

Cape May Court House, NJ
March 7, 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. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)
No public Comment
2. RESOLUTION NO. 129-11 – 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. \$ 2,907,169.62
3. RESOLUTION NO. 130-11 – 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 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. \$ 18,417.05
4. RESOLUTION NO. 131-11 – 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. \$ 1,846.00
5. RESOLUTION NO. 132-11 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the minutes from the Township Committee meeting held February 23, 2011 are hereby approved.
6. REPORTS: The following departments have submitted their reports for the months indicated: Zoning Official for the month of February; Municipal Clerk for the month of February; Tax Collector for the month of February; Construction Official for the month of February;
7. ORDINANCE NO. 1375-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 151, ENTITLED GAMES OF CHANCE – Following second reading, hearing, and consideration for adoption, Ordinance 1375-11 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
NO PUBLIC COMMENT

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. Chapter 151 of the Code of the Township of Middle is hereby supplemented by the addition of the following:

Chapter/ Section	Short Description
151-3 Issuing Authority	The Municipal Clerk is hereby delegated the authority to act as the “issuing authority” to approve the granting of bingo and raffle licenses in accordance with N.J.A.C. 13:47-1.1 et seq. All

organizations seeking a bingo and raffle license shall file an application with the Office of the Municipal Clerk on forms provided.

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 amendment shall become effective immediately upon final passage and publication, according to law.

8. ORDINANCE NO. 1377-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 131, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, Ordinance No 1377-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/04/2011 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. Chapter 131-6 of the Code of the Township of Middle is hereby deleted and replaced by the following:

Chapter/ Section
131-6 (A)

Short Description

The Township of Middle shall contract with a third-party billing agent who shall issue a bill in the amount of \$700.00 in each instance where EMS services are provided. Said bill shall be issued to the insurance company providing coverage for the person served, if any, or directly to the person served if insurance coverage is not available.

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.

9. ORDINANCE NO. 1378-11 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 215 ARTICLE III SECTION 17, THEREOF ENTITLED STREET EXCAVATIONS, FEES; BOND REQUIREMENTS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, Ordinance No 1378-11 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/04/2011 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 215-17 of the Code of the Township of Middle is hereby amended to read as follows:

Trench fees.

Size of Trench Opening	Fee
First 5 square feet	\$50.00
Each additional 5 square feet	\$5.00

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.

10. RESOLUTION NO. 133-11 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC) FOR THE ANJEC SUSTAINABLE LAND USE PLANNING GRANT PROGRAM – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, ANJEC provides matching, reimbursement grants to New Jersey municipalities through its Sustainable Land Use Planning Grants Program; and
WHEREAS, ANJEC provides funding to help towns develop capacity-based, sustainable land use plans and ordinances; and
WHEREAS, the Sustainable Land Use Planning Grant Program strengthens municipal environmental commissions by providing opportunities for them to participate in the local land use planning process; and
WHEREAS, the Township of Middle is requesting Sustainable Land Use Planning monies from said funds to complete an Open Space & Recreation Plan for the Township of Middle, in conjunction with the standards provided by ANJEC, the New Jersey Department of Environmental Protection – Green Acres program and the Sustainable Jersey program; and

WHEREAS, the Township of Middle fully supports the creation and implementation of a comprehensive Open Space & Recreation Plan to preserve a system of interconnected open spaces, whose protection will preserve and enhance the Township's natural environment and its historic, scenic, and recreational resources for public use and enjoyment ; and

WHEREAS, the Governing Body is committed to providing the required municipal cash match for up to the amount of \$10,000.00 for the project if a grant is awarded; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey formally approves the submission of the grant application for the Middle Township Open Space & Recreation Plan for the 2011 ANJEC Sustainable Land Use Planning Grant Program.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to submit the grant application identified as Middle Township Open Space & Recreation Plan to ANJEC on behalf of the Township of Middle.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the grant agreement on behalf of the Township of Middle and that her signature constitutes acceptance of the terms and conditions of the grant agreements and approves the execution of the grant agreements.

11. RESOLUTION NO. 134-11; 135-11– SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

(A)WHEREAS, the Cape Regional Medical Center Foundation has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 US Hwy 9, CMCH, NJ 08210, on May 26, 2011 from 11:30am until 5:30 p.m., and
WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

