

Cape May Court House, NJ  
October 5, 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. PRESENTATION – JEFF VAN DREW TO NEW CHIEF CHRISTOPHER LEUSNER
2. RESOLUTION NO. 425-09 – REAFFIRMING APPOINTMENT AND ESTABLISHING SALARY – CHIEF OF POLICE – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
WHEREAS, on August 3, 2009 Township Committee passed Resolution 370-09(B) appointing Lt. Christopher Leusner to Chief of Police upon retirement of current Chief of Police Joseph Evangelista, and  
WHEREAS, it is necessary to also establish compensation for said position.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee in the Middle Township Police Department be and is hereby promoted to the title opposite his name at the following salary:

Name	Title	Salary	Eff. Date
Christopher Leusner	Chief of Police	\$123,630.00	10/01/2009
3. SWEARING IN OF NEW CHIEF OF POLICE CHRISTOPHER LEUSNER
4. 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.)  
*Elaine Fausey – stated that item #13 is not a good idea.*  
*Dan Lockwood – Asked for clarification on item #23*
5. RESOLUTION NO. 426-09 – APPROVING PAYMENT FOR BILLS – BILL LIST A – 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 payment for the following bills in the amounts indicated are hereby approved:

Dedicated Trust	\$ 8,865.19
Current Acct.	\$ 2,574,677.68
6. RESOLUTION NO. 427-09 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember Barry seconded by Committeemember DeLanzo 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 in the amounts indicated are hereby approved:

Current Acct.	\$ 41,311.90
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7. RESOLUTION NO. 428-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the minutes from the Township Committee meeting September 21, 2009 are hereby approved.
8. REPORTS: The following departments have submitted their reports for the months indicated: Police for the month of June; Construction for the month of September; Treasurer for the month of August; Municipal Clerk for the month of September; Tax Collector for the month of September; Zoning Official for the month of September;
9. RESOLUTION NO. 429-09 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Mayor Doughty seconded by Committeemember Barry 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 Public Works Supervisor 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

Francis Cheety	4 S. 2 <sup>nd</sup> Ave, Rio Grande	1127 / 6	\$200.28
Scot Jones	26 N. 11 <sup>th</sup> Street, Del Haven	398 / 10	\$299.15

10. RESOLUTION NO. 430-09 – AUTHORIZE APPLICATION – MUNICIPAL ALLIANCE GRANT – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and  
 WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community, and  
 WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Township of Middle Municipal Alliance grant for calendar year 2010 in the amount of \$13,749.00.
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant including the administrative compliance and audit requirements.

11. RESOLUTION NO. 431-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ENFORSYS POLICE SYSTEMS INC. – OPERATING SOFTWARE – 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 of the Township of Middle, the governing body thereof, that the Agreement between Enforsys Police Systems, Inc. and the Township of Middle for Annual Maintenance / Service for the Police Operating Software 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 October 1, 2009 through December 31, 2009

Enforsys Police Systems Inc. – Police Operating Software - Annual Maintenance/ Service --  
 \$3,670.00

12. RESOLUTION NO. 432-09 – ACKNOWLEDGEMENT OF RESIGNATION – 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 resignations listed below are acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Kelly Mulligan	Public Safety	Telecommunications Trainee P/T	09/08/2009

13. RESOLUTION NO. 433-09 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by Mayor Doughty 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, the governing body thereof, that an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 23, 2009 until 7:00 AM on Sunday, October 25, 2009 for the Harvest Festival is hereby approved.

