

Cape May Court House, NJ
February 22, 2012
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 Lockwood, Committeemember Donohue, Committeemember DeLanzo, Township Business Administrator Mark Mallett, Township Clerk Kimberly Krauss, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio

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. 95-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – 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, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$266,187.35
3. RESOLUTION NO. 96-12 – APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE) – 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, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$211.00
4. RESOLUTION NO. 97-12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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, the governing body thereof, that the following minutes are approved: Regular Meeting 02/06/2012, Closed Session 02/06/2012
5. REPORTS: The following departments have submitted their reports for the months indicated:
Treasurer for the month of January; Municipal Court for the month of January
6. ORDINANCE NO. 1403-12 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1403-12 was adopted on motion by seconded by and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
(Copy of full ordinance available in the Office of the Municipal Clerk)
7. RESOLUTION NO. 98-12 – APPOINTMENT – VOLUNTEER BOARD SECRETARY – 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 persons be and are hereby appointed to the term of office opposite their name:

<i>NAME</i>	<i>BOARD</i>	<i>POSITION</i>	<i>TERM AFFECTIVE</i>	<i>TERM EXPIRES</i>	<i>SALARY</i>
<i>Jill Zarharchuck</i>	<i>Emergency Management</i>	<i>Secretary</i>	<i>01/01/2012</i>	<i>12/31/2012</i>	<i>\$850.00</i>
8. RESOLUTION NO. 99-12 – REJECT BIDS – GOSHEN SPORTS COMPLEX BAKER CENTER GYM FLOOR AND HVAC REHAB – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle, following public advertisement, received bids for the Goshen Sports Complex Baker Center Gym Floor and HVAC Rehab on Wednesday January 18, 2012; and WHEREAS, bids received for the project were higher than anticipated, and WHEREAS, it appears to be in the best interest of the Township to reject all bids received; so NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids for the Goshen Sports Complex Baker Center Gym Floor and HVAC Rehab received on January 18, 2012 shall be and is hereby rejected.

9. RESOLUTION NO. 100-12 – CLOSED SESSION – POTENTIAL LITIGATION – On motion 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
WHEREAS, said Closed Session shall be held directly after this open session.
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: CLOSED SESSION – POTENTIAL LITIGATION*
 - 2.) *The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – POTENTIAL LITIGATION*
 - 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.*
- *Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the following topic in closed session: Potential Litigation.
 This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist. The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.**
10. RESOLUTION NO. 101-12 – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND MIDDLE TOWNSHIP FIRE DISTRICT NO. 2 BOARD OF FIRE COMMISSIONERS – PARTICIPATION IN JOINT INSURANCE FUND – On motion by _____ 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, under the rules and regulations of the Municipal Excess Liability Joint Insurance Fund, the Township of Middle shall 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 further constituting this agreement for reimbursement; and
WHEREAS, the commissioners have been accepted to participate in the ACMJIF.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement for Joint Insurance Fund Year 2012.
11. RESOLUTION NO. 102-12 – AFFIDAVIT OF TAX SALE POSTING – On motion by _____ and passed on roll call, the following resolution was adopted.
I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:
1. *I am the Tax Collector of The Township of Middle, County of Cape May, State of New Jersey.*
 2. *A tax sale in-lieu of notice was mailed to each parcel listed in the tax sale pre postage paid. The first was mailed on January 11, 2012 and the second was mailed on January 18, 2012*
 3. *Notice of The Tax Sale that was held on February 8, 2012, was published in the Herald-Times, Rio Grande, New Jersey, on January 25, 2012 and February 1, 2012*
 4. *A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:*
 1. *Middle Township Municipal Hall*
 2. *Green Creek Post Office*
 3. *Cape May Court House Post Office*
 4. *Whitesboro Post Office*
 5. *Rio Grande Post Office*
 5. *A Notice Of Tax Sale was mailed to the owner of record, whose name appears in the List at the last known address, postage prepaid.*
12. RESOLUTION NO. 103-12 – AUTHORIZING TOWNSHIP TO FURTHER EXCEED STATUTORY 60-DAY BID LIMITATION – CONTRACT AND MANAGEMENT SERVICES FOR THE TOWNSHIP OF MIDDLE, NEW JERSEY MUNICIPAL WASTEWATER SYSTEMS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, it was deemed necessary and desirable to solicit for bids for management services towards the Township of Middle Municipal Wastewater System, and
WHEREAS, NJSA 40A:11-24 delegates the time table for making awards and returning deposits, and
WHEREAS, statute states that the contracting unit shall award or reject the contract in no case more than 60 days after receipt, except that the bidders who consent thereto at the request of the contracting unit, be held for consideration for such longer period as agreed, and
WHEREAS, there was language in said proposal that outlined a 90-day review timeframe for said project, in which the bidder had consented to when bidding the project, and
WHEREAS, On December 5, 2011 via Resolution 607-11 the Township of Middle authorized the extension of the statutory 60-day bid limitation for the project known as “CONTRACT AND MANAGEMENT SERVICES FOR THE TOWNSHIP OF MIDDLE, NEW JERSEY MUNICIPAL WASTEWATER SYSTEMS”, and
WHEREAS, the Township has once again requested an extension from the only bidder, Middlesex Water Company, and has received written consent to retain bid documents until May 27, 2012.

