

Cape May Court House, NJ  
July 6, 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 and Township Engineer Vincent Orlando. Municipal Solicitor James Pickering was absent. Mr. Fineberg sat in as his substitute.

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.)

*Eric Gundrum indicated he was in favor of item #9. He states that he thinks more police presence is necessary along Shunpike in Rio Grande.*

*Mayor DeLanzo thanked for comment*

2. RESOLUTION NO. 304-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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.     \$ 1,769,191.56

3. RESOLUTION NO. 305-11 – APPROVING PAYMENT FOR BILLS – BILL LIST B (A&H/ FMR) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Committeemember Doughty abstained.

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.     \$ 34,805.41

4. RESOLUTION NO. 306-11 – APPROVING PAYMENT FOR BILLS – BILL LIST C (ANZELONE) – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Committeemember Lockwood abstained.

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.     \$ 1,286.00

5. RESOLUTION NO. 307-11– APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

6. REPORTS: The following departments have submitted their reports for the months indicated: Land Use Administrator for the month of June; Municipal Clerk for the month of June; Tax Collector for the month of June; Zoning Official for the month of June; Construction Official for the month of June;

7. ORDINANCE NO. 1386-11 - AN ORDINANCE REVISING ORDINANCE NO. 1342-10 AND NO. 1343-10, WHICH GRANTED RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF WILDWOOD LLC AND COMCAST OF AVALON LLC., TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF MIDDLE, NEW JERSEY – Following second reading, hearing, and consideration for adoption, Ordinance 1386-11 was adopted on motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF MIDDLE, as follows:

WHEREAS, Ordinance No. 1342-10 and 1343-10 was adopted on May 3, 2010 and thereafter has been reviewed by the Board of Public Utilities, Office of Cable Television, which has requested a change for purposes of having the the two franchise agreements expire on the same date, and WHEREAS, the Township desiring that the expire on the same date does hereby amend said ordinances as follows:

CHANGES TO ORDINANCE NO. 1342-10 (AVALON FRANCHISE)

Section 4 entitled Duration of Franchise, shall read as follows;

SECTION 4.

DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall begin on January 1, 2010 and expire 15 years from that date (with a 10-year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6).

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

CHANGES TO ORDINANCE NO. 1343-10 (WILDWOOD FRANCHISE)

Section 4 entitled Duration of Franchise, shall read as follows;

SECTION 4.

DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire thirteen and one half (13.5) years from the expiration of the previous Certificate of Approval issued by the Board with a ten year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6).

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

8. ORDINANCE NO. 1387-11 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, VACATING A PORTION OF NINTH AVENUE IN EDGEWOOD – Following second reading, hearing, and consideration for adoption, Ordinance 1387-11 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.

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. The public right, title and interest in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

All that certain tract or parcel of land, situate in the Township of Middle, County of Cape May, State of New Jersey and being further described and bounded as follows:

BEGINNING at a point at the intersection of the Southeasterly line of Ninth Avenue (50.00 feet wide and unopened) and the Northeasterly line of Edgewood Avenue (60.00 feet wide), said point being North 59 degrees 30 minutes 00 seconds West 200.00 feet from the intersection of the Northeasterly line of Edgewood Avenue and the Northwesterly line of Tenth Avenue (50.00 feet wide and unimproved); thence

1. along the Northeasterly line of Edgewood Avenue, North 59 degrees 30 minutes 00 seconds West 50.00 feet to a point; thence

2. along Lots 4 and 2 of Block 1134, also being the Northwesterly line of Ninth Avenue, North 30 degrees 30 minutes 00 seconds East 373.97 feet to a point; thence

3. along Lots 2 and 3 of Block 1134, still being the Northwesterly line of Ninth Avenue, North 27 degrees 01 minutes 55 seconds East 284.67 feet to a point; thence

4. along the Southwesterly line of Main Avenue (60.00 feet wide), South 62 degrees 58 minutes 05 seconds East 50.00 feet to a point; thence

5. along Lots 2 and 1 of Block 1135, also being the Southeasterly line of Ninth Avenue, South 27 degrees 01 minutes 55 seconds West 286.19 feet to a point; thence

6. along Lot 1 of Block 1135, still being the Southeasterly line of Ninth Avenue, South 30 degrees 30 minutes 00 seconds West 375.48 feet to the Point of Beginning.

