

Rio Grande Fire Hall – Rio Grande, New Jersey  
September 15, 2014  
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 Donohue, Committeemember Lockwood, Committeemember Clark, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Municipal Engineer Marc DeBlasio. *\*Township Clerk Kimberly Krauss was absent.*

1. PRESENTATION BY MAYOR-
  - RECOGNIZING 50 YEARS OF SERVICE – STANLEY CINOWSKI, RIO GRANDE FIRE
  - RECOGNIZING MICHAEL LINZ, EMPLOYEE OF THE MONTH
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.)  
*No Public Comment*
3. RESOLUTION 487-14 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills)  
– On motion by Committeemember Clark 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: Current Acct. \$882,303.08
4. RESOLUTION 488-14 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone/LC)  
– On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. *\*Committeemember Lockwood 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 in the amounts indicated are hereby approved: Current Acct. \$684.00
5. RESOLUTION 489-14 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Clark 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 following minutes are approved: Regular Meeting 09/03/2014.
6. ORDINANCE NO. 1484-14 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE SALE TO A CONTIGUOUS OWNER – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1484-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on October 20, 2014 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 that it is necessary that Township owned land be sold by a private sale to a contiguous owner.  
SECTION 1.  
WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and  
WHEREAS, the Township owns a parcel of land identified as Block 1033, Lot 1, which parcel is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and  
WHEREAS, there is just one owner of contiguous property, namely Ruby Kakembo, who owns adjacent lots identified as Block 1033, Lot 2 and  
WHEREAS, the Township assessment of the property is \$2,000.00, and the Township Tax Assessor has stated in writing to the Township Committee that the total fair market value of the land is to be sold for \$2,000.00; and  
WHEREAS, Ruby Kakembo has offered to purchase the property for \$2,000.00 and agree to execute a contract contingent upon this Ordinance being approved; and  
WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;

NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell real property identified as Block 1033, Lot 1 to Ruby Kakembo, for the sale price of \$2,000.00 pursuant to the terms of Contract for Sale; and
2. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
3. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
4. Any and all costs associated with this transaction, including, but not limited to all legal fees incurred by the Township, advertising and postage, are to be paid by the Buyer.

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

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

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

7. **ORDINANCE NO. 1485-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$506,300 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENT PROJECTS** – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1485-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on October 20, 2014 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 \$506,300 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the following:

- A) \$333,100 Public Works Equipment (Attached)
- B) \$92,000 Police Equipment (Attached)
- C) \$31,200 Rescue Squad SUV
- D) \$50,000 Record Archival Birth/Death/Minutes – Clerk

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

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

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

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

8. **REPORTS:** The following departments have submitted their reports for the months indicated: Municipal Court for the month of August; Finance Department for the month of August; Tax & Sewer Collector for the month of August; Construction Office for the month August.
9. **RESOLUTION 490-14 – ESTABLISHING DEDICATION BY RIDER FOR ANIMAL ADVISORY FUNDRAISING PURSUANT TO NJS 40a:5-29** – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJS 40A:5-29 allows municipalities to receive amounts donated for specific purposes;

WHEREAS, NJS 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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 as follows:

1. Township Committee hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Animal Advisory Awareness expenditures as per NJS 40A:5-29.
2. The municipal clerk of the Township of Middle is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

10. **RESOLUTION 491-14 through 492-14 – REFUND OF TAXES (ITEMS A THROUGH B)** – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

A. Refund due to lien investor paid on the incorrect property:

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	2014	INTEREST PAID
5338	322.01	24	White, Robert Property location: 459 Shunpike Rd.	\$856.69	7.71

Make check payable to:

Actlien Holding, Inc.  
 45 W 45<sup>th</sup> Street#1402  
 New York, New York 10036  
 Attn: Alexandra Urquia

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 2014 taxes.

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

B. Refund due to lien investor paid on the incorrect property:

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	2014	INTEREST PAID
11032	877	8	Parker, Denise C. Property location: 402 W. Main Street	888.99	7.78

Make check payable to:

Actlien Holding, Inc.  
 45 W 45<sup>th</sup> St #1402  
 New York, New York 10036  
 Attn: Alexandra Urquia

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 2014 taxes.

