

Cape May Court House, NJ
 December 17, 2012
 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 Lockwood, Committeemember Donohue, Committeemember DeLanzo, Township Business Administrator Mark Mallett, Township Clerk Kimberly Krauss, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

*Moment of Silence for Connecticut Shooting victims and families.

1. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

Madelyn McCarroll – Question regarding Closed Session and process for same. Can you pass a Resolution after you adjourn from Closed Session?

Mayor Lockwood – Yes, we can take action. The public is also invited back in after Closed Session. We offer to take phone numbers for anyone who does not wish to wait in the hallway while we are in Executive Session for an undetermined amount of time.

2. PROCLAMATION – KENNETH DIMAIO DAY IN MIDDLE TOWNSHIP

WHEREAS, Kenneth DiMaio moved to Woodside Drive in Cape May Court House in 1991 after retiring from the Coast Guard, later building his current home on Stage Coach Road; and WHEREAS, he was the Technical Director for the Middle Township Performing Arts Center, while running his business at the same time; and

WHEREAS, Kenneth's hobbies include riding motocross, playing guitar, rebuilding engines and baking, all done with his kids by his side; and

WHEREAS, Kenneth, along with his 14 year old son Zachary have freely given back to the community, and more importantly, to the youth of our community the following:

- (1) Eight years of Christmas in Court House
- (2) Eight years for our Memorial Day Celebration in honor of our Veterans
- (3) Nine years for Middle Township's Baseball Opening Day
- (4) Six years for the Middle Township Harvest Fest
- (5) Donated the sound system to Middle football
- (6) Donated the sound system for the softball field
- (7) Donated the sound systems for baseball fields #1 and #4
- (8) Spends approximately 40 hours a year fixing and maintaining the football scoreboard.
- (9) Fixes and maintains the scoreboards on baseball fields #1 and #4
- (10) Fixes scoreboard at the Martin Luther King Center
- (11) Fixes and maintains the basketball scoreboard at the Davies Center
- (12) Donates the sound system for the Senior Men's Softball Tournament
- (13) Tenth year in coaching and/or assistant coaching at every level of baseball from Tee Ball up to the Jrs.
- (14) Coached instructional baseball teams
- (15) Fixes and maintains the pitching machines at the indoor batting cages at the Davies Complex

WHEREAS, Kenneth lives for spending time with both of his children Zach and Sarah, and donating his time to the local youth; so

NOW THEREFORE, I, Daniel D. Lockwood, Mayor of Middle Township, on behalf of Deputy Mayor Timothy C. Donohue and Committeewoman Susan DeLanzo and the residents of Middle Township, I do hereby proclaim December 17, 2012 as Kenneth DiMaio Day in Middle Township.

3. PRESENTATION – Recognizing CERT Team – Super Storm Sandy

Mayor Lockwood – was very impressed with the way they handled the storm and the shelter that we established. During Hurricane Sandy, we were able to have a shelter up and running for 24 hours from when we decided where it would be located, in large part because of the efforts of the CERT team. It doesn't seem like that big of a deal, but when you're staffing a shelter 24 hours a day, 7 days a week, and having shift changes and dealing with residents coming in under extreme conditions, it takes a lot of patience and a lot of commitment. They slept in that shelter as well, and as a result, we were able to successfully, without incident, shelter 96 people, mostly from Middle Township, and also including some pets.

4. RESOLUTION 583-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$293,838.75

5. RESOLUTION 584-12 – APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. ***Mayor 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.: \$7,424.00
6. RESOLUTION 585-12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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 12/03/12, Closed Session 11/27/2012, 12/03/12, and Special Meeting 11/27/2012.
7. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of November; Zoning Office for the month of November; Tax Collector for the month of November; Treasurer for the month of November.
8. ORDINANCE NO. 1430-12 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1430-12 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.

SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.

Years of Service	Additional Compensation (Percent of Annual Salary)
5 years or more	2%
10 years or more	4%
15 years or more	6%
20 years or more	8%
25 years or more	10%

Section 4 shall only apply to Township Employees hired before December 31, 1994.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2013 immediately upon final passage and publication according to law.

TITLE	MINIMUM	MAXIMUM
Accounting Assistant	\$ 18,720.00	\$ 45,000.00
Administrative Clerk	\$ 18,720.00	\$ 36,000.00
Administrative Director of Public Works	\$ 40,000.00	\$ 58,000.00
Alt. Deputy Registrar	\$ 9.00	to 15.00 p/h
Animal Control Officer	\$ 18,720.00	\$ 50,000.00
Animal Cruelty Investigator		\$ 1.00
Assessing Clerk	\$ 18,720.00	\$ 33,000.00
Asst. Animal Control Officer		\$ 1.00
Asst. Maintenance Supervisor	\$ 19,000.00	\$ 55,000.00
Asst. Municipal Tax Collector	\$ 25,000.00	\$ 38,000.00
Asst. Recreation Supervisor	\$ 18,720.00	\$ 30,000.00
Asst. Supervising Labor	\$ 18,720.00	\$ 30,000.00
Asst. Supervising Mechanic	\$ 30,000.00	\$ 45,000.00
Asst. Supervisor Public Works	\$ 18,720.00	\$ 40,000.00
Asst.Zoning Officer	\$ 18,720.00	\$ 35,000.00
Attorney Planning Board	\$ 5,000.00	\$ 60,000.00
Attorney Zoning Board	\$ 5,000.00	\$ 25,000.00
Baseball Commissioner	\$ -	\$ 15,000.00

