

Cape May Court House, NJ
 October 15, 2012
 REGULAR MEETING
 FLAG SALUTE
 THIS MEETING IS BEING RECORDED:

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

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

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.
Vilma Pombo – Item #7 – what does this expensive truck actually do?
Mark Mallett explained the usage with storm water drains and how the truck would be utilized to clean the drains.
2. RESOLUTION 492-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$653,538.56
Committeemember Donohue indicated that the payment to Asphalt Paving should reference Phase 3 Bike Path, not Phase 2.
3. RESOLUTION 493-12 – APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. ***Mayor 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. \$2,926.00
4. RESOLUTION 494-12 - APPROVING PAYMENT FOR BILLS – BILL LIST C (KELLY PRODUCTS) – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. ***Committeemember Donohue 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. \$283.03
5. RESOLUTION 495-12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Donohue seconded by Committeemember 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 following minutes are approved: Regular Meeting 10/01/2012.
6. REPORTS: The following departments have submitted their reports for the months indicated: Zoning for the Month of September, Tax Collector for the Month of September, and Construction for the Month of September, Treasurer for the Month of September.
7. ORDINANCE NO. 1427-12 – APPROPRIATING \$280,000 FROM THE SEWER CAPITAL FUND FOR THE ACQUISITION OF SEWER JET VAC TRUCK – Following second reading, hearing, and consideration for adoption, Ordinance 1427-12 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo 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, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:
 - Section 1. There is hereby appropriated from the Sewer Capital Fund the sum of \$280,000 for the acquisition of sewer jet vac truck from a grant from the USRDA.
 - Section 2. It is hereby determined and stated that each of the improvements set forth in Section 1. is a sewer capital improvement and is not a current expense.
 - Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.
 - Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.
 - Section 5. This ordinance shall take effect after final adoption and publication as required by law.

Committeemember Donohue – the truck we currently own is “nickel and diming us to death” and we are behind on the obligation to clean the storm water drains. We have received permission to use grant funds left over from other project to pay for this truck. It is not coming out of our capital fund.

Mayor Lockwood – not only are we required to do the storm water maintenance, we are behind on it too.

***NO FURTHER PUBLIC COMMENT**

8. ORDINANCE NO. 1428-12 – AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250, THEREOF ENTITLED ZONING – Following second reading, hearing, and consideration for adoption, Ordinance 1428-12 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

SECTION 1. Chapter 250 ARTICLE VIII: AFFORDABLE HOUSING of the Code of the Township of Middle is hereby amended and supplemented to add a new article to read as follows:

§ 250-801. Affordable Housing Multifamily Overlay Zone (no other changes to 801)

§ 250-802. Affordable Housing Single and Two Family Overlay

A. Applicability – this overlay provides incentives for 100% affordable single and two family residential structures on sewer lots, existing at the time of adoption of this ordinance. Applies to the following parcels only.

Block and Lot	Address
Block 922, Lot 1	218 Raleigh Avenue
Block 942, Lot 3	311 West Anna Street
Block 965, Lot 10	209 Reeves Street
Block 1048, Lot 9	101 East Anna Street
Block 1058, Lot 21	59 Cochran Street

B. Bulk Standards for 100% affordable housing development: A 100% affordable housing development may deviate from the bulk requirements of Chapter 250 as outlined below.

1. Minimum lot area is 10,000 square feet for single family developments and 20,000 for two family developments.

2. Minimum lot frontage is 50’ for single family and two family development.

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

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

SECTION 4. This Ordinance shall become effective immediately upon filing with the Cape May County Planning Board and publication of notice of passage.

Elizabeth Terenik indicated that this is part of the comprehensive efforts to meet requirements of the Mount Laurel decision, which shows the township provides for the opportunity of affordable housing within the township. Overlay is an additional set of zoning rules where the original zoning stays intact. In this case it only applies when the parcel is deed restricted for 30 years as affordable. These 5 parcels were discussed back in May as parcels that could be affordable housing. All are on paved roads and have water and sewer and are located within centers. 3 additional lots were on list but were removed based on wetlands. They were in our original June 4th spending plan and which was submitted to the State in the July 17th packet that outlines how the township would meet obligation. The State has yet to make determination as to whether or not these can be paid for out of trust fund monies. The reason it is being presented at this time is that Habitat, through an ordinance adopted last month, has asked to develop one of the parcels on the ordinance.

