

(\$10.00) per calendar month per mobile home, whether or not the mobile home is occupied. There shall be no proration of either fee for periods shorter than a calendar year or a calendar month. There shall be additional fees for the supplemental license as hereinafter set forth.

Section 175-18. Determination of Rents.

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

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 All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

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

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

10. **TABLED ** ORDINANCE NO. 1355-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 132 OF THE TOWNSHIP CODE REGARDING EXCAVATION AND SOIL REMOVAL LICENSE FEES** – Following second reading, hearing, and consideration for adoption, Ordinance 1355-10 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

11. **ORDINANCE NO. 1357-10 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 131 OF THE TOWNSHIP CODE, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES** – Following second reading, hearing, and consideration for adoption, Ordinance 1357-10 was adopted on motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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

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

Chapter/ Section

Short Description

131-6 (A)

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

(B)

In addition to the amount billed pursuant to Subsection A above, the third party billing agent shall also bill for “load miles”. Load miles are those miles traveled by an EMS vehicle from the location where the patient was initially transported to the end destination. Load miles shall be billed at \$10.00 per load mile.

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

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

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

12. **ORDINANCE NO. 1358-10 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)** - Following second reading, hearing, and consideration for adoption, Ordinance 1358-10 was adopted on motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$610,316.77 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A.

40A: 4-45.14, be increased by 3.5 %, amounting to \$610,316.77, and that the CY 2010 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,

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

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

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

13. ORDINANCE NO. 1359-10 - BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND REPAVING OF VARIOUS TOWNSHIP ROADS IN AND FOR THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$4,200,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$3,990,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, Ordinance No 1359-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/21/2010 at 6:00 p.m.

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Reconstruction and/or Repaving of Various Roadways within the Township, all as more particularly described in the plans and specifications on file in the Office of the Township Clerk and available for inspection during normal Township hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$4,200,000	\$210,000	\$3,990,000	10 years

14. ORDINANCE NO. 1360-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$298,700 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR POLICE, WHITESBORO SCHOOL, AND TOWN HALL IMPROVEMENTS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, Ordinance No 1360-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/21/2010 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. There is hereby appropriated the sum of \$298,700 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for:

- a) E-Ticket Software & Hardware \$44,000
- b) Radar Signs \$ 8,000
- c) Ballistic Helmets \$ 6,700
- d) Whitesboro School Parking Lot \$40,000
- e) Server/Dispatch Room \$40,000
- f) Public Building Improvements \$85,000
- g) Town Hall Parking Lot Improvements \$75,000

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

15. ORDINANCE NO. 1361-10 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 158 SECTION 15 OF THE TOWNSHIP CODE REGARDING SPECIAL PICKUP OF BULK TRASH – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, Ordinance No 1361-10 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/21/2010 at 6:00 p.m.

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

SECTION 1. Chapter 158 Section 15 of the Code of the Township of Middle is hereby deleted and replaced by the following:

- A. The collection, removal and disposal of bulk trash shall be made by the township or its contractor pursuant to policies and a schedule periodically established by resolution approved by the Township Committee.
- B. Each property owner shall place no more than one bulk trash item at curbside per month.
- C. The property owner shall place the bulk trash item at the curb no earlier than 24 hours before the scheduled collection date.

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

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

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

16. RESOLUTION NO. 189-10 – CANCELING OUTSTANDING CHECKS – RECREATIONAL TRUST ACCOUNT – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, there are certain checks that have been outstanding in the Middle Township Recreational Trust Account for a period of more than six months, and
 WHEREAS, it is the desire of the Township Treasurer to return these funds to the Middle Township Recreational Trust Account.

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 the following checks be and hereby are canceled and will be returned to the Recreational Trust Account of the Township of Middle.

Recreational Trust Account			
1538	05/04/09	Westside Wholesale Dist	\$145.60

17. RESOLUTION NO. 190-10 – CANCELING OUTSTANDING CHECKS – GENERAL ACCOUNT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, there are certain checks that have been outstanding in the Middle Township General Account for a period of more than six months, and
 WHEREAS, it is the desire of the Township Treasurer to return these funds to the Middle Township General Account.

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 the following checks be and hereby are canceled and will be returned to the General Account of the Township of Middle.