Building Director	\$	5,000.00	\$	30,000.00
Building Inspector F/T	\$	20,000.00	\$	40,000.00
Building Inspector P/T	\$	3,000.00	\$	10,000.00
Building Service Worker	\$	18,720.00	\$	30,000.00
Building Service Worker P/T	\$	7.00	to 13.00 p/h	
Building Sub-code Official	\$	7.00	21.00 p/h	
Business Administrator	\$	1.00	\$	125,000.00
Carpenter	\$	18,720.00	\$	35,000.00
Carpenter Helper	\$	18,720.00	\$	34,000.00
Carpenter Helper / Truck Driver- Laborer	\$	18,720.00	\$	30,000.00
Certified Public Works Manager	\$	45,000.00	\$	60,000.00
Chief Financial Officer	\$	23,000.00	\$	75,000.00
Clean Communities Supervisor	\$	9.00	to \$12.00 p/h	
Clerk P/T	\$	7.00	to \$20.00 P/H	
Clerk Typist	\$	18,720.00	\$	29,000.00
Clerk Typist P/T	\$	7.00	to 12.00 p/h	
Code Enforcement Officer	\$	18,720.00	\$	35,000.00
Code Enforcement Officer P/T	\$	1.00	\$	11,000.00
Code Enforcement Officer Trainee	\$	18,720.00	\$	30,000.00
Compliance Plan Stipend	\$	10,000.00	\$	15,000.00
Computer Service Technician	\$	-	\$	50,000.00
Computer Service Technician P/T	\$	15.00	to \$30.00 p/h	
Conflict Attorney	\$	1.00	\$	2,500.00
Construction Official	\$	22,000.00	\$	70,000.00
Coordinator of Computer Services	\$	1,000.00	\$	6,000.00
Coordinator of Federal & State Aid	\$	10,000.00	\$	20,000.00
Crew Leader	\$	20,000.00	\$	35,000.00
Crossing Guard	\$	1.00	\$	20,000.00
Deputy Business Administrator	\$	1.00	\$	100,000.00
Deputy Chief Financial Officer	\$	30,000.00	\$	65,000.00
Deputy EMT Chief	\$	18,720.00	\$	50,000.00
Deputy Municipal Court Admin.	\$	18,720.00	\$	45,000.00
Deputy Municipal Emerg.Man.Coordinator			\$	1.00
Deputy Registrar of Vital Stats.	\$	9.00	to 15.00 p/h	
Deputy Registrar of Vital Stats.	\$	1.00	\$	40,000.00
Deputy Tax Assessor	\$	18,720.00	\$	55,000.00
Deputy Tax Collector	\$	25,000.00	\$	38,000.00
Deputy Township Clerk	\$	18,720.00	\$	40,000.00
Director Community Dev.Program			\$	1.00
Director of Grants & Economic Dev.Loans	\$	4,000.00	\$	6,000.00
Docket Clerk-Typing	\$	18,720.00	\$	37,000.00
Econ Devel/Paralegal/Rent Cont Off	\$	35,000.00	\$	50,000.00
Electrical Subcode Official	\$	10,000.00	\$	32,000.00
Electronic Repair Supervisor	\$	20.00	to 22.00 p/h	
Emergency Med. Tech. P/T	\$	6.00	to 15.50 p/h	
Emergency Medical Technician	\$	18,720.00	\$	50,000.00
EMS Billing Administrator	\$	1.00	\$	3,000.00
EMT Chief	\$	18,720.00	\$	60,000.00
Equipment Operator	\$	18,720.00	\$	44,000.00
Fire Inspector	\$	20,000.00	\$	35,000.00
Fire Inspector P/T	\$	10.00	to 20.00 p/h	
Fire Official	\$	38,000.00	\$	48,000.00
Fire Prevention Specialist P/T	\$	8.00	to \$20.00 p/h	
Fire Protection Inspector	\$	5.75	to 17.00 p/h	
Fire Subcode Inspector (Dennis Twp.)	\$		\$	5,500.00
Fire Subcode Official P/T	\$	5,000.00	\$	16,000.00
Food Service Worker P/T	\$	8.00	to 15.00 p/h	
Fund Commissioner			\$	1.00
Hearing Officer	\$	1.00	\$	5,000.00
Keyboarding Clerk 1	\$	18,720.00	\$	29,000.00
Judge Municipal Court	\$	24,000.00	\$	50,000.00
Judge Shared Municipal Court	\$	7,000.00	\$	15,000.00
Junior Counselors Summer Camp	\$	6.00	to 15.00 p/h	
Laborer	\$	18,720.00	\$	35,000.00
Laborer Clean Communities P/T	\$	6.00	to 12.50 p/h	
Laborer Grass Crew P/T	\$	7.00	to 12.50 p/h	
Laborer P/T	\$	7.00	to 12.50 p/h	

Land Use Administrator	\$	35,000.00	\$	52,000.00
Maintenance Supervisor & Project Manager	\$	25,000.00	\$	60,000.00
Manager of Parks and Grounds	\$	19,000.00	\$	50,000.00
Mechanic	\$	18,720.00	\$	35,000.00
Mechanic Trainee	\$	18,720.00	\$	34,000.00
Mechanics Helper	\$	18,720.00	\$	25,000.00
Member Board of Health	\$	-	\$	1,500.00
Memory Lane Coordinator			\$	1,500.00
Motor Broom Driver	\$	25,000.00	\$	32,000.00
Municipal Emergency Management Coordinator	\$	1.00	\$	10,000.00
Municipal Court Admin.	\$	23,000.00	\$	62,000.00
Municipal Court Admin. (Dennis Township)			\$	7,500.00
Municipal Engineer	\$	10,000.00	\$	85,000.00
Municipal Prosecutor	\$	10,000.00	\$	35,000.00
Municipal Recycling Coordinator			\$	1.00
Payroll Clerk	\$	18,720.00	\$	40,000.00
Personnel Clerk	\$	18,720.00	\$	23,000.00
Personnel Officer / Benefits Administrator / Training Coord	\$	29,000.00	\$	60,000.00
Plumbing Subcode Official P/T	\$	4,000.00	\$	28,000.00
Police Captain	\$	60,000.00	\$	135,000.00
Police Chief	\$	65,000.00	\$	140,000.00
Police Lieutenant	\$	50,000.00	\$	120,000.00
Police Officer	\$	25,000.00	\$	110,000.00
Police Officer Detective Stipend			\$	750.00
Police Officer/Detective	\$	30,000.00	\$	59,000.00
Police Sergeant	\$	40,000.00	\$	115,000.00
Police Sergeant/Detective Stipend			\$	750.00
Principal Account Clerk-typing	\$	18,720.00	\$	22,000.00
Principal Assessing Clerk	\$	18,720.00	\$	40,000.00
Principal Clerk-Typist	\$	18,720.00	\$	40,000.00
Principal Personnel Clerk	\$	18,000.00	\$	40,000.00
Principal Technical Aide Public Works	\$	18,720.00	\$	35,000.00
Project Manager	\$	45,000.00	\$	60,000.00
PS Telecommunications Oper.Trainee P/T	\$	6.50	to 15.00 p/h	
PS Telecommunications Operator	\$	18,720.00	\$	53,000.00
PS Telecommunications Operator, P/T	\$	6.50	to 15.00 p/h	
PS Telecommunications Operator,Trainee	\$	18,720.00	\$	40,000.00
Public Defender	\$	7,500.00	\$	20,000.00
Public Works Superintendent	\$	28,000.00	\$	68,000.00
Pumping Station Operator/Sewer Repairer	\$	18,720.00	\$	45,000.00
Qualified Purchasing Agent			\$	1.00
Real Estate Officer			\$	1.00
Reassessment Stipend Tax Assessor			\$	27,500.00
Reassessment Stipend Deputy Tax Assessor			\$	12,500.00
Receptionist	\$	6.00	to 10.00 p/h	
Recreation Aide P/T	\$	6.00	to 15.00 p/h	
Recreation Attendant	\$	18,720.00	\$	33,000.00
Recreation Attendant p/t	\$	6.00	to 18.00 p/h	
Recreation Attendant/ Senior Center / PT	\$	7.00	to 18.00 p/h	
Recreation Director	\$	35,000.00	\$	63,000.00
Recreation Leader	\$	18,720.00	\$	32,000.00
Recreation Leader P/T	\$	7,000.00	\$	10,000.00
Recreation Leader(Sports	\$	18,720.00	\$	42,000.00
Recreation Program Administrator	\$	22,000.00	\$	63,000.00
Recreation Program Coordinator	\$	18,720.00	\$	20,000.00
Recreation Program Specialist	\$	18,720.00	\$	38,000.00
Recreation Superintendent	\$	35,000.00	\$	50,000.00
Recreation Supervisor	\$	18,720.00	\$	33,000.00
Recycling Program Aide- P/T		\$9.00p/h	\$12.00 p/h	
Registrar of Vital Statistics	\$	1.00	\$	47,000.00
Rent Control Board Attorney			\$	2,500.00
Seasonal Employee - Laborer (CDL Requir)	\$	-	\$	14.00
Secretary Board of Health	\$	1.00	\$	2,000.00
Secretary Cable TV Advisory Bd.	\$	1.00	\$	2,000.00
Secretary Council on the Arts	\$	1.00	\$	2,000.00
Secretary Economic Dev. Council	\$	1.00	\$	2,000.00
Secretary Emergency Management	\$	1.00	\$	2,000.00

