

September 17, 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. PRESENTATION BY CHIEF OF POLICE AND MAYOR – SHARON PRICE

Chief Leusner and Mayor Lockwood recognized Cpl. Sharon Price. Mrs. Price was the first female hired with Middle Township Police Department.

Mayor Lockwood – “It took a lot of courage and bravery. Sharon paved the way for the numerous police women now on the force”.

2. PRESENTATION BY CHIEF OF POLICE –

Chief Leusner presented Township Committee and the public with a power point presentation regarding “quality of life details, motel issues, pedestrian safety and an overview of Rio Grande crime data year to date”.

Committeemember Donohue indicated that the County of Cape May approved 2 resolutions for Bayshore Road area, one reduced the speed the other expanded the no passing zone.

Chief Leusner stated that he supports both measures, however in no way does this mitigate the responsibility of that gentleman that killed those two girls. He and he alone is responsible.

Greg Neil indicated that he believes the Route 47 area by the parkway entrances needs more signage. Drivers trying to find the north and south entrances cause traffic hazards.

Chief Leusner – the township has been putting a lot of effort into signage, however along State highways the State has been taking them down and indicated the town needs permits. Sometimes we have no control with State roads.

Mayor Lockwood spoke of issues at the Wawa entrance in Rio Grande. This area has one of the highest records for accidents.

3. 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.)

4. RESOLUTION 444-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – 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 payment for the following bills in the amounts indicated are hereby approved:

Current Acct.	\$ 449,242.97
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5. RESOLUTION 445-12 – APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE) – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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.	\$ 848.00
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6. RESOLUTION 446-12 – 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 09/05/2012; Closed Session 9/05/2012; Work Session 8/20/2012.

7. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of August; Zoning Official for the month of August; Tax Collector for the month of August; Municipal Court for the month of August;

8. **ORDINANCE NO. 1424-12 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY** – Following second reading, hearing, and consideration for adoption, Ordinance 1424-12 was adopted on motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

The Township Committee of the Township of Middle, County of Cape May and State of New Jersey desires to sell land to Habitat for Humanity, Cape May County, Inc., a Non-Profit Corporation of the State of New Jersey 08210 (“Habitat for Humanity”) and in furtherance thereof states as follows:

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-21 allows a municipality to sell land to certain organizations for a nominal fee, such as to (j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale; and (l) Any duly incorporated nonprofit housing corporation for the purpose of constructing housing for low or moderate income persons or families or handicapped persons;

WHEREAS, the Township of Middle owns a parcel of land which can be developed as at least one single family residential home and potentially more than one, which parcel of land is identified on the Township Tax Map as Block 1048, Lot 9, and which has frontage on Anna Street; and

WHEREAS, the Township of Middle has an obligation to provide low and moderate affordable housing; and

WHEREAS, Habitat for Humanity is a non-profit entity which has a purpose of constructing housing for low and moderate income persons; and

WHEREAS, the Township Housing Committee has reviewed the request by Habitat for Humanity for this lot and encourages the conveyance to Habitat for Humanity;

NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell the parcel of land identified on the Official Tax Map of the Township of Middle as:

Block 1048, Lot 9

2. The sale price for each lot shall be \$8,500.

3. The parcel shall be deed restricted so as to provide that at least one single family residential dwelling shall be built upon it within 24 months or the land shall revert to the Township of Middle.

4. The property shall be deed restricted so that the single family residential dwelling shall be compliant with State laws so that the Township of Middle will be credited for having low and/or moderate income housing units in the Township of Middle.

5. Habitat for Humanity shall enter into a Housing Agreement with the Township of Middle which shall contain certain requirements which shall make the units compliant with the State low and moderate income housing requirements.

6. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any documents necessary to effectuate this transaction, including any contract, deed, deed restriction or easement.

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 final passage and publication, according to law.

