

Cape May Court House, NJ

June 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, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando

1. DRUM FISH TOURNAMENT RESULTS
2. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)  
*Kathy Meers, Director of Sewer; Questioned the award of contract to EDA for Grassy Sounds Sewer Engineer.*
3. RESOLUTION NO. 249-11 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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.     \$ 3,165,264.72
4. RESOLUTION NO. 250-11 – 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. Committeemember Doughty abstain  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:  
Current Acct.     \$ 10,055.63
5. RESOLUTION NO. 251-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
6. REPORTS: The following departments have submitted their reports for the months indicated: Treasurer for the month of April; Zoning Official for the month of May; Municipal Clerk for the month of May; Tax Collector for the month of May; Construction Official for the month of May;
7. RESCINDING ACKNOWLEDGEMENT OF RETIREMENT – Michael Elias, Police Officer, has rescinded his retirement as of 5/23/2011.
8. 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 – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1386-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/06/2011 at 6:00 p.m.  
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.

9. **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** – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1387-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/06/2011 at 6:00 p.m.

BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and 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.

10. **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** – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1388-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/06/2011 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 236-11 (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	Davis Road
Teal Road and Holly Avenue	Holly Avenue

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. RESOLUTION NO. 252-11 – DECLARING DEVELOPER IN DEFAULT ON PERFORMANCE GUARANTEE – K. HOVNIANIAN COMPANY NORTHEAST – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the K. Hovnianian Company Northeast had land use approvals for a development at Block 114, Lot 13 built in two phases; and

WHEREAS, pursuant to local ordinance and the Municipal Land Use Act, K. Hovnianian Company Northeast provided a performance guarantee in the form of two performance bonds as follows: (1) a performance bond in the original amount of \$2,096,551.50 with The Continental Insurance Company posted on January 23, 2003 and with a current balance of \$349,425.25; and (2) a performance bond in the original amount of \$1,932,322.50 with Fidelity and Deposit Company of Maryland posted on October 1, 2003 and with a current balance of \$578,334.38; and WHEREAS, most of the project has been completed, but some items have remained incomplete for several years; and

WHEREAS, the Township intends to complete the incomplete items;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle that K. Hovnianian Company Northeast is hereby deemed in default of its obligations as it has not completed this project, that the appropriate Township Officials are hereby authorized to take whatever measures are necessary to carry out the purposes and intents of this Resolution, including calling in the bond, and using the funds therefrom to complete the project, and further to pursue any litigation necessary to secure the funds or defend any claims from either the developer or the security agent, or any other parties.

12. RESOLUTION NO. 253-11 – APPROVE CHANGE ORDER NO. 2 – 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 was approved April 18, 2011 via Resolution 202-11, for additional work towards porch framing and plumbing.

WHEREAS, an addition change order in the amount of \$450.00 is hereby necessary for further changes as indicated on the attached change order.

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 Rainbow International be and is hereby approved in the amount of \$450.00.

13. RESOLUTION NO. 254-11 – APPROVING APPOINTMENTS TO ENVIRONMENTAL COMMISSION AND FURTHERMORE ACKNOWLEDGING RESIGNATION – 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 person(s) be and is/are hereby appointed to the volunteer board as indicated below

NAME	BOARD	POSITION	TERM EXPIRES
Vilma Pombo	Environmental Commission	Alt. Member #1 (moved from Alt #2)	12/31/2012*
Jeff Schafer	Environmental Commission	Alt Member #2	12/31/2012*

\*Filling unexpired terms.

BE IT FURTHER RESOLVED, that the resignation of Bob Jackson from the Environmental Commission is hereby acknowledged.

14. RESOLUTION NO. 255-11 – INSERTION OF A SPECIAL ITEM OF REVENUE – CLEAN COMMUNITIES 2011 – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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:  
 Clean Communities -- FY 2011 -- \$ 40,555.72  
 BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:  
 Clean Communities -- FY 2011 -- \$ 40,555.72

15. RESOLUTION NO. 256-11– REFUND OF TAXES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
 Refund due to:

Irving Tozour has been granted a Veteran deduction for 2010.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
17990	163.11	17	Tozour, Irving 39 Wynndemere Court Cape May Court House, NJ 08210  Property Location: 39 Wynndemere Court	250.00

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 2010 taxes.

