

9. ORDINANCE NO. 1439-13 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 5, ENTITLED ADMINISTRATOR – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1439-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/18/2013 at 6:00 p.m.

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

SECTION 1.

The following sections of the Township Code shall be amended to read as follows:

5-2 Term

The Administrator shall be appointed by the Township Committee for a term to be determined by the Township Committee by resolution.

SECTION 2.

Section 5-5 entitled “Residency Requirements” shall be deleted in its entirety.

SECTION 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.

10. ORDINANCE NO. 1440-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AUTHORIZING ESTABLISHING AN ENERGY AGGREGATION PROGRAM PURSUANT TO THE GOVERNMENT ENERGY AGGREGATION ACT OF 2003, N.J.S.A 48:-93.1 - On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, Ordinance No. 1440-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/18/2013 at 6:00 p.m.

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and

WHEREAS, the citizens of the Township have a substantial economic and social interest at stake; and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential electric ratepayers to enter into an aggregation agreement in order to seek substantial savings on electric rates;

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE AS FOLLOWS:

1. The allegations of the Preamble above are hereby incorporated herein by reference as if set forth at length and adopted as the finding of fact of the Township of Middle.
2. The Township publicly declares its intent to become an aggregator of electric power on behalf of its residential and non-residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
3. The Township will utilize Commercial Utility Consultants’ Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate THIRD PARTY SUPPLIERS. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
4. The Mayor is authorized to execute and the Township Clerk to attest to any documents necessary to carry out the purpose of the ordinance.
5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
6. This is a special ordinance and shall be kept on file with the Clerk but not codified in the Township Ordinance Book.
7. If any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
8. This Ordinance shall become effective immediately upon final passage and publication according to law.

Committeemember Donohue - We have done this on the Township level for companies to bid to provide us with electricity at the lowest possible cost. We would like to provide this same service to residential and non-residential accounts throughout the Township. Stone Harbor has passed the Ordinance and we are the second town involved. Hoping that more towns get involved. Residents have the option to opt-out.

11. ORDINANCE NO. 1441-13 - AN ORDINANCE ESTABLISHING PROCEDURES TO REQUIRE AN OWNER OF RENTAL PROPERTY WHICH HAS BECOME A SOURCE OF AT LEAST TWO (2) SUBSTANTIATED COMPLAINTS OF DISORDERLY, INDECENT, TUMULTUOUS OR RIOTOUS CONDUCT TO POST A BOND OR EQUIVALENT SECURITY TO COMPENSATE FOR ANY FUTURE DAMAGE OR EXPENSE SUFFERED FROM FUTURE REPETITION OF SUCH CONDUCT. – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1441-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on at 6:00 p.m.

WHEREAS, Township Committee, The Governing Body of the Township of Middle, determines and declares that:

- a. The Legislature of the State of New Jersey enacted N.J.S.A. 40: 48-2.12(n) et. seq. to enable certain communities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords offering seasonal rentals be held to sufficient standards of responsibility ; and
- b. The Township of Middle is a resort community in Cape May County which is a county of the sixth class and, as a result, the Township of Middle is authorized to avail itself of the provisions of N.J.S.A. 40: 48-2.12(n) et. seq.; and
- c. The Township of Middle and its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised seasonal rentals to irresponsible vacationers by inept or indifferent landlords; and
- d. This Ordinance is enacted to preserve the peace and tranquility of the community for its permanent residents, and to maintain the municipality as a viable vacation resort for all persons and families availing themselves of the facilities in the community; and
- e. The enactment of this Ordinance is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible seasonal rentals.

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

Section One. Definitions. For the purpose of this Ordinance, the following meanings shall apply: Hearing Officer shall mean a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of the Township Committee. The hearing officer shall not own or lease any real property within the Township of Middle, nor hold any interest in the assets of or profits arising from the ownership of such property.

Landlord shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including, but not limited to, any building subject to the “Hotel and Multiple Dwelling Law”, P.L. 1967, c76 (N.J.S.A. 55:13A-1 et seq.), and owner-occupied premises.

Seasonal rental shall mean any rental of residential accommodations for a term of less than one (1) year and including any part of the period extending from May 15 to September 15.

Substantiated complaint shall mean an act of disorderly, indecent, tumultuous or riotous conduct, including, by way of example, but not limited to, simple assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise, upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction in any court of competent jurisdiction.

Section Two. Hearing; Penalty.