9. **** TABLED ** ORDINANCE NO. 1425-12 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 27, SECTION 2, ENTITLED MARRIAGES AND CIVIL UNIONS, FEES** – Following second reading, hearing, and consideration for adoption, Ordinance 1425-12 was adopted on motion by seconded by _____ 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, that the following chapter of the local code is hereby revised as follows:

SECTION 1: Chapter 27 of the Code of the Township of Middle is hereby amended as follows:

§ 27-2. Fee.

If the Mayor or Deputy Mayor, when authorized by the Mayor, performs a marriage or civil union ceremony, the fee for said service shall be \$100.00. The fees shall be deposited in the current fund, and shall be payable to the Township of Middle.

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 447-12 – CAPITAL BUDGET AMENDMENT – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the local capital budget for the year 2012 was adopted on the 18th day of April, 2012 and amended on July 16, 2012;

WHEREAS, it is desired to amend said adopted capital budget section again.

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 following amendment(s) to the capital budget section of 2012 be made.

BE IT FURTHER RESOLVED, two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

(Forms available in the Clerk’s Office)

11. ORDINANCE NO. 1427-12 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$280,000 FROM THE SEWER CAPITAL FUND FOR THE ACQUISITION OF SEWER JET VAC TRUCK – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No 1427-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/15/2012 at 6:00 p.m.

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.

Frank Realiski stated he believes there is a problem with the addresses listed in the ordinance.

Elizabeth Terenik stated she verified these addresses with the Tax Assessor.

12. ORDINANCE NO. 1428-12 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250 THEREOF ENTITLED ZONING – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, Ordinance No 1428-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/15/2012 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. 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 sewerred 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.

13. RESOLUTION 448-12 – DEPOSITORY CURRENT FUNDS – 2012 – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

BE IT FURTHER RESOLVED, that the Sturdy Savings Bank shall be the depository for the following account of the Township of Middle for the year 2012, and that all disbursements shall be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
Clerk	Township Clerk or Deputy Clerk
TTL Redemption	Tax Collector or Designated Tax Clerk
Construction Official	Construction Official, Chief Financial Officer, Deputy Chief Financial Officer
Municipal Court	Municipal Judge or Court Administrator or Deputy Court Administrator
Bond Account	Municipal Judge or Court Administrator, or Deputy Court Administrator
Current	Chief Financial Officer, Deputy Chief Financial Officer
*General Checking Account	Chief Financial Officer, Deputy Chief Financial Officer, Mayor, Clerk or Deputy Clerk
Trust Account - Other	Chief Financial Officer, Deputy Chief Financial Officer
Forfeited Monies)	Chief Financial Officer, Deputy Chief Financial Officer
General Capital Account	Chief Financial Officer, Deputy Chief Financial Officer
Urban Development Action	Chief Financial Officer, Deputy Chief Financial Officer
EMS Billing	Chief Financial Officer, Deputy Chief Financial Officer
Middle Township Municipal Alliance Committee	Chief Financial Officer, Deputy Chief Financial Officer
Housing Rehabilitation	Chief Financial Officer, Deputy Chief Financial Officer
Revolving Fund	Chief Financial Officer, Deputy Chief Financial Officer
Utility Account	Chief Financial Officer, Deputy Chief Financial Officer
Utility Escrow Account	Chief Financial Officer, Deputy Chief Financial Officer
Utility Capital Account	Chief Financial Officer, Deputy Chief Financial Officer
Green Acres	Chief Financial Officer, Deputy Chief Financial Officer
*Payroll (SS & Withholding)	Chief Financial Officer, Deputy Chief Financial Officer
Unemployment Trust	Chief Financial Officer, Deputy Chief Financial Officer
Recreation-Ded. Trust Fund	Chief Financial Officer, Deputy Chief Financial Officer
Public Assistance Trust Fund	Chief Financial Officer, Deputy Chief Financial Officer
Dog Tax	Chief Financial Officer, Deputy Chief Financial Officer
Accumulated Absences Trust Fund	Chief Financial Officer, Deputy Chief Financial Officer
COAH Fees	Chief Financial Officer, Deputy Chief Financial Officer
Alarm Billing Account	Chief Financial Officer, Deputy Chief Financial Officer

