

Cape May Court House, NJ
September 21, 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 AND RECOGNITION OF RETIREMENT – PTL. MICHAEL HARRON
2. PRESENTATION AND RECOGNITION OF RETIREMENT – CHIEF OF POLICE JOSEPH EVANGELISTA
3. 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.)

*Wanda Sheppard – Asked about the location of Agenda Item 7
J. Pickering – explained*

4. RESOLUTION NO. 394-09 – 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. 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:

Dedicated Trust	\$ 2,336,288.37
Current Acct.	\$ 3,887.49
5. RESOLUTION NO. 395-09 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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.	\$ 4,097.50
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6. RESOLUTION NO. 396-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
7. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of August; Police Department for the month of June; Tax Collector for the month of August; Zoning Official for the month of August; Municipal Clerk for the month of August; Construction Official for the month of July;
8. ORDINANCE NO. 1332-09 – TO SELL TOWNSHIP OWNED LAND TO CONTIGUOUS OWNER OF BLOCK 871, LOT 6 IN WHITESBORO – Following second reading, hearing, and consideration for adoption, Ordinance 1332-09 was adopted on motion by Committeemember DeLanzo seconded by Mayor Doughty 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 and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.
SECTION 1.
WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 871, Lot 6 in the Whitesboro Section of the Township; and

WHEREAS, pursuant to Resolution 354-09 approved on August 3, 2009, the Township has accepted from itself portions of said lot as the dedication of right of way, and desires to sell a remaining portion of the lot, which remaining portion (and the entire lot when begun) is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and

WHEREAS, pursuant to Ordinance 1328-09, a section of Roosevelt Avenue between Block 852, Lot 2 and Block 871, Lot 6 was vacated, making the two lots contiguous to one another, and increasing the size of each; and

WHEREAS, the owner of the contiguous lot, Block 852, Lot 2, desires to purchase a portion of Block 871, Lot 6; and

WHEREAS, Block 852, Lot 2 could be built upon if the owner were to extend the roadway of Roosevelt Avenue, and by selling a portion of Block 871, Lot 6 and having it consolidated with Block 852, Lot 2, there will be no increase in density, and there will be less road constructed and less to be maintained; and

WHEREAS, the owner of Block 852, Lot 2 is Superior Homes, LLC, P.O. Box 464, Wildwood, NJ 08260; and

WHEREAS, the assessment of the entire Block 871, Lot 6 is \$12,500.00, which is .368 per square foot of land; and

WHEREAS, with the portion of Block 871, Lot 6 and the portion of Roosevelt Avenue which had been vacated, there is a total of 9,554.908 square feet, which results in a value by the square foot of \$3,516.2061; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;

NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 871, Lot 6 to Superior Homes, LLC, P.O. Box 464, Wildwood, NJ 08260 for \$4,500.00;
2. The Buyer and the Township of Middle shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and
3. The Buyer shall be provided a deed in the form attached hereto as Exhibit B; and
4. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
5. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
6. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the Buyer.

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.

9. ORDINANCE NO. 1333-09 – ESTABLISHING THIRD PARTY FEES FOR USAGE OF TOWNSHIP RECREATIONAL COMPLEXES – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, Ordinance No 1333-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10 /19/2009 at 6:00 p.m.

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

1. Membership Fee	\$5.00
2. Middle Twp. Employee/ Gov't Org./ Sr. Citizens	\$100 / Event \$30/3 Hr. Mtg
3. Middle Township Community Organization	\$300.00/year for 1 Meeting a Month
4. Non Profit / Private Organization	\$150/ Event \$75/ Monthly Meeting (6+Mtgs/ year)
5. Commercial Organizations	\$250 / Event \$125 / Monthly Meeting (6+Mtgs / year)

\$75 / Weekly Mtg (2+ Mtgs/
Month)

Goshen Complex and Martin Luther King Center

1. Baseball / Softball Fields (Tournaments)
with lights \$125 / Day/Field
additional \$50 / Field
2. Football Fields
with lights \$125 / Day
additional \$50 / Day
3. Organized Basketball Tournaments
with lights (outdoor MLK courts) \$125 / Day
additional \$50/ Day
4. Soccer Fields
with lights \$125 / Day
additional \$50 / Day
5. Goshen & MLK Gymnasiums (Tournaments)
For Non-Profit (501c) Organizations \$500 /Day or \$1,500 for Friday,
Saturday & Sunday
\$250 / Day or \$750 for Friday,
Saturday & Sunday

6. Sports Camps \$125 / Day/ Field
7. Community Rooms \$75 / hour
If using MLK Kitchen additional \$50 / hour
8. Pavilion / Outdoor Reunions / Events at MLK
If using MLK Kitchen \$35 / event
additional \$50 / hour
9. 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.