General Account			
42901	04/06/09	CMC Municipal Clerks Assoc	\$200.00
44873	12/17/09	Title Company of NJ	\$1,073.65
44774	12/21/09	Cape May County Health Dept	\$140.00
44841	12/21/09	SJNIGP	\$80.00
44867	12/21/09	NJ Motor Vehicle Commission	\$150.00

18. RESOLUTION NO. 191-10 THR 192-10 – REFUND OF TAXES (ITEMS A THROUGH B) – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

191-10 Refund due to overpayment by mortgage company

<i>ACCT</i>	<i>BLOCK</i>	<i>LOT</i>	<i>OWNER/LOCATION</i>	<i>AMOUNT</i>	<i>ck#</i>
2683	135.01	12	Wiggins, David S 3 1 st Drive	2294.64	
2894	163.01	281	Estlow, Thomas L Jr 36 Rte 47 S	809.22	
15112	168	33	Kallok, Mark T & Theresa R 73 West Johnstown Lane	1033.59	
6143	402	6	Woolford, Leroy & Cynthea 20 N 5 th St.	1078.17	
16723	472	92	Halbruner, June A 299 Indian Trail	1067.13	
12128	998	1	Demers, Richard 7 Katherine L 501 Cedar Ave.	694.52	
14052	1425.01	8.01 C0001	Harmon, Terry A Jr & Amber P 15 Williams St. #1	766.35	

Refund Payable and sent to:
 First American Real Estate Tax Service
 Refund Dept.
 P O Box 961250
 Fort Worth, TX 76161-9887

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

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

192-10 Refund due to overpayment by mortgage company

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT	ck#
5820	354.01	26	Karavan, Marcus H & Margaret Rovira 602 Shunpike	911.35	
16792	472	79	Neville, Dianne & Daniel 325 Indian Trail	952.00	

Refund Payable and sent to:

Wells Fargo Real Estate Tax Service
Attn: Financial Support Unit Region 1
1 Home Campus
MAC X2302-04D
Des Moines, IA 50328 -0001

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

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

19. RESOLUTION 193-10 – SURRENDERING REDEMPTION FEES TO TOWNSHIP

TREASURER – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 54:5.1 section 13 requires that if the owner of a tax lien fails to surrender a tax sale certificate within five years of being notified of redemption, the unclaimed redemption monies will escheat to the municipality; and

WHEREAS, the owners of the tax liens listed below have been duly notified and have not surrendered the tax lien certificates to the municipality; and

date of redemption	block/lot	Cert #	owner	lienholder	amount
8/6/1990	1043/14	995-1985	Davis	Buzas/Feroe	708.38
12/27/1989	616/5	1158-1987	Glanton	Buzas	41.59
1/4/1989	204/27	1141-1987	Day/Roberts	Buzas	41.14
6/10/1991	930/35	89-158	Cooper	Buzas	59.00

WHEREAS, the lien redemptions are more than five years old

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that a check in the amount of \$850.11 be accepted by the Chief Financial Officer from the Collector's lien redemption account

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

20. RESOLUTION NO. 194-10 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

21. RESOLUTION NO. 195-10 – AUTHORIZING PURCHASE UNDER STATE CONTRACT FOR COPIER MACHINE – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to purchase copier machine for the Township of Middle, in the County of Cape May, State of New Jersey; and

WHEREAS, machine will be leased for the following departments:

1. Recreation Department / MLK Jr. Community Center
2. Recreation Department / Goshen Complex

WHEREAS, this can be purchased through State Contract # A51464, and

WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Keystone Digital Imaging
PO Box 1610
Media, PA 19063

For the lease/purchase of copier machines

22. RESOLUTION NO. 196-10 – APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN THE SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY – On motion by Committeemember Lockwood seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

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

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

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

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

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

23. RESOLUTION NO. 197-10 – APPROVE ADOPT A SPOT GRANT – On motion by Mayor DeLanzo seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that a Mini Grant for the “Adopt a Spot Project”, be and are hereby awarded to the following:

4-H Junior Horse Council
East Shellbay Avenue
June 14, 2010

24. RESOLUTION NO. 198-10 – SOCIAL AFFAIRS PERMIT – CAPE REGIONAL MEDICAL CENTER FOUNDATION – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Cape Regional Medical Center Foundation has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 US Hwy 9, CMCH, on June 3, 2010 from 11:30 a.m. to 5:30 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. 199-10 – AMENDING RATE OF PAY – OFF DUTY EMPLOYMENT – POLICE DEPARTMENT – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, any person or entity seeking to employ any police officer during his/her off duty time may do so by entering into a contract with the municipality, and