BE IT FURTHER RESOLVED, that TD Bank, of New Jersey shall be the depository for all of the following current funds, of the Township of Middle, for the year 2012, and that all disbursements shall be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
Master Escrow Checking	Chief Financial Officer, Deputy Chief Financial Officer
Master Escrow Savings	Chief Financial Officer, Deputy Chief Financial Officer

BE IT FURTHER RESOLVED, that 1st Bank of Sea Isle, of New Jersey shall be the depository for all of the following current funds, of the Township of Middle, for the year 2012, and that all disbursements shall be made by checks signed by the following:

ACCOUNT Middle Township Employee Medical/Child Care Plan DISBURSEMENT OFFICER Chief Financial Officer, Deputy Chief Financial Officer

BE IT FURTHER RESOLVED, that MBIA Class, of New Jersey shall be the depository for all of the following current funds, of the Township of Middle, for the year 2012, and that all disbursements shall be made by checks signed by the following:

ACCOUNT General Capital Account DISBURSEMENT OFFICER Chief Financial Officer, Deputy Chief Financial Officer

14. RESOLUTION 449-12 – SALARY AMENDMENT – STIPEND – On motion by Committeemember DeLanzo 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, County of Cape May, State of New Jersey, that the following is hereby given a stipend for his position as follows:

NAME	DEPARTMENT	TITLE	STIPEND	EFFECTIVE
Leonard Larkin	Public Safety	Detective	\$750.00	09/01/2012
Tracey Super	Public Safety	Detective	\$750.00	09/01/2012

15. RESOLUTION 450-12 – APPOINTMENTS – RECREATION DEPARTMENT - CODE OF CONDUCT REVIEW COMMITTEE – On motion by Mayor Lockwood seconded by Committeemember Donohue 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 persons be and are hereby appointed to the Code of Conduct Review Committee for the term of office opposite their name:

NAME	POSITION ON BRD.	TERM EXPIRATION
Dawn Wilson	Parent – Football	12/31/2013
Vivian Zarfati	Parent – Basketball	12/31/2013

16. RESOLUTION 451-12 – LIEN REDEMPTION MONIES – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 54:5.1 section 13 requires that if the owner of a tax lien fails to surrender a tax sale certificate within five years of being notified of redemption, the unclaimed redemption monies will escheat to the municipality; and
 WHEREAS, the owners of the tax liens listed below have been duly notified and have not surrendered the tax lien certificates to the municipality; and

Date of Redemption	Block/Lot	Cert #	Owner	Lienholder	Amount
10/13/2006	17/127	2006-4731	Janice C Hocking	Garden State Adv	42.14
10/17/2006	33/5	2006-4732	Franklin Timmons	Garden State Adv	35.77
4/9/2007	832/2	3771-1975	Holmes	Pugacher	75.81
4/9/2007	832/2		Holmes	Lynette Land Co	73.01

WHEREAS, the lien redemptions are more than five years old;
 BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that a check in the amount of \$226.73 be accepted by the Chief Financial Officer from the Collector’s lien redemption account;
 BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

17. RESOLUTION 452-12 – TAX SALE PREMIUM – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle held a tax sale on January 9, 2007; and
 WHEREAS, tax certificate #2007-5165 regarding the property identified as block 1247 lot 22, and also known as Hereford Ave , was sold to Ercole Mirarchi at 0% interest rate and with a \$100.00 premium; and
 WHEREAS, In accordance with N.J.S.A. 54:5-33 any premium payment shall be held by the collector and returned to the purchaser of the tax certificate if and when redemption is made, but that if redemption is not made within five years from the date of sale the premium payment shall be turned over to the treasurer of the municipality and become part of the funds of the municipality; and
 WHEREAS, the lien redemption of tax certificate #2007-5165 did not occur within five years from the date of said sale, nor was the property foreclosed upon by the tax certificate holder;
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Township Tax Collector pay from the Tax Collector’s Lien Redemption Account the amount of \$100.00 to the Chief Financial Officer, and the Chief Financial Officer deposit said funds into the general fund;
 BE IT FURTHER RESOLVED that a certified copy of this Resolution be given to the Chief Financial Officer of the Township of Middle.

18. RESOLUTION 453-12 – ACKNOWLEDGEMENT OF TERMINATION – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following termination listed below, is acknowledged.

EMPLOYEE DEPARTMENT POSITION EFFECTIVE

Crystal Campo	Clean Communities	Clean Communities Supervisor	09/10/2012
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19. RESOLUTION 454-12 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – AMAZING AMUSEMENTS & ENTERTAINMENT INC. – HARVEST FESTIVAL ENTERTAINMENT – On motion by Mayor Lockwood 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 Agreement between Amazing Amusements & Entertainment, Inc. and the Township of Middle for the amusement ride entertainment for the Middle Township Harvest Festival, 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.

Amazing Amusements & Entertainment, Inc. - Harvest Festival - \$9,125.00

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$9,125.00 has been bid for the following service or items Amusement Rides It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract:

PO# _____

Tracey DeVico Taverner, CFO

20. RESOLUTION 455-12 – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00 a.m. and 5:00 p.m. on October 20, 2012(with a rain date of October 21, 2012 from 12 noon until 5:00pm), and WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival, and

WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle, and

WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 20, 2012 between the hours of 10:00 a.m. and 5:00 p.m. (or as stated in event a “rain date” is utilized) in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey.

FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.

21. RESOLUTION 456-12 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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 an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 19, 2012 until 7:00 AM on Sunday, October 21, 2012 for the Harvest Festival is hereby approved.

BE IT FURTHER RESOLVED, that in the case that the “rain date” for the event is utilize, this order shall remain until 8pm on Sunday, October 21, 2012

22. RESOLUTION 457-12 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 20, 2012 from 6:00 AM until 7:00 PM (rain date October 21, 2012) for the Harvest Festival is hereby approved.

23. RESOLUTION 458-12 – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION – SANITARY SEWER FORCE MAIN – BENNETT ROAD – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for the sanitary sewer force main in Bennett Road at the crossing of the Garden State Parkway.
24. RESOLUTION 459-12 – RELEASE PERFORMANCE BOND – EILEEN FERRELL – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, an escrow account in the amount of \$102.50, as well as a cash bond in the amount of \$3,600.00 is being held as a performance guarantee of Eileen Ferrell for Block 337 Lot 15, and WHEREAS, the Township Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and
 WHEREAS, the Zoning Official for the Township of Middle has recommended that the escrow account and cash bond for the project 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 escrow account in the amount of \$102.50 and cash bond in the amount of \$3,600.00 is hereby released.
25. RESOLUTION 460-12 – AUTHORIZING CREATION OF LIEN ON PROPERTY – MAINTENANCE – 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
Sophie Cann c/o Lafferts	19 N. 10 th Street	395 / 11	\$76.94
Kimberly Fashaw	106 N. 10 th Street	1109 / 1	\$76.94
JRS Land Co. Inc.	111 Cochran	1059 / 6	\$76.94
Joseph Palm	122 Lafayette	427 / 14	\$76.94
Paul Greenspan	39 Crest Road	226.04 / 7	\$76.94
David Smith	18 Goshen Road	215 / 10	\$76.94
Marion Hasili	4 Marye Street	1443 / 24	\$76.94
Joseph Toland	204 School Lane	1447 / 9	\$76.94
William Belles, Jr.	6 Linden Circle	1472 / 12	\$76.94
Bonnie Kozak	201 Hand Avenue	240/14	\$76.94
Rio Grande Housing Partners LLC	4006 Rte 9 S	1523/ 3	\$76.94
Federal National Mortgage Assoc.	743 Dias Creek Road	164.01 / 22	\$107.39
Harbor Place Development, LLC	1116 Stone Harbor Blvd.	136 / 14	\$107.39
Richard & Kimberly Carty	112 Davis Road	1417 / 4	\$107.39
Nathan Romano	387 Route 47 South	388 /6	\$82.57
Sherye Chase Pearson	450 Shunpike Road	325 / 21	\$82.57
Robert Clarke, Jr.	7 English Way	163.01 / 83	\$82.57

