

Cape May Court House, NJ
 June 7, 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. 2010 DRUM FISH TOURNAMENT WINNER PRESENTATION

Winners

<i>1st place</i>	<i>75 ½ lbs</i>	<i>Capt. Jeremy Cox</i>	<i>Boat Fisher Price</i>
		<i>Matt Cox</i>	
		<i>Jason Doughty</i>	
		<i>Howie Prickett</i>	
<i>2nd Place</i>	<i>75 ¼ lbs</i>	<i>Capt. Jack Varner</i>	<i>Boat Bullheaded</i>
		<i>Chuck Armstrong</i>	
		<i>Bill Thompson</i>	
		<i>Kevin Trafford</i>	
<i>3rd Place</i>	<i>74 lbs</i>	<i>Capt. Richard Walters Sr</i>	<i>Boat Kelsey Girl</i>
		<i>Sean Whittington</i>	
		<i>Rich Walters Jr</i>	
		<i>Anthony Saduk</i>	
<i>4th Place</i>	<i>71 lbs</i>	<i>Capt. Bob Cantz</i>	<i>Boat Reel Joy II</i>
		<i>Suzi Stocker</i>	
		<i>Bruce Shuman</i>	
		<i>Jared Cantz</i>	
<i>5th Place</i>	<i>69 lbs</i>	<i>Capt. Brian Herman</i>	<i>Boat Draggin Dreams</i>
		<i>Gary Dixon</i>	
		<i>John Orbanis</i>	
		<i>Mike Houdart</i>	

2. 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.*)

Madelyn Flipski - #17 Police visits to hotel. More visits to big box stores
#20 – indicated township should announce when settlements are made on the agenda.
#24

3. RESOLUTION NO. 218-10 – APPROVING PAYMENT FOR BILLS – BILL LIST A – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

<i>Current Acct.</i>	<i>\$ 3,267,546.07</i>
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4. RESOLUTION NO. 219-10 – APPROVING PAYMENT FOR BILLS – BILL LIST B – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

<i>Current Acct.</i>	<i>\$ 15,373.50</i>
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5. RESOLUTION NO. 220-10 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

6. REPORTS: The following departments have submitted their reports for the months indicated:
 Construction Official for the month of May; Land Use Administrator for the month of May;

Municipal Clerk for the month of May; Zoning Official for the month of May; Tax Collector for the month of May

7. ORDINANCE NO. 1363-10 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, Ordinance No 1363-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/06/2010 at 6:00 p.m.
Adding Title of “Seasonal Employee – Laborer (CDL Required)”

8. RESOLUTION NO. 221-10 – AMENDING APPOINTMENTS – PART TIME – NEW HIRE – TELECOMMUNICATIONS – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, Resolution No. 203-10 adopted May 17, 2010 referenced the incorrect rate of pay for the below referenced employees, and
WHEREAS, both telecommunication operators hold their 911 certification thereby entitling them to a different rate of pay.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Jennifer Rutherford	Public Safety	PS Telecommunications Operator Trainee P/T	\$13.46ph	05/05/2010
Jacob Loefflad	Public Safety	PS Telecommunications Operator Trainee P/T	\$13.46ph	05/05/2010

9. RESOLUTION NO. 222-10 – APPROVE LEAVE OF ABSENCE – RICHARD SITTINERI – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Richard Sittineri is out on an approved leave of absence from May 8, 2010 until July 31, 2010, and
WHEREAS, Richard Sittineri will be using accrued leave for a majority of said leave.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the leave of absence shall be with pay until July 4, 2010 (as outlined on attached schedule) and the remaining time shall be without pay until July 31, 2010.

