

Cape May Court House, NJ
April 1, 2013
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 Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker and Municipal Solicitor Marcus Karavan.

1. PRESENTATION BY MAYOR
 - a. Captain Maureen A. Harden-Lozier, NC, USNR
2. 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.)

Eileen Fausey – Asked what item #27, Consent Order was relating to and asked what it meant for the Township.

Marc Karavan – Provides for the dismissal of Conifer’s claims against Township with prejudice and dismissed tort claims and actions filed by Mr. Schmidt to be dismissed with prejudice. This means that the Township does not have to spend any money fighting the lawsuit. This Consent Order dismisses this case.
3. RESOLUTION 173-13 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Donohue seconded 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 payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$2,633,368.45
4. RESOLUTION 174-13 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. ***Mayor Lockwood abstain**
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. \$5,438.00
5. RESOLUTION 175-13 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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: Work Session Meeting 03/18/2013, Board of Health Meeting 03/18/2013 and Regular Meeting 03/18/2013.
6. REPORTS: The following departments have submitted their reports for the months indicated:
NONE.
7. ORDINANCE 1438-13 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT AND RELATED DOCUMENTS WITH THE NEW JERSEY TURNPIKE AUTHORITY – Following second reading, hearing, and consideration for adoption, Ordinance 1438-13 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
SECTION 1.
WHEREAS, this ordinance shall authorize the execution of an agreement and related documents with the NEW JERSEY TURNPIKE AUTHORITY, a body politic and corporatize of the State of New Jersey, with an address of 581 Main Street, P.O. Box 5042, Woodbridge, New Jersey 07095-5042, (the Authority) and the TOWNSHIP OF MIDDLE, a municipality of the State of New Jersey, with an address of 33 Mechanic Street, Cape May Court House, New Jersey 08210 (the Township) (the Authority and the Township are collectively referred to as the “Parties”); and
WHEREAS, the Authority proposes to eliminate direct access to the Garden State Parkway Northbound and Southbound mainline roadways, construct grade separation structures, ramps and service roads to provide full access at Shell Bay Avenue (Interchange 9), Stone Harbor Boulevard (Interchange 10) and Crest Haven Road (Interchange 11) along with new bridges and other infrastructure improvements (collectively the “Parkway Interchange 9, 10 & 11 Improvements”); and
WHEREAS, as part of the Parkway Interchange 9, 10 & 11 Improvements, the Authority proposes to perform various improvements in the vicinity of Ormond Road and Brighton Road in the Township (collectively the “Township Improvements”); and

WHEREAS, the Authority has jurisdiction over the Garden State Parkway and the New Jersey Turnpike, including the various roadway extensions, service road and ramp networks throughout New Jersey; and

WHEREAS, the Township has jurisdiction over its local roads, including Ormond Road and Brighton Road; and

WHEREAS, the Parkway Interchange 9, 10 & 11 Improvements and the Township Improvements (collectively the "Project") will require the relocation of certain utilities including, but not limited to those operated by GS4 Technology (formerly Adesta LLC), Verizon-New Jersey Inc., Comcast, Atlantic City Electric Company, South Jersey Gas Company, NJ American Water, Cape May County Water, Middle Township Water District No. 4, Middle Township Sewer Department, Cape May County Municipal Utilities Authority (collectively the "Utility Companies");

NOW, THEREFORE, in consideration of the mutual benefits and covenants set forth herein, the Parties agree as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE MIDDLE TOWNSHIP COMMITTEE THE GOVERNING BODY OF THE TOWNSHIP OF MIDDLE AS FOLLOWS:

a. The Mayor and Municipal Clerk are hereby authorized to execute the easement documents and agreements, copies of which are annexed hereto as Exhibit "A" and incorporated herein to effectuate the purpose outline above.

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. This Ordinance shall become effective immediately upon final passage and publication according to law.

