

Cape May Court House, NJ
October 4, 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, Deputy Township Clerk Dawn Stimmel, 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.*)

2. RESOLUTION #412-10– APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeeman Lockwood seconded by Committeeman 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. \$ 3,458,552.99

3. RESOLUTION #413-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeeman 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. \$7,642.96

***Committeeman Doughty Abstained*

4. RESOLUTION #414-10 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.

5. REPORTS: The following departments have submitted their reports for the months indicated: Tax Collector, Municipal Clerk, Land Use Administrator, Zoning.

6. ORDINANCE NO. 1367-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY – Following second reading, hearing, and consideration for adoption, Ordinance 1367-10 was adopted on motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

The Township Committee of the Township of Middle, County of Cape May and State of New Jersey desires to sell land to Habitat for Humanity, Cape May County, Inc., a Non-Profit Corporation of the State of New Jersey 08210 ("Habitat for Humanity") and in furtherance thereof states as follows:

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-21 allows a municipality to sell land to certain organizations for a nominal fee, such as to (j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale; and (l) Any duly incorporated nonprofit housing corporation for the purpose of constructing housing for low or moderate income persons or families or handicapped persons;

WHEREAS, the Township of Middle owns a parcel of land which can be developed as a single family residential home which is identified on the Township Tax Map as Block 645, Lot 1, and having an address of 703 Reeves Street; and

WHEREAS, the Township of Middle owns another parcel of land which can be developed as a single family residential home which is identified on the Township Tax Map as Block 1068, Lot 1, and having an address of 300 Wildwood Avenue; and

WHEREAS, the Township of Middle has an obligation to provide low and moderate affordable housing; and

WHEREAS, the Habitat for Humanity is a non-profit entity which has a purpose of constructing housing for low and moderate income persons; and

WHEREAS, the Township Housing Committee has reviewed the request by Habitat for Humanity for these lots and encourages the conveyance to Habitat for Humanity;

NOW, THEREFORE, BE IT ORDAINED,

1. *The Township Committee of the Township of Middle shall sell the parcel of land identified on the Official Tax Map of the Township of Middle as:*

Block 645, Lot 1, 703 Reeves Street

- and
Block 1068, Lot 1, 300 Wildwood Avenue
2. The sale price for each lot shall be \$1.00.
 3. The parcel shall be deed restricted so as to provide that a single family residential dwelling shall be built upon it within 24 months or the land shall revert to the Township of Middle.
 4. The property shall be deed restricted so that the single family residential dwelling shall be COAH compliant and so that the Township of Middle will be credited for having COAH compliant units in the Township of Middle.
 5. Habitat for Humanity shall enter into a Housing Agreement with the Township of Middle which shall contain certain requirements which shall make the units COAH compliant;
 6. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any documents necessary to effectuate this transaction, including any contract, deed, deed restriction or easement.

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. RESOLUTION #415-10 – CLOSED SESSION – PENDING LITIGATION (ALBRECHT & HEUN V. MIDDLE TOWNSHIP) & (CONIFER VS MIDDLE TOWNSHIP) – On motion by Committeeman Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

- 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: PENDING LITIGATION (ALBRECHT AND HEUN V. MIDDLE) AND (CONIFER VS MIDDLE TOWNSHIP)
- 2.) The general nature of the subject matter to be discussed is as follows: PENDING LITIGATION (ALBRECHT AND HEUN Vs. MIDDLE) AND (CONIFER VS MIDDLE TOWNSHIP)
- 3.) It is anticipated at this time the above subject matter will be made public as follows: WHEN THE MATTER IS RESOLVED
- 4.) This Resolution shall take effect immediately.

**Committeeman Doughty Abstained

8. RESOLUTION #416-10 – REAPPOINTMENT – BONITA MILLARD – REGISTRAR OF VITAL STATISTICS – On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, Title N.J.S.A.26:8-11 regulates the appointment of the Registrar by the governing body of the Township of Middle; and 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 following person be and is hereby reappointed to fill the following position for the term of office opposite their name:

NAME	TITLE	EFF. DATE	TERM EXP.
Bonita Millard	Registrar	11/01/2010	11/01/2013

9. RESOLUTION #417-10 – ACKNOWLEDGMENT OF RESIGNATION – MATTHEW SPISAK – On motion by Committeeman Doughty seconded by Committeeman Lockwood 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 resignation listed below is acknowledged.

EMPLOYEE	DEPARTMENT	EFFECTIVE
Matthew Spisak	Public Works/Assistant Supervising Laborer	8/31/2010

10. RESOLUTION #418-10 – APPROVAL FOR PAYMENT TERMINAL LEAVE - MATTHEW SPISAK – On motion by Committeeman Lockwood seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted. WHEREAS, Matthew Spisak has resigned with an effective date of August 31, 2010, and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, 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 payment be issued to the employee in the amount referenced below.

