

Cape May Court House, NJ
April 15, 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 DeLanzo, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

***Committeemember Donohue and Municipal Clerk Kimberly Krauss were absent.**

1. PRESENTATION BY RECREATION DEPARTMENT
 - a. EASTER COLORING CONTEST WINNERS
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.)

Vilma Pombo – inquired as to what the goods and services were being co-op'd for in item #17.

Mayor Lockwood – This is for the energy aggregation program, Stone Harbor is the lead agency so we are cooperating with them. The four towns which are now involved are Middle Township, Stone Harbor, Wildwood and Commercial Township.
3. RESOLUTION 199-13 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$668,728.18
4. RESOLUTION 200-13 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Regular Meeting 04/01/2013, Closed Session 04/01/2013.
5. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of March; Zoning Official for month of March; Municipal Clerk for the month of March; Treasurer for the month of March; Tax Collector for the month of March; Sewer Billing for the month of March; Municipal Court for the month of March.
6. ORDINANCE NO. 1446-13 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250 THEREOF ENTITLED “ZONING” – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, Ordinance No. 1446-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/20/2013 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
 1. ~~Homes located in a flood hazard zone shall have their height determined by the Advisory Base Flood Elevations Map (ABFE). Height within a flood zone to be a maximum of thirty five (35) feet above the minimum base flood elevations established in the federal advisory base flood elevation guidelines recently adopted by the State of New Jersey and as determined by the construction official.~~
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.

~~ABFE—Advisory Base Flood Elevation~~

~~Base Flood Elevation— The highest point, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.~~

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.

Marc Karavan – this Ordinance comes in the wake of Hurricane Sandy and is intended to give us flexibility with regard to base flood elevation and the way it is calculated.

7. RESOLUTION 201-13 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Clinton Freeman	Recreation	Recreation Attendant P/T	04/03/2013

8. RESOLUTION 202-13 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
William Markee	Laborer 1 P/T	Laborer 1 F/T	\$20,120.00	04/15/2013

9. RESOLUTION 203-13 – ENDORSING APPROVAL CERTIFICATE FOR DIESEL EMISSION INSPECTION FACILITY – CLARK’S AUTO AND TOWING, LLC – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Clark’s Auto and Towing, LLC is a local automotive shop within the Township of Middle that specializes in repairs and inspection services, and

WHEREAS, Clark’s Auto & Towing, LLC has requested the approval of a Diesel Emissions Inspection Facility License, and

WHEREAS, the Zoning Official has no objection to said endorsement.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk is hereby authorized to sign the Approval Certificate.

10. RESOLUTION 204-13 – DETERMINING THE FORM AND OTHER DETAILS OF AN AMOUNT NOT TO EXCEED \$794,400 GENERAL OBLIGATION BOND OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BOND TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AS FOLLOWS:

Section 1. The \$794,400 General Obligation Bond authorized by the Township of Middle, in the County of Cape May (the “Township”) pursuant to Bond Ordinance #1364-10, shall be sold to the United States of America Department of Agriculture, Rural Development (hereinafter referred to as “USDA”) or such other agency of the United States of America as applicable on the following terms:

Designation: \$794,400 General Obligation Bond or such lesser amount as determined by the Chief Financial Officer,

Date: On or about April 24, 2013 or such other date as agreed to by USDA (the "Closing Date"),

Interest Rate: Two and three quarters per centum (2.75%) per annum payable semiannually,

Principal and Interest Payments: Payable semiannually beginning six months after the date of issuance of the Bond or as otherwise determined by USDA and terminating, if not sooner paid, on the fortieth anniversary date of the Bond; such that there are 79 equal payments with the final 80th payment being the remaining principal and interest (as attached as Exhibit A hereto and revised proportionately if the amount is reduced),.

Place of Payment: Office of the United States of America Department of Agriculture, Rural Development or such other agency of the United States of America Department of Agriculture, as applicable.

Section 2. The details concerning the payment of principal and interest on the Bond shall be specified in the form of Bond, which shall be in substantially the following form: No.