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

11. RESOLUTION 493-14 – ACKNOWLEDGEMENT OF RETIREMENT – On motion by Committeemember Clark 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 retirement listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Mario Zaccaria	Construction	Fire Sub-Code Official	09/29/2014

12. RESOLUTION 494-14 – ACKNOWLEDGING FIREWORKS DISPLAY AT STONE HARBOR GOLF CLUB – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Stone Harbor Golf Club, through Pyrotecnico, has requested permission to conduct an outdoor fireworks display as part of a wedding ceremony on September 20, 2014, and WHEREAS, as part of the approval Stone Harbor Golf Club must comply with all conditions as set forth in Chapter 142-8 Subsections C, D, and E of the code of the Township of Middle as well as apply for and receive the appropriate permits in connections with the regulations of the Bureau of Fire Prevention, Fire District No 1, and

WHEREAS, Pyrotecnico has provided the Township of Middle with the following, which have been reviewed and approved by the ACJIF, as required:

- COI with NJ workman’s insurance certificate
- NJ Hold Harmless Agreement
- NJ Surety Bond

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby acknowledge a fireworks display at Stone Harbor Golf Club on September 20, 2014.

BE IT FURTHER RESOLVED, that the request for an extension on the Middle Township Noise Ordinance is hereby granted until 9:30 pm.

13. RESOLUTION 495-14 – AUTHORIZING EXTENSION OF LICENSED PREMISE – RIO STATION RESTAURANT – “OCKTOBERFEST” – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Rio Station Restaurant has applied for approval to sell alcoholic beverages at a “Ocktoberfest” Festival to be held at their location of 3505 Route 9 S., Rio Grande, NJ 08242, on October 3rd and 4th, 2014 from 12:00PM to 12:00AM, and

WHEREAS, a licensee who wishes to hold an event in an area that is off the licensed premises but on property that is contiguous to it may apply for an Extension of Premises Permit. An application includes information regarding the nature of the event, the location, and justification for the permit. It must be accompanied by a sketch that depicts the extended area as it adjoins the licensed premises. The application form must be endorsed by the municipal clerk or secretary of the local A.B.C. Board and the chief of police of the municipality in which the license is issued, and WHEREAS, the event is scheduled to take place in an outdoor tent area located in the north side of the business, 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 petition to extend licensed premises, contingent upon the following:

1. Approval by Middle Township Fire District No. 2 (via resolution or approval letter).
2. That the Rio Station provide the number of table and chairs to be utilized towards the event to Middle Township Zoning Official.
3. That the placement of tables and chairs does not extend outward of the 20x20 tent area.
4. That the drive isle is in no way disturbed, or approved traffic pattern obstructed, at any point during the three day event.

14. RESOLUTION 496-14 through 497-14 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
- A. WHEREAS, on January 4, 2012 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2014 as Resolution No. 33-14, and  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide engineering and construction observation services for the following:  
 Remington, Vernick & Walberg Engineers – Bike Path Phase 4 (Contract 2)  
 Not to Exceed \$10,000.00  
 WHEREAS, on January 4, 2012 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2014 as Resolution No. 33-14, and
- B. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide engineering and construction observation services for the following:  
 Remington, Vernick & Walberg Engineers – Engineering and Construction Observation Services  
 FY 2014 NJ DOT Local Aid – Roadway Grant – Reconstruction of Third Ave – Phase 1  
 Not to Exceed \$16,000.00

15. RESOLUTION 498-14 – APPOINTMENTS – NEW HIRE – On motion by Committeemember Clark 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, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following positions at the salaries opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
James Allen	Public Safety	Special Class II Police Officer	\$10.50 p/h	09/10/2014

16. RESOLUTION 499-14 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeemember Lockwood seconded by Committeemember Clark 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 discontinuation of temporary appointment listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Keri Libro	Public Works	Laborer 1 P/T T/A	09/09/2014

17. RESOLUTION 500-14 – AUTHORIZING PARTICIPATION IN ONLINE AUCTION – GOVDEALS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, the Township of Middle is the owner of certain surplus property which is no longer needed for public use; and
- WHEREAS, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.
- NOW THEREFORE, be it RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, as follows:
- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Municipal Clerk.
  - (2) The sale will be conducted online and the address of the auction site is govdeals.com.
  - (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
  - (4) A list of the surplus property to be sold is outlined on Exhibit A attached hereto this resolution.
  - (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
  - (6) The Township Committee reserves the right to accept or reject any bid submitted.