Mayor Lockwood – This pertains to an area that was changed at Ormond Drive, south of Stone Harbor Boulevard, where it is going to tie into the Parkway access road an on ramp. This area is owned by the Township which will be used for drainage, so we are giving them a drainage easement. It is under ¼ acre which is impacted.

No Public Comment.

8. ORDINANCE NO. 1442-13 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMIT AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR CALENDAR YEAR 2013 – Following second reading, hearing, and consideration for adoption, Ordinance 1442-13 was adopted on motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 1.5% increase in the budget for said year, amounting to \$257,573.72 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$601,005.34 and that the CY 2013 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Glen Ortman, Municipal Auditor – Standard financial management Ordinance which allows the municipality to exceed the 2.5% cap which is set by the State, it will increase to 3.5%. Middle Township is \$1.8M under the spending cap, but will allow to carry over to next year.

No Public Comment.

9. ORDINANCE NO. 1444-13 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112, ARTICLE 11, ENTITLED DRIVEWAY APRONS AND LOT GRADING - On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1444-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/06/2013 at 6:00 p.m. BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1

Chapter 112, Article II of the Township Code shall be amended as follows:

§ 112-4. Prohibition against drainage changes impacting neighborhood properties.

A. It shall be a violation of this article for any landowner or any person to change the natural flow of drainage, or to change an existing drainage system approved and constructed in accordance with subdivision approvals, such that water will be caused to accumulate on or otherwise negatively impact any other property.

B. Any violation of this section shall result in the following penalties:

(1) The landowner or offending person shall be financially responsible to pay for the cost of any and all remedial action necessary to correct the drainage problem created by his or her conduct, including but not limited to engineering, expert or consultant fees and any and all approvals or permits; and

(2) Said landowner or offending person shall be subject to fines no less than \$500 and no more than \$2,000 for each and every violation of this section.

§ 112-5. Driveway aprons and lot grading requirements.

A. Each and every developed property, whether commercial or residential, including but not limited to single-family homes, located on a Township right-of-way, shall have a driveway apron constructed in accordance with the following specifications:

(1) A standard driveway apron shall be constructed in accordance with Figures 112(a) and 112(b).

(2) Driveway aprons shall be constructed of concrete, asphalt or other hard durable surface acceptable to the Township Engineer so as to keep driveway material from encroaching on to the roadway.

(3) A one and one half-inch reveal shall be required at the intersection of the driveway apron with the roadway. The driveway apron shall be constructed to ensure that runoff from the roadway does not flow on to the driveway. Additionally, the driveway apron shall be constructed in such a manner that the natural flow of storm water shall not be impeded.

(4) Driveway aprons constructed across shallow roadside swales must be constructed at a slope, which will allow storm water to flow unimpeded across the driveway at the existing rate of flow.

[See Figure 112(c)]. The Municipal Engineer, or other Township official designated by the Township Committee, shall review the proposed driveway apron plans to ensure that the storm water management system for the roadway will continue to function adequately.

(5) Driveway aprons constructed across existing roadside swales with a significant slope may require the construction of a storm water drainage pipe under the driveway apron in order to ensure that storm water flow through the swale will not be impeded. [See Figure 112(d). The Municipal Engineer, or other Township official designated by the Township Committee, shall make a determination as to whether a pipe crossing is required based on the existing drainage swale characteristics. The minimum size of the drainage pipe shall be 12 inches in diameter, and all piping shall be reinforced concrete pipe (RCP), Class V.

(6) Before the issuance of a building permit, a driveway apron plan must be submitted to the Zoning Official, or other Township official designated by the Township Committee, for review and approval by the Municipal Engineer. Before a certificate of occupancy can be granted, the driveway apron shall be inspected and approved by the Construction Official, Zoning Official, or other Township official designated by the Township Committee.

B. The requirements set forth in this section shall apply to the development of all single-family and two-family dwellings within the Township of Middle, it being the intention that other development will be reviewed by one of the Township's development review boards.