Committeemember Donohue – which parcel?

E. Terenik – East Anna Street. These 5 parcels are either slightly undersized or do not have the correct frontage. Also modifies lot area. All are close to being conforming, but are slightly un-conforming. This is just for affordable housing.

Mayor Lockwood asked if the homes would be similar to those homes already in the area.

E. Terenik – yes most likely single family homes or the larger lots could have duplex developed. These parcels are only to take this incentive if they are deed restricted. Township has option to move forward with that or not. We have done a lot of other efforts to meet our obligations.

Committeemember Donohue – these lots are not developable in any way without this?

E. Terenik – correct, they would have to be an adjacent lot purchase to create a more complete lot. Therefore their values are fairly low because of that.

Mayor Lockwood – these lots would have been able to be developed under old ordinance is that correct?

E. Terenik – Yes. We changed zoning in 2011. All lots were conforming at that time.

Committeemember DeLanzo – what is our ability, let’s say we want to change... let’s say one of the lots.... Someone does not want to purchase or make affordable. Can we take out of spending plan?

E. Terenik – spending plan has not been approved yet, as you know it has evolved as we made changes. We are waiting to hear how the state will view us putting this in the spending plan. Trying to show in court of law if need be that township is taking pro-active steps to afford the opportunity. It just shows that if deed restricted they have the opportunity. So, yes to answer your question we can do something else with these parcels.

Committeemember DeLanzo – we are not locked in...

E. Terenik – correct.

Mayor Lockwood asked if pulled out of spending plan can we do competitive bidding.

E. Terenik – yes. She explained RFP process

Committeemember DeLanzo – was just concerned because in past adjacent lot owners where given first right to parcel. Just want to make we are not locking ourselves out of that opportunity.

Sean Lockyear, Habitat for Humanity, spoke on 101 E. Anna lot. Habitat has had a home donated and they would like to move this home to Middle Township. Habitat will be building a new foundation, deck, siding and HVAC etc. This gives the opportunity to get another home in Middle in a short amount of time.

Carl Arenberg spoke about Block 922 Lot 1. Asked if this was sewer or septic. There is no sewer on this road.

E. Terenik – it is in a sewer serviceable area. They can place sewer in the future. No development will take place until then.

Mary Aghakhal – owns a lot nearby. Asked if she would be able to subdivide, under the passage of this ordinance.

E. Terenik - explained that this ordinance pertains to these 5 parcels only. Original discussion included blanketing all parcels in that zone, however because it was so hard to decide how many parcels this would affect we decided to take a baby step at this time.

Vince Anetto – lives on Raleigh Ave. Asking for reconsideration on the Raleigh lot. The neighborhood embraces diversity, however does not believe the homes proposed by Habitat would fit on this street.

Mayor Lockwood asked if he believed the homes seen were not in comparison to the current homes in the area.

V. Anetto – No.

E. Terenik – indicated she agreed that this parcel was a bit different than the others.

Committeemember DeLanzo expressed that she has been to all of these streets. Wanted to make sure that by passing the ordinance the township was not stuck to just the affordable housing. However, she is aware of Habitats timeframe and she understands his concerns as well.

Carl Arenberg – would they run sewer just for this project?

Mark / Mayor Lockwood there is no preliminary plans to place sewer on this street.

Committeemember DeLanzo – When 1st looked at only a few would qualify. If this lot is taken out it would skew the whole project. So long as the township has the ability to pull out a lot based upon... I do not see how this would work right away... if we have the ability to look at each individual on its own I would have a little bit more of a comfort level with that.

9. RESOLUTION 496-12 - SHARED SERVICES AGREEMENT BETWEEN MIDDLE TOWNSHIP AND THE STATE OF NEW JERSEY DEPARTMENT OF CHILDREN AND FAMILIES – REGIONAL SCHOOL CAPE MAY CAMPUS – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to enter into agreements for the purposes of exchanging, sharing and cooperating with regard to services common to said communities through Uniform Shared Services and Consolidation Act, and WHEREAS, the Township of Middle and the State of New Jersey Department of Children and Families wish to enter into an agreement for shared services to utilize the Carl Baker Building at the Georgiana & Clarence Davies Sports Complex located at 626 Goshen Road, Cape May Court House, New Jersey, during the dates as indicated in that attached agreement. BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to execute the attached Shared Services Agreement between the Township of Middle and the State of New Jersey Department of Children and Families. BE IT FURTHER RESOLVED, that the term of said Shared Service agreement shall be from November 1, 2012 through March 30, 2013.

