

Cape May Court House, NJ
July 16, 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, Deputy Township Clerk Dawn Stimmel, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. PRESENTATION –PRESENTATION OF FLAG FLOWN IN AFGHANISTAN BY RICH MCHALE IN HONOR OF MIDDLE TOWNSHIP FOR ALL OF THEIR SUPPORT OF THE ARMED SERVICES AND VETERANS

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

Madelyn McCarroll: Questioned the fact that we would be getting more money from Pilot than taxes.

Mark Mallett: Explained 95% of money from the Pilot is kept by the Township as opposed to 4% from taxes. \$50,000 more would go to Township revenues.

Madelyn McCarroll: No savings to the developer then?

Mark Mallett: He saves \$11,000.

Carol Librum: Will we still be able to voice our concerns? When decision is made, will money be escrowed or given directly to the developer?

Mike Jedziniak: It will be held in a trust account until contract approved.

Elijah Scull: Under COAH rules are Pilot Programs mandated?

Mike Jedziniak: No, but without the Pilot we are not competitive.

Carol Mattessich: Yes or no, are we talking about 7% of profit to be put into contract?

Mike Jedziniak: If agreement done, we are talking about 7% with Conifer. That 7% is based on gross rents collected, fines imposed and any other gross income they collect.

Fran Grant: Are we going to have a public vote before going into contract with Conifer?

Mayor Lockwood: No

Mike Jedziniak: There is a draft contract between Conifer and Township Committee they can choose to vote or not vote on. COAH can take the money if no contract signed.

Barb Cresse: Then give them the money, we don't want it.

Committeeman Donohue: We face a legal challenge. You are implying we are in favor of this. We are just trying to manage a situation that is best for the Township. Doing nothing on Railroad Avenue is not an option. If someone has a better solution, we are willing to listen.

Karl Carmelowicz: His understanding is that the courts of NJ are saying you have to have affordable housing. You can't discriminate. If Township doesn't do it, the courts will make it happen

Lee Ann Holmes: People trying to explain this has been an issue for use. Rio Grande is surrounded by drug dealers. We need better planning.

Theresa Hamann: We are not against affordable housing, just their locations.

Carol Librum: When the contract is signed with Conifer, is there any provision allowing for different locations? Public comments are moot!

Committeeman Donohue: We did not choose the sites. The most locked in site is the Railroad Avenue site.

Shirley Green: Where are these people going to work, there are no jobs.

Committeeman Donohue: They have to have a job in order to qualify.

Eileen Fausey: Municipalities can go before courts and argue their cases. Do you feel homes in Deptford are similar to ours?

Committeewoman DeLanzo: Both sites were rather rural.

Madelyn McCarroll: Requested the cost to the community be put on line. Upset we hired someone who wants this pushed through. We want you to have our backs. We need creative problem solving and we want you to represent us. People are tired of speaking up and not being heard.

Bob Noel: A lot of people want affordable housing, this is not one sided. They have studied every angle. The residents who don't show up are putting their trust in the committee to make the right decision.

Fran Grant: Can we put a stay on this?

Mike Jedziniak: Just last week the court said no.

Sam Kelly: We understand that if we don't sign contract that there could be repercussions.

Carol Mattessich: Said she objects to Resolutions 337-12 and 338-12. She would like for them to be summarized.

Elizabeth Terenik: Gave a Spending Plan synopsis. Said Resolution 258-12 has been changed to add information about development. Going to put parcels in plan. Also adding \$40,000 to Administrative line item, and giving \$23,500 to ARC. ARC will go from \$46,100 to \$69,600.

Bob Noel: Wanted to know if the Township was locked into these parcels or could they be switched off?

3. REPORTS: The following departments have submitted their reports for the months indicated: Tax Collector for June

4. RESOLUTION NO.315 -12 - APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) - On motion by Committeeman Donohue seconded by Committeewoman 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.
\$285,084.29

5. RESOLUTION NO. 316-12 – APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE) - On motion by Committeewoman DeLanzo seconded by Committeeman 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 payment for the following bills in the amounts indicated are hereby approved:

Current Acct.
\$ 145.00

Mayor Lockwood abstained

6. RESOLUTION NO. 317 -12 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

7. RESOLUTION 318-12- FORECLOSURE GROUP #189 - On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #189, be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of Certificates to Township Solicitor, Marcus Karavan to proceed to Foreclose in Rem, the lands and premises covered by said certificates

8. RESOLUTION 319-12 – FORECLOSURE GROUP #190 - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #190, be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of Certificates to Township Solicitor, Marcus Karavan to proceed to Foreclose in Rem, the lands and premises covered by said certificates

9. RESOLUTION 320-12 - REFUND OF OVERPAYMENT-SEWER – On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, the governing body thereof, that the Director of Sewer is hereby authorized to make the adjustment to sewer account referenced below:

ACCOUNT NUMBER	OWNER	BLOCK/LOT	AMOUNT
4754-0	SHAWN HUNTER PO BOX 843 CAPE MAY CT HS, NJ 08210	248/1.01	\$140.00

10. RESOLUTION 321-12 - RELEASE OF TRUST ACCOUNTS - On motion by Committeeman Donohue seconded by Committeewoman 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.

11. RESOLUTION 322-12 - AMENDING RESOLUTION 113-12 AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – JEFFREY R. SURENIAN AND ASSOCIATES, LLC. – COAH COUNSEL - On motion by Committeeman Donohue seconded by Committeewoman DeLanzo 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 awarded on February 22, 2012, Not to Exceed \$10,000; so 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 not to exceed \$30,000.00 for a Contract total of \$40,000.

12. RESOLUTION 323-12 - APPROVAL FOR PAYMENT TERMINAL LEAVE – BONITA MILLARD - On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, Bonita Millard has retired with an effective date of July 1st, 2012, 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, 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.