10. RESOLUTION NO. 397-09 – TABULATION COMMITTEE – FORT APACHE ROBERT “OCKIE” WISTING RECREATIONAL FACILITY IRRIGATION WELL – On motion by Mayor Doughty seconded by Committeemember Barry 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, Township Clerk Kimberly Tomkinson, and Business Administrator Mark Mallett as well as a representative from Engineering Design Associates, be and hereby are appointed to tabulate the bids to be taken on Wednesday October 14, 2009 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
FORT APACHE ROBERT “OCKIE” WISTING RECREATIONAL FACILITY IRRIGATION WELL
11. RESOLUTION NO. 398-09 – AUTHORIZING THE SUPPORT OF APPLICATIONS BY TOWNSHIP OF MIDDLE FIRE DISTRICT #1 TO PARTICIPATE IN JOINT INSURANCE FUNDS – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is a member of the Atlantic County Municipal Joint Insurance Fund; and
WHEREAS, Township of Middle Fire District #1 desires to participate in the aforesaid Joint Insurance Fund, and other fire districts of the Township of Middle may desire to so participate; and
WHEREAS, under the rules and regulations of the Municipal Excess Liability Joint Insurance Fund, the Township of Middle must endorse the application of a fire district and agree to assume responsibility for the financial obligation of the fire district to the Atlantic County Municipal Joint Insurance Fund; and
WHEREAS, the Township of Middle finds that the participation of fire districts within the municipality in the Joint Insurance Fund would be advantageous to the taxpayers of the Township of Middle and that the respective obligations of the Township of Middle Fire District #1 and the fire districts should be set forth in a written agreement;
NOW, THEREFORE BE IT RESOLVED by the Committee of the Township of Middle, County of Cape May, State of New Jersey hereby expresses its support for the participation of Township of Middle Fire District #1 in the Atlantic County Municipal Joint Insurance Fund; and
BE IT FURTHER RESOLVED that the Township of Middle expresses to the Atlantic County Municipal Joint Insurance Fund its agreement to assume financial responsibility for the participation of the Township of Middle Fire District #1;
BE IT FURTHER RESOLVED that the Township of Middle be and is hereby authorized to convey this expression of support to the Atlantic County Municipal Joint Insurance Fund upon the execution of an Agreement by Township of Middle Fire District #1 governing the fire district’s fiscal responsibilities in connection with its participation in the Joint Insurance Fund and indemnifying the Township of Middle from any and all losses or expenses in connection therewith.
BE IT FURTHER RESOLVED that the appropriate Township of Middle officials be and are hereby authorized to execute such an Agreement between the Township of Middle and the

Township of Middle Fire District #1 and that the Township of Middle hereby further expresses its support for the participation of any other Fire Districts within the Township of Middle which determines to participate in the Joint Insurance Funds under the same terms and conditions as noted herein.

12. RESOLUTION NO. 399-09 – APPOINTMENTS – PART TIME – NEW HIRE – EMT – 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, 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
William Cripps	Public Safety EMS	EMT P/T	\$10.60 ph	09/21/2009
Paul Hewitt Jr.	Public Safety EMS	EMT P/T	\$10.650 ph	09/21/2009

13. RESOLUTION NO. 400-09 – ACKNOWLEDGEMENT OF RESIGNATION – EMERGENCY MANAGEMENT – 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 resignation listed below, is acknowledged.

EMPLOYEE	BOARD	POSITION	EFFECTIVE
Vera Kalish	Emergency Management	Deputy Emergency Management Coordinator	9/21/2009

14. RESOLUTION NO. 401-09 – AUTHORIZE APPLICATION FOR NJ DCA GRANT – PHASE III WHITESBORO WATER – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$490,346 for Phase III water main installation within the Whitesboro Neighborhood.

Be it therefore RESOLVED,

- 1) That the Township of Middle does hereby authorize the application for such a grant, and,
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith:

15. RESOLUTION NO. 402-09 – AUTHORIZE APPLICATION FOR NJ DCA GRANT – HOUSING 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 desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$200,000 to carry out a housing rehabilitation to assist low and moderate income homeowners.

Be it therefore RESOLVED,

- 1) That the Township of Middle does hereby authorize the application for such a grant, and,
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith:

16. RESOLUTION NO. 403-09 – ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM – On motion by Committeemember DeLanzo seconded by Mayor 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 2010 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 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.