Containing 33,007 square feet of land, and as shown on a Parcel Map for Street Vacation prepared by Howard A. Transue on December 7, 2009, a copy of which is attached hereto for ease of reference.

SECTION 2. The Township of Middle, for itself, its successors and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace and relocate such public utilities and cable television facilities, within the described premises, which it may, at any time hereafter, deem necessary for the public health, safety, convenience and welfare, and the Township of Middle further reserves unto itself the right to use, maintain, repair, replace and relocate all existing utilities and cable television facilities owned or controlled by it located in, adjacent to, upon or through said land, and further reserves unto itself an easement over, under, through and across the portion of the land described as may be necessary or expedient for the purpose of maintaining, replacing, relocating, installing, leveling, constructing and repairing its utilities, mains and appurtenances, if any, wherever there exists a pipeline and appurtenances thereto beneath the surface of the aforesaid described land. The Township of Middle further reserves for its benefit and the benefit of any utility or cable television company the right to maintain, repair, and replace utilities or facilities installed by them in, adjacent to, over or through the aforesaid land. All of the aforesaid rights shall be unaffected by this 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.

9. ORDINANCE NO. 1388-11 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 11 SCHEDULE VII (236-35), THEREOF ENTITLED STOP INTERSECTIONS – Following second reading, hearing, and consideration for adoption, Ordinance 1388-11 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 State of New Jersey as follows:

SECTION 1. Section 236-11 (and furthermore schedule VII (236-35) of the Code of the Township of Middle is hereby supplemented by the addition of the following:

INTERSECTION	STOP SIGN ON
Shunpike and Davis Rd	All Approaches
Shunpike and Teal Road	All Approaches
Davis Road and Laurel Avenue	All Approaches
Teal Road and Laurel Avenue	All Approaches
Davis Road and Holly Avenue	All Approaches
Teal Road and Holly Avenue	All Approaches

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.

*Eric Gundrum reiterated interest on more police presence to help with speeding and stop sign issues. Also, various people driving mini-bikes without helmets.*

10. ORDINANCE NO. 1391-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236-5, AS OUTLINED IN SCHEDULE 236-39, THEREOF, ENTITLED SPEED LIMITS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, Ordinance No 1391-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/01/2011 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 236-5 (and furthermore schedule 236-29 of the Code of the Township of Middle is hereby supplemented by the addition of the following:

Name of Street	Speed Limit (mph)	Location
Wynndemere Court	15 mph	Entire length

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.

11. ORDINANCE NO. 1392-11 – CHAPTER 250 ZONING – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, Ordinance No 1392-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/01/2011 at 6:00 p.m.

12. RESOLUTION NO. 308-11 – INSERTION OF A SPECIAL ITEM OF REVENUE – WHITESBORO WATER PHASE III 2011 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2011 in the sum of:

Whitesboro Water Phase III -- FY 2011 -- \$ 556,415.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