10. RESOLUTION 497-12 and 498-12 - ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

497-12: 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 resignation listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Marque Little	Public Works	Laborer P/T	September 28, 2012

498-12: 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 resignation listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Darlene Whelan-Oehlert	Emergency Medical Services	EMT – P/T	October 1, 2012

11. RESOLUTION 499-12 - APPROVE CHANGE ORDER NO. 3 – RECONSTRUCTION OF MAIN STREET – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the reconstruction of Main Street project was awarded November 21, 2011 via Resolution No. 580-11 then later amended on December 5, 2011 to Charles Marandino, LLC. – Base Bid + Alternate #2 totaling \$388,456.16.

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 #3 for the project awarded to Charles Marandino, LLC, be and is hereby approved in the amount of \$4,522.96.

12. RESOLUTION 500-12 - AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance, and

WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc., and

WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”, and

WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied.

WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations, and

WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.

FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROP. LOCATION	BLOCK / LOT	AMOUNT
Janet Soley	774 Goshen Road	51 // 39	\$76.61
Andre McCoy	505 Avalon Boulevard	118.02 // 16	\$76.61
Joseph Toland	204 School Lane	1447 // 9	\$76.61
Christopher & Christine Adams	371 Court House-So. Dennis Road	95.03 // 28	\$76.61
Robert & Rosalie King	124 Indian Trail Road	208 // 4	\$76.61
Joseph & Brenda Prisco	105 Stagecoach Road	165.01 // 91	\$76.61
Bonnie Kozak	201 Hand Avenue	240 // 14	\$76.61

13. RESOLUTION 501-12 - RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF NEW BOND – CLASSIC CUSTOM BUILDERS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, \$194,625.00 is being held as a Performance Guarantee for Classic Custom Builders / Atlantic Land Holdings, for site improvements at Block 99.02, Lot 17, located in Middle Township; and

WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond (Irrevocable Letter of Credit) be released and replaced with another performance bond (Irrevocable Letter of Credit); and

WHEREAS, the Irrevocable Letter of Credit with Cape Savings Bank is being traded for performance bond (Irrevocable Letter of Credit) for CKJR, LLC in the amount of \$200,000.00; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond as indicated above has been replaced with a performance bond (Irrevocable Letter of Credit) for CKJR, LLC, in the amount of \$200,000.00.

14. RESOLUTION 502-12 - AWARD OF BID – POLICE UNIFORMS – THIS N THAT UNIFORMS, LLC – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for Police Uniforms; and

WHEREAS, sealed bids were received on August 30, 2012 at 1:00 p.m.; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications; and
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, as follows:

1. The term of the contract for police uniforms shall be for CY 2013, 2014 and 2015.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with This and That Uniforms.
3. Said award of contract shall be contingent upon the availability of funds for 2013, and the appropriation of sufficient funds for the remainder of the contract upon the adoption of the 2013, 2014 and 2015 budgets.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for POLICE UNIFORMS be and hereby is awarded to:

THIS N THAT UNIFORMS, LLC in the amount of \$33,780.00 per CY 2013, 2014 and 2015
 FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

