

Cape May Court House, NJ
April 19, 2010
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

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

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor DeLanzo, Committeemember Doughty, Committeemember Lockwood, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Municipal Solicitor James Pickering, and Township Engineer Vincent Orlando.

1. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

Joe Ravitz: Had questions on items #24, a Resolution #159-10 Authorizing Mayor to Sign the Treatment Works Application, Canterbury Way and #7, Ordinance #1356-10 An Ordinance of the Township of Middle to Require a Contractor's License for Commercial Work Performed in Middle Township .

Madelyn Filipski: Objected to Item #17, Resolution #152-10 Terminating Participation under the New Jersey State Health Benefits Program (which includes prescription drug program and/or dental plan coverage). NIA Group, Inc. gets 3% Commission. Also had questions about item #9, Ordinance 1358-10- an Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank.

Glen Ortman: Explained not exceeding estimated cap bank, we are under by 2.5 million.

Madelyn Filipski: What is the emergency budget amendment?

Mark Mallett: A wood chipper.

Tracey Taverner: Explained the money came from a grant.

2. RESOLUTION NO. 140-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct.	\$ 427,540.80
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3. RESOLUTION NO. 141-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Current Acct.	\$ 6,180.98
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4. REPORTS: The following departments have submitted their reports for the months indicated: Treasurer for the month of March; Municipal Court for the month of March; Treasurer for the month of March;
5. ORDINANCE NO. 1344-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO AMEND CHAPTER 175 OF THE TOWNSHIP CODE REGARDING MOBILE HOME PARK FEES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1344-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/17/2010 at 6:00 p.m.
WHEREAS, Local Ordinance charges an annual license fee of \$350.00 to the operator of a mobile home park, and a municipal service fee of \$7.00 per month for each mobile home; and
WHEREAS, The fees have remained the same since 1986; and
WHEREAS, The cost of providing administrative and public services to the mobile home parks has increased substantially since 1986;
BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 175 of the Code of Township of Middle be revised as follows:
SECTION 1. The following sections of Chapter 175 are deleted in their entirety and replaced with the following:

Section 175-3. Fees.

A. Annual fee. The annual license fee for a mobile home park shall be Seven Hundred Fifty (\$750.00) per calendar year, base fee. There shall also be a municipal service fee of Ten dollars (\$10.00) per calendar month per mobile home, whether or not the mobile home is occupied. There shall be no proration of either fee for periods shorter than a calendar year or a calendar month. There shall be additional fees for the supplemental license as hereinafter set forth.

Section 175-18. Determination of Rents.

A(1)(c) Any amount equal to the percentage increase in the consumer price index as heretofore defined herein during the previous calendar year time the base rent, or Three and one-half percent (3.5%), whichever is less.

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.

- 6. **ORDINANCE NO. 1355-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 132 OF THE TOWNSHIP CODE REGARDING EXCAVATION AND SOIL REMOVAL LICENSE FEES –** On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1355-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/17/2010 at 6:00 p.m.

WHEREAS, Local Ordinance Section 132-2 imposes a license fee of based upon the number of acres excavated, but which can be no less than \$200 or more than \$600 per annum, which fees have not changed since 1983;

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 132-2(C) of the Code of Township of Middle be revised as follows:

SECTION 1. Chapter 132-2(C) shall be deleted in its entirety and replaced as follows: Section 132-2 (C).

Said Application shall be accompanied by the annual license fee of two thousand, five hundred dollars (\$2,500.00).

The annual fee listed for each license in Section 132-6 are hereby no longer effective.

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.

- 7. **TABLED ** ORDINANCE NO. 1356-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO REQUIRE A CONTRACTORS LICENSE FOR COMMERCIAL WORK PERFORMED IN MIDDLE TOWNSHIP –** On motion by _____ seconded by _____ and passed on roll call, Ordinance No 1356-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/17/2010 at 6:00 p.m.

- 8. **ORDINANCE NO. 1357-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 131 OF THE TOWNSHIP CODE, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES –** On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1357-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/17/2010 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 131-6 of the Code of the Township of Middle is hereby deleted and replaced by the following:

Chapter/ Section
131-6 (A)

Short Description

The Township of Middle shall contract with a third-party billing agent who shall issue a bill in the amount of \$600.00 in each instance where EMS services are provided. Said bill shall be issued to the insurance company providing coverage for the person serves, if any, or directly to the person serves if insurance coverage is not available.

(B)

In addition to the amount billed pursuant to Subsection A above, the third party billing agent shall also bill for “load miles”. Load miles are those miles traveled by an EMS vehicle from the location where the patient was initially transported to the end

destination. Load miles shall be billed at \$10.00 per load mile.

