

Cape May Court House, NJ
April 5, 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.)

No Public Comment

2. RESOLUTION NO. 130-10 – 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.	\$ 6,058,112.50
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3. RESOLUTION NO. 131-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Mayor DeLanzo seconded by Committeemember Lockwood 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.	\$ 7,866.75
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4. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of March; Zoning Official for the month of March; Construction Official for the month of March;

5. ORDINANCE NO. 1339-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY, APPROPRIATING THE SUM OF \$30,000.00 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE EMERGENCY REPAIR DUE TO FLOODING IN MARLYN MANOR SECTION OF RIO GRANDE – Following second reading, hearing, and consideration for adoption, Ordinance 1339-10 was adopted on motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$30,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the emergency repair due to flooding in Marlyn Manor section of Rio Grande.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and 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.

6. ORDINANCE NO. 1340-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$215,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF POLICE RADIO COMMUNICATION EQUIPMENT – Following second reading, hearing, and consideration for adoption, Ordinance 1340-10 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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 the sum of \$215,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the acquisition of police radio communication equipment.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and 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.

7. **ORDINANCE NO. 1341-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$75,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION AND REPAIR OF SNOW REMOVAL VEHICLES-** Following second reading, hearing, and consideration for adoption, Ordinance 1341-10 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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 the sum of \$75,000 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the acquisition and repair of snow removal vehicles

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and 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.

8. **ORDINANCE NO. 1345-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 222 OF THE TOWNSHIP CODE REGARDING HOTEL/MOTEL LICENSE FEES** – On motion by _____ seconded by _____ and passed on roll call, Ordinance No 1345-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m. –**TABLED**

9. **ORDINANCE NO. 1346-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 104 OF THE TOWNSHIP CODE REGARDING CAMPGROUND LICENSE FEES** – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, Ordinance No 1346-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

WHEREAS, Local Ordinance Section 104-3 establishes an annual license fee to operate a campground in the Township of Middle at \$200.00 plus \$2.00 for each individual campsite covered by the license; and

WHEREAS, The fees have remained the same since 1991; and

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 104 of the Code of Township of Middle be revised as follows:

SECTION 1. Section 104-3 is deleted in its entirety and replaced with the following:

Section 104-3. Fee.

The annual license for campgrounds shall cover one calendar year or any portion thereof, and there shall be no reduction of the annual license fee for any period shorter than one calendar year. The annual license fee for a campground shall be \$300.00, plus \$3.00 for each individual campsite covered by said license as contained in the most recent license application.

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.

10. **ORDINANCE NO. 1347-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 84 OF THE TOWNSHIP CODE REGARDING LIQUOR LICENSE FEES** – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call,

Ordinance No 1347-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m. Mayor DeLanzo ABSTAINED
WHEREAS, Local Ordinance Section 84-4(A) establishes an annual license fee for a plenary retail consumption license for alcoholic beverages at \$600.00 which was last revised in 1990; and
WHEREAS, NJSA 33:1-12 regulates the amount that a municipality can impose for licenses, and which states the following:

The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$250 and not more than \$2,500. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser.

and

WHEREAS, Local Ordinance Section 84-4(B) establishes an annual license fee for a club license for alcoholic beverages at \$150.00 which was last revised in 1959; and
WHEREAS, NJSA 33:1-12 regulates the amount that a municipality can impose for licenses, and which states the following:

The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$63 and not more than \$188.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 84 of the Code of Township of Middle be revised as follows:

SECTION 1. Section 84-4(A) and (B) are deleted in their entirety and replaced with the following:

Section 84-4. License Fees.

A. The annual fee for plenary retail consumption licenses and plenary retail distribution licenses in the Township of Middle shall be seven hundred and twenty dollars (\$720.00).

B. The annual fee for club licenses in the Township of Middle shall be one hundred and eighty-eight dollars (\$188.00).

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

SECTION 3. Should any section, paragraph, sentence, clause or 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.

11. ORDINANCE NO. 1348-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 108 OF THE TOWNSHIP CODE REGARDING BOUNCED CHECK FEES – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1348-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

WHEREAS, Local Ordinance Section 108-1 imposes a fee of fifteen (\$15.00) for a check tendered to the Township which check upon presentment to the bank “bounces”, which fee has not changed since 1991; and

WHEREAS, NJSA 40:5-19(b) regulates the amount that a municipality can impose as a bounced check fee, and which states the following:

The service charge for a check or other written instrument returned for insufficient funds shall be determined and set by resolution or by ordinance of the governing body, as appropriate, from time to time, but shall not exceed \$20 per check or other written instrument.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 108-1 of the Code of Township of Middle be revised as follows:

SECTION 1. Chapter 108-1 is deleted in its entirety and replaced with the following:

Section 108-1. Fee Imposed.