14. RESOLUTION NO. 434-09 – CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00 a.m. and 5:00 p.m. on October 24, 2009( with a rain date of October 25, 2009 from 12 noon until 5:00pm), and  
WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival, and  
WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle, and  
WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 24, 2008 between the hours of 10:00 a.m. and 5:00 p.m. in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey.  
FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.
15. RESOLUTION NO. 435-09 – RATIFY PROMISE OF DEFENSE AND INDEMNIFICATION AGREEMENT WITH CAPE MAY COUNTY FOR USE OF COUNTY PARKING LOT – HARVEST FESTIVAL – On motion by Mayor Doughty 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, the governing body thereof, that the Promise Of Defense And Indemnification Agreement between the County of Cape and the Township of Middle for the use of the County Parking Lot on October 24, 2009 (rain date October 25, 2009) for the Harvest Festival, be and is hereby ratified.  
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
16. RESOLUTION NO. 436-09 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – 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 of the Township of Middle, the governing body thereof, that authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 24, 2009 from 6:00 AM until 7:00 PM (rain date October 25<sup>th</sup>) for the Harvest Festival is hereby approved.
17. RESOLUTION NO. 437-09 – RELEASE MAINTENANCE BOND – ROS-LEN INC. – BELLEWOOD ROAD – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, \$8,237.52 (plus interest) is being held as a maintenance bond of Ros-Len Inc. and/or Jerome & Mary Licata for Block 322, Lots 19.02, 19.04 also known as Bellewood Road, 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 this portion of Bellewood Road has already been accepted into the Township Road System via Resolution 421-07, and  
WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$8,237.52 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 Cape Savings Bank/ Cape Bank in the amount of \$8,237.52 be and is hereby released.
18. RESOLUTION NO. 438-09 – RATIFY INTERLOCAL SERVICES AGREEMENTS WITH TOWNSHIP OF LOWER FOR ANIMAL CONTROL SERVICES – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle wishes to enter into an Interlocal Agreement with the Township of Lower to provide animal control services to the Township of Lower, and  
WHEREAS, in the case the Township of Middle needs extra assistance within our own municipality, an Interlocal Agreement is also necessary between the Township of Lower and the Township of Middle for services received.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Interlocal Agreements between the Township of Middle and the Township of Lower for both Animal Control Services provided and received, commencing January 1, 2009 through December 31, 2011, be and are hereby ratified.  
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign both agreements.
19. RESOLUTION NO. 439-09 –CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, Cape Hospitality Group LP t/a Bellevue Tavern 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 24, 2009 from 10:00 a.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 Catering Permit.

20. RESOLUTION 440-09 – RELEASE PERFORMANCE BOND - STREET OPENING – CLAUDIO PAWLUS / HOPE'S PLUMBING – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, \$5,000.00 is being held as a performance guarantee for Hope's Plumbing/ Claudio Pawlus for the street opening located on 103 S. 10<sup>th</sup> Street, and  
WHEREAS, Certified Public Works Manager has conducted his inspection and determined that all improvements have been completed, and  
WHEREAS, it has been recommended that the performance guarantee for the above stated project be released.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above reference opening has been inspected and approved and the performance bond shall be released.
21. RESOLUTION NO. 441-09 – APPROVE CHANGE ORDER NO. 1 – WHITESBORO/EDGEWOOD PHASE II SANITARY SEWER PROJECT – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, on February 17, 2009 via Resolution No. 104-09, the above project was approved, 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 attached Change Order #1 for the project awarded to F. W. Shawl & Sons Inc., be and is hereby approved in the amount of \$18,647.73
22. RESOLUTION NO. 442-09 – REAFFIRMING THE TOWNSHIP'S POLICY REGARDING HEALTH BENEFITS – 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 part-time employees of the Township of Middle shall not receive health benefits, and  
BE IT FURTHER RESOLVED, that authorization is hereby granted to the Business Administrator to make appropriate revisions to the township's personnel policy manual to reflect said change.
23. RESOLUTION NO. 443-09 – ESTABLISHING RATE OF PAY FOR VARIOUS PART-TIME EMPLOYEES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, for many years, some part time employees of the Township of Middle, including Township Committee members, have been offered health benefits; and  
WHEREAS, for the 2009 budget year, Township Committee members voluntarily declined health care benefits, and announced that in the future part time employees would no longer be offered health benefits; and  
WHEREAS, in order to formalize the policy and make it permanent,  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that part-time employees of the Township of Middle shall not receive health benefits beginning January 1, 2010; and  
BE IT FURTHER RESOLVED, that the Business Administrator is instructed to make appropriate revisions to the township's personnel policy manual to reflect this policy change.
24. RESOLUTION NO. 444-09 – CALLING FOR THE REMOVAL OF OLD TRAIN BRIDGE IN WEST WILDWOOD BACKBAY BY U.S. COAST GUARD – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle has received notification that the American Recovery & Re-investment Act (ARRA) funding specifically "authorizes the investments to remove bridges deemed hazardous to marine navigation, thereby removing obstructions and improving the safety of marine navigation"; and \$150 million was authorized by the US Congress for said purpose; and  
WHEREAS, the Township has recognized that the West Wildwood "Old Railroad Bridge" (Bridge) is a locally known "perceived" marine navigation hazard to which the Intercoastal Waterway (ICW) crosses through the abandoned and hazardous railroad span at CW markers 452 and 453; and  
WHEREAS, the Township assumes that the Bridge is in hazardous and decrepit state and would constitute a safety hazard to persons and marine navigation traffic; and  
WHEREAS, the Township is aware that local mariners are aware that the current state of the Bridge is unsafe; and  
WHEREAS, it has been brought to the attention of the Township that the 5<sup>th</sup> US Coast Guard (USCG) District has not listed this Bridge a "known hazard" due to the fact of a jurisdiction dispute that exists between the USCG and US Army Corps of Engineers (USACOE). It is reported that a five (5) year USACOE permit was drawn to remove the bridge and crane material by a private citizen who currently owns the railroad right-of-way. This permit was authorized by USACOE in 1982 and has essentially expired. The Borough can only assume that the Bridge is in an abandoned status; and