2013 R1 \$794,400
UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF CAPE MAY
Township of Middle
GENERAL OBLIGATION BOND

The Township of Middle, a municipal corporation of the State of New Jersey, situate in the County of Cape May (the "Township"), hereby acknowledges itself indebted and for value received promises to pay to the United States of America, or its registered assigns, the principal sum of ONE SEVEN HUNDRED NINETY FOUR THOUSAND FOUR DOLLARS (\$794,400) plus interest on the unpaid principal sum from the date of this Bond until it matures, unless sooner paid as herein provided, at the rate of two and seventy-five hundredths per centum (2.75%) per annum. Principal and interest shall be paid semiannually, on ____ and ____ commencing _____, 2013 for seventy-nine (79) payments and terminating, unless the principal amount of the Bond is sooner paid as provided herein, on _____, 20__ with the final 80th payment being all remaining outstanding principal and interest and accrued and unpaid interest due on that date. Payments made on the indebtedness evidenced by this instrument, regardless of when made, shall be applied first to interest due through the date of payment and next to principal.

This Bond shall be subject to redemption without penalty at any time prior to maturity at the option of the Township by the payment of all the unpaid principal then due plus interest due to the date of redemption.

Upon the surrender of this Bond and the written request of the registered holder thereof satisfactory to the Township, this Bond will be transferred to a new registered owner. No transfer of this Bond shall be valid unless recorded on books of the Township kept for this purpose in the office of its Chief Financial Officer and noted on the back of this Bond.

This Bond is issued pursuant to the Local Bond Law of the State of New Jersey and Bond Ordinance #1364-10, finally adopted by the Township on August 2, 2010 and authorizing obligations in the aggregate principal amount of \$794,400.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Township of Middle has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested by its Township Clerk and this Bond to be dated the ____ day of _____, 201__.

[SEAL] TOWNSHIP OF MIDDLE

ATTEST:

By: _____
Mayor

Clerk

By: _____
Chief Financial Officer

TRANSFER CERTIFICATE

It is hereby certified that upon the request of the registered owner the within Bond is transferred to and registered as to principal and interest as follows:

Date and Transfer and Registry	Name of New Registered Owner	Registered By
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Section 3. The Bond shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer, under the official seal, affixed and attested by the Township Clerk. Such officials are authorized to execute such replacement bonds in registered or coupon form as may be necessary from time to time and are authorized to execute all certificates, agreements and other documents required in connection with the issuance such Bond.

Section 4. All other details or requirements of the Local Bond Law of New Jersey, including any changes in the terms of the Bond otherwise set forth herein, shall be determined by the Chief Financial Officer of the Township.

Section 5. This resolution shall take effect immediately.

11. RESOLUTION 205-13 – DETERMINING THE FORM AND OTHER DETAILS OF AN AMOUNT NOT TO EXCEED \$100,000 GENERAL OBLIGATION BOND OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BOND TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AS FOLLOWS:

Section 1. The \$100,000 General Obligation Bond authorized by the Township of Middle, in the County of Cape May (the “Township”) pursuant to Bond Ordinance #1267-07, shall be sold to the United States of America Department of Agriculture, Rural Development (hereinafter referred to as “USDA”) or such other agency of the United States of America as applicable on the following terms:

Designation: \$100,000 General Obligation Bond or such lesser amount as determined by the Chief Financial Officer,

Date: On or about April 24, 2013 or such other date as agreed to by USDA (the “Closing Date”),

Interest Rate: three and one half per centum (3.50%) per annum payable semiannually, Principal and

Interest Payments Payable semiannually beginning six months after the date of issuance of the Bond or as otherwise determined by USDA and terminating, if not sooner paid, on the fortieth anniversary date of the Bond; such that there are 79 equal payments with the final 80th payment being the remaining principal and interest (as attached as Exhibit A hereto and revised proportionately if the amount is reduced).

Place of Payment: Office of the United States of America Department of Agriculture, Rural Development or such other agency of the United States of America Department of Agriculture, as applicable.

Section 2. The details concerning the payment of principal and interest on the Bond shall be specified in the form of Bond, which shall be in substantially the following form: No. 2013 R1 \$100,000

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF CAPE MAY
Township of Middle
GENERAL OBLIGATION BOND

The Township of Middle, a municipal corporation of the State of New Jersey, situate in the County of Cape May (the “Township”), hereby acknowledges itself indebted and for value received promises to pay to the United States of America, or its registered assigns, the principal sum of ONE ONE HUNDRED THOUSAND DOLLARS (\$100,000) plus interest on the unpaid principal sum from the date of this Bond until it matures, unless sooner paid as herein provided, at the rate of three and five hundredths per centum (3.50%) per annum. Principal and interest shall be paid semiannually, on ___ and ___ commencing _____, 2013 for seventy-nine (79) payments and terminating, unless the principal amount of the Bond is sooner paid as provided herein, on _____, 20__ with the final 80th payment being all remaining outstanding principal and interest and accrued and unpaid interest due on that date.