The Township shall hereafter impose a fee of twenty dollars (\$20.00) against individuals who issue a check payable to the Township of Middle, which check is subsequently dishonored by the individual's bank for insufficient funds or any other cause.

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.

12. ORDINANCE NO. 1349-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 210 OF THE TOWNSHIP CODE REGARDING TEMPORARY SIGN PERMIT FEES AND FINES – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1349-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

WHEREAS, Local Ordinance Section 210-8 imposes a fee of twenty-five (\$25.00) for a temporary sign permit, which fee has not changed since 1991; and
WHEREAS, Local Ordinance Section 210-9 allows for a fine of fifty dollars (\$50.00) for a violation of the ordinance, which fine has not changed since 1991;

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 210-8 and 210-9 of the Code of Township of Middle be revised as follows:

SECTION 1. Chapter 210-8(B) and 210-9 are deleted in their entirety and replaced with the following:

Section 210-8. Permit issuance.

B. A permit fee of fifty dollars (\$50.00) shall be required for each temporary sign permit.

Section 210-9. Violations and penalties.

If the provisions of this Chapter are not adhered to by any person or business, whether operating in the Township of Middle or not, that person or business or business shall be subject to a fine of one hundred dollars (\$100.00) per day for each day the violation occurs.

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.

13. ORDINANCE NO. 1350-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 209 OF THE TOWNSHIP CODE REGARDING SIDEWALK SALE FEES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1350-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

WHEREAS, Local Ordinance Section 209-4 imposes a fee of two dollars (\$2.00) for a sidewalk sale permit, which fee has not changed since 1996; and

WHEREAS, there currently exists an anomaly in the Local Ordinance that allows a business to get a sidewalk sale permit and put up temporary signs for an amount that is less than a temporary sign permit, a situation which the Township Committee desires to rectify;

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 209-4 of the Code of Township of Middle be revised as follows:

SECTION 1. Chapter 209-4 is deleted in its entirety and replaced with the following:

Section 209-4. Permit fee.

There shall be a fee of fifty dollars (\$50.00) for each sidewalk sale permit.

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.

14. ORDINANCE NO. 1351-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 154 OF THE TOWNSHIP CODE REGARDING GARAGE AND YARD SALE FEES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1351-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

WHEREAS, Local Ordinance Section 154-3 imposes a fee of five dollars (\$5.00) for a garage or yard sale permit, which fee has not changed since 1997; and

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 154-3 of the Code of Township of Middle be revised as follows:

SECTION 1. Chapter 154-3 shall be revised to change the last sentence only so that the last sentence reads as follows:

Section 154-3. Permit fee.

The fee for such license shall be and is hereby fixed at ten dollars (\$10.00).

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

SECTION 3. Should any section, paragraph, sentence, clause or 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.

15. ORDINANCE NO. 1352-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 208 OF THE TOWNSHIP CODE REGARDING SHOPPING CARTS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, Ordinance No 1352-

10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

WHEREAS, the Township Code currently has an ordinance regulating the impoundment of shopping carts located at Chapter 208; and

WHEREAS, the State Statutes have recently been amended at N.J.S.A. 40:48-2.65 with regard to shopping carts, and it is the desire of the Township Committee to make the local ordinance consistent with what is permitted by the State Statute;

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the existing Chapter 208 of the Code of Township of Middle is hereby deleted in its entirety and is replaced with the following:

SECTION 1. Chapter 208

§ 208-1. Definitions.

As used in this Chapter:

A. "Parking Area" means a parking lot or other property provided by a retailer for the use of a customer for parking an automobile or other vehicle. The parking area of a retail mercantile establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center.

B. "Shopping Cart" means a push cart of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and their parking areas.

§ 208-2. Responsibility of Commercial Entity.

A. Any commercial entity utilizing shopping carts shall be responsible for the care, custody and control of such shopping carts.

B. Any commercial entity utilizing shopping carts shall place a sign or notice on the shopping cart which identifies the owner, retailer or authorized user of the shopping cart, and which also lists a valid telephone number or address through which the owner, retailer or authorized agent can be contacted.