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

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

SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

9. **ORDINANCE NO. 1358-10 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**
 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1358-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/17/2010 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 to 2.5% 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 2010 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 3.5 % increase in the budget for said year, amounting to \$610,316.77 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 2010 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 \$610,316.77, and that the CY 2010 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 NO. 142-10 – SURRENDERING REDEMPTION FEES TO TOWNSHIP TREASURER** – On motion by Committeemember Doughty seconded by Committeemember Lockwood 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		owner	lienholder	amount
04/30/90	942/30	1417-1961	unknown owner	betty lovett	70.15
4/1/90	703/21	305-1981	twp (from k & T)	eugenia kirnon	69.59
	951/36	89-165	cureto	lynette land co	32.41
5/6/1997	48/2 C0201	94-1316	rank land	rank land	837.21
5/6/1997	48/2 c0201	93-819	rank land	rank land	724.35
2/23/2000	921/22	89-156	walcy	lynette land co	61.00
6/13/2001	188/47	92-668	preston	spearman	73.83
8/28/2001	1224/39.01	89-182	shaw	lynette land co	62.17
12/30/2003	877/29	3776-1975	clarkson	bennett	33.74

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 \$1,964.45 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.

11. RESOLUTION NO. 143-10 – AUTHORIZING THE TOWNSHIP OF MIDDLE TO UNDERTAKE A PLAN FOR THE RECEIPT AND CONVEYANCE OF SEWAGE GENERATED BY THE VILLAGE OF GRASSY SOUND CIVIC ASSOCIATION, INC. – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Village of Grassy Sound Civic Association, Inc. (hereinafter “Association”), is a New Jersey non-profit corporation incorporated on January 24, 1991 having as one of its stated purposes:

To explore historic preservation of unique character of Grassy Sound, to represent

the homeowners of Grassy Sound interaction with other entities and the construction, operation and financing of a sewerage collection system to service the Properties located in Grassy Sound.

WHEREAS, the Township of Middle (hereinafter “Township”) 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 for the collection and transmission of sanitary sewage waste to the infrastructure and treatment facilities that are owned, maintained and operated by the Cape May County Municipal Utilities Authority (hereinafter “CMCMUA”); and

WHEREAS, the members of the Association are all owners and taxpayers of properties located within an area of the Township of Middle known as Grassy Sound; and

WHEREAS, the Grassy Sound area of the Township of Middle has no sewerage treatment facility for the treatment and disposal of sewage; and

WHEREAS, on May 21, 2001, the Association, the Township and the City of North Wildwood entered into a tri-party agreement, the purpose of which was to provide for the conveyance of the Association’s sewage to North Wildwood’s sewer collection system and ultimately to CMCMUA for treatment. All Association sewage is currently being conveyed to interim/temporary holding tanks located in Grassy Sound and thereafter transported by licensed septage haulers to an off-site wastewater treatment facility. The holding tank operation was conceived and approved by New Jersey Department of Environmental Protection as an interim measure of sewage collection for Grassy Sound until arrangements could be made to convey the sewage to North Wildwood’s public sewer collection system which would ultimately be received and treated by the CMCMUA; and

WHEREAS, due to circumstances beyond the Association’s control including the inability to acquire easements upon properties located within the City of North Wildwood, the Association has requested that the Township allow the Association’s sewage to be conveyed and connected to an existing Township sewer collection system in the Burleigh section of the Township; and

WHEREAS, several exploratory meetings have been held to date between the Association and the Township including each parties’ respective professionals and the Township Sewer Department Director; and meetings and communications have also been held with the New Jersey Department of Environmental Protection, the Cape May County Health Department and the USDA; and

WHEREAS, there presently exists an Administrative Consent Order (ACO) issued by the State of New Jersey Department of Environmental Protection (hereinafter “NJDEP”) dated April 22, 2002 which provides for the construction of a sanitary sewer line to convey Association sewage from Grassy Sound to North Wildwood in lieu of the current holding tank arrangement; and

WHEREAS, NJDEP has indicated its willingness to amend the ACO to provide for the conveyance of Association sewage to Middle Township in lieu of North Wildwood for ultimate conveyance by the Township sewer infrastructure to the CMCMUA; and