Bonita Millard			
vacation 36	177.60	6,393.60	
Sick	3.5	177.60	621.60
personal 3	177.60	532.80	
comp			
total		7,548.00	

13. RESOLUTION 324-12 - ACKNOWLEDGEMENT OF RETIREMENT-POLICE OFFICER-SHARON PRICE - On motion by Committeewoman DeLanzo seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted. WHEREAS, Sharon Price, a Middle Township Police Officer is retiring August 1, 2012; so BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT POSITION	EFFECTIVE
Sharon Price	Police Officer	08/01/12

14. RESOLUTION 325-12 - AUTHORIZING CREATION OF LIEN ON PROPERTY – MAINTENANCE - On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance, and WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc., and WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”, and WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied.

WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations, and
 WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.
 FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROP. LOCATION	BLOCK / LOT	AMOUNT
William Colbourne	6 Colonial Ave.	305/1	\$312.81
Charles & Doris Albright	109 W Main St.	1124/4	\$104.27
Beverly Saylor & J.L. Goodway	1453 Burleigh Rd.	1410.01/52	\$173.80
Noel Shields	312 Rt 47 N	49/4	\$173.80
Randy & Rachel Yarwasky	811 Goshen Rd.	52/13	\$173.80
Robert & Rosalie King	124 Indian Trail	208/4	\$173.80
Herbert Jaudon	301 Goshen Rd.	60/11	\$173.80
Kevin & Amy Gayle	9 Wayne	56.06/5	\$173.80
David Smith	18 Goshen Rd	215/10	\$104.27
Marion Hasili	4 Marye	1443/24	\$104.27

15. ORDINANCE 1411-12 - ORDINANCE AMENDING ORDINANCE NO. 797-91 TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 70-3 (C) TITLED TRAFFIC COMMITTEE MEMBERSHIP - Following second reading, hearing, and consideration for adoption, Ordinance 1411-12 was adopted on motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

NO COMMENTS

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 70-3 (C) of the Code of the Township of Middle is hereby amended as follows:

Section 70-3 (C) - Membership

C. Two alternates having a term of two years' duration.

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.

16. ORDINANCE 1412-12 - ORDINANCE AMENDING CHAPTER 46, ARTICLE III-SPECIAL LAW ENFORCEMENT OFFICERS – POLICE DEPARTMENT - Following second reading, hearing, and consideration for adoption, Ordinance 1412-12 was adopted on motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

NO COMMENT

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 46-14 – Carrying of Firearms of the Code of the Township of Middle is hereby amended as follows:

The use of a firearm by a Class Once Special law enforcement officer shall be strictly prohibited and no Class One Special law enforcement officer shall be assigned to duties which may require the carrying or use of a firearm.

SECTION 2. Chapter 46-15 – Supervision of the Code of the Township of Middle is hereby amended as follows:

All Class Two and Class One special law enforcement officers shall function under the supervision and direction of the Chief of Police or, in the absence of the Chief, such other chief law enforcement officer as may function in his place instead.

SECTION 3. Chapter 46-16 - Employment restrictions of the Code of the Township of Middle is hereby amended as follows:

Class Two and Class One special law enforcement officers shall be employed only to assist the regularly employed police officers of the Township of Middle and may not be employed to replace full time, regular police officers or in any way diminish the number of full-time officers employed by the Township.

SECTION 4. Chapter 46-17 - Number of Officers of the Code of the Township of Middle is hereby amended as follows:

No more than five (5) Class Two or Class One special law enforcement officers may be employed at any given time.

SECTION 5. Chapter 46-18 – Residency requirement of the Code of the Township of Middle is hereby amended as follows:

Preference shall be given to residents of Middle Township for appointment to the special law enforcement officer.

SECTION 6. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 7. This Ordinance shall become effective immediately upon final passage and publication according to law.

17. ORDINANCE 1414-12 - REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING LOANS OF THE TOWNSHIP, INCLUDING THOSE LOANS DATED JULY 16, 1993, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,385,000; DATED JULY 14, 1994, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,604,700; DATED DECEMBER 1, 1995, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,375,000; DATED FEBRUARY 1, 1996, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,374,000; DATED JULY 27, 2001, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,080,000; DATED FEBRUARY 24, 2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,408,000; AND DATED FEBRUARY 24, 2006, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$450,000, ALL ISSUED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE - RURAL DEVELOPMENT, AND APPROPRIATING \$11,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,000,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF -

On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, Ordinance No 1414-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/20/12 at 6:00 p.m. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of Middle, in the County of Cape May, New Jersey (the "Township") is hereby authorized to refund:

(a) all or a portion of the outstanding bonds of the Township originally issued in the aggregate principal amount of \$2,385,000 to the United States Department of Agriculture – Rural Development, dated July 16, 1993 (the "1993 Bonds"). All or a portion of the 1993 Bonds maturing after July 16, 2012 (the "1993 Refunded Bonds") will be called for redemption at a redemption price equal to 100% of such 1993 Refunded Bonds, plus unpaid accrued interest, if any, to the date fixed for redemption; and

(b) all or a portion of the outstanding bonds of the Township originally issued in the aggregate principal amount of \$1,604,700 to the United States Department of Agriculture – Rural Development, dated July 14, 1994, (the "1994 Bonds"). All or a portion of the 1994 Bonds maturing after July 1, 2012 (the "1994 Refunded Bonds") will be called for redemption at a redemption price equal to 100% of such 1994 Refunded Bonds, plus unpaid accrued interest, if any, to the date fixed for redemption; and

(c) all or a portion of the outstanding bonds of the Township originally issued in the aggregate principal amount of \$1,375,000 to the United States Department of Agriculture – Rural Development, dated December 1, 1995 (the "1995 Bonds"). All or a portion of the 1995 Bonds maturing on and after December 1, 2012 (the "1995 Refunded Bonds") will be called for redemption at a redemption price equal to 100% of such 1995 Refunded Bonds, plus unpaid accrued interest, if any, to the date fixed for redemption; and