17. RESOLUTION NO. 404-09 – IDENTIFYING SMALL CITIES FAIR HOUSING AND EQUAL OPPORTUNITY OFFICER – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is applying for a Fiscal Year 2010 Small Cities Community Development Block Grant application(s) 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 of Middle must make efforts to affirmatively further fair housing; and

WHEREAS, the Township of Middle has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and
WHEREAS, the Township of Middle has made assurances in the grant agreement that;
1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.
Now, Therefore, Be It Resolved that the Township Treasurer shall be designated as the Small Cities Program Fair Housing and Equal Opportunity Compliance Officer for the Township of Middle; and
Be It Further Resolved that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and
Be It Further Resolved, that the Compliance Officer shall provide fair housing and equal opportunity advisory services and assistance and referral advice to persons requesting such assistance from the Township of Middle; and
Be It Further Resolved, that the Township of Middle will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.
18. RESOLUTION NO. 405-09 – POLICY AND PROCEDURES MANUAL FOR HOUSING REHABILITATION – On motion by Mayor Doughty Committeemember Barry seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle will apply for \$200,000 for a housing rehabilitation project to be implemented in 2010 within the Township;
WHEREAS, the rehabilitation project will be governed by a Policies and Procedures Manual;
WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt it Policies and Procedures Manual;
WHEREAS, the Township has prepared a Policies and Procedures Manual for its Fiscal Year 2010 housing rehabilitation program;
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Policies and Procedures Manual for the Fiscal Year 2010 housing rehabilitation program.
19. RESOLUTION NO. 406-09 – RELEASE OF PERFORMANCE BOND – POSTING OF MAINTENANCE BOND – ACCEPTANCE OF ROAD / ROSIE’S LANE – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
WHEREAS, the improvements located at Block 349 Lot4.02, otherwise known as Rosie’s Lane, constructed by Sun Ray Beach Developers, LLC. is complete, and
WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and
WHEREAS, the Engineer for said project for the Township of Middle has recommended that the cash performance bond in the amount of \$21,591.66 be released, and
WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$20,228.63 for a two-year period effective 9/21/2009.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the release of the cash performance bond and acceptance of the maintenance bond and guarantee hereby authorized.
BE IT FURTHER RESOLVED, that Rosie’s Lane be and hereby is accepted into the Township road system for continuous maintenance.
20. RESOLUTION NO. 407-09 THR 408-09 – REDUCTION OF PERFORMANCE BOND (ITEMS A THROUGH B) – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Barry Abstained

407-09(A)WHEREAS, \$75,800.00 is being held as a performance guarantee for Bowman Construction for site improvements at Block 98, Lot 15, also known as Caramar Major Subdivision, and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$28,470.00 have been completed, and

WHEREAS, the Zoning Official has recommended that the performance guarantee for the above stated project be reduced to \$47,330.00.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Irrevocable Letter of Credit be and is hereby reduced to \$47,330.00.

408-09(B)WHEREAS, \$702,240.00 is being held as a performance guarantee for Bowman Walker Construction for site improvements at Block 114, Lot 24, also known as Seagrove Subdivision, Route 9 North Swanton, and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$491,568.00 have been completed, and

WHEREAS, the Zoning Official has recommended that the performance guarantee for the above stated project be reduced to \$210,672.00.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Irrevocable Letter of Credit be and is hereby reduced to \$210,672.00.

21. RESOLUTION NO. 409-09 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor Doughty seconded by Committeemember Barry 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.

22. RESOLUTION NO. 410-09 – APPROVE APPLICATION FOR RAFFLE LICENSE – LOVE OF LINDA CANCER FUND – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Love of Linda Cancer Fund has applied to Legalized Games of Chance Control Commission for a Raffle Night, and

WHEREAS, the location will be at, 1510 Rte 9 North, CMCH, NJ 08210 (Avalon Links Golf Club), which 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, and

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 a raffle night May 2, 2010, at the location of 1510 Rte 9 North, CMCH, is hereby approved.

