

Cape May Court House, NJ  
March 18, 2013  
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 Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Acting Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio

1. PRESENTATION BY MAYOR:

- a. John Reardon – 50 years of Service with Middle Township Volunteer Fire #1
- b. Allan Cropper – Creation of Safety Ladder Check List Form, ACMJIF Safety Incentive Program

2. 2012 SAFETY INCENTIVE PROGRAM AWARD ACKNOWLEDGEMENT:

*The Township of Middle has earned \$1,500.00 as a result of outstanding performance in the 2012 ACMJIF Safety Incentive Program. The Safety Incentive Program is designed to foster a safety attitude among the ACM JIF members, change behaviors to create a safer work environment, as well as promote continuing efforts to “change the culture”. Middle Township has qualified for this reimbursement to be used for recognition of employee safety accomplishments.*

*The ACMJIF and the Township of Middle would also like to extend congratulations to: Tracey Taverner, Fund Commissioner; Sean McDevitt, Safety Coordinator; Bill Barger, Past Safety Coordinator; Vera Kalish Claims Coordinator.*

3. 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.)

Vilma Pombo: Was there a 3 month lapse for animal control in Avalon?

Kimberly Krauss: They just recently sent us their Resolution accepting services in the Borough until the end of June. They were not included in the first round of Shared Services Agreements in the beginning of this year.

4. RESOLUTION 146-13 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$444,043.84*

5. RESOLUTION 147-13 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On SD motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Regular Meeting 03/04/2013 and Closed Session 03/04/2013.*

6. REPORTS: The following departments have submitted their reports for the months indicated: Township Clerk for the month of February; Municipal Court for the month of February; Treasurer for the month of February.

7. NOTICE: The following ordinance will be rescheduled for 2<sup>nd</sup> reading and adoption as follows: *ORDINANCE NO. 1438-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT AND RELATED DOCUMENTS WITH THE NEW JERSEY TURNPIKE AUTHORITY – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1438-13 passed first reading on February 4, 2013. Second reading, public hearing and consideration for adoption will be held on April 1, 2013 at 6:00 p.m. Complete Ordinance is on file in the Clerk’s Office.*

8. REINTRODUCTION OF ORDINANCE NO. 1433-13 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1433-13 was reintroduced and passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/15/2013 at 6:00 p.m. Complete Ordinance is on file in the Clerk’s Office.

*Amends range for Class I and Class II Special Officer*

<i>Special Police Officer - Class I</i>	<i>\$7.50</i>	<i>\$</i>	<i>14.00 p/h</i>
<i>Special Police Officer - Class II</i>	<i>\$7.50</i>	<i>\$</i>	<i>14.00 p/h</i>

*Amends range for Sewer Administrator*

<i>Sewer Administrator</i>	<i>\$-</i>	<i>\$</i>	<i>1.00</i>
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Amends range for Sewer Repair 1 & Sewer Repair 2  
 Sewer Repairer 1 \$18,720.00 \$45,000.00  
 Sewer Repairer 2 \$18,720.00 \$60,000.00  
 Also removes non-existent or merged titles through Civil Service Commission

9. ORDINANCE NO. 1439-13 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 5, ENTITLED ADMINISTRATOR – Following second reading, hearing, and consideration for adoption, Ordinance 1439-13 was adopted on motion by Committeemember DeLanzo 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.**

*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, but in no event to exceed the maximum term permissible by law.*

**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.*

Committeemember Donohue: We felt it was in the best of the Township to remove the residency requirement in order to hire the best candidate for this position. Connie is very familiar with the county and has worked in government in Cape May Point for several years, we did not see any downfall to changing the residency requirement for this position.

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. 48:3-93.1 – Following second reading, hearing, and consideration for adoption, Ordinance 1440-13 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

*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.*

*Michelle Unkle, Goshen: Asked for an overview and understanding of this program.*

*John Fish, CUC: provided brief overview of the program which is being conducted by his company.*

*Michelle Unkle: expressed her concerns and disappointment in the Township moving forward with this program. Ms. Unkle explained that she is a third-party electrical supplier and this will hurt her business. Believes there should be an "opt in" instead of "opt out".*

*Ed Billio: What is the time period for getting in, if someone is with a third-party supplier now?*

*John Fish: It will be done on an annual basis.*

*Vilma Pombo: Thought this was going to be a County program, she does not wish to be a part of this program.*

*Carl Karmelowicz: Wants to know how he can opt out with his current third-party company.*