- a. If, in any twelve (12) month period, two (2) complaints, as defined in Section One hereof, on separate occasions, of disorderly, indecent, tumultuous, or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, or excessive noise, upon or in proximity to any seasonal rental premises, and attributable to the acts of incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Township Committee or any officer or employee of the Township of Middle so designated by the Township Committee for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character.
- b. In the event a tenant is convicted of any of the conduct described in subsection a. of this section, the governing, or the officer or employee designated pursuant to subsection a. of this section, shall cause notice advising that the conduct specified has occurred to be served on the landlord in person or by registered mail, at the address appearing on the tax records of the Township of Middle.
- c. The Township Committee or any officer or employee of the municipality designated by the Township Committee shall cause to be served upon the landlord, in person or by registered mail or by certified mail, return receipt requested, to the address appearing on the tax records of the Township of Middle, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court or such other public place as designated by the Township Committee, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.
- d. At the hearing convened pursuant to paragraph b. above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented or offering such evidence, may present. At the conclusion of the hearing, the officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this Ordinance.

- e. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in the light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
 1. Damages likely to be caused to public or private property or the disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and
 2. Securing the payment of fines and penalties likely to be levied for such offenses; and
 3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided, however, no such bond shall be in amount less than five hundred (\$500.00) nor more than five thousand \$5,000.00) dollars. The municipality may enforce a bond thus requiring an action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes, until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- f. Any bond or other security deposited in compliance with paragraph e3 above shall remain in force for a period of four (4) years. Upon the lapse of the four (4) year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Section Three below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void the requirement of security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security and shall be subject to injunctive proceedings as authorized by paragraph e. above in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Township Committee may by Resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if, during that year, no substantiated complaints are recorded with respect to the property in question.

Section Three. Bond Forfeiture; Extension.

- a. If, during the period for which a landlord is required to give security pursuant to Section Two above, a substantiated complaint is recorded against the property in question, the Township Committee or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection Section Two, paragraph e. above, of the period for which the security is required, or for increase in the amount of security required, for any or all of those purposes.
- b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection Section Two. Paragraph e above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in the light of the same factors set forth in Section Two, paragraph e. above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this action indicated the appropriateness of such change in order to effectually carry out the purposes of this Ordinance. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in Section Two, paragraph e above.

Section Four. Hearing Officer; Qualifications. The hearing officer shall be a licensed New Jersey attorney or Municipal Judge appointed by the Township Committee . A hearing officer shall not own or lease any real property within the Township of Middle, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

Section Five. If any portion of this Ordinance is determined to be invalid by a court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section Six. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed; however, nothing in this Ordinance shall be interpreted as repealing those Ordinances, or portions thereof, that have been codified at of the Code of the Township of Middle.

Section Seven. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

12. ORDINANCE NO. 1434-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE VILLAGE OF GRASSY SOUNDS CIVIC ASSOCIATION, INC. TO DEVELOP, MAINTAIN AND OPERATE SEWAGE TREATMENT FACILITIES AND CONDUITS – Following second reading, hearing, and consideration for adoption, Ordinance 1434-13 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.

SECTION 1.

WHEREAS, the Township of Middle is a duly organized municipality existing under the laws of the State of New Jersey and among its other powers, maintains, operates and improves infrastructure of the collection and transmission of sanitary sewage waste to the infrastructure and treatment facilities that are owned, maintained and operated by the Cape May County municipal Utilities Authority (hereinafter "CMCMUA"); and

WHEREAS the Village of Grassy Sound Civic Association, Inc., is a New Jersey nonprofit corporation incorporated on January 23, 1991 having as one of its stated purposes:

To explore historic preservation of unique character of Grassy Sound, to represent the homeowners of Grassy Sound interaction with other entities and the construction, operation and financing of a sewerage collection system to service the Properties located in Grassy Sound. WHEREAS, the members of the association are all owners and taxpayers of properties located within an area of the Township of Middle known as Grassy Sound; and WHEREAS, the Grassy Sound area of the Township of Middle has no sewerage treatment facility for the treatment and disposal of sewage; and WHEREAS, the Association and the Township wish to enter into an agreement the purpose of which is to provide for the conveyance of the Association's sewage to the Township's sewer collection system and ultimately to CMCMUA for treatment, hereinafter referred to as "Phase III Project" or "Project. All Association sewage is currently being conveyed to interim/temporary holding tanks located in Grassy Sound and thereafter transported by licensed seepage haulers to an off-site wastewater treatment facility. The holding tank operation was conceived and approved by the New Jersey Department of environmental protection (hereinafter "NJDEP") as an interim measure of sewage collection for Association until arrangements could be made to convey the sewage to a public sewer collection system which would ultimately be received and treated by the CMCMUA; and WHEREAS, Township hereby acknowledges that it presently has sufficient capacity pursuant to its agreement with CMCMUA to treat the sewage generated by Association; and WHEREAS, Township hereby acknowledges that it presently has sufficient capacity pursuant to its agreement with CMCMUA to treat the sewage generated by Association; and WHEREAS, there presently exists an Administrative Consent Order (hereinafter "ACO") issued by the NJDEP dated April 22, 2002 which provides for the construction of a sanitary sewer line to convey Association sewage from Grassy Sound to North Wildwood in lieu of the Current holding tank arrangement; and WHEREAS, NJDEP has indicated its willingness to amend the ACO to provide for the conveyance of Association sewage to Township in lieu of North wildwood for ultimate conveyance by the Township sewer infrastructure to the CMCMUA; and WHEREAS, United States Department of Agriculture, Rural development (hereinafter "USDA") has agreed to provide funding for the Project pursuant to such terms and conditions as set forth in correlated documents, including but not limited to Letters of Condition, with respect to each of the parties; and