WHEREAS, the NJDEP presently seeks from the Township, a resolution confirming the Township’s intention to proceed with the plan to receive the Association sewage and convey the same through its infrastructure to the CMCMUA’s Seven Mile Beach/Middle wastewater plant located in Middle Township; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, that the Township of Middle would consider a connection from the Association into the Township collection system for the receipt and conveyance of sewage generated by the Association to the CMCMUA’s wastewater treatment plant on the following terms and conditions:

1. Neither the current rate-payers of the Middle Township sewer system, nor the Middle Township taxpayers, shall be required to contribute to the design, permitting, construction, operation, or maintenance of new pipelines or pump stations conveying Association sewage to the Township sewer system, nor shall the current rate-payers of the Middle Township sewer system, nor the Middle Township taxpayers be required to contribute to the construction of any improvements or upgrades to the existing Middle Township sewer system, including any upgrades of the pump station for the increased flow and the need for any odor controls;
2. The Association shall continue to own, operate, repair and maintain the existing collection system that serves the community of Grassy Sound, which system shall tie into the Township system;
3. The Association shall continue to be responsible for any past or current debt as well as the operation of the Grassy Sound sewer system;
4. Upon connection to the Township sewer system, The Association shall be assigned a single sewer account number and shall pay a single bill to the Township, which bill shall be calculated based upon the number of residential units serviced by the Association system multiplied by the rate per residential unit charged by the Township, and commercial units shall also be charged in accordance with the Township rate schedule.
5. The Association shall be responsible to comply with the terms of any applicable permits or the Consent Order, including but not limited to connecting all properties to its system.
6. The Association’s new pipeline to connect to the Township’s sewer system will pass existing homes along Old North Wildwood Boulevard which currently do not have sewer service available. The Township may choose or be required to provide sewer to these homes at some time in the future. The cost of any such future connection by the Township into the pipeline built by the

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 2010 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
8	Gerald Barrett	472/93	79.94	\$600.00
9	Gerald Barrett	472/32	7.54	\$400.00
12	Pierson Properties LLC.	168/2	42.21	\$600.00

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.

16. RESOLUTION NO. 151-10 – AUTHORIZING DONATION OF A SURPLUS POLICE CAR – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to donate a vehicle to a volunteer fire company within the township, and

WHEREAS, Title 40A, Chapter 12, Section 1-K permits the Township of Middle to donate a police car to an organization do to the fact that they are Incorporated as non-profit.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the donation of a police vehicle to the following organization is hereby approved:

Make/Model	VIN	Donation to:
1997 Ford Crown Vic Police Interceptor	VIN # 2FALP71W4VX207543	Middle Twp. Fire Dist. 4 Goshen Fire Co.

17. RESOLUTION NO. 152-10 – TERMINATING PARTICIPATION UNDER THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM (WHICH INCLUDES PRESCRIPTION DRUG PROGRAM AND/OR DENTAL PLAN COVERAGE) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, The Township of Middle currently provides health benefits to its employees through the New Jersey State Health Benefits Program; and

WHEREAS, The Township of Middle incurred a cost increase of 20% in the year 2010; and

WHEREAS, it is indicated that there will be significant cost increases in 2011 and beyond; and

WHEREAS, The Township of Middle has determined that it will provide the same or better health benefits to its employees through a different provider at a significant savings,

NOW THEREFORE BE IT RESOLVED,

1. The Township of Middle, County of Cape May, State of New Jersey hereby resolves to terminate its participation in the program (including Prescription Drug and/or Dental Plan) thereby canceling coverage provided by the New Jersey State Health Benefits Program (N.J.S.A. 52:14-17.25 et seq.) for all its active and retired employees.
2. We shall notify all active employees of the date of their termination of coverage under the program.
3. We understand that the Division of Pensions and Benefits will notify retired employees of the cancellation of their coverage.
4. We understand that all COBRA participants will be notified by the Division of Pensions and Benefits and advised to contact our office concerning a possible alternative health, prescription drug, and dental insurance program.
5. We understand that this resolution shall take affect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission.

18. RESOLUTION NO. 153-10 – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – NIA GROUP, LLC – INSURANCE BROKER – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has decided to leave State Health Benefits as outline in Resolution NO. 153-10, and

WHEREAS, the township has received quotes from various insurance brokers to provide health benefits to the employees of the Township of Middle, and

WHEREAS, the proposal provided indicates that value of the agreement will exceed \$17,500, payable through the insurance company, and

WHEREAS, NIA Group Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the NIA Group Inc. from making any reportable contributions through the term of the contract, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement

with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution

19. RESOLUTION NO. 154-10 – REFUND OF TAXES – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

Refund due to Mortgage Company paid taxes for prior owner/property sold

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
16745	165.01	93	Caruso, K 117 Stagecoach Rd.	1,060.64	

Refund Payable and sent to:

Wells Fargo Home Mortgage

1 Home Campus

MAC X2302-04D

Des Moines, IA 50328

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2010 taxes.