15. RESOLUTION 503-12 - AUTHORIZE MAYOR TO SIGN DENTAL ADMINISTRATIVE SERVICES AGREEMENT BETWEEN TOWNSHIP OF MIDDLE AND HORIZON HEALTHCARE SERVICES, INC. D/B/A HORIZON BLUE CROSS BLUE SHIED OF NEW JERSEY – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle utilized the services of Horizon Healthcare Services, Inc. from September 10, 2010 through August 31, 2011; and
 WHEREAS, the original agreement between the Township of Middle and Horizon Healthcare Services, Inc. was never executed by the Township of Middle; 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 is hereby authorized to sign the Dental Administrative Services Agreement for the purposes of housekeeping.
16. RESOLUTION 504-12 - CANCELLATION OF FORECLOSURE GROUPS #189 & 190 – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, it appears to be in the best interest of this Township to rescind resolution #318-12 adopted on July 16, 2012 and cancel foreclosure group #189 and resolution #319-12 adopted on July 16, 2012 and cancel foreclosure group #190 due to several redemptions taking place.
17. RESOLUTION 505-12 - FORECLOSURE GROUP #191 – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #191 be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of Certificates to Township Solicitor, Marcus Karavan to proceed to Foreclose in Rem, the lands and premises covered by said certificates.
18. RESOLUTION 506-12 - AMENDING RESOLUTION / AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – JEFFREY R. SURENIAN AND ASSOCIATIES, LLC – COAH COUNSEL – On motion Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, Jeffrey R. Surenian & Associates, LLC are in compliance with the provisions of N.J.S.A. 19:44A-20.26 certifying that no political contributions have been made to Middle Township; and
 WHEREAS, Resolution 113-12 was approved on February 22, 2012, Not to Exceed \$10,000; and
 WHEREAS, Resolution 322-12 was approved on July 16, 2012 further amending their original contract not to exceed \$30,000; and
 WHEREAS, it has been deemed necessary to further amend said contract for an additional \$15,000, for a contract total of \$55,000; and
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Jeffrey R. Surenian & Associates, LLC. and the Township of Middle for COAH Counsel 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.
 Jeffrey R. Surenian & Associates, LLC. – COAH Counsel – an additional \$15,000, for a contract total of \$55,000.
19. RESOLUTION 507-12 - AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – TO PERFORM ENGINEERING AND CONSTRUCTION OBSERVATION SERVICES FOR AVALON MANOR AND LEONARD'S LANE ROADWAY IMPROVEMENTS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, on January 4, 2012 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 2-12; and
 WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg Engineers to serve as Municipal Engineer at its January 2012 reorganization meeting; and
 WHEREAS, Remington, Vernick & Walberg Engineers will be performing engineering and construction observation services for Avalon Manor and Leonard’s Lane roadway improvements (M-2012-327); and
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide the additional engineering services mentioned above and said contract shall be amended as follows: Remington, Vernick & Walberg Engineers – Avalon Manor and Leonard’s Lane Roadway Improvements – M2012-327 - For a Sum of Not to Exceed \$96,000.00.

20. RESOLUTION 508-12 – APPOINTMENT – SUZANNE STOCKER – ALT. DEPUTY REGISTRAR OF VITAL STATISTICS – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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 via N.J.S.A. 26:8-17, and
 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 |
|-----------------|--|----------------|--------------|
| Suzanne Stocker | Alternate Deputy Registrar of Vital Statistics | 10/15/2012 | 12/31/2012 |

21. RESOLUTION 509-12 – COMPLETE STREETS POLICY – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, a resolution is being created relating to complete streets policy for the Township of Middle, stating guiding principles and practices so that transportation improvements are planned, designed and constructed to encourage walking, bicycling and transit use while promoting safe operations for all users; and
 WHEREAS, implementing transportation improvements that are planned, designed and constructed to safely accommodate walking, bicycling, and transit use increase the general safety, health and overall welfare of the citizens of and visitors to the Township of Middle; and
 WHEREAS, the Township of Middle will seek to enhance the safety, access, convenience and comfort of all users, including pedestrians, bicyclists, transit users and drivers, motorists and freight drivers, and people of all ages and abilities, including children, older adults, and persons with disabilities, through the design, operation and maintenance of the transportation network so as to create a connected network of facilities accommodating each mode of travel; and
 WHEREAS, transportation improvements are to be planned and designed in a manner consistent with, and supportive of, the surrounding community, recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner; and
 WHEREAS, circulation element of the master plan recommends adoption of a complete streets policy, and the master plan itself states as a goal: “Provide a transportation network that is safe, provides efficient traffic flow, and is pedestrian and bicyclist-friendly, and multimodal.”; and
 WHEREAS, a Complete Streets policy is consistent with the policy of the New Jersey Department of Transportation, and may assist the Township securing grant funding; and
 NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MIDDLE AS FOLLOWS:
 Section 1. All roadway projects, including construction, re-construction, re-paving and rehabilitation, will provide appropriate accommodation for pedestrians, bicyclists, transit riders and drivers, motorists and freight drivers, and people of all ages and abilities, including children, older adults and persons with disabilities, except under one or more of the following conditions:
 • The roadway project is comprised of ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal);
 • Where use by non-motorized users is prohibited by law;
 • The cost would be excessively disproportionate to the need or probable future use over the long term;
 • There is an absence of current and future need
 • The safety, funding or timing of a project is compromised by the inclusion of Complete Streets.
 Section 2. Appropriate accommodations include facilities and amenities that are recognized as contributing to complete streets, which may include sidewalks and pedestrian safety improvements such as median refuges, pedestrian signals, bulb outs and crosswalks; street and sidewalk lighting improvements that provide ADA (Americans with Disabilities Act) compliant accessibility; transit accommodations including improved pedestrian access to transit stops and bus shelters; bicycle accommodations including shared-use lanes, wide travel lanes or bike lanes as appropriate; paved shoulders; bicycle parking; landscaping, street furniture and adequate drainage facilities; and other facilities. All street improvements to be in accordance with NJDOT and AASHTO policies and standards.
 Section 3. Complete streets principles will continue to be incorporated into planning documents, subdivision and land development ordinance, and other plans, manuals, regulations and programs as appropriate.