Secretary Environmental Comm.	\$	1.00	\$	2,000.00
Secretary Ethics Board	\$	1.00	\$	2,000.00
Secretary Planning Board	\$	1.00	\$	2,000.00
Secretary Recreation Council	\$	1.00	\$	2,000.00
Secretary Rent Leveling Board	\$	1.00	\$	2,000.00
Secretary Safety Committee	\$	1.00	\$	2,000.00
Secretary Shade Tree Comm.	\$	1.00	\$	2,000.00
Secretary Sr. Citizen Advisory Board	\$	1.00	\$	2,000.00
Secretary Traffic Comm.	\$	1.00	\$	2,000.00
Secretary Zoning Bd of Adj.	\$	1.00	\$	2,000.00
Senior Assessing Clerk	\$	19,000.00	\$	26,000.00
Senior Building Service Worker	\$	18,720.00	\$	25,000.00
Senior Citizen Activities Coordinator	\$	8,000.00	\$	35,000.00
Senior Citizen Life-Line Coordinator	\$	1,000.00	\$	2,000.00
Senior Clerk	\$	18,720.00	\$	21,000.00
Senior Clerk Typist	\$	18,720.00	\$	45,000.00
Senior Computer Operator	\$	18,720.00	\$	46,000.00
Senior Emergency Medical Technician	\$	18,720.00	\$	50,000.00
Senior Mechanic	\$	18,720.00	\$	40,000.00
Senior Payroll Clerk	\$	18,720.00	\$	36,000.00
Senior Personnel Clerk	\$	18,720.00	\$	38,000.00
Senior Tax Clerk	\$	18,720.00	\$	35,000.00
Sewer Administrator P/T	\$	15.00	to 30.00 p/h	
Sewer Billing Administrator	\$	2,000.00	\$	5,000.00
Sewer Equipment Operator P/T	\$15.00 p/h		to \$30.00 p/h	
Sewer Equipment Operator	\$	18,720.00	\$	63,000.00
Sewer License Operator Stipend	\$	6,000.00	\$	12,000.00
Sewer Maintenance Superintendent	\$	30,000.00	\$	70,000.00
Sewer Repairer	\$	18,720.00	\$	32,000.00
Shared Court Clerk Typist	\$	2,000.00	\$	5,000.00
Shared Court Deputy Municipal Court Admin.	\$	2,000.00	\$	5,000.00
Shared Court Municipal Court Administrator	\$	5,000.00	\$	10,000.00
Shared Court Municipal Prosecutor	\$	4,000.00	\$	10,000.00
Shared Court Public Defender	\$	2,000.00	\$	10,000.00
Shared Court Violations Clerk			\$	3,000.00
Solid Waste & Recycling Advisor to Mayor	\$	5,000.00	\$	12,000.00
Special Officer/Elections	\$	100.00	to 100.00 per day	
Special Police Officer - Class II	\$	10.50 p/h	\$	14.00 p/h
Substitute Animal Control Officer	\$	1,000.00	\$	3,500.00
Summer Camp Coordinator Stipend	\$	1,000.00	\$	5,000.00
Supervising Dispatcher Stipend			\$	1,500.00
Supervising Emergency Medical Technician	\$	18,720.00	\$	55,000.00
Supervising Equipment Operator	\$	28,000.00	\$	50,000.00
Supervising Laborer	\$	20,000.00	\$	38,000.00
Supervising Mechanic	\$	19,500.00	\$	58,000.00
Supervisor / Heavy Equipment Operator	\$	19,000.00	\$	54,000.00
Supervisor Clean Communities	\$	7.00	to 12.00 p/h	
Supervisor Water/Sewer B/C	\$	19,000.00	\$	75,000.00
Tax Assessor	\$	23,000.00	\$	75,000.00
Tax Clerk	\$	18,720.00	\$	28,000.00
Tax Collector	\$	23,000.00	\$	68,000.00
Temporary Acting Chief Financial Officer	\$	10.00	to 15.00 p/h	
Temporary Acting Deputy Chief Financial Officer	\$	10.00	to 15.00 p/h	
Temporary Acting Court Administrator	\$	10.00	to 30.00 p/h	
Technical Assistant Const. Off.	\$	19,500.00	\$	52,000.00
Township Attorney	\$	15,000.00	\$	200,000.00
Township Clerk	\$	53,000.00	\$	75,000.00
Township Clerk/Business Administrator	\$	23,000.00	\$	115,000.00
Township Committee	\$	17,000.00	\$	20,000.00
Violations Clerk			\$	1,000.00
Zoning Officer	\$	20,000.00	\$	65,000.00

9. ORDINANCE NO. 1431-12 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY ESTABLISHING UNIFORM REGULATIONS FOR CONSTRUCTION AND REPAIR OF BULKHEADS – Following second reading, hearing, and consideration for adoption, Ordinance 1431-12 was adopted on motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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

SECTION 1. Purpose.

It is the purpose and intent of this chapter to establish uniform regulations for the construction, reconstruction, renovation or repair of existing or new bulkheads within the Township of Middle. Permits.

- A. Permit required. No person or legal entity shall construct, reconstruct, renovate or repair any bulkhead within the Township of Middle without first obtaining and having in possession a valid permit to do such work that has been issued by the office of the Township Clerk upon approval of the Township Engineer.
- B. Permit Application.
 - (1) Applications for bulkhead permits shall be made on an application form obtained from the Township Clerk. Completed applications shall be returned to the Township Clerk with the required fee along with the following items in quadruplicate:
 - a. Plans and specifications of the bulkhead that have been prepared, signed and sealed by a New Jersey licensed professional engineer.
 - b. A property survey.
 - c. Authorization for the New Jersey Department of Environmental Protection and any other state or federal agency having jurisdiction over the property affected by the proposed work.
 - d. Proof of Notice of application to adjoining property owners.
 - (2) The Township Engineer may relax or waive any or all of the requirements that are set forth above within the application for a permit pertains to reconstruction, renovation or repair work for which the cost of completion is less than \$5,000; however, in relaxing or waiving any such requirements, the Township Engineer shall have the authority to require the submission of such plans, drawings and contract documents as the Engineer, in his sole and absolute discretion, determines will accurately depict the reconstruction, renovations or repair work to be performed.
- C. Notice of application.
 - (1) Notice of application for a bulkhead permit, the form of which is to be obtained from the Township Clerk, shall be given by the applicant to the owners of all real property, as shown on the current tax duplicate, within 100 feet and whose property is adjacent to the same or similar tidal waters as is the applicant's property; provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it; or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by mailing a copy thereof by regular, first class mail and by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association because of its ownership of common elements or areas located within 100 feet of the property which is the subject of the bulkhead application may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.
 - (2) Upon written request of an applicant, the Tax Assessor, within seven days, shall make and certify a list from said current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this section. A sum not to exceed \$.25 per name or \$10, whichever is greater, may be charged for preparation of such list. The Tax Assessor shall also verify the certified mailing costs.
- D. Permit issuance. Upon receipt by the Township Clerk of an application for a bulkhead permit, the Clerk immediately shall transmit copies of the application and all accompanying documents to the Township Engineer for review. No permit shall be issued by the Township Clerk unless the permit is approved for issuance by the Township Engineer. In the event that, upon review of the permit application, deficiencies are noted by the Township Engineer the Township Clerk shall be informed of the nature of the deficiencies and the Township Clerk shall provide written notice, by regular first class mail, of the deficiencies to the applicant at the address set forth on the application and the applicant then shall be afforded the opportunity to correct any application deficiencies.
- E. Permit fee. The permit fee shall be calculated in the following manner:
 - (1) For new construction: \$100.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
 - (2) For renovation, reconstruction and repairs: \$100.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
- F. Inspection fee Escrow. The inspection fee shall be 5% of the estimated project cost (as determined by the Township Engineer) or \$500.00, whichever is greater. However, said inspection fee escrow shall not be charged if the bulkhead project is part of a Zoning or Planning Board approval for which an escrow is already required.
- G. Appeal of permit denial. Any applicant aggrieved by the denial of a bulkhead permit may appeal the permit denial to Township Committee by submitting to the Township Clerk written correspondence appealing the permit denial. Such written appeal correspondence briefly shall describe the reason for the appeal. Such written appeal correspondence shall be submitted to the Township Clerk within 20 days of the permit denial. Upon receipt of the appeal correspondence, the Township Clerk shall transmit to Township Committee copies of the