23. RESOLUTION NO. 411-09 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember DeLanzo seconded by Mayor 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 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 imposes 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
Kim Watkins	1601 Rte 9 S	1004 / 3	\$200.28
Richard & Virginia Hess	408 Rte 47 N	5 / 4	\$200.28
Jeffrey Evans	303 Goshen Road	60 / 10	\$200.28
Gregory Skavhaug	6 Wayne	56.05 / 3	\$285.29
Kenneth & Bridgette Gage	1211 Fulton	713 / 2	\$200.28
Paul Greenspan	39 Crest Rd	226.04 / 7	\$299.15

24. RESOLUTION NO. 412-09 – CANCELING OUTSTANDING CHECKS – GENERAL ACCOUNT – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, there are certain checks that have been outstanding in the Middle Township General Account for a period of more than six months, and
WHEREAS, it is the desire of the Township Treasurer to return these funds to the Middle Township General Account.
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 checks be and hereby are canceled and will be returned to the General Account of the Township of Middle.
General Account
25. RESOLUTION NO. 413-09 – CANCELING OUTSTANDING CHECKS – PAYROLL ACCOUNT – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
WHEREAS, there are certain checks that have been outstanding in the Middle Township Payroll Account for a period of more than one year, and
WHEREAS, it is the desire of the Township Treasurer to return these funds to the Middle Township Payroll Account.
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 checks be and hereby are canceled and will be returned to the Payroll Account of the Township of Middle.
Payroll Account
26. RESOLUTION NO. 414-09 THR 416-09 – APPROVE CHANGE ORDER (ITEMS A THROUGH C) – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
414-09 (A) WHEREAS, on March 16, 2009 via Resolution No. 132-09, 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 Gemini Building Company, be and is hereby approved in the amount of \$2,095.00.
415-09(B) WHEREAS, on March 16, 2009 via Resolution No. 132-09, 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 Mod-Con Inc., be and is hereby approved in the amount of \$900.00.
416-09(C) WHEREAS, on March 16, 2009 via Resolution No. 132-09, 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 Professional Exteriors, be and is hereby approved in the amount of \$1,300.00.
27. RESOLUTION NO. 417-09 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS –MAYDAY COMMUNICATIONS – ANNUAL MAINTENANCE / SERVICE CONTRACT – POLICE COMMUNICATIONS SYSTEM – On motion by Committeemember DeLanzo 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 Agreement between Mayday Communications Inc. and the Township of Middle for Annual Maintenance / Service for the Police Communications System 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 September 16, 2009 through December 31, 2009.
Mayday Communications – Police Communications System Annual Maintenance/ Service --
\$1,027.00
28. RESOLUTION NO. 418-09 – RESCINDING AWARD OF BID – MOD CON INC. – HOUSING REHABILITATION 2008-11 OTHERWISE KNOW AS RESOLUTION 132-09 – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.
WHEREAS, Resolution No. 132-09 awarded the contract for Housing Rehabilitation for contract 2008-11 to Mod Con Inc., and
WHEREAS, a letter has been received from Mod Con Inc. stating that they do not intend to proceed with the work on project known as 2008-11, and
WHEREAS, it is also hereby necessary to re-award said contract to the next lowest bidder
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, State of New Jersey, that Housing Rehabilitation Contract 2008-11 awarded to Mod Con Inc. via Resolution No. 132-09 is hereby rescinded, and

BE IT FURTHER RESOLVED, that the contract is hereby awarded as follows:

Project	Bidder	Total Bid Amount
2008-11	Gemini Builders	\$12,400.00

29. RESOLUTION NO. 419-09– AUTHORIZING PARTICIPATION IN ONLINE AUCTION – GOVDEALS – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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 as follows:

Approximately one hundred eight (108) shopping carts

5 Truck Tires (900-20)

5 Sewer Pumps

1996 Ford Crown Victoria VIN # 2FALP71WXTX177288

1991 Chevy Caprice VIN #1G1BL5372MW262328

1990 Dodge Pick-Up VIN # 1B7GE06Y7LS35144

1995 GMC Pick-Up VIN # 1GTD1427SK538564

(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.

30. RESOLUTION NO. 420-09 – ACCEPTING CORRECTIVE ACTION PLAN – AUDIT 2008 – 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 following is hereby accepted as the Corrective Action Plan for the 2008 Audit for the Township of Middle and be it further resolved that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs, Division of Local Government Services as well as a copy of this Resolution be forwarded to Ford, Scott and Associates, LLC, Glen Ortman, Registered Municipal Accountant:

Finding #1:

- Description: Trust fund reserve balances are to be sufficiently funded and over expenditures avoided.
- Analysis: Municipal Alliance Fund coordinator was not filing quarterly reports in a timely manner.
- Corrective Action: Municipal Alliance Fund coordinator will file reports in a timely manner.
- Implementation Date: September 21, 2009.

Finding #2:

- Description: The State Technical Accounting Directive for Fixed Asset Accounting requires the Township to maintain a Fixed Asset Ledger.
- Analysis: The Township updated a ledger to the year end 2008. Ledgers do not provide enough detail.
- Corrective Action: The Township will provide more detailed ledgers in the General Fixed Asset Ledger for all activity.
- Implementation Date: September 21, 2009.