Mayor Lockwood – policy is not a requirement but does create a review process so that when streets are built or redone in our twp. they take into account need for alternate forms of transportation.

22. RESOLUTION 510-12 – AUTHORIZING REQUEST FOR PROPOSALS – ANIMAL CONTROL SERVICES – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Krauss, and Business Administrator Mark Mallett be and hereby are appointed to receive Request for Proposals, to be accepted on November 28, 2012 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following: ANIMAL CONTROL SERVICES

Committeemember Donohue – just want to say we are just doing due-diligence here, we are not saying we are going to privatize the animal control function. The plan is to get these bids in and then sit down with our ad-hoc animal control committee and see what direction we go in as a committee.

23. RESOLUTION 511-12 & 512-13 – AUTHORIZING EXECUTION OF AGREEMENT (ITEMS A THROUGH B) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

A. NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the agreement between Leon Linthicum and the Township of Middle.

B. NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the settlement agreements between Sgt. Pasquale Conte and the Township of Middle.

24. RESOLUTION 513-12 – AWARD OF BID – CAPE PROFESSIONAL BILLING INC. – EMERGENCY MEDICAL BILLING SERVICES – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, it has been deemed necessary and desirable to solicit bids for Emergency Medical Billing Services, and

WHEREAS, sealed bids were received on September 5, 2012 at 1:00 pm, and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Contract for Emergency Medical Billing Services shall be awarded to Cape Professional Billing Inc. for a bid amount as indicated below:

Year 1	Year 2	Year 3
2013	2014	2015
4.95% of cash received	4.95% of cash received	4.95% of cash received

FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer’s Certification of availability of funds.

25. RESOLUTION 514-12 – AUTHORIZING COMMERCIAL UTILITY CONSULTANTS INC. TO INVESTIGATE ELECTRIC AND GAS PROCUREMENT ON BEHALF OF THE TOWNSHIP OF MIDDLE AND FURTHER AUTHORIZE THE MAYOR TO SIGN ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the governing body of the Township of Middle does hereby authorize Commercial Utility Consultants Inc. to investigate electric and gas procurement on behalf of the Township of Middle and furthermore provide proposals for alternate energy suppliers, at no cost or obligation to the Township of Middle.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute any and all documents in connection therewith.

26. PUBLIC COMMENT:

Committeemember DeLanzo – Fall has arrived. Looking forward to festivities we celebrate together and the Harvest Festival.

Last Thursday was the Rudy Callendar Day at the Senior Center. Gus Eppel was awarded citizens award. Very nice day and great celebration for one of our residents. Very heartwarming to celebrate.

Committeemember Donohue – did have the official ribbon cutting for the Phase 3 of the Bike Path. Finished under budget and ahead of time. Longest section of the bike path yet. Takes us down now to Indian Trail. Now looking forward to Phase 4. Connectivity where we can link up with Lower Twp. bike path, possibility to Ockie Whisting Recreational Center. Spoke of Rudy Callendar luncheon. Honored to be there just to see the diversity of volunteers in Middle Township... they truly are the unsung heroes of Middle Township.

Mayor Lockwood – Phase 3 bike path - have started conversations with Lower Township about connecting. Spoke of questionnaire on Open Space and Recreation Plan. Questionnaire will be on township website www.middletownship.com

Mayor Lockwood spoke of Rudy Callendar Day in Middle Township and the celebration at the Senior Center. Frank LoBiondo was present.

Spoke of Halloween (31st) and the Halloween Parade. Rain date for Harvest Fest is Sunday. Also, pancake breakfast is at the DeVico Center in the morning.