NOW, THEREFORE, BE IT ORDAINED BY THE MIDDLE TOWNSHIP COMMITTEE THE GOVERNING BODY OF THE TOWNSHIP OF MIDDLE AS FOLLOWS:

a. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with the Village of Grassy Sound Civic Association, a copy of which is annexed hereto as Exhibit "A" and incorporated herein to effectuate the purpose outline above.

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

Committeemember Donohue –Acknowledged Carol Powell who is the head of the Grassy Sounds Civic Association. It has been almost two years since we met and have been trying to protect their property rights. It has been a long road and glad to have this come to a conclusion.

13. ORDINANCE NO. 1436-13 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 211, SECTION 2 THEREOF, ENTITLED HOURS OF OPERATION, SKATEBOARD PARK – Following second reading, hearing, and consideration for adoption, Ordinance 1436-13 was adopted on motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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

SECTION 1

Local Ordinance Section 211 shall be amended as follows:

211-2 Hours of operation.

The hours of operation for the Middle Township Skate Park shall be set by the governing body of the Township of Middle as deemed necessary. Said hours shall be posted for public inspection accordingly.

SECTION 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.

**No Public Comment*

14. ORDINANCE NO. 1437-13 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112, ARTICLE II, ENTITLED DRIVEWAY APRONS AND LOT GRADING – Following second reading, hearing, and consideration for adoption, Ordinance 1437-13 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 ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1

Chapter 112, Article II of the Township Code shall be amended as follows:

§ 112-4. Prohibition against drainage changes impacting neighborhood properties.

A. It shall be a violation of this article for any landowner or any person to change the natural flow of drainage, or to change an existing drainage system approved and constructed in accordance with subdivision approvals, such that water will be caused to accumulate on or otherwise negatively impact any other property.

B. Any violation of this section shall result in the following penalties:

(1) The landowner or offending person shall be financially responsible to pay for the cost of any and all remedial action necessary to correct the drainage problem created by his or her conduct, including but not limited to engineering, expert or consultant fees and any and all approvals or permits; and

(2) Said landowner or offending person shall be subject to fines no less than \$500 and no more than \$2,000 for each and every violation of this section.

§ 112-5. Driveway aprons and lot grading requirements.

A. Each and every developed property, whether commercial or residential, including but not limited to single-family homes, located on a Township right-of-way, shall have a driveway apron constructed in accordance with the following specifications:

(1) A standard driveway apron shall be constructed in accordance with Figures 112(a) and 112(b).

(2) Driveway aprons shall be constructed of concrete, asphalt or other hard durable surface acceptable to the Township Engineer so as to keep driveway material from encroaching on to the roadway.

(3) A one and one half-inch reveal shall be required at the intersection of the driveway apron with the roadway. The driveway apron shall be constructed to ensure that runoff from the roadway does not flow on to the driveway. Additionally, the driveway apron shall be constructed in such a manner that the natural flow of storm water shall not be impeded.

(4) Driveway aprons constructed across shallow roadside swales must be constructed at a slope, which will allow storm water to flow unimpeded across the driveway at the existing rate of flow.

[See Figure 112(c)]. The Municipal Engineer, or other Township official designated by the Township Committee, shall review the proposed driveway apron plans to ensure that the storm water management system for the roadway will continue to function adequately.

(5) Driveway aprons constructed across existing roadside swales with a significant slope may require the construction of a storm water drainage pipe under the driveway apron in order to ensure that storm water flow through the swale will not be impeded. [See Figure 112(d)]. The Municipal Engineer, or other Township official designated by the Township Committee, shall make a determination as to whether a pipe crossing is required based on the existing drainage swale characteristics. The minimum size of the drainage pipe shall be 12 inches in diameter, and all piping shall be reinforced concrete pipe (RCP), Class V.