Payments made on the indebtedness evidenced by this instrument, regardless of when made, shall be applied first to interest due through the date of payment and next to principal.

This Bond shall be subject to redemption without penalty at any time prior to maturity at the option of the Township by the payment of all the unpaid principal then due plus interest due to the date of redemption.

Upon the surrender of this Bond and the written request of the registered holder thereof satisfactory to the Township, this Bond will be transferred to a new registered owner. No transfer of this Bond shall be valid unless recorded on books of the Township kept for this purpose in the office of its Chief Financial Officer and noted on the back of this Bond.

This Bond is issued pursuant to the Local Bond Law of the State of New Jersey and Bond Ordinance #1267-07, finally adopted by the Township on August 15, 2007 and authorizing obligations in the aggregate principal amount of \$100,000.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Township of Middle has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested by its Township Clerk and this Bond to be dated the _____ day of _____, 201__.

[SEAL] TOWNSHIP OF MIDDLE

ATTEST:

By: _____
Mayor

Clerk

By: _____
Chief Financial Officer

TRANSFER CERTIFICATE

It is hereby certified that upon the request of the registered owner the within Bond is transferred to and registered as to principal and interest as follows:

Date and Transfer and Registry	Name of New Registered Owner	Registered By
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Section 3. The Bond shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer, under the official seal, affixed and attested by the Township Clerk. Such officials are authorized to execute such replacement bonds in registered or coupon form as may be necessary from time to time and are authorized to execute all certificates, agreements and other documents required in connection with the issuance such Bond.

Section 4. All other details or requirements of the Local Bond Law of New Jersey, including any changes in the terms of the Bond otherwise set forth herein, shall be determined by the Chief Financial Officer of the Township.

Section 5. This resolution shall take effect immediately.

- 12. RESOLUTION 206-13 – RELEASE OF PERFORMANCE BOND – STREET OPENING – M.R. BURNS ENTERPRISES, LLC / UNIPRO PROPERTY GROUP, LLC – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$5,000.00 is being held as a performance guarantee for M.R. Burns Enterprises, LLC / Unipro Property Ground, LLC for the street opening located at 120 West Lena Street, and

WHEREAS, the Public Work Department 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.

- 13. RESOLUTION 207-13 – CLOSED SESSION – POTENTIAL LITIGATION (POTENTIAL LAND DEVELOPMENT LITIGATION) – On motion by Mayor Lockwood seconded by Committeemember DeLanzo 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, 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 (POTENTIAL LAND DEVELOPMENT LITIGATION)
- 2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – POTENTIAL LITIGATION (POTENTIAL LAND DEVELOPMENT 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.

14. RESOLUTION 208-13 – AMEND RESOLUTION 163-13 – APPOINTMENT – NEW HIRE – RECREATION DIRECTOR – 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 Resolution No. 163-13 shall be amended as follows:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Keith Fonseca	Recreation	Recreation Director / Superintendent of Recreation*	\$61,000.00	04/08/2013

* Civil Service Title listed as Superintendent of Recreation

15. RESOLUTION 209-13 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor Lockwood seconded by Committeemember DeLanzo 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.

16. RESOLUTION 210-13 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – JONATHAN D. & ECHO M. FELDER – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the mortgage loan for Jonathan D. & Echo M. Felder in the amount of \$1,450.00 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.

17. RESOLUTION 211-13 – AUTHORIZING ENTRY INTO A COOPERATIVE PRICING AGREEMENT – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Stone Harbor, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the governing body of the Township of Middle has duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

NOW, THEREFORE BE IT RESOLVED as follows:

- 1) TITLE - This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Middle

- 2) AUTHORITY - Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
- 3) CONTRACTING UNIT - The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
- 4) EFFECTIVE DATE - This resolution shall take effect immediately upon passage.

