

Cape May Court House, NJ
July 20, 2009
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 Doughty, Committeemember DeLanzo, Committeemember Barry, Township Business Administrator Mark Mallett, Township Clerk Kimberly Tomkinson, Attorney James Pickering, and 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.)

Steve O'Conner: What is the Lower Township bill for?

Tracey Taverner: The MUA bill.

Steve O'Conner: Cape Regional Medical Center for \$28,501.

Tracey Taverner: Don't know that one off the top of my head. It may have been the release of an escrow account.

Kim Tomkinson: That is exactly what it is. Later on in the agenda you will see the release of a performance bond.

Steve O'Conner: Another one, TD Bank, Attention June, \$14,278.47.

Tracey Taverner: That is some of our debt service.

Committeewoman DeLanzo: We had a Visioning Meeting at the High School last week. As we go through the process we are looking at the centers in Goshen, Swainton, Green Creek and Del Haven. It was easy to understand a complicated and difficult process. I would encourage the people to come to these meetings as they are hands on. You listen to the information and you actually get involved. I think it has been a very good way to come to a better understanding of what we are going through. It was interesting working with the people in the different groups and their understanding of our communities. The purpose of these meetings is how to best to zone those areas. We have 3 more meetings left and I hope more people will attend. We have also received several more applications for our Housing Board, so we should be able to come up with those appointments soon.

Steve Barry: The first meeting was about 4 centers and the next 3 meetings will be about 1 center each. No real changes are planned for 3 of those 4 centers. Del Haven and Green Creek are included just for a bureaucratic reason. The state wanted Goshen as a center even though it will never be sewerred because with downtown Court House it is the concentration of historical and architecturally interesting houses and buildings. In Swainton there is sewer in a small area and there is a commercial center there. In the rural parts of the Township, new DEP requirements are going to restrict any further development. The 3 centers that we are going to talk about at the next few meetings are going to have to bear the burden of the extent to which there is development and redevelopment in Middle Township. What we want to see those 3 centers look like is important for everyone to come out to those meetings and share your thoughts.

Mayor Doughty: The hockey rink is coming along, tomorrow or Wednesday they are paving it. September 12th is the Weakfish Tournament. This weekend there were 36 girls teams playing at the rec. On Sunday the NYPD Blue played, the retired police officers from New York City. We have blocked off Crest Haven Road due to the pipe that is going to carry the affluent from the MUA...I guess Crest Haven Road will not be open until Labor Day.

2. RESOLUTION NO. 318-09 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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:

Dedicated Trust	\$ 9,365.60
Current Acct.	\$ 2,947,929.85

3. RESOLUTION NO. 319-09 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call, the following resolution was adopted. Mayor Doughty 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 for BILL LIST B in the amounts indicated are hereby approved:

Current Acct. \$ 2,277.39

4. RESOLUTION NO. 320-09 – APPROVING MINUTES FOR PREVIOUS MEETING – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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 minutes from the Township Committee meeting July 6, 2009 is hereby approved.

5. REPORTS: The following departments have submitted their reports for the months indicated: Middle Township Police for the month of June; Animal Control for the month of June; Municipal Court for the month of June;

6. ORDINANCE NO. 1326-09- TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112-2, SECTION 4, THEREOF, ENTITLED “CONSTRUCTION CODES, UNIFORM FEES.” – Following second reading, hearing, and consideration for adoption, Ordinance 1326-09 was adopted on motion by Committeemember DeLanzo seconded by Committeemember Barry and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

WHEREAS, the Township of Middle, County of Cape May, State of New Jersey, has introduced and adopted an amendment to Chapter 112.2 of the code entitled “construction codes, uniform fees” on May 18, 2009, otherwise known as Ordinance No. 1322-09, and

WHEREAS, it has been deemed appropriate to further amend said ordinance.

BE IT ORDAINED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey:

SECTION I: Chapter 112-2 Section 4 entitled FIRE PROTECTION shall read as follows:

FIRE PROTECTION

- A. Fire protection and other hazardous equipment: sprinklers, standpipes, detectors (smoke and heat) pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums, the fee shall be:
20 or fewer heads of detectors shall be **\$75.00**
21 to and including 100 heads of detectors, the fee shall be **\$120.00**. 101 to and including 200 heads of detectors, the fee shall be **\$220.00**. 201 to and including 400 heads or detectors, the fee shall be \$550.00
401 to and including 1000 heads or detectors, the fee shall be **\$800.00**
Over 1000 heads the fee shall be **\$1000.00**.
- B. The fee for each standpipe shall be **\$200.00**. The fee for each independent pre-engineered system shall be **\$100.00**
- C. The fee for each gas or oil fired appliance which is not connected to the plumbing system shall be **\$45.00**.
- D. The fee for each incinerator shall be \$150.00
- E. The fee for each kitchen exhaust system will be **\$45.00**.
- F. The fee for each crematorium shall be **\$350.00**.

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

SECTION III: 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 IV: This ordinance shall become effective immediately upon final approval.