(6) Before the issuance of a building permit, a driveway apron plan must be submitted to the Zoning Official, or other Township official designated by the Township Committee, for review and approval by the Municipal Engineer. Before a certificate of occupancy can be granted, the driveway apron shall be inspected and approved by the Construction Official, Zoning Official, or other Township official designated by the Township Committee.

B. The requirements set forth in this section shall apply to the development of all single-family and two-family dwellings within the Township of Middle, it being the intention that other development will be reviewed by one of the Township's development review boards.

(1) A zoning permit or building permit shall not be issued until a grading plan has been reviewed and approved by the Municipal Engineer, or other Township official designated by the Township Committee, which grading plan shall be in accordance with the provisions of this section.

(2) Prior to applying for final inspections in reference to obtaining a certificate of occupancy, an as-built survey showing final grades and matching the approved plan must be submitted to the Zoning Office for approval by the Zoning Official, Construction Official, or Municipal Engineer. NOTE: A fee may be billed to the owner/applicant should the Municipal Engineer have to visit the site.

(3) All lots, open spaces and planting areas shall be graded to secure proper drainage and to prevent the collection of storm water. The grading shall be performed in a manner which will minimize the damage to or destruction of trees growing on the land. Topsoil shall be provided and/or redistributed on the surface as cover and shall be stabilized by seeding or planting.

(4) Unless drainage design for an approved subdivision or site plan requires otherwise, wherever possible, the land shall be graded so that the storm water from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be directed to a system of interior yard drainage approved by the Municipal Engineer, or other Township official designated by the Township Committee.

(5) Unless otherwise required by this chapter, all tree stumps, masonry and other obstructions shall be removed to a depth of two feet below existing or finished grade, whichever is lower.

(6) The minimum slope for lawns and disturbed areas shall be 1 1/2% and, for smooth, hard-finished surfaces other than roadways and parking lots, 0.04%.

(7) The maximum grade for lawns and disturbed areas within five feet of a building shall be 10% and, for lawns more than five feet from a building, 25%; except that, for the driveway, the maximum grade shall be 15%.

(8) Retaining walls installed in slope-control areas shall be constructed of timber or logs, reinforced concrete, other reinforced masonry or of other construction acceptable to the Municipal Engineer, or other Township official designated by the Township Committee, and shall be adequately designed and detailed on the final plat to carry all earth pressures, including any surcharges. The heights of retaining walls shall not exceed 1/3 of the horizontal distance from the foundation wall of any building to the face of the retaining wall.

(9) The lot owner shall take all necessary precautions to prevent any siltation of wetland areas. The lot owner shall provide adequate provisions to prevent all deposition of silt or other eroded material in any stream or watercourse. Such provisions may include, but are not limited to,

construction and maintenance of siltation basins or holding ponds and diversion berms throughout the course of construction and planting areas.

(10) All lots, open space and planting areas shall be seeded with a suitable stabilizing ground cover approved by the Municipal Engineer, or other Township official designated by the Township Committee. On any waterfront lots or open spaces, suitable stabilizing ground cover other than seeding may be allowed if approved by the reviewing Board, the Township Construction Official, or other Township official designated by the Township Committee.

(11) No topsoil shall be removed from the site or used as soil. Topsoil moved during the course of construction shall be redistributed so as to provide at least four inches of spread cover to all seeding and planting areas of any lot and shall be stabilized by seeding or planting. In the event that the quantity of topsoil at the site is insufficient to provide four inches of cover for all seeding and planting areas, the owner shall provide and distribute a sufficient quantity of topsoil to provide such a cover, as determined by the Township Construction Official, or other Township official designated by the Township Committee.

(12) In order to conserve the Township's limited natural resources, no soil, sand, gravel or other natural resources shall be stripped, excavated or otherwise removed for sale or for use other than on the premises from which the soil, sand, gravel or other natural resources shall be taken except for excavating or grading incidental to the construction or alteration of a building on such premises or an approved site plan or subdivision.

(13) The excavation and grading for completion of a development subject to Soil Conservation District approvals shall be done in accordance with the Soil Conservation District approved plan which contains soil erosion and sediment control provisions in conjunction with all applicable Township ordinances and permits. Excavation of soil, other than that required for the construction of approved structures and supporting facilities, such as but not limited to streets, driveways and parking areas, except when resource extraction is authorized by the Township Committee, shall be prohibited. Regrading of property so as to redistribute topsoil throughout the site from areas excavated for such approved structures and supporting facilities shall be permitted, but shall be done to minimize or eliminate the erosion of soil. These areas shall be stabilized by seeding and planting in accordance with Subsection B(11) above.

C. Any violation of this section shall result in the following penalties:

(1) The landowner or offending person shall be financially responsible to pay for the cost of any and all remedial action necessary to correct the drainage problem created by his or her conduct, including but not limited to engineering, expert or consultant fees and any and all approvals or permits; and

(2) Said landowner or offending person shall be subject to fines no less than \$500 and no more than \$2,000 for each and every violation of this section.