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

20. RESOLUTION NO. 155-10 – APPROVE ECONOMIC DEVELOPMENT LOAN – JOHN AND TAMARA ALLISON – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the economic development loan to John and Tamara Allison in the amount of \$50,000.00, be and is hereby approved.

21. RESOLUTION NO. 156-10 – REFUND OF OVERPAYMENT – SEWER – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, the governing body thereof, that the Director of Sewer is hereby authorized to make the adjustment to sewer account referenced below:

ACCT. NO.	OWNER	BLK / LOT	AMOUNT
05039	Anthony Devico, Jr.	299 / 18	\$115.00

22. RESOLUTION NO. 157-10 – APPROVE APPLICATION FOR BINGO LICENSE – VOLUNTEER FIRE COMPANY NO. 1 – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Middle Township Volunteer Fire Company No. 1 has applied to Legalized Games of Chance Control Commission for Bingo Nights, and

WHEREAS, the location will be at, 116 Swainton Goshen Rd, CMCH, NJ 08210, otherwise known as Big Timberlake Campground, has been approved by the Middle Township Committee as an Amusement Game Zone, and

WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,

WHEREAS, the proper application and fee have been received.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Bingo Night (with the dates listed on the form attached) at the location of 116 Swainton Goshen Road, Cape May Court House, is hereby approved.

23. RESOLUTION NO. 158-10 – EMERGENCY TEMPORARY BUDGET AMENDMENT – CHIPPER – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2010 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$7,676,745.00

NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$43,000.00. That said emergency temporary appropriation shall be funded by the adoption of the 2010 budget through a grant appropriation:
Chipper
2. That one certified copy of this resolution be filed with the Director of Local Government Services.

24. RESOLUTION NO. 159-10 – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION – CANTERBURY WAY – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign treatment works

application and any and all permit applications in connection therewith for the Canterbury Way Treatment Works Application.

25. RESOLUTION NO. 160-10 – AMENDING CONTRACTS AWARDED UNDER THE FAIR AND OPEN PROCESS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the following professionals were originally awarded a contract under the Fair and Open Process, pursuant to N.J.S.A. 19:44A-20.4 et.seq., during reorganization 2010, and WHEREAS, each of the professionals listed below have agreed to lower their contract amount for 2010 as specified:

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 submissions shall be awarded as follows for a term effective January 1, 2010 through December 31, 2010:

1. Municipal Solicitor – James Pickering Esq. – Not to exceed \$180,000.00 and not including flat fee/ separate contract billings as listed under Item D of proposal.
2. Labor Solicitor – Brown & Connery – Not to exceed \$135,000.00 excluding special litigation matters as outlined in proposal
3. Municipal Auditor – Ford Scott Associates – Not to exceed \$54,500.00
4. Zoning Board of Adjustment Solicitor – Not to exceed Victoria Steffen -- \$23,000.00 not including exclusions as listed in proposal
5. Planning Board Solicitor – John Ludlam – Not to exceed \$36,000.00 not including special matters as outlined in proposal
6. Grant Application & Housing Rehabilitation Consultant – Mark Blauer – Not to exceed \$5,000.00
7. Municipal Engineer – Engineering Design Associates – Not to exceed \$54,000.00
8. Communications Consultant – VComm Telecommunications – not to exceed \$27,000.00
9. Grant Utility & Leg. Consultant – Salmon Ventures – not to exceed \$10,000.00

26. RESOLUTION NO. 161-10 – RENEWAL – TOWING LICENSES 2010 – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

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

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2010:

License#	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
10	Peterson's Auto Towing	1	n/a	International 4700	\$450.00	50.00
	Peterson's Auto Towing	2	XK-4114	Ford F350		\$50.00

27. RESOLUTION NO. 162-10 – DEFER SCHOOL TAX – On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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 per cent of the levy may be deferred to the following year; and WHEREAS, 50 per cent of the school tax levy of the Township of Middle School District is \$9,676,265.00;

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Middle, desires to defer school taxes to the Year 2010 in the amount of \$9,676,265.00.

28. RESOLUTION NO. 163-10 – INTRODUCTION OF BUDGET BY TITLE ONLY – On motion by Committeemember Lockwood seconded by Mayor DeLanzo 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 2010 Budget for the Township of Middle by introduced, approved and given first reading by title only.

