

Cape May Court House, NJ
 March 15, 2010
 REGULAR MEETING
 FLAG SALUTE
 THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor DeLanzo, Committeemember Doughty, Committeemember Lockwood, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando.

1. RESOLUTION – DESIGNATING MARCH AS “WOMEN’S HISTORY MONTH” – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
2. PRESENTATION BY MAYOR – WOMEN’S HISTORY MONTH
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.*)
4. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
5. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
6. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of February; Municipal Clerk for the month of February, Zoning Official for the month of February, Tax Collector for the month of February; Municipal Court for the month of February; Treasurer for the month of February;
7. NOTICE: PUBLIC HEARING AND CONSIDERATION OF ADOPTION FOR ORDINANCE NO’S 1339-10; 1340-10 AND 1341-10 WILL BE HELD 4/5/2010 AT 6:00PM
8. PUBLIC HEARING: MIDDLE TOWNSHIP FIRE DISTRICT #4 DEFEATED BUDGET
9. RESOLUTION – CANCELLATION OF TAXES (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
Cancellation of taxes for various reasons: Disabled Vet and Exempt Property
10. RESOLUTION – REFUND OF TAXES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

*Where As, Property was deeded to The Township of Middle on December 2, 2009 and recorded in book 3404 on page 414 on January 5, 2010 and
 Where As, the former owner has paid the 1st quarter of 2010 in the amount of \$567.57 on February 2nd, 2010 and the property is exempt as of 1/1/2010*

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
17233	127	7	Former owner: Strock , Greenbaum & Schwartz	567.57	

11. RESOLUTION – ACKNOWLEDGEMENT OF TERMINATION – On motion by _____ seconded by _____ 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Brenda Camp	Public Safety	PS Telecommunications Operator P/T	03/08/2010
Vincent A. Watkins	Public Works	Equipment Operator	02/16/2010

12. RESOLUTION –RATIFY JOINT INSURANCE FUND SAFETY CONTRACT – 2010 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
*WHEREAS, in compliance with the rules of the Atlantic County JIF, it is necessary to sign a Safety Incentive Program Contract for FY2010
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Joint Insurance Fund Safety Contract, be and is hereby ratified.
 BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said contract.*

13. RESOLUTION – APPROVE CHANGE ORDER – WHITESBORO/EDGEWOOD PHASE I SANITARY SEWER PROJECT (ITEMS A THROUGH C) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 (A) WHEREAS, Perna Finnigan Inc. was selected for the Whitesboro/Edgewood Phase I Sanitary Sewer Project, within the confines of the Township of Middle.
 WHEREAS, it has been deemed necessary to issue a change order for said project, in connection with an adjustment associated with the modified design of the jack and bore and sanitary sewer crossing at Dunbar Street.
 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 #3 for the project awarded to Perna Finnigan Inc. be and is hereby approved for a credit in the amount of \$3,202.00.
 (B) WHEREAS, Perna Finnigan Inc. was selected for the Whitesboro/Edgewood Phase I Sanitary Sewer Project, within the confines of the Township of Middle.
 WHEREAS, it has been deemed necessary to issue a change order for said project, in connection with an adjustment associated with an extended casing pipe installation at the Main Avenue jack and bore.
 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 #4 for the project awarded to Perna Finnigan Inc. be and is hereby approved in the amount of \$9,388.00.
 (C) WHEREAS, Perna Finnigan Inc. was selected for the Whitesboro/Edgewood Phase I Sanitary Sewer Project, within the confines of the Township of Middle.
 WHEREAS, it has been deemed necessary to issue a change order for said project, in connection with an adjustment needed in order to avoid a 10 inch diameter high pressure gas main, a 16 inch diameter water main, miscellaneous storm water pipelines and an existing luncheonette within the Route 9 right of way.
 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 #5 for the project awarded to Perna Finnigan Inc. be and is hereby approved in the amount of \$25,920.00.
14. RESOLUTION – CLOSED SESSION – PENDING LITIGATION (RAVITZ V. MIDDLE) (MIDDLE V. ALBRECHT & HEUN); CONTRACT NEGOTIATIONS (SALE OR PURCHASE OF LAND) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and
 WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and
 NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: PENDING LITIGATION (RAVITZ V. MIDDLE)(MIDDLE V. ALBRECHT AND HEUN)
 2.) The general nature of the subject matter to be discussed is as follows: PENDING LITIGATION (RAVITZ V. MIDDLE)(MIDDLE V. ALBRECHT AND HEUN)
 3.) It is anticipated at this time the above subject matter will be made public as follows:
 WHEN THE MATTER IS RESOLVED
 4.) This Resolution shall take effect immediately.
15. RESOLUTION – APPROVE CHANGE ORDER NO. 1 – RECONSTRUCTION OF ROMNEY PLACE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, Asphalt Paving Systems Inc. was selected for the Reconstruction of Romney Place Project, within the confines of the Township of Middle.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Asphalt Paving Systems Inc. be and is hereby approved in the amount of \$110.70.
16. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by _____ seconded by _____ 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.
17. RESOLUTION – APPROVE LEAVE OF ABSENCE – DARRYL PARKER – On motion by _____ seconded by _____ 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 Leave of Absence without pay for Darryl Parker, be approved for approximately five (5) weeks effective February 22, 2010.
18. RESOLUTION – AUTHORIZING THE DONATION OF A SURPLUS POLICE CAR – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle wishes to donate various vehicles to Volunteer Fire Companies within the township, and

WHEREAS, Title 40A, Chapter 12, Section 1-K permits the Township of Middle to donate a police car to an organization do to the fact that they are Incorporated as non-profit.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the donation of a police vehicles to the following organizations is hereby approved:

Make/Model	VIN	Donation to:
1999 Ford Crown Vic Police Interceptor	VIN # 2FAFP71W8XX142731	Middle Twp. Fire Dist. 2 Rio Grande Fire Co.
2001 Ford Crown Vic Police Interceptor	VIN # 2FAFP71WX1X163717	Middle Twp. Fire Dist. 3 Green Creek Fire Co.

