

Cape May Court House, NJ
April 18, 2011
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

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

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

1. PRESENTATION – MIDDLE TOWNSHIP RECREATION DEPARTMENT / MIDDLE TOWNSHIP COUNCIL ON THE ARTS – EASTER COLORING CONTEST
2. PROCLAMATION BY MAYOR – ARBOR DAY APRIL 29, 2011
3. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)
NO PUBLIC COMMENT
4. RESOLUTION #198-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Doughty seconded by Committeemember 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. \$ 3,174,582.07
5. RESOLUTION #199-11 – APPROVING PAYMENT FOR BILLS – BILL LIST B (A&H/ FMR) – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$ 9,087.15
6. RESOLUTION #200-11 – APPROVING PAYMENT FOR BILLS – BILL LIST C (ANZELONE) – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct. \$ 544.00
7. RESOLUTION #201-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
8. REPORTS: The following departments have submitted their reports for the months indicated:
Municipal Court for the month of March;
9. ORDINANCE NO. 1379-11 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO PURCHASE RIGHT OF WAY FOR STREET OR ROAD – Following second reading, hearing, and consideration for adoption, Ordinance 1379-11 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

Committeemember Doughty explained. No public comment.

WHEREAS, The Township of Middle believes that it is in the public interest to extend Honeysuckle Road so that it connects Shellbay Avenue and West Johnstown Lane because such a road extension will offer an alternate route for traffic normally and in emergency situations, including for ambulance and fire service, and also as an alternate route when other roads are not passable due to flooding or drainage difficulties; and
WHEREAS, to make the improvements, certain right-of-way needs to be purchased from the current owners of Block 168, Lot 43, and specifically being the length of the lot (approximately 1,650 feet) and being 50 feet wide; and
WHEREAS, the owners of Block 168, Lot 43 have indicated that they will sell the land to the Township for \$1.00; and

WHEREAS, the Township of Middle has sufficient funds in its capital account to construct this road extension; and

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

SECTION 1

1. The Township of Middle shall purchase right of way from the owners of Block 168, Lot 43, which right of way shall be 50 feet in width along the boundary shared by Block 168, Lot 43, and Block 348, Lot 3 (owned by the Atlantic City Electric Company); and
2. Consideration shall be for \$1.00; and
3. Due to the price sought by the Sellers, the Township of Middle does not deem it necessary to incur the costs of appraisals on the right of way; and
4. It is a condition of the sale of the right of way that upon construction of the road that the Township of Middle shall also construct a fence along the right of way, but on Seller's property; and
5. The appropriate Township of Middle officials are hereby authorized to carry out the purpose and intent of this ordinance, including preparing and executing any and all documents necessary including but not limited to contracts, applications, and deeds.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

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

10. ORDINANCE NO. 1380-11 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY REGARDING GOOD ORDER AND PEACE – Following second reading, hearing, and consideration for adoption, Ordinance 1380-11 was adopted on motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

No public comment.

CHAPTER 159. GOOD ORDER AND PEACE

§159-1 LITTERING.

It shall be unlawful for any person to discard, except in receptacles provided therefor, containers or any other item made of glass, tin, foil, cellophane, cardboard or any other trash material or substance, including cigarette butts, upon the streets, pavements, alleys, highways, in any public or quasi-public places or upon private property.

§159-2 OBSTRUCTION

- A. No person shall intentionally obstruct pedestrian or vehicular traffic upon the public streets, public sidewalks, public pavilions, public parks or other public places. Acts authorized as an exercise of one's Constitutional right to picket or legally protest and acts authorized by a permit issued pursuant to the Code of the Township of Middle shall not constitute obstruction of pedestrian or vehicular traffic.
- B. No person shall sleep in or on any public street, public sidewalk, public pavilion, public park or other public place so as to obstruct or interfere with the passage of any person or persons lawfully being on or upon said streets, sidewalks, pavilions, parks or public places.
- C. It shall be unlawful to sleep in any parked vehicle, either day or night, within the Township limits or to sleep or lie upon any public or quasi-public bench or seat or to usurp the use of such bench or seat for the storage of bundles or other objects so as to prevent the reasonable use thereof by others.

§159-3 ILLEGAL ENTRY

It shall be unlawful and illegal to enter, without legitimate and reasonable errand or business, upon any private property, hotel, rooming house, lodging place or other place of public accommodation, and not having previously obtained express or implied permission of the owner or person lawful control and possess sign of such places above described, to make use of the furniture, showers, toilets or other like facilities there installed, or wander or roam about the premises.