SECTION 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.

**Letter received by Fred W. Schmidt, Jr., Esquire requesting Ordinance be tabled. Kimberly Krauss read the letter into the record.*

Mayor Lockwood – This is an amendment to the Ordinance, not a new Ordinance. This Ordinance relates to the height of driveway apron concrete as to the asphalt, as well as to an authorized person to inspect the drainage.

Committeemember Donohue – Asked Marc Karavan and Marc DeBlasio if they see any legal issues as to the Statute that Mr. Schmidt stated.

Marc DeBlasio – Does not see any issue with this Ordinance and soil erosion. Put in the lot grading to insure that the house is built with proper setbacks, and to make sure it is done as approved. Cape Soil Conservation would not have anything to do with either of these matters.

**No Public Comment*

15. RESOLUTION 103-13 through 104-13 – REFUND 2013 TAXES (ITEMS A THROUGH B) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

A) Refund due to overpayment by Mortgage Company

Account	Block	Lot	Assessed Owner/Location	Amount
1783	60	6	Coleman, Andrew D Property location: 5 Ella Avenue	\$631.86
3029	163.07	20 C0001	Leusner, Matthew C Property location: 611 Hand Avenue #A	\$839.04
16008	164.01	64	Mc Anulty, Francis A Property location: 316 Stagecoach Road	\$1,362.71
18710	1432	6 C0150	Schubert, John & Lucille Property location: 104 Seacrest Lane	\$424.49

Please make check payable and send to:

Corelogic

Attn.: Refunds

One CoreLogic Drive

Westlake, TX 76262

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 2013 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 overpayment by Mortgage Company

Account	Block	Lot	Assessed Owner/Location	Amount
17544	99.02	67	Vogelei, Douglas E & Maribel P Property location: 27 Reagans Run	\$1,887.11

Please make check payable and send to:

Lereta LLC
Attn.: Central Refunds
1123 Park View Drive
Covina, CA 91724

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 2013 taxes.

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

16. RESOLUTION 105-13 – DEPARTMENT CHANGE – DEBORAH BECKER – 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, County of Cape May, State of New Jersey, that the following department change for the following employee is hereby acknowledged:

Name	Prev. Dept.	New Dept.	Title	Effective
Deborah Becker	Public Safety	Municipal Court	Keyboarding Clerk 2	03/04/2013

17. RESOLUTION 106-13 – RELEASE OF TRUST ACCOUNTS – On motion by Mayor Lockwood seconded by Committeemember Donohue 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.

18. RESOLUTION 107-13 – RENEWAL – TOWING LICENSES – 2013 – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid accordingly.

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2013:

License #	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
1	Kindle Towing	1	XT160M	1995 Wheel Lift & Sling	\$450.00	\$50.00
	Kindle Towing	2	XN734E	1996 Flatbed w/ Wheel Lift		\$50.00
	Kindle Towing	3	XN735E	2001 Flatbed w/ Wheel Lift		\$50.00
	Kindle Towing	4	XN903E	2007 Flatbed w/ Wheel Lift		\$50.00

19. RESOLUTION 108-13 – SOCIAL AFFAIRS PERMIT – MIDDLE TOWNSHIP BASEBALL ASSOCIATION – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Middle Township Baseball Association has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 US Hwy 9, CMCH, on May 10, 2013 from 5:00 p.m. to 9:00 p.m., and

WHEREAS, they have provided proper documentation to the Township of Middle,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

20. RESOLUTION 109-13 – ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Jill DeRobertis	Tax Collection	Keyboarding Clerk 1	02/15/2013

21. RESOLUTION 110-13 – ESTABLISHING MUNICIPAL EMERGENCY MANAGEMENT / CIVIL DEFENSE COMMITTEE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. WHEREAS, it has been deemed necessary to outline various positions in connection with a Municipal Emergency Management / Civil Defense Committee and furthermore outline members of said committee, and

WHEREAS, the Municipal Emergency Management / Civil Defense Committee shall consist of one Coordinator position, one (1) Deputy Coordinator position, five (5) Deputy positions, five (5) board advisors and one (1) board secretary, and

WHEREAS, the members of said board shall be appointed by the Township Committee of the Township of Middle, and

WHEREAS, the terms of said members shall be as follows:

- (1) The coordinator shall be appointed to serve for a term of three years.
- (2) The Deputy Coordinator shall be appointed to serve an initial term of two years. Thereafter this member shall serve a three year term.
- (3) The Deputies shall serve a term of one year. There shall be one representative from each of the following departments: Chief of Police, Fire Department, EMT, Public Works, Township Hall.
- (4) Advisors shall serve a term of one year.
- (5) Board Secretary shall serve a term of one year.