13. RESOLUTION NO. 309-11 – APPROVE CHANGE ORDER NO. 1 – HOUSING REHABILITATION CONTRACT NO. 2010-11 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, Housing Rehabilitation Contract No. 2010-11 was awarded January 19, 2011 via Resolution No. 62-11 to Rainbow International 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 \$1,150.00.
14. RESOLUTION NO. 310-11 – AUTHORIZATION TO CLOSE A PORTION OF TEAL ROAD FOR NEIGHBORHOOD BLOCK PARTY – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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 authorization is hereby given to close a portion of Teal Road on Saturday, August 13, 2011 from 3:00pm to 8:30pm for a neighborhood luau party.
15. RESOLUTION NO. 311-11 – AUTHORIZATION TO CLOSE A PORTION OF ORBIT DRIVE FOR GRADUATION PARTY – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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 authorization is hereby given to close a portion of Orbit Drive on Saturday, July 9, 2011 from 2:00pm to 8:00pm for a graduation party.
16. RESOLUTION NO. 312-11 – APPROVE CHANGE ORDER NO. 1 – NINTH AVENUE AND GARDEN AVENUE DRAINAGE AND ROADWAY IMPROVEMENTS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, a contract for Ninth Avenue and Garden Avenue Drainage and Roadway Improvements was awarded November 1, 2010 via Resolution No. 456-10 to Weco Construction. 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 Weco Construction be and is hereby approved in the amount of \$5,273.77.
17. RESOLUTION NO. 313-11 – REQUESTING THE BOARD OF CHOSEN FREEHOLDERS INVESTIGATE ESTABLISHING A COUNTY WIDE PUBLIC SAFETY DISPATCH SERVICE – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. WHEREAS, the Cape May County Conference of Mayors meet monthly to network and discuss issues and expenses affecting the various municipalities in the county, and WHEREAS the group has discussed and supports a county wide public safety dispatch service, and WHEREAS, in April, Mayor Pamela Kaithern, President of the CMC Conference of Mayors, wrote to the Freeholders requesting they investigate a county wide dispatch service, and WHEREAS, the governing body of the Township of Middle strongly endorses the Cape May Conference of Mayor’s request to the Board of Chosen Freeholders to investigate and establish a county wide public safety dispatch service, and WHEREAS, the State of New Jersey is urging municipalities and other governmental agencies to work together to consolidate and share services wherever possible as a cost saving measure to all concerned. 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 Township of Middle does hereby urge the Cape May County Freeholders to investigate establishing a county-wide public safety dispatch service to reduce duplicative equipment and services and better serve the needs of all Cape May County residents.
18. RESOLUTION NO. 314-11 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – SJTP – SUPPORT SERVICES – SERVER WARRANTY EXTENSIONS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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 SJTP and the Township of Middle for server warranty extensions be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement. FURTHER RESOLVED, that the term of this contract shall be for four years. SJTP – 4 Year Contract – Dell Server Warranty Extensions - \$7,625.00
19. RESOLUTION NO. 315-11 – TABULATION COMMITTEE – 2010 CAPITAL IMPROVEMENT PHASE I – STONE HARBOR MANOR (M-2251) – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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 Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Krauss, Business Administrator Mark Mallett be and

hereby are appointed to tabulate the bids to be taken on Wednesday August 3, 2011 at 11:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
2010 CAPITAL IMPROVEMENT PHASE I – STONE HARBOR MANOR (M-2251)

20. RESOLUTION NO. 316-11 – TABULATION COMMITTEE - 2010 CAPITAL IMPROVEMENT PHASE I – RECONSTRUCTION OF BEACH AVENUE (M-2209) – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Krauss, Business Administrator Mark Mallett be and hereby are appointed to tabulate the bids to be taken on Wednesday August 3, 2011 at 11:30 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
2010 CAPITAL IMPROVEMENT PHASE I – RECONSTRUCTION OF BEACH AVENUE (M-2209)
21. RESOLUTION NO. 317-11 – AUTHORIZE SHARED SERVICES AGREEMENT WITH COUNTY OF CAPE MAY – RECORDS RECOVERY CENTER/ ELECTRONIC DATA STORAGE –On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, the Uniformed Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, et seq.) permits contracts by local and county units for joint service projects, and  
WHEREAS, Cape May County has established a Records Recovery Center (otherwise known as “RRC”) in the Township of Dennis to provide a safe place to store vital records in electronic format, and  
WHEREAS, the RRC represents a significant and critical component of overall disaster preparedness in Cape May County, greatly enhancing the ability of this region to preserve and safeguard its important dated stored in digital format, and  
WHEREAS, this municipality recognizes the value of a secondary data backup at a separate and more protected location in Cape May County, as made possible by the RRC, and the municipality desires to work with Cape May County in this effort.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the shared services agreement with the County of Cape May for use of the Records Recovery Center is hereby authorized for a term of seven years or until it is terminated by one or both of the parties involved.
22. RESOLUTION NO. 318-11 – AMENDING ADOPTED PERSONNEL POLICY MANUAL AND PERSONNEL POLICY HANDBOOK – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.  
WHEREAS, an amendment must be made to page 33, to add the following language:  
7. In order to permit proper budgetary provisions to be made, any employee entitled to payment of accumulated sick-leave, vacation or personal days (“terminal pay”) shall notify the Township Treasurer no later than December 31 of the year prior to retirement with written notification. In the absence of such timely notification, the employee shall be paid his or her terminal pay on or before June 30 in the year after retirement. Regardless of when notification is received, and only if terminal pay is less than \$5,000.00, the employee may be paid terminal pay upon retirement solely at the discretion of Township Committee.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above mentioned addition is hereby adopted, and  
BE IT FURTHER RESOLVED, that a copy of said addition shall be distributed to each Township Committee person, Township Administrator, Township Solicitor, and Head of each Department.  
FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of this manual be declared unconstitutional or invalid for any reason, the remaining portions of said manual shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual are hereby declared to be severable.  
FURTHER RESOLVED, that this resolution shall become effective after final adoption of Ordinance No. 1389-11.
23. RESOLUTION NO. 319-11 – APPROVE APPLICATION – OVER THE LIMIT UNDER ARREST 2011 YEAR END STATEWIDE CRACKDOWN – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day and almost 18,000 people each year; and  
WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and  
WHEREAS, an enforcement crackdown is planned to combat impaired driving, and  
WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often includes alcohol, and  
WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2010 Year End Statewide Crackdown, and  
WHEREAS, the project will involve increased driving enforcement from August 19 through September 5, 2011, and  
WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey declares it's support for the Over the Limit Under Arrest 2010 Year End Statewide Crackdown from August 19 through September 5, 2011 and pledges to increase awareness of the dangers of drinking and driving.  
 FURTHER RESOLVED, that Police Lt. John Edwards is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.