§ 208-3. Impoundment, Notice, and Retrieval of Shopping Carts.

A. Any shopping cart(s) located outside the premises or parking area of a retail mercantile establishment may be impounded by the Township of Middle.

B. Within 24 hours of impounding a shopping cart, The Township of Middle shall provide notice to the owner, retailer or authorized user that the Township has impounded the shopping cart, and provide information as to how the cart may be retrieved.

C. The Township of Middle shall hold the shopping cart(s) in a location that is reasonably convenient to the owner, retailer or authorized user, and is open for business at least six hours of each business day.

§ 208-4. Fines.

A. The Township of Middle shall release the shopping cart to the owner, retailer or authorized user without any charge or fine whatsoever if the owner, retailer, or authorized agent makes a reasonable attempt to retrieve the shopping cart within five (5) business days of it receiving notice.

B. The Township of Middle shall release the shopping cart to the owner, retailer or authorized user and shall prior to such release collect a fine of \$50.00 for each day that the shopping cart was impounded if the owner, retailer, or authorized user attempts to retrieve the shopping cart after five (5) business days of it receiving notice.

Section 208-5. Disposal or Sale.

If the owner, retailer or authorized user does not retrieve the shopping cart within 30 days of receiving notice, the Township of Middle may sell or dispose of the shopping cart as it sees fit. Proceeds from any sale shall be credited against any fines. Any expenses incurred shall be added to fines imposed.

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.

16. ORDINANCE NO. 1353-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 137 OF THE TOWNSHIP CODE REGARDING BURGLAR ALARMS AND FEES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1353-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

17. ORDINANCE NO. 1354-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 222-TAXATION, OF THE TOWNSHIP CODE REGARDING HOTEL/MOTEL LICENSE FEES AND TAX COLLECTOR FEES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, Ordinance No 1354-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2010 at 6:00 p.m.

WHEREAS, Local Ordinance Section 222-20 establishes a license to operate a hotel or motel in the Township of Middle, and at subpart D establishes an annual license fee of \$350.00;
WHEREAS, The fees have remained the same since 2004; and
WHEREAS, The cost of providing administrative and public services to the hotels and motels has increased substantially since 2004; and
WHEREAS, The Township Tax Collector has several duties, including sending duplicate tax bills, holding tax sales, and redeeming tax certificates; and
WHEREAS, The State Legislature has recently enacted laws which went into effect on January 18, 2010 which allow the Tax Collector to collect fees for certain administrative functions, and the Township desiring to collect those fees for the services provided;

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 222 of the Code of Township of Middle be revised as follows:

SECTION 1. The following sub - section of Chapter 222 is deleted in its entirety and replaced with the following:

Section 222 - 20. Hotel/motel license established.

D. The annual license fee to operate a hotel/motel within the Township of Middle shall be \$1,000.00.

SECTION 2. The following Article is amended to Chapter 222:

ARTICLE IV

Tax Collector Fees

Section 222-21. Fee for Duplicate Tax Bills

The fee for the Tax Collector to provide an initial duplicate copy of a tax bill shall be five dollars (\$5.00). The fee for the Tax Collector to provide each subsequent copy of a tax bill for the same tax year requested by the same person or entity shall be twenty-five dollars (\$25.00). It is the intent of this section to comply with N.J.S.A. 54:4-64(d).

Section 222-22. Fee for mailing notice of tax sale.

Before the Tax Collector conducts a tax sale, copies of the notice of the tax sale shall be set up in five of the most public places in the Township of Middle, once in at least two of the preceding four calendar weeks preceding the calendar week containing the day appointed for the sale.

Notice to the property owner and to any person or entity entitled to notice of foreclosure pursuant to N.J.S.A. 54:5-104.48 shall be given by regular or certified mail. The Tax Collector shall add to the cost of the sale in addition to those provided in N.J.S.A. 54:5-38 the amount of \$25.00 for each notice mailed for a particular property. It is the intent of this section to comply with N.J.S.A. 54:5-26.

Section 222-23. Fee for calculating redemption of tax lien certificate requested by redeeming party.

The Tax Collector shall provide to any party entitled to redeem a tax lien certificate pursuant to N.J.S.A. 54:5-54 two (2) calculations of the amount required for redemption within a calendar year at no cost. The Tax Collector shall charge a fee of \$50.00 for each subsequent calculation requested of the Tax Collector. A request for a redemption calculation shall be made in writing to the Tax Collector. It is the intent of this section to comply with N.J.S.A. 54:5-54.