18. RESOLUTION 212-13 – APPOINTMENTS- PART TIME – NEW HIRE – PUBLIC WORKS LABORER – On motion by Mayor Lockwood seconded Committeemember DeLanzo nd 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
Eddie Allen	Public Works	Laborer 1 T/A P/T	\$9.00 ph*	04/15/2013
Charles Beaudoin Jr.	Public Works	Laborer 1 T/A P/T	\$9.00 ph*	04/15/2013
Derrick Boyle	Public Works	Laborer 1 T/A P/T	\$9.00 ph*	04/15/2013
Gerald Thomas	Public Works	Laborer 1 T/A P/T	\$9.00 ph*	04/15/2013

* \$10.00 after 6 months. T/A appointment (12 months)

19. RESOLUTION 213-13 – AUTHORIZING CHRIS CAMP TO SIGN ROAD OPENING PERMIT APPLICATIONS – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, when a Road Opening Permit Application is submitted to the Office of Public Works the Administrative Director of Public Works must approve the application in order for it to become valid, and
WHEREAS, due to the absence of said Administrative Director of Public Works, and to insure a smooth transition, it is deemed necessary for the Township of Middle to designate someone to complete this task.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Chris Camp is hereby designated to sign Road Opening Permit Applications.

20. RESOLUTION 214-13 – SALARY AMENDMENT – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the salary for the following employee is hereby amended as follows:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
John Hotaling	Sewer	Laborer 1	\$26,000.00	04/15/2013

21. RESOLUTION 215-13 – AUTHORIZING STIPEND – WOODBINE COURT – 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, the governing body thereof, that the following yearly stipend is hereby authorized in connection with the shared services agreement between the Township of Middle and the Borough of Woodbine for Municipal Court services:
Barbara Montgomery Shared Court - Clerk Typist \$2,000.00
BE IT FURTHER RESOLVED, that said stipend is retroactive to 02/01/2013

22. ****TABLED**** RESOLUTION 216-13 – ENDORSING APPROVAL CERTIFICATE FOR DEALER OFF-SITE SALE PERMIT APPLICATION – DRIFTWOOD CAMPING RESORT – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, Driftwood Camping Resort, Inc. of Clermont, NJ has made application to the Township of Middle to hold an off-site show at Acorn Campground and King Nummy Campground in Middle Township; and
WHEREAS, there will be no placement of units along the roadway for show or for sale to the public; and
WHEREAS, the Zoning Official has no objection to said endorsement so long as the above condition is met and that no off premise advertising takes place; and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk, and or her Deputy, is hereby authorized to sign the Approval Certificate.

23. RESOLUTION 217-13 - ENDORSING APPROVAL CERTIFICATE FOR USED MOTOR VEHICLE DEALER – BLAKESLEE TOWING & RECOVERY, INC. T/A COURT HOUSE AUTO SALES – On motion by Mayor Lockwood seconded by

Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Blakeslee Towing & Recovery, Inc. t/a Court House Auto Sales is a local automotive shop within the Township of Middle that specializes in repairs and inspection services, and

WHEREAS, , Blakeslee Towing & Recovery, Inc. t/a Court House Auto Sales has requested the approval of a Used Motor Vehicle Dealer License, and

WHEREAS, the Zoning Official has no objection to said endorsement.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk and/or Zoning Official is hereby authorized to sign the Approval Certificate.

24. RESOLUTION 218-13 - EMERGENCY TEMPORARY BUDGET AMENDMENT –

On motion by Mayor Lockwood seconded by Committeemember DeLanzo 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 \$3,699,719.00

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 \$838,400. 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.

25. PUBLIC COMMENT:

Marc DeBlasio, Engineer Report



EDWARD VERNICK, PE, CME, President
CRAIG F. REMINGTON, PLS, PP, Vice President

EXECUTIVE VICE PRESIDENTS
Michael D. Vena, PE, PP, CME (deceased 2008)
Edward J. Walberg, PE, PP, CME
Thomas F. Beach, PE, CME
Richard G. Arango, PE, CME

DIRECTOR OF OPERATIONS
CORPORATE SECRETARY
Bradley A. Blubaugh, BA, MPA

SENIOR ASSOCIATES
John J. Cantwell, PE, PP, CME
Alan Dittenhofer, PE, PP, CME
Frank J. Seney, Jr., PE, PP, CME
Terence Vogt, PE, PP, CME
Dennis K. Yoder, PE, PP, CME, LEED
Charles E. Adamson, PLS, AET
Kim Wendell Bibbs, PE, CME
Marc DeBlasio, PE, PP, CME
Leonard A. Faiola, PE, CME
Christopher J. Fazio, PE, CME
Kenneth C. Ressler, PE, CME
Gregory J. Sullivan, PE, PP, CME
Richard B. Czekanski, PE, CME, BCEE

