soccer Fields	\$125 / Day
with lights	additional \$50 / Day
Goshen & MLK Gymnasiums (Tournaments)	\$500 /Day or \$1,500 for Friday,
Saturday & Sunday	
For Non-Profit (501c) Organizations	\$250 / Day or \$750 for Friday, Saturday & Sunday
Sports Camps	\$125 / Day/ Field
Community Rooms	\$75 / hour
If using MLK Kitchen	additional \$50 / hour
Pavilion / Outdoor Reunions / Events at MLK	\$35 / event
If using MLK Kitchen	additional \$50 / hour
Snack Stand Baker Center	\$350 / Day

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 phase 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.

3. RESOLUTION NO. 447-09 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember Barry seconded by Committeemember 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:

Dedicated Trust	\$ 4,005.06
Current Acct.	\$ 1,280,628.76

4. RESOLUTION NO. 448-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
5. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of September;

6. RESOLUTION NO. 449-09 – REJECT BIDS – CONTRACT #2008-13 – HOME REHABILITATION – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle, following public advertisement, received bids for the above referenced project on September 10, 2009 at 1:00pm ; and
WHEREAS, the bids received exceed the budgeted amount for this project, and
WHEREAS, it appears to be in the best interest of the Township to reject all bids received.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids received for Housing Rehabilitation Contract 2008-13 shall be and is hereby rejected.

7. RESOLUTION NO. 450-09 – APPOINTMENT – NEW HIRE – PART TIME TELECOMMUNICATIONS OPERATOR – 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, 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	WAGE	EFF. DATE
Lauren Lepak	Public Safety	PS Telecommunications Operator Trainee P/T	\$13.46ph	10/07/2009

8. RESOLUTION NO. 451-09 – REFUND OF PAYMENT – SEWER – On motion by Committeemember Barry seconded by Committeemember 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 the Director of Sewer is hereby authorized to make the adjustment to sewer account referenced below:

ACCT. NO.	OWNER	BLK / LOT	AMOUNT
12907	Robert & Regina Beason	1091 / 1	\$100.00
17175	Michael Gray	136 / 15	\$280.00

9. RESOLUTION NO. 452-09 – ENDORSING THE “GREEN ACRES, WATER SUPPLY AND FLOODPLAIN PROTECTION AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009 – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey’s economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character, and
WHEREAS, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily in recent years to new development projects, and
WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities, and
WHEREAS, the Garden State Preservation trust, the financing authority for the Green Acres Farmland Preservation, and Historic Preservation programs, is virtually depleted, and
WHEREAS, on November 3, 2009, the voters of New Jersey will be asked to approve the “Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009”, which authorizes the state to issue 4400 million in bonds to fund New Jersey’s natural areas and cultural sites while a long-term funding solution for the Garden State Preservation trust is determined and secured, and
WHEREAS, passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New Jersey’s natural areas and cultural sites, while a long-term funding solution for the Garden State Preservation Trust is determined and secured, and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body as follows:
1. We support the passage of the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009.

2. We encourage the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009, on November 3, 2009.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall distribute a copy of this resolution to Governor Corzine, State Senate and Assembly persons, Keep it Green c/o NJ Audubon Society and the Land Conservancy of New Jersey.

10. RESOLUTION NO. 453-09 – APPROVING INTERLOCAL AGREEMENT BETWEEN TOWNSHIP OF MIDDLE AND STATE OF NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES REGIONAL SCHOOL – CAPE MAY CAMPUS – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40:8A-1 et seq. provides municipalities to enter into Interlocal Agreements for Shared Services; and
WHEREAS, the State of New Jersey Department of Children and Families Regional School – Cape May Campus are requesting the use of the Carl Baker Building at the Georgiana Clarence Davies Sports Complex, 626 Goshen Road, Cape May Court House, NJ; and
WHEREAS, they are requesting these services from November 1, 2009 through March 30, 2010; and
WHEREAS, the Township of Middle hereby accepts this Interlocal Services Agreement between the Township of Middle and the Department of Children and Families Regional School-Cape May Campus with the following fees to be paid to the Township of Middle in the sum of \$1,700 for use of the facility from November 1, 2009 until March 30, 2010.
NOW, THEREFORE BE IT RESOLVED by the Township Committee, the governing body of the Township of Middle, County of Cape May, State of New Jersey that the Interlocal Services Agreement be hereby adopted.
11. RESOLUTION NO. 454-09 THR 455-09 – RELEASE OF PERFORMANCE BOND (ITEMS A THROUGH B) – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
454-09 (A) WHEREAS, \$3,500.00 is being held as a Performance Guarantee for Claudio Pawlus for site improvements at Block 418 Lot 7, also known as 105 S. 10th Street, Del Haven, 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.
455-09 (B) WHEREAS, \$56,234.70 is being held as a Performance Guarantee for Louis Altobelli Sr. for site plan improvements located at Rte 9 South, Rio Grande, 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 Irrevocable Letter of Credit in the name of Louis Altobelli Sr. be and is hereby released.

12. RESOLUTION NO. 456-09 – SALARY ADJUSTMENT – VARIOUS PART-TIME EMPLOYEES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Darrell Parker is current part-time employee in the public works department of the township, and
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 employee salary will be amended to the amount opposite their name and retroactive to the date specified below:

NAME	TITLE	SALARY	EFF. DATE
Darrell Parker	Laborer P/T / Public Works	\$10.00 ph	10/15/2009

13. RESOLUTION NO. 457-09 – REINSTATEMENT OF TITLE – CHRISTOPHER CURRAN – 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 title and stipend indicated below is hereby reinstated.

