

Cape May Court House, NJ
September 7, 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 1:00 PM at the Middle Township Municipal Building. Members present were Mayor DeLanzo, Committeemember Doughty, Committeemember Lockwood, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, 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 NO. 362-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Mayor DeLanzo seconded by Committeeman Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$ 2,799,206.65
3. RESOLUTION NO. 363-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$ 1,455.77
4. RESOLUTION NO. 364-10 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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 July; Treasurer for the month of June & July; Municipal Clerk for the month of August; Land Use Administrator; Zoning Official;
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 – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1367-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/04/2010 at 6:00 p.m.
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 NO. 365-10 – AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF WOODBINE TO PROVIDE MUNICIPAL COURT SERVICES – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A.. 40A:65-1 et. seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive an service that each local unit is empowered to provide or received within its own jurisdiction; and

WHEREAS, The Borough of Woodbine (“Woodbine”) has indicated a willingness to enter into a Shared Services Agreement with the Township of Middle (“Middle”) to permit the Township to provide all the usual and ordinary services of a Municipal Court for Woodbine; and

WHEREAS, Woodbine and Middle Township have agreed to enter into a Shared Services Agreement for a term of five years, commencing on October 1, 2010 and continuing through December 31, 2015; and

WHEREAS, Middle has deemed it would be in the best interest of the residents of the Township to enter into a Shared Services Agreement with Woodbine for the sharing of Municipal Court operations with Woodbine;

NOW THEREFORE BE IT RESOLVED by the Township Committee, the governing body of the Township of Middle, in the County of Cape May and State of New Jersey, as follows:

1. SHARED SERVICE AGREEMENT. Pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., Middle is hereby authorized and empowered to enter into a Shared Services Agreement with Woodbine whereby Middle shall provide Municipal Court Services to Woodbine.
2. SERVICES TO BE PROVIDED BY CONTRACT. The Shared Services Agreement authorized in paragraph 1 shall cover those services which are enumerated in said Agreement, a copy of which is attached hereto as Exhibit A.
3. ASSIGNMENT JUDGE APPROVAL. The authority to enter into this Shared Services agreement is subject to the approval of the Assignment Judge.
4. AUTHORIZATION OF MUNICIPAL OFFICIALS. The appropriate Township officers and officials are hereby authorized to take any action necessary or advisable to carry out the intent and purpose of this Resolution. Specifically, the Mayor and Township Clerk are hereby authorized and directed to execute such Shared Services Agreement on behalf of the Township of Middle pursuant to the authority conferred by this Resolution. The Township Clerk is further authorized and directed to seal said Agreement with the seal of the Township of Middle. Additionally, the Mayor is authorized to negotiate modifications which are consistent with the intent and purpose of the authority granted by this Resolution.
5. COMPLIANCE WITH STATUTORY REQUIREMENTS. The Shared Services Agreement between Middle and Woodbine shall meet and satisfy the requirements of N.J.S.A. 40A:65-7, as may be amended and supplemented.
6. CONTRACT TERM. This Resolution authorizes a Shared Service Agreement for a duration of five (5) years from October 1, 2010 through December 31, 2015.
7. SEVERABILITY. If any action, subsection, paragraph, sentence or other part of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its effect to the section, subsection, paragraph sentence or other part of this Resolution directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Resolution shall remain in full force and effect
8. REPEALER. All Resolutions or parts of Resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency only.
9. EFFECTIVE DATE. This Resolution shall take effect immediately upon final adoption and publication in the manner provided by law.

8. RESOLUTION NO. 366-10 – CANCELING OUTSTANDING CHECKS – COURT GENERAL AND BAIL ACCOUNTS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, there are certain checks that have been outstanding in the Middle Township Court Account for a period of more than six months, and

WHEREAS, it is the desire of the Court Administrator and Township Treasurer to return these funds to the Middle Township Current 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 # 9800197502

Ck # 1651	\$129.00
Ck # 1791	\$5.00
Ck # 1856	\$50.00
Ck # 1865	\$170.32
Ck # 1875	\$100.00
Ck # 1882	\$230.76
Ck # 1892	\$150.00

Total \$835.08

Bail Account # 9800197528

Ck # 3258	\$5.00
Ck # 3416	\$36.00
Ck # 3620	\$11.00
Ck # 3875	\$125.00
Ck # 3909	\$9.00
Ck # 4050	\$2.00
Ck # 4312	\$30.50
Ck # 4473	\$2.00
Ck # 4551	\$1.00

Total \$221.50

9. RESOLUTION NO. 367-10 – ACKNOWLEDGEMENT OF TERMINATIONS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Committeemember Lockwood Abstain