10. RESOLUTION NO. 223-10 – APPROVE TONNAGE GRANT 2009 – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
WHEREAS, the Mandatory Source separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs, and
WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs, and
WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the Mandatory source Separation and Recycling Act, and
WHEREAS, the recycling regulations impose municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality, and
WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Middle Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations, and
WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.
NOW THEREFORE BE IT RESOLVED by the Township committee of the Township of middle that the Township of Middle does hereby endorse the submission of a Municipal Recycling Tonnage Grant Application to the New jersey Department of Environmental Protection and Energy, office of Recycling and designates Andrew Smith, Municipal Recycling Coordinator to ensure that the said Application is properly filed; and
FURTHER RESOLVED, that the moneys received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

11. RESOLUTION NO. 224-10 – REDUCTION OF PERFORMANCE BOND INTEREST – QUALITY ENVIRONMENTAL LAND MANAGEMENT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, \$30,080.40 is being held in performance guarantee interest for Quality Environmental Land Management for site improvements at Block 95.06, Lots 2-26 , also known as Sand Castle Cove, and
WHEREAS, the municipal solicitor has indicated that the release of 2/3rd interest accumulated in the bond for the above referenced project is acceptable, and

WHEREAS, the Zoning Official has recommended that the performance guarantee interest for the above stated project be reduced to by 2/3rd, thereby retaining an amount equaling \$10,227.34. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond interest be and is hereby reduced to \$10,227.34.

12. RESOLUTION 225-10 – RELEASE OF PERFORMANCE BOND – REPP ASSOCIATES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, \$30,765.80 is being held as a performance guarantee for Repp Associates / 1361 Associates LLC. for site improvements at Block 1414.01 Lot 25.03, also known as Rte 47, 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 Tri-party Allocation Category Agreement be and is hereby released.

13. RESOLUTION NO. 226-10 – CANCELING OUTSTANDING CHECKS – GENERAL ACCOUNT – RESCINDING – 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 adopted Resolution 190-10 on May 17th, 2010 to cancel outstanding checks in the General Account, and

WHEREAS, Check 44867 payable to the NJ Motor Vehicle Commission was cashed during the month of May 2010 and check 44841 payable to SJNIGP was cashed during the month of May 2010.

NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that checks 44867 and 44841 not be voided.

14. RESOLUTION NO. 227-10 ; 228-10 – APPROVE – ADOPT OF SPOT GRANT (ITEMS A THROUGH B)– On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Boy Scout Troop 1065 Pennsylvania Avenue & Reeves Street, Whitesboro 05/15/2010

People for Missions Bayberry Drive 06/08/2010

15. RESOLUTION NO. 229-10 – ACKNOWLEDGMENT 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	DEPARTMENT	POSITION	EFFECTIVE
Katlyn Nolan	Public Safety	EMT P/T	05/13/2010

16. RESOLUTION NO. 230-10 – SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE SUSTAINABLE JERSEY GRANT FUNDED BY WAL-MART – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and WHEREAS, Middle Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Middle Township is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart;

THEREFORE, the Township Committee of Middle Township has determined that Middle Township should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that Township Committee of Middle Township, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant funded by Wal-Mart.

17. RESOLUTION NO. 231-10 – 2010/2011 HOTEL/MOTEL LICENSE APPROVAL – On motion by Committeemember Doughty seconded by Committeemember Lockwood 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 \$1,000.00.

WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle, and

WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities.

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2010-2011:

Lic. #	Applicant	Tradename	Location	Sites
3	Isha Hospitality	Country Motel	1604 Rte 47 S	28
4	Franco Berarducci	Court House Motel	419 Rte 9 North	17, Owners Apt.
7	Privavdan Patel	Green Acres Motel	1031 Rte 47 S	16, house
8	Shree Khodiar LLC.	Simpson Motel	1507 Rte 47 S	19, house
14	Robert & Ruth Worth	Marlee Motel	1003 Rte 47 S	13, house
16	Nayadip LLC.	Offshore Motel	1801 Rte 47 S	48
19	John Lanzinger	Shelton Motel	1410 Rte 47 S	22, house
20	Jai Shree Jalar	Silver Birch Motel	1019 Rte 47 S	10
22	Whispering Woods Inc.	Whispering Woods	535 Rte 47 S	28
24	Lorraine Nicholas	The Doctor's Inn	2 North Main Street	7

18. RESOLUTION NO. 232-10 – RENEWAL OF ALCOHOLIC BEVERAGE LICENSES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Mayor DeLanzo Abstained