29. RESOLUTION NO. 164-10 – AMENDING RATE OF PAY – OFF DUTY EMPLOYMENT – POLICE DEPARTMENT – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, any person or entity seeking to employ any police officer during his/her off duty time may do so by entering into a contract with the municipality, and WHEREAS, the Township Committee shall by resolution set the rates for such service, and WHEREAS, the Township Committee wishes to amend the rate of pay for services rendered, as outlined in the code of the Township of Middle.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the rates for service of an off-duty officer shall be as follows; pursuant to Chapter 46 Section II, Subsection H:

Police Officer \$60.00 per hour
Payroll Taxes \$4.59 per hour

Township Administrative/ Payroll Fee – \$15.41per hour

Total per hour fee - \$80.00

BE IT FURTHER RESOLVED, that the cost for use of a municipal police vehicle, if required for safety reasons, shall be One Hundred Dollars (\$100.00) per car per day.

30. RESOLUTION NO. 165-10 – APPROVAL OF PAYMENT – LEGAL SETTLEMENT – BACK PAY – LEON LINTHICUM – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. WHEREAS, Leon Linthicum is an employee of the Township of Middle, and WHEREAS, there has been a finding by an Administrative Law Judge dated January 19, 2010, which was affirmed by the Civil Service Commission on March 16, 2010, that Mr. Linthicum return to work and that the Township pay Mr. Linthicum wages from the date of suspension; and WHEREAS, the parties have yet to agree on the exact amount to be paid to Mr. Linthicum pending receipt of further information, but the parties have agreed that the amount due is at least \$50,000.00; and WHEREAS, Mr. Linthicum has agreed, as confirmed by letter from his counsel dated April 16, 2010, to accept whatever sums are to be paid to him during the course of three years, and with the 2010 payment being \$50,000.00, and with it being paid in the immediate future, subject to the adjustment for all necessary taxes and other withdrawals as required by law; and WHEREAS, the final terms of any and all payments will be memorialized by a subsequent resolution which will address all of the various matters necessary to effectuate the terms of the applicable order; NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Treasurer pay to Mr. Linthicum \$50,000.00, subject to the adjustment for all necessary taxes and other withdrawals as required by law.

31. PUBLIC COMMENT:

Committeemember Doughty – Saturday opening day at the Rec. Middle has best recreation facility in Cape May County

Brought up Drum Fish Tournament coming up in May

Indicated that FEMA is set up at Cape May County Library

Committeemember Lockwood advised residents to make sure you make an appt. for FEMA. Middle was hit hard.. 2nd hardest hit. Chipper will help with cleanup.

Mayor DeLanzo reiterated opening Day on Saturday. “Makes you proud”.

Fran Grant: Commented on item #8 – Ordinance 1357-10, an Ordinance of the Township of Middle to Amend Chapter 131 of the Township of Middle Code, Entitle Emergency Medical Transport Services.

J. Pickering – explained billing process with insurance agencies and residents.

Katherine Nalinch: Clarified whether 2nd residence counts as residence.

Victoria Heun: On item #6, Ordinance 1355-10, Ordinance regarding Excavation and Soil Removal License Fees, asked board to consider 3-5 years vs every year, and also asked about inactive pits.

Vilma Pombo: Wanted to know if the yellow curbing at old fire house could be changed to public parking.

Madelyn Filipski: Asked about item #27, Resolution #162-10, a Resolution to Defer School Tax. Also inquired about the hockey rink trouble.

Steve Kates: Talked about the flooding on Ridge Road and wanted to know if there was a permanent fix being considered.

Patricia Lords: Been out of house a year today and still cannot live in it. Have reports come back on development.

Vince Orlando: Advised has not received report. Draft report due is expected this week.

Dan Lockwood: Recommends in meantime to contact FEMA.

Tracey Taverner: Spoke about T-Ball field that has no grass and maybe they could clean it up some. The Rio Grande field is better.

Nate: Advised to speak with Greg White.

Tracey Taverner: Advised he is the hold out.

Ruth Ann Doyle: FEMA was very helpful. House totaled, Mitigation grant, flood plain representatives?

Vince Orlando - Construction can help with 1st issue. Recommended she speak with Jill.

Bethann Salco: Has water in yard and there is now an odor.

Bill Hilton: Asked if on the Mitigation Plan.

Francis Dearlove: Wants relief from high taxes on Leonard Lane.

Larry Dooley: Reiterates Mr. Dearloves concern.

Meeting Adjourned 7:45 PM

Kimberly Tomkinson, Twp. Clerk

**Amended 10/29/2010