

Cape May Court House, NJ
February 4, 2013
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

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

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Lockwood, Committeemember Donohue, Township Clerk Kimberly Krauss, Municipal Solicitor Marcus Karavan. **Committeemember DeLanzo and Township Engineer Marc DeBlasio were absent.**

1. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)
Carol Metessik, Cape May Court House: Item #7, believes that restructuring of departments should not be considered a closed session topic. Thinks that residents and employees should have the opportunity to speak about the restructuring and their opinions should be heard.
Marc Karavan – This topic also covers contractual matters such as Animal Control and Janitorial Services which are Executive Session exemptions.
Mayor Lockwood – Point has merit, but there is no way to discuss restructuring without discussing personnel who have received RICE Notices and may be impacted.
Committeemember Donohue – Can be frustrating but we are trying to save the taxpayer’s some money and this type of topic is a slow process.
2. RESOLUTION 85-13 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) –
On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct.: \$ 4,701,478.42
3. RESOLUTION 86-13 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Work Session Meeting 01/23/2013; Regular Meeting 01/23/2013; Closed Session held 01/23/2013.
4. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of January and 2012 Year End; Tax Collector for 2012 Year End; Construction Official for the month of January.
5. ORDINANCE NO. 1438-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT AND RELATED DOCUMENTS WITH THE NEW JERSEY TURNPIKE AUTHORITY – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1438-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on March 4, 2013 at 6:00 p.m.
SECTION 1.
WHEREAS, this ordinance shall authorize the execution of an agreement and related documents with the NEW JERSEY TURNPIKE AUTHORITY, a body politic and corporatize of the State of New Jersey, with an address of 581 Main Street, P.O. Box 5042, Woodbridge, New Jersey 07095-5042, (the Authority) and the TOWNSHIP OF MIDDLE, a municipality of the State of New Jersey, with an address of 33 Mechanic Street, Cape May Court House, New Jersey 08210 (the Township) (the Authority and the Township are collectively referred to as the “Parties”); and
WHEREAS, the Authority proposes to eliminate direct access to the Garden State Parkway Northbound and Southbound mainline roadways, construct grade separation structures, ramps and service roads to provide full access at Shell Bay Avenue (Interchange 9), Stone Harbor Boulevard (Interchange 10) and Crest Haven Road (Interchange 11) along with new bridges and other infrastructure improvements (collectively the “Parkway Interchange 9, 10 & 11 Improvements”); and
WHEREAS, as part of the Parkway Interchange 9, 10 & 11 Improvements, the Authority proposes to perform various improvements in the vicinity of Ormond Road and Brighton Road in the Township (collectively the “Township Improvements”); and
WHEREAS, the Authority has jurisdiction over the Garden State Parkway and the New Jersey Turnpike, including the various roadway extensions, service road and ramp networks throughout New Jersey; and
WHEREAS, the Township has jurisdiction over its local roads, including Ormond Road and Brighton Road; and
WHEREAS, the Parkway Interchange 9, 10 & 11 Improvements and the Township Improvements (collectively the “Project”) will require the relocation of certain utilities including, but not limited to those operated by GS4 Technology (formerly Adesta LLC), Verizon-New Jersey Inc., Comcast, Atlantic City Electric Company, South Jersey Gas Company, NJ American Water, Cape May

County Water, Middle Township Water District No. 4, Middle Township Sewer Department, Cape May County Municipal Utilities Authority (collectively the "Utility Companies"); NOW, THEREFORE, in consideration of the mutual benefits and covenants set forth herein, the Parties agree as follows:

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

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

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

SECTION 3. This Ordinance shall become effective immediately upon final passage and publication according to law.

6. RESOLUTION 87-13 – TEMPORARY APPOINTMENT – NEW HIRE – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the following individuals shall be temporary appointed in the departments as designated below.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee is hereby temporarily appointed to the following position at the salary opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
Krista Rickards	Recreation	Food Service Worker	\$9.00 ph*	02/04/2012

*rate goes to \$10.00 after 6 months of employment. 12 month appointment.

7. RESOLUTION 88-13 – CLOSED SESSION – PERSONNEL MATTERS (TOWNSHIP BUSINESS ADMINISTRATOR POSITION AND RECREATIONAL DIRECTOR POSITION) – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

***Upon adoption of this resolution the governing body will convene on the topics indicated above in closed session on the dates as indicated in said resolution. 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.**

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

WHEREAS, the Township Committee of the Township of Middle wishes to meet in closed/executive session regarding the position of Township Business Administrator and Recreational Director, and furthermore review resumes and applications as submitted and hold interviews in connection therewith, and

WHEREAS, said Closed Session shall be held on the dates as outlined below, which will be held in the 2nd floor conference room of Township Hall:

February 6, 2013, February 7, 2013, February 11, 2013, February 12, 2013, February 13, 2013, February 14, 2013, February 15, 2013

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 – PERSONNEL MATTERS (TOWNSHIP BUSINESS ADMINISTRATOR POSITION AND RECREATIONAL DIRECTOR POSITION)

2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – PERSONNEL MATTERS (TOWNSHIP BUSINESS ADMINISTRATOR POSITION AND RECREATIONAL DIRECTOR POSITION)

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.