(B)WHEREAS, the Wildwood Golf Club has applied for approval to sell alcoholic beverages at an event to be held at Wildwood Golf Club, 1170 Golf Club Rd, CMCH, NJ 08210, on June 1st through 5th, 2011 from 11:00am until 1:00 a.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.
12. RESOLUTION NO. 136-11 – CLOSED SESSION – POTENTIAL LITIGATION – On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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: POTENTIAL LITIGATION
 - 2.) The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION
 - 3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED
 - 4.) This Resolution shall take effect immediately.
13. RESOLUTION NO. 137-11 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
14. RESOLUTION NO. 138-11 – SUPPORTING NO PASSING ZONE – ROUTE US 9 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Bureau of Traffic Engineering and Investigations has completed an investigation along Route US 9 in Middle Township, and
WHEREAS, based on this investigation, it has been recommended to revise the centerline pavement markings to a No Passing Zone in the vicinity of Mile Post 8.1 (King Street), MP 9.8-10.1 and MP 11.5 (Shellbay Avenue), and
WHEREAS, the New Jersey Department of Transportation requires a resolution of support from the municipality in order to promulgate a Traffic Regulation Order.
NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support the revision of centerline pavement markings to indicate a “No Passing Zone” along the vicinity of Mile Post 8.1 (King Street), MP 9.8-10.1 and MP 11.5 (Shellbay Avenue).
15. RESOLUTION NO. 139-11 – ACKNOWLEDGING SPAY & NEUTER COMMUNITY AWARENESS DAY – On motion by Mayor DeLanzo 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 and State of New Jersey, that a Spay & Neuter Community Awareness Day is scheduled to take place Saturday April 9, 2011 from 9:00am – 1:00pm at the Martin Luther King Center.

16. RESOLUTION NO. 140-11, 141-11 – RATIFY CONTRACTS - JOINT PROVIDING OF EMERGENCY MEDICAL SERVICES TO PEOPLE OF THE TOWNSHIP OF MIDDLE (ITEMS A THROUGH B) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the township and Middle Township Ambulance Corps. seek to enter into an agreement for the joint providing of emergency medical services to the people of the Township of Middle, and

WHEREAS, it has been deemed necessary and desirable to reduce the understanding and agreement of the parties to writing.

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 contract between the Township of Middle and Middle Township Ambulance Corps. is hereby ratified.

BE IT FURTHER RESOLVED, that this position designated below is for the period from January 1, 2011 through December 31, 2013, and shall continue in effect on these same terms until renegotiated by the parties, but in no event shall it remain in effect beyond June 1, 2014, for a sum of \$35,000.00 annually for the term of this contract.

BE IT FURTHER SOLVED, that a contract be executed by the Township of Middle with the following group to supply services for the period from January 1, 2011 through December 31, 2013:

Middle Township Ambulance Corps.
PO Box 331
202 South Main Street
Cape May Court House, NJ 08210

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the Herald-Times as required by law.

FURTHER RESOLVED that this contract is contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.

WHEREAS, the township and Rio Grande Rescue Squad seek to enter into an agreement for the joint providing of emergency medical services to the people of the Township of Middle, and

(B) WHEREAS, it has been deemed necessary and desirable to reduce the understanding and agreement of the parties to writing.

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 contract between the Township of Middle and Rio Grande Rescue Squad is hereby ratified.

BE IT FURTHER RESOLVED, that this position designated below is for the period from January 1, 2011 through December 31, 2013, and shall continue in effect on these same terms until renegotiated by the parties, but in no event shall it remain in effect beyond June 1, 2014, for a sum of \$35,000.00 annually for the term of this contract.

BE IT FURTHER SOLVED, that a contract be executed by the Township of Middle with the following group to supply services for the period from January 1, 2011 through December 31, 2013:

Rio Grande Rescue Squad
PO Box 406
603 E. Maryland Avenue
Rio Grande, NJ 08242

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the Herald-Times as required by law.

FURTHER RESOLVED that this contract is contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.

17. PUBLIC COMMENT:

Committeemember Doughty indicated that Middle Twp. boys basketball team is playing for the South Jersey title at 7pm.

Mayor DeLanzo reiterated the resolution acknowledging Community Awareness Day April 9th at the MLK Center. More information to follow.

Vince Orlando – Shannon Oaks project moving quickly thanks to nice weather. 2nd coat of asphalt on bike path.

Mayor DeLanzo asked if the township could look into parking in the area of Shellbay Avenue in particular the cars that are parking along the shoulder.

JR Heun indicated that his company would be willing to donate stone for the area.

Mayor DeLanzo asked Mr. Orlando if the Parkway Authority planned on taking via Eminent Domain land owned by Our Lady of Angels Church, for she has been contacted by the church with questions.

Vince Orlando indicated that he did not believe so. He believed the area they planned on using was all located in the right-of-way.

Committeemember Lockwood stated that during the transportation meeting they reviewed the parkway plan and voiced concerns with the Shellbay exit.

Betty McGurk asked if they planned on closing the exit at Mechanic Street and whether or not there was an alternative.

Vince Orlando informed Mrs. McGurk that Mechanic would have a “service exit” road that runs parallel with to the exit. You will be able to go North and South from that area.

There being no further business the meeting was adjourned at 6:34 pm. Committee went into executive session.

Kimberly D. Krauss, Twp. Clerk