Marc DeBlasio read into record the Engineer Report for October.

ENGINEERING STATUS REPORT
MIDDLE TOWNSHIP
October 15, 2012

Prepared For: TOWNSHIP COMMITTEE Prepared By: MARC DEBLASIO, P.E., P.P.E., C.M.E.
Township Engineer

GRANT APPLICATIONS

Game Time Recreation-Playgrounds

- Martano's Recreation has offered the Township a 50% grant for the playgrounds identified for the Davies Sports Complex and in Rio Grande. The total grant amounts are listed below:

1. Davies Sports Complex	\$29,043.00
2. Rio Grande	\$11,362.00
Total	\$40,405.00
- Based on our meeting, the Township identified playground needs at the Davies Sports Complex and in Rio Grande.
- The Township can utilize this playground grant as an "in kind" match for the Township's pending NJDOT Small Area grant application which contains the installation of an ADA playground at the Davies Sports Complex.

NJDOT Transportation Enhancement Program

- The Township has selected the streetscaping of Main Street from Mechanic Street to Hand Avenue and Mechanic Street from Boyd Street to Main Street (south side).
- Our office provided the necessary information and deliverables to Triad Associates on July 14th and the grant application was submitted for the July 17th deadline.

NJDOT State Aid Program

- The State has sent out letters announcing the 2013 State Aid Program. Grants are available for the following categories:
 - Municipal Aid, Transit Village, Bikeways & Safe Streets to Transit
- The grant application deadline is October 16, 2012.
- Our office has been authorized to submit the following applications:
 - Municipal Roadway - Second Street - Phase 2
 - Bikeways - Sico Path Phase 4
 - Safe Streets to Transit: Main Street Sidewalk Installation Phase 2

CAPITAL IMPROVEMENTS

Various Road Reconstruction

- Project complete and our office is in the process of closing out the project.

FY2012 NJDOT Reconstruction of Second Avenue

- The Township was notified by NJDOT that \$140,000.00 has been allocated to reconstruct Second Avenue from Route 47 to Linden Lane.
- The bid opening was held on for August 7, 2012. The apparent low bidder was Lexa Concrete Company in the amount of \$132,430.32 for the Base Bid [Engineer's Estimate - Base Bid \$175,832.00]
- The project began on October 2, 2012.

Whitesboro Roadway Improvements Phase 3

- New Jersey American Water (NJAW) has indicated that their Whitesboro Watermain Phase 3 project will likely not be ready for construction until early to mid September. This has led to our recommendation to divide this project into two phases (3A & 3B) in order for NJAW to complete their work prior to our resurfacing the roadways where the projects overlap.
- Project has been split into 2 sections (3A & 3B) to avoid conflict with NJAW project.
- The bid opening was held on August 7, 2012. The apparent low bidder was Arawak Paving Company (\$383,000.00) [Engineer's Estimate - \$527,875.00]
- Work is scheduled to begin the week of October 22, 2012.

Avalon Manor Road Program

- Our office has met with Township officials and completed site investigations to develop roadway construction cost estimates for Leonard's Lane and the Avalon Manor section of the Township.
- Our office is currently working on the design and permitting for Leonard's Lane.
- Our office has transmitted a proposal to provide design and inspection services for the Avalon Manor Road Program.

USDA Rural Development Sanitary Sewer Application - Grassy Sound

- On June 15, our office met with Grassy Sound Homeowner Association's engineer to coordinate the project.
- Joint Permit Process meeting with NJDEP was held on August 8, 2012. Meeting minutes are on file with the Township.

FY 2012 NJDOT Bikepath - Phase 3

- Contract was awarded to Asphalt Paving Corporation, Inc. in the amount of \$299,007.00.
- Notice to proceed was issued at the July 12, 2012 preconstruction meeting (date of completion: November 9, 2012).
- The project is complete and our office is in the process of closing out the project.

Leonard's Lane

- Our office will work to correct the violation and design the reconstruction of roadway per meetings with Township's Public Works Department.
- Meeting with NJDEP / Army Corp of Engineers is being arranged.
- Wellands have been delineated in the field.
- Survey and design work is complete and our office is preparing to submit the permit applications.