Name	From	Stipend	Eff. Date
Christopher Curran	Substitute Animal Control Officer	\$2,500.00	11/1/2009

14. RESOLUTION NO. 458-09 – AUTHORIZE CHANGE IN EMPLOYEE STATUS – TELECOMMUNICATIONS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Ted Farina	P/T Telecomm. Operator	F/T Telecomm. Operator	\$28,500.00	10/19/2009

15. RESOLUTION NO. 459-09 – AUTHORIZING PURCHASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. WHEREAS, there is a need to purchase a copy machine for the Township of Middle, in the County of Cape May, State of New Jersey; and WHEREAS, machine will be leased for the following department:

1. Administration Department

WHEREAS, this can be purchased through State Contract # T201, and WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law. NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

TYGRIS Financing Inc.
10 Waterview Blvd
Parsippany, NJ 087054

For the lease/purchase of copier machines for 36 months in the about of \$366.00 per month.

16. RESOLUTION NO. 460-09 – AUTHORIZE TOWNSHIP OF MIDDLE TO PAY ELECTRICAL BILL IN CONNECTION WITH STREET LIGHT INSTALLATION – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Barry Abstained WHEREAS, the residents of Raleigh Avenue in Middle Township wish to install two (2) street lights along their roadway, and WHEREAS, the residents have agreed to reimburse the Township of Middle for the installation of said lights at the cost of \$393.18 each light so long as the township picks up the electrical bill expense. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Township of Middle shall hereby pay for the electrical bill for the following street lights:

POLE #	SIZE (per w hps)	LOCATION
68044/17806	70 W	Raleigh Avenue
KOP/FL506/SPSK60/ET-3-40	70W	Raleigh Avenue

NOW THEREFORE BE IT RESOLVED, that authorization is hereby grated to the Street Light Director to sign any and all necessary agreements in connection with this resolution.

17. RESOLUTION NO. 461-09 – INSERTION OF A SPECIAL ITEM OF REVENUE – CLEAN COMMUNITIES 2009 – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2009 in the sum of:
Clean Communities -- FY 2009 -- \$ 28,686.13
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
Clean Communities -- FY 2009 -- \$ 28,686.13

18. RESOLUTION NO. 462-09 – APPROVE CHANGE ORDER NO. 1 – STREET HOCKEY RINK LIGHTING, CONTRACT NO. 12 – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, Ronald Janney Electrical Contractor, Inc was selected to provide Street Hockey Lighting at the Street Hockey Rink located at the Clarence and Georgiana Davis Sports Complex, within the confines of the Township of Middle. 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 #1 for the

project awarded to Ronald Janney Electrical Contractor, Inc, be and is hereby approved in the amount of \$2,675.00.

19. RESOLUTION 463-09 – AUTHORIZE SOLICITATION OF SERVICES AND TITLE WORK IN CONNECTION WITH STUDY ON LINDEN DRIVE – 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 authorization is hereby granted to the Municipal Solicitor and the Municipal Engineer to obtain title work, in an amount not to exceed \$1,000.00, and also to obtain a Hydraulic Engineer, with a contract not to exceed \$5,000.00, with the full understanding that the work will be authorized at a future date once the professional is determined and the amount of said professional service contract has been certified by our Chief Financial Officer.

20. PUBLIC COMMENT:

Committeemember DeLanzo – Reminded the public about Harvest Fest

Mayor Doughty – Commented also about the Harvest Festival and stated that it gets better and better every year.

Vince Orlando – Romney Contract coming to end – Fine grading and paving by end of week.

Committeemember DeLanzo – Spoke of loss of David Webb.

Committeemember Barry and Committeemember DeLanzo reiterated Mayor Doughty’s comments

J. Pickering – Train car in Rio Grande that has appeared. Has filed motion with Federal Court seeking sanction against operator of train car since it was supposed to be out of Middle Township. Breach of Agreement. Thumbed nose at Township by moving car. Filed motion that should be heard by end of this month.

Committeemember DeLanzo -

Betty McGurk – Indicated a need for a flashing stop sign at the end of Magnolia. Street looks like it continues into the Fire House Parking lot. Could be an accident.

Vince Orlando – County Intersection maybe township could write letter to County as recommendation.

Joanne & Charles Masterella – Has come to meeting to discuss flooding issue on Marlyn Drive with Township Committee. House filled with mold and no longer able to reside in home. Insurance company will not cover since they do not have flood insurance since they do not live in a flood zone and have never applied for said insurance.

Tom Duffy of Rio Grande also resident of Marlyn Drive neighborhood and is experiencing flooding.

Jim Pickering and Vince Orlando discussed with committee the need to hire a Hydraulic Engineer and order title work to see what the issues are with area that might cause flooding.

Twp. Committee agrees and allows resolutions to solicit for Hydraulic Engineer and to order title work.

Florence Hayes- Brooks Avenue. Having fence problems with neighbor Altobelli.

J. Pickering – Will speak with David May in the Zoning Office.

Frank Brad – Asked regarding new construction procedures and how the Certificate of Occupancy goes from the Construction Office to the Tax Assessor.

There being no more business meeting adjourned at 7:10pm

Kimberly Tomkinson, Twp. Clerk