Remington & Vernick Engineers
232 Kings Highway East
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(856) 795-9595
(856) 795-1882 (fax)

Remington, Vernick & Vena Engineers
9 Allen Street
Toms River, NJ 08753
(732) 286-9220
(732) 505-8416 (fax)

3 Jocama Boulevard, Suite 300-400
Old Bridge, NJ 08857
(732) 955-8000
(732) 591-2815 (fax)

Remington, Vernick & Walberg Engineers
845 North Main Street
Pleasantville, NJ 08232
(609) 645-7110
(609) 645-7076 (fax)

4907 New Jersey Avenue
Wildwood City, NJ 08260
(609) 522-5150
(609) 522-5313 (fax)

Remington, Vernick & Beach Engineers
922 Fayette Street
Conshohocken, PA 19428
(610) 940-1050
(610) 940-1161 (fax)

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Mechanicsburg, PA 17050
(717) 766-1775
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U.S. Steel Tower
600 Grant Street, Suite 1251
Pittsburgh, PA 15219
(412) 263-2200
(412) 263-2210 (fax)

Unik Office Plaza, Bellorus Building
262 Chapman Road, Suite 105
Newark, DE 19702
(302) 266-0212
(302) 266-6208 (fax)

Remington, Vernick & Arango Engineers
The Presidential Center
Lincoln Building, Suite 600
101 Route 130
Circumference, NJ 08077
(856) 303-1245
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor
Secaucus, NJ 07094
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ENGINEERING STATUS REPORT MIDDLE TOWNSHIP

April 15, 2013

Prepared For:
TOWNSHIP COMMITTEE

Prepared By:
MARC DEBLASIO, P.E., P.P., C.M.E.
Township Engineer

GRANT APPLICATIONS

Game Time Recreation-Playgrounds

- Marturano Recreation has offered the Township a 50% grant for the playgrounds identified for the Davies Sports Complex and in Rio Grande. The total grant amounts are listed below:

1. Davies Sports Complex	\$29,043.00
2. Rio Grande	\$11,362.00
Total	\$40,405.00

- Based on our meeting, the Township identified playground needs at the Davies Sports Complex and in Rio Grande.
- The Township can utilize this playground grant as an "in kind" match for the Township's pending NJDCA Small Cites grant application which contains the installation of an ADA playground at the Davies Sports Complex.

NJDOT Transportation Enhancement Program

- The Township has selected the streetscaping of Main Street from Mechanic Street to Hand Avenue and Mechanic Street from Boyd Street to Main Street (south side).
- Our office provided the necessary information and deliverables to Triad Associates on July 14th and the grant application was submitted for the July 17th deadline.

NJDOT State Aid Program

- The State has sent out letters announcing the 2013 State Aid Program. Grants are available for the following categories:
 - Municipal Aid, Transit Village, Bikeways & Safe Streets to Transit
- The following grant applications were submitted before the October 16, 2012 deadline:
 - Municipal Roadway: Second Street – Phase 2
 - Bikeways: Bike Path Phase 4
 - Safe Streets to Transit: Main Street Sidewalk Installation Phase 2

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New Jersey Office of Clean Energy – Direct Install Program

- Martin Luther King Center: Eligible to receive a \$48,118.75 grant with a \$20,622.32 match. The yearly estimated savings is \$9,290.37.
- Public Works Facility: Eligible to receive a \$55,384.96 grant with a \$23,736.42 match. The yearly estimated savings is \$11,756.38.

2013 NJDCA Small Cities Grant Application

- The Township has been awarded \$295,000.00 to complete ADA improvements at the Municipal Complex and Davies Recreation Complex.
- The NJDCA has approved the grant award and our office submitted a proposal for authorization.

CAPITAL IMPROVEMENTS

FY2012 NJDOT Reconstruction of Second Avenue

- The project is complete and we are working on project closeout.
- A change order has been processed which resulted in a decrease of \$5,884.20 to the original contract amount of \$132,430.32 for an amended contract price of \$126,546.12, -4.44% decrease.

Whitesboro Roadway Improvements Phase 3A

- New Jersey American Water (NJAW) has indicated that their Whitesboro Watermain Phase 3 project will likely not be ready for construction until early to mid September. This has led to our recommendation to divide this project into two phases (3A & 3B) in order for NJAW to complete their work prior to our resurfacing the roadways where the projects overlap.
- Project has been split into 2 sections (3A & 3B) to avoid conflict with NJAW project.
- Contractor is scheduled to complete the punchlist.