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle is hereby authorize to extend the award time for the above referenced project until May 27, 2012.

13. RESOLUTION NO. 104-12 THR 105-12 – REFUND OF TAXES (ITEMS A THROUGH B) –
On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) Refund due to overpayment by Mortgage Company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
16102	12.04	7	Roberts, Michael & Mary E 23 Holly Knoll Drive	2769.46
1644	56.01	41	Hodges, Andre L & Gloria J 527 Goshen Rd	1090.04
18030	99.02	14	Vichick, John 4 Antina Lane	949.59
3193	164.02	9	Santora, Mark A & Debra L 16 Springers Mill RD	1001.40
5355	322.01	6	Baxter, Nancy 5 Bellewood Rd	530.68
18033	414	8	Karboski, Charles J & Rhonda L 603 Millman Blvd	990.13
6908	468	2	Johns, Sandra S & Tanghare, Jennifer 30 Lola Lane	569.09

Make check payable to:

Corelogic
P O Box 961250
Fort Worth, TX 76161-9887

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 2012 taxes.

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

(B) Refund due to overpayment by Mortgage Company.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
1644	56.01	41	Hodges, Andre L & Gloria J 527 Goshen Rd	7.85	
18030	99.02	14	Vichick, John 4 Antina Lane	17.49	
16708	163.01	193	Mc Nulty, David W & Colleen F 2 Carriage Lane	42.81	
2924	163.01	241	Hand, Owen W 678 Dias Creek	65.65	
3142	163.08	8	Olthuis, John H & Yvonne M 8 Jenny Drive	65.65	
16879	1425.02	4	Shuhart, Victoria 11 Kimble Ave	1,020.85	

Refund Payable and sent to:

CoreLogic Real Estate Tax Service
Refund Dept.
P O Box 961250
Fort Worth, TX 76161-9887

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 2012 taxes.

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

14. RESOLUTION NO. 106-12 – 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
William Nelson	Sewer	Laborer P/T TA	02/14/2012