(1) A zoning permit or building permit shall not be issued until a grading plan has been reviewed and approved by the Municipal Engineer, or other Township official designated by the Township Committee, which grading plan shall be in accordance with the provisions of this section.

(2) Prior to applying for final inspections in reference to obtaining a certificate of occupancy, an as built survey showing final grades and matching the approved plan must be submitted to the Zoning Office for approval by the Zoning Official, Construction Official, or Municipal Engineer.

NOTE: A fee may be billed to the owner/applicant should the Municipal Engineer have to visit the site.

(3) All lots, open spaces and planting areas shall be graded to secure proper drainage and to prevent the collection of storm water. The grading shall be performed in a manner which will minimize the damage to or destruction of trees growing on the land. Topsoil shall be provided and/or redistributed on the surface as cover and shall be stabilized by seeding or planting and shall comply with the standards for soil erosion and sediment control in New Jersey. All provisions shall be approved by the Cape Atlantic Conservation District.

(4) Unless drainage design for an approved subdivision or site plan requires otherwise, wherever possible, the land shall be graded so that the storm water from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be directed to a system of interior yard drainage approved by the Municipal Engineer, or other Township official designated by the Township Committee.

(5) Unless otherwise required by this chapter, all tree stumps, masonry and other obstructions shall be removed to a depth of two feet below existing or finished grade, whichever is lower.

(6) The minimum slope for lawns and disturbed areas shall be 1 1/2% and, for smooth, hard-finished surfaces other than roadways and parking lots, 0.04%.

(7) The maximum grade for lawns and disturbed areas within five feet of a building shall be 10% and, for lawns more than five feet from a building, 25%; except that, for the driveway, the maximum grade shall be 15%.

(8) Retaining walls installed in slope-control areas shall be constructed of timber or logs, reinforced concrete, other reinforced masonry or of other construction acceptable to the Municipal Engineer, or other Township official designated by the Township Committee, and shall be adequately designed and detailed on the final plat to carry all earth pressures, including any surcharges. The heights of retaining walls shall not exceed 1/3 of the horizontal distance from the foundation wall of any building to the face of the retaining wall.

(9) The lot owner shall take all necessary precautions to prevent any siltation of wetland areas. The lot owner shall provide adequate provisions to prevent all deposition of silt or other eroded material in any stream or watercourse. Such provisions may include, but are not limited to, construction and maintenance of siltation basins or holding ponds and diversion berms throughout the course of construction and planting areas. All provisions shall comply with the standards for soil erosion and sediment control in New Jersey.

(10) All lots, open space and planting areas shall be seeded with a suitable stabilizing ground cover approved by the Municipal engineer or other Township official designated by the Township committee. On any waterfront lots or open spaces, suitable stabilizing ground cover other than seeding may be allowed if approved by the reviewing Board, the Township Construction Official or other Township official designated by the Township Committee. Any approved ground cover whether it be vegetation or not should comply with the "Standards for Soil Erosion and sediment Control in New Jersey" and be approved by the Cape Atlantic Conservation District.

(11) No topsoil shall be removed from the site or used as soil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of spread cover to all seeding and shall comply with the standards for soil erosion and sediment control in New Jersey. In the event that the quantity of topsoil at the site is insufficient to provide six inches of cover for all seeding and planting areas, the owner shall provide and distribute a sufficient quantity of topsoil to provide such a cover in accordance with the standards for soil erosion and sediment control in New Jersey. All provisions shall be approved by the Cape Atlantic Soil Conservation District.

(12) In order to conserve the Township's limited natural resources, no soil, sand, gravel or other natural resources shall be stripped, excavated or otherwise removed for sale or for use other than on the premises from which the soil, sand, gravel or other natural resources shall be taken except for excavating or grading incidental to the construction or alteration of a building on such premises or an approved site plan or subdivision.