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

16. RESOLUTION NO. 257-11 – AUTHORIZING AGREEMENT WITH STATE OF NEW JERSEY FOR INSTALLATION OF TRAFFIC CONTROL SIGNAL AT INTERSECTION OF FULLING MILL ROAD AND ROUTE NJ 47 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
 WHEREAS, a traffic condition exists at the intersection of Route NJ 47 and Fulling Mill Road, in the Township of Middle, in the County of Cape May, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents, and  
 WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic, and  
 WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection, 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 Mayor and Clerk of the said Township of Middle be and hereby is authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof.
17. RESOLUTION NO. 258-11 – APPROVE CHANGE ORDER NO. 1 – WHITESBORO COMMUNITY CENTER IMPROVEMENTS PHASE III – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.  
 WHEREAS, the contract for the Whitesboro Community Center Improvements was awarded October 4, 2010 via Resolution No. 431-10 to Ricky Slade Construction, and  
 WHEREAS, a change order in the amount of \$4,844.00 is hereby necessary for additional work as outlined in the attached change order.  
 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 Ricky Slade Construction be and is hereby approved in the amount of \$4,844.00.
18. RESOLUTION NO. 259-11 – RELEASE PERFORMANCE BOND – ROCCO D’ANDREA – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
 WHEREAS, \$95,153.51 plus interest is being held as a performance guarantee of Rocco D’Andrea for Block 322.01 Lot 58, and  
 WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and  
 WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released, and

WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$95,153.51 plus interest (totaling \$104,079.50) is hereby released.

19. RESOLUTION NO. 260-11 – AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and WHEREAS, the System includes the CMCMUA Secure Sanitary Landfill which is located on the Upper Township/Borough of Woodbine border, County of Cape May, and the Solid Waste Transfer Station located in the Township of Middle, County of Cape May, as well as several recycling operations and programs; and

WHEREAS, the Township of Middle has utilized and desires to continue to utilize the services of the CMCMUA's Solid Waste System; and

WHEREAS, there presently exists a contract between the Township of Middle and the Cape May County Municipal Utilities Authority ("CMCMUA") for the use of the CMCMUA's solid waste disposal, transfer and recycling facilities which will expire on December 31, 2011 entitled "JOINT INTER-GOVERNMENTAL AGREEMENT FOR SOLID WASTE DISPOSAL" (hereinafter the "Existing Agreement"); and

WHEREAS, there also presently exists, as an integral component of the Existing Agreement, a supplemental contract between the Township of Middle and the CMCMUA entitled Joint Inter-Governmental Agreement on Source Separation and Recycling (the "2005 Joint Recycling Agreement") which expires on December 31, 2011; and

WHEREAS, the Township of Middle and the CMCMUA desire to enter into a new Shared Services Agreement for Solid Waste Disposal, which shall also include the provisions of a new Shared Services Agreement for Source Separation and Recycling as a supplement to said Agreement, and to fix the expiration date of said Agreements to occur on December 31, 2018 in order to enable long term planning for the proper disposal and recycling of the Township of Middle solid waste; and

WHEREAS, renewal of the basic provisions and responsibilities of the parties, as set forth in the Existing Agreement for solid waste disposal with the municipalities within Cape May County, will enable the CMCMUA to stabilize and guarantee a maximum solid waste disposal fee for each of the next seven (7) years; and

WHEREAS, the basic provisions of the proposed Shared Services Agreement for Source Separation and Recycling will enable the CMCMUA to continue to more efficiently provide recycling services, most of which are without cost or financial risk, to the municipalities within Cape May County; and

WHEREAS, the CMCMUA has offered to extend the term of the above noted contracts with the Township of Middle in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Sanitary Landfill, Transfer Station and recycling facilities and services for an extended period through December 31, 2018; and

WHEREAS, the CMCMUA has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2018; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Middle, County of Cape May, and State of New Jersey, that the Township of Middle shall enter into a contract with the CMCMUA entitled "Shared Services Agreement for Solid Waste Disposal", effective January 1, 2012, in the form to be maintained on file in the office of the Township of Middle Clerk, and that the appropriate Township of Middle officials are hereby authorized and directed to execute said Agreement and the accompanying Shared Services Agreement for Source Separation and Recycling.

20. RESOLUTION NO. 261-11 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PYROTECNICO – FIREWORKS DISPLAY – 4<sup>TH</sup> OF JULY CELEBRATION – 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, the governing body thereof, that the Agreement between Pyrotechnico and the Township of Middle for the fireworks display at the July 4, 2011 Middle Township Fourth of July Celebration, 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 this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.