*Committeemember Donohue: contact your current supplier.*

*\*Brief hold on agenda items. Senator Van Drew gave presentation of award for John Reardon.*

*Committeemember DeLanzo: asked John Fish if it was possible to change to program to include an option for residents to "opt in" rather than opt out".*

*John Fish: Businesses have to opt in, residents must opt out.*

*Committeemember DeLanzo: What is the timeline to opt out?*

*John Fish: There is a 30 day opt out before everyone is switched over.*

*Committeemember DeLanzo: Has Atlantic City electric ever bid on this project?*

*John Fish: No, just JCP&L*

*Committeemember DeLanzo: How can residents opt out?*

*John Fish: website, phone hotline, or post card which is mailed to everyone.*

*Mayor Lockwood: Has been talking with Marc DeBlasio to host an energy fair to answer questions of the residents and businesses as to how this will all work.*

*Committeemember DeLanzo: Would a third-party supplier such as Michelle be able to participate in this event?*

*Mayor Lockwood: Yes. We would host one for residents and another time for businesses.*

*Committeemember DeLanzo: Believes this would be a good idea for residents and businesses, as well as suppliers to participate.*

*Marc DeBlasio: would like to put a comprehensive package together to educate the public on the loan programs, grants, and rebates for these programs. Would also benefit contractors to have this information to add to their books of information to provide to potential customers with this information.*

*Greg Unkle – agreed with what Michelle Unkle previously stated.*

*Mayor Lockwood: deregulation has allowed you, as a business, to provide other services for the customers. Deregulation has also allowed us, as a municipality, to provide a better rate for our residents.*

*Vilma Pombo: Will it still use the infrastructure of Atlantic City Electric?*

*Mayor Lockwood: Yes, and you will still receive the bill from Atlantic City Electric.*

*Committeemember DeLanzo: Was hesitant at first, but now feels comfortable with the switch. This may provide more business for other third-party companies.*

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 – Following second reading, hearing, and consideration for adoption, Ordinance 1441-13 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

*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. 1443-13 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$20,625.00 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE REPAIR AND ACQUISITION OF HVAC UNITS AT MLK CENTER – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, Ordinance No. 1443-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/15/2013 at 6:00 p.m. Complete Ordinance is on file in the Clerk’s Office.

*Section 1.* There is hereby appropriated the sum of \$20,625.00 from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the repair and acquisition of HVAC units at the Martin Luther King Center.

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

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

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

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

13. RESOLUTION 148-13 – APPOINTING CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY HELPLINE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND - On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*WHEREAS, the Governing Body of the Township of Middle hereinafter referred to as "MUNICIPALITY", is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and*

*WHEREAS, the FUND has purchased Employment Practices Liability coverage from XL Insurance Company; and*

*WHEREAS, XL Insurance has arranged for the Fund members to have access to an EPL HELPLINE service and;*

*WHEREAS, the HELPLINE will provide the following services;*

*Attorneys will answer specific HR and Employment Law questions*

- Confidential and timely responses
- Attorney client privilege
- Via Website/E-mail
- By Telephone with written follow up response

*On Line Training*

- Managers/Supervisors
- Slides, Audio, File Downloads
- Small Chapters
- Certificates of Completion

*Additional On Line Resources*

- Question of The Month
- Case of The Month
- HR Alerts via e-mail and posted on website
- Federal/State News Updates
- HR Posters
- Model Policies/Handbook

*WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have access to the HELPLINE.*

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the governing body does hereby appoint Constance A. Mahon as its Contact Person.*

*BE IT FURTHER RESOLVED that the governing body does hereby appoint Vera T. Kalish as their additional Contact Person.*

14. RESOLUTION 149-13 – 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	AMENDEDSTATUS	EFFECTIVE DATE
Bill Hammerstein	Laborer 1 T/A P/T	Laborer 1 Permanent P/T	03/18/2013
Alex Castaldi	Laborer 1 T/A P/T	Laborer 1 Permanent P/T	02/20/2013

15. RESOLUTION 150-13 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.*

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Elvin DeJesus	Public Works	Laborer 1 – Part-Time Temporary	03/12/2013

16. RESOLUTION 151-13 – AUTHORIZING COMMERCIAL UTILITY CONSULTANTS INC. TO INVESTIGATE ELECTRIC AND GAS PROCUREMENT ON BEHALF OF THE TOWNSHIP OF MIDDLE AND FURTHER AUTHORIZE THE MAYOR TO SIGN ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

*NOW THEREFORE BE IT RESOLVED, that the governing body of the Township of Middle does hereby authorize Commercial Utility Consultants Inc. to investigate electric and gas procurement on behalf of the Township of Middle and furthermore provide proposals for alternate energy suppliers, at no cost or obligation to the Township of Middle.*

*BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute any and all documents in connection therewith.*

17. RESOLUTION 152-13 – AUTHORIZING APPLICATION FOR WAIVER REQUEST WITH STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS AND FURTHERMORE AUTHORIZING MAYOR AND TOWNSHIP CLERK TO SIGN ANY AND ALL DOCUMENTS IN CONNECTION THEREWITH – On motion by Committeemember Donohue seconded Mayor Lockwood and passed on roll call, the following resolution was adopted.