(13) The excavation and grading for completion of a development subject to Cape Atlantic Soil Conservation District approvals shall be done in accordance with the standards for soil erosion and sediment control in New Jersey. Excavation of soil, other than that required for the construction of approved structures and supporting facilities, such as but not limited to streets, driveways and parking areas, except when resource extraction is authorized by the Township Committee, shall be prohibited. Regrading of property so as to redistribute topsoil throughout the site from areas excavated for such approved structures and supporting facilities shall be permitted, but shall be done to minimize or eliminate the erosion of soil. These areas shall be stabilized by seeding and planting in accordance with Subsection B(11) above.

C. Projects that do not require a soil erosion and sediment control plan certification shall be approved by the Municipal Engineer or other township official designated by township Committee.

D. Any violation of this section shall result in the following penalties:

(1) The landowner or offending person shall be financially responsible to pay for the cost of any and all remedial action necessary to correct the drainage problem created by his or her conduct, including but not limited to engineering, expert or consultant fees and any and all approvals or permits; and

(2) Said landowner or offending person shall be subject to fines no less than \$500 and no more than \$2,000 for each and every violation of this section.

SECTION 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. 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 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.

10. ORDINANCE NO. 1445-13 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250 THEREOF ENTITLED "ZONING" – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1445-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/06/2013 at 6:00 p.m.
BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and the State of New Jersey as follows:
Section 1. Chapter 250 of the Code of the Township of Middle is hereby amended and supplemented to add a new article to read as follows:
250-614 Height, area and yards
The maximum height within a flood hazard area is thirty five feet (35') above base flood elevation.
250-201 Terms defined
This chapter shall be amended by adding the following definitions
Advisory Base Flood Elevation (ABFE) —The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL +

wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) —The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

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 the 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 filing with the Cape May County Planning Board and publication of notice of passage.

11. RESOLUTION 176-13 – DISTRACTED DRIVING PREVENTION MONTH – APRIL 2013 –
On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, every day thousands of people drive on area roadways, the lives and property of these drivers and area residents are in danger of being seriously altered or destroyed by an instance of distracted driving; and
WHEREAS, texting has become a preferred method of communication for many with recent studies revealing that Americans, on average, send or receive 40 texts per day via cell phones and that individuals between the ages of 18 and 24 text more than 100 times a day with many of these texts sent or received by individuals who are driving a motor vehicle; and
WHEREAS, drivers on cell phones, particularly those without hands-free capabilities, are more distracted than impaired drivers at .08 Blood Alcohol Content (University of Utah Study); and
WHEREAS, the Insurance Institute for Highway Safety has concluded that drivers who use handheld devices while driving are 4 times more likely to be involved in a serious motor vehicle crash; and
WHEREAS, distracted driving has become a significant public health problem with the potential to become an even larger problem than drinking and driving; and
WHEREAS, as responsible community leaders, we must not wait until tragedy strikes to recognize distracted driving as a serious and life threatening practice, we must instead take an active role in encouraging others to make responsible decisions while driving and take appropriate measures to help out and end distracted driving; and
WHEREAS, the New Jersey Division of Highway Traffic Safety, South Jersey Traffic Safety Alliance, four local Sheriff's Offices and local Association of Police Chiefs have joined forces in an effort to raise public awareness of the dangers of distracted driving; and
WHEREAS, NJ Motor Vehicle Laws include provisions for fines and criminal penalties concerning the use of wireless telephone or electronic communication devices while operating a motor vehicle and the collective belief of local law enforcement that the time is now to enforce these provisions vigorously so as to prevent the serious perils associated with distracted driving; and
WHEREAS, throughout the month of April, all drivers operating motor vehicles in the Township of Middle shall be on notice that local law enforcement will increase efforts to enforce the motor vehicle laws pertaining to distracted driving.
NOW, THEREFORE, BE IT RESOLVED, that the Township of Middle fully supports this joint initiative and proclaims the month of April 2013 as "Distracted Driving Prevention Month" in the Township of Middle and encourages all residents to focus on safe driving, turning their phones off and keeping their hands on the wheel and eyes on the road while driving and to let others know that talking or texting while driving is not worth the risk.
12. RESOLUTION 177-13 - RELEASE OF TRUST ACCOUNTS – On motion by Mayor Lockwood seconded by Committeemember Donohue 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.
13. RESOLUTION 178-13 – AMENDING RATE OF PAY – OFF DUTY EMPLOYMENT – POLICE DEPARTMENT – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, any person or entity seeking to employ any police officer during his/her off duty time may do so by entering into a contract with the municipality, and
WHEREAS, the Township Committee shall by resolution set the rates for such service, and
WHEREAS, the Township Committee wishes to amend the rate of pay for services rendered, as outlined in the code of the Township of Middle; 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 rates for service of an off-duty officer shall be as follows; pursuant to Chapter 46 Section II, Subsection H:
Police Officer: \$60.00 per hour
Payroll Taxes: \$4.59 per hour
Township Administrative/ Payroll Fee / Vehicle Fee: \$22.91 per hour
Total per hour fee: \$87.50