WHEREAS, certain licensees have filed for renewal of their Alcoholic Beverage License for one (1) year beginning July 1, 2010, and

WHEREAS, the said applications are in due and proper form with the fee of \$600.00 for each Plenary Retail Consumption License; \$600.00 for each Retail Distribution License; \$150.00 for each Club License and with no objection filed with all \$200.00 State Filing Fees received and forwarded,

THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary retail Consumption License to:

Rio Station Inc. 0506-33-001-007

Avalon Development & Golf, Inc. 0506-33-005-007

Cape Hospitality Group LP 0506-33-002-006

Menz Restaurant Inc. 0506-33-012-001

BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Distribution License to:

Matteras Liquor trading as Joe Canals Discount Liquor Outlet 0506-44-003-007

BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Club License to:

Wildwood Golf Club Inc., 0506-31-006-003

Devil Country Club, Inc. 0506-31-008-002

Royal Oaks Club Inc. 0506-31-011-001

BE IT FURTHER RESOLVED, that these licenses be signed, sealed and delivered by the Clerk of the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.

19. RESOLUTION NO. 233-10 – AMENDING SALARIES – BOARD OF HEALTH MEMBERS –

On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, during Reorganization 2010 a resolution indicating salaries for FY 2010 was adopted, and

WHEREAS, it has been deemed necessary to amend said resolution, and

NOW THEREFORE BE IT RESOLVED, that the stipend received by board members, current and future, for the Local Board of Health shall be eliminated effective July 1, 2010, and

BE IT FURTHER RESOLVED, that the stipend for the board of health secretary be amended from \$1,000.00 to \$850.00, also effective July 1, 2010, consistent with all other board secretary stipends.

20. RESOLUTION NO. 234-10 – CLOSED SESSION – PENDING LITIGATION (RAVITZ V. MIDDLE)(MIDDLE V. ALBRECHT AND HEUN); POTENTIAL LITIGATION – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted. Committeemember Doughty Abstained

21. RESOLUTION NO. 235-10 – AWARD OF BID – BURGLAR / FIRE ALARM ADMINISTRATION SERVICES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. *WHEREAS, it has been deemed necessary and desirable to solicit bids for burglar/fire alarm administrative services, and WHEREAS, sealed bids were received on Wednesday May 26, 2010 at 1:00 PM, and WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid 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 burglar/fire alarm administrative services be awarded to ATB Services LLC. as indicated:*

Revenue Share:

25%

Of all revenue collected and cleared in the account created and maintained at Sturdy Bank in Cape May

Permit Fee and Compliance Fees Only:

\$17.50 – for all Permit Fees, late fees, and compliance fees revenue collected for these transactions and cleared in the account created and maintained at Sturdy Bank in Cape May

\$0.00 - charged for all revenues from false alarms

FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer's Certification of availability of funds.