(d) all or a portion of the outstanding bonds of the Township originally issued in the aggregate principal amount of \$2,374,000 to the United States Department of Agriculture – Rural Development, dated February 1, 1996 (the "1996 Bonds"). All or a portion of the 1996 Bonds maturing after August 1, 2012 (the "1996 Refunded Bonds") will be called for redemption at a redemption price equal to 100% of such 1996 Refunded Bonds, plus unpaid accrued interest, if any, to the date fixed for redemption; and

(e) all or a portion of the outstanding bonds of the Township originally issued in the aggregate principal amount of \$2,080,000 to the United States Department of Agriculture – Rural Development, dated July 27, 2001 (the "2001 Bonds"). All or a portion of the 2001 Bonds maturing after July 27, 2012 (the "2001 Refunded Bonds") will be called for redemption at a redemption price equal to 100% of such 2001 Refunded Bonds, plus unpaid accrued interest, if any, to the date fixed for redemption; and

(f) all or a portion of the outstanding bonds of the Township originally issued in the aggregate principal amount of \$2,408,000 to the United States Department of Agriculture – Rural Development, dated February 24, 2006 (the "2006A Bonds"). All or a portion of the 2006A Bonds maturing on and after January 27, 2013 (the "206A Refunded Bonds") will be called for redemption at a redemption price equal to 100% of such 2006A Refunded Bonds, plus unpaid accrued interest, if any, to the date fixed for redemption; and

(g) all or a portion of the outstanding bonds of the Township originally issued in the aggregate principal amount of \$450,000 to the United States Department of Agriculture – Rural Development, dated February 24, 2006 (the "2006B Bonds"). All or a portion of the 2006B Bonds maturing after August 24, 2012 (the "2006B Refunded Bonds") will be called for redemption at a redemption price equal to 100% of such 2006B Refunded Bonds, plus unpaid accrued interest, if any, to the date fixed for redemption; and

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$11,000,000 pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the refunding bonds and notes provided in this refunding bond ordinance by \$213,363.51 and that an amount representing the obligations to be refunded (\$10,786,636.49) will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Township.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 7. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

18. ORDINANCE NO. - 1415-12 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188, SECTION 188-9, FEE SCHEDULE - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, Ordinance No 1415-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/20/12 at 6:00 p.m. 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 188-9, Fee Schedule, of the Code of the Township of Middle is hereby amended to read as follows:

Fees for usage of recreational facilities are as follows:

Organization or use	Fee
Samuel S. DeVico Senior Citizen Center	
Membership Fee	\$5
Middle Township employees/government/organizations/senior citizens	\$100/event;\$30/three-hour meeting
Middle Township Community organizations	\$300/year for one meeting a month
Non-profit/private organizations	\$150/event;\$75/monthly meeting (6 or more meetings a year)
Commercial organizations	\$250/event;\$125/monthly meeting (6 or more meetings/year);\$75/weekly meeting(2 or more meetings;month)
Goshen Complex and Martin Luther King Center	
Baseball/softball fields (tournaments)	\$150/day/field
Baseball/softball fields (MTBSA Sponsored tournaments)	\$ 75/day/field
Deposit Required	
1-2 Fields	\$150.00
3-4 Fields	\$300.00
5-6 Fields	\$450.00
With lights	Additional \$50/field
Football fields	\$125/day
Deposit Required	\$ 50 per field
With lights	Additional \$50/day
Organized basketball tournaments	\$125/day
With lights (outdoor MLK courts)	Additional \$50/day
Soccer Fields	\$125/day
Deposit Required	\$50 per field
With lights	Additional \$50/day
Hockey Rink (MT Hockey Assoc. sponsored tournament)	\$75/day
Goshen & MLK gymnasiums (tournaments)	\$500/day or \$1,500 for Friday, Saturday and Sunday)
For nonprofit (501c) Organizations	\$250/day or \$750 for Friday, Saturday and Sunday
Sports camps	\$125/day/field
Community rooms	\$75/hour
If using MLK kitchen	\$Additional \$50/hour
Pavilion/outdoor reunions/events at MLK	\$35/event
If using MLK kitchen	Additional \$50/hour
Snack Stand Baker Center	\$350/day

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

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

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

19. RESOLUTION 326-12 - AMENDING RESOLUTION #283-12 - FAIR AND OPEN CONTRACT FOR PLANNING CONSULTANT-AFFORDABLE HOUSING RESPONSIBILITIES - On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, on June 18, 2012, Township Committee passed a resolution under the Fair and Open process to appoint Terenik Land Use Consulting to serve COAH Planning Consultant via Resolution No 283-12 For an amount not to exceed \$33,250; and

WHEREAS, due to the increased scope of work associated with COAH/Affordable Housing responsibilities it is necessary to amend the original contract to include additional monies not to exceed \$20,000; so

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Terenik Land Use Consulting is hereby authorized to perform all affordable housing responsibilities until December 31, 2012 with a contract amount not to exceed \$53,250.00 (including the additional amount \$20,000.00 as herein stated.)

20. RESOLUTION 327-12 - AUTHORIZING PURCHASE UNDER STATE CONTRACT FOR COPY MACHINE-REPLACING RESOLUTION 307-12 TABLED FROM JULY 2, 2012 MEETING - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to lease various copy machines for the Township of Middle, in the County of Cape May, State of New Jersey; and

WHEREAS, machines will be leased for the following departments:

1. Administration Office

WHEREAS, these can be purchased through State Contract T-2075 (A51464), and

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

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

Keystone Digital Imaging

PO Box 1610

Media, PA 19063

For the lease/purchase of copier machine(s) for 36 months at \$360.00 per month.