WHEREAS, each member of the Municipal Emergency Management / Civil Defense Committee shall serve until his successor has been appointed and qualified and any vacancy occurring in the membership of the Municipal Emergency Management / Civil Defense Committee shall be filled for the unexpired term.

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 members are hereby appointed to serve on the Municipal Emergency Management / Civil Defense Committee:

Paul Fritsch, Coordinator	Term expiration 12/31/2014
Sean McDevitt, Deputy Coordinator	Term expiration 12/31/2013
Christopher Leusner, Deputy	Term expiration 12/31/2013
Mike Linz, Deputy	Term expiration 12/31/2013
Kim Krauss, Deputy	Term expiration 12/31/2013
Advisor, Fire District 1	Term expiration 12/31/2013
Advisor, Fire District 2	Term expiration 12/31/2013
Advisor, Fire District 3	Term expiration 12/31/2013
Advisor, Fire District 4	Term expiration 12/31/2013
Advisor, Member of Twp. Committee	Term expiration 12/31/2013
Jill Becker, Board Secretary	Term expiration 12/31/2013

22. RESOLUTION 111-13 – SEWER INTEREST – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. The County of Cape May has requested that interest be waived on the properties listed below for the 1st quarter of 2013

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
4581	234	1	County of Cape May 30 Mechanic Street	\$6.84
4585	234	26	County of Cape May 7 N Main Street	\$3.91
4583	234	14	County of Cape May 10 Mechanic Street	\$3.28
6792	465	1.01	Cape May Co Park Commission Bayshore Road	\$2.87
4582	234	2	County of Cape May 11 N Main Street	\$9.52

23. RESOLUTION 112-13 – APPROVAL FOR PAYMENT TERMINAL LEAVE – CAROL FIORE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Carol Fiore has retired with an effective date of January 31, 2013; and WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, 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; and

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.

Carol Fiore			
vacation	11.75	103.09	\$1,211.31
Sick (capped)	66.25	103.09	\$6,829.71
personal	0	103.09	0
comp	0	103.09	0
TOTAL			\$8,041.02

24. RESOLUTION 113-13 – OPPOSING ASSEMBLY BILL A-1196 – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, Public safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses, and
 WHEREAS, New Jersey’s current Workers’ Compensation law is already one of the broadest in the country, and
 WHEREAS, A-1196 as currently written will make it almost impossible to contest claims from injuries and illnesses caused off-the-job, and
 WHEREAS, This bill places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack or hyper tension did not occur on the job, and
 WHEREAS, The MEL’s actuary has estimated that A-1196 could easily double municipal Workers’ Compensation expense of \$400 million per year, and
 WHEREAS, The MEL has offered to sit down with the supporters of this legislation to develop less expensive ways of improving the compensation to first responders.
 NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, that the legislature be urged to reject A-1196 and urges the supporters of this legislation to work with the MEL and representatives of other units of government to develop less expensive ways to improve compensation to first responders.
 BE IT FURTHER RESOLVED, that the Municipal Clerk shall send copies of this resolution to the Senate President, Assembly Speaker, members of the legislative delegation representing the municipality, and the Governor.
25. RESOLUTION 114-13 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:
- | NAME | PREVIOUS STATUS | AMENDED STATUS | EFFECTIVE DATE |
|----------------|-------------------|-------------------------|----------------|
| William Markee | Laborer 1 T/A P/T | Laborer 1 Permanent P/T | 02/20/2013 |
| Leroy Sneathen | Laborer 1 T/A P/T | Laborer 1 Permanent P/T | 02/20/2013 |
26. RESOLUTION 115-13 – CANCELLATION OF TAXES – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
 Cancellation of taxes due to transfer of ownership to the Township of Middle
- | ACCT | BLOCK | LOT | OWNER/LOCATION | AMOUNT |
|-------|-------|-----|---|----------|
| 3537 | 169 | 1 | Township of Middle
Property location: 237 Sound Drive | \$159.71 |
| 18782 | 170 | 8 | Township of Middle Township
Property location: 111 Sound Drive | \$218.59 |
27. RESOLUTION 116-13 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – DAVID A. STEFANKIEWICZ – PLANNING BOARD SOLICITOR – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and
 WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 31-13 dated January 3, 2013, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and
 WHEREAS, the Planning Board has formally passed Resolution No. PB-ATTY13, appointing David A. Stefankiewicz, Esquire.
 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 submission shall be awarded as follows:
 David A. Stefankiewicz – Planning Board Solicitor – Not to Exceed \$36,000.00
 BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
 BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2013.
28. RESOLUTION 117-13 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – VICTORIA A. STEFFEN – ZONING BOARD SOLICITOR – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and
 WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 547-12 dated November 19, 2012, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously

established by the Township, and has made a decision on each proposal submitted in light of those criteria, and

WHEREAS, the Zoning Board of Adjustment has formally passed Resolution No. ZBATTY13, appointing Ms. Steffen.