21. RESOLUTION NO. 262-11 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – CORE POWER AND ENVIRONMENT – RENEWAL OF MAINTENANCE SERVICES – UPS UNIT – 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 of the Township of Middle, the governing body thereof, that the Agreement between Core Power and Environment and the Township of Middle for the renewal of a maintenance contract for the UPS Unit, 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 this contract shall be for a one year period.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Core Power & Environment ----- Maintenance Renewal (UPS Unit) ---- \$3,655.00 / year

22. RESOLUTION NO. 263-11 – APPROVE VENDOR LICENSE – MISTER SOFTEE OF CAPE MAY COUNTY LLC. – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the following applicant has applied for a Vendor’s License to operate an ice cream truck within the confines of the Middle Township, and

WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.

WHEREAS, all applicants have been verified with the local police department and the Cape May County Health Department, 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 following vendor application is hereby approved and that the following individuals are hereby authorized to participate in vending activities as set forth for a license period effective the date of this resolution until 12/31/2011 unless sooner surrendered, suspended or revoked.

JEFFREY T. LAAG  
COUNTY LLC.

MISTER SOFTEE OF CAPE MAY

Depot : 18 Pakahake St., North Cape May, NJ

FURTHER RESOLVED, that each of the following permits are hereby approved as follows:

Applicant	PERMIT TYPE
Jeffrey Laag	1. Child Safe Vendor Permit
	2. Motorized Vendor Drive Permit
Dale Gentek	1. Child Safe Vendor Permit
	2. Motorized Vendor Driver Permit

FURTHER RESOLVED, that each of the following vehicles is hereby approved as follows:

Vehicle No.	Make/ Model	Vin No.
1	1995 Chevy P-30 / Step Van	1GBHP32Z0S3324311

23. RESOLUTION NO. 264-11 – RENEWAL – TOWING LICENSES – 2011 – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, several towing license renewal applications listed below have been found to be in proper form, and the fees paid in each case.

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2011:

License#	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
1	Kindle Towing \$450.00 \$50.00	1	XT160M	Ford F-350 Lt. Duty Wrecker		
	Kindle Towing	2	XN734E	Ford F-800 Flatbed	\$50.00	
	Kindle	3	N/A	Ford F-650 Flatbed	\$50.00	
	Kindle	4	XN903E	Ford F-650 Flatbed	\$50.00	
3	Rio Auto Body	1	X96B96	Ford F-350 Flatbed	\$450.00 \$50.00	
4	Blakeslee Towing \$50.00 & Recovery dba Court House Towing	1	XN559E	International Flatbed	\$450.00	
	Blakeslee Towing \$50.00 & Recovery dba	2	XL797P	International Flatbed		

	Court House Towing				
	Blakeslee Towing \$50.00 & Recovery dba Court House Towing	3	XS804H	International  Flatbed	
	Blakeslee Towing \$50.00 & Recovery dba Court House Towing	4	XS473C	International  Flatbed	
	Blakeslee Towing \$50.00 & Recovery dba Court House Towing	5	XN574E	Ford F-350  Wheel Lift	
7	Hi-Tech Towing \$50.00	1	XT121M	International  Flatbed Wheel Lift	\$450.00
	Hi-Tech Towing \$50.00	2	XT122M	Ford CHC  Flatbed Wheel Lift	
9	South Jersey Towing \$50.00	1	XV626C	International  Flatbed/ Rollback w/ lift	\$450.00
	South Jersey Towing \$50.00	2	XV333C	International  Flatbed / Rollback w/ lift	

24. RESOLUTION NO. 265-11 – SOCIAL AFFAIRS PERMIT – HABITAT FOR HUMANITY – CAPE MAY COUNTY – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Habitat for Humanity, Cape May County has applied for approval to sell alcoholic beverages at an event to be held at 905 Rte 9 North, CMCH (otherwise known as Stone Harbor Country Club), on June 20, 2011 from 1:30 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.

25. RESOLUTION NO. 266-11 – 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. 267-11 – SALARY ADJUSTMENT – 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 of the Township of Middle, County of Cape May, State of New Jersey, that the following employee salaries will be amended to the amount opposite their name and retroactive to the date specified below:

NAME	DEPARTMENT	SALARY	EFF. DATE
Steve Mills	Sewer Department	\$1500.00 for “C-2” License New Salary - \$27,709.00	04/20/11

27. RESOLUTION NO. 268-11 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – APPRAISAL SERVICES – MICHAEL LANG – On motion by Committeemember Doughty 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 the Agreement between Michael Lange and the Township of Middle for appraisal services in connection with the Shirley Green Litigation, for a contract amount not to exceed \$2,500.00, 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.