8. RESOLUTION 89-13 – CLOSED SESSION – PERSONNEL MATTERS (RESTRUCTURING OF PUBLIC WORKS DEPARTMENT, SEWER DEPARTMENT, ANIMAL CONTROL SERVICES, BUILDINGS AND FACILITIES / JANITORIAL) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

***Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the topics indicated above 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 – PERSONNEL MATTERS – RESTRUCTURING OF PUBLIC

WORKS DEPARTMENT, SEWER DEPARTMENT, ANIMAL CONTROL SERVICES, BUILDINGS AND FACILITIES / JANITORIAL

2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – PERSONNEL MATTERS – RESTRUCTURING OF PUBLIC WORKS DEPARTMENT, SEWER DEPARTMENT, ANIMAL CONTROL SERVICES, BUILDINGS AND FACILITIES / JANITORIAL

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.

9. RESOLUTION 90-13 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and

WHEREAS, the applicants are entitled to a refund of this money.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

10. RESOLUTION 91-13 – REFUND OF 2013 TAXES – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

Refund due to overpayment by Mortgage Company

Account	Block	Lot	Assessed Owner/Location	Amount
11550	929	2	Lopez, Eleazar	

Property location: 115 Columbia Ave \$640.56

Please make check payable and send to:

Qbe First

Attn.: Rodrina Aaron

210 Interstate North Parkway, Suite 400

Atlanta, GA 30339

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2013 taxes.

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

11. RESOLUTION 92-13 – CANCELLATION OF TAXES – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

Cancellation due to property is tax exempt for 2013

ACCT	BLOCK	LOT	OWNER/LOCATION	2013 1st 1/2
2547	127	11	Cape May County	\$1,376.32

Property location: 518 Route 9 N

12. RESOLUTION 93-13 –TABULATION COMMITTEE – AVALON MANOR LEONARDS LANE ROADWAY IMPROVEMENT PROJECT – On motion by Mayor Lockwood seconded by Committeemember Donohue 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 Tracey Taverner, Kimberly Krauss, and Andrew Smith be and hereby are appointed to tabulate the bids to be taken on Wednesday, February 27, 2013 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
AVALON MANOR LEONARDS LANE ROADWAY IMPROVEMENT PROJECT

13. RESOLUTION 94-13 - AUTHORIZING A GRANT AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately Twenty Four Thousand Dollars (\$24,000.00) to fund the project known as the Ockie Wisting Park, formerly Fort Apache Recreation, for the development of new trails; and

WHEREAS, the Governing Body resolves that Mayor Daniel Lockwood, or the successor to the office of Mayor, is (a) authorized to make application for such grant, (b) if awarded, to execute the grant application with the State for a grant in an amount not less than \$18,000 and not more than \$24,000, and (c) to execute any amendments thereto and any amendments thereto which do not increase the Grantee's obligations.

NOW THEREFORE BE IT RESOLVED, that the Middle Township Committee authorized and hereby agrees to match twenty percent (20%) of the total project amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services or property, is hereby certified. Twenty percent (20%) of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement); and

BE IT FURTHER RESOLVED, that the Grantee agrees to comply with all applicable Federal, State and Municipal laws, rules and regulations in its performance pursuant to the agreement.

14. RESOLUTION 95-13 – RATIFY LEASE AGREEMENT – “USOLELY” AT THE MLK CENTER – On motion by Committeemember Donohue seconded by Mayor 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 the agreement between Reginald & Muriel Anderson t/a uSolely and the Township of Middle for usage of the MLK Center from February 12, 2013 through October 31, 2013, be and is hereby ratified.
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.
15. RESOLUTION 96-13 – ENDORSING APPROVAL CERTIFICATE FOR USED MOTOR VEHICLE DEALER – GARY’S AUTOMOTIVE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, Gary’s Automotive is a local automotive shop within the Township of Middle that specializes in repairs and inspection services, and
 WHEREAS, Gary’s Automotive 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 is hereby authorized to sign the Approval Certificate.
16. RESOLUTION 97-13 – APPOINTMENT – BOARD SECRETARY – VARIOUS BOARD – On motion by Committeemember Donohue seconded by Mayor Lockwood 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 person be and are hereby appointed to the boards for the term of office opposite their name:
- | NAME | BOARD | TERM EFFECTIVE | TERM EXPIRES | SALARY |
|--------------------|-----------------------|----------------|--------------|----------|
| Barbara Montgomery | Rent Leveling Board | 01/01/2013 | 12/31/2013 | \$850.00 |
| Alan Morris | Senior Advisory Board | 01/01/2013 | 12/31/2013 | \$850.00 |

17. PUBLIC COMMENT:

Committeemember Donohue:

Currently working on Grant for new trails at Ockie Wisting Park and working with Bond Counsel to unencumber \$153,000 to use for purposes to begin site work at location. Money was originally encumbered from original Fort Apache Site Plan to build a building on the location, which is not being done at this time.