permit application, all attachments thereto and any copies of any documents that have been generated by the Township Engineer in connection with review of the permit application. Thereafter, the Township Clerk shall schedule a date for the hearing of the appeal, and notice of the hearing dated shall be provided to the permit applicant. In all instances the Township Clerk shall endeavor to schedule the appeal hearing date not later than 30 days after receipt of the appeal correspondence. The hearing of the appeal shall be conducted by the Township Committee at a public meeting. The applicant shall be permitted to produce evidence to Township Committee in support of the permit application. Township Committee may consider evidence presented to it by the Township Engineer or any other individual that Township Council deems to have relevant information. The decision of Township Committee to approve or deny the permit application shall be through adoption of a formal resolution.

Notification of commencement of construction.

The permittee shall provide to the Township Engineer and to the Township Zoning Officer notice of commencement of construction not less than two business days in advance of said commencement of construction. Not less than 14 days in advance of commencement of construction, the permittee shall provide notice of commencement of construction, on a form to be obtained from the Township Clerk, to all property owners to whom the permittee would be required to provide notice of bulkhead permit application if the permittee were, at the time, making application for a bulkhead permit. Such notice shall be given in the same manner as is required for notices of permit application.

Final Inspection

Prior to the backfilling of any bulkhead construction, reconstruction, renovation or repair, the Township Engineer shall perform an inspection to ascertain that the bulkhead has been built pursuant to the plans that were submitted with the permit application. Written notice of project completion shall be given to the Township Engineer and to the Township Zoning Official within seven business days of substantial completion of the project, but prior to backfilling, and that written notification shall be accompanied by a certification from a licensed engineer or land surveyor of the elevations of the completed bulkhead height. If the Township Engineer determines that the work that was performed pursuant to the bulkhead permit and the subject bulkhead fail to comply with the plans, drawings or documents that were submitted with the permit application or fail to comply with the provisions of this chapter, then written notice of final inspection failure shall be transmitted by the Township Engineer by regular first class mail to the permittee at the address set forth on the permit application. The notice of final inspection failure shall detail the reasons for inspection failure. Permittees shall correct all deficiencies that resulted in final inspection failure within 20 days of the date of the written notice of final inspection failure. If, upon the expiration of those 20 days, the bulkhead is not approved upon inspection by the Township Engineer then the permittee is deemed to be in violation of the duty to maintain and repair the subject bulkhead as established by this chapter.

Bulkhead Specification.

All bulkheads constructed, reconstructed renovated or repaired within the Township of Middle shall conform to the following minimum specifications:

- A. All new bulkheads shall be designed by a New Jersey licensed professional engineer.
- B. All piles shall have a butt diameter of not less than 12 inches and a tip diameter of eight inches.
- C. All piles will be Douglas Fir or Southern Yellow Pine and shall be treated with an acceptable preservative for marine construction according to the latest American Wood Preservers' Association (A.W.P.A.) specifications.
- D. Sheet piles shall be wood, steel or vinyl. Wales shall be Douglas Fir or Southern Yellow Pine. Wood sheet piles shall be a minimum of two inches thick. Wood sheet piles shall be constructed in two rows with staggered joints. All timber materials shall be treated with an acceptable preservative designed for use in a salt-water environment.
- E. All hardware shall be hot-dipped galvanized steel in accordance with latest standards for salt-water applications.
- F. All out fall piping shall be fitted with a tide-control devise that is approved by the Township Engineer.
- G. Bulkhead construction, reconstruction, renovation or repair shall not adversely affect adjoining property.
- H. All existing utilities shall be protected from damage during any work performed pursuant to a bulkhead permit. The bulkhead permittee shall be responsible for obtaining current "utility markout" from all appropriate state and local agencies prior to commencement of work.
- I. Deviations from construction materials set forth herein are allowed so long as all specifications and technical data concerning the proposed construction material are submitted to the Township and are approved in writing by the Township Engineer. The use of any construction material that is not specifically set forth above or approved by the Township Engineer is strictly prohibited.
- J. All design materials herein shall be subject to the dictates of the NJDEP and USACOF

Height of Bulkheads.

The top elevation of any bulkhead to be constructed or reconstructed shall be set at a minimum elevation of 8.0 msl Datum 1929.

Maintenance: duty to repair.

All bulkheads within the Township of Middle shall be maintained in such a condition so that they shall pose no danger to the health, safety or welfare of the residents of the Township of Middle or to public or private property within the Township of Middle. Bulkheads shall be kept in a state of repair so as to prevent erosion or damage to abutting, adjacent or adjoining properties. Whenever a bulkhead has deteriorated or suffered damage to such a degree that a danger to the property or adjoining properties is present, the Township Engineer or Zoning Official or Code Enforcement Officer shall notify the property owner, in writing, by regular first class mail to the address that is set forth on the Township's

tax records, of the nature of the deterioration or damage and require the owner to make the necessary repairs. The property owner shall apply for a bulkhead permit no later than 30 days from the date of the notice. The application for a bulkhead permit shall include a plan of corrective action. Upon issuance of the bulkhead permit and approval of the plan of corrective action, the property owner immediately shall complete all necessary repairs. In the event that the property owner fails to submit a corrective action plan, fails to obtain a bulkhead permit to implement the corrective action plan or fails to implement the corrective action plan, the property owner shall be subject to the penalties set forth herein.

Violations and Penalties.

Any person violating any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$1,250 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect after final adoption and publication as required by law.

Marc DeBlasio – Tasked with looking at situation where there were constructions of bulkheads that had occurred or will be occurred due to the Hurricane. Apparently there has not been a mechanism in the Township for inspections of bulkheads, which falls outside of the guidelines of the UCC, so it is not a construction code office responsibly. We were asked to asst the township in crafting this ordinance and have created three others for other municipalities. It is a process that allows twp to track bulkhead construction to ensure that permitting in place and that an engineer can sign off on the construction once completed, which may be regulated by the NJDEP and Army Corp to insure that it is constructed as planned.

Mary Kelly, Peirce's Point – If there was already a retaining wall there, you can't replace it without a permit?

Mayor Lockwood – DEP determines whether or not a permit is needed. This is to fill a gap between the DEP permit process and the actual construction. DEP does not inspect that the bulkhead was constructed correctly. They issue their permit based on an engineer report or architect design. We thought that was a huge gap. In that past it has fallen to the construction office, but there are no UCC guidelines for bulkhead construction, so it should not fall under the construction official. To answer your request, you have to determine through the DEP whether a permit is required. This ordinance does say that if there is a bulkhead, it is your responsibility to maintain it, and if that is not done, then the Township can come in and replace and/or maintain it and place a lien on the property. This was another concern which we had based on extensive damage and the chance that someone may not maintain their bulkhead which could cause damage to neighbor

Mary Kelly – say a neighbor's bulkhead fell down and it hasn't been maintained, what do you do then?