28. RESOLUTION NO. 269-11 – CLOSED SESSION – PENDING LITIGATION (EEOC COMPLAINT / DEVITT) AND NEGOTIATION OF SALE OF LAND – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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: PENDING LITIGATION (EEOC COMPLAINT /DEVITT) AND NEGOTIATION OF SALE OF LAND
  - 2.) The general nature of the subject matter to be discussed is as follows: PENDING LITIGATION (EEOC COMPLAINT /DEVITT) AND NEGOTIATION OF SALE OF LAND
  - 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.
29. RESOLUTION NO. 270-11 – AUTHORIZE APPLICATION – “COPS SECURE OUR SCHOOLS GRANT” – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, The COPS Office (Community Oriented Policing Services) is pleased to announce the availability of funding under the COPS Secure Our Schools grant program.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that authorization to apply for the “COPS Secure Our Schools Grant” is be and is hereby approved.  
 BE IT FURTHER RESOLVED, that Police Chief Christopher Leusner is named as the Contact Person, and that the appropriate officials are hereby authorized to sign said documents.
30. RESOLUTION NO. 271-11 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – ENGINEERING DESIGN ASSOCIATES – MUNICIPAL SEWER ENGINEERING SERVICES – GRASSY SOUNDS SEWER – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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 247-11 dated May 16, 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:  
 Engineering Design Associates – Engineering Services – Grassy Sounds Sewer – Not to exceed \$8,000.00  
 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.
31. RESOLUTION NO. 272-11 – 2011-2012 HOTEL/MOTEL LICENSE APPROVAL – On motion by Committeemember Lockwood seconded by Committeemember Doughty 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
1	Amandeep Hotel Inc.	Catalina Motel	1200 Georgia Avenue	9, Mngr. Apt.
3	Isha Hospitality	Country Motel	1604 Rte 47 S	28, Mngr. Apt.
5	Marion Monroe	Dutchman's Motel	1077 Rte 47 S	11
6	Anisha Hospitality LLC.	Economy Motel	3172 Rte 9 S	34, Mngr. Apt.
7	Privavdan Patel	Green Acres Motel	1031 Rte 47 S	16, house
8	Shree Khodiar LLC.	Simpson Motel	1507 Rte 47 S	19, house
11	Seven Oceans Hospitality	Hyland Motor Inn	38 E. Mechanic St.	34, Mngr. Apt.
14	Robert & Ruth Worth	Marlee Motel	1003 Rte 47 S	13, house
16	Nayadip LLC.	Offshore Motel	1801 Rte 47 S	48
19	John Lanzinger	Shelton Motel	1410 Rte 47 S	22, house
20	Jai Shree Jalar	Silver Birch Motel	1019 Rte 47 S	10
22	Whispering Woods Inc.	Whispering Woods	535 Rte 47 S	28

32. RESOLUTION NO. 273-11 – RENEWAL OF ALCOHOLIC BEVERAGE LICENSES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Mayor DeLanzo Abstained

WHEREAS, certain licensees have filed for renewal of their Alcoholic Beverage License for one (1) year beginning July 1, 2011, and

WHEREAS, the said applications are in due and proper form with the fee of \$720.00 for each Plenary Retail Consumption License and Retail Distribution License; \$188.00 for each Club License and with no objection filed with all \$200.00 State Filing Fees received and forwarded, 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, issue a Plenary Retail Consumption License to:

Rio Station Inc. 0506-33-001-007

Cape Hospitality Group LP 0506-33-002-006

Avalon Development & Golf, Inc. 0506-33-005-007

Menz Restaurant Inc. 0506-33-012-001

BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Distribution License to:

Matteras Liquor trading as Joe Canals Discount Liquor Outlet 0506-44-003-007

Acme Markets Inc. 0506-44-013-003

BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Club License to:

Wildwood Golf Club Inc., 0506-31-006-003

Jersey Devil Country Club, Inc. 0506-31-008-002

Cape May County Chapter 44 Disable American Veterans Inc. 0506-31-010-001

Royal Oaks Club Inc. 0506-31-011-001

BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, does hereby forward to the Division of Alcoholic Beverage Control an application for Atkinson's Tavern 0506-33-009-007, with no objection, for a Plenary Retail Consumption License.