7. ORDINANCE NO. 1327-09 – ESTABLISHING REQUIREMENTS FOR CRIMINAL HISTORY BACKGROUND CHECKS FOR RECREATION EMPLOYEES AND VOLUNTEERS – Following second reading, hearing, and consideration for adoption, Ordinance 1327-09 was adopted on motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

WHEREAS, the Township Committee of the Township of Middle wishes to ensure that this municipality is providing the safest possible recreation programs for its youth; and

WHEREAS, the Township Committee of the Township of Middle has recommended that all employees and volunteers of recreational, athletic, cultural, charitable, social or other activities, services or programs for persons younger than 18 years of age programs sponsored or co-sponsored by the Township of Middle, or in connection with the Township of Middle Recreation Department (Division/Commission/Committee/Program/Association) or any other youth serving organizations, who have regular supervised or unsupervised access to minors involved in such programs, be required to submit to criminal history background checks at their own expense; and WHEREAS, the municipality of Middle Township would like all youth programs using municipal facilities, and all programs that are funded or supported by the municipality of Middle Township, in whole or in part (including but not limited to baseball, softball, soccer, football, basketball, etc.)

be required to perform criminal background checks as a condition of using municipal facilities; and

WHEREAS, P.L. 1999, Chapter 432 (N.J.S.A.15A3A-1 et seq.) authorizes and provides for criminal history record background checks of employees and volunteers of non-profit youth serving organizations as defined in said statute; and

WHEREAS, N.J.S.A. 15A:3A-1 permits non-profit youth-serving organizations to request the State Police to perform a criminal background check on current and prospective employees or volunteers, in order to check the criminal histories of those employees or volunteers who have direct contact with minors, in order to eliminate those with convictions for certain crimes and disqualify prospective employees and volunteers who have been convicted of certain offenses; and WHEREAS, P.L. 2003, Chapter 199, Section 34 (N.J.S.A. 40:48-1.4) provides that a municipality may enact an ordinance providing that an authorized municipal official or officer may request a criminal history record background check of any person for an official governmental purpose, including, but not limited to, employment, licensing and the procurement of services; and WHEREAS, the ordinance shall provide that the person shall submit to being fingerprinted in accordance with applicable State, Federal laws, rules and regulations, and shall further provide that the official or officer is authorized to exchange fingerprint data with an receive criminal history record information for the state Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation; and

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

General Ordinances of the municipality of Middle Township, is hereby amended to include as follows:

§ _____, Criminal History Background Checks of Employees and Volunteers involved in Recreation Programs.

§ _____, Definitions

As used in this chapter, the following terms shall have the meanings indicated:

“Criminal History Record Background Check” - means a determination of whether a person has a criminal record by cross-referencing that person’s name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police.

“Municipality /Township/Borough/Town/City or Municipal”- means the Township of Middle in the County of Cape May, State of New Jersey.

“Municipal-Sponsored Youth Programs” - means any program sponsored by the municipality of Middle Township, including any municipal employees, volunteer organizations created by the municipality, and all leagues, boards, committees and commissions affiliated with, falling within the purview, or acting for or on behalf of the municipality of Middle Township, and having contact with persons under the age of 18 years.

“Non-Sponsored Youth Program” - means any youth program not sponsored by the municipality of Middle Township, but that utilize municipal facilities or have affiliation with a municipal-sponsored youth program and having contact with persons under the age of 18 years.

“Youth Program” - means any program that allows for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting or athletic activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of a municipal-sponsored youth program or non-sponsored youth program, other than a parent or caregiver.

§ _____ Non-Sponsored Youth Programs - Criminal background checks-Required for use of Municipal facilities.

A. Prior to any club or organization, not defined as a municipal-sponsored youth program, being authorized to use municipal-owned facilities for functions participated in by children, all adults, those persons 18 years of age or older, in any way assisting in the function, including but not limited to coaches, assistant coaches, or similar positions, must provide the municipal Chief of Police or designee, or other chief law enforcement officer of the municipality, with findings of a criminal history background check obtained from the State Bureau of Identification in the New Jersey State Police.

B. The submission of background check findings must be based upon a check performed within three (3) years of the start of use of the municipal-owned facility. In the case of coaches performing duties as employees of a school district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of municipal-owned facilities. In all cases the background check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the municipality for individuals involved in administering municipal-sponsored youth programs. All fees for individuals not administering a non-municipal-sponsored program shall be borne by the individual or program with which they are participating.

§ _____ Municipal-Sponsored Youth Programs - Background Checks.

A. All adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a municipal-sponsored function participated in by children, shall submit sufficient information on forms supplied by the municipal Police Department or other enforcement authority from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police. Applications for background checks shall be processed by the municipal Chief of Police or other chief law enforcement authority of the municipality.

B. Based upon the Memorandum of Understanding executed between the Township of Middle Township and the New Jersey State Police, the individual applying for the background check shall authorize the municipal Chief of Police or other chief law enforcement officer of the municipality to be the recipient of the response from the State Police based upon the

findings of the background check. Individuals involved in a municipal-sponsored youth function, and who are required to undergo background checks based upon this chapter, shall not be responsible for the costs involved with obtaining the criminal background check. The municipality shall bear the costs for the background checks for individuals qualified under this section.

C. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The President or leader of each recreation program shall file an annual roster of individuals that are required to participate in the background check procedures of this chapter. The roster shall be on forms supplied by the municipality and shall contain a certification as to the accuracy and completeness of the roster and individual required to be checked shall be in violation of this chapter and laws regarding false swearing

§ _____ Qualification - ID Card.