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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
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James O'Brien	EMS	EMT-PART TIME	7/21/2010
Todd Christensen	Public Works	P/T Laborer (TA)	08/25/2010

10. RESOLUTION NO. 368-10 – ACCEPTING MONIES FROM TAX COLLECTORS LIEN REDEMPTION ACCOUNT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 54:5.1 section 13 requires that if the owner of a tax lien fails to surrender a tax sale certificate within five years of being notified of redemption, the unclaimed redemption monies will escheat to the municipality; and

WHEREAS, the owners of the tax liens listed below have been duly notified and have not surrendered the tax lien certificates to the municipality; and

date of redemption	block/lot	owner	lienholder	Amount
7/28/2005	1247/22	Wade	Florence Love	128.88

WHEREAS, the lien redemptions are more than five years old.

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that a check in the amount of \$128.88 be accepted by the Chief Financial Officer from the Collector's lien redemption account

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

11. RESOLUTION NO. 369-10 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JOSEPH RUSSO – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Joseph Russo has resigned with an effective date of August 1, 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.

Joseph Russo

Vacation Hours	6	82.20
Personal Hours	12	164.40
Comp Hours	6	82.20
Holiday Hours	24	328.80
Balance Due		<u>\$657.60</u>

12. RESOLUTION NO. 370-10 – DECLARING DEVELOPER IN DEFAULT ON PERFORMANCE GUARANTEE – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, the Galloping Way Subdivision has had a number of drainage problems; and WHEREAS, the Developer, Chazray Builders, Inc. has posted a Performance Guarantee on November 18, 2003; and WHEREAS, the amount remaining with interest in the Performance Guarantee is \$37,008.42; and WHEREAS, the Developer has agreed to forfeit the remainder of the Performance Guarantee as evidenced by a letter dated March 1, 2010, and signed by the Developer and delivered to the Township Solicitor, a copy of which is attached; and WHEREAS, the Township plans to have certain work completed at Galloping Way, including but not limited to certain drainage improvements. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, that the Developer of Galloping Way is deemed in default, that the Township shall accept the forfeiture of the Performance Guarantee from the Developer, and that the appropriate Township Officials are hereby authorized to take whatever measures are necessary to have the funds placed in the appropriate Township accounts for use to pay survey, engineer, and construction expenses.
13. RESOLUTION NO. 371-10 – APPROVE CHANGE ORDER NO. 2 – WHITESBORO/EDGEWOOD PHASE II SANITARY SEWER PROJECT – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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 #2 for the project awarded to F. W. Shawl & Sons Inc., be and is hereby approved in a **credit** amount of \$13,268.07.
14. RESOLUTION NO. 372-10 – AWARD OF BID – SNOW REMOVAL – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstain WHEREAS, it has been deemed necessary and desirable to solicit bids for Snow Removal for upcoming potential snow storms that might occur within the Township of Middle, and WHEREAS, sealed bids were received on August 18, 2010 at 1:00pm, and WHEREAS, it appears that the following bids submitted represents a figure equal to the lowest RESPONSIBLE bids received, which complies with specifications and requirements as set forth by the State of New Jersey. WHEREAS, exhibit A attached hereto this resolution shows the results of said request for bid, outlining the following award. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that in the event that private snow removal services are necessary, the Administrative Director of Public Works is hereby authorized to utilize the following companies as shown on the attached exhibit, who were the lowest responsible bidders. BE IT FURTHER RESOLVED, that this award is conditioned upon certification of funds and also submission of appropriate affirmative action forms. FURTHER RESOLVED, that the amount to be certified shall not exceed the amount as set aside in the municipal budget for said services.

EQUIPMENT	SPECIFICATION	CAPACITY/SIZE	M Nichols	A&H	J Hand
Loader, Wheel	Bucket Capacity	0.5 cy	\$ 125	\$ 150	
Loader, Wheel	Bucket Capacity	1 cy	\$ 125	\$ 150	\$ 150
Loader, Wheel	Bucket Capacity	2 cy	\$ 150	\$ 175	
Loader, Wheel	Bucket Capacity	3 cy	\$ 200	\$ 200	\$ 200
Loader, Wheel	Bucket Capacity	4 cy	\$ 300	\$ 250	
Loader, Wheel	Bucket Capacity	5 cy	\$ 350	\$ 275	
Loader, Wheel	Bucket Capacity	6 cy	\$ 350	\$ 275	
Loader, Wheel	Bucket Capacity	7 cy	\$ 350	\$ 300	
Loader, Wheel	Bucket Capacity	8 cy	\$ 350	\$ 300	
Plow, Snow, Grader, Mounted	Width	To 10 ft	\$ 300	\$ 250	
Plow, Snow, Grader, Mounted	Width	To 14 ft	\$ 325	\$ 250	
Plow, Snow, Truck, Mounted	Width	To 15 ft	\$ 150	No Bid	
Trailer, Dump	Capacity	20 cy	\$ 150	\$ 125	
Trailer, Dump	Capacity	30 cy	\$ 150	\$ 125	
Truck, Dump	Capacity	12 cy	\$ 150	\$ 65	\$ 100
Truck, Dump	Capacity	18 cy	\$ 150	\$ 85	