18. RESOLUTION 501-14 – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00AM and 5:00PM on October 25, 2014 (with a rain date of October 26, 2014 from 12 noon until 5:00PM), and
- WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival, and
- WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle, and

WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 25, 2014 between the hours of 10:00AM and 5:00PM (or as stated in event a "rain date" is utilized) in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey. FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.

19. RESOLUTION 502-14 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 24, 2014 until 7:00AM on Sunday, October 26, 2014 for the Harvest Festival is hereby approved. BE IT FURTHER RESOLVED, that in the case that the "rain date" for the event is utilize, this order shall remain until 8:00PM on Sunday, October 26, 2014.
20. RESOLUTION 503-14 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 25, 2014 from 6:00 AM until 7:00 PM (rain date October 26, 2014) for the Harvest Festival is hereby approved.
21. RESOLUTION 504-14 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – CIRCUS TIME AMUSEMENTS & ENTERTAINMENT – HARVEST FESTIVAL – On motion by Committeemember Clark 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 Agreement between Circus Time Amusements & Entertainment and the Township of Middle for amusement rides for the Middle Township Harvest Festival, 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. Circus Time Amusements & Entertainment - Harvest Festival - \$6,150.00
22. RESOLUTION 505-14 – APPOINTMENT – SALVATORE DESIMONE – CONSTRUCTION OFFICIAL'S DESIGNEE – ENFORCEMENT OF PROPERTY MAINTENANCE CODE – On motion by Committeemember Lockwood seconded by Committeemember Clark 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 Salvatore DeSimone is hereby appointed as the Construction Official's Designee for Enforcement of Property Maintenance Code.
23. RESOLUTION 506-14 – AUTHORIZING RETURN FROM MILITARY LEAVE – MATTHEW MARTINO – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle that Matthew Martino is hereby authorized to return to work, from Military Leave, to the Department of Public Safety as a Police Officer effective September 8, 2014.  
*Mayor Donohue:*  
*Recognized Matt Martino and Ray Bradley on return from overseas.*
24. RESOLUTION 507-14 – DUPLICATE TAX SALE CERTIFICATE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. Resolution of the Township of Middle, County of Cape May, State of New Jersey, Authorizing the issuance of a duplicate tax sale certificate (s) pursuant to Chapter 99 of the Public Laws of 1997: WHEREAS, the Tax Collector of the Township of Middle has previously issued 64 tax sale certificates to U S Bank Cust/Actlien Holding Inc., 50 S. 16th St #1950, Philadelphia, PA 19102; and WHEREAS, the purchaser of the 64 tax sale certificates has indicated to the Tax Collector that the original tax sale certificates were lost or otherwise misplaced and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto; and NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Middle of the County of Cape May, State of New Jersey, hereby authorizes the Tax Collector, upon receipt of an appropriately executed and notarized affidavit of loss from the owner of the certificate(s), prepare replacement certificate(s) for said certificates and issued to the original lien holder known as:  
U S Bank Cust/Actlien Holding, Inc.  
50 South 16th ST #1950  
Philadelphia, Pa 19102

BE IT FURTHER RESOLVED, that the replacement certificates, duplicated in original form, shall be marked as "duplicate", for a fee of \$50.00 per duplicate certificate.

BE IT FINALLY RESOLVED, that a copy of said duplicate certificates shall be attached herewith, and a certified copy be forwarded to the Tax Collector and lien holder.