19. RESOLUTION – SOCIAL AFFAIRS PERMIT – THE WETLANDS INSTITUTE (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 (A) WHEREAS, the Wetlands Institute has applied for approval to sell alcoholic beverages at an event to be held at 1075 Stone Harbor Blvd, on July 17, 2010 from 6:00 p.m. to 9:00 p.m., and WHEREAS, they have provided proper documentation to the Township of Middle,
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
 (B) WHEREAS, the Wetlands Institute has applied for approval to sell alcoholic beverages at an event to be held at 1075 Stone Harbor Blvd, on September 17, 2010 from 6:00 p.m. to 10:00 p.m., and
 WHEREAS, they have provided proper documentation to the Township of Middle,
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
20. RESOLUTION – RELEASE OF PERFORMANCE BOND – STREET OPENING – CLAUDIO PAWLUS/HOPE’S PLUMBING – On motion by _____ seconded by _____ 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 at 5 Williams Street, and
 WHEREAS, Administrative Director of Public Works 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 – APPROVE APPLICATION FOR RAFFLE LICENSE – MAKE A WISH FOUNDATION OF NEW JERSEY (ITEMS A THROUGH B)– On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 Authorizing various raffles for Make a Wish Foundation of New Jersey for May 6, 2010 at the location of 985 Rte 47 South, Rio Grande, otherwise known as Menz Restaurant.
22. RESOLUTION – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2010 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and
 WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$394,000.00
 NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20
1. An emergency temporary appropriation be and the same is hereby made in the amount of \$75,000.00. That said emergency temporary appropriation shall be funded by the adoption of an Appropriation Ordinance prior to the adoption of the 2010 budget under the title of:

 Acquisition and Repair of Snow Removal Vehicles
 2. That one certified copy of this resolution be filed with the Director of Local Government Services.
23. RESOLUTION – AUTHORIZING MAYOR TO SIGN PERMIT – ATLANTIC CITY ELECTRIC – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, due to the last snow storm various electric poles were damaged along North Wildwood Blvd into the Grassy Sound area of Middle Township, and
 WHEREAS, Atlantic City Electric will now have to make repairs to at least ten (10) poles via helicopter.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that permission is hereby granted to the mayor to sign said helicopter applicators permit allowing the right to land said helicopter in the case of emergency or as needed by Atlantic City Electric along the area of North Wildwood Blvd and the Grassy Sound area of Middle Township, and

24. RESOLUTION – TABULATION COMMITTEE – SHELLBAY, SHUNPIKE, GOSHEN ROAD AND CREST HAVEN ROAD SANITARY SEWER PROJECT – On motion by _____ seconded by _____ 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, Business Administrator Mark Mallett, Sewer Director Kathy Meers and a representative from Hatch Mott MacDonald, be and hereby are appointed to tabulate the bids to be taken on Tuesday, April 27, 2010 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:

SHELLBAY, SHUNPIKE, GOSHEN ROAD AND CREST HAVEN ROAD SANITARY SEWER PROJECT

25. RESOLUTION – APPROVE RETURN OF DONATED TIME FOR FELLOW EMPLOYEE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, that the following time is hereby returned to the following Middle Township employees, who donated time to fellow employee Robert Eagan, for the total donated time was not used.

<i>EMPLOYEE NAME</i>	<i>TYPE OF DAY</i>	<i>TIME DONATED</i>
<i>Muriel Anderson</i>	<i>Sick</i>	<i>5.5 hours</i>
<i>Virginia Sweitzer</i>	<i>Sick</i>	<i>12 hours</i>
<i>Diane Shinn</i>	<i>Vacation</i>	<i>12 hours</i>
<i>William Candell</i>	<i>Sick</i>	<i>68 hours</i>
<i>Scott Klecz</i>	<i>Sick</i>	<i>8 hours</i>

26. RESOLUTION – TRANSFER OF FUNDS – RESERVES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year,

NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2009:

Police S&W	\$50,000	Public Works OE
9-01-25-240-240-111		9-01-26-290-291-267

27. RESOLUTION – AUTHORIZING EMERGENCY CONTRACT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has declared an emergency in the township due to snow accumulation, and

WHEREAS, the Township of Middle needed to bring in outside contractors to assist with the snow removal, and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey contracts are hereby authorized under NJSA 10A:11-6 to the Contractors listed below:

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$9,000.00 has been authorized for the following service or items: snow removal. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-26-290-291-299.

PO#: 21000654. CHEW BROTHERS

28. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION/ CANCELLATION OF NON-FAIR AND OPEN CONTRACT – On motion by _____ seconded by _____ 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.

<i>EMPLOYEE</i>	<i>DEPARTMENT</i>	<i>POSITION</i>	<i>EFFECTIVE</i>
<i>Mary Bittner</i>	<i>Municipal Court</i>	<i>Municipal Prosecutor</i>	<i>03/20/2010</i>

29. RESOLUTION – APPOINTMENT – MUNICIPAL PROSECUTOR – On motion by _____ seconded by _____ and passed on roll call, the following resolution

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 the following individual is hereby appointed to the position opposite their name at the following salary:

<i>NAME</i>	<i>TITLE</i>	<i>SALARY</i>	<i>EFF. DATE</i>
<i>Marianne Ragusa</i>	<i>Municipal Prosecutor</i>	<i>\$26,500.00</i>	<i>03/20/2010</i>

30. PUBLIC COMMENT: