

Cape May Court House, NJ  
March 4, 2013  
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 Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Acting Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Chris Eaton for Township Engineer Marc DeBlasio.

1. RESOLUTION 125-13 – APPOINT ACTING BUSINESS ADMINISTRATOR – 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 person shall be appointed as Acting Business Administrator as follows:

NAME	DEPARTMENT	TITLE	SALARY / RATE	EFFECTIVE
Connie Mahon	Administration	Acting Business Administrator	\$50.00 p/h	03/04/2013

BE IT FURTHER RESOLVED, that prior to Mrs. Mahon's appointment as full-time Business Administrator a resolution approving such, along with a contract, shall be presented for approval by the governing body at a meeting of said governing body to be adopted by not less than a two-thirds vote of the full membership.
2. **\*\*TABLED\*\*** PRESENTATION BY MAYOR
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.)  
**\*No Public Questions**
4. RESOLUTION 126-13 – 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. \$2,474,891.65
5. RESOLUTION 127-13 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Kelly Products) – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. **\*Committeemember Donohue Abstain**  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$167.16
6. RESOLUTION 128-13 – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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, the governing body thereof, that the following minutes are approved: Work Session 02/20/2013, Board of Health Meeting 02/20/2013, Regular Meeting 02/20/2013 and Closed Session 02/20/2013.
7. REPORTS: The following departments have submitted their reports for the months indicated: Sewer Department for February 2013, Tax Collector for February 2013, Zoning for February 2013, Construction Official for the month of February,
8. **\*\*TABLED\*\*** ORDINANCE 1435-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT AND RELATED DOCUMENTS WITH CAPE EXPRESS SOCCER CLUB, INC. TO DEVELOP, MAINTAIN, AND OPERATE ATHLETIC FIELDS AND RELATED AREAS AT THE OCKIE WHISTING RECREATIONAL COMPLEX IN THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, Ordinance No. 1435-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/01/2013 at 6:00 p.m.  
SECTION I.  
WHEREAS, the Township of Middle is a duly organized municipality existing under the laws of the State of New Jersey and among its other powers, maintains, operates and improves infrastructure at the Ockie Whisting Recreational Complex in Middle township New Jersey; and WHEREAS, the sport of soccer is growing in popularity each year; and

WHEREAS, soccer has a long tradition in the Township as a high school sport and as a youth recreation program sport run through our recreation program; and  
 WHEREAS, the Township finds that recreational activities such as soccer promote the health, safety, morals and general welfare of the community; and  
 WHEREAS, the Township provides soccer facilities at The Clarence Davies Recreation Complex located in the Goshen section of the Township; and  
 WHEREAS, Cape Express is a privately operated soccer club that provides leagues and training for local athletes, many of whom are Township residents; and  
 WHEREAS, Cape Express has used the Township soccer facilities over the years, and between the Township recreation program and the Cape Express program, there are not enough facilities; and  
 WHEREAS, the Township has land at The Ockie Whisting Recreation Complex for which it does not have any immediate plans for development though it desires that it be used for recreational purposes; and  
 WHEREAS, Cape Express desires to use a portion of that complex to construct soccer fields; and  
 WHEREAS, during these times of strained municipal budgets due to decreasing aid from the State of New Jersey and the increased costs of insurance, pensions, and salaries, wages, and benefits, it is preferable that private funding be used to pay for certain recreational facilities; and  
 WHEREAS, Cape Express has offered to lease certain grounds from the Township, and to pay for the construction of the fields, and once constructed to offer soccer skills training to Township residents, it being the intent that the Township not incur any undue expense in either the construction or operation of the fields; and  
 NOW, THEREFORE, BE IT ORDAINED BY THE MIDDLE TOWNSHIP COMMITTEE THE GOVERNING BODY OF THE TOWNSHIP OF MIDDLE AS FOLLOWS:

a. The Mayor and Municipal Clerk are hereby authorized to execute a lease agreement and related documents with the Cape Express Soccer Club Inc , a copy of which is annexed hereto as Exhibit "A" and incorporated herein to effectuate the purpose outline above.

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. This Ordinance shall become effective immediately upon final passage and publication according to law.

9. ORDINANCE NO. 1442-13 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR CALENDAR YEAR 2013 – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1442-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/01/2013 at 6:00 p.m.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 1.5% increase in the budget for said year, amounting to \$257,573.72 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$601,005.34 and that the CY 2013 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

10. RESOLUTION 129-13 - APPOINTMENT –NEW HIRE – TELECOMMUNICATIONS – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. **\*Committeemember DeLanzo Abstain**

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
David Atkinson, Jr.	Public Safety	PS Telecommunications Operator P/T	\$10.46ph	03/04/2013

11. RESOLUTION 130-13 - PROMOTION – PUBLIC SAFETY – KENDRA KARSTENS – On motion by Committeemember DeLanzo 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, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Kendra Karstens	Public Safety	Keyboarding Clerk 2	\$34,000.00	03/04/2013

12. RESOLUTION 131-13 - APPROVE DONATION OF TIME FOR FELLOW EMPLOYEE – 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, that the request from the following Middle Township employees, to relinquish the following amount of time to Jim Amenhauser, be and hereby is approved:

EMPLOYEE NAME	TYPE OF DAY	TIME DONATED
Captain John Edwards	Sick	16.5 hours
Chief Chris Leusner	Sick	15 hours
Lt. William Adams	Sick	15 hours
Lt. Donald Nelson	Sick	15 hours
Det. Lenard Larkin	Sick	15 hours
DFC Allan McClure	Sick	15 hours
DFC Clinton Stocker	Sick	15 hours
Det. Tracey Super	Sick	15 hours

NOW THEREFORE, BE IT FURTHER RESOLVED, that the total amount of contributed time be credited to Jim Amenhauser, as Sick Time.

13. RESOLUTION 132-13 - APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to apply for a project under the Safe and Secure Communities Program, and

WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Middle for the purpose described in the application.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:

1. As a matter of public policy the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety;
2. The Attorney General of New Jersey will receive funds on behalf of the applicant;
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds; and
4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

14. RESOLUTION 133-13 - RENEWAL OF GRAVEL PIT PERMITS – 2013 – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the several gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and

WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and

WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, “recertification is currently recommended” for the following licensees, and

NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2013 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
4	Siegtown Partners	98/2	35.37ac	\$600.00
6	Albrecht & Heun	94/19.02	57.5ac	\$600.00
7	Albrecht & Heun	94/19.01 & 94/20	41.03ac/30.5ac	\$600.00
11	Albrecht & Heun	95.03/21	42.64ac	\$600.00
24	TK Sand & Gravel	96/17	8.08ac	\$400.00

FURTHER RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.

15. RESOLUTION 134-13 - RELEASE OF TRUST ACCOUNTS – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.



WHEREAS, the Township Committee of the Township of Middle wishes to meet in closed/executive session regarding the UAW Contract Negotiations and Animal Control Services; and

WHEREAS, said Closed Session shall be held directly after this open session; and  
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: CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW) AND ANIMAL CONTROL SERVICES

2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW) AND ANIMAL CONTROL SERVICES

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.

**Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the following topic in closed session: CONTRACT NEGOTIATIONS (UAW) AND ANIMAL CONTROL SERVICES**

**This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.**

**The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.**

**\*Resolution was amended to remove Animal Control Services.**

21. RESOLUTION 140-13 - RESERVE FOR UNCOLLECTED TAXES ADJUSTMENT – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, County of Cape May, realized 97.62% of Current Tax Collections for the year 2012; and

WHEREAS, without the cancellations of 2012 taxes by the Tax Court of the State of New Jersey and the Cape May County Board of Taxation and appeals by major taxpayers for 2012 taxes in the sum of \$223,612.68 the Township would have collected approximately 98.11%; and

WHEREAS, Chapter 56 of P.L. 2010 allows the governing body to elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from tax judgments of the Tax Court of the State of New Jersey and the County Board of Taxation;

WHEREAS, the Township Committee of the Township of Middle believe the Tax Collections for the year 2013 will improve over the year 2012 because the properties which had abnormal cancellations and appeals in 2012 will not recur since the respective assessments have been corrected and appeals negotiated for the year 2012;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Middle in the County of Cape May that election be made to calculate the reserve for uncollected taxes by reducing the certified tax levy for the above mentioned appeals and by using a collection rate of 97.90% in the calculation of the 2013 reserve for uncollected taxes.

22. RESOLUTION 141-13 - DEFERRED SCHOOL TAX – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, by statute, when a municipality raises school taxes on a school year basis, an amount of not more than 50% of the levy may be deferred to the following year; and

WHEREAS, 50% of the school tax levy of the Township of Middle School District is \$12,116,218.50; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middle desires to defer school taxes to the year 2013 in the amount of \$9,676,265.00.

23. RESOLUTION 142-13 - INTRODUCTION OF BUDGET BY TITLE ONLY – 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 of the Township of Middle, the governing body thereof, that the 2013 Budget for the Township of Middle by introduced, approved and given first reading by title only

24. RESOLUTION 143-13 – AUTHORIZING MAYOR TO SIGN DELAWARE BAY EMERGENCY HORSESHOE CRAB HABITAT RESTORATION PROJECT FORM, IN CONNECTION WITH AMERICAN LITTORAL SOCIETY – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the strong westerly winds and intense storm surge from Superstorm Sandy has removed at least five feet of sand from the Delaware Bay's Beaches, and

WHEREAS, this loss of sand from said beaches has left a predominantly mud-based, rubble laden coastline habitat highly unsuitable for horseshoe crab spawning, and