Avalon Manor and Leonards Lane Road Program

- Our office has met with Township officials and completed site investigations to develop roadway construction cost estimates for Leonard's Lane and the Avalon Manor section of the Township.
- The bid opening occurred on February 27, 2013 and the apparent low bidder is Landberg Construction, LLC in the amount of \$586,795.00.
- The USACOE permitting has been submitted for the removal of the millings at Leonards Lane.
- A pre-construction meeting has been scheduled for Thursday, April 18, 2013 at 11:00 AM.

USDA Rural Development Sanitary Sewer Application – Grassy Sound

- A meeting was held with the Grassy Sound engineer on March 27, 2013.
- Our office has begun coordinating the design and permitting package.
- We anticipate starting survey, base mapping and permitting the week of April 22, 2013.

FY 2012 NJDOT Bikepath – Phase 3

- Our office is in the process of closing out the project.

GENERAL ENGINEERING PROJECTS

Robert 'Ockie' Wisting Recreation Complex

- Cape Express Soccer Organization has proposed to complete what remains unfinished, additional work and maintenance of the facility.
- Our office has generated a conceptual plan to show additional recreation activities at the Complex based upon Cape Express' plan of development.
- A conceptual plan was presented the public at an Open Space and Recreation Meeting held on January 22, 2013 for public comment.
- An application to extend the Freshwater Wetlands Letter of Interpretation was submitted to NJDEP. NJDEP informed our office that an extension would not be granted. Our office will prepare a new Letter of Interpretation in conjunction with Lomax Consulting.
- A conceptual plan was sent to Elizabeth Terenik for inclusion in her submittal to Cape May County.

Connie Mahon, Business Administrator Report:

1. South Jersey Industries Commencing Installation of Sunray Beach/ Del Haven Natural Gas Trunk - At the kickoff meeting held on April 9th, SJ Industries proposed project start for July. Ms. Mahon asked that the governing body be consulted. SJ Gas was instructed to seek an opinion of the County before Middle would consider giving the go-ahead for July start.

2. USACE Berm Project- Reeds Beach/ Pierce's Point - Attended a meeting on Friday, April 12th at which the projects authorized but not yet under construction were discussed. According to Dave Rosenblatt, NJDEP Office of Construction and Engineering, a letter is due from the USACE to US Congress outlining projects to be constructed in fiscal year 2013/2014. Upon his review of said letter we will be asked to move ahead with easements and other necessary documents pertaining to said project.

3. Wildwood Water Request for Sentinel Well at 1100 Edgewood Road - Gary Ziegler of Wildwood Water called seeking the governing body's approval to allow Wildwood Water to drill a test well at 1100 Edgewater Road. This sentinel well is used to test for salt water intrusion in the Cohansay prior to seeking a location in the area for potable water. Wildwood water will obtain all necessary permits and will supply certificate of insurance for contractor.

Committeemember DeLanzo –
No Comments

Mayor Lockwood –

There was a presentation at the work session regarding the Parkway Overpass Project, 21 out of the 26 acres of trees are planned to be restored at the end of the project. Thanked Dale Foster for his time in giving the presentation.

Township is in the process of applying for an Open Space Grant for the Ockie Whisting Park in Rio Grande.

Baseball Opening Day is 10am on Saturday at Davies Complex; Earth Day at Cape May County Park on Saturday which is an all day event; Shred Day at Public Works Building on Saturday from 9am-12noon.

Mary Derkin –

Inquired as to what the energy aggregation program was about.

Marc DeBlasio –

Resolution required to be part of the cooperative with Borough of Stone Harbor for the energy aggregation program.

Mayor Lockwood –

Energy aggregation program is something that the Township has been working on for several months for us to go out and find a lower energy rate for residents. Lower rate would be because we are bidding the entire town, not just a single resident. Atlantic City electric will still hold the infrastructure. You will be automatically opted in and you will have the option to opt out. We will not move forward with this if the rate is not significantly lower.

Marc DeBlasio –

Going to be compared to third-party electric suppliers on an “apple to apple” basis in order to provide the Township with a lower rate.

Mayor Lockwood –

You will be able to opt out whenever you want which is a benefit to this program.