21. RESOLUTION 328-12 - APPROVE CHANGE ORDER NO. 1-CONTRACT NO. 24-DAVIES COMPLEX WATER REUSE BOOSTER STATION - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, on November 7, 2011 via Resolution No. 552-11, the above project was approved, and THEREFORE, BE IT FURTHER 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 A.C. Schultes. be and is hereby approved for:

Relocating the booster station building to avoid conflict with new bathroom facilities - : \$7,865.60

Installing Radio Transmission System to remote communicate water usage to the CMCMUA - \$15,176.50

Installing a remote selector switch to facilitate easier irrigation operations - \$3,275.00

Total Change Order Request - \$26,317.10

22. RESOLUTION 329-12 - APPROVING AN APPLICATION FOR THE FY 2012 NJDOT

TRANSPORTATION ENHANCEMENT PROGRAM - On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the New Jersey Department of Transportation provides funding for a variety of pedestrian, bicycle, vehicular and quality of life "Transportation Enhancements"; and

WHEREAS, Middle Township is seeking funding from the N.J. DOT Transportation Enhancement Program for a variety of streetscape and quality of life improvements along U.S. Route 9 – Main Street – and Mechanic Street in Cape May Courthouse; and

WHEREAS, Middle Township desires to promote the safe and efficient circulation of traffic through a "complete streets" development concept and through the associated investment in design, safety and other amenities that are part of the proposed project; and

WHEREAS, the Township acknowledges its responsibility for the maintenance of the curbing, sidewalks, lighting, and other pedestrian and streetscape improvements resulting from this project,

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

1. The Committee hereby endorses the N.J. DOT Transportation Enhancement Program application for a grant to make streetscape, safety and other improvements along a designated portion of U.S. Route 9 – Main Street – and Mechanic Street as defined by the project application; and

2. The Committee hereby agrees to provide the required long-term maintenance on the proposed improvements to be funded through the N.J. Transportation Enhancement Program.

WHEREAS, the Township of Middle is aware of the requirement that it provide a match if the Township is awarded the grant. If the Township's application is approved, the Township is committed to contribute \$13,675.00. There is no expiration on this commitment; and

WHEREAS, Cape May County had pledged an additional \$13,675.00 for a total match of \$27,350.00 for this project; so

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign the application, the agreement, and any other documents in connection therewith.

23. RESOLUTION 330-12 - 2012-2013 HOTEL/MOTEL LICENSE APPROVAL - On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has established a Hotel / Motel License in connection with Ordinance NO. 1157-04, and

WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee, and

WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year, and

WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property taxes. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent.

WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00.

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

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

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2012-2013:

Lic. #	Applicant	Tradename	Location	Sites
15	Kathleen Clark	Meadowbrook Motel	605 N. Wildwood Blvd.	20, Owners Qtrs.

24. RESOLUTION 331-12 - APPOINTMENTS – NEW HIRE - On motion by Committeewoman DeLanzo seconded by Committeeman 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	DEPARTMENT	TITLE	SALARY	EFF. DATE
Sandra Linz	Public Safety	Keyboarding Clerk 1	\$18,720.00	07/17/2012

25. ***TABLED***RESOLUTION 332-12 - RELEASE OF MAINTENANCE BOND – SOUTHERN SHORES LLC – LAWRENCE PREY - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, a \$56,439.57 Maintenance Bond is being held as a Two Year Maintenance Guarantee for Southern Shores LLC c/o Lawrence Prey for Block 168 , Lots 21-26, 40 ;

WHEREAS, the Engineer for the Township of Middle has conducted his site observation of the referenced area, and

WHEREAS, the Engineer for the Township of Middle has recommended that the bond be released, and

WHEREAS, the Zoning Officer has certified that the Bond in the amount of \$56,439.57 be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond in the amount of \$56,439.57 , plus any interest accrued, be and is hereby released.

26. RESOLUTION 333-12 - AMENDING RESOLUTION 2-12 - FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON & VERNICK – BENNETT ROAD SURVEY AND BASE MAPPING - On motion by Mayor Lockwood seconded by Committeeman Donohue 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 to serve as Municipal Engineer at its January 2012 reorganization meeting, and

WHEREAS, Remington Vernick & Walberg are providing additional engineering services for Bennett Road Survey and Base Mapping-not to exceed \$3,200;

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 shall provide the additional engineering services mentioned above.

BE IT FURTHER RESOLVED, that the contract for FY 2012 for Remington Vernick & Walberg, as approved January 4, 2012 otherwise known as Resolution 2-12, shall be amended as referenced above.

27. RESOLUTION 334-12 - AMENDING RESOLUTION 2-12 - FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON & VERNICK-JET VAC TRUCK - On motion by Committeeman Donohue seconded by Committeewoman 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 to serve as Municipal Engineer at its January 2012 reorganization meeting, and

WHEREAS, Remington Vernick & Walberg are providing additional engineering services for procuring and receiving bids for a Jet Vac Truck for \$2,000; so

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 shall provide the additional engineering services mentioned above.

BE IT FURTHER RESOLVED, that the contract for FY 2012 for Remington Vernick & Walberg, as approved January 4, 2012 otherwise known as Resolution 2-12, shall be amended as referenced above.

28. RESOLUTION 335-12 - DEPARTMENT CHANGE – BARBARA MONTGOMERY - On motion by Committeeman Donohue seconded by Committeewoman 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 following department change for the following employee is hereby acknowledged:

Name	Prev. Dept.	New Dept.	Title	Effective
Barbara Montgomery	Records	Court	Clerk Typist	07/17/2012

29. ORDINANCE 1416-12 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250 THEREOF ENTITLED “ZONING” - On motion by Mayor Lockwood seconded by Committeewoman DeLanzo and passed on roll call, Ordinance No 1416-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/20/12 at 6:00 p.m. 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 the State of New Jersey as follows:

SECTION 1. Chapter 250 of the Code of the Township of Middle is hereby amended and supplemented to add a new article to read as follows:

ARTICLE VIII: AFFORDABLE HOUSING

§ 250-800. Purpose and Definitions

A. Purpose

1. To provide for a realistic opportunity for affordable housing as required by the New Jersey Fair Housing Act.
2. To effectuate the following master plan goals: Provide housing to meet the needs of current and future Township residents by providing a full range of housing opportunities for all income levels and housing needs; Encourage affordable housing close to the job centers; to promote infill development.
3. To provide opportunities for affordable housing units within the residential centers of the Township, thereby coordinating access to employment, transportation and public facilities.