BE IT FURTHER RESOLVED, that the cost for use of a municipal police vehicle as established in Resolution 164-10 is hereby dissolved and incorporated in the cost above.

14. RESOLUTION 179-13 – SOCIAL AFFAIRS PERMIT – CAPE REGIONAL MEDICAL CENTER – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Cape Regional Medical Center has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 US Hwy 9, Cape May Court House, on April 26, 2013 from 11:30am to 5:30 pm; and
WHEREAS, they have provided proper documentation to the Township of Middle; and
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
15. RESOLUTION 180-13 – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND CONNIE MAHON – On motion by Committeemember Donohue seconded by Mayor 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 the agreement between Connie Mahon and the Township of Middle, as attached, for a term from April 8, 2013 through April 8, 2017, is hereby ratified.
BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.
16. RESOLUTION 181-13 – CANCEL GRANT RECEIVABLE BALANCE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, certain Grant receivable balances remain on the books; and
WHEREAS, it is necessary to formally cancel said balances;
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 grant receivable balances of the Grant fund be canceled:

Grant Name	Amount to be Cancelled
Safe & Secure Grant	\$30,000.00
17. RESOLUTION 182-13 – AWARD OF BID – AVALON MANOR AND LEONARDS LANE ROADWAY IMPROVEMENTS PROJECT – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for the Avalon Manor and Leonards Lane Roadway Improvements Project, and
WHEREAS, sealed bids were received on February 27, 2013, and
WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.
Landberg Construction, LLC - \$586,795.00
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Avalon Manor and Leonards Lane Roadway Improvements Project by and hereby is awarded to Landberg Construction, LLC; and
FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer’s Certification of availability of funds.
18. RESOLUTION 183-13 – AWARD CONTRACT AND RATIFY AGREEMENT – SJESP – NEW JERSEY OFFICE OF CLEAN ENERGY, DIRECT INSTALL PROGRAM – MLK CENTER –
On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle applied for, and received, a grant from the New Jersey Office of Clean Energy, Direct Install Program for energy efficient lighting upgrades at the Martin Luther King Center, and
WHEREAS, the Township of Middle has a 30% match for this project, which amounts to \$18,053.78.
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between SJESP and the Township of Middle, in connection with the NJ Direct Install Program Grant, be and is hereby authorized.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
SJESP – New Jersey Office of Clean Energy, Direct Install Program - \$18,053.78
19. RESOLUTION 184-13 through 188-13 – RELEASE OF PERFORMANCE BOND (ITEMS A THROUGH E) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 - A) WHEREAS, \$32,670.00 is being held as a performance guarantee of ARC of Cape May County, Inc., and for Block 1480, Lot 4; 1 N. 5th Street, Rio Grande
WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and
WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and
WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$32,670.00 is hereby released.