*WHEREAS, the governing body of the Township of Middle authorized Commercial Utility Consultants Inc. to investigate electric and gas procurement on behalf of the Township of Middle and furthermore provide proposals for alternate energy suppliers, at no cost or obligation to the Township of Middle, and*

*WHEREAS, in order to do so it is necessary to complete and submit an application for waiver request, as outlined in the Local Unit Electronic Technology Pilot Program and Study Act (P.L. 2001, c.30).*

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute any and all documents in connection therewith.*

18. RESOLUTION 153-13 – SALARY AMENDMENT – STEVEN MILLS – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that following employee is hereby appointed to the following position at the salary opposite their name:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Steven Mills	Sewer	Sewer Repairer 1*	\$42,000.00	03/18/2013

*\*Civil Service Title*

*BE IT FURTHER RESOLVED, that the stipend previously approved via Resolution No. 15-13 shall be dissolved and combined in the salary referenced above.*

19. RESOLUTION 154-13 – APPOINTMENT – STEVEN MILLS – On motion by Mayor Lockwood seconded Committeemember Donohue nd passed on roll call, the following resolution was adopted.

*NOW THEREFORE 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 following employee is hereby appointed to the following position at the salary opposite their name:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Steven Mills	Sewer	Sewer Administrator	\$1.00	03/18/2013

20. RESOLUTION 155-13 – SALARY AMENDMENT – TAMMY DEVITT – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that following employee is hereby appointed to the following position at the salary opposite their name:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Tammy Devitt	Recreation	Recreation Leader	\$39,106.00	03/18/2013

*BE IT FURTHER RESOLVED, that the stipend previously approved via Resolution No. 15-13 shall be dissolved and combined in the salary referenced above.*

21. RESOLUTION 156-13 – APPOINTMENT – MEMORY LANE COORDINATOR – TAMMY DEVITT – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that following employee is hereby appointed to the following position at the salary opposite their name:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Tammy Devitt	N/A	Memory Lane Coordinator	\$1,500.00	01/01/2013

22. RESOLUTION 157-13 – CANCELLATION OF TAXES – On motion Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*Cancellation of taxes due to property is exempt*

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
4565	233	10	C M C H Catholic Rectory	\$2,325.03

*Property location: 106 Mechanic Street*

23. RESOLUTION 158-13 through 160-13 – AMENDING RATIFIED ANIMAL CONTROL SERVICES AGREEMENT (ITEMS A THROUGH C) – On motion Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

A) *WHEREAS, the Township of Middle approved a shared services agreement with the Borough of Cape May Point effective January 1, 2013 through March 31, 2013 and WHEREAS, the governing body would like to extend said agreement for an additional 90 days or until such time as amend by resolution.*

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the shared services agreement between the Borough of Cape May Point and the Township of Middle for Animal Control Services shall be extended for an additional 90 days, with an expiration date of June 29, 2013 or until such time as amend by resolution.*

B) *WHEREAS, the Township of Middle approved a shared services agreement with the Township of Lower effective January 1, 2013 through March 31, 2013 and WHEREAS, the governing body would like to extend said agreement for an additional 90 days or until such time as amend by resolution.*

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the shared services agreement between the Township of Lower and the Township of Middle for Animal Control Services shall be extended for an additional 90 days, with an expiration date of June 29, 2013 or until such time as amend by resolution.*

C) *WHEREAS, the Township of Middle approved a shared services agreement with the Borough of West Wildwood effective January 1, 2013 through March 31, 2013 and WHEREAS, the governing body would like to extend said agreement for an additional 90 days or until such time as amend by resolution.*

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the shared services agreement between the Borough of West Wildwood and the Township of Middle for Animal Control Services shall be extended for an additional 90 days, with an expiration date of June 29, 2013 or until such time as amend by resolution.*