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 submission shall be awarded as follows:

Victoria A. Steffen Esq.– Zoning Board Solicitor – Not to exceed \$23,000.00 (with an hourly rate of \$135.00 per hour to be charged for all litigation services before any NJ Court, if required).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2013.

29. RESOLUTION 118-13 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – VINCENT C. ORLANDO – ZONING BOARD ENGINEER – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and

WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 573-12 dated December 3, 2012, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and

WHEREAS, the Zoning Board has formally passed Resolution No. ZB-ENG13, appointing Mr. Orlando.

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 submission shall be awarded as follows:

Vincent C. Orlando – Zoning Board Engineer – all fees related shall be charged to the appropriate escrow accounts as necessary.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2013.

30. RESOLUTION 119-13 – CLOSED SESSION – PERSONNEL MATTERS (TOWNSHIP BUSINESS ADMINISTRATOR POSITION AND RECREATIONAL DIRECTOR POSITION) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

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

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

WHEREAS, the Township Committee of the Township of Middle wishes to meet in closed/executive session regarding the position of Township Business Administrator and Recreational Director, and furthermore review resumes and applications as submitted and hold interviews in connection therewith, 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 – PERSONNEL MATTERS (TOWNSHIP BUSINESS ADMINISTRATOR POSITION AND RECREATIONAL DIRECTOR POSITION)

2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – PERSONNEL MATTERS (TOWNSHIP BUSINESS ADMINISTRATOR POSITION AND RECREATIONAL DIRECTOR POSITION)

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.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the following topic in closed session: PERSONNEL MATTERS (TOWNSHIP BUSINESS ADMINISTRATOR POSITION AND RECREATIONAL DIRECTOR POSITION)

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.

31. RESOLUTION 120-13 – RELEASE OF REMAINING PERFORMANCE BOND – JULIA COURT – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 WHEREAS, most improvements located at Block 94 Lot 69, otherwise known as Julia Court, have been completed and were accepted, along with the actual road, via Resolution No. 443-10 dated October 18, 2010, and
 WHEREAS, \$15,120.00 cash bond was held for street trees, and
 WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$54,095.50 for a two-year period effective October 18, 2010.
 WHEREAS, the conflict engineer for this project has submitted his letter of review and has determined that all trees planted as part of this subdivision are healthy and suitable for their intended purpose.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the remaining balance of said performance bond shall be released per this recommendation.
32. RESOLUTION 121-13 – SALARY AMENDMENT – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the salary for the employee indicated below is hereby amended and shall be referenced as follows:
- | NAME | EFFECTIVE | DEPARTMENT | TITLE | SALARY | |
|--------------------|-----------|---------------|-------|-------------|------------|
| Robert Bongiovanni | | Public Safety | Clerk | \$16.74 p/h | 02/20/2013 |
33. RESOLUTION 122-13 – AMEND CONTRACT AND RATIFY AGREEMENT – SJESP – NEW JERSEY OFFICE OF CLEAN ENERGY, DIRECT INSTALL PROGRAM – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the township approved via Resolution 38-13 an agreement with SJESP, New Jersey Office of Clean Energy for the Direct Install Program, which includes repairs and acquisition of a new HVAC unit at Township Hall, along with various cost saving energy efficient lighting upgrades, and
 WHEREAS, the Township of Middle has a 30% match for this project, which was approved in the amount of \$17,056.90, via said resolution, and
 WHEREAS, after further evaluation it was noted that some of the township offices were inadvertently missed during the initial inspection.
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between SJESP and the Township of Middle, in connection with the NJ Direct Install Program Grant, be and is hereby amended to read a 30% match in the amount of \$18,375.89, which is a difference of exactly \$1318.99.
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
 SJESP – New Jersey Office of Clean Energy, Direct Install Program - \$18,375.89
34. RESOLUTION 123-13 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY OFFICE OF CLEAN ENERGY DIRECT INSTALL PROGRAM – PUBLIC WORKS BUILDINGS – 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, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit a grant application through the New Jersey Office of Clean Energy, on behalf of the Township of Middle.
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
35. RESOLUTION 124-13 – AWARD CONTRACT AND RATIFY AGREEMENT – SJESP – NEW JERSEY OFFICE OF CLEAN ENERGY, DIRECT INSTALL PROGRAM – CLARENCE DAVIES COMPLEX – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle applied for, and received, a grant from the New Jersey Office of Clean Energy, Direct Install Program for energy efficient lighting upgrades at the Clarence Davies Complex, and
 WHEREAS, the Township of Middle has a 30% match for this project, which amounts to \$1,956.88.
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between SJESP and the Township of Middle, in connection with the NJ Direct Install Program Grant, be and is hereby authorized.
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
 SJESP – New Jersey Office of Clean Energy, Direct Install Program - \$1,956.88