24. RESOLUTION NO. 320-11– ACKNOWLEDGEMENT OF RESIGNATIONS – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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 resignations listed below is acknowledged.

EMPLOYEE	POSITION	DEPARTMENT	EFFECTIVE
Scott Frazer	Special Class II Police Officer	Public Safety	6/29/2011
Steven McCullen	Special Class II Police Officer	Public Safety	6/25/2011

25. RESOLUTION NO. 321-11 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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.

26. RESOLUTION NO. 322-11 – AMENDING RESOLUTION 290-11 – RATIFY AGREEMENT – CAPE COUNSELING SERVICES – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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 Cape Counseling Services and the Township of Middle shall be for usage of “various township recreation facilities” from June 20, 2011 through June 30, 2012.  
 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.

27. RESOLUTION NO. 323-11 – 2011-2012 HOTEL/MOTEL LICENSE APPROVAL – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township of Middle has established a Hotel / Motel License in connection with Ordinance NO. 1157-04, and  
 WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee, and  
 WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year, and  
 WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property taxes. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent.  
 WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00.  
 WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle, and  
 WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities.  
 NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2011-2012:

Lic. #	Applicant	Tradename	Location	Sites
4	Franco Berarducci Owners Apt	Court House Motel	419 Rte 9 North	17,
15	Kathleen Clark 20, House (3 units)	Meadowbrook Motel	605 North Wildwood Blvd.	
17	Nelson Rossi & Jamie Cherego 11	Sea Gull's Motel Inc.	905 Rte 47 S	
24	Lorraine Nichols	The Doctor's Inn	2 North Main Street	7

28. RESOLUTION NO. 324-11 – AUTHORIZING PURCHASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, there is a need to purchase a copy machine for the Township of Middle, in the County of Cape May, State of New Jersey; and  
 WHEREAS, machine will be leased for the following department:  
 1. Zoning Department  
 WHEREAS, this can be purchased through State Contract # A51464, and

WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Keystone Digital Imaging

PO Box 1610

Media, PA 19063

For the lease/purchase of copier machines for 36 months in the about of \$210.00 per month.

29. RESOLUTION NO. 325-11 – APPROVE CHANGE ORDER NO. 1 – BIKE PATH PHASE II – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty abstained.

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

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 with no monetary difference in the contract price.

30. RESOLUTION NO. 326-11 – APPOINTMENT – DAWN STIMMEL – ALTERNATE DEPUTY REGISTRAR OF VITAL STATISTICS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary to fill the term of office for the position of Alternate Deputy Registrar of Vital Statistics, and

WHEREAS, the position of Alternate Deputy Registrar is appointed for a 3 (three) year term.

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 be and are hereby appointed to the position for the term of office opposite their name:

NAME	POSITION	TERM EFFECTIVE	TERM EXPIRES
Dawn Stimmel	Alternate Deputy Registrar of Vital Statistics	07/06/2011	07/06/2014

31. RESOLUTION NO. 327-11 – REAPPOINTMENT – TAX ASSESSOR – 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, County of Cape May, State of New Jersey, that the following employee is hereby reappointed to the following position opposite their name:

NAME	TITLE	EFF. DATE	EFF. DATE
Lee Ann Russ	Tax Assessor	7/1/2011	6/30/2015

32. RESOLUTION NO. 328-11– AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – MARSH & MCLENNAN AGENCY LLC. – INSURANCE BROKER – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township had previously left State Health Benefits, and awarded a contract to NIA Group Inc. as our insurance broker, and

WHEREAS, it has been deemed appropriate to name Marsh & McLennan Agency LLC., parent company of NIA Group Inc., as insurance broker in replace of NIA Group Inc., and

WHEREAS, the value of the agreement will exceed \$17,500, payable through the insurance company, and

WHEREAS, Marsh & McLennan Agency LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the Marsh & McLennan from making any reportable contributions through the term of the contract, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED, that Marsh & McLennan Agency LLC. shall be broker of record through 12/31/2012.