24. RESOLUTION 161-13 – RATIFY SHARED SERVICES AGREEMENT WITH THE BOROUGH OF AVALON FOR ANIMAL CONTROL SERVICES – On motion by Committeemember Donohue seconded Committeemember DeLanzo

*WHEREAS, the Township of Middle approved a shared services agreement with the Borough of Avalon effective January 1, 2010 through December 31, 2012 and*

*WHEREAS, the governing body would like to extend said agreement until June 29, 2013, or until such time as amend by resolution.*

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the shared services agreement between the Township of Lower and the Township of Middle for Animal Control Services shall be extended for an additional 90 days, with an expiration date of June 29, 2013 or until such time as amend by resolution.*

25. RESOLUTION 162-13 – CANCELING UNEXPENDED AND DEDICATED BALANCES OF THE CAPITAL FUND – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*WHEREAS, certain Capital Improvement appropriation balances remain dedicated to projects and the grant portion should be cancelled; and*

*WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus and unused debt authorizations may be canceled;*

*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 unexpended and dedicated balances of the Capital appropriations be canceled:*

Ordinance	Amount Cancelled	
Number Project Description	Funded	Unfunded
1429-12 HVAC – Direct Install	\$	\$39,799.43

Total \$ \$39,799.43

26. RESOLUTION 163-13 – APPOINTMENT – NEW HIRE – RECREATION DIRECTOR – On motion by Committeemember 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, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:*

<i>NAME</i>	<i>DEPARTMENT</i>	<i>TITLE</i>	<i>SALARY</i>	<i>EFFECTIVE</i>
<i>Keith Fonseca</i>	<i>Recreation</i>	<i>Recreation Director/ Superintendent of Recreation*</i>	<i>\$61,000.00</i>	<i>04/01/2013</i>

*\*Civil Service Title listed as Superintendent of Recreation*

27. RESOLUTION 164-13 – APPROVE CHANGE ORDER NO. 1 – FY 2012 NEW JERSEY DEPARTMENT OF TRANSPORTATION RECONSTRUCTION OF SECOND STREET – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

*WHEREAS, August 20, 2012, via Resolution No. 405-12, Lexa Concrete LLC was awarded the FY 2012 New Jersey Department of Transportation Reconstruction of Second Street project, within the confines of the Township of Middle in the amount of \$ 132,430.32*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Lexa Concrete LLC. be and is hereby approved in a credit amount of \$5,884.20*

28. RESOLUTION 165-13 – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND MIDDLE TOWNSHIP FIRE DISTRICT NO. 2 BOARD OF FIRE COMMISSIONERS – PARTICIPATION IN JOINT INSURANCE FUND – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*WHEREAS, the Township of Middle is a member of the Atlantic County Municipal Joint Insurance Fund; and*

*WHEREAS, under the rules and regulations of the Municipal Excess Liability Joint Insurance Fund, the Township of Middle shall endorse the application of a fire district and agree to assume responsibility for the financial obligation of the fire district to the Atlantic County Municipal Joint Insurance Fund further constituting this agreement for reimbursement; and*

*WHEREAS, the commissioners have been accepted to participate in the ACMJIF.*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement for Joint Insurance Fund Year 2013.*

29. RESOLUTION 166-13 – EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

*WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2013 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and*

*WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$2,800,319.00*

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

*1. An emergency temporary appropriation be and the same is hereby made in the amount of \$2,360,424. That said emergency temporary appropriation shall be provided for in the 2013 budget under the title of:*

*See Attached List*

*2. That one certified copy of this resolution be filed with the Director of Local Government Services.*

30. RESOLUTION 167-13 – 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.*

31. RESOLUTION 168-13 – SUPPORTING CAPE MAY COUNTY RESOLUTION NO. 192-13 ENTITLED “RECOMMENDING AMENDMENTS TO THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012” – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

*WHEREAS, the Biggert-Waters Flood Insurance Reform Act of 2012 will eliminate subsidies to flood insurance plans beginning in January 2013; further, it mandated the update of Flood Insurance Rate Maps (FIRMs) which are used as the foundation for the National Flood Insurance Program (NFIP). New maps, once adopted, will replace the existing FIRM maps, and will provide Base Flood Elevations for properties throughout the coastal region; and*

*WHEREAS, Hurricane Sandy caused FEMA to release the Advisory Base Flood Elevation Maps (ABFE's) for portions of New Jersey and New York. These maps were adopted by the State of*