B. Definition- Affordable Housing Unit shall mean a housing unit developed on the site which shall be affordable to low and moderate income households consistent with the current regulations of the New Jersey Council on Affordable Housing (“COAH”) or successor agency, at N.J.A.C. 5:87-1 et seq., and shall comply with the uniform Housing Affordability Controls standards at N.J.A.C. 5:80-26.

§ 250-801. Affordable Housing Overlay Zone

A. Applicability – This overlay zone provides incentives for 100% affordable multifamily residential development on parcels 2 acres or larger in area and is applicable to the following parcels only:

AH #	Block and Lot	Address	Acres
1	Block 1523, Lots 3 and 4	4006 Route 9 South at Rio Grande Avenue, Rio Grande	16.42 acres
2	Block 56.01, Lot 46	8 Railroad Avenue, Cape May Court House	9.64 acres

AH = Affordable Housing

B. Multifamily use is permitted in the R Residential zone. The bulk standards below apply.

C. Density – The maximum gross density shall be:

1. R Residential zone– 5 units per acre
2. TR Town Residential zone– 7 units per acre

D. Floor Area Ratio – maximum floor area ratio is 0.3.

E. An accessory community building providing a community room, exercise room, laundry, office, computer rooms, maintenance facilities, and related spaces and uses for residents and management is permitted in a 100% affordable housing development on lots greater than 2 acres.

F. An on-site dwelling unit for management may be market rate without affecting the applicability of this section.

G. The proposed development must comply with all applicable requirements of the code for multifamily use, including the design standards for townhouse development and multifamily residential, at §250-635, with the following exceptions:

1. Parking setback from the property line shall be a minimum of 10’.
2. Signage: one project identification sign shall be permitted, with an area not to exceed 24 square feet on one side, on each frontage of the site on a public street, and signage otherwise in accordance with §218-81
3. Open space: a minimum of 10% of the gross site area shall be reserved as common open space, which shall not include streets, parking, or other improved areas, or wetlands or flood plains.
4. Recreation: a community building with recreation facilities, a tot-lot with playground equipment, multipurpose fields, and paths shall be provided to serve the recreation needs of the residents.

H. Noncontiguous Parcel Clustering cannot be applied to 100% affordable developments.

I. In order to avoid unnecessary cost generating requirements, as required by COAH rules, at N.J.A.C. 5:97-10.2, the standards of this overlay zone shall supersede any conflicting provisions of the Zoning Ordinance, §250, and the Subdivision of Land and Site Plan Ordinance, §218.

J. Bulk Standards for 100% affordable housing development: A 100% affordable housing development may deviate from the bulk requirements of Chapter 250 as outlined below.

Minimum Lot Width	150’
Minimum Lot Frontage	150’
Minimum Yard-Side	30’
Minimum Yard-Total Side	60’
Maximum Building Height	TR zone – 38.4’
Maximum number of Stories	TR zone - 3

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

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

SECTION 4. This Ordinance shall become effective immediately upon filing with the Cape May County Planning Board and publication of notice of passage.

30. ***TABLED***RESOLUTION 336-12 - AUTHORIZING AN AGREEMENT WITH THE DIOCESESAN HOUSING SERVICES CORPORATION AND COMMITTING TO EXPEND AFFORDABLE HOUSING TRUST FUNDS FOR THE PROVISION OF AFFORDABLE HOUSING WITHIN THE TOWNSHIP - On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, according to the Department of Community Affairs, approximately \$174 million rests in local trust funds that must be committed by July 17, 2012 or risk forfeiture to the State; and

WHEREAS, the risk of trust fund forfeiture is a result of P.L. 2008. c46, or "the Roberts Bill," signed by Governor Corzine on July 17, 2008, and

WHEREAS, the Roberts Bill established a four-year window for fees to be "committed for expenditure;" and

WHEREAS, the Township has calculated that it has \$1,339,977 in collected Mount Laurel fees that must be "committed for expenditure" prior to July 17, 2012; and

WHEREAS, given the importance of the "committed for expenditure" standard, the Roberts Bill directed the Council on Affordable Housing (COAH) to promulgate regulations to define this standard shortly after the legislation was enacted; and

WHEREAS, however, COAH has not defined the standard with adopted or even proposed standards; and

WHEREAS, in the absence of such defined standards, the Township of Middle has decided that the most prudent course is for the Township to enter into fully-executed agreements with affordable housing developers to satisfy the "commit for expenditure" standard; and

WHEREAS, the Township has also endorsed a proposed Spending Plan and has filed same with COAH for its review and approval; and

WHEREAS, to protect its affordable housing trust funds, the Township has met with various affordable housing developers and has carefully considered which proposals are in the best interests of the Township from a sound land use planning perspective, and are also in the best interests of the region's low and moderate income households; and

WHEREAS, Diocesan Housing Services Corporation is a developer of affordable housing that is ready, willing, and able to provide affordable housing in the Township; and

WHEREAS, Diocesan Housing Services Corporation has represented to the Township that, in order to provide up to 80 affordable units within the Township, it will require a financial subsidy of \$379,000; and

WHEREAS, the Township has determined that, as part of its overall Mount Laurel planning efforts and to avoid having any trust fund monies forfeited to the State Affordable Housing Trust Fund pursuant to the Roberts Bill, the Township will provide Diocesan Housing Services Corporation with a financial subsidy from its affordable housing trust fund, which will thereby create the requisite "realistic opportunity" for the actual construction of affordable housing; and

WHEREAS, the Township wishes to authorize this subsidy and memorialize the terms of same in an agreement with Diocesan Housing Services Corporation, as attached as Exhibit A.

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

1. That the Township hereby commits to expend a financial subsidy to Diocesan Housing Services Corporation, utilizing Mount Laurel fees from its affordable housing trust fund in accordance with its Spending Plan, currently pending approval by COAH.

2. The Mayor and Clerk are hereby authorized to execute an agreement with Diocesan Housing Services Corporation, substantially in the form attached hereto as Schedule A, memorializing the terms of the subsidy agreement.