§159-4 DISTURBING GOOD ORDER AND PEACE

- A. It shall be unlawful and offensive conduct for any individual, either alone, or in the company of others, to revel, quarrel, brawl, disport or behave in a noisy, boisterous manner, emitting loud cries and other noises, or jostling those about them, or causing inconveniences to those about them, or to otherwise disrupt and disturb the public peace and dignity, in any public or quasi-public place, public rights-of-way, public sidewalk, public park, or in any building open for the accommodation of the public for entertainment, or for room accommodations.
- B. It shall be unlawful and offensive to enter upon any public or quasi-public place or private property without the consent of the owner or person in lawful control and possession thereof and to their picnic, change apparel, dress or undress or to urinate or defecate upon the premises or commit any other nuisance.

§159.5 VIOLATIONS AND PENALTIES

Any person or association or persons convicted of a violation of any provision of this Chapter 159 shall, upon conviction thereof, be subject to a fine not exceeding \$2,000.00, or 90 days imprisonment in the City or county jail, or for a period of community service not exceeding 90 days, or any combination of the three.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

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

11. ORDINANCE NO. 1381-11 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 38 OF THE TOWNSHIP CODE IMPLEMENTING ARTICLE III REGARDING ELIGIBILITY FOR HEALTH CARE BENEFITS UPON RETIREMENT – Following second reading, hearing, and consideration for adoption, Ordinance 1381-11 was adopted on motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

No public comment.

WHEREAS, New Jersey statutes authorizes local governments such as the township of Middle, to pay the cost of medical and health insurance coverage for eligible retired employees as defined therein; and

WHEREAS, the statutory authorization to pay for such coverage extends both to municipalities which are members of the New Jersey State Health Benefits Commission, pursuant to N.J.S.A. 52:14-17.38 and to those that are not members, pursuant to N.J.S.A.40A:10-23; and

WHEREAS, The Township of Middle, then a member of the New Jersey State Health Benefits Commission, has committed itself to paying the cost of such coverage for eligible retirees, their spouses and dependents; and

WHEREAS, in 1973, N.J.S.A.52:14-17.38 stated that retiree health benefits were available upon retirement from a State or locally administered retirement system ... based on 25 or more years of service credited in such retirement system’; and

WHEREAS, in 1999, N.J.S.A. 52:14-17.38 was amended to allow a municipality to provide such coverage for employees who had aggregated 25 years of service credit in one or more State or locally administered retirement systems, unless the municipality adopted a resolution requiring that all or a portion of up to 25 years of service, be with the Township of Middle; and

WHEREAS, in 2001, N.J.S.A. 52:14-17.38 was amended to allow the aggregation of nonconcurrent service; and

WHEREAS, the Township of Middle did not adopt a resolution restricting service to the Township of Middle, arguably allowing the nonconcurrent aggregation of service credit from one or more State or locally administered retirement systems in determining retiree’s eligibility for such coverage; and

WHEREAS, the Township of Middle withdrew from the New Jersey State Health Benefits Commission in 2010, and the Township Committee approved a contract to provide medical and health insurance coverage to both current employees and eligible retirees through Horizon Blue Cross/Blue Shield of New Jersey, pursuant to N.J.S.A. 40A:10-23; and

WHEREAS, N.J.S.A. 40A:10-23 authorizes retiree benefits similar to that permitted under N.J.S.A. 52:14-17.38; and

WHEREAS, the cost of providing medical and health care has become increasingly prohibitive; and

WHEREAS, pursuant to N.J.S.A. 40A:10-23, the Township of Middle can pay the cost of medical and health insurance coverage for employees, including their dependents and the premium charges under Part B of the Federal Medicare Program, who have retired after 25 or more years of service credit ... and a period of up to 25 years with the (Township) at the time of retirement, such period of service to be determined by the (Township) at the time of retirement, such period of service to be determined by the (Township), and set forth in an ordinance or resolution as appropriate; and

WHEREAS, the Township Committee reaffirms its commitment to pay the cost of providing medical and health insurance coverage and the premium charges under Part B of the Federal Medicare Program, but now only to employees who retire after at least 25 years of credited service, and with 25 years of actual service with the Township of Middle at the time of retirement, pursuant to N.J.S.A. 40A:0-23; and

WHEREAS, this Ordinance shall apply only to employees hired on or after the effective date of adoption of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, that Chapter 38 of the Local Code shall be changed and amended as follows:

SECTION 1: The title of Chapter 38 shall be changed from “PENSIONS” to “PENSIONS AND RETIREMENT BENEFITS”.