WHEREAS, the Township Committee shall by resolution set the rates for such service, and

WHEREAS, the Township Committee wishes to amend the rate of pay for services rendered, as outlined in the code of the Township of Middle, to include the follow.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that pursuant to the authority of the Township Committee reflected in Local Code 46, Section II, Subpart H, the rate for service of an off-duty officer at a primary, middle or high school event located in the Township of Middle shall be as follows:

Police Officer \$125.00

Payroll and Township Administrative expenses to Township – \$10.00 per hour

Total payment per officer - \$135.00

26. RESOLUTION NO. 200-10 – CLOSED SESSION – UNION NEGOTIATIONS (PBA UNION AND UAW) – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

27. RESOLUTION NO. 201-10 – 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 Committeemember Lockwood and passed on roll call, the following resolution was adopted.

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

28. RESOLUTION NO. 202-10 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Doughty seconded by Mayor DeLanzo 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
Christopher Curran	Public Works	Laborer	05/06/2010

29. RESOLUTION NO. 203-10 – APPOINTMENTS – PART TIME – NEW HIRE – TELECOMMUNICATIONS – On motion by Mayor DeLanzo seconded by Committeemember Doughty 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 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	\$10.59ph*	05/05/2010

Jacob Loefflad	Public Safety	PS Telecommunications Operator Trainee P/T	\$10.59ph*	05/05/2010
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* \$13.46 after successful completion of 60/90 probationary and 911 certification

30. RESOLUTION NO. 204-10, 205-10, 206-10 – APPROVE APPLICATION FOR RAFFLE LICENSE – THE WETLANDS INSTITUTE (ITEMS A THROUGH C) – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- 204-10 WHEREAS, The Wetlands Institute has applied to Legalized Games of Chance Control Commission for a Raffle License, and
 WHEREAS, the location, 1075 Stone Harbor Blvd, Stone Harbor, NJ 08210 has been approved by the Middle Township Committee as an Amusement Game Zone, and
 WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
 WHEREAS, the proper application and fee have been received.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night September 19, 2010 at the location of 1075 Stone Harbor Blvd., Stone Harbor, NJ 08210 to be held at 4:00pm is hereby approved.
- 205-10 WHEREAS, The Wetlands Institute has applied to Legalized Games of Chance Control Commission for a Raffle License, and
 WHEREAS, the location, 1075 Stone Harbor Blvd, Stone Harbor, NJ 08210 has been approved by the Middle Township Committee as an Amusement Game Zone, and
 WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
 WHEREAS, the proper application and fee have been received.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night September 19, 2010 at the location of 1075 Stone Harbor Blvd., Stone Harbor, NJ 08210 to be held at 3:00pm is hereby approved.
- 206-10 WHEREAS, The Wetlands Institute has applied to Legalized Games of Chance Control Commission for a Raffle License, and
 WHEREAS, the location, 1075 Stone Harbor Blvd, Stone Harbor, NJ 08210 has been approved by the Middle Township Committee as an Amusement Game Zone, and
 WHEREAS, the Department of Law and Public Safety, Division of Consumer Affairs, Legalized Games of Chance Control Commission, determines fees and rules of conduct,
 WHEREAS, the proper application and fee have been received.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Raffle Night December 10, 2010 at the location of 1075 Stone Harbor Blvd., Stone Harbor, NJ 08210 to be held at 8:30pm is hereby approved.
31. RESOLUTION NO. 207-10 – ADOPTING UPDATES TO PERSONNEL POLICIES AND PROCEDURES – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
- WHEREAS, it is the policy of the Township of Middle to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and
 WHEREAS, the Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.
 NOW, THEREBY, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, New Jersey that the updates to the Personnel Policies and Procedures Manual attached hereto is hereby adopted.
 BE IT FURTHER RESOLVED that these updates to the personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these updates and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
 BE IT FURTHER RESOLVED that these updates are intended to provide guidelines covering public service by the Township employees and is not a contract. The provisions of these updates, and the manual as a whole, may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.
 BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Middle shall operate under the legal doctrine known as “employment at will.”
 BE IT FURTHER RESOLVED that the Personnel Director and all managerial/supervisory personnel are responsible for these employment practices. The Personnel Director and the Employment Attorney shall assist the Township Administrator in the implementation of the policies and procedures in this manual.