3. This Resolution shall take place immediately.

31. RESOLUTION 337-12 - AUTHORIZING AN AGREEMENT WITH CONIFER REALTY, LLC, AND COMMITTING TO EXPEND AFFORDABLE HOUSING TRUST FUNDS FOR THE PROVISION OF AFFORDABLE HOUSING WITHIN THE TOWNSHIP - On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, according to the Department of Community Affairs, approximately \$174 million rests in local trust funds that must be committed by July 17, 2012 or risk forfeiture to the State; and

WHEREAS, the risk of trust fund forfeiture is a result of P.L. 2008. c46, or "the Roberts Bill," signed by Governor Corzine on July 17, 2008, and

WHEREAS, the Roberts Bill established a four-year window for fees to be "committed for expenditure;" and

WHEREAS, the Township has calculated that it has \$1,339,977 in collected Mount Laurel fees that must be "committed for expenditure" prior to July 17, 2012; and

WHEREAS, given the importance of the "committed for expenditure" standard, the Roberts Bill directed the Council on Affordable Housing (COAH) to promulgate regulations to define this standard shortly after the legislation was enacted; and

WHEREAS, however, COAH has not defined the standard with adopted or even proposed standards; and

WHEREAS, in the absence of such defined standards, the Township of Middle has decided that the most prudent course is for the Township to enter into fully-executed agreements with affordable housing developers to satisfy the "commit for expenditure" standard; and

WHEREAS, the Township has also endorsed a proposed Spending Plan and has filed same with COAH for its review and approval; and

WHEREAS, to protect its affordable housing trust funds, the Township has met with various affordable housing developers and has carefully considered which proposals are in the best interests of the Township from a sound land use planning perspective, and are also in the best interests of the region's low and moderate income households; and

WHEREAS, Conifer Realty, LLC is a developer of affordable housing that is ready, willing, and able to provide affordable housing in the Township; and

WHEREAS, Conifer Realty, LLC has represented to the Township that, in order to provide 159 affordable units within the Township, it will require a financial subsidy of \$850,000; and

WHEREAS, the Township has determined that, as part of its overall Mount Laurel planning efforts and to avoid having any trust fund monies forfeited to the State Affordable Housing Trust Fund pursuant to the Roberts Bill, the Township will provide Conifer Realty, LLC with a financial subsidy from its affordable housing trust fund, which will thereby create the requisite "realistic opportunity" for the actual construction of affordable housing; and WHEREAS, the Township wishes to authorize this subsidy and memorialize the terms of same in an agreement with Conifer Realty, LLC, as attached as Exhibit A.

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

1. That the Township hereby commits to expend a financial subsidy to Conifer Realty, LLC, utilizing Mount Laurel fees from its affordable housing trust fund in accordance with its Spending Plan, currently pending approval by COAH.
2. The Mayor and Clerk are hereby authorized to execute an agreement with Conifer Realty, LLC, substantially in the form attached hereto as Schedule A, memorializing the terms of the subsidy agreement.
3. This Resolution shall take place immediately.

32. ***TABLED*** RESOLUTION 338-12 - AUTHORIZING EXECUTION OF PAYMENT IN LIEU OF TAXES AGREEMENTS PURSUANT TO PURSUANT TO THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY LAW OF 1983 (N.J.S.A. 55:14K-1 ET SEQ.) FOR THE PROPERTY KNOWN AS 8 RAILROAD AVENUE, MIDDLE TOWNSHIP, NEW JERSEY - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, CONIFER REALTY, L.L.C., a limited liability company of the State of New York (hereinafter referred to as the "Sponsor") proposes to construct an affordable rental housing development for families consisting of 48 units in townhouses and flats (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Middle Township, Cape May County (hereinafter referred to as the "Municipality") on a site described as Block 56.01, Lot 46 on the tax maps of the Township, and commonly known as 8 Railroad Avenue; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Municipal Committee a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Middle (the "Committee") that:

- (1) The Committee finds and determines that the proposed Project will meet or meets an existing housing need;
- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Committee does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed

Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and

(4) The Committee hereby authorizes and directs the Mayor of the Township of Middle execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and

(5) The Committee understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

33. ***TABLED*** RESOLUTION 339-12 - AUTHORIZING EXECUTION OF PAYMENT IN LIEU OF TAXES AGREEMENTS PURSUANT TO PURSUANT TO THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY LAW OF 1983 (N.J.S.A. 55:14K-1 ET SEQ.) FOR THE PROPERTY KNOWN AS THE "RIO GRANDE PROPERTY," MIDDLE TOWNSHIP, NEW JERSEY - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, CONIFER REALTY, L.L.C., a limited liability company of the State of New York (hereinafter referred to as the "Sponsor") proposes to construct an affordable rental housing development for families consisting of 112 units in flats (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Middle Township, Cape May County (hereinafter referred to as the "Municipality") on a site described as Block 1523, Lots 3 & 4 on the tax maps of the Township, and commonly known as the Rio Grande Property; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Municipal Committee a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Middle (the "Committee") that:

(1) The Committee finds and determines that the proposed Project will meet or meets an existing housing need;

(2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

(3) The Committee does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed

Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and

(4) The Committee hereby authorizes and directs the Mayor of the Township of Middle execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and

(5) The Committee understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

34. RESOLUTION 340-12 - TABULATION COMMITTEE – FY 2012 NEW JERSEY DEPARTMENT OF TRANSPORTATION RECONSTRUCTION OF SECOND STREET IN THE TOWNSHIP OF MIDDLE - On motion by Committeeman Donohue seconded by Committeewoman 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 Township Administrator Mark Mallett; Township Clerk Kimberly Krauss; Remington, Vernick & Walberg Engineers; Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on August 7, 2012 at 10:00 AM in the Middle Township Municipal Building, 2ND Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
FY 2012 NJDOT RECONSTRUCTION OF SECOND STREET IN MIDDLE TOWNSHIP