GENERAL ENGINEERING PROJECTS

Alternative Energy Review

- We are currently exploring grant opportunities for the Township's energy audit that was completed in April, 2011.
- We have identified a 70% grant from the New Jersey Office of Clean Energy to replace the existing HVAC equipment at the Municipal Building. It has been determined by the State that the replacement of three (3) HVAC units and lighting are eligible for this grant.
- We have reviewed the electrical account information from Atlantic City Electric Company (ACE) for each Township account and have identified cost savings thru a third party supply (TPS) contract.

Robert 'Ockie' Wisting Recreation Complex

- Project was a CMX administered project through 2007.
- Review of project was performed to analyze funds allocated to project and payments that have been made to the contractor and previous consultants.
- Contractor was paid for what was completed/constructed. There were no additional funds paid to contractor for work that was not completed.
- Cape Express Soccer Organization has proposed to complete what remains unfinished, additional work and maintenance of the facility.
- Our office has generated a conceptual plan to show additional recreation activities at the Complex based upon Cape Express' plan of development

Committeemember Donohue asked about issues on Leonard's Lane. Will we be able to work through if a problem arises.

M. DeBlasio – yes. If a “hiccup” arises we will still be able to continue to move forward per NJ DOT.

Mr. Bryce read into record his letter for “Oath Keepers”. Also he gave a website for public review oathkeepers.org

Dear Middle Township Officials:

As you are well aware, Middle Township may be facing emergency situations in the upcoming months and year resulting from natural causes (hurricanes, flooding, winter storms, etc.), civil unrest, terrorist attacks, and possible imposition of Martial Law.

Oath Keepers believes that our respective law enforcement and emergency services personnel make the decision of how they will conduct themselves in a time of calm not in the midst of a crisis where split second decisions will have to be made. Oath Keepers is an association of currently serving Military, Veterans, Police, and Fire-Fighters who will honor their oath to defend the Constitution against all enemies, foreign and domestic, so help us God.

OBJECTIVE

To have all currently serving military, veterans, and peace officers review and uphold their Oath by agreeing to the '**10 Orders We Will NOT Obey**'.

To learn more or to join the Oath Keepers, please visit our website at:
WWW.OATHKEEPERS.ORG

Sincerely,



Richard M. Brys
Oath Keepers
Liberty Tree Member

He stated they are asking that the constitutional rights of citizens not be infringed upon in a time of emergency.

Vilma Pombo – Item #22 – asked what proposals include.

Mark Mallett discussed specifications.

V. Pombo – due to budget constraints?

M. Mallett – similar to what we did with Sewer Department. Doing due diligence for township.

V. Pombo – not in favor of privatizing animal control.

Betty McGurk – asked the process of animal control? With something as serious as raccoons she is concerned with discharge of fire arms.

Spoke of her observation of compassion towards the gentleman speaking of Raleigh Avenue. She concurred that by bringing in those units it will change the dynamics of that neighborhood...

Frances Deerlove – spoke about dumping of asphalt millings on Leonard's Lane that entered wetlands. Should not have been one man's decision (current administrator). "Someone was asleep at the wheel". Should have been the decision of the governing body. This was illegal. We need to keep an eye on what is going on here. Thank you for moving forward.

Mark Mallett read into record email received from DEP on asphalt millings issue on Leonard's Lane which granted the neighbor permission to proceed with the building up of the roadway.

B. McGurk (to Karavan) asked about "special meeting" minutes.

Alicia Woodrow – spoke about the sound barrier walls along the parkway during the construction project. Lives on Bennett Road and is concerned with the noise from construction.

Mayor Lockwood indicated that the Turnpike Authority reassured the township they will not be constructing the roadway, in areas of residential neighborhoods, at off hours.

A. Woodrow indicated she would like a copy of the noise study resolution from the Turnpike Authority.

Chief Leusner stated he saw the sound barriers on "322" and they looked very nice. Looked like pavers.

Kelly Cox – how long for a noise test?

Mayor Lockwood - After roadway is complete and landscaping is finished. May be possible to ask the Turnpike Authority to place the barriers up once the southbound lane is complete.

Jo Ann Hill – asked if the requirement for an animal cruelty investigator is in the specifications? When are specs available?

Mark Mallett – available next Wednesday and no not in specifications.

Motion to adjourn meeting:

1st Committeemember Donohue 2nd Committeemember DeLanzo

October 15, 2012

Regular Meeting

Roll Call Vote: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

There being no further business the meeting was adjourned at 7:25pm.

Kimberly D. Krauss