36. PUBLIC COMMENT:

Marc DeBlasio – Engineer Report



EDWARD VERNICK, PE, CME, President
CRAIG F. REMINGTON, PLS, PP, Vice President

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Edward J. Walberg, PE, PP, CME
Thomas F. Beach, PE, CME
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CORPORATE SECRETARY
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ENGINEERING STATUS REPORT MIDDLE TOWNSHIP

February 20, 2013

Prepared For:
TOWNSHIP COMMITTEE

Prepared By:
MARC DEBLASIO, P.E., P.P., C.M.E.
Township Engineer

GRANT APPLICATIONS

Game Time Recreation-Playgrounds

- Marturano Recreation has offered the Township a 50% grant for the playgrounds identified for the Davies Sports Complex and in Rio Grande. The total grant amounts are listed below:

1. Davies Sports Complex	\$29,043.00
2. Rio Grande	\$11,362.00
Total	\$40,405.00

- Based on our meeting, the Township identified playground needs at the Davies Sports Complex and in Rio Grande.
- The Township can utilize this playground grant as an "in kind" match for the Township's pending NJDCA Small Cites grant application which contains the installation of an ADA playground at the Davies Sports Complex.

NJDOT Transportation Enhancement Program

- The Township has selected the streetscaping of Main Street from Mechanic Street to Hand Avenue and Mechanic Street from Boyd Street to Main Street (south side).
- Our office provided the necessary information and deliverables to Triad Associates on July 14th and the grant application was submitted for the July 17th deadline.

NJDOT State Aid Program

- The State has sent out letters announcing the 2013 State Aid Program. Grants are available for the following categories:
 - Municipal Aid, Transit Village, Bikeways & Safe Streets to Transit
- The following grant applications were submitted before the October 16, 2012 deadline:
 - Municipal Roadway: Second Street – Phase 2
 - Bikeways: Bike Path Phase 4
 - Safe Streets to Transit: Main Street Sidewalk Installation Phase 2

Page 1 of 3

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Committeemember DeLanzo – No Comments.

Committeemember Donohue – Congratulations to new officer, Mary Champion.

Recognized Tammy Devitt for holding recreation department together over the past couple months, same to Deputy Business Administrator Kimberly Krauss for hard work during the hiring process of a new Business Administrator and help getting some projects finished recently.

Mayor Lockwood – Parkway Project has been getting some traction, went to meeting today to discuss improvements, was able to bring in police and fire to discuss emergency situations during the project. Was able to meet emergency personnel to know who to call in the event of a situation. Would like to turn this into a positive for the township, such as restaurants for the workers to eat and a place for them to sleep. Big project that will take over three years and one of the largest changes for Middle Township.

Hope to introduce budget next meeting for the public to review, then will hold a work session during the second meeting in March.

Has been doing a lot of FEMA work and keeping up on everything going on since Hurricane Sandy.

Carol Fiore will be missed, she was a great employee of the Township. Deborah Becker will be moving into the Court so there will be some changes coming into the Township soon.

Sabastiani, Pierces Point – Asked if residents on bay front were notified of new ordinance regarding bulkheads.

Mayor Lockwood - A public notice was published in local newspaper. Mentioned that Ordinance is to benefit residents and it was an amended ordinance, not a new ordinance.

Julie Grecci, Avalon, New Jersey Home & Health – FEMA grant offers counseling for disaster relief through NJ Division of Mental Health. Left information from her agency regarding counseling services.

John Herane, Pierces Point – inquired about replenishing sand for horseshoe crabs at Pierces Point.

Committeemember Donohue – Went to meeting about 10 days ago, Immediate fill approved but only to cover \$300,000 worth of sand through New Jersey Wildlife. Working with FEMA to receive more sand. Want to protect property owners as well as horseshoe crabs and red knots.

John Herane – Would Army Core be involved?

Committeemember Donohue – Yes, they would be the lead agency. We are pushing as hard as we can for this to get done.

Motion to go into closed session – 7:00pm

1st Committeemember Donohue 2nd Committeemember DeLanzo

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

Motion to adjourn meeting – 8:20pm

1st Committeemember DeLanzo 2nd Committeemember Donohue

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

Kimberly Krauss, Township Clerk