Mayor Lockwood – There is a provision about the Township stepping in to maintain the bulkhead. It is not a perfect policy because there are houses with freestanding bulkheads and going off of their neighbors bulkheads. The potential exists that someone may not be able to replace their home.

Committeemember Donohue – Ms. Kelly brings up a good point that the driving force behind this is what happened in the storm. We want to be able to protect every resident as far as people doing the right thing and getting permits and bulkheads replaced and the actions or inactions of their neighbors could put other homes in jeopardy. We will be in the process and know who is building a bulkhead and try to stay on top of that.

10. ORDINANCE NO. 1432-12 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250 THEREOF ENTITLED "ZONING" – Following second reading, hearing, and consideration for adoption, Ordinance 1432-12 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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

SECTION 1. CHAPTER 250 Article VI DEVELOPMENT STANDARDS of the Code of the Township of Middle is hereby amended and supplemented as follows:

Replace 250-601 Grandfathered lots in residential zones in its entirety.
250-601 Grandfathered lots in residential zones

A. A single family dwelling is a permitted use on a vacant residential lot or combination of lots if all of the following conditions are satisfied:

1. The lot(s) are existing or received preliminary subdivision approval before the effective date of this ordinance
2. The parking requirements of this ordinance are met
3. The following bulk requirements are met

Zone	Lot Area (square feet)	Lot Frontage (feet)	Lot Width (feet)	Front Setback (feet)	Rear Setback** (feet)	Side Setback** (feet)	Total Side (feet)	Maximum Percent Coverage	Height (feet)
TR Sewered	5,000	50	50	20	20	5	15	50% building; 70% impervious	35
SR and R Sewered	12,000	75	75	30	30	10	25	35% building; 60% impervious	35
All Other Residential Zones and Septic lots in TR, SR and R	35,000*	100	100	40	40	12	32	20% building; 50% impervious	35

NOTES:

*Minimum unconstrained contiguous lot area of 15,000 is required.
 **All accessory structures shall have a minimum six-foot side and rear yard setback.

- B. If any existing single-family dwelling on a nonconforming lot is destroyed or demolished, it can be rebuilt without variance, as long as the setback requirements are met for the zone in which the lot is located.
- C. An existing single family dwelling on a nonconforming lot in the RC Rural Conservation zone may be rebuilt without variance as long as it meets the parking requirements of this chapter and the bulk requirements outlined in 250-601A.3.

Section 2. CHAPTER 250 Article IV DISTRICT REGULATIONS of the Code of the Township of Middle is hereby amended and supplemented as follows:

Replace the following bulk standards in 250-412. VC Village Commercial.

E. Bulk requirements for VC Village Commercial :

Type	Single-Family Dwelling	Commercial
Maximum coverage, building	Sewer: 30% Septic: 20%	Sewer: 30% Septic: 20%

Add the following conditional use to 250-409. TC Town Center.

C. Conditional uses:

- (9) Car washes in accordance with 250-518

Add the following conditional use to 250-408. TB Town Business.

C. Conditional Uses

- (9) Car washes in accordance with 250-518

Section 3. CHAPTER 250 Article V Conditional Uses of the Code of the Township of Middle is hereby amended and supplemented as follows:

Replace section I of 250-506. Fueling stations.

I. Permitted accessories to a fueling station include retail, restaurant (including fast food), and car wash. Such uses shall meet all principal use bulk requirements. For car washes, the conditions in section 250-518 shall be met.

Add section 250-518. Car Washes

A. Bulk standards of any car wash shall meet the district regulations or the regulations below, whichever are more restrictive:

Type	Requirement
Lot area	40,000 square feet
Lot width	150 feet
Lot frontage	150 feet
Yards:	
Front	50 feet
Side (1)	25 feet

Type	Requirement
Lot area	40,000 square feet
Total both sides	50 feet
Rear	50 feet
Accessory:	
Side	20 feet
Rear	20 feet
Maximum building height	35 feet
Maximum impervious coverage	75%

B. Exterior vacuum stations shall be in the rear of the car wash building. A minimum space of 25 feet shall exist between any two vacuum stations and between any vacuum station and the principal building.

C. There shall be an area that allows stacking of a minimum of ten (10) cars.

D. A detail shop may be permitted as part of the car wash.

E. Retail sales of ancillary products are permitted.

F. Car washes are not permitted in the Cape May Court House Overlay zone.

G. There shall be no other uses permitted on site.

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

SECTION 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby, and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 6. This ordinance shall take effect after final adoption and publication as required by law.

Marc Karavan – Three general changes, one with three subparts.

 Town Business/Town Center Zones - Car washes being added as a conditional use

 Village Commercial Zone – correcting building coverage numbers because septic and sewer numbers were reversed.

 Grandfathered Provisions – more readable and formatted Section A, front-yard setbacks in TR zone for grandfathered lots are being changed to match district regulations, also be amended to allow ability to rebuild an existing single-family home on non-conforming lot in the Rural conservation Zone.

11. RESOLUTION 586-12 – APPROVAL FOR PAYMENT CASH OUT SICK LEAVE – VARIOUS EMPLOYEES – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

 WHEREAS, the Township allows the cash out of accumulated sick time by employees who meet the guidelines set forth in the personnel policy manual, and

 WHEREAS, final payment is requested to be made on December 21, 2012, and

 WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time,

 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 payment be issued to the employees in the amount referenced below.

Name		Days	Rate	Total
Mallett	Mark	5	\$379.19	\$1,895.95
Stimmel	Dawn	5	\$167.34	\$836.70
Klecz	Raymond	5	\$120.90	\$604.50
Linz Sr	Michael	5	\$175.71	\$878.55
McDevitt	Sean	5	\$194.19	\$970.95
Russ	Lee Ann	5	\$272.69	\$1,363.45
May	David	5	\$181.18	\$905.90
Camp	Christopher	5	\$202.24	\$1,011.20
Kirk	Rita	5	\$148.92	\$744.60
Smith	Andrew	5	\$208.08	\$1,040.40
Mills	Steve	3.5	\$147.84	\$517.44
Miller	Marilyn	5	\$129.74	\$648.70
Becker	Debra	5	\$137.03	\$685.15
			Total:	\$12,103.49

12. RESOLUTION 587-12 – ACCUMULATED LEAVE – On motion by Committeemember Donohue seconded by Committeemember 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 named persons be permitted to carry over accumulated vacation in excess of the one year permitted:

Donald Arndt	5 days
Thomas Fairman	12 days
Kimberly Krauss	12 days
Lee Ann Russ	9 days
Sandra Beasley	4 days
Marilyn Miller	17 days
Christopher Camp	7 days
David Schofield	8.5 days
Andrew Smith	20 days
William Candell	7 days
David May	3 days

13. RESOLUTION 588-12 – REFUND OF OVERPAYMENT – SEWER – On motion by Mayor Lockwood seconded by Committeemember Donohue 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 Sewer Department is hereby authorized to make the adjustment to sewer account referenced below:

ACCOUNT NUMBER	OWNER	BLOCK/LOT	AMOUNT
16239-0	KATHLEEN KELLY 304 76TH STREET AVALON, NJ 08202	240/19	\$260.00

14. RESOLUTION 589-12 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JAMES DOUGHERTY – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, James Dougherty has retired with an effective date of December 1, 2012, and WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, sick, compensation, and personal time, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, 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 payment be issued to the employee in the amount referenced below.