26. RESOLUTION 461-12 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY OFFICE OF CLEAN ENERGY DIRECT INSTALL PROGRAM – HVAC REPLACEMENT – 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, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit a grant application through the New Jersey Office of Clean Energy, on behalf of the Township of Middle.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

27. RESOLUTION 462-12 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – GRANT APPLICATION – NEW JERSEY OFFICE OF CLEAN ENERGY DIRECT INSTALL PROGRAM – HVAC REPLACEMENT – 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 providing additional engineering services towards the submission of a grant application to the New Jersey Office of Clean Energy Direct Install Program, towards a replacement to the HVAC system.

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 –Grant Application – Not to exceed \$1,800.00
As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ 1,800.00 has been bid for the following service or items Grant App. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: _____
PO# _____

Tracey L. Taverner, CFO

28. RESOLUTION 463-12 – APPOINTMENTS – TELECOMMUNICATIONS – On motion by Committeemember DeLanzo 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, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Mary Champion	Public Safety	PS Telecommunications Operator – P/T	\$13.46 ph	08/01/2012

29. PUBLIC COMMENT:

Marc DeBlasio, Remington, Vernick Walberg read into record the Engineering Report dated September 17, 2012

ENGINEERING STATUS REPORT MIDDLE TOWNSHIP

September 17, 2012

Prepared For:
TOWNSHIP COMMITTEE

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

GRANT APPLICATIONS

Game Time Recreation-Playgrounds

- Marturano 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	<u>\$11,362.00</u>
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 NJDCA Small Cites 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: Bike Path Phase 4
- The Township will need to decide on a project for the "Safe Streets to Transit" program.

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]
- A pre-construction meeting was held on September 14, 2012 and the contract completion date is November 13, 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 - \$627,875.00]
- A pre-construction meeting was held on September 14, 2012 and the contract completion date is December 13, 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.
- Construction cost estimates were transmitted to the Township on February 15th for review and discussion.
- Due to unique circumstances, we have recommended that topographic survey and preliminary engineering be completed for Leonard's Lane.

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 approximately 90% complete.

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.
- Wetlands 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.
- 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' Whisting 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

Marc DeBlasio stated that the township will have to recommend streets to list under the "Safe Streets to Transit" grant application.

Committeemember DeLanzo recommended the eastside of Main Street in Whitesboro. The Whitesboro School is at the end of the road. "This might help the application that the school has a daycare located in the building".

Mayor Lockwood asked that we speak to Andrew Smith of Public Works and ask that he review the list of roads that need to be repaved.

Marc DeBlasio stated that Main Street may be a good suggestion because it connects to a previously funded project. The deadline is October 16th.

Committeemember DeLanzo stated that the school has a food pantry as well. Curbs and sidewalks could help "safety wise".

Marc DeBlasio stated between now and the next meeting committee should make a decision. We could do a resolution to authorize the application at that time. Shannon Oaks, which had 4 sink holes, has been repaired. The lines will now be re-cleaned and videoed.

Committeemember DeLanzo thanked the residents for attending the meeting in Rio Grande.

Committeemember Donohue thanked Rio Grande Fire Co. for allowing committee to use the building for the meeting. He would like to make this an annual event.

Stated that committee spoke of the Ockie Whisting Complex during the work session. We do have the money available to develop that tract within a parallel time frame as Cape Express. There was a number of ideas discussed, more non-traditional passive recreation. Would like feedback from the residents of Rio Grande as to what they would like to see at the complex.

The reassessment is half way complete. The entire township will go through the reassessment and this will be reflected on next year's tax bills.

Online bill pay will be going live within the next couple of weeks. Currently working out bugs and the twp. is looking into adding sewer billing in the future.

Spoke of grant applied for in connection with HVAC unit at Township Hall. "Witnessed firsthand the money going right out the window". Spoke of reverse auctions with the electric service. Will take bids and award to the lowest bidder.

Township is looking into a solar Co-Op with Fire District #1 to share power and bring down the cost for both entities.