22. RESOLUTION NO. 236-10 – ACCEPTING ASSISTANCE PROVIDED BY THE NJDOT FOR PLANNING GRANT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. *WHEREAS, the Township Committee of the Township of Middle has made application to the State of New Jersey, Department of Transportation for planning assistance in coordination of several planning studies underway, which involve Middle Township; and WHEREAS, the State of New Jersey has advocated Smart Growth and Regional Efficiency as important criteria in seeking State Financial Assistance; and WHEREAS, In an effort to coordinate land use and transportation planning, on December 23, 2009, Middle Township Mayor Nathan Doughty submitted a letter to the New Jersey Department of Transportation requesting transportation planning assistance from the Department's Local Transportation Planning Assistance Unit (LTPA) to evaluate the transportation conditions and assess the roadway network in the proposed regional centers and recommend strategies to improve vehicular, pedestrian and bicycle travel in the two Centers of Cape May Court House and Rio Grande/Whitesboro/Burleigh. WHEREAS, the purpose of this study is to evaluate the transportation conditions and roadway network in Middle Township, and propose transportation improvement strategies to enhance mobility for all travel modes in the two Centers of Cape May Court House and Rio Grande/Whitesboro/Burleigh. WHEREAS, Middle Township's major goal is to encourage center-based development through its current efforts in updating both its Master Plan and development regulations. The strategies in this transportation study should support and complement the proposed center-based development in the two centers of Cape May Court House and Rio Grande/Whitesboro/Burleigh. The study team will identify and evaluate potential transportation strategies for consistency with the character of the proposed center based growth and zoning. The configuration of Route 9 and other key roadways will also be evaluated to determine how well it would encourage center-based development and greater pedestrian activity. WHEREAS, the New Jersey Department of Transportation has agreed to provide consultant assistance to the Township of Middle helping to develop plans, which take advantage of the work being done by all the current studies; and NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, State of New Jersey, County of Cape May that the Township of Middle does hereby agree to accept with gratitude the assistance provided by the New Jersey Department of Transportation, and will provide data, meeting space and the cooperation necessary to achieve the maximum mutual benefit from all the effort expended.*
23. RESOLUTION NO. 237-10 – TERMINATING PARTICIPATION OF DENTAL PROGRAM WITH BENEFIT SERVICES – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. *WHEREAS, The Township of Middle currently provides dental benefits to its employees through Benefit Services, Inc.; and WHEREAS, The Township of Middle has determined that it will provide the same or better dental benefits to its employees through a different provider, NOW THEREFORE BE IT RESOLVED, The Township of Middle, County of Cape May, State of New Jersey hereby resolves to terminate its participation with Benefit Services, Inc., thereby canceling dental coverage for all its active and retired employees.*

The Township shall notify all active employees of the date of their termination of coverage under the program.

All COBRA participants will be notified by the Division of Pensions and Benefits and advised to contact The Township office concerning a possible alternative dental insurance program.

This resolution shall take affect the first day of the first month which follows a 60-day period that begins with the receipt of the resolution by the Benefit Services, Inc.

24. RESOLUTION NO. 238-10 – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – NIA GROUP, LLC. – INSURANCE BROKER – DENTAL INSURANCE – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has decided to discontinue its use of Benefit Services, Inc. for certain dental benefits; and

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

WHEREAS, the proposal provided by NIA Group, Inc. indicates that the value of the annual expense will exceed \$17,500, payable through the insurance company, and

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

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

25. RESOLUTION NO. 239-10 – RENEWAL – TOWING LICENSE – 2010 – On motion by Committeemember Lockwood seconded by Mayor 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 2010:

License#	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
1	Kindle Towing	1	ST160M	1995 F-350 Light Duty Wrecker	\$450.00	\$50.00
	Kindle Towing	2	XN734E	1996 F-800 Medium Duty Flatbed		\$50.00
	Kindle Towing	3	XN735E	2001 F-650 Medium Duty Flatbed		\$50.00
	Kindle Towing	4	XN903E	2007 F-650 Medium Duty Flatbed		\$50.00
	Kindle Towing	5	XN821E	1971 Heavy Duty Wrecker		\$50.00

26. RESOLUTION NO. 240-10 – REGARDING THE RATIFICATION OF THE MEMORANDUM OF AGREEMENT FOR THE SUCCESSOR COLLECTIVE BARGAINING AGREEMENT FOR PBA EMPLOYEES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted. Mayor DeLanzo Abstained

WHEREAS, the collective bargaining agreement between the Township of Middle and PBA Local No. 59 representing the Police employees expired on December 31, 2009; and

WHEREAS, the representatives for both parties have met on several occasions to negotiate a successor agreement; and

WHEREAS, the Township Committee has reviewed the matter carefully and has been actively involved in the development of proposals to the Union during negotiations; and

WHEREAS, the Township Negotiating Team has reached and recommends a tentative agreement memorialized by the Memorandum of Understanding (attached hereto); and

WHEREAS, the Union ratified the terms of the Memorandum of Understanding by a majority vote of its membership on June 7, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, Cape May County, New Jersey, that the Memorandum of Understanding is hereby approved; and BE IT FURTHER RESOLVED that the Township Administrator is authorized and directed to execute the successor collective bargaining agreement consistent with the Memorandum of Understanding.