35. RESOLUTION 341-12 - TABULATION COMMITTEE – WHITESBORO ROADWAY IMPROVEMENTS = PHASE 3A

- On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Mark Mallett; Township Clerk Kimberly Krauss; Remington, Vernick & Walberg Engineers; Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on August 7, 2012 at 10:30 AM in the Middle Township Municipal Building, 2ND Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

WHITESBORO ROADWAY IMPROVEMENTS-PHASE 3A

36. ORDINANCE 1417-12 - BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SEWER UTILITY - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, Ordinance No 1417-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/20/12 at 6:00 p.m. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, New Jersey (the "Township"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,705,150. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligation authorized herein is deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,705,150 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is to connect the Grassy Sound neighborhood to the public sewer system by installing a sewer main from the west side of the Grassy Sound Bridge to an existing sanitary sewer manhole west of the Garden State Parkway and further including all related design and construction costs and together with all necessary and incidental miscellaneous equipment, apparatus, appliances, structures and appurtenances.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,705,150, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

37. ORDINANCE 1418-12 - AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S. 40A:4-53 FOR COMPLETION OF A REASSESSMENT PROGRAM IN THE TOWNSHIP OF MIDDLE - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, Ordinance No 1417-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/20/12 at 6:00 p.m. Complete Ordinance is on file in the Clerk's Office.

WHEREAS, the Township of Middle, County of Cape May, New Jersey ("Township"), has determined that it is necessary to undertake a program of reassessment of real property in the Township ("Project"); and

WHEREAS, the amount to be appropriated by the Township for the purpose described above is \$85,000, which amount shall be deemed a special emergency appropriation as defined and provided for in the Local Budget Law, N.J.S.A. 40A:4-1 et seq.; and

WHEREAS, it is the desire of the Township Committee to adopt an ordinance to create said special emergency appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. There is hereby appropriated pursuant to N.J.S.A. 40A:4-53(b), the sum of \$85,000 for the Project, as further described in the preamble of this ordinance.

Section 2. The appropriation of said \$85,000 for the Project as further described in the preamble of this ordinance shall be deemed a special emergency appropriation as defined, and provided for, in N.J.S.A. 40A:4-53(b).

Section 3. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act. (N.J.S. 40A:4-55).

Section 4. A certified copy of this ordinance as finally adopted shall be filed by the Township Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.

Section 5. All ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately upon final adoption in accordance with applicable law.

38. RESOLUTION NO. 342-12 - AMENDING RESOLUTION 258-12 OF THE COMMITTEE OF THE TOWNSHIP OF MIDDLE ENDORSING THE TOWNSHIP'S AFFORDABLE HOUSING SPENDING PLAN AND REQUESTING COAH OR THE DCA TO REVIEW AND APPROVE SAME - On motion by Mayor Lockwood seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted. WHEREAS, the Committee of the Township of Middle, County of Cape May petitioned the Council on Affordable Housing (COAH) for substantive certification on December 15, 2008; and

WHEREAS, Middle Township received approval from COAH on December 29, 2006 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

WHEREAS, COAH approved the spending plan of the Township of Middle on July 8, 2008; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;

2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;

5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;

6. If applicable, a schedule for the creation or rehabilitation of housing units;

7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Middle Township has prepared a spending plan, attached hereto, consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Committee of the Township of Middle, County of Cape May, hereby endorses the attached spending plan and requests that either COAH or the DCA review and approve same. This resolution shall take effect immediately

39. RESOLUTION 343-12 - CAPITAL BUDGET AMENDMENT – On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the local capital budget for the year 2012 was adopted on the 18TH day of April, and WHEREAS, it is desired to amend said adopted capital budget section, and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following amendment to the capital budget section of 2012 be made. BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith the Office of the Director of Local Government Services.

40. RESOLUTION 344-12 - AMENDING RESOLUTION 304-12 AGREEMENT TO COMMIT MOUNT LAUREL TRUST FUNDS PURSUANT TO P.L. 2008. c46 BY AND BETWEEN MIDDLE TOWNSHIP AND CAPE MAY HABITAT FOR HUMANITY TO INCLUDE BLOCK AND LOTS - On motion by Committeeman Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, according to the Department of Community Affairs, approximately \$174 million rests in local trust funds that must be committed by July 17, 2012 or risk forfeiture to the State; and WHEREAS, the risk of trust fund forfeiture is a result of P.L. 2008. c46, or “the Roberts Bill,” signed by Governor Corzine on July 17, 2008, and WHEREAS, the Roberts Bill established a four-year window for fees to be “committed for expenditure;” and WHEREAS, the Township has calculated that it has \$1,273,285 in collected development fees that must be “committed for expenditure” prior to July 17, 2012; and WHEREAS, given the importance of the “committed for expenditure” standard, the Roberts Bill directed the Council on Affordable Housing (COAH) to promulgate regulations to define this standard shortly after the legislation was enacted; and WHEREAS, however, COAH has not defined the standard with adopted or even proposed standards; and WHEREAS, in the absence of such defined standards, the Township of Middle has decided that the most prudent course is for the Township to enter into fully-executed agreements with affordable housing developers to satisfy the “commit for expenditure” standard; and WHEREAS, the Township has also endorsed a proposed Spending Plan and has filed same with COAH for its review and approval; and WHEREAS, to protect its affordable housing trust funds, the Township has met with various affordable housing developers and has carefully considered which proposals are in the best interests of the Township from a sound land use planning perspective, and are also in the best interests of the region’s low and moderate income households; and WHEREAS, Habitat is a non-profit developer of affordable housing that is ready, willing, and able to provide affordable housing in the Township; and WHEREAS, Habitat has represented to the Township that, in order to provide eleven (11) affordable units within the Township, it will require a financial subsidy of \$113,200; and WHEREAS, Habitat’s proposed project is included in the Township’s existing adopted and endorsed Housing Element and Fair Share Plan; and WHEREAS, the Township has determined that, as part of its overall Mount Laurel planning efforts and to avoid having any trust fund monies forfeited to the State Affordable Housing Trust Fund pursuant to the Roberts Bill, the Township will provide Habitat with a financial subsidy of \$113,200 from its affordable housing trust fund, which will thereby create the requisite “realistic opportunity” for the actual construction of affordable housing; and WHEREAS, Habitat shall construct eleven (11) units of affordable family for sale housing in the Township on the following properties:
Block 645, Lot 1
Block 949, Lot 3
Block 1068, Lot 1
Block 1069, Lot 1
NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto agree.