WHEREAS, this is not only a threat to the horseshoe crab spawning success but also to the many shorebird species that depend on those eggs during their migratory stopover on our bay beaches, and

WHEREAS, the American Littoral Society and the National Fish and Wildlife Foundation are developing an emergency beach nourishment project in order to supply the necessary amount of sand horseshoe crabs need to spawn, and

WHEREAS, the scope of this project will span from southern Reeds Beach to north Pierces Point, all of which is within the jurisdiction of the Township of Middle, and

WHEREAS, in order for said groups to obtain necessary emergency permits, and to proceed with the project, it is necessary for the township to consent via a fully executed "permission form". NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the appropriate officials are hereby authorized to sign any and all documents in connection with this restoration project.

25. RESOLUTION 144-13 – APPROVE TONNAGE GRANT 2012 – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Mandatory Source separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs, and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs, and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory source Separation and Recycling Act, and WHEREAS, the recycling regulations impose municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate,

verifiable records of materials collected and claimed by the municipality, and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Middle Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations, and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township committee of the Township of middle that the Township of Middle does hereby endorse the submission of a Municipal Recycling Tonnage Grant Application to the New jersey Department of Environmental Protection and Energy, office of Recycling, and

WHEREAS, the Township of Middle does hereby designate Marc DeBlasio, Township Engineer, or his designated representative, to ensure that the said Application is properly filed; and

FURTHER RESOLVED, that the moneys received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

26. RESOLUTION 145-13 - AUTHORIZATION TO CLOSE A PORTION OF SHELLBAY AVENUE FOR STUDENT FILM – 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 is hereby given to close a portion of Shellbay Avenue on Monday, March 18, 2013 from 12:00pm to 6:00pm, rain date of Tuesday, March 19, 2013 from 12:00pm to 6:00pm. for a filming by students of Rowan University; and BE IT FURTHER RESOLVED, that said applicant shall provide the appropriate insurance documentation and hold harmless agreement to the Township of Middle.

27. PUBLIC COMMENT:

Jonathan Hirsch, Rowan University – discussed filming project on Shellbay Avenue on March 18. Marc Karavan spoke of legal documents which the Township will require. Mayor Lockwood mentioned notifying the residents of that street as to the closure of a portion of the street.

Chris Eaton, Remington Vernick Engineers – discussed opening of Leonard's Lane project. Bids are currently being reviewed by Engineer and Solicitor.

Committeemember DeLanzo – No Comments.

Committeemember Donohue – Thanks to Chris Eaton for help with the Open Space Development project. Next meeting regarding the Open Space Development will be on March 21<sup>st</sup>, 6:30pm at Middle Township Senior Center. This will be the last meeting before the final report is issued.

Economic Development meeting this coming Wednesday with TRIAD Associates to prepare final draft of report.

Welcomed Connie Mahon as new Business Administrator. Very excited to have her here, she brings good ideas and positive impacts.

Tabled Resolution tonight for Direct Install, but grant has been received.

Congrats to MTHS boys basketball team on a great season.

Job well done to MTHS students who performed in school play, was fantastic as always.

Phase 4 of the Bike Path is moving forward, preliminary plans being reviewed.

Announcement for new Recreation Director will be coming soon.

Mayor Lockwood – Parkway Overpass Project – economic development, making sure contractor is aware of business and options for dining and places to stay in our area. Received more information on timing and traffic control. Information will be placed on our Economic Development website as it is received. There is still a hold up with utilities but expect to fall into place soon.

Middle Township Chamber meeting discussed parkway project to provide resources during this project, working well with Economic Development.

Introduced budget tonight by title only. There will be a budget presentation at the Work Session meeting on March 18. Copy of budget is available in Treasurer's office. Not receiving any State Aid cuts which is good news for our town.

Attended DEP hearing on sewer service area, received input from some of the professionals in our town, received guidance and direction from DEP as to how this area would look with our planning, but that changed and was disappointing. Passed on disappointment to the DEP during this meeting. Some areas changed due to not being developed, argued that it was an amendment, not a new plan, and they are taking away existing areas.

FEMA elevation maps will be affected as we have some impacted areas. County passed Resolution appealing the Governor's decision on the map revisions.

Motion to go into Executive Session – 6:35pm

1<sup>st</sup> Committeemember Donohue                      2<sup>nd</sup> Committeemember DeLanzo

Pass on Roll Call: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Motion to return to Open Meeting – 7:15pm

1<sup>st</sup> Committeemember DeLanzo                      2<sup>nd</sup> Committeemember Donohue

Motion to adjourn meeting – 7:20pm

1<sup>st</sup> Committeemember Donohue                      2<sup>nd</sup> Mayor Lockwood

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Kimberly Krauss, Township Clerk