BE IT FURTHER RESOLVED, that these licenses be signed, sealed and delivered by the Clerk of the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.

33. RESOLUTION NO. 274-11 – DECLARING DEVELOPER IN DEFAULT ON PERFORMANCE GUARANTEE – RPJK DEVELOPMENT – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, RPJK Development had land use approvals to extend Pennsylvania Avenue near and about Block 1520, Lots 2 – 20 (even) in Rio Grande; and

WHEREAS, pursuant to local ordinance and the Municipal Land Use Act, RPJK Development provided a performance guarantee in the form of a performance bond in the original amount of \$30,838.20 with Bond Safeguard Insurance Company posted on April 29, 2005 and with a current balance of \$30,838.20; and

WHEREAS, the work was not satisfactorily completed and resulted in repeated severe flooding of the roadway and neighboring properties; and

WHEREAS, the Township of Middle contacted RPJK Development which failed to make necessary repairs; and

WHEREAS, the Township of Middle did make repairs which have proven to handle the water and reduce the flooding problems; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle that RPJK Development is hereby deemed in default of its obligations as it has not satisfactorily completed this project, that the Township of Middle was forced to take corrective measures, and that the appropriate Township Officials are hereby authorized to take whatever measures are necessary to carry out the purposes and intents of this Resolution, including calling in the bond, and placing the money in the general funds, and further to pursue any litigation necessary to secure the funds or defend any claims from either the developer or the security agent, or any other parties.

34. RESOLUTION NO. 275-11 – AUTHORIZING ACTING CONSTRUCTION OFFICIAL – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.  
WHEREAS, Don Arndt is the Construction Official for the Township of Middle; and  
WHEREAS, Mr. Arndt will be out of the office from June 14-17, 2011 and also July 8-15, 2011, and  
WHEREAS, Mike Koochembere has the qualifications to substitute for Mr. Arndt, performing the duties of Construction Official, while he is out of the office; and  
WHEREAS, it is appropriate to name Mike Koochembere Acting Construction Official in the absence of Don Arndt during the time periods listed above.  
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, State of New Jersey, County of Cape May that Mike Koochembere is hereby named Acting Construction Official from June 14-17, 2011 and July 8-15, 2011.

35. PUBLIC COMMENT:

Committeemember Doughty to get more donations for fireworks.

Committeemember Lockwood asked about the Rio Grande Park and whether or not due to green acres monies we could sell it and use the money towards the Fort Apache Complex. Then we would have one less facility to take care of.

Emergency Management passed a coastal evacuation bill. Part of that are generators. We have been struggling with that issue for a couple years. Asked for committees consideration for Tony Anzelone be considered for the Emergency Management Committee.

Mayor DeLanzo congratulated Nate and his prized committee on the Drum Fish Tournament. Thanks to all who participated and worked on Memorial Day Parade. Makes her “proud of our residents.” Congratulated Kathy Meers on clean committees money received.

Committeemember Doughty thanked Jill Zarharchuck for all her hard work with the tournament.

Steven Schweizer – Resident of Teal Rd, Rio Grande. Commented on item 10. Stops signs placed in area but still have some neighbors and residents that “blaze through it”. Since Satt Blvd has opened people try to come through neighborhood looking for outlet. Neighborhood has been working with Officer Devico on “No Outlet Signs”. Neighborhood has 11 children on Teal Road and 8 of them are under the age of 8. Children play in street and it is pretty dangerous. There are no speed limit signs on Teal Road. Not trying to dispute with neighbors, but there are some that just blaze through. Absolute need for the stop signs.

James Hornback- Lived on Teal Rd for 21 years. There has always been “too many kids to count” back there. Neighbors have valid point, but doesn’t believe stop signs are the way to go. Need children at play signs and speed signs. People do exceed speed limit but not sure if stop signs will stop that problem. What is done needs to be done quickly. Also finds it frustrating when cars fly by. Would like to see speed bumps. Since Satt Blvd. has been open has become a “dodge the light.”

Chief Leusner commented on start of neighborhood watch program in that neighborhood. Enforcement is not the answer, but be a multi directional approach. Commented on new signs placed in area. Police will try and slow people down.

Committee went into closed session

There being no further business the meeting was adjourned at 6:45pm.

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Kimberly Krauss