Truck, Dump, Off	Capacity	28 cy	\$ 275	\$ 125	\$ 150
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15. RESOLUTION NO. 373-10 – AMENDING CONTRACT AWARDED UNDER FAIR AND OPEN PROCESS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, the following professional was originally awarded a contract under the Fair and Open Process, pursuant to N.J.S.A. 19:44A-20.4 et.seq. during reorganization 2010, and
 WHEREAS, with all the preliminary and engineering work that has been performed in connection with various drainage and road improvement projects, it has been deemed necessary to amend the professional service contract as listed below.
 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 submissions shall be awarded as follows for a term effective January 1, 2010 through December 31, 2010:
 Municipal Engineer – Engineering Design Associates
 Original Contract (\$54,000.00) + additional amendment (\$60,000.00)
 Total Contract \$114,000.00
16. RESOLUTION NO. 347-10– RELEASE OF MAINTENANCE BOND – TROUBLED ACRES, INC. – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, \$62,240.10 is being held as a maintenance bond of Trouble Acres, Inc. otherwise known as Roslen Inc. for Block 99.02, Lot 31.06, 32, 33, 34.01& 34.02, also known as Reagan’s Run, 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 these improvements have already been accepted into the Township Road System via Resolution 420-07, and
 WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$62,240.10 be released.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond in the amount of \$62,240.10 be and is hereby released.
17. RESOLUTION NO. 375-10 – APPROVE APPLICATION FOR RAFFLE LICENSE – On motion by Committeemember Doughty seconded by Committeemember Lockwood 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 1, 2011, at the location of 1510 Rte 9 North, CMCH, is hereby approved.
18. RESOLUTION NO. 376-10 – SUPPORTING NJ RUN FOR THE FALLEN – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle and its Governing Body express appreciation and support for our service men and women in all branches of the military who are serving faithfully and honorably, both at home and abroad; and
 WHEREAS, the Township of Middle and its Governing Body wish to acknowledge the sacrifice that all members of our military make, especially those who gave their life, as they serve to protect and preserve the freedoms that all Americans enjoy; and
 WHEREAS, the Township of Middle is on the route of the 2010 New Jersey Run for the Fallen, honoring those who have made the ultimate sacrifice in Operations Iraqi Freedom and Enduring Freedom;
 NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, wish to support efforts to honor our fallen soldiers such as the NJ Run for the Fallen, to be held on September 25 and 26, 2010 beginning in Cape May, NJ and ending in Holmdel, NJ, and to encourage the residents of their town to come out and show their support for the runners as they pass through the town.
19. RESOLUTION NO. 377-10 – AUTHORIZING DISCHARGE OF MORTGAGE – On motion by Committeemember 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 the following mortgage is hereby discharged:
- | Borrower | Mrtg Dated | Date Satisfied | Sum of |
|-----------|------------|----------------|--------|
| Principal | | | |

Patricia Sperlak
\$7,320.00

July 25, 2000

June 18, 2010

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign said Discharge of Mortgage.

20. RESOLUTION NO. 378-10 – MIDDLE TOWNSHIP ANNUAL FREE YARD SALE – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle supports the Annual Wings and Water Festival held by the Wetlands Institute, and
WHEREAS, the residents of the Township of Middle are permitted to hold an Annual Yard Sale with no charge to the residents on the following day only;
NOW, THEREFORE BE IT RESOLVED, that Township Committee in the Township of Middle, County of Cape May, does hereby authorize the Annual Free Yard Sale to be held September 18, 2010 in the Township of Middle
21. RESOLUTION NO. 379-10 – SUPPORTING NO PASSING ZONE – NJ ROUTE 47 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Bureau of Traffic Engineering and Investigations has completed an investigation along NJ Route 47 in Middle Township, and
WHEREAS, based on this investigation, it has been recommended to revise the centerline pavement markings to a No Passing Zone along Route NJ 147 throughout the entire length of Middle Township, and
WHEREAS, the New Jersey Department of Transportation requires a resolution of support from the municipality in order to promulgate a Traffic Regulation Order.
NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support the revision of centerline pavement markings to indicate a “No Passing Zone” along Route NJ 147 throughout the entire length of Middle Township.
22. RESOLUTION NO. 380-10 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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.
23. RESOLUTION NO. 381-10 – TABULATION COMMITTEE – POLICE UNIFORMS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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 Chief Christopher Leusner be and hereby are appointed to tabulate the bids to be taken on Wednesday, September 29, 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:
POLICE UNIFORMS
24. RESOLUTION NO. 382-10 – TABULATION COMMITTEE – IP VIDEO SURVEILLANCE SYSTEMS – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, 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 Chief Christopher Leusner be and hereby are appointed to tabulate the bids to be taken on Wednesday, September 29, 2010 at 2:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
IP VIDEO SURVEILLANCE SYSTEM
25. RESOLUTION NO. 383-10 – TRICK OR TREAT – On motion by Committeemember Doughty seconded by Committeemember Lockwood 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 Trick or Treat will be held in the Township on Saturday, October 30, 2010 from 5:00pm until 8:00 PM.
26. RESOLUTION NO. 384-10 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by Committeemember Doughty seconded by Committeemember Lockwood 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 22, 2010 until 7:00 AM on Sunday, October 24, 2010 for the Harvest Festival is hereby approved.