41. RESOLUTION 345-12 - : RESOLUTION OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, TO COMMIT TO EXPEND \$265,000 FOR THE PURCHASE OF PROPERTIES WITHIN THE TOWNSHIP TO BE TAKEN FROM THE AFFORDABLE HOUSING TRUST FUND AND TO CREATE A REALISTIC OPPORTUNITY FOR THE ACTUAL CONSTRUCTION OF AFFORDABLE HOUSING - On motion by Committeeman Donohue seconded by Committeewoman DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, on July 16, 2012, the Committee of the Township of Middle, County of Cape May, met to discuss the most appropriate means of protecting the Township’s affordable housing trust funds from seizure by the state; and WHEREAS, the risk of trust fund seizure is a result of P.L. 2008. c46, or “the Roberts Bill,” signed by Governor Corzine on July 17, 2008, and WHEREAS, the Roberts Bill established a four-year window for fees to be “committed for expenditure;” and WHEREAS, the Township has calculated that it has \$1,339,977 in collected Mount Laurel fees that must be “committed for expenditure” prior to July 17, 2012; and WHEREAS, the Township has determined that, as part of its overall Mount Laurel planning efforts and to avoid having any trust fund monies forfeited to the State Affordable Housing Trust Fund pursuant to the Roberts Bill, the Township will utilize \$265,500 of its trust funds for the purchase of Township-owned property which will then be encumbered by the proper 30-year Mount Laurel deed restrictions; and WHEREAS, the properties to be purchased are as follows: Block 922, Lot1; Block 942, Lot 3; Block 954, Lot 1; Block 965, Lot 10; Block 1048, Lot 9; Block 1058, Lot 14 and 21; Block 1067, Lot 4 on the official tax maps of the Township of Middle.
NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Middle, County of Cape May, State of New Jersey, as follows:

1. That the Township hereby commits to expend \$265,500 from its affordable housing trust fund for the purchase of the following properties: Block 922, Lot1; Block 942, Lot 3; Block 954, Lot 1; Block 965, Lot 10; Block 1048, Lot 9; Block 1058, Lot 14 and 21; Block 1067, Lot 4.
2. This Resolution shall take place immediately.

42. RESOLUTION 346-12 - RESOLUTION OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, TO AMEND RESOLUTION 305-12 TO COMMIT TO EXPEND \$69,600 FROM THE AFFORDABLE HOUSING TRUST FUND TO PROVIDE A FINANCIAL SUBSIDY TO THE ARC OF CAPE MAY COUNTY

- On motion by Committeewoman DeLanzo seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, on July 2, 2012, the Township Committee adopted Resolution 305-12 authorizing the Mayor to execute a legally enforceable contract with the ARC of Cape May County ("ARC") which, inter alia, would provide a financial subsidy of \$46,300 to the ARC from the Township's affordable housing trust fund; and

WHEREAS, on July 16, 2012, the Committee of the Township of Middle, County of Cape May, discussed the most appropriate means of protecting the Township's affordable housing trust funds from seizure by the state; and

WHEREAS, the Committee decided that, under the circumstances, the most prudent course was to amend the authorization established in Resolution 305-12 to provide the ARC an additional \$23,300 to assure the economic feasibility of its proposed affordable housing development located at Block 163.01, Lot 51.06, (9 Carriage Lane) in the Cape May Court House section of the Township.

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

1. The Mayor is hereby authorized to execute the legally enforceable contract attached hereto as Exhibit A which increases the financial subsidy to be provided to the ARC from \$46,300 to \$69,600.
2. This Resolution shall take place immediately.

Engineer gave report on NJDOT Enhancement; Capital Improvement where they are working on a punch list; Second Street Project going out to bid; Whitesboro Roadway Improvement-Phase 3A, the non water main portion- Bid Opening August 7th; Bike Path, Phase III-work will start by July 17th.

PUBLIC COMMENT

Carol Mattessich: Read agreement, feels foolish accepting what was said earlier, does not like wording of Conifer Agreement-Page 7- mechanics of payment – can cash \$350,000 as soon as agreement signed, which is tonight. Feels efforts devoted to meetings were wasted.

Betty McGurk: Feels information has been withheld, feels snowed over. You know what the people want, all we want is information so we can fight this thing. You give us just enough, we cannot argue zoning because you are gifting zoning.

Sam Kelly: Your decision is based strictly on business only. You have no problem doing business with Conifer, you changed the Master Plan for Conifer.

Betty McGurk: People are entitled to be able to remain in our own homes..if this was for VETS, there would be no problem.

Agnes Keenan: Has a problem with the people renting the units, making more money down the road, and remaining in the property.

Karl Carmelowicz: You move up as you make more money.

Nabiel Hamma: How much will this increase taxes.

Mayor Lockwood: Hard to give exact figure.

Elija Scull: What is problem with hotels, will that spill over into the projects.

Betty McGurk: Your statement, which was written prior to the meeting shows this was a done deal.

Eileen Fausey: Who does zoning board work for?

Marc Karavan: They are autonomous, they must follow the statutes.

Miles Truesdell: Congratulated the committee on making a tough decision.

Committeeman Donohue: Said he has done his best to gather all of the information to make a good and informed decision and for these reasons the only course he sees available to us is to use the trust fund dollars to finalize the deal with Conifer. Feels this is the right thing to do based on the limited options available.

ADJOURNED: 11:00 PM

1ST Committeewoman DeLanzo 2ND Committeeman Donohue

Roll Call: Committeewoman DeLanzo, Committeeman Donohue, Mayor Lockwood

Dawn Stimmel, Deputy Clerk