James Dougherty			
vacation	48 hours	48.04	2,305.92
personal	27 hours	48.04	1,297.08
comp	467.75 hours	48.04	22,470.71
sick	629 hours	48.04	12,500.00
total		38,573.71	

15. RESOLUTION 590-12 – ACKNOWLEDGEMENT OF RESIGNATION – MARK MALLET – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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
Mark Mallett	Administration	Business Administrator	December 17, 2012

16. RESOLUTION 591-12 – APPOINTMENT – DEPUTY BUSINESS ADMINISTRATOR – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite their name:

NAME	TITLE	SALARY	EFF. DATE
Kimberly Krauss	Deputy Business Administrator	\$10,000.00	12/17/2012

17. RESOLUTION 592-12 THROUGH 601-12– INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A- J) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

A) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW 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, hereby requests the

director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:

Federal Body Armor Grant -- FY 2012-- \$6,308.13

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Federal Body Armor Grant -- FY 2012 -- \$6,308.13

- B) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:
State Body Armor Grant -- FY 2012 -- \$4,528.02
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
State Body Armor Grant -- FY 2012 -- \$4,528.02
- C) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:
Emergency Management Grant -- FY 2012 -- \$5,000.00
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
Emergency Management Grant -- FY 2012 -- \$5,000.00
- D) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:
Sustainable Jersey Grant -- FY 2012 -- \$10,000.00
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
Sustainable Jersey Grant -- FY 2012 -- \$10,000.00
- E) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:
Drunk Driving Enforcement Grant -- FY 2012 -- \$9,993.74
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
Drunk Driving Enforcement Grant -- FY 2012 -- \$9,993.74
- F) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:
Alcohol Education and Rehab Grant -- FY 2012 -- \$2,967.97
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
Alcohol Education and Rehab Grant -- FY 2012 -- \$2,967.97
- G) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when

such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
 WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:

Recycling Tonnage Grant -- FY 2010 -- \$46,046.95

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Recycling Tonnage Grant -- FY 2010 -- \$46,046.95

- H) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:

Comcast Tech Grant -- FY -- \$20,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Comcast Tech Grant -- FY -- \$20,000.00

- I) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:

Clean Communities Grant -- FY 2012 -- \$41,236.25

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Clean Communities Grant -- FY 2012 -- \$41,236.25

- J) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 NOW 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2012 in the sum of:

Drive Sober Grant -- FY 2012 -- \$4,400.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Drive Sober Grant -- FY 2012 -- \$4,400.00

- 18. RESOLUTION 602-12 – TRANSFER OF FUNDS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year,

NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2012:

From	Amount	To
Clerk S&W 2-01-20-120-120-111	\$1,000	Tax Assessor S&W 2-01-20-150-150-111
Finance S&W 2-01-20-130-130-111	\$4,800	Health Care Waiver 2-01-23-221-221-411
Clerk S&W 2-01-20-120-120-111	\$3,000	Municipal Court S&W 2-01-43-490-490-111
Tax Collector S&W 2-01-20-145-145-111	\$2,000	Municipal Court S&W 2-01-43-490-490-111
Police S&W 2-01-25-240-240-111	\$16,000	Municipal Court S&W 2-01-43-490-490-111
Records Management OE 2-01-20-120-122-211	\$1,000	Police Radio S&W 2-01-25-250-250-111
Bond Registrar OE 2-01-20-130-132-299	\$1,000	Police Radio S&W 2-01-25-250-250-111
Liquidation of TTL's OE	\$8,800	Police Radio S&W

2-01-20-155-155-249		2-01-25-250-250-111
Legal OE	\$10,400	Police Radio S&W
2-01-20-155-156-249		2-01-25-250-250-111
Legal OE	\$11,000	Rescue Squad S&W
2-01-20-155-156-249		2-01-25-262-262-111
Police S&W	\$10,000	Terminal Leave S&W
2-01-25-240-240-111		2-01-30-415-415-111
Assessment of Taxes OE	\$9,000	Terminal Leave S&W
2-01-20-150-150-299		2-01-30-415-415-111
Assessment of Taxes OE	\$1,000	Municipal Court OE
2-01-20-150-150-299		2-01-43-490-490-29
Legal OE	\$4,000	Public Works S&W
2-01-20-155-156-249		2-01-26-290-291-111
Legal OE	\$3,000	Public Works OE
2-01-20-155-156-249		2-01-26-290-291-299

19. RESOLUTION 603-12 - DUPLICATE TAX SALE CERTIFICATE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Chapter 99 laws of 1997, requires authorization of the governing body for replacement and issuance of a duplicate tax sale certificate held by a third-party lien holder, which has been destroyed or lost.

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 appropriate affidavit from the owner of the certificate, prepare a replacement certificate for Tax Sale Certificate # 2010-5951 and issued to the original lien holder known as:

R Stein Enterprises LLC
250 EAST 49TH ST
New York, N.Y. 10017

BE IT FURTHER RESOLVED, that this replacement certificate, duplicated in original form, shall be marked as “duplicate”, and a \$100.00 fee assessed to the above mentioned lien holder for the preparation of said duplicate certificate.

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

20. RESOLUTION 604-12 – CANCELING UNEXPECTED BALANCE OF EMERGENCY RESOLUTION RELATED TO HURRICANE SANDY – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle adopted an Emergency Resolution totaling \$85,000.00 in CY 2012 in relation to Hurricane Sandy for the purpose of funding said emergency; and

WHEREAS, it is evident that the entire \$85,000.00 of the emergency appropriation will not be required and the governing body wishes to cancel \$35,000.00 of the Salary and Wage portion; and

NOW 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, hereby directs the Chief Financial Officer to cancel \$35,000.00 of said emergency.

The Clerk shall forward a certified copy of this resolution to the Director of the Division of Local Government Services upon its adoption.

21. RESOLUTION 605-12 THROUGH 606-12 - TITLE CHANGE – (ITEMS A THROUGH B) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

A) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby approved to the title change opposite their name:

NAME	PREVIOUS TITLE	NEW TITLE	SALARY	EFF. DATE
Alan Morris	Keyboarding Clerk 1 P/T	Recreation Aide P/T	\$10.00 ph	01/01/2013

B) NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the following employee is hereby approved to the promotional civil service title change opposite their name:

NAME	DEPARTMENT	TITLE	FF. DATE.
Elizabeth Simpkins	Tax Assessor	Clerk 2	12/10/2012

22. RESOLUTION 607-12 - APPROVE LEAVE OF ABSENCE – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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 Leave of Absence without pay for Jill DeRobertis, from November 19, 2012 through January 14, 2013 is hereby approved.

23. RESOLUTION 608-12 - AUTHORIZING STREET OPENING PERMIT WAIVER – WILLIAM HERKER – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Local Ordinance Section 215-15D does not allow for any road opening permit for any road that has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except in an emergency situation; and

WHEREAS, William Herker, owner of 12 S. 2nd Street, also known as Block 1127, Lot 4, in Edgewood, is building a new home and has filed for a hardship exception in order to hook into the township sewer system; and

WHEREAS, in order to occupy the home, Mr. Herker needs a road opening permit to connect the line from the road to the home.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds:

1. That an exception to the 5 year moratorium is appropriate in this circumstance; and
2. That the Public Works Director is hereby directed to issue a road opening permit for Block 1127, Lot 4, for the purpose of installing a sewer line, pending the submission of an application, correct fees and bonding associated therewith.