- B) WHEREAS, \$1,000.00 is being held as a performance guarantee of Bruce Lupton, and for Block 981, Lot 58.021; 1100 Georgia Avenue, Cape May Court House; and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed; and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released; and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$1,000.00 is hereby released.
- C) WHEREAS, \$31,375.20 is being held as a performance guarantee of Sprint Spectrum, LP, and for Block 1 Lot 5.03; Route 47 North, Goshen; and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer, NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$31,375.20 is hereby released.
- D) WHEREAS, \$85,000.00 is being held as a performance guarantee of Lawrence Alster, and for Block 5 Lot 64; Pine Landing Road, Goshen; and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer, NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$85,000.00 is hereby released.
- E) WHEREAS, \$28,756.80 is being held as a performance guarantee of Cellco Partnership, and for Block 333, Lot 12; 702 Route 9 South, Cape May Court House; and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed; and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released; and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$28,756.80 is hereby released.

20. RESOLUTION 189-13 – RATIFY SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY DEPARTMENT OF HEALTH – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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 attached Shared Services Agreement between the Township of Middle and the County of Cape May Health Department, for public health services to the residents of Middle Township, be and is hereby ratified; and
 BE IT FURTHER RESOLVED, that said agreement shall be renewed annually for a term of seven (7) years; and
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documents in connection therewith.

21. RESOLUTION 190-13 – TOWING LICENSE RENEWAL 2013 – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid therein.
 NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2013:

License #	Tradenname	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
5	Gary's Automotive	1	XK805N	2007 Chevy 5500 Flatbed	\$450.00	\$50.00
		2	XF30SW	1994 Chevy 3500HD Flatbed		\$50.00

22. RESOLUTION 191-13 – RATIFY AGREEMENT – ESI EMPLOYEE ASSISTANCE GROUP (EAP/ EMPLOYEE ASSISTANCE PROGRAM) – On motion by Mayor Lockwood seconded by Committeemember Donohue 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 ESI and the Township of Middle for the Employee Assistance Program effective April 1, 2013 through March 31, 2014, be and is hereby ratified. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

23. RESOLUTION 192-13 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK AND WALBERG ENGINEERS – CONCEPTUAL SITE PLAN – VARIOUS TOWNSHIP PROPERTIES – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, on January 4, 2012 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2013 as Resolution No. 42-13, and

WHEREAS, Remington, Vernick & Walberg Engineers will be providing additional engineering services towards conceptual site plans for Cook’s Beach, Goshen Sports Complex, Norbury Landing and Reeds Beach.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide the additional engineering services mentioned above and said contract shall be amended as follows:

Remington, Vernick & Walberg Engineers –Conceptual Site Plan – Not to exceed \$5,000.00

Committeemember Donohue – Chris Eaton from Remington & Vernick was a big help with this through the Open Space Development. Believes this amount of money is a great deal for the amount of work that has been put into this project.

24. RESOLUTION 193-13 – CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW & PBA UNIONS); PERSONNEL MATTER (A. SMITH) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session. 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.

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, the Township Committee of the Township of Middle wishes to meet in closed/executive session regarding the UAW Contract Negotiations; and

WHEREAS, said Closed Session shall be held directly after this open session; 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: CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW & PBA UNIONS); PERSONNEL MATTER (A. SMITH)

2.) The general nature of the subject matter to be discussed is as follows:

CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW & PBA UNIONS); PERSONNEL MATTER (A. SMITH)

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.