Sal DeSimone –

Received letter from PP&L and North American Power offering a lower rate to him for his energy costs. Doesn't believe that the Township is looking out for the residents because they have picked which company that residents have to go to.

Marc DeBlasio –

Fine print on those letters reads 7.99% for introductory rate, compared to 11.77%, which is subject to change after introductory period and will migrate back up to the ACE rate. The program which we are looking into is a fixed rate for a 12 month period and the rate will not change during that period.

Mayor Lockwood –

Believe this is better for residents to have the option for a lower rate rather than being stuck with the Atlantic City Electric's default rate.

Marc Karavan –

Should Mr. DeSimone decide that he wants to opt out of this program, he has the freedom to do so.

Marc DeBlasio –

Offered to add his name and address to the opt out list right now if he would like.

Sal DeSimone –

Provided his address to be added to the “opt out” list.

Sam Kelly –

Question as to why the Engineer is answering resident questions and not the Committee. Residents come to speak with people who they elect, not the professionals.

Believes that the Energy Aggregation Program is wrong on many levels.

New Business Administrator's starting salary is 15% more than previous business administrator's salary and goes up to 25% higher by the end of her contract.

Commented on statement from Mayor Lockwood regarding Ms. Mahon working for “free” previous to her becoming full time. Stated that was incorrect, as at the March 4 meeting there was a Resolution passed for her to be paid \$50/hour.

Gave brief history on energy aggregation which started in 1999.

Vilma Pombo –

Commented that “minutes” are incorrect as Committeemember Donohue and Kimberly Krauss are absent.

Suzanne Stocker –

Indicated that this is just a draft agenda. When minutes are prepared, they will reflect the absentees. Absentees were read into the record in the beginning of the meeting.

Vilma Pombo –

Open Space and Recreation will be held on April 25 at 7:30 before the Planning Board for public hearing.

Daniel Murray –

Disappointed that no Township Committee members were present at the energy aggregation meeting for AARP at the Senior Center.

Stated that he is against the energy aggregation program and would rather see lower taxes to save money.

Mayor Lockwood –

Taxes were lowered last year over half-million dollars. One important component is about notifying the residents, there is an outlook which will be taken when the time is right to reach out to residents. We have not made any commitment to this program and nothing will be done until we reach out to the public.

Dolores Spaulding –

Feels “slammed” that she was not asked in advance if this is something that she wanted to be a part of.

Connie Mahon –

The process that is taking place right now is preliminary. No decision has been made at this point to switch everyone over. After the auction is complete, the Governing Body can decide not to move forward with this program. The law requires that these Ordinances be in place before the auction can even be done. There is no decision right now that everyone is being switched over to a new company.

Mayor Lockwood –

We are working on putting together an energy fair which will answer some more questions of the residents and business.

Marc DeBlasio –

At the energy fair, we would like to educate everyone on the grants and rebates which are out there for small businesses from the NJ Office of Clean Energy.

Carl Karmelowicz –

Asked about how the Avalon Manor dredging presentation was at the work session.

Mayor Lockwood –

Avalon Manor Improvement Association gave their presentation but no decisions were made or discussed. Stone Harbor Manor asked that they would like to be considered for this project as well. Borough of Avalon will be pushing their timeline back due to timing restraints.

Carl Karmelowicz –

Inquired as to what Ordinance 1446-13 was about.

Marc Karavan –

In light of Hurricane Sandy, making sure elevation in place is enough for future changes in regulation. This Ordinance allows for 35’ above base flood. We are trying to give citizens some flexibility if they have to rebuild so that they are not caught in the crossfire of regulation.

Carl Karmelowicz –

As Middle Township been involved in anything with FEMA?

Connie Mahon –

We are on board and the Freeholders are taking lead on this for residents in the County. We do not have any numbers as most of the bay communities have not been mapped. Senator VanDrew has been at all of the meetings which I have been to. This is a nationwide issue, and we are trying to move forward with it all. We are expected to have preliminary maps by August. We plan on fighting the “V Zones” but as of right now, there are still areas that don’t have a zone to work with.

Mayor Lockwood –

Senator Menendez’s office contact my office and advised that they have received our request but that has been it thus far.

Sal DeSimone –

Questioned where 35’ is taken from for “V Zone” in this Ordinance. Believes it should be from the lowest possible point of structure. It is not in there but it should be in there as an addition.