32. RESOLUTION NO. 208-10 – TO AFFIRM THE TOWNSHIP OF MIDDLE’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS- On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.
- WHEREAS, it is the policy of the Township of Middle to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and
- WHEREAS, the governing body of the Township of Middle has determined that certain procedures need to be established to accomplish this policy
- NOW, THEREFORE BE IT ADOPTED by the Township Committee that:
- Section 1: No official, employee, appointee or volunteer of the Township of Middle by whatever title known, or any entity that is in any way a part of the Township of Middle shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Middle’s business or using the facilities or property of the Township of Middle.
- Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Middle to provide services that otherwise could be performed by the Township of Middle.
- Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
- Section 4: The Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.
- Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.
- Section 6: The Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Middle as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.
- Section 7: The Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.
- Section 8: At least annually, the Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Middle. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Middle’s web site.
- Section 9: This resolution shall take effect immediately.
- Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Middle in order for the public to be made aware of this policy and the Township of Middle’s commitment to the implementation and enforcement of this policy.
33. RESOLUTION NO. 209-10 – AUTHORIZING MIDDLE TOWNSHIP AMBULANCE CORP. TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.
- WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle, and
- WHEREAS, Middle Township Ambulance Corp has submitted an application to the Municipal Clerk dated April 24, 2010, and
- WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Middle Township Ambulance Corp and attached to this Resolution, and
- WHEREAS, the County of County Cape May, via Resolution 381-10, has endorsed the Middle Township Ambulance Corp’s application to solicit contributions along the Stone Harbor Boulevard, County Road #657, and
- WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Middle Township Ambulance Corp and has determined that there is no public safety reason for the Township of Middle to deny this application,
- NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Middle Township Ambulance Corp to solicit funds on the roadways of Middle Township.
34. RESOLUTION NO. 210-10 – CLOSING MIDDLE TOWNSHIP DARE ACCOUNT – TRANSFER MONIES TO DARE NEW JERSEY ACCOUNT – On motion by

Committeemember Doughty seconded by Mayor DeLanzo and passed on roll call, the following resolution was adopted.

Whereas, the Township Committee of the Township of Middle, the governing body thereof, authorized the establishment of a DARE bank account, and

Whereas, the DARE New Jersey, Inc, a nonprofit organization, maintains funds for municipalities in individual accounts,

Now therefore be it resolved, the DARE account for Middle Township be closed and balance forwarded to DARE New Jersey, Inc for use by Middle Township in the account #0506

35. RESOLUTION NO. 211-10 – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Committeemember Doughty seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

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

WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$8,676,745.00

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

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$1,000,000.00. That said emergency temporary appropriation shall be funded by the adoption of the 2010 budget through a grant appropriation:
Utility – CCMUA User Charges
2. That one certified copy of this resolution be filed with the Director of Local Government Services.

36. RESOLUTION NO. 212-10 – AUTHORIZING EMERGENCY CONTRACT – CHIPPER – 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 declared an emergency in the township due to brush accumulation, and

WHEREAS, the Township of Middle needed to purchase a chipper to dispose of said brush, and NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey contracts are hereby authorized under NJSA 10A:11-6 to the Contractors listed below:

As the Chief Financial Officer of the Township of Middle, I acknowledge the sum of not to exceed \$42,866.00 has been authorized for the following service or items: Chipper. It is further certified that sufficient funds are available from the following appropriation or ordinance to cover this contract: 0-01-46-870-870-813.

PO#: 21001082. Vendor: Vermeer

37. **REMOVED ** RESOLUTION – BUDGET AMENDMENT** – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

38. RESOLUTION NO. 213-10 – AUTHORIZING TEMPORARY CAPITAL BUDGET – On motion by Committeemember Lockwood seconded by Committeemember Doughty and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, County of Cape May, desires to establish a 2010 Temporary Capital Budget for various general improvements,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle as follows:

SECTION 1.

The 2010 Temporary Capital Budget for the Township of Middle is hereby constituted as follows:

Project	Estimated Cost	Grants in Aid	Capital Improvement Fund	Debt Authorized
GENERAL CAPITAL				
Drainage Improvements				
Marlyn Manor	\$ 30,000.00	\$	\$ 30,000.00	\$
Acquisition/Repair of Snow Removal Vehicles	75,000.00		75,000.00	
Police Radio Communication Equipment	215,000.00		215,000.00	
Police Equipment	98,700.00		98,700.00	
Public Building Improvements	85,000.00		85,000.00	
Whitesboro School Parking Lot	40,000.00		40,000.00	
Town Hall Parking Lot	75,000.00		75,000.00	
Road and Drainage Improvements	4,200,000.00		210,000.00	3,990,000.00
Total Sewer Capital	\$ 4,818,700.00	\$ -	\$ 828,700.00	\$ 3,990,000.00

SECTION 2.