15. RESOLUTION NO. 107-12 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – GERMAINE / THOMAS – 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, County of Cape May and State of New Jersey, that the mortgage loan for Ellen Thomas/ Julie Germaine / Glenn Germaine in the amount of \$23,725.00 is hereby authorized to be discharged. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
16. RESOLUTION NO. 108-12 – APPOINTMENT – NEW HIRE - 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, 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 |
|---------------|------------|-----------|-------------|------------|
| Joyce Bramble | Finance | Clerk P/T | \$ 20.00 ph | 02/22/2012 |
17. RESOLUTION NO. 109-12 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – VICTORIA A. STEFFEN – ZONING BOARD SOLICITOR – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and
WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and
WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 572-11 dated November 21, 2011, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and
WHEREAS, the Zoning Board of Adjustment has formally passed Resolution No. 011212ATTY, appointing Ms. Steffen.
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 submission shall be awarded as follows:
Victoria A. Steffen Esq.– Zoning Board Solicitor – Not to exceed \$23,000.00 (with an hourly rate of \$135.00 per hour to be charged for all litigation services before any NJ Court, if required).
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2012.
18. RESOLUTION NO. 110-12 – SOCIAL AFFAIRS PERMIT – MIDDLE TOWNSHIP BASEBALL ASSOCIATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Middle Township Baseball Association has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 US Hwy 9, CMCH, on April 20, 2012 from 5:30 p.m. to 10:30 p.m., and
WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
19. RESOLUTION NO. 111-12 – ACKNOWLEDGING RESIGNATIONS AND APPOINTMENTS OF VARIOUS VOLUNTEER BOARD MEMBERS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, various volunteer board members have resigned and it is the intent of the governing body to fill said vacancies.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the following board resignations are hereby acknowledged:
- | Member | Volunteer Board |
|---------------------|---------------------------------|
| Mary Durkin | Senior Citizen Advisory Council |
| Melissa Reinhart | Council on the Arts |
| Sue Conrad | Shade Tree Commission |
| Christine Kobielnik | Environmental Commission |
- BE IT FURTHER RESOLVED, that the following individuals shall be appointed and/or reappointed to the terms and boards as indicated:*
- | Member | Volunteer Board | Term Expiration |
|-------------------------|-------------------------------|-----------------|
| Vergie Ann Jones Senior | Citizen Advisory Council | 12/31/2013* |
| Karen Buckingham | Council on the Arts | 12/31/2014 |
| Missy Anzelone | Council on the Arts | 12/31/2014 |
| Susan Atkinson DeLanzo | Council on the Arts – Advisor | 12/31/2012 |
| James Bratten | Traffic Committee | 12/31/2014 |
- *Vergie Ann Jones filling unexpired term of Mary Durkin*

20. RESOLUTION NO. 112-12 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – FORD SCOTT ASSOCIATES – AUDIT SERVICES – GRASSY SOUNDS SEWER CONNECTION – 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, the governing body thereof, that the Agreement between Ford Scott Associates and the Township of Middle for audit services, in connection with the USDA application for the Grassy Sounds Sewer Connection , 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.
Ford Scott Associates – Audit Services – Grassy Sounds Sewer Connection – Not to exceed \$8,000.00
21. RESOLUTION NO. 113-12 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – JEFFREY R. SURENIAN AND ASSOCIATES, LLC. – COAH COUNSEL – 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, the governing body thereof, that the Agreement between Jeffrey R. Surenian & Associates, LLC. and the Township of Middle for COAH Counsel 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.
Jeffrey R. Surenian & Associates, LLC. – COAH Counsel – not to exceed \$10,000.00
22. RESOLUTION NO. 114-12 – AWARD OF BID – DISPOSAL OF RECYCLE MATERIALS TAKEN TO A CLASS B RECYCLING FACILITY AND MATERIALS PICKED UP OR DELIVERED FROM A CLASS B RECYCLING FACILITY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary to request bids for the cost associated with delivering recyclable materials to a Class B recycling facility and also for cost associated upon picking of materials or delivery from a Class B recycling facility
WHEREAS, bids were received on January 11, 201, and
WHEREAS, exhibit A attached hereto this resolution shows the results of said request for proposal, outlining the following award.
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that following contract for services shall be awarded as follows:
Disposal of recycle material to be taken to a Class B facility – Future Mining and Albrecht & Heun
Materials to be picked up or delivered from a Class B facility – Future Mining and Albrecht & Heun
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.
23. RESOLUTION NO. 115-12 – SUPPORTING THE MIDDLE TOWNSHIP BOARD OF EDUCATION DECISION TO MOVE THE ELECTION DATE OF THE SCHOOL BOARD MEMBERS FROM APRIL TO NOVEMBER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, P.L. 2011 c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November, otherwise known as the General Election, and
WHEREAS, such action would require the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202, and
WHEREAS, the Middle Township Board of Education voted on _____, 2012 to approve such action, and
WHEREAS, the Township Committee of the Township of Middle does hereby fully support the change in date of said election and believes that more citizens would participate in the selection of school board members at the General Election than on the third Tuesday in April, and that the higher level of participation will foster positive interest in our public schools.
NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, does hereby support the change in election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November, otherwise known as the General Election, as approved by the Middle Township Board of Education.

24. PUBLIC COMMENT:

Motion to go into closed session:
 1st _____ 2nd _____

Roll Call Vote:

Motion to adjourn meeting:
 1st _____ 2nd _____

Roll Call Vote