Finding #3:

- Description: Financial activity is required to be accurately recorded in separate trust fund reserves according to their purpose
- Analysis: Monies raised during wine tasting fundraisers was to be utilized for the construction of a batting cage and should not have been comingled with drum fish tournament monies.
- Corrective Action: The Township will provide more detailed information to the CFO when monies are turned over for a specific purpose.
- Implementation Date: September 21, 2009.

Finding #4:

- Description: The Township has the responsibility to reconcile and account for all transactions related to any ticket sales. The Township took corrective action in early 2009 to establish controls over these tickets.
- Analysis: The Recreation Department could not account for nor locate a portion of the consignment tickets for sale.
- Corrective Action: The Township’s Recreation Director will log all ticket sales by number and account for said tickets on a monthly basis.
- Implementation Date: September 21, 2009.

FURTHER BE IT RESOLVED, that a copy of this Resolution be forwarded to the Department of Community Affairs Division of Local Government Services.

31. RESOLUTION NO. 421-09 – APPROVAL OF PAYMENT TERMINAL LEAVE – MICHAEL HARRON – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Michael Harron has retired with an effective date of September 1st, 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.

Michael Harron

Sick Hours	282	11,742.48
Vacation Hours	211.50	8,806.86
Personal Hours	28	1,165.92
Comp Hours	468	19,487.52
Less Overpayment		<u>-2332.08</u>
Total Due		38,870.70

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.

September 15, 2009

Tracey DeVico Taverner, CFO

32. RESOLUTION NO. 422-09 – APPOINTMENT – HOUSING ADVISORY BOARD MEMBERS – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution 359-09 created a Housing Advisory Board, who's main objective is to advise and provide recommendations on how to meet Middle Township's COAH Obligations and to provide safe, quality housing to low and moderate income families while addressing the overall needs of the entire community.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following additional individuals be and are hereby appointed to the Housing Advisory Board:

Matthew Menke

Christine Nicolau

BE IT FURTHER RESOLVED, that the board and its members shall serve at the discretion of Township Committee.

33. RESOLUTION NO. 423-09 – AWARD OF BID – SOLID WASTE, REFUSE, AND RECYCLES COLLECTION, HAULING AND DISPOSAL – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for Solid Waste, Refuse and recycles collection, hauling and disposal, and

WHEREAS, sealed bids were received on September 2, 2009 at 1p.m., 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 Solid Waste, Refuse and recycles collection, hauling and disposal be and hereby is awarded to:

Blue Diamond for a 5-year contract for an award amount for 2010 as \$648,000.00.

Year 2011-2014 will increase by the CPI capped at 5%

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

34. RESOLUTION NO. 424-09 – ACKNOWLEDGING SUPPORT FOR SAFETY & KIDS WORKSHOP – CMC DEPARTMENT OF MOSQUITO CONTROL – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Cape May County Department of Mosquito Control was asked to participate in a Safety & Kids workshop at the Home Depot, 21 Indian Trail, CMCH, on October 3, 2009, and

WHEREAS, they wish to utilize their helicopter as part of their display, and

WHEREAS, in order to do so they must obtain a NJ Department of Transportation, Division of Aeronautics Temporary Aeronautical Facility License in order to land said helicopter at the site.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, New Jersey hereby has no objection to the issuance of a temporary license and furthermore has no objection to the landing of the aircraft at the location of 21 Indian Trail, CMCH, on October 3, 2009.

35. PUBLIC COMMENT:

Committeemember Barry – Thanked Chief of Police Evangelista for services.
Discussed health care debate.

Committeemember DeLanzo – Discussed process on Housing Advisory Board

Mayor Doughty – thanked Chief as well for years of service.

Bill Sturm passing away

Thanked Vince Orlando on Romney Place reconstruction

Weakfish Tournament for 2009

Wanda Sheppard – asked particulars on the over 50 program.

Committeemember DeLanzo – Northeast Regional Championships

Dan Lockwood – COAH complaints pending .. is there more details on how it will work.

Committeemember Barry – Judge Skellman is on panel along with 2 other judges. As of right now it is unsure how many people will get to argue. Court will issue order.

Dan Lockwood – Discussed Local complaints

Special Master on Host Community Benefits

Firehouse and parking on Mechanic Street

Betty McGurk – commented on Health Care and increase in cost.

Vilma Pombo – Asked when next Master Plan meeting is.

Wanda Sheppard – Asked the particulars on the Master Plan meeting

Mayor Doughty – announced upcoming Shred Day.

Meeting was adjourned at 7:00pm.

Kimberly Tomkinson, Twp. Clerk