A. Individuals engaged in providing recreation opportunities for, or on behalf of, the municipality of the Township of Middle shall be issued identification cards with appropriate expirations based upon the date of their individual background check. Individuals issued identification cards are required to display their card while in performance of their duty involving youth programs.

§ _____ Disqualification.

A. Upon receipt of a completed background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the municipal Chief of Police or designee, other chief law enforcement officer of the municipality shall notify the applicant and the President or leader of the recreation program of affirmative or negative results. The determination of the municipal Chief of Police or other chief law enforcement officer is based upon Section B.1 of this chapter. Details in the background check that result in a negative determination by the State Police are not afforded to the municipal Chief of Police and are only available to the applicant upon making a formal request to the State Bureau of Investigation.

B. In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any function form persons under the age of 18 years held at any Township-owned facilities. Such offenses shall include, but not be limited to:

1. In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A.2C:11-1 et seq., such as criminal homicide; N.J.S.A.2c:12-1 et seq., such as assault, reckless endangerment, threats, stalking; N.J.S.A.2c:13-1 et seq., such as kidnaping;

(b) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A.2C:24-1 et seq., such as endangering the welfare of a child;

(c) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(d) involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.A.2C:35-10;

(e) any 4th degree offense or higher.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section.

C. The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with youth-related activities as indicated herein.

D. Refusal by individuals required to submit to background checks will result in an immediate dismissal of the individual from any municipal-sponsored activities requiring background checks. In addition, refusal to comply with this chapter by any individual falling within the scope of requirements for non-sponsored youth programs will forfeit that individual's ability to participate with the respective program. Refusal of a non-municipal sponsored youth program to subscribe to the requirements of this chapter shall forfeit that programs ability to use municipal facilities.

§ _____ Frequency of Background Checks.

A. All non-sponsored youth programs that have individuals subject to this chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at a municipal -owned facility to the extent covered by this chapter. Thereafter, every three (3) years a new background check shall be submitted to the Chief of Police, Municipal Administrator or Municipal Solicitor.

B. 1. All municipal sponsored youth programs that have individuals subject to this chapter shall direct those individuals to the Chief of Police for background checks prior to the individual being able to participate at any function sponsored by the municipality of Middle Township. Thereafter, every (3) years a new background check shall be submitted to the municipal Chief of Police or other chief law enforcement officer.

2. Individuals involved in municipal-sponsored youth programs who are required to undergo background checks shall be given an interim approval for participation only after submission to the Division of State Police for a background check. Interim approvals shall only be valid for the period of time that it takes to receive background checks results. Such interim approval shall not be valid for a period of time exceeding 45 days. Only one interim approval may be granted per individual.

§ _____ Appeals of Disqualification.

A. Any person whose criminal history background check disqualifies that person

from employment or from volunteering, may appeal his or her disqualification.

1. Appeal re: Accuracy of Record. A person may challenge the accuracy of the criminal history record.

(a) A challenge to the accuracy of the report shall be filed with the municipal Chief of Police or other chief law enforcement officer, who shall coordinate the challenge with the New Jersey State Police.

2. Appeal Alleging Rehabilitation. A person may claim to be rehabilitated.

(a) No person may appeal a disqualification on the grounds of rehabilitation, if convicted of a 4th Degree Offense or Higher, if the person has been disqualified because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnaping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A.2C:24-4; endangering the welfare of a child pursuant to paragraph 94) of subsection b. of N.J.S.A.2C:24-4; luring or enticing pursuant to section 1 of P.L. 1993 c.291 (N.J.S.A.2C:13-6); criminal sexual contact pursuant to N.J.S.A.2C:14-3b. if the victim is a minor; kidnaping pursuant to N.J.S.A.2C:13-2, or false imprisonment pursuant to N.J.S.A.2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A 2C:34-1; or an attempt to commit any of these enumerated offenses

(b) Appeal Committee. An appeal based on rehabilitation shall be made to any Appeals Committee, which shall consist of the Chief of Police, Business Administrator and Municipal Attorney and Director of Recreation. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.

(c) Rehabilitation Criteria. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeal Committee shall consider the following factors:

1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense;
5. The age of the person when the offense was committed;
6. Whether the offenses was an isolated or repeated incident;
7. Any social conditions which may have contributed to the offense; and
8. Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.

(d) If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of qualified employees and volunteers maintained by the municipal Chief of Police or other chief law enforcement officer of the municipality.

§ _____ Privacy and Confidentiality.

A. Any and all background checks supplied to the municipal Chief of Police or to other chief law enforcement officer shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public. The Chief of Police or other chief law enforcement officer of the municipality shall take appropriate steps to safeguard such records. The Records shall be exempt from public disclosure under the common law or the New Jersey Right To Know Law. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purpose, and thereafter shall be destroyed.

B. Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to the members of the review committee, as authorized by federal or state statute, rule or regulation, executive order, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this section.

C. The review committee shall limit its use of criminal history record information solely to the individual for which it was obtained, and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. This information shall be limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history records information may be subject to criminal and/or civil penalties.

§ _____ Penalties.

A. Failure to comply with this Ordinance may result in the municipality withholding funding for the non-profit youth-serving organization, prohibiting the use of facilities, or withholding funding for facility maintenance

B. Any individual who has been advised, verbally or in writing of his/her disqualification to participate and continues to participate upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

1. A fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand five hundred dollars (\$1,500.00);
2. Each continuing violation of this chapter shall constitute a separate offense.

§ _____ Severability.

In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable there from and shall not be affected.

§ _____ Ordinance Provisions Repealed

Any ordinance provisions inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

§ _____ Effective Date.

This ordinance shall take effect immediately upon the approval and publication of notice of adoption as provided by law.

8. **ORDINANCE NO. 1328-09 – VACATING A PORTION OF ROOSEVELT AVENUE –**
Following second reading, hearing, and consideration for adoption, Ordinance 1328-09 was adopted on motion by Committeemember DeLanzo seconded by Mayor 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 in the County of Cape May and the State of New Jersey as follows:
SECTION 1. The public right, title and interest in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:
All that certain tract or parcel of land, situate in the Township of Middle, County of Cape May, State of New Jersey and being further described and bounded as follows:
BEGINNING at the point where Detroit Avenue and Roosevelt Avenue meet at the southeast corner of Block 852, Lot 2 and extending thence:
1. Southwesterly to and along the shared boundary line of Block 852, Lot 2 and Roosevelt Avenue 204.25feet to the point where Pittsburgh Avenue and Roosevelt Avenue meet, also being the southwest corner of Block 852, Lot 2; thence
2. Along an extended line of Pittsburgh Avenue approximately twenty-five (25) feet to a point along the shared boundary line of Block 871, Lot 6 and Roosevelt Avenue; thence
3. Northeasterly to and along the shared boundary line of Block 871, Lot 6 and Roosevelt Avenue 204.25 feet to a point along the shared boundary line of Block 871, Lot 6 and Roosevelt Avenue; thence
4. Along an extended line of Detroit Avenue approximately twenty-five (25) feet to the point and place of Beginning,
as shown on the Middle Township Tax Map, Sheet 16.01, prepared by Lewis H. Conley, Jr. with a latest revision date of December 2005, a portion of which is attached hereto for ease of reference.
SECTION 2. The Township of Middle, for itself, its successors and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace and relocate such public utilities and cable television facilities, within the described premises, which it may, at any time hereafter, deem necessary for the public health, safety, convenience and welfare, and the Township of Middle further reserves unto itself the right to use, maintain, repair, replace and relocate all existing utilities and cable television facilities owned or controlled by it located in, adjacent to, upon or through said land, and further reserves unto itself an easement over, under, through and across the portion of the land described as may be necessary or expedient for the purpose of maintaining, replacing, relocating, installing, leveling, constructing and repairing its utilities, mains and appurtenances, if any, wherever there exists a pipeline and appurtenances thereto beneath the surface of the aforesaid described land. The Township of Middle further reserves for its benefit and the benefit of any utility or cable television company the right to maintain, repair, and replace utilities or facilities installed by them in, adjacent to, over or through the aforesaid land. All of the aforesaid rights shall be unaffected by this ordinance.
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.
9. **ORDINANCE NO. 1329-09 – AMENDING CHAPTER 48, ENTITLED PUBLIC RECORDS –**
On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, Ordinance No 1329-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08 /17 /2009 at 6:00 p.m.
BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:
SECTION 1: PURPOSE
New Jersey has adopted the Open Public Records Law, which has as its general purpose making government records more available to the public than they have been in the past in certain instances, the production of archived records or records in a format which is not the usual format maintained by the municipality or other special circumstances would be costly and time consuming.
The New Jersey Public Records Law permits the municipality to require the payment of fees, special service charges and/or special charges as a re-requisite to the production of records requiring extraordinary time and effort, special equipment or special formatting. It has been deemed necessary to establish the fees that may be charges for the copies provided, consistent with the provisions of the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, et seq.
SECTION 2: ORDINARY REQUESTS FOR INFORMATION
The fee schedule below shall apply to routine requests under the Open Public Records Law permitted by N.J.S.A. 47:1A-5. The fee schedule represents actual costs of reproduction.
The following sections of Chapter 48 of the Code of the Township of Middle is hereby amended to read as follows:

48-2 (B) Fees for routine copies of municipal documents are:

- | | |
|---------------------|--------|
| 1. Per Page | \$.15 |
| 2. Mailing envelope | \$.10 |
| 3. Actual postage | |

48-6 (F) subsection (2) shall be amended to read as follows:

Discovery requests in matters pending in the Municipal Court are submitted through the Municipal Prosecutor.

(A) Fees (other than Municipal Court Discovery)

1. \$.15 per page
2. \$5.00 for mailed accident reports (N.J.S.A. 39:4-131)
3. \$5.00 for each video or audiotape reproduction

(B) Municipal Court Discovery Requests

1. \$.15 per page
2. Actual postage
3. \$.10 for mailing envelope
4. \$5.00 for each video or audiotape reproduction.
5. On any item that cannot be photocopied on the Township copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
6. Where the discovery must be obtained from an entity other than the Township of Middle, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.