SECTION 2. Chapter 38 shall be amended as follows:

Article III – Health and Medical Insurance Coverage

38-7 Eligibility for Retiree Medical and Health Benefits.

- A. The Township will pay the cost of medical and health benefits for certain eligible employees, their spouse and dependents, including the premium charges for Part B of the Federal Medicare Program, as defined hereafter, who retire from the Township of Middle, pursuant to N.J.S.A. 40A:10-23.
- B. The amount of payment required, if any, shall be subject to collective bargaining, as appropriate.
- C. ‘Eligible employee’ is defined as an employee with at least 25 years in a state or local pension system at the time of retirement from the Township

of Middle and who has at least 25 years of actual employment service with the Township of Middle.

D. The requirement of at least 25 years of actual service with the Township of Middle, will only apply to new employees, hired after the effective date of the Ordinance.

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 phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

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

- 12. ORDINANCE NO. 1382-11 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) – Following second reading, hearing, and consideration for adoption, Ordinance 1382-11 was adopted on motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

Mark Connal – Asked for clarification

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 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 2011 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 3.5% increase in the budget for said year, amounting to \$612,832.33 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 2011 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 \$612,832.33, and that the CY 2011 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.

- 13. ORDINANCE NO. 1383-11 - ORDINANCE OF THE TOWNSHIP OF MIDDLE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 204 THEREOF ENTITLED SEWERS – Following second reading, hearing, and consideration for adoption, Ordinance 1383-11 was adopted on motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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:

No Public Comment

SECTION 1. Section 204-7 Schedule A of the Code of the Township of Middle is hereby amended and supplemented to read as follows:

No public comment. SCHEDULE “A”

TYPE OF USER	DOLLAR COST
Single Family Dwelling	\$560.00
Multiple family dwellings, boarding houses, guest houses and the like, but excluding motels/hotels	
Metered	\$.00644 per gallon
Unmetered	\$560.00 per unit

	Minimum	\$560.00
Commercial establishments, including motels/hotels		\$\$.00735 per gallon
	Minimum	\$640.00

SECTION 2. All other Ordinances in conflict of inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby, and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective July 1, 2011.

14. ORDINANCE NO. 1385-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 158-9, THEREOF ENTITLED GARBAGE AND RECYCLING – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1385-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/16/2011 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. Section 158-9, articles “E” & “F”, of the Code of the Township of Middle is hereby amended to read as follows:
§ 158-9. Collection of recyclable materials (placement regulations).
E. Leaves shall be raked to the curbside. Bulk pickup of leaves will be an ongoing process beginning November 1 of each year and ending December 31 of each year. Leaves may be bagged at all other times of the year and placed in a paper bag or open container at curbside with the recyclables, or the paper bag/container must be identified with a Township of Middle sticker designating the contents as recyclable leaves only. The weight of the bag/container is not to exceed 50 pounds.
F. Grass clippings may be placed at curbside with recyclables in a paper or open container the bag/container must be identified with a Township of Middle sticker designating the contents as recyclable grass clippings. The contents of the paper bag/container must be grass clippings only. The weight of the bag shall not exceed 50 pounds.
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 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 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.
15. RESOLUTION #202-11 – APPROVE CHANGE ORDER NO. 1 – HOUSING REHABILITATION CONTRACT NO. 2010-7 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, Housing Rehabilitation Contract No. 2010-7 was awarded January 19, 2011 via Resolution No. 62-11 to Rainbow International, and
WHEREAS, a change order in the amount of \$1,350.00 is hereby necessary for additional work towards porch framing and plumbing.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Rainbow International be and is hereby approved in the amount of \$1,350.00.
16. RESOLUTION #203-11 – APPROVE CHANGE ORDER NO. 2 – SHANNON OAKS/ELLA AVENUE DRAINAGE IMPROVEMENTS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, Landberg Construction LLC was selected for the Shannon Oaks / Ella Avenue Drainage Improvement Project, within the confines of the Township of Middle, via Resolution No. 429-10.
WHEREAS, bids were received on September 21, 2010 at 1:30pm.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #2 for the project awarded to Landberg Construction LLC be and is hereby approved in the amount of \$15,005.00
17. RESOLUTION ****TABLED**** – ACKNOWLEDGING CLERICAL ERROR IN RESOLUTION 198-05 FOR A CONTRACT AWARD AND CORRECTING THE ERROR THEREBY INCREASING THE CONTRACT AMOUNT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, The Township of Middle has had an ongoing sewer project commonly known as the SSGC project; and
WHEREAS, The Township of Middle awarded a contract to Hatch Mott McDonald for engineering services on the SSGC project pursuant to Resolution Number 198-05 in the amount of \$171,000.00; and