25. RESOLUTION 508-14 – TABULATION COMMITTEE –FURNISHING, INSTALLING, SUPPLYING AND SERVICING OF HEALTHY VENDING MACHINES FOR VARIOUS TOWNSHIP COMPLEXES – On motion by Committeemember Clark 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 Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on Thursday, October 9, 2014 at 1:30 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
FURNISHING, INSTALLING, SUPPLYING AND SERVICING OF HEALTHY VENDING MACHINES FOR VARIOUS TOWNSHIP COMPLEXES
26. RESOLUTION 509-14 – TABULATION COMMITTEE - SOLID WASTE, REFUSE AND RECYCLES- COLLECTION, HAULING AND DISPOSAL – On motion by Committeemember Clark 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 Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on Thursday, November 20, 2014 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
SOLID WASTE, REFUSE AND RECYCLES- COLLECTION, HAULING AND DISPOSAL
27. RESOLUTION 510-14 – AWARD OF BID – FY2014 NJDOT RECONSTRUCTION OF THIRD AVENUE – PHASE 1 – On motion by Committeemember Lockwood seconded by Committeemember Clark 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 Third Avenue (Phase 1); and  
WHEREAS, sealed bids were received on September 10, 2014, 2014, 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 the Reconstruction of Third Avenue, Phase 1 be and hereby is awarded to:  
South State, Inc.: \$147,997.54
28. RESOLUTION 511-14 – RELEASE PERFORMANCE BOND – T-MOBILE NORTHEAST LLC / OMNIPOINT COMMUNICATIONS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, \$9,100.50 is being held as a performance guarantee for T-Mobile Northeast LLC / Omnipoint Communications for site improvements at Block 1, Lot(s) 17, otherwise known as 441 Route 47 North, and  
WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed; and  
WHEREAS, the Land Use Administrator 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; and  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$9,100.50 is hereby released.
29. RESOLUTION 512-14 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and  
WHEREAS, the applicants are entitled to a refund of this money.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.
30. RESOLUTION 513-14 through 514-14 – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – LOMAX CONSULTING GROUP (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
A. WETLAND DELINEATION AND FRESHWATER PERMIT APPLICATION – BIKE PATH PHASE 5  
WHEREAS, the Township of Middle has a need to enter into an agreement with Lomax Consulting Group for wetland delineation and permitting services, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations, and

WHEREAS, the Township of Middle will be entering into various agreements with Lomax Consulting for similar services, where the total amount of the proposals provided will have a total value that will exceed \$17,500, and

WHEREAS, Lomax Consulting Group 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 Lomax Consulting Group from making any reportable contributions through the term of the contract.

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.

**B. FRESHWATER WETLANDS PERMIT APPLICATION – OCKIE WISTING RECREATION AREA**

WHEREAS, the Township of Middle has a need to enter into an agreement with Lomax Consulting Group for wetlands permitting services, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations, and

WHEREAS, the Township of Middle will be entering into various agreements with Lomax Consulting for similar services, where the total amount of the proposals provided will have a total value that will exceed \$17,500, and

WHEREAS, Lomax Consulting Group 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 Lomax Consulting Group from making any reportable contributions through the term of the contract.

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.

31. RESOLUTION 515-14 – ACKNOWLEDGING ROAD CLOSURE – “RUN FOR ROTARY 5K” – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Mid Jersey Cape Rotary Club is orchestrating a 5k run on Saturday October 11, 2014, and

WHEREAS, said applicant has requested that portions of Bayberry Drive, E. 4th Avenue, 6th Avenue, E. Pacific Avenue and Benny’s Landing be closed during the event, and

WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support and acknowledge the “Run for Rotary 5K” sponsored by the Mid Jersey Cape Rotary Club.

BE IT FURTHER RESOLVED, that said approval is contingent upon an approved “traffic plan” by the Middle Township Police Department.

32. RESOLUTION 516-14 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – 2014 ROAD PROGRAM – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, on January 4, 2012 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2014 as Resolution No. 33-14, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide engineering and construction observation services for the following: Remington, Vernick & Walberg Engineers – Engineering and Construction Observation Services 2014 Road Program – not to exceed \$64,000.00

*Committeemember Lockwood:*

*Gave synopsis of road program revised to not include Whiting Way, estimated cost of \$438,000, total cost is just over \$500,000. Money in place for project through Bond Ordinance approved for \$4million.*

33. PUBLIC COMMENT:

*Freeholder Marie Hayes:*

*Presentation to Stanley Cinowski on behalf of Board of Chosen Freeholders for 50 Years of Service with Rio Grande Fire Company.*

*Committeemember Clark:*

*-Congratulations to Stanley Cinowski, Mike Linz and Mario Zaccaria.  
-Attended retirement dinner for Mr. Shelton, thanked for service.*

*Committeemember Lockwood:*

*-Appreciates RGFC for use of hall for meeting.  
-Recognized all first responders/fire personnel for their service.*

-Recognized Mario's retirement and stated that he was an excellent code official.  
 -Habitat for Humanity – reception for latest project being held on September 25<sup>th</sup>.