33. RESOLUTION NO. 329-11 – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – MARSH & MCLENNAN AGENCY LLC. – INSURANCE BROKER – DENTAL INSURANCE - On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle passed a resolution in 2010 naming NIA Group, Inc. as insurance broker for Dental Insurance, and

WHEREAS, Marsh & McLennan Agency LLC. is the parent company, therefore would be more appropriate to list them as the broker.

WHEREAS, the proposal indicates that the value of the annual expense will exceed \$17,500, payable through the insurance company, and

WHEREAS, Marsh & McLennan Agency LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the Marsh & McLennan Agency LLC. from making any reportable contributions through the term of the contract, and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.  
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.  
BE IT FURTHER RESOLVED, that Marsh & McLennan Agency LLC. shall be broker of record through 12/31/2012.

34. PUBLIC COMMENT:

Committeemember Doughty commented on fireworks at Goshen Rex. Great tribute and all the money was donated. Thanked Alex at the Gazette for the article.

Mayor DeLanzo thanked Committeemember Doughty for getting donations.

Committeemember Lockwood commented on his visit to Avalon Pier. He expressed that it didn't look in too bad of shape. Saw press release on grants received due in part to Jill Zarharchuck and Liz Terenik. July 12<sup>th</sup> 7:30pm Planning Board meeting. New zoning ordinance hearing.

Mayor DeLanzo commented on the cleanup project in Whitesboro. 13 youth working with Concerned Citizens and Clean Communities.

Committeemember Lockwood stated that Habitat is looking for volunteers for project at 201 Wildwood Ave.

Kate Mead spoke on new Zoning changes.

Barbara Cresse asked about the inspection of the bike path and whether or not it was done according to the plans. She thinks committee needs to pass an ordinance to make it mandatory for children less than 17 years of age to wear helmets. Tri-Athlon club donating 100 helmets to children of community. She stated that she doesn't think the correct signage is in place and that the sides need to be fixed. She asked how long a permit in Zoning Office should take. Is law the law for all or just some?

Barry Keefe presented letter to committee and asked that they read and consider prior to final vote on zoning ordinance.

Eric Gunthrum asked committee to review zoning ordinance as it deals with marine as proposed by Rick Traber. He provided letter to clerk. He stated that the county's wastewater management plan could impact master plan. Inquired about acreage for single family homes and septic's.

Orlando clarified.

Roy Thomas/Sue Lin asked committee to consider changing proposed zoning for Hyland Motor Inn from TP to TB. Mr. Thomas provided letter to clerk.

Harrison Roach spoke on sewer rate increase.

Committeemember Doughty stated that 1992 was the last sewer rate increase.

H. Roach indicated \$100 increase in sewer bill is a considerably big jump. People he spoke to knew nothing about this increase and never knew it was in the paper.

Jessica Dare from Literal Society read into record concerns proposed with zoning ordinance.

Melinda Abrazado asked about non-contiguous parcel clusters.

Bob Noel commented on conversations with the Literal Society and the balance that they tried to strike with the organization. They would make efforts then it would be another item. He expressed to committee that they should "go with what they got.. they got a good plan".

Eric Gunthrum asked about the status of affordable housing now that Christie abolished COAH.

Orlando stated it is to be deleted.

Elizabeth Terenik indicated that the fees are to still stay on the books. Waiting on new legislation.

Bob Noel indicated that the Housing Advisory Committee is working on affordable housing and believes the town still needs at least 400 units.

Vilma Pombo brought up that the map for the Master Plan is wrong.

Melinda Abrazado stated there are 8 properties without sidewalks in the center of Cape May Court House. Thinks it would be a good thing to do an ordinance for sidewalks.

Jessica Dare explained what her organization is all about.

There being no further business, the meeting was adjourned at 8:00pm.

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Kimberly Krauss, Twp. Clerk