WHEREAS, the Township CFO has determined that the amount stated in the Resolution was a clerical error as there is no record of such amount being submitted by Hatch Mott McDonald at that time, and in fact it submitted in the USDA funding applications an amount that is significantly different; and

WHEREAS, the Township CFO believes that the amount that should have been in Resolution 198-05 was \$566,000.00, which is consistent with the amount placed in the USDA funding applications, and the amount contained in the signed contracts between the parties;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle:

1. The Resolution 198-05 be amended to correct the clerical error and change the amount of the contract award from \$171,000.00 to \$566,000.00; and
2. The Clerk and CFO are directed to take whatever steps are necessary to correct the clerical error, including but not limited to advertising the contract award for the correct amount; and
3. The Mayor and other officials are authorized to sign any documents necessary to carry out the purposes and intents of this Resolution.

18. RESOLUTION #204-11 – AUTHORIZING OVERTIME PAYMENT – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that Bill Candell is hereby entitled back overtime wages due in the amount of \$8,974.00 and furthermore the Chief Financial Officer is hereby authorized to make said payment.

BE IT FURTHER RESOLVED, that in addition, Mr. Candell is hereby granted 150 hours of comp time.

19. RESOLUTION ****TABLED**** – APPROVE CHANGE ORDER NO. 1 – BIKE PATH PHASE II (NJDOT FY2005 BIKEWAY PROGRAM) – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, Bike Path Phase II was awarded August 7, 2006 via Resolution No. 395-06 to Albrecht & Heun, Inc., and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Albrecht & Heun be and is hereby approved in the amount of \$6,300.00.

20. RESOLUTION #205-11 – RATIFY AGREEMENT BETWEEN ATLANTICARE REGIONAL MEDICAL CENTER AND MIDDLE TOWNSHIP EMS – MICU TRANSPORT BILLING AGREEMENT – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, Middle Township EMS provides Basic Life Support Services and transportation to meet the needs of the Middle Township residents and others within the boundaries of the Middle Township EMS, and

WHEREAS, AtlantiCare Regional Medical Center (ARMC) is engaged in the lawful business of providing health care services, and part of said business involved the administration and maintenance of a mobile intensive care unit (MICU), and

WHEREAS, Medicare requires written agreements for the transportation of MICU patients by Basic Life Support organizations, which bill for their services and hospital based MICU programs that bill for their services.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey, that the agreement between AtlantiCare Regional Medical Center and Middle Township EMS is hereby ratified for a period of one (1) year beginning April 1, 2011 through March 31, 2012.

21. RESOLUTION #206-11 – EXECUTING LEASE AGREEMENT WITH MIDDLE TOWNSHIP BASEBALL ASSOCIATION – SNACK STAND – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby authorize the execution of the agreement with the Middle Township Baseball Association for use of the snack stand at a rate of \$100.00 per week, or \$15.00 per day, from April 15, 2011 through June 15, 2011.

FURTHER RESOLVED, that the mayor is hereby authorized to sign said agreement in connection therewith.

22. RESOLUTION #207-11 – APPROVE – ADOPT A SPOT GRANT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that a Mini Grant for the “Adopt a Spot Project”, be and are hereby awarded to the following:

Boy Scout Troop 65
Bayberry Avenue
04/30/2011

23. RESOLUTION #208-11 – APPROVE TONNAGE GRANT 2010 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, the Mandatory Source separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs, and
 WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs, and
 WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory source Separation and Recycling Act, and