Connie Mahon –

The model flood ordinance will be adopted in May. This is a temporary fix for the problems which we are dealing with now. We do not have the mapping to proceed with that Ordinance at this point.

Dan Mehawk –

Asked if there was any policy for contractors clearing lands and burying the trees?

Mayor Lockwood –

Depends on the circumstances and the scale.

Dan Mehawk –

A development?

Mayor Lockwood –

Yes, that would be an issue. We can speak after the meeting if you would like to give me some additional information.

Sam Kelly –

Apologized to new business administrator, was not supposed to be a personal attack on her, but has difficulty with salary based on where she was coming from.

Commented on Committee's comments regarding "preliminary" stages, although the Ordinance allows Committee to move forward with this program.

Mary –

Can residents opt out a year from now if the rates increase?

Mayor Lockwood –

Yes, you can opt out at any time.

Burgess Hamer –

Questioned if residents are already opted into this program?

Mayor Lockwood –

According to how the State created this Law, the residents are required to be automatically opted in to this program.

Connie Mahon –

There will be three ways for residents to opt out of this program: telephone hotline, postcard, and website. No one has been able to opt out yet because there has not been a decision made to move forward with this program and to this third-party supplier.

Burgess Hamer –

Attended AARP and about 90% of those people wanted to opt out. There are elderly people who are going to be opted into this program and may not even understand what is going on. Feels as though residents are victims to this program.

Mayor Lockwood –

The only thing that residents would be a victim of is a lower electric rate, which is beneficial to them.

Burgess Hamer –

Would like to see a larger meeting set up in a larger venue to discuss this program with Township residents. Residents do not like the fact that they are already opted into this program.

Connie Mahon –

John Fish is a professional consultant with CUC who is doing the energy aggregation auction, soliciting the bids and preparing the advertising. You will still be receiving your bill from Atlantic City Electric. They will present the rate at a Township meeting once the auctioned rate is received. At that meeting, Committee will decide if it is worth the Township to move forward with the program. If they do decide to move forward, the residents will then have an option to opt out. They do not want to take names to opt out right now, until residents have seen the new rate and can make an educated decision.

Henry Spaulding –

Would like to see certified mail sent to residents for these notifications, that way the Township can be assured that the residents received their mail.

Mayor Lockwood –

We typically do certified mailings for legal matters.

Dan Murray –

Would like to see a survey of residents who would want to opt in/opt out of this program.

Vilma Pombo –

Asked for the address of the matter that pertains to the Closed Session Resolution.

Mayor Lockwood –

It is "potential" litigation so the information cannot be given out at this time.

Vilma Pombo –

Questioned status of Carpino project/development.

Mayor Lockwood –

Most lots may be too small to build on and may need to be consolidated. They were large enough to build on but have been rezoned. Without knowing an exact block and lot, I cannot give you an accurate response.

Dan Murray –

Asked how the Township is benefiting from the energy aggregation program?

Mayor Lockwood –

Township has already went to auction and secured a lower rate and have started saving money for the municipal buildings.

Connie Mahon –

The Township will not financially benefit from this program. By law, we are unable to accept any money from this program. We can only pass the savings on to our residents.

Mayor Lockwood –

We can be specific and have some flexibility in what we can request from potential supply companies, such as asking them to be a “green” energy supply company.

Carl Karmelowicz –

Does not want to go with a “green” supply company because they are high rates. Wants to see the cheapest rate possible.

Christina Hatchett –

Asked how she can get additional information on energy aggregation program, as it is new to her.

Mayor Lockwood –

State may have information as they created the legislation for this program. Could request minutes from Clerk’s office, but they will be mixed in with other meeting topics.

Sam Kelly –

Received information online called “NJ Division of Rates, Consumer Assistance Handbook 2013.”

Thanks to boy scouts for staying throughout the meeting.

Motion to go into closed session – 7:23pm

1st Committeemember DeLanzo 2nd Mayor Lockwood

Pass on Roll Call: Committeemember DeLanzo, Mayor Lockwood

Motion to enter back into open meeting – 8:10pm

1st Mayor Lockwood 2nd Committeemember DeLanzo

Pass on Roll Call: Committeemember DeLanzo, Mayor Lockwood

Motion to adjourn meeting – 8:11pm

1st Mayor Lockwood 2nd Committeemember DeLanzo

Pass on Roll Call: Committeemember DeLanzo, Mayor Lockwood

Suzanne Stocker, Deputy Township Clerk