Matthew Spisak
Vacation 9.5 days 94.10 893.95

11. RESOLUTION #419-10 – CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL – On motion by Committeeman Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Cape Hospitality Group LP has applied for approval to sell alcoholic beverages at Middle Township's Harvest Festival to be held at 33 Mechanic St., Cape May Court House, on October 23, 2010 from 10:00 a.m. to 5:00 p.m., with a rain date of October 24, 2010 from 12:00 p.m to 5:00 p.m., and
WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
12. RESOLUTION #420-10 & #421-10 – APPROVE APPLICATION FOR RAFFLE LICENSE – BISHOP MCHUGH REGIONAL CATHOLIC SCHOOL PTA (ITEMS A THROUGH B) – On motion by Mayor DeLanzo seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
ITEM (A) - WHEREAS, Bishop McHugh Regional Catholic School P.T.A. has applied to Legalized Games of Chance Control Commission for a 50/50 Raffle License, and
WHEREAS, the location will be at 1510 Route 9 North, Cape May Court House, NJ 08210, otherwise known as Avalon Golf Club, has been approved by the Middle Township Committee as an Amusement Game Zone, and
WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
WHEREAS, the proper application and fee have been received.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night May 13, 2011 at the location of 1510 Route 9 North, Cape May Court House, (otherwise known as Avalon Golf Club), is hereby approved.
ITEM (B) WHEREAS, Bishop McHugh Regional Catholic School P.T.A. has applied to Legalized Games of Chance Control Commission for a (On-Premise Merchandise) Raffle License, and
WHEREAS, the location will be at 1510 Route 9 North, Cape May Court House, NJ 08210, otherwise known as Avalon Golf Club, has been approved by the Middle Township Committee as an Amusement Game Zone, and
WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
WHEREAS, the proper application and fee have been received.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night May 13, 2011 at the location of 1510 Route 9 North, Cape May Court House, (otherwise known as Avalon Golf Club), is hereby approved.
13. RESOLUTION #422-10 – TABULATION COMMITTEE – NINTH AVENUE AND GARDEN AVENUE DRAINAGE AND ROADWAY IMPROVEMENTS AND MIDDLE TOWNSHIP VARIOUS DRAINAGE IMPROVEMENTS - On motion by Committeeman Lockwood seconded by Committeeman 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, Deputy Township Clerk Dawn Stimmel, Business Administrator Mark Mallett and Joseph Maffei of EDA be and hereby are appointed to tabulate the bids to be taken on Wednesday, October 20, 2010 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
NINTH AVENUE AND GARDEN AVENUE DRAINAGE AND ROADWAY IMPROVEMENTS AND THE MIDDLE TOWNSHIP VARIOUS DRAINAGE IMPROVEMENTS
14. RESOLUTION #423-10 – AMENDING AWARD OF CONTRACT AND RATIFICATION OF AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ROBERT FINEBERG – On motion by Committeeman Doughty seconded by Mayor 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 Robert Fineberg and the Township of Middle for the conflict attorney services, be and hereby is amended and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes for an amount totaling \$12,500 (\$7,500.00 previous contract + \$5,000.00 additional)
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
15. RESOLUTION #424-10 - AUTHORIZING PURCHASE UNDER STATE CONTRACT – SEWER DEPARTMENT-PURCHASE OF TWO GENERATORS – On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted
WHEREAS, there is a need to purchase two (2) generators, and
WHEREAS, through the State Contract Purchasing System, Contract # 209889, these generators are available; and
WHEREAS, the amount of the purchase per generator is \$20,626.00 and funds are available through the Sewer Utility Capital Budget as evidenced by the Chief Financial Officer's Certification; and
WHEREAS, the generators that are being purchased by authorization of this Contract are two (2) emergency generators for pumping stations.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the Sewer Department is hereby authorized to purchase two (2) aforementioned generators at a cost of \$20,626.00 per unit.
FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Atlantic Power Systems
33 Gregg Street
Lodi, NJ 07644