 WHEREAS, the recycling regulations impose municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality, and
 WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Middle Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations, and
 WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.
 NOW THEREFORE BE IT RESOLVED by the Township committee of the Township of middle that the Township of Middle does hereby endorse the submission of a Municipal Recycling Tonnage Grant Application to the New jersey Department of Environmental Protection and Energy, office of Recycling and designates Andrew Smith, Municipal Recycling Coordinator to ensure that the said Application is properly filed; and
 FURTHER RESOLVED, that the moneys received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
24. RESOLUTION #209-11– ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES OF TORT CLAIM AGAINST THE TOWNSHIP OF MIDDLE IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIM ACT, N.J.S.A. 59:8-6 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, the New Jersey Tort Claims Act, N.J.S.A. 59:8-6 provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity, and
 WHEREAS, the Township of Middle is a public entity covered by the provisions of the New Jersey Claims Act, and
 WHEREAS, the Township of Middle deems it advisable, necessary and in the public interest to adopt a Notice of Tort Claim form in the form attached hereto and made a part hereof, and
 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 attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim for the Township of Middle, and
 BE IT FURTHER RESOLVED, that all persons making claims against the Township of Middle, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-6 et seq., be required to complete the form herein adopted as a condition of compliance with the notice requirement of the New Jersey Tort Claims Act.
25. RESOLUTION #210-11 – AUTHORIZING MAYOR TO SIGN REVISION TO FEMA FLOOD HAZARD AREA MAP – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, K. Hovnanian Four Seasons at Stone Harbor has requested a revision to the FEMA Flood Hazard Area Map pursuant to a plan entitled “Flood Line Revision Map for Four Seasons at Stone Harbor” dated August 10, 2010 which indicates that all buildings in the development are above base flood elevation; and
 WHEREAS, the Municipal Engineer has reviewed the plan and finds no exception to the plan; and
 WHEREAS, it is in the best interest of Township residents in the affected area for the plan to be approved; and
 WHEREAS, the form to FEMA requires the signature of the Township Engineer.
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, that the Township of Middle Municipal Engineer is authorized to sign the Community Acknowledgment form which is part of the FEMA application to be submitted by K. Hovnanian Four Seasons.
26. RESOLUTION #211-11 – APPROVE CHANGE ORDER NO. 2 – VARIOUS DRAINAGE IMPROVEMENTS – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, Albrecht & Heun Inc. was awarded the “Various Drainage Improvements” project, within the confines of the Township of Middle.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #2 for the project awarded to Albrecht & Heun Inc. be and is hereby approved in the amount of \$10,430.00.

27. RESOLUTION #212-11 & #213-11 – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 (A)WHEREAS, the Wetlands Institute has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, on June 13, 2011 from 1:00 p.m. to 5:00 p.m., and WHEREAS, they have provided proper documentation to the Township of Middle, NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
 (B)WHEREAS, the Wetlands Institute has applied for approval to sell alcoholic beverages at an event to be held at 1075 Stone Harbor Blvd, on June 26, 2011 from 4:00 p.m. to 8:00 p.m., and WHEREAS, they have provided proper documentation to the Township of Middle, NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
28. RESOLUTION #214-11 – AWARDING CONTRACTS UNDER NON-FAIR AND OPEN PROCESS – THE DESIGN COLLABORATIVE – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township has determined that the value of the following contract will not exceed \$17,500.00, and
 WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) provides for the award of contracts for professional services without advertising for bids, and
 WHEREAS, these contracts are not therefore subject to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, and
 WHEREAS, the Township of Middle requires said services, and funds are available for said purpose,
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following persons are hereby appointed to the positions designated below for the calendar year 2011.
 BE IT FURTHER RESOLVED, that a contract be executed by the Township of Middle with each of said persons to supply professional services for the calendar year 2011.
 Design Services – The Design Collaborative \$7,500.00
 Goshen Complex Gym Floor & HVAC Rehabilitation
 FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.
 FURTHER RESOLVED that these contracts are contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.
29. RESOLUTION ****TABLED**** – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – HATCH MOTT MACDONALD – SSGC SEWER PROJECT – On motion by seconded by and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and
 WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 158-11 dated March 21, 2011, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following submission shall be awarded as follows:
 Hatch Mott MacDonald – Engineering Services – Not to exceed \$178,000.00
 BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
30. PUBLIC HEARING ON 2011 MUNICIPAL BUDGET:
Bob Level – 7.4% increase based on decrease in ratables... How?
Pickering – Explained tax appeal process and overwhelming # of appeals filed
B. Level – Very large amount of overturn in ratables to account
Bob Iannucci – how is employee contribution calculated?
Mark Connell – Utility Budget, salary & wages up 8.7%. Head count still the same.
Tracey Taverner explained it was due to terminal leave.
Connell – Financial dept. salary and wages up 17% year after year
Taverner – explained employees out on surgery leave did not receive pay.
Connell – Court expense difference during years.
Pickering – explained Shared Court with Woodbine
Connell – Animal Control – increase 25%
Mallett – Explained overtime pay – ruling by State Dept. of Labor.
Connell – Parks & Recreation up 18% increased year after year.
Taverner – explained bill received in 2011 for 2010.
Connell – P/T people receive health benefits?