25. RESOLUTION 194-13 – APPOINTMENTS – NEW HIRE – On motion by Mayor Lockwood 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 employee is hereby appointed to the following position at the salary opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
Brittney Fritsch	Public Safety	Keyboarding Clerk 1	\$18,720.00	04/08/2013
Megan Langrell	Public Safety	PS Telecommunications Operator P/T	\$10.46ph	04/02/2013

26. RESOLUTION 195-13 – AUTHORIZING APPLICATION AND EXECUTION OF GRANT AGREEMENT FOR THE CAPE MAY COUNTY OPEN SPACE PROGRAM FOR DEVELOPMENT OF OCKIE WISTING PARK FOR RECREATION AND CONSERVATION PURPOSES – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle acquired the 83 acre former Fort Apache Campground through a combination of Green Acres grants and loans, and an Environmental Infrastructure loan in 2002; and

WHEREAS, the purpose of the acquisition was to redevelop the site into an active and passive recreation area with the additional benefit of preserving open space and watershed protection; and

WHEREAS, throughout the process of developing the Middle Township Open Space and Recreation Plan over the past six (6) months, there has been significant public support for the development of the site for active and passive recreation; and

WHEREAS, the Cape May County Open Space Program (Program) has revised its eligibility effective January 1, 2013 to include “development of lands acquired for recreation and conservation purposes”; and

WHEREAS, development of Ockie Wisting Recreation Site furthers the purpose and objectives the Program to “Provide amenities at regional parks and recreation areas to meet local service needs” and “Provide needed spaces and amenities for community enhancements”; and

WHEREAS, the Governing Body resolves that Mayor Daniel Lockwood, or the successor to the office of Mayor, is (a) authorized to make application for such grant, and (b) if awarded, to execute the grant application; and

NOW THEREFORE BE IT RESOLVED that the Middle Township Committee authorized and hereby agrees to support the application to the Cape May County Open Space Program for the development of Ockie Wisting Park for recreation and conservation purposes.

27. RESOLUTION 196-13 – AUTHORIZING CONSENT ORDER – RAILROAD AVENUE – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Consent Order for Railroad Avenue is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign any and all documents in connection therewith.

28. RESOLUTION 197-13 – AMENDING ADOPTED PERSONNEL POLICIES AND PROCEDURES MANUAL – On motion by Committeemember Donohue 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 Personnel Policies and Procedures Manual amended and updated April 2013 is hereby adopted.

FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of this manual be declared unconstitutional or invalid for any reason, the remaining portions of said manual shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual are hereby declared to be severable.

FURTHER RESOLVED, this manual shall become effective immediately upon approval of this resolution and all other manuals in conflict or inconsistent with the updated version dated April 2013 is hereby repealed, to the extent of such conflict or inconsistency.

29. PUBLIC HEARING ON 2013 MUNICIPAL BUDGET:

No Public Comment.

Glen Ortman, Municipal Auditor – Gave brief summary of budget that was also given at March 18th meeting.

30. RESOLUTION 198-13 – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Mayor Lockwood seconded by Committeemember Donohue 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 2013 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 \$2,861,319.00

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 \$61,000. That said emergency temporary appropriation shall be provided for in the 2013 budget under the title of: See Attached List

2. That one certified copy of this resolution be filed with the Director of Local Government Services.

31. PUBLIC COMMENT:

Committeemember DeLanzo –

There is a video that will be posted on MTPD Facebook Page, Website or YouTube regarding the Distracted Driving Prevention month. If someone receives a warning for distracted driving throughout the month of April, they can go online and view a video and there will be no summons issued.

Free gun safety program for Middle Township residents later this month. A free gun lock will be given to all participants.

Friday evening will be a Chamber dinner, this year the Ferrocchio family is being honored for their business in the Township. It's nice to have so many great business people in the Township.

Committeemember Donohue –

Inaugural Lacrosse Program games were this past Saturday, grades 3rd – 8th played three games each. It is a new sports program that was put together by parents who have put in time and fundraising to make this program happen over the past few months. They have done a wonderful job.

New Recreation Director started today, excited to add him to our recreation department.

Mayor Lockwood –

Happy Belated Easter.