16. RESOLUTION #425-10 - PROCLAIMING OCTOBER 3rd – 9thTH, 2010 AS NATIONAL 4-H WEEK IN CAPE MAY COUNTY - On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, 4-H youth across the nation are leading efforts to solve problems in their communities and make a difference for their futures; and
WHEREAS, 4-H is one of the largest youth development organizations in New Jersey and the largest in the nation with six million young people; and
WHEREAS, 4-H in New Jersey claims 44,600 youth members and 2,891 adult volunteers, while Cape May County's 4-H program numbers more than 2,951 youth impacted and more than 86 adult volunteers; and
WHEREAS, 4-H as part of Rutgers Cooperative Extension of Rutgers University is a program where youth learn through opportunities that provide them hands-on experience in 4-H's mission mandates of science, engineering and technology; healthy living and citizenship; and
WHEREAS, 4-H has connected youth and their communities with the innovative research and resources from our nation's 106 land-grant universities and colleges for more than 100 years; so
NOW, THEREFORE BY IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that said Committee hereby proclaims October 3rd to 9th, 2010 as National 4-H Week in Cape May County and further calls upon all citizens of Cape May County to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Cape May County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our State University system.
17. RESOLUTION #426-10 - APPROVE APPLICATION FOR RAFFLE LICENSE – KNIGHTS OF COLUMBUS COUNCIL 12184 - On motion by Committeeman Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Knights of Columbus Council 12184 has applied to Legalized Games of Chance Control Commission for a Raffle License, and
WHEREAS, the location, Davies Sports Complex, 626 Goshen Road, CMCH, NJ 08210 has been approved by the Middle Township Committee as an Amusement Game Zone, and
WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
WHEREAS, the proper application and fee have been received.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the raffle to be held on November 6, 2010 at the location of the Davies Sports Complex, 626 Goshen Road, CMCH, NJ 08210 is hereby approved.
18. RESOLUTION #427-10 - SOCIAL AFFAIRS PERMIT – GREEN CREEK VOLUNTEER FIRE COMPANY – BEEF AND BEER - On motion by Committeeman Doughty seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Green Creek Volunteer Fire Company has applied for approval to sell alcoholic beverages at an event to be held at 14 Bayshore Road, Green Creek, NJ, on October 23, 2010 from 6:00 p.m. to 9:00 p.m., and
WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
19. RESOLUTION #428-10 - AWARD OF BID – POLICE UNIFORMS – THIS N THAT UNIFORMS, LLC – On motion by Committeeman Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for Police Uniforms, and
WHEREAS, sealed bids were received on September 29, 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 POLICE UNIFORMS be and hereby is awarded to:
THIS N THAT UNIFORMS, LLC in the amount of \$36,580.00
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
20. RESOLUTION #429-10 - SHANNON OAKS AND ELLA AVENUE DRAINAGE IMPROVEMENTS- LANDBERG CONSTRUCTION, LLC – On motion by Mayor DeLanzo seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for Shannon Oaks and Ella Avenue Drainage Improvements, and
WHEREAS, sealed bids were received on September 21, 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 SHANNON OAKS AND ELLA AVENUE DRAINAGE IMPROVEMENTS:
LANDBERG CONSTRUCTION, LLC in the amount of \$287,693
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds

21. RESOLUTION #430-10 - AWARD OF BID – GALLOPING WAY DRAINAGE – WECO CONSTRUCTION – On motion by Mayor DeLanzo seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for Galloping Way Drainage, and
WHEREAS, sealed bids were received on September 14, 2010 at 2:00pm, 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 GALLOPING WAY DRAINAGE be and hereby is awarded to:
WECO CONSTRUCTION in the amount of \$117,924.00
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds
22. RESOLUTION #431-10 - AWARD OF BID – WHITESBORO COMMUNITY CENTER PARKING LOT IMPROVEMENTS (WHITESBORO SCHOOL) – RICKY SLADE CONSTRUCTION – On motion by Mayor DeLanzo seconded by Committeeman Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for Whitesboro Community Center Parking Lot (Whitesboro School), and
WHEREAS, sealed bids were received on September 14, 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 Whitesboro Community Center Parking Lot (Whitesboro School) be and hereby is awarded to:
RICKY SLADE CONSTRUCTION in the amount of \$25,355
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

Committeeman Doughty: Baseball event this weekend was good. Trick or Treat will be held October 30th.

Committeeman Lockwood: Recognized the 4-H. Boy Scouts holding their 100th Anniversary at Ft. Apache on October 15, 16 and 17. Remarked about Homestead Rebates being applied to Property Tax Bill.

23. PUBLIC COMMENT

Paul Barnard: Questioned award for Shannon Oaks.

Vince Orlando: Pipes were cleaned and debris removed. New drainage system will be a conveyance system and storage system. Hope to start around first of November.

Steve O'Conner: If going from single to multi units on Master Plan, would it require new ordinance. (Ordinance #1367-10).

Jim Pickering: Could be done by resolution.

Vilma Pombo: Any progress on doing a reassessment.

Committeeman Lockwood : Tax assessor working on it...no final plan yet.

Vilma Pombo: Question on Item #15 on the agenda.

Committeeman Doughty: Replacements for pumping stations.

Jim Pickering: Also used at pumping stations during power outages.

Vilma Pombo: Do we have COAH Plan?

Jim Pickering: We have a plan....Fair Share Plan needs changes....determined by budget constraints and what happens in Trenton.

Vilma Pombo: Have we started writing Master Plan yet?

Jim Pickering: Outlines developed....have not started writing yet.....again budget constraints.

Steve O'Conner: Status of bike path.

Vince Orlando: Dias Creek and Shellbay cleared and graded. As soon as weather dries will be putting down asphalt, then will start on the rest. Ahead of schedule.

Steve O'Conner: Eyesores in Middle Township...any thoughts about addressing them.

Mark Mallett: Spoke with code officer, as long as not a danger to public, nothing we can do.

Paul Barnard: House next door being used as storage for owners inventory...it is vacant...grass high, what is recourse.

Committeeman Doughty: Will check into it.

Adjourned at 7:00 to go into closed session.

Meeting adjourned at 8:15 PM

Dawn Stimmel, Deputy Twp. Clerk