Taverner – No

Ianucci – health insurance – did we save?

Taverner – yes – lines combined into one line.

Bernice Brunson – ambulance change increase – asked for clarification..

Mayor DeLanzo explained.

Connell – Asked about cost associated with tax appeals. Cost to file an appeal different.

Committeemember Lockwood explained that the charge is with County Board of Taxation.

Carl Carmelowitz – asked about contribution of employees in health care. Why can't twp. pay more?

Bob Ianucci – would like to see more than 1.5% contribution by employees.

Wants Middle Twp. to consider laying people off and keep the current tax rate.

Also, wants twp. to hire a professional to advertise marketing in Middle Twp.

Try to bring more businesses to Middle Twp. to create jobs.

Committeemember Lockwood asked Glen to explain parts of the budget including "splits": items inside and outside of Cap.

31. RESOLUTION #215-11 – TO AMEND 2011 BUDGET – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
32. RESOLUTION #216-11 – SELF –EXAMINATION OF BUDGET – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2011 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

 1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.
33. RESOLUTION #217-11 – ADOPT 2011 BUDGET – On motion by Committeemember Doughty seconded by Mayor 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2011 was introduced and approved at a regular meeting of the Township Committee held on March 21, 2011 and was thereafter advertised in the Herald-Times in its issue on March 30, 2011 which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing.

BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2011 was hereby read by title only, and also had public hearing on April 18, 2011.

FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2011, and

FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2011 is hereby adopted with amendment.

34. RESOLUTION #218-11 – CLOSED SESSION – CONTRACT NEGOTIATION (REQUEST FOR HOUSING TRUST FUND MONIES) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and WHEREAS, said Closed Session shall be held directly after this open session. NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
- 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CONTRACT NEGOTIATION (REQUEST FOR HOUSING TRUST FUND MONIES)
 - 2.) The general nature of the subject matter to be discussed is as follows: CONTRACT NEGOTIATION (REQUEST FOR HOUSING TRUST FUND MONIES)
 - 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.
35. RESOLUTION #219-11 – CONFIRMING LAND SALE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Committeemember Doughty: Donations up to \$50,000 from community people for baseball field.
Committeemember Lockwood: Spoke about Cape Express at Ft. Apache and meatball contest for Baseball Assoc.

Committeemember Doughty: Meatball contest raised \$5,000 for Baseball Assoc.

Committeemember Lockwood: Thanked DiPalentino

Mayor DeLanzo: Spoke about Spay/Neuter Awareness Day at the Martin Luther King Center. Announced Shredding Day on April 20th at the Public Works yard and the Rabies Clinic on May 7th at the Public Works yard.

36. PUBLIC COMMENT:

Committeemember Doughty – donations of up to \$50,000.00 from community people for baseball fields.

Committeemember Lockwood – Discussed Cape Express @ Fort Apache and Meatball contest for baseball association.

Committeemember Doughty – Raised \$5,000.00 for baseball association.

Committeemember Lockwood – Thank you DiPalentino

Mayor DeLanzo – Community Awareness Day at MLK Center scheduled as well as Shred Day to be held April 30th at P.W. yard. Rabies Clinic May 7th.

Carl Carmelowitz – Twp. picking up brush and branches... only place he has seen where twp. will pick up “tree trash” at taxpayers’ expense. “Cut that out!”

Avalon Manor has to get flood insurance. How does Middle compare to Avalon Borough with FEMA Compliance?

Mark Mallett – indicated that flood insurance is not related to FEMA. Flood Hazard Mitigation done with County last year. We are looking into what we need to do to have audit done with DEP and FEMA.

Carlmeowitz – Sewer cost going up in Middle Twp. by putting sewer in Whitesboro , so to make up for the cost everyone else has to pay. Avalon Manor paid for their own.

Pickering – No that is incorrect. Avalon Manor paid hook-up fees but twp. is still paying bonding for that project.

M. Connell – as a result from input of residents how many times does committee revisit budget or does it always get passed.

Committeemember Lockwood – A budget hearing was held at a work session plus committee takes questions from the public and asks questions.

B. Brunson – why do you have to pay for sewer of empty residents.

Lockwood – it is based on the fact that you have the infrastructure capabilities to utilize sewer.

Boress Wiseman – commented on decrease of ratables.

Taverner – Thanked twp. for Spay & Neuter Voucher Program.

Committee went into closed session...

Meeting Adjourned at 9:30pm.

Kimberly Krauss, Twp. Clerk