(G) Cost for copies of recordings of Township Committee or Planning/Zoning Board and Court Meeting via cassette tapes and cd's. The cost of reproduction shall be \$10 per tape and/or cd, including cost of requested medium.

All Ordinances or part of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

10. **REMOVED***** ORDINANCE NO. 1330-09 – REVISING CHAPTER 13 OF THE CODE OF THE TOWNSHIP OF MIDDLE PROVIDING FOR THE ESTABLISHMENT OF A SHARED COURT OR A JOINT COURT WITH ANOTHER MUNICIPALITY – On motion by seconded by _____ and passed on roll call, Ordinance No 1330-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/17/2009 at 6:00 p.m.

WHEREAS, the Township Committee of the Township of Middle has determined it to be in the best interests of the Township and its residents and taxpayers to enter into an interlocal municipal services agreement for the creation of joint municipal court;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the present Chapter 13 of the Code of the Township of Middle establishing and creating the Municipal Court of the Township of Middle is hereby amended as follows:

1. The current Section 13-1, entitled Creation of Municipal Court, is hereby repealed, and is replaced with the following:

SECTION 13-1. Creation of Municipal Court

Pursuant to the powers and authority granted by N.J.S.A. 2B:12-1, et seq., there is hereby created and established a joint court between the Township of Middle and the Township of Dennis, in the County of Cape May, to be known as the "Township of Middle Regional Municipal Court."

2. The current Section 13-2, entitled Interlocal Agreement for Municipal Court, is hereby repealed, and is replaced with the following:

SECTION 13-2. Interlocal Agreement for Municipal Court

Pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., and N.J.S.A. 2B:12-1b, two or more municipalities may enter into an agreement establishing a single joint municipal court and providing for its administration. Pursuant to N.J.S.A. 2B:12-1d, said interlocal agreement may be terminated as provided in the agreement. The terms of the interlocal agreement for a joint court shall be approved by Township Committee by Resolution.

3. The current Section 13-3, entitled Jurisdiction, is hereby repealed, and is replaced with the following:

SECTION 13-3. Jurisdiction

The joint municipal court will have such jurisdiction as is now, or will hereafter be, conferred upon it by the Laws and Court Rules of the State of New Jersey and the practice and procedure of the court shall be governed by the laws in such case made and provided in such Rules as the Supreme Court will promulgate and make applicable to the court.

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

5. 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.

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

11. ORDINANCE NO. 1331-09 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND TO HABITAT FOR HUMANITY – On motion by Mayor Doughty seconded by Committeemember

DeLanzo and passed on roll call, Ordinance No 1331-09 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/17 /2009 at 6:00 p.m.
BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey it desires to sell land to the Habitat for Humanity, Cape May County, Inc., a Non-Profit Corporation of the State of New Jersey 08210 (“Habitat for Humanity”)

SECTION 1.

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

WHEREAS, the Township of Middle owns a parcel of land which can be developed as a single family residential home; and

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

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

NOW, THEREFORE, BE IT ORDAINED,

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

Block 908, Lot 1.02, 511 Langston Street

2. The sale price shall be for \$1.00.

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

4. The property shall be deed restricted so that the single family residential dwelling shall be COAH compliant and so that the Township of Middle will be credited for having COAH compliant units in the Township of Middle. The Township understands that the efforts to make this COAH compliant may fail due to the State's affirmative marketing requirements;

5. Habitat for Humanity shall enter into a Housing Agreement with the Township of Middle which shall contain certain requirements which shall make the units COAH compliant;

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

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

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

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

12. RESOLUTION NO. 321-09 THROUGH 333-09– RELEASE PERFORMANCE BOND (ITEMS A THROUGH C) – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
- (A) WHEREAS, \$28,501.71 (including interest) is being held as a Performance Guarantee for Cape Regional Medical Center for site plan improvements at the 2 Stone Harbor Blvd., and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer, NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond with Commerce Bank in the name of Cape Regional Medical Center be and is hereby released.
- (B) WHEREAS, \$13,136.18 (including interest) is being held as a Performance Guarantee for Annette Klein for site plan improvements at the 1540 Rte 9 North, and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer, NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond with Commerce Bank in the name of Annette Klein be and is hereby released.
- (C) WHEREAS, \$98,107.20 is being held as a Performance Guarantee for FCF Realty, LLC. for site plan improvements at the Old Rio Grande Avenue, Rio Grande, and WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond with Commerce Bank in the name of FCF Realty LLC. be and is hereby released.