WHEREAS, the Township, by passing this resolution, has no obligation of funding, liability and/or obligation to remove the said Bridge and requests the USCG to move forward under its authority to forward a proposal to remove the said Bridge due to its “perceived” hazard to marine navigation; and

WHEREAS, the Township, by copy of this Resolution, requests the Borough of West Wildwood and the City of Wildwood to pass a similar resolution deeming the Bridge a “perceived” hazard to marine navigation and due to the Bridge is aligned among municipal boundaries, support said resolution and proposal to remove the said Bridge due to its “perceived” hazard to marine navigation; and

WHEREAS, the Township, by passing this resolution, the communities of West Wildwood and/or the City of Wildwood would have to take “local community” lead as “project sponsors” in name only and only in the form of jurisdictional aspect and would have no absolute obligation towards funding the removal of said Bridge, as advised by the USCG; and

WHEREAS, the Township requests consideration that the recent removal of the abandoned railroad bridge (the same bridge right-of-way) located in Post Creek Basin, which was recently removed under a \$50,000 grant from the Wildwoods Urban Enterprise Zone (UEX) program, be reimbursed for said funds under any future authorization to remove the West Wildwood “Old Railroad Bridge” as part of the total ARRA funding authorization/request; and

WHEREAS, the Township requests that the 2<sup>nd</sup> District, US House of Representative, Congressman Frank LoBiondo assist in securing a grant request from the ARRA funding for the total costs covering the possible removal of the Bridge and re-imbursement of the Post Creek Basin bridge removal project; and

NOW, THEREFORE BY IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, as follows: The Township of Middle endorses the proposal to remove the West Wildwood “Old Railroad Bridge” as a locally known “perceived” marine navigation hazard and requests the assistance of the US Coast Guard, the US Army Corps of Engineers and the 2<sup>nd</sup> District, US House of Representative, Congressman Frank LoBiondo in preparing a grant request from the American Recovery & Re-investment Act (ARRA) funding that specifically “authorizes the investments to remove bridges deemed hazardous to marine navigation, thereby removing obstructions and improving the safety of marine navigation.”

25. RESOLUTION NO. 445-09 – SALARY ADJUSTMENT – VARIOUS PART-TIME EMPLOYEES – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, both Earl Wilson and Derek Jensen are current part-time employees in the recreational 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
Earl Wilson	Recreation Attendant P/T	\$10.00 ph	06/17/2008
Derek Jensen	Recreation Attendant P/T	\$10.00ph	06/17/2008
Shawn Vaughan	Recreation Attendant P/T	\$10.00ph	06/17/2008

BE IT FURTHER RESOLVED, that Earl Wilson worked 584 hours, Derek Jensen worked 558 hours and Shawn Vaughan worked 519 hours between the time period of 6/17/08 and 3/15/09 and therefore payroll is hereby directed to issue compensation accordingly.

26. RESOLUTION NO. 446-09 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JOSEPH EVANGELISTA – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Joseph Evangelista has retired with an effective date of October 1<sup>st</sup>, 2009, and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, 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.

Joseph Evangelista

vacation	130	57.31	7450.3
sick	1869	57.31	107112.39
personal	13	57.31	745.03
comp	0	57.31	0
total			115307.72
less overpayment			-2406.91
total due			112900.81

I certify that the above figures are a true accounting of this time based solely on the documentation provided by the personnel department and that sufficient backup documentation is available for inspection.

October 5, 2009

Tracey DeVico Taverner, CFO

27. PUBLIC COMMENT:

Mayor Doughty – 18<sup>th</sup> at Kindle Ford Drive thru Flu Clinic.

Vilma Pombo – asked township to review a resolution of support for open space.

There being no further business the meeting was adjourned at 6:34pm

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Kimberly Tomkinson, Twp. Clerk