There have been questions regarding whether Ockie Wisting Park is open. The gate is closed to prevent vehicles from entering as the parking lot has not been finished which causes liability issues and egress from a dirt road that leads to the old campground. The park can be used, as some people have been out there with their dogs, playing games, etc. It is a nice site and we encourage people to go out there and use it.

The Tax Assessor’s office has mailed the new assessment letters today. This was done in-house and within the year as we promised. Everyone will be receiving letters within new few days, and everyone will have the right to appeal. Lost \$327million in rateables and \$128million last year and \$95million from year prior, equals out to about \$550M in adjusted assessments due to the decrease in rateables. It was a fair thing to do for taxpayers and how it affects the bottom line will be a challenge. We will commit to live within our means and would like to see the levy flat. It may not be easy but it is going to be our challenge.

Groundbreaking of Parkway Project was earlier today. This project will affect our lives over the next few years. Hopes to have a presentation at next Work Session meeting which would be videotaped and placed on our website for review and comments.

Met at Kimble’s Beach with Wildlife Refuge today to discuss urgent need for sand at Reed’s Beach and bay areas. They would like to have this done to allow horseshoes to spawn and red knots to eat. Hoping to have this done as quickly as possible and then hope to move forward with bulkhead.

Mayor Lockwood:

Big Event today was the Groundbreaking for the Parkway Project, Congressman LoBiondo, Lt. Governor, Senator VanDrew and Freeholder Director with State representatives attended. Notable points to highlight the gentleman whose child was killed in a motor vehicle accident a few years back at one of the Parkway intersections. This is a reminder that the main goal of this project is safety. This will be a benefit for traffic flow which will help tourism. Will be a major change and the biggest change that will happen in our community over the next 50+ years. All three overpasses are in Middle Township, was able to make a contact with DOT in the event that any issues arise. We are aware that this will impact our community as it redirects traffic and this construction is taking place in our neighborhood.

Working on FEMA for Hazard Mitigation to prevent future damage. This ties into the meeting which Committeemember Donohue attended today, which was an issue that came long before Hurricane Irene or Hurricane Sandy. FEMA has released first step of changes to base flood elevation maps and will be attending a meeting next week to go over this information.

Plowing snow as needed. We have had a jump on it and haven’t had any issues.

Sebastiani, Pierce's Point:

Attended State Budget meeting and heard that taxes were being increased 2%.

Mayor Lockwood

Has not heard anything about this. It is not going to be property taxes, could be a State Tax that is being increased.

Carl Karmilowicz, Avalon Manor:

Status of Energy Aggregation? Any other municipalities joining?

Marc Karavan:

Stone Harbor introduced their Ordinance as lead agency. We are waiting on a copy of the passed Ordinance to move forward. At this time Stone Harbor is the only other municipality which has joined in the aggregation, but we are hoping that others will decide to join in.

Carl Karmilowicz, Avalon Manor:

Thanks to Alex at the Gazette for writing the FEMA article, the only place he saw an article regarding this. Looking for clarification regarding elevation level of homes from FEMA. Homeowner's insurance says his home is one story, FEMA says it is two stories. Now needs Certificate of Elevation for FEMA. Is there a quick way to get information from FEMA as to what is going on? Construction Department was not able to help.

Committeemember Donohue:

Will be meeting with Construction Department next week to discuss this issue. We have proposed maps sent and an elevation map with no bay area information. It's Government.

Mayor Lockwood:

You're not going to be out of compliance, you aren't going to have to rebuild, but if you build a new home you will have to follow the new elevation guidelines. We are trying to keep us as best we can, but there are multiple issues which requires us to go to different sources for answers.

Motion to go into closed session at 6:45pm

1st Mayor Lockwood 2nd Committeemember Donohue

Pass on Roll Call: Committeemember Donohue, Mayor Lockwood

Motion to return to open meeting at 8:37pm

1st Mayor Lockwood 2nd Committeemember Donohue

Pass on Roll Call: Committeemember Donohue, Mayor Lockwood

Motion to adjourn meeting at 8:45pm

1st Committeemember Donohue 2nd Mayor Lockwood

Pass on Roll Call: Committeemember Donohue, Mayor Lockwood

There being no further business the meeting was adjourned at 8:45pm.

Kimberly D. Krauss, Twp. Clerk