BE IT FURTHER RESOLVED, that in the case that the “rain date” for the event is utilize, this order shall remain until 8pm on Sunday October 24, 2010.

27. RESOLUTION NO. 385-10 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – On motion by Committeemember Lockwood 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 authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 23, 2010 from 6:00 AM until 7:00 PM (rain date October 24th) for the Harvest Festival is hereby approved.

28. RESOLUTION NO. 386-10 – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Committeemember Doughty seconded by Committeemember Lockwood 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 23, 2010(with a rain date of October 24, 2010 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 23, 2010 between the hours of 10:00 a.m. and 5:00 p.m. (or as stated in event a “rain date” is utilized) 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.

29. RESOLUTION NO. 387-10 – RATIFY PROMISE OF DEFENSE AND INDEMNIFICATION AGREEMENT WITH THE COUNTY OF CAPE MAY FOR USE OF THE COUNTY PARKING LOT – HARVEST FESTIVAL – On motion by Committeemember Lockwood 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 Promise Of Defense And Indemnification Agreement between the County of Cape and the Township of Middle for the possible use of the County Parking Lot on October 23, 2010 (rain date October 24, 2010) for the Harvest Festival, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

30. RESOLUTION NO. 388-10 – REFUND OF TAXES – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Refund due to overpayment

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
4452	226.01	36	Hand, Elizabeth 32 E Mechanic St Cape May Court House, NJ 08210 Property location: 32 E Mechanic St	1321.36	

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2010 taxes.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

31. RESOLUTION NO. 389-10 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – ROBERT FINEBERG – CONFLICT ATTORNEY – ZONING BOARD – On motion by Committeemember Lockwood 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 in order to defend the appeal of Conifer from appeal of Judge Armstrong’s decision, 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 in the amount not to exceed \$7,500.00.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

32. RESOLUTION NO. 390-10 – LOCAL FINANCE BOARD – ANNUAL AUDIT OF BOOKS, ACCOUNTS & TRANSACTIONS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:5-4 requires that governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and
WHEREAS, The Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Township Committee and also Kimberly Tomkinson, Township Clerk, as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and
WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and
WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no further than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed o the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject he members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “ A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

33. RESOLUTION NO. 391-10 – ACCEPTING CORRECTIVE ACTION PLAN – AUDIT 2009 –
On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following is hereby accepted as the Corrective Action Plan for the 2009 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:

- a. Description: The State Technical Accounting Directive for Fixed Asset Accounting requires the Township to maintain a Fixed Asset Ledger.
- b. Analysis: The Township updated a ledger to the year end 2008 but did not update for 2009. Ledgers do not provide enough detail.
- c. Corrective Action: The Township will provide more detailed ledgers in the General Fixed Asset Ledger for all activity and update and maintain said ledgers to current date.
- d. Implementation Date: September 7, 2010.

Finding #2:

- a. Description: Noncompliance with the Local Public Contracts Law pertaining to bidding requirements.
- b. Analysis: On two occasions, the township exceeded the bid threshold for cumulative expenditures.
- c. Corrective Action: The Township will bid out all purchases, including cumulative purchases, and comply with the Local Public Contracts Law.
- d. Implementation Date: January 1, 2010.

Finding #3:

- a. Description: Municipal Court did not follow State statute with regard to depositing bail money.
- b. Analysis: Bail monies initially received by the Township Police Department were not deposited or picked up in a timely manner by the Municipal Court.
- c. Corrective Action: The Municipal court will pick up and deposit all bail monies within the 48 hour statutory requirement.