13. RESOLUTION NO. 334-09 – RELEASE OF MAINTENANCE BOND – GARRY GILBERT – PACIFIC AVENUE – On motion by Committeemember Barry seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.
 WHEREAS, \$98,107.20 is being held as a Performance Guarantee for FCF Realty, LLC. for site plan improvements at the Old Rio Grande Avenue, Rio Grande, and
 WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and
 WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond be released, and
 WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et seq) requires such a release upon recommendation by the Township Engineer,
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond with Commerce Bank in the name of FCF Realty LLC. be and is hereby released.
14. RESOLUTION NO. 335-09 – RENEWAL – TOWING LICENSE – 2009 – On motion by Committeemember Barry seconded by Committeemember DeLanzo 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 2009:

License#	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid	
3	Rio Grande \$50.00	1	X96B96	1995 Ford F350	\$450.00		
		2	XN761E	1996 International			
4	Court House \$50.00 Towing \$50.00 \$50.00 \$50.00	1	XN559E	2004 International	\$450.00		
		2	XL797P	2004 International			
		3	XP638H	2004 International			
		4	XS473C	2005 International			
7	Hi-Tech Auto & Truck Serv. Cnt. \$50.00	1	X5927N	1994 Ford CHC	\$450.00	\$50.00	
		2	XN959E	2007 International			
		3	XN958E	1990 Ford			\$50.00
9	South Jersey Towing1 \$50.00 \$50.00	1	XP894H	2006 International	\$450.00		
		2	XP893H	2004 International			
		3	XP895H	2000 Ford F350			\$50.00
		4	XP896H	1986 Ford F350			\$50.00

15. RESOLUTION NO. 336-09 – 2009-2010 HOTEL / MOTEL APPROVAL – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle has established a Hotel / Motel License in connection with Ordinance NO. 1157-04, and
 WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee, and
 WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year, and
 WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property taxes. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent.
 WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$350.00.
 WHEREAS, said approval is contingent upon all applicable building, housing, health and safety

WHEREAS, the Township feels very strongly that there is a need or have turn arrows on all four (4) sides of the traffic light at the intersection of Route 47 and Railroad Avenue; and
 WHEREAS, increased traffic volumes and minor accidents have brought a special awareness to the intersection of Route 47 and Railroad Avenue due to the shopping center access for Walmart; and

WHEREAS, the delay in being able to access Route 47 from Railroad Avenue and to access Railroad Avenue from Route 47 due to increased traffic has resulted in long lines of standing traffic; and

WHEREAS, the Township of Middle requests that the New Jersey Department of Transportation and the County of Cape May investigate the feasibility of installing turn arrows on all four (4) sides of the traffic light at the intersection of Route 47 and Railroad Avenue: so
 NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Middle, State of New Jersey, County of Cape May that this Resolution requesting a study to install turn arrows on all four (4) sides of the traffic signal at Route 47 and Railroad Avenue be hereby forwarded to Senator Jeff Van Drew, Assemblymen Nelson Albano and Matt Milam, and the Commissioner of the New Jersey Department of Transportation and the Board of Freeholders of the County of Cape May, whereby this request from the Township of Middle will be thoroughly reviewed by the State of New Jersey and the County of Cape May.

21. RESOLUTION NO. 342-09 – AUTHORIZE EXTENSION OF CONTRACT – STREET HOCKEY RINK – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Mayor Doughty ABSTAIN

WHEREAS, the notice to proceed for the above referenced project was issued on January 7, 2009 with a contract period of one-hundred and eighty (180) calendar days, and

WHEREAS, based on inclement weather during most of the month of June the engineer has recommended an extension of contract.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey that the contract with Albrecht & Heun for the street hockey rink, be extended for a ninety (90) days.

22. RESOLUTION NO. 343-09 – CLOSED SESSION – MATTERS OF PENDING LITIGATION (RAVITZ V. TWP OF MIDDLE);PERSONNEL MATTERS (CHIEF OF POLICE POSITION); AND POTENTIAL LITIGATION – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist,

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: MATTERS OF PENDING LITIGATION (RAVITZ V. TWP OF MIDDLE); PERSONNEL MATTERS (CHIEF OF POLICE POSITION); AND POTENTIAL LITIGATION
- 2.) The general nature of the subject matter to be discussed is as follows: MATTERS OF PENDING LITIGATION (RAVITZ V. TWP OF MIDDLE); PERSONNEL MATTERS (CHIEF OF POLICE POSITION); AND POTENTIAL LITIGATION
- 3.) The closes session for the matter of pending and potential litigation shall take place directly after the regular scheduled meeting on July 20, 2009. The closed session for the personnel matter shall take place on July 22, 2009 at 8:00am and also July 23, 2009 at 9am.
- 4.) It is anticipated at this time the above subject matter will be made public as follows:
 WHEN THE MATTER IS RESOLVED
- 5.) This Resolution shall take effect immediately.

23. RESOLUTION NO. 344-09 – REFUND OF OVERPAYMENT – SEWER – On motion by Committeemember DeLanzo seconded by Committeemember Barry 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
04634	Ronald & Karen Smith	236/19	\$960.00

24. RESOLUTION NO. 345-09 – SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY HISTORICAL & GENEALOGICAL SOCIETY – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, THE Cape May County Historical & Genealogical Society has applied for approval to sell alcoholic beverages at an event to be held at the Cape May County Museum, 504 Rte 9 North, CMCH, on September 4, 2009 from 6:00 p.m. to 9:00 p.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 NO. 346-09 – AWARD OF BID – RECONSTRUCTION OF ROMNEY PLACE – FY 2009 MUNICIPAL AID PROGRAM – On motion by Mayor Doughty seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the reconstruction of Romney Place through the FY 2009 Municipal Aid Program, and
 WHEREAS, sealed bids were received on April 28, 2009 at 1:00 p.m. and an extension on the award was granted on June 15, 2009 via Resolution No. 271-09, and
 WHEREAS, it appears that the following bid submitted below represent a figure equal to the lowest bids received, which complies with specifications.
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the reconstruction of Romney Place be and hereby is awarded as described:

Base Bid + Alt 1 + Alt 2 – Asphalt Paving Systems - \$184,379.30

26. RESOLUTION NO. 347-09 – AWARD OF RFP – DISPOSAL OF RECYCLE MATERIALS TO CLASS B RECYCLING FACILITIES AND MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Mayor Doughty ABSTAIN

WHEREAS, it has been deemed necessary to request proposals for the cost associated to delivery of recycle materials to a Class B recycling facility and also for cost associated upon picking of materials or delivery from a Class B recycling facility

WHEREAS, RFP's were received on June 17, 2009, at 1:00 PM

WHEREAS, exhibit A attached hereto this resolution shows the results of said request for proposal, outlining the following award.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that following contract for services shall be awarded as follows:

Leaves and Grass Clippings shall be taken to the Cape May County Municipal Utilities Authority

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ NO FEE has been bid for the following service or items leaves and grass. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract:

n/a

PO# n/a

Tracey DeVico Taverner, CFO

Disposal of recycle material to be taken to a Class B facility – Future Mining and Albrecht & Heun

Materials to be picked up or delivered from a Class B facility – Future Mining and Albrecht & Heun

BE IT FURTHER RESOLVED, that this award is conditioned upon certification of funds and also submission of appropriate affirmative action forms.

FURTHER RESOLVED, that the amount to be certified shall not exceed the amount as set aside in the municipal budget for said services.

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of \$ 45,000.00 has been bid for the following service or items recycled material. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract:

9-01-26-290-291-298

PO# 20902258

Tracey DeVico Taverner, CFO

27. RESOLUTION NO. 348-09 – SALARY ADJUSTMENT – On motion by Committeemember Barry seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee salaries will be amended to the amount opposite their name:

NAME	DEPARTMENT / TITLE	SALARY	EFF. DATE
Darryl Parker	Public Works / Part-Time Laborer	\$9.00 ph	07/20/2009

28. RESOLUTION NO. 349-09 – APPROVE TRANSIENT MERCHANT PERMIT – RIO GRANDE VOLUNTEER FIRE DEPARTMENT / COLE BROS. CIRCUS INC. – On motion by Mayor Doughty seconded by Committeemember Barry and passed on roll call, the following resolution was adopted.

WHEREAS, Chapter 231-1 of the code of the Township of Middle authorizes the licensing of a traveling show or circus within the confines of the Township of Middle, and

WHEREAS, Rio Grande Volunteer Fire Department, Sponsor of Branchwater Productions Inc. dba Cole Bros. Circus, has applied to the Township of Middle to hold a Tented Circus on August 12th and 13th, 2009, and

WHEREAS, by way of application, Rio Grande Volunteer Fire Department and/or Cole Bros. Circus has requested the use of the Robert “Ockie” Wisting Recreation Complex, and

WHEREAS, they have met all of the application requirements by supplying the necessary fees and insurance certificate information, and

WHEREAS, Rio Grande Volunteer Fire Company has been designated as the sponsor for said circus and described on the submitted “Hold Harmless Agreement” presented by Cole Bros. Circus along with the Township of Middle.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey, that authorization is hereby granted to Branchwater

Productions Inc. dba Cole Bros. Circus to hold a circus at the location of the Robert "Ockie" Wisting Recreation Complex (former Fort Apache Campground) on August 12th and 13th, 2009 in compliance with the rules and regulations set forth by the Code of the Township of Middle.

29. **REMOVED**** RESOLUTION – WAIVING REQUIRED PERFORMANCE GUARANTEE FOR SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 1 NORTH FIFTH STREET, RIO GRANDE, NEW JERSEY, A/K/A BLOCK 1480 LOT 4, ON THE TAX MAP OF THE TOWNSHIP OF MIDDLE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
30. RESOLUTION NO. 350-09 – AUTHORIZING THE ADMINISTRATOR TO SEND LETTER WITH THE INTENT TO TERMINATE AGREEMENT FOR SHARED COURT WITH DENNIS TOWNSHIP WITHIN 90 DAYS – On motion by Committeemember DeLanzo seconded by Mayor Doughty and passed on roll call, the following resolution was adopted.
NOW THERE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, that authorization is hereby granted to Mark Mallett, Township Administrator, to issue a letter with the intent to terminate the agreement between the Township of Middle and the Township of Dennis for shared court, within 90 days.

31. PUBLIC COMMENT:

Vilma Pombo: The left turn signals, is it Route 9 or Route 47?

Mark Mallett: It is 47, when you are going south on 47 to Railroad Avenue, there is 1 left hand turn signal, the other 3 don't have a left hand turn signal and the Traffic Advisory Committee took a look at that because there was a resident that thought there should be turn signals on all sides.

Vilma Pombo: Ok. Also wanted to let everyone know the CMC Animal Shelter is celebrating their 5th Anniversary on the 23rd and everyone is invited. Next, you keep talking about hockey fields and baseball fields, but there are children out there that would like to do other things. The Arbor Day Foundation has some things that they have suggested for nature type parks for children, using natural pieces of equipment found in yards, like tree stubs or whatever, and I think you should think about that.