Section 222-24. Fee for calculating redemption of tax lien certificate requested by holder.

The Tax Collector shall provide to any party holding a tax lien certificate the calculation of the amount due to redeem the tax lien required and shall charge a fee of \$50.00 for each calculation. Any request for a redemption calculation shall specify the date to be used for the calculation. Neither the Tax Collector or the Township of Middle shall be liable for an incorrect calculation. The fee paid to the Township of Middle shall not become part of the lien and shall not be passed on to any party entitled to redeem the tax lien certificate pursuant to N.J.S.A. 54:5-54. It is the intent of this section to comply with N.J.S.A. 54:5-97.1.

SECTION 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. 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 5. This ordinance shall become effective immediately upon final passage and publication, according to law.

18. RESOLUTION NO. 132-10 – CLOSED SESSION – PENDING LITIGATION (RAVITZ V. MIDDLE) AND POTENTIAL LITIGATION – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

19. RESOLUTION NO. 133-10 – AUTHORIZE PARTICIPATION IN ONLINE AUCTION – GOVDEALS – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Municipal Clerk.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is outlined on Exhibit A attached hereto this resolution.
- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Township Committee reserves the right to accept or reject any bid submitted.

20. RESOLUTION NO. 134-10 – AUTHORIZE MAYOR TO SIGN DISCHARGE OF MORTGAGE – HOUSING REHABILITATION GRANT – 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 Housing Rehabilitation Grant- Mortgage is following is hereby discharged:

Borrower	Mrtg Dated	Date Satisfied	Sum of Principal
Kimberly Tomkinson	1/30/2007	11/13/2009	\$8,560.00
Kimberly Tomkinson	1/30/2007	11/13/2009	\$2,200.00

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign said Discharge of Mortgage.

21. RESOLUTION NO.'S 135-10 THR 136-10 – APPROVE APPLICATION FOR RAFFLE LICENSE (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

135-10 WHEREAS, the Brendan Borek High Tides Memorial Fund, Inc. has applied to Legalized Games of Chance Control Commission for a raffle license, and WHEREAS, the location will be at 1510 Rte 9 N, Cape May Court House, NJ, otherwise known as Avalon Country Club, has been approved by the Middle Township Committee as an Amusement Game Zone, and

WHEREAS, the organization will be holding on-premise 50/50 raffle,

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 Raffle Night April 23, 2010 at the location of 1510 Rte 9 N, otherwise known as Avalon Country Club, is hereby approved.

136-10 WHEREAS, the Brendan Borek High Tides Memorial Fund, Inc. has applied to Legalized Games of Chance Control Commission for a raffle license, and WHEREAS, the location will be at 1510 Rte 9 N, Cape May Court House, NJ, otherwise known as Avalon Country Club, has been approved by the Middle Township Committee as an Amusement Game Zone, and

WHEREAS, the organization will be holding on-premise merchandise raffle, 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 Raffle Night April 23, 2010 at the location of 1510 Rte 9 N, otherwise known as Avalon Country Club, is hereby approved.

22. RESOLUTION NO. 137-10 – ACKNOWLEDGEMENT OF RESIGNATION – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below is acknowledged.

EMPLOYEE	POSITION	DEPARTMENT	EFFECTIVE
Sheena McNeely	EMT P/T	Public Safety	03/31/2010

23. RESOLUTION NO. 138-10 – AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO NJSA 40A:2-26 – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle, County of Cape May, New Jersey ("Township") desires to make application to the New Jersey Local Finance Board for approval of a waiver of maturity schedule requirements pursuant to N.J.S.A. 40A:2-26; and

WHEREAS, the Township believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, AS FOLLOWS:

Section 1. The application to the New Jersey Local Finance Board is hereby approved, and the Township's Bond Counsel, Solicitor and Auditor along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Township Clerk is hereby directed to prepare and file a copy of this resolution with the New Jersey Local Finance Board as part of such application.

Section 3. The New Jersey Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey law.

24. RESOLUTION NO. 139-10 – SOCIAL AFFAIRS PERMIT – WILDWOOD GOLF CLUB – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Wildwood Golf Club has applied for approval to sell alcoholic beverages at an event to be held at 1170 Golf Club Road, Cape May Court House, NJ , on June 18, 2010 from 4:00 p.m. to 1:00 a.m., and

WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

25. RESOLUTION – TERMINATING PARTICIPATION UNDER THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM (WHICH INCLUDES PRESCRIPTION DRUG PROGRAM AND/OR DENTAL PLAN COVERAGE) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. - **TABLED**

26. BUDGET REVIEW

Nate: Will come up with the money for the fireworks for the 4th of July.