Congressman LoBiondo visited relating to beach replenishment. Horseshoe crab breeding area, Wetlands Institute is working on getting the permits necessary to get sand on the beach for the horseshoe crabs. They discussed the barriers which have been faced going through this process. The Delaware Bay project is an economical barrier and is a lot more significant but has been a lot more complication. Congressman LoBiondo has promised to get this moving to replenish from Hurricane Sandy.

Sam Kelly – Read a letter to the Mayor into record.

Betty McGirk – Agrees with some of the points that Sam Kelly has made. Specifically, the Master Plan which was presented to residents but not agreed to by the residents.

Mayor Lockwood – Asked for clarification on Mr. Kelly's comments regarding DEP.

Sam Kelly – They were comments that Mayor Lockwood previously made. Does not believe that the deeds match the words that the Committee makes. Believes they go off of what the professionals say, rather than what should be done for the Township.

Rosie Jefferson –

Congratulations on hiring a new Business Administrator.

Rose Jefferson –

Requested barricades on Indian Trail at bike path. There are barricades on Shunpike Road and Hand Avenue with reflective signs, but nothing on Indian Trail Road. There was a barricade but there has been a path made for quads and dirtbikes to get through. Wants to prevent a tragedy before it happens.

Committeemember Donohue –

Mentioned that he would go out and take a look at these areas. Feels it should be practical for there to be signs and striping in the Indian Trail bike path area.

Rosie Jefferson –

Quoted Ordinance pertaining to signage on telephone poles. Wants there to be enforcement on people who post things on telephones, thinks it junks up the area.

Committeemember Donohue –

Believes that there has been a job well done to try to de-clutter the area and telephone poles.

Mayor Lockwood –

Agrees but it is a very time consuming project and we have done the best we can when it comes to prioritizing what needs to be done.

Rosie Jefferson –

Questioned the possibility of outsourcing building maintenance. Doesn't think this is necessary on a financial basis. Stated that she previously worked for the township. Doesn't think the current employees are aware of what their job description is, on a basis that she previously worked for the Township. Suggested to offer overtime to current building maintenance employees and/or public works employees rather than outsourcing.

Mayor Lockwood –

Employees were asked to give a job description on what they do. The current employees gave one which outlined each item that they do, which included all the items which they are supposed to be doing. We are working on restructuring departments in the Township and this is part of the restructuring.

Rosie Jefferson –

ADA Grant for playground for Goshen Complex and not for MLK. Also reviewed Open Space Plan and did not see anything for MLK Center.

Mayor Lockwood –

Grant is for ADA accessible improvements; recently put one in Rio Grande, now putting one north. MLK Center has been discussed for upgrades such as possibly more indoor basketball courts and resurfacing the floors. We are also looking into a grant which would cover the cost of building shelter, which could be used as a recreation facility when it is not being used as a shelter. MLK Center would be a sufficient shelter area as it has a full kitchen which could be utilized.

Committeemember Donohue –

Open Space has had three public meetings with professionals and recreation staff. The new HVAC will save approximately \$10,000/year and those funds will be put into an account specifically for the MLK Center and can be utilized for maintenance issues and upgrades for that center.

Vilma Pombo –

How will the new recycling program affect the township and the budget? Suggests that bulk trash pick-up be revised, possibly quarterly, to save money.

Mayor Lockwood –

Until the new contract is renegotiated, there is no current savings. We get an annual rebate from the MUA. The more recyclables that we get there, the more rebate we get. The 2011 rebate was in excess of \$160,000.

Motion to go into closed session – 7:14pm

1st Committeemember Donohue 2nd Committeemember DeLanzo

Pass on Roll Call: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Motion to return to open meeting – 8:49pm

1st Committeemember Donohue 2nd Committeemember DeLanzo

Pass on Roll Call: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Motion to adjourn meeting – 8:50pm

1st Committeemember Donohue 2nd Committeemember DeLanzo

Pass on Roll Call: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Kimberly Krauss, Township Clerk