Mayor Doughty: To ease your mind a little bit, before I came on board there is a nature trail out at the Davies Complex....

Vince Orlando: There are existing paths through the woods and part of the Master Plan does call for that upgrade to have a nature trail to provide some environmental science of elements along the trail, some stations, things of that nature.

Mayor Doughty: They are out there because every year they update the trails with the woodchips.

Vilma Pombo: That is different. These are play areas for little children to use, slices of trees and arts and craft centers and things like that for the younger children because most of the younger children any more only know computers and blackberries and twittering and all that stuff and nothing about nature.

Betty McGurk: Thought visionary meetings were very good and appreciated that you could have input into them. The questionnaire on the website is very helpful also.

Vilma Pombo: What are the dates of the other meetings.

Susan DeLanzo; Wednesday, July 29th; Thursday, August 6th; and Wednesday, August 12th.

Betty McGurk: The first one is Middle Township, could you tell us what the other ones are?

Susan DeLanzo: Wednesday the 29th is Cape May Court House; Thursday. August 6th is Rio Grande; and Wednesday, August 12th is Whitesboro/Burleigh.

Miles Truesdell: Wants to bring to the attention of the Committee that the contractor/developer of the Harbor Place construction site, adjacent to the Stone Harbor Marina, has not maintained that as a very tidy construction site. If someone could go out and check that out.

Vince Orlando: Can do that, haven't checked out recently because no site work being done recently. I can send an inspector there. We may have to follow up with Code Enforcement, but let me check it out first.

Will Havensack: Would like to thank committee for continued support of Habitat for Humanity.

Dan Lockwood: On the background check idea, who is in charge of taking action based on the findings?

Kim Tomkinson: There will be a committee comprised of the Administrator, the recreation director and someone from the police department, so when the results come in via the state police they will go directly to the police department. From there, if there is something that comes up in the background check, they are given the opportunity to provide the results, but they have to obtain the results via the state police themselves.

Chief Evangelista: We are going to have a lot to say about this.

Dan Lockwood: I think it is a great idea, I just think logistically, especially that first wave, if everybody that is already working for the municipality that.....

Chief Evangelista: It is that important that it will be done right.

Steve Barry: We are hoping that there won't be too many problematic results.

Dan Lockwood: Ok, next the Master Plan Committee meetings, from my understanding there is no public comment allowed, and it is my understand that Fred Schmidt got to comment at the meeting, how did that work?

Jim Pickering: I don't know where you got that understanding because it is not accurate.

Dan Lockwood: Fred Schmidt did not speak at the last meeting?

Jim Pickering: I was not at the last meeting.

Dan Lockwood: Was anybody at the last meeting.

Steve Barry: I think I was.

Mark Mallett: I was also.

Dan Lockwood: And was Fred afforded an opportunity to speak?

Mark Mallett: My understanding is that it is more up to the discretion of the Chairperson, which is Bob Noel, and he did arrive late to the meeting and Fred did have some input and I thought it was thoughtful. But typically I thought it was at the discretion of the Chairperson.

Vince Orlando: That is exactly how it has worked in the past. Vilma has been to a few and asked a couple of questions, the Chair had initially said this is not a public hearing, this is not where you can come and make comments, but on occasions I know that Fred Langford was there at one time and had a pertinent question on a specific topic.

Dan Lockwood: I spent a lot of time with tongue in cheek at these meetings and had questions.

Steve Barry: After the meeting folks who have come will say they have something on their mind, but there is a lot to cover and Bob Noel tries to get through everything 2 hours before people's attention fades, so if people just want to yak a little bit, they can do it afterwards.

Dan Lockwood: If Fred had not recently been in front of the zoning board with a rather large project that created a lot of attention in our community, it probably would not have even raised a flag.

Susan DeLanzo: As you noticed tonight on the agenda we are going into closed session and one of the items is the Chief of Police. I would like to bring everyone up to date on what is happening. Chief Evangelista is retiring and we are interviewing candidates for this position. The process we have taken is different than has been the case in Middle Township. The interviewing process is that Township Committee has interviewed the 2 internal candidates and they were presented with a project. They will come back and present their project to the Committee. In addition to that, there are 2 community groups of 3 people each and they will be interviewing the candidates and part of that process is they will be presenting their project to the community groups. The community groups will then give their recommendations to the Committee. Hopefully this process will be completed sometime in early August and will be able to announce our selection of our next Chief. We are very grateful to the people who have volunteered to do this.

Jim Pickering: Mayor we are going to take a 5 minute break and then come back into executive session.

Meeting adjourned 7:31

8:33 PM

Jim Pickering: We are back in regular session, we were in Executive Session for a period of time where Township Committee discussed the pending process involving interviewing of the police chief position. I also reported briefly on the status of potential litigation regarding an employee who has made an allegation of discrimination and additionally we discussed the Ravitz vs MT case and the status of settlement negotiations. Instructions were given to the Mayor and to myself regarding the next step in those negotiations. That is all we have Mayor.

Meeting adjourned 8:34 PM

Kimberly Tomkinson, Twp. Clerk

Minutes prepared by D. Stimmel, Deputy Clerk