Dan: Everyone is going to have to give a little bit to make the budget work.

Mayor DeLanzo: Received notice for disaster relief. Phone number is provided for contact. Encourage everyone to report losses to reccop from FEMA.

27. PUBLIC COMMENT:

Carole Mattesich: Cost savings disaster declaration is 70% Federal Government and 20% from State (\$368,000 Middle spent). Since coming back, has that been taken into budget consideration. Have we reported that total \$368,000 to FEMA for preliminary report?

Mark Mallett: Yes, FEMA gave us a window to report where the most money was spent.

Carol Mattesich: Suggested strategic planning on opening of firehouse...could cost thousands of dollars, suggested renting out. Township could cut small ticket items like the \$8000 spent towards Christmas parade. Strategic planning would mean putting projects on hold, like Ft. Apache, until the township is in better financial state. What is agenda with Albrecht & Heun. Who is watching out for us.

Nate Doughty: Ft. Apache and the firehouse were bought in looking towards the future. Albrecht & Heun came out and helped during the major snow storm we had with plowing.

Mark Mallett: Confirmed that \$75,000 was for repairs of vehicles in public works.

Carol Mattesich: Suggested looking into full time solicitor, legal fees outrageous, should not be hiring out of county firms. Spoke about health benefits, keeping union and non-union benefits the same, out of county law firms, Local Finance Notice Resolution. Said Health Benefits need more investigation done, asked particulars on savings.

Susan: Spoke on reason behind waiting on resolution for termination of health benefits through the State Health Care.

Bill Hilton: Presented pictures of 303/305 Dias Creek Road. Amber Jack Court 21 inches higher than his backyard. Went to county and township and no one would accommodate him. Needs Dias Creek Road shut down to pump, had to fight.

Susan: Township doesn't have jurisdiction to shut down Dias Creek Road. She had called the Mosquito Commission to find a solution and they did go out to see if they could find a solution.

Elaine Wade: Still has problem. Thank you to the public works. She understands the Township is not allowed on private property. Whitesboro needs another exit due to flooding.

Mayor: Explained that the DEP was in Middle Township and told Andrew Smith to stop pumping off private property.

Nora Miller: Egress in and out from Oyster and Honeysuckle flooded. What does Township plan to do with rainy season?

Vince Orlando: County is working on solution for that area.

Madelyn Filipski: Thank you to Deputy Mayor Doughty for help. Agrees with Carole Mattesich on Fort Apache and the firehouse. Opposes benefits being changed and furloughs being suggested. Asked Mark Mallett if he would be taking a furlough.

Mayor: Went on record saying she is not in favor of taking away anyone's benefits.

Fran Grant: What has transpired on status of fixing road and drainage. Feels like she is living on swamp. Tired of contacting Vince with no response. What is the plan so far, what has been done and where is Ella on the list?

Vince Orlando: Aware of devastation on Ella Avenue. Looking at funding through USDA and bonding. No "numbering system on streets so far.

Mark Mallett: Putting cost to everything. In progress, understands frustration.

Miles Truesdell: Happy to see Township is looking at fee schedule. Asked for particulars in language on Health Benefits. Maybe we should ask the taxpayers how they would vote on savings.

John Candee: Thinks if Township cleaned drains that would help with drainage.

Joanne Oxley: Has water coming from everywhere. Each time it rains it comes back worse than before.

Paul B: Wants to make sure when plan is discussed Wuerkers field and storage units drainage is considered. Thank you for the effort by the Township and fire department.

Fred Hetenbach: Vince was at his house, wanted to know the outcome. Dias Creek basin pitches up towards Dias Creek, far end.

Vince Orlando: Ultimate solution is drainage into system on Stagecoach.

Judy Papshack: Spent \$3200 towards pumping. No functioning drainage on Dias Creek, pipes broken. Needs drain in front of house. Is there a list to be put on?

Joanne Masserella: Dwyer has moved equipment. What is status.

Vince Orlando: Is waiting to hear. It should be soon.

Betty McGurk: Status on Conifer? Natural spring in that area. did Committee look into info on cell tower website?

Adjourned 9:10 PM

Kimberly Tomkinson, Twp. Clerk