The Registrar's Office and Municipal Clerk's Office will be merging. Offices will be located on 1st floor. Two part-time employees will be under the supervision of the Township Clerk.

Bike Path should be up and running within the next couple of weeks. The township is looking into funding for phase 4 of the project.

9/11 remembrance was a nice dedication to 1st responders and those that died there. Father O'Leary was present.

Mitch Nichols and the Engineer have been working on the emergency situation in Shannon Oaks. "Could have been an issue. Someone could have been hurt. This was taken care of quickly".

Mayor Lockwood – Schools have reopened. Please look for buses and children.

Habitat finished their first stick built home in a long time. He attended the dedication. Both Habitat and the new homeowner were equally excited. They are looking to do three more homes in Middle Township next year.

Also attended the dedication of a past Commander at the National Guard Armory. It was a great event.

Spoke of Co-Op with Fire District #1... in the preliminary stages right now. Plan is to use land at Swainton sub-station. The fire district has asked the township to look at various locations to meet all of the power needs of each entity.

Attended the Conference of Shopping Centers. The presentation was on bringing jobs to Middle Township. It went very well. This is all a part of making sure Middle Township is doing everything possible to stabilize rates and do what is best for the residents of the township.

Stated that the Environmental Commission asked him to announce that the DEP will present ways for residents to preserve water sources. This meeting will be September 19th at 7pm in the court room of Township Hall.

Harrison Roach asked particulars regarding the Cape Express Agreement. Believes 20 years is a long time.

Committeemember Donohue clarified particulars on the agreement. Cape Express is going to develop and maintain the property. There will be a schedule set up that is beneficial to both parties under the 20 year agreement. The parcel is not exclusive to Cape Express use only. They will pay to maintain the property themselves. They currently pay \$12,000.00 for use of Goshen Complex. The township will be developing 2/3rd of the property for community use. This is a public / private partnership. They will be using this property for tournaments; we will be using it for community events as well.

Harrison Roach asked when this project will start.

Mayor Lockwood – spring next year. It is an 83 acre site that will house 5 sports fields. 2-3 acres "tops" will go to Cape Express. Their offer is to finish parking, the entrance and lighting.

H. Roach asked about insurance requirements. Are these already in place for Goshen Complex?

Betty McGurk – there is contamination at airport. Will there be monitoring wells in place?

Mayor Lockwood – would assume County Health Department would regulate this.

Frances Deerlove – Thanked police for the increased police presence in his area. There are a lot of un-kept properties in the township. Code Enforcement needs to go down Leonard's Lane and Avalon Blvd. Properties are overgrown.

Is encouraged that the asphalt at the end of his street has been removed. "This was wrong from the beginning". Will the property owner have to pay for the removal?

Committeemember Donohue stated this was a "good question".

Mayor Lockwood - "working on that answer".

Vilma Pombo – clarified meeting time for the "water meeting".

Elizabeth Terenik agreed it was at 7pm.

Julie Ann Lindholm spoke of dumpsters at Village Shops. They are kept open and trash continues to blow down 2nd Avenue.

Committeemember Donohue – “Zoning Office pulled plans... the placement of the dumpsters are not correct, that is plain to see”. Indicated that he would remain in contact with the Mr. & Mrs. Lindholm. Meeting scheduled with Mr. Accardi.

Mayor Lockwood spoke of the shopping cart issue in Rio Grande. Public Works has provided a spot for people to place their carts at the bus shelters. “Seems to be working. Will be adding more in different locations”.

Vilma Pombo stated the shopping center project in Swainton has been postponed. Was informed that the Conifer project was moved to that spot. Residents around both projects should be notified.

Committeemember Donohue -stated he will check the packet provided. Conifer will be paying for traffic study for both sites. An independent company has been chosen by the township and this cost will be paid for by Conifer.

Motion to adjourn meeting:

1st Committeemember Donohue 2nd Committeemember DeLanzo

Roll Call Vote: Passed on roll call.

There being no further business the meeting was adjourned at 7:30pm.

Kimberly D. Krauss, Twp. Clerk