27. RESOLUTION NO. 241-10 – ELIMINATION OF POSITION – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the position of Recreation Leader P/T is hereby eliminated as of July 1, 2010.

28. RESOLUTION NO. 242-10 – ESTABLISHING RATE OF PAY FOR VARIOUS PART-TIME EMPLOYEES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
WHEREAS, a part-time employee is one that works 34 hours or less per week per Civil Service Commission Title 4A:6-2.2, New Jersey Administrative Title Code Book, and
WHEREAS, it is necessary to establish the rate of pay for various part-time employees within the Township of Middle and to be outlined within the Personnel Policy Handbook as adopted by the Township Committee of the Township of Middle, and
WHEREAS, the following schedule shall be utilized when establishing rate of pay for the following part-time employees for payroll purposes:

- All new “Seasonal Employee – Laborer that hold a commercial driver’s license (CDL)” shall be paid at a rate of \$14.00 per hour

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above referenced schedule shall be adopted and utilized for those part-time employees as established above.
BE IT FURTHER RESOLVED, that authorization is hereby given to the appropriate officials to execute and make said changes as necessary to the personnel policy handbook.

29. RESOLUTION NO. 243-10 – RESCIND RESOLUTION AND AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PYROTECHNICO – FIREWORKS DISPLAY – 4TH OF JULY CELEBRATION – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 201-10 awarding a contract to Pyrotechnico was contingent upon obtaining a certification of sufficient funds by the Chief Financial Officer, and
WHEREAS, it has been deemed necessary to rescind Resolution 201-10 and re-award with the correct certification of funds.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Pyrotechnico and the Township of Middle for the fireworks display at the July 4, 2010 Middle Township Fourth of July Celebration, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.

Pyrotechnico ----- 4th of July Celebration ---- \$6,695.00

30. RESOLUTION NO. 244-10– CANCELLATION OF RESERVE – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, there exists a reserve for revaluation on the balance sheet of the Current Fund; and
WHEREAS, the status of this reserve has been investigated and the Township Administrator and Chief Financial Officer have determined that this reserve should be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, New Jersey, that the following reserve in the amount of \$162,895.68 be and the same are hereby canceled:

Reserve for Revaluation Program \$ 162,895.68

31. PUBLIC HEARING – 2010 MUNICIPAL BUDGET (AS INTRODUCED) *TABLE- HELD 5/17/2010

32. RESOLUTION NO. 245-10 – BUDGET AMENDMENT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Township of Middle
County of Cape May
State of New Jersey
Resolution
245-10

Date : June 7, 2010

Subject: RESOLUTION TO AMEND BUDGET

Second By: Commitman Lockwood

Vote-Aye: Committeeman Lockwood, Committeeman Doughty, Mayor DeLanzo

Nay:

WHEREAS,

WHEREAS,

WHEREAS,

THEREFORE BE IT RESOLVED,

Introduced By: Mayor DeLanzo

the local municipal budget for the year 2010 was approved on the 19th day of April, 2010 and

it is desired to amend said approved budget, now

by the Township Committee of the Township of Middle, County of

the local municipal budget for the year 2010 was approved on the 19th day of April, 2010 and it is desired to amend said approved budget, now by the Township Committee of the Township of Middle, County of

Cape May that the following amendments to the approved budget of 2010 be made:

CURRENT FUND:

From	To
ANTICIPATED REVENUES:	
3.	Miscellaneous Revenues
Section F: Special Items with Prior Written Consent of the Director of LGS - Public and Private Revenues Offset with Appropriations	
Clean Communities Program	39,169.73\$
Total Section F: Special Items with Prior Written Consent of the Director of LGS - Public and Private Revenues Offset with Appropriations	434,166.75
Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items:	
Middle Township Sewer Utility - Indirect Costs	-
FEMA Reimbursement - 2010 Storms	35,000.00
Trailer Tax - Increase in Rates	20,000.00
ABC Licenses - Increase in Rates	-
Reserve for Revaluation Program	162,895.68
Amount Due from Federal and State Grant Fund	115,000.00
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items	
	1,368,770.68
Total Miscellaneous Revenues	7,083,391.49
5.	Subtotal General Revenues (Items 1, 2, 3 and 4)
	9,921,210.12
6.	Amount to be Raised by Taxes for Support of Municipal Budget:
a)	Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes
	11,756,436.90
	11,781,527.58
Total Amount to be Raised by Taxes for Support of Municipal Budget:	
7.	Total General Revenues
	21,677,647.02\$
	21,932,919.07\$
ANTICIPATED APPROPRIATIONS:	
8.	General Appropriations:
a)	Operations - within "CAPS"
GENERAL GOVERNMENT FUNCTIONS	
Township Clerk	
Other Expenses:	
Miscellaneous Other Expenses	27,000.00\$
Legal Services and Costs	
Other Expenses	435,000.00
Records Management	
Other Expenses	1,000.00
LAND USE ADMINISTRATION:	
Planning Board	
Other Expenses:	
Smart Growth Expenses	52,500.00
PUBLIC SAFETY	
Police	
Other Expenses	133,300.00
Police Radio and Communications	
Other Expenses	6,000.00
PUBLIC WORKS FUNCTIONS	
Road Repairs and Maintenance	
Salaries and Wages	888,000.00
Other Expenses	357,000.00
Motor Pool	168,000.00
PARKS AND RECREATION FUNCTIONS	
Beach Restoration	
Other Expenses	500.00
UTILITY EXPENSES AND BULK PURCHASES	
Electricity	317,000.00
Gasoline	242,800.00
Sanitary Landfill - Contractual	410,000.00
Total Operations - Within "CAPS"	15,548,520.00
Total Operations Including Contingent- Within "CAPS"	15,548,520.00
Detail:	
Salaries and Wages	8,052,310.00
Other Expenses	7,496,210.00
From	
E)	To
Municipal within "CAPS"	Deferred Charges and Statutory Expenditures -
(1)	Deferred Charges:
Unpaid Prior Year Bills	
Engineering Services - Other Expenses - 2001	
Engineering Design Associates	9,500.00\$
(2)	Statutory Expenditures:

33. PUBLIC COMMENT:

Committeemember Doughty commended Art Cornell & Andy Melchiorre for giving up compensation for Board of Health membership.

Committeemember Lockwood commented on the Memorial Day parade. Dental plan change possible. Better benefit in network. No loss of benefit to any employee.

Mayor DeLanzo thanked Nate for drum fish tournament. Sorry she missed Jill Zarharchuck when she was sitting in audience.

Proceeding with branch pickup. Twp. has plan that they are working on. Putting out last call to try and get done in timely manner. Will be advertised.

Notice from Master Plan Committee... June 24th at 7:30pm for public hearing.

Betty McGurk – Master plan # in future for build out? Water suppliers and drainage issues addressed?

Vince Orlando – info available at Planning/Zoning

Madelyn Filipski - Never had satisfactory answer to question... township spending money now but what budget are we operating under... let's say in May!?!?

Glenn Ortman explained temporary budgets and percentage of previous budget. 1/12 of prior year's budget gets you through until adoption. Temporary budget amended to include what's currently being spent. Hybrid of 2009 and 2010 budget.

M. Filipski – legal to increase another \$60,000.00

Mallett – explained

Filipski – township needs to hire full time attorney. Asked total amount to defend Deputy Mayor Dougherty?

Pickering – litigation made against township. Mute item now since Dougherty has now excused himself from issues.

Filipski – asked amount of money received in grants.

Mallett - \$217,410.69

Filipski – raising budget million in a year disrespectful to public. Giving flowers to seniors then pushing them out of their homes.

Peter Smith commented on the professional conduct of Middle Township Police at funeral of one of his close friends. Thank you

Committeemember Dougherty indicated that Vets were very happy with police at parade as well.

Mrs. Oxley – asked for plans for Shannon Oaks. Where in process are we?

Orlando – spoke about capital ordinance and money available in July. Once that happens projects can be placed out to bid. Hopefully begin in September.

Meeting was adjourned at 7:05pm

Kimberly Tomkinson, Twp. Clerk