The Township Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

SECTION 3.

The aforementioned capital projects shall be included in the 2010 Permanent Capital Budget as adopted.

39. RESOLUTION NO. 214-10 – ACKNOWLEDGEMENT OF TERMINATION – On motion by Committeemember Doughty seconded by Mayor DeLanzo 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Christopher Keeler	Public Works	Temporary Appointment P/T Laborer	05/12/2010

40. RESOLUTION NO. 215-10 – REGARDING THE RATIFICATION OF THE MEMORANDUM OF AGREEMENT FOR THE SUCCESSOR COLLECTIVE BARGAINING AGREEMENT FOR DISPATCH EMPLOYEES – On motion by Mayor DeLanzo seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

41. PUBLIC HEARING ON 2010 MUNICIPAL BUDGET:

42. PUBLIC COMMENT:

Madelyn Filipski: Wanted clarification of #14.

Mark Mallett: Explained in emergency cases when capital is necessary...example Martin Luther King air conditioning last year.

Madelyn Filipski: Earmarked firehouse?

Mark Mallett: No

Madelyn Filipski: Road Ordinance – any money set aside for lawsuits since most flooding pertained to new development. What is being asked of developers so not on back of tax payers.

Jim Pickering: Where there are funds available via performance bonds or maintenance bonds we are preserving this. Does not believe we would ever be successful holding someone higher than everyone else.

Vince Orlando: Most older developments that require improvements.

Madelyn Filipski: Question on fireworks – item #27, where are we getting the money.

Nate Doughty: I will come up with the money.

Madelyn Filipski: Items #16 and #23.

Mark Mallett gave Power Point presentation on propose budget with 2.8 tax rate increase.

Madelyn Filipski: Why \$75,000 left in police training.

Tracey Taverner: Explained police overtime.

Steve O’Conner: How much cut for no increase...why can’t we do that.

Mark Mallett: Need to keep the staff we have on hand.

Steve O’Conner: Asked what will happen next year with less state aid.

Jim Pickering: Indicated that he doesn’t believe it could go below 2002 figures and this cannot dip lower without changing litigation.

Steve O’Conner: Unless all municipalities make fundamental changes, increases will always have to happen.

Madelyn Filipski: Taxpayers cannot afford this increase. Need to take a harder look at the budget.

Nate Doughty: We feel it as an individual. We know what you are talking about. No need for panic. I am in charge of public works. We constantly hear of branches, but there has to be a wakeup call. All department heads went through its budget. This is a great community and we will come out of this.

Dan Lockwood: Thinks new Governor has idea of challenges that we face as a board. Not all changes are attractive to us all. I get it. To Glen – 401 K Reduction?

Glen Ortman: Explained

Dan Lockwood: To Mark Mallet – Registrar Fees – Increase?

Tracey Taverner: Raised fees in 2009.

Dan Lockwood: Asked for breakdown of Reval and gas.

Mark Mallett: \$160,000 Reval - \$130,000 gas.

Mayor DeLanzo: Number goal is public safety. We are very lucky to have proactive police department. Explained project that was given to Chief on lack of manpower. We knew these would be challenges we were going to face. Chief found cuts and creative ways to provide services and protect the Township, that is why we are giving him these efficiency items such as "E Ticket". Hard to face tax increase because we live here also.

Elaine Fausey: Agrees 100% with public safety not to be touched unless absolutely necessary. Saw rec fees but is wondering if there is a way to utilize more volunteers.

Nate Doughty: We are working on getting volunteers

Elaine Fausey: Fees are very high and kids that cannot afford it usually need it the most.

Mayor DeLanzo: Baseball association for every child you have you have to work the snack stand for 2 hours. If you work it, you get your \$65 back.

Madelyn Flilipski: Indicated the need to increase dog license fees. Asked for clarification on items #12, #32 and #36.

Sue Lynn: Questioned hotel/motel fee.

Vilma Pombo: Cut back even more on bulk pick up. Every other town is usually twice a year. Also, board of health salary, no other boards get paid.

MEETING ADJOURNED AT 8:50 PM

Kimberly Tomkinson, RMC

Prepared by D. Stimmel