24. RESOLUTION 609-12 - CANCELING VARIOUS ENCUMBRANCES – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, various encumbrances exist in relation to the following purchase orders;

WHEREAS, Encumbrances Payable in the amount of \$682,498.00 remain as noted in the following purchase orders wherein the projects have been completed in their entirety and it is now appropriate to cancel these balances:

Purchase Order	Vendor	Project	Amount
21101177	Hatch Mott	SSGC Sewer	\$305,918.76
21101180	Hatch Mott	SSGC Sewer	\$159,950.97
21101476	Hatch Mott	SSGC Sewer	\$140,965.28
21002585	FW Shawl	SSGC Sewer	\$44,662.99
21103398	Hatch Mott	SSGC Sewer	\$31,000.00
			\$682,498.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that these unexpended Encumbrances Payable totaling \$682,498.00 be and hereby are cancelled.

25. ****TABLED**** RESOLUTION 610-12 – APPROVE CHANGE ORDER NO. 1 – BIKE PATH PHASE III – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Bike Path Project Phase III was awarded May 21, 2012 via Resolution No. 236-12 to Asphalt Paving Corporation, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Asphalt Paving Corporation, be and is hereby approved in the amount of \$4,446.87.

26. RESOLUTION 611-12 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK AND WALBERG ENGINEERS – BIKE PATH PROJECT PHASE III – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, on January 4, 2012 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 2-12, and

WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg Engineers to serve as Municipal Engineer at its January 2012 reorganization meeting, and

WHEREAS, due to circumstances surrounding the change order for the Bike Path Project Phase III, Remington, Vernick & Walberg Engineers have been required to complete design work, as well as perform construction inspections, in connection therewith.

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 the additional engineering services mentioned above and said contract shall be amended as follows:

Remington, Vernick & Walberg Engineers – Change Order No. 1 –
Bike Path Project Phase III - \$2,500.00

Committeemember Donohue - Is Item 26 in conjunction with 25?

Marc DeBlasio – No.

Committeemember Donohue – Can you please explain the extra costs?

Marc DeBlasio – There were two items that needed to be addressed, one being a driveway crossing across the bikepath, there were additional signs that needed to be designed and approved by NJDOT and certain additional items that were not in the original bid specs. We also had to come back after the job and re-inspect the additional work after the contractor left.

Kim Krauss – Does this Resolution need to be changed to not read Change Order No. 1?

Mayor Lockwood – This is RVE Change Order, not so much Asphalt and Paving?

Marc DeBlasio – Yes.

27. RESOLUTION 612-12 – DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF MIDDLE RETURNED SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND - On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 1998, January 1,

1999, January 1, 2000, January 1, 2001, January 1, 2002, January 1, 2003, January 1, 2004, January 1, 2005, January 1, 2006, January 1, 2007, and

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11: 15-2.1 et seq., and

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the Municipality's membership, and

WHEREAS, the MUNICIPALITY understands that the Fund's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND, and

WHEREAS, the MUNICIPALITY understands that the Fund's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND, and

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the Municipality's share to the Municipality's premium in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),

2. Direct the FUND to apply the Municipality's share to the Fund's Aggregate Excess Loss Contingency Fund, which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, or

3. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

NOW THEREFORE, the MUNICIPALITY directs the FUND to distribute the Municipality's share of its Distribution as follows:

Option 1 – Apply the full amount as a credit to the Municipality's next FUND year premium (\$28,102.00)

28. RESOLUTION 613-12 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo 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.

29. RESOLUTION 614-12 – AUTHORIZING EMERGENCY CONTRACT – SERVPRO – SEWER CLEANUP – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:11-6 authorizes the ratification of a contract under emergency situations, and

WHEREAS, due of the health risks associated with this emergency situation, which negatively impacted the residents of the Township of Middle, the Township of Middle initiated immediate performance of services for said project at Block 220 Lot 3, otherwise known as 210 N. Main Street.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that a contract with Servpro is hereby awarded in the amount of Seven Thousand Two Hundred Eighty One dollars and two cents (\$7,281.02) for cleanup of a sewer backup located at Block 220 Lot 3.

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

Mayor Lockwood – Contract amount is wrong.

Mark Mallett- Should be the original amount without taxes.

Mayor Lockwood – We are not subject to the sales tax.

Kim Krauss – So the amount is \$6,804.69

30. RESOLUTION 615-12 – AUTHORIZING THE WAIVING OF INTEREST ON A PROPERTY – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the owner of Block 404 Lot 5, otherwise known as 13 S. Delaware Avenue, requested an address change for said property, and
 WHEREAS, said change was inadvertently missed, therefore resulting in failure of the property owner to receive the tax bill associated with this parcel.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the interest charge in the amount of \$36.04 be waived from tax account #6365, otherwise known as Block 404 Lot 5, located at 13 S. Delaware Avenue in the Township of Middle.
31. RESOLUTION 616-12 – CLOSED SESSION – POTENTIAL LITIGATION (POTENTIAL IMPROPER LAND DEVELOPMENT) – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
***Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session. This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist. The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.**
 WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and
 WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and
 WHEREAS, said Closed Session shall be held directly after this open session.
 NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – POTENTIAL LITIGATION (POTENTIAL IMPROPER LAND DEVELOPMENT)
 2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – POTENTIAL LITIGATION (POTENTIAL IMPROPER LAND DEVELOPMENT)
 3.) It is anticipated at this time the above subject matter will be made public as follows: WHEN THE MATTER IS RESOLVED
 4.) This Resolution shall take effect immediately.
32. RESOLUTION 617-12 – AMENDING RESOLUTION / AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – JEFFREY R. SURENIAN AND ASSOCIATES, LLC. – COAH COUNSEL – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, Jeffrey R. Surenian & Associates, LLC are in compliance with the provisions of N.J.S.A. 19:44A-20.26 certifying that no political contributions have been made to Middle Township; and
 WHEREAS, Resolution 113-12 was approved on February 22, 2012, Not to Exceed \$10,000; and
 WHEREAS, Resolution 322-12 was approved on July 16, 2012 further amending their original contract not to exceed \$30,000; and
 WHEREAS, Resolution 506-12 was approved October 15, 2012 further amending their contract for an additional not to exceed \$15,000.00, and
 WHEREAS, it has been deemed necessary to further amend said contract for an additional \$20,000, for a contract total of \$75,000; and
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Jeffrey R. Surenian & Associates, LLC. and the Township of Middle for COAH Counsel 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.
 Jeffrey R. Surenian & Associates, LLC. – COAH Counsel – an additional \$20,000, for a contract total of \$75,000.
33. RESOLUTION 618-12 – AMENDING RESOLUTION #93-12 - FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES - PRE-EXISTING ENGINEERING PROJECTS – ENGINEERING DESIGN ASSOCIATES – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, on January 5, 2011 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 25-11, and
 WHEREAS, a contract was executed for Engineering Design Associates in the amount not to exceed \$60,000.00, excluding services rendered for capital improvement projects, which are not included within the cap, and
 WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg to serve as Municipal Engineer at its January 2012 reorganization meeting, and
 WHEREAS, on February 6, 2012 and also on May 7, 2012 the Township of Middle passed resolutions authorizing Engineering Design Associates to continue and finish work associated with numerous pre-existing engineering projects, which were in various states of completion, and
 WHEREAS, final invoices have been submitted for said services, and

WHEREAS, some projects have come in under budget, and others slightly over, however in no case does the original collective amount surpass the originally authorized “not to exceed” amount. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the final amount of said contracts with Engineering Design Associates (EDA), as outlined on Resolution 93-12, shall be certified as indicated below:

I- CAPITAL PROJECTS

A. DESIGN STAGE

Project #	Job Name	Previous Authorized NTE Amount	Amended Amount
M-2290	NJDOT Grant Bike Path Phase III	\$25,000.00	\$26,921.88
M-2292	Various Road Reconstruction	\$ 1,500.00	\$541.40
M-2289	Whitesboro Water Phase III	\$24,000.00	\$19,976.14
M-2307	Habitat for Humanity/ NJ DEP Application	\$1,750.00	\$3,763.53

B. CONSTRUCTION MANAGEMENT STAGE

Project #	Job Name	Previous Authorized NTE Amount	Amended Amount
M-2251	Capital Road Improv. Phase I Stone Harbor Manor	\$2,000.00	\$4,397.50
M-2228	Misc. Drainage – Acorn, Dyers Mill Reagans Run, Tally Ho	\$1,000.00	\$1,095.00
M-2209	Reconstruction Beach Ave Reeds Beach	\$3,000.00	\$3,022.50
M-2230	NJDOT Safe Streets & Neighborhoods Main Street	\$17,500.00	\$19,110.75

II - MUNICIPAL PROJECTS

	Previous Auth. NTE Amount	Amended Amount
A. PLAN ENDORSEMENT APPLICATION:	\$5,000.00	\$2,853.80
B. MINING LICENSE RENEWALS:	\$ 6,500.00	\$5,567.50

34. RESOLUTION 619-12 – AUTHORIZING OVERTIME TO VARIOUS TOWNSHIP EMPLOYEES IN RELATION TO HURRICANE SANDY – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. WHEREAS, various Public Works and Sewer Department employees worked during Hurricane Sandy while Township offices were closed due to a declared state of emergency; WHEREAS, it is the Township of Middle’s intention to compensate these employees at an overtime rate for the two days that the Township offices were closed and there is no current authorization to do so in the Township Personnel Policy Manual nor the Teamsters contract; NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the employees on the attached list be compensated at an overtime rate for the aforementioned two days.

35. RESOLUTION 620-12 – AUTHORIZING LEGAL COUNSEL TO RESOLVE LEGAL DISPUTE – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, that legal counsel for the Township of Middle is hereby authorized to resolve any and all potential disputes, in accordance with the insurance carrier recommendations, in connection with a matter filed by Lisa Tilton. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documentation in connection therewith.

36. PUBLIC COMMENT:

Marc DeBlasio – read Engineering Report

Committeemember DeLanzo – Thank you to Mark Mallett, wishes him well in new position.

Congratulations to Kimberly in becoming Deputy Administrator.

Merry Christmas to everyone, best for New Year.

Keep family and friends of those in Connecticut in thoughts. Pray for peaceful and less violent world.

Committeemember Donohue – Thanks to Mark Mallett for all the help that he has been. He has done an excellent job helping me through the transition. Thanks for years of service with Township and best of luck with new adventure.

Wish everyone Merry Christmas, happy holidays, Happy New Year.

Mentioned two police officers injured in line of duty over the weekend. They handled with a lot of courage and guts. Would like to thank them and know that they are in his prayers and in the prayers of the community.

Thank you to folks that came out tonight. Still dealing with incidents at the recreation center over the weekend, have been speaking to people about those issues and will be taking over the recreation department in the new year.

Mayor Lockwood – Mentioned passing of Johnny _____. Saw him a few weeks ago at Whitesboro Center. His “going away” services were enlightening, he was a great man for the community and will be missed.

Newtown, Connecticut tragedy breaks hearts. In thoughts and prayers and makes one realize what could happen to anyone at any time.

Thanks to Mark Mallett for his time, often in the office together on weekends and after hours. Appreciate his hard work and wishes him the best in his new job.

Reached out to both police officers which were injured over the weekend. One was doing fine, other I left a message for. Wish them a speedy recovery, we appreciate all that they do for us.

Merry Christmas and Happy New Year to everyone. Next meeting will be Reorg meeting on Thursday, January 3 at 6pm.

Valerie Watson and Michaela Stone from New Jersey Hope and Healing – spoke of mental health services which their company offers for individuals affected by Hurricane Sandy. Provided brochures to the Public.

Mr. Sabastiani, Pierces Point – recently spoke to Van Drew regarding beach replenishment. Van Drew suggested that Sabastiani contact Committee to get on board with submitting new beach replenishment plan. Van Drew would try to help move the process along.

Mark Mallett – have been in touch with Army Corp of Engineers – 1999 proposed project for berm for environmental concerns for horseshoe crabs. Should be meeting with Army Corp of Engineers in January to come down and look at beach erosion and discuss tidal flooding. They were scheduled to come down, but then Hurricane Sandy hit so it was delayed.

Mr. Sabatiani – stated that 12 years is too late. Asked is Van Drew is aware of this plan.

Mark Mallett – indicated the Township will reach out to Van Drew accordingly.

Mayor Lockwood – biggest obstacle will be raising awareness and getting consent from residents to build berms on their property. We will need a document giving permission to go on their property.

Committeemember DeLanzo – Wetlands Institute Director is interested in helping out with restoration of the bay area.

Madelyn McCarroll – asked that any Resolutions that may result from Closed Session be considered at next meeting.

#32 - \$75,000 contract, would this have normally went out through Fair and Open process at this price? What would be normal procedure?

Marc Karavan – difficulty is that it involved ongoing lawsuits, you don’t know how far it will go, and we found that there was a lot on the table. It was difficult to figure out from the onset to see how far it would have needed to go. It would have still been bid this way even if it was known to be \$75,000.

Madelyn McCarroll – in #35 with the other lawsuit, why isn’t that the same?

Marc Karavan – that is a different matter with our insurance carrier that was a bit more determinable.

Madelyn McCarroll – thanks Committee for remembering Connecticut victims. Thank you to Mark Mallett for all the help which he provided.

Vilma Polumbo – thanks to Mark Mallett.

Asked Public Works to replace sign on Lord’s Lane before it went in front of Planning Board. Had to leave a message, never received a response. Residents put the sign back up themselves. Suggested that Public Works should return calls in a timely manner.

Carl Carmelowitz – bought a property in Avalon manor in 1989, house sits 6 inches higher than flood plain and received no water damage. Neighbor had new foundation, a foot lower than his home, and received major damage from Hurricane Sandy. Mentioned previous request for code to be revised for flood plains. Suggested that Township revise the plan to raise the height limit on homes.

Mayor Lockwood – currently underway, recommendation by FEMA. Most homes that received damage were older homes, newer homes seemed to fair well.

Carl Carmelowitz – back bay area is just a few inches lower than road in Avalon Manor, hopes when they repave, the raise the road high enough to avoid getting water in the road. Right now at high tide, it’s close to being on the road, entrance gets flooded most of the time.

Marc DeBlasio – May not ever be able to prevent flooding, scope is an overlay of 2” of asphalt, it may be higher at center of road to increase crown. Leonard’s Lane will be raised about 6” in some sections. We may not be able to prevent flooding, but will try mitigate flooding, without covering marshlands.

January 8, 2013

Regular Meeting Minutes

Mark Mallett – thank you to past and present Committee for support. Pleasure serving residents of Middle Township.

Motion to go into Closed Session – 7:10pm

1st Committeemember Donohue 2nd Committeemember DeLanzo

Roll Call Vote: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

Motion to Adjourn Meeting – 7:40pm

1st Committeemember DeLanzo 2nd Committeemember Donohue

Roll Call Vote: Committeemember DeLanzo, Committeemember Donohue, Mayor Lockwood

There being no further business the meeting was adjourned at 7:40pm.

Kimberly D. Krauss, Twp. Clerk