**Engineer Report, Marc DeBlasio:**

**REMINGTON & CERNICK ENGINEERS**  
 1000 ROUTE 100, SUITE 100  
 FREEHOLD, NJ 07938  
 TEL: 732-329-1100  
 FAX: 732-329-1101  
 WWW.REMINGTON-ENGINEERS.COM

**ENGINEERING STATUS REPORT  
 MIDDLE TOWNSHIP  
 September 15, 2014**

Prepared For: TOWNSHIP COMMITTEE  
 Prepared By: Marc DeBlasio, P.E., P.C., M.E., Township Engineer

**ROAD IMPROVEMENTS**

- 2014 NJDOT Road Closes Project**
  - The Township is working to open funding to provide for alternative management alternatives along Ridge Road. Our office worked with Anna Garrison and Mark Moore to meet the September 2014 submission deadline.
- 2014 NJDOT Road Closes Project**
  - The State has sent out letters announcing the 2014 State Aid Program. Grants are available for the following categories:
    - Municipal Aid, Transit, Slopes, Bikeways & Safe Streets to Transit
  - The Township has authorized the submission of the Reconstruction of Third Avenue - Phase 2.
- 2014 NJDOT Road Closes Project**
  - The NJDOT is working on the design and permitting package.
  - Design for the project is completed and the design is approximately 75% complete.
  - Our office is working with the New Jersey Department of Transportation to resolve the design issues.
  - The project is scheduled to begin on September 17, 2014.
- 2014 NJDOT Road Closes Project**
  - The NJDOT is working on the design and permitting package.
  - Design for the project is completed and the design is approximately 75% complete.
  - Our office is working with the New Jersey Department of Transportation to resolve the design issues.
  - The project is scheduled to begin on September 17, 2014.

**WATER SUPPLY**

- 2014 NJDOT Road Closes Project**
  - The NJDOT is working on the design and permitting package.
  - Design for the project is completed and the design is approximately 75% complete.
  - Our office is working with the New Jersey Department of Transportation to resolve the design issues.
  - The project is scheduled to begin on September 17, 2014.

**UTILITY WORK**

- 2014 NJDOT Road Closes Project**
  - The NJDOT is working on the design and permitting package.
  - Design for the project is completed and the design is approximately 75% complete.
  - Our office is working with the New Jersey Department of Transportation to resolve the design issues.
  - The project is scheduled to begin on September 17, 2014.

**Mayor Donohue:**

- Thanked RGFC for use of hall for meeting and elections.
- Complemented RGFC on their website.
- Reuse of dredging soils to bring marsh back to Stone Harbor Manor and Avalon Manor.
- NJ American Water meeting to discuss upcoming project to replace water lines.
- Middle Township Restaurant week, September 22-27, put together by Middle Township's Economic Development Committee.
- CCW Living Well classes at Whitesboro Schoolhouse, 2<sup>nd</sup> Wednesday of the month at 6pm.
- Ockie Wisting Ground Breaking
- Volunteers of Medicine dinner
- Cops and Coffee, September 22<sup>nd</sup> at Heritage's between 8-10am
- Harvest Festival on October 25<sup>th</sup>
- Rabies Clinic on September 27<sup>th</sup> from 2pm-3pm at Public Works
- CMC 9/11 Memorial Service – beautiful service
- CMC approved funding for bikepath connection project – joint project between Middle Township and Lower Township
- ADA playground at Goshen Complex is almost finished, anticipating ribbon cutting on 10/1.
- Parkway Project ahead of schedule, expect to be done in a year.

**Ed Taylor, CMC Board of Elections:**

-Praised RGFC for allowing three Middle Township polling locations to be moved to their facility.

**Stan Doniger:**

Asked about status of library project.

**Mayor Donohue:**

Funding is in place, project will take about 4-6 months to complete.

**Rita Moore:**

Asked if there will be a police substation at the Ockie Wisting complex? Concerned about more public in area and the need of increased police presence.

**Mayor Donohue:**

Not in plans. Police presence will be there as soon, as with any other open space areas. Only building in current plan is for storage/bathrooms.

**Crystal Neill:**

Requested a Resolution for support of additional signage on Route 47 for information on Northbound/Southbound parkway entrances. Several accidents have almost been caused in the area due to lack of knowledge on parkway. Senator requested a Resolution by the municipality.

**Committeemember Lockwood:**

Believes it is a great idea, busy corridor, spoke about Route 47 during Work Session.

Suzanne M. Stocker, Deputy Township Clerk

Motion to adjourn meeting – 6:40pm

1<sup>st</sup>: Committeemember Clark 2<sup>nd</sup>: Committeemember Lockwood

Pass on Roll Call: Committeemember Clark, Committeemember Lockwood, Mayor Donohue

Minutes prepared by Suzanne M. Stocker, Deputy Township Clerk