New Jersey through an Executive Order by the Governor, and incorporated into the NJ Flood Hazard Control Program. The maps are significantly different from the existing FIRM maps that they significantly expand flood zones, including the Velocity, or "V" zones. They also provide Base Flood Elevations, to which buildings must be built, rebuilt, or raised in order to be consistent with the NFIP. Meeting or exceeding BFE standards will result in reduced Flood Insurance Rates, while non-conformity will result in high premiums, once the ABFE maps have been formally adopted by FEMA as the official Flood Insurance Rate Maps; and WHEREAS, the expedited release of the ABFE's has caused a great deal of confusion and uncertainty among local officials, property owners, and related real-estate and banking industry professionals. While the maps do provide some indication of what future base flood elevations and potential flood insurance rates will be for ABFE mapped properties, they do not provide the level of information necessary for property owners to make informed decisions, given the economic magnitude of the issue at hand. This results in denying much of the public the practical opportunity to take proactive steps to mitigate their future costs or to plan for, in certain cases, largely unavoidable (and in certain cases financially ruinous) increases in Flood Insurance Rates and overall ownership costs of homes located within FEMA-designated flood areas; and WHEREAS, the current implementation plan and timeframe for the Biggert-Waters Act, together with the lack of a coordinated public information effort, have triggered adverse economic consequences of broad and likely epic proportion. The devastating economic ramifications will be felt not only the State of New Jersey, but all of the other coastal States participating in the National Flood Insurance Program; and

WHEREAS, immediate action must be taken to engage State and local leaders to develop a coordinated implementation plan. This plan must provide clear directives to provide for the fair and orderly transition into the new Flood Insurance Rates and mapping system.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the governing body of the Township of Middle does hereby support Resolution 192-13 as adopted by the County of Cape May that suggests appropriate agencies and individuals implement the following recommendations and solutions in an expeditious manner so as to minimize the anticipated negative economic impact of the existing Biggert-Waters legislation:

- 1) Amend Federal legislation to temporarily suspend the four-year subsidy elimination period after the 2013 rate increases.
- 2) Complete the technical process required to formally and officially adopt the new FIRM maps, currently expected to be completed by mid-2014.
- 3) Reinstate the NFIP's subsidy elimination period beginning January 2015, but phase in the changes over an additional four-year period resulting in a seven-year versus three-year transition period.
- 4) Provide NFIP policy holders a menu of deductible programs that will enable them to mitigate costs through the option of "self insuring" for part of the flood risk should they wish. Aggressively communicate to the property owners expected to be impacted by the revised FIRMs and increased NFIP rates the expected impacts of those changes and, if possible, provide a plan of assistance options for bringing noncompliant structures into compliance with new FIRMs and BFE's.

32. RESOLUTION 169-13 – AMENDING RESOLUTION 15-13 – SALARY RESOLUTION 2013 – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Joseph Giannattasio was hired effective 04/27/2005, via Resolution 221-05, as a T/A Supervising Laborer P/T, as part of the Clean Communities Program, and

WHEREAS, Mr. Giannattasio's employment status was further amended effective 08/01/2005 to reflect full time employment status, and

WHEREAS, said title of Supervising Laborer F/T is a competitive title through the Civil Service Commission, therefore Mr. Giannattasio was temporarily appointed as Supervising Laborer F/T until 12/4/2007 when his civil service title was amended to reflect Laborer 1 New Hire, which is a non-competitive title, and

WHEREAS, Mr. Giannattasio was promoted to Laborer 2 in December of 2010 and said title became a "permanent by way of conversion of appointment type" May 2, 2012, and

WHEREAS, Salary Resolution 15-13 inadvertently listed Mr. Giannattasio as a Laborer 3, and

WHEREAS, this resolution shall be amended to accurately reflect that Mr. Giannattasio is a full-time Laborer 2.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Resolution 15-13 shall be amended to read as follows:

NAME	DEPARTMENT	TITLE	SALARY
Joseph Giannattasio	Sewer	Laborer 2	\$28,404.00

33. RESOLUTION 170-13 – AUTHORIZING AGREEMENT WITH HATCH MOTT MACDONALD – CANTERBURY SUBDIVISION PUMP STATION FINAL REVIEW – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Hatch Mott MacDonald, under previous authorization through a developers agreement with Tompkins Builders, designed various mechanical and electrical aspects of the proposed Canterbury Subdivision Sewage Pump Station on behalf of the township, and

WHEREAS, due to a turn in the economy said project did not immediately advance to the construction phase, and

WHEREAS, said project will continue construction in 2013 and it is necessary to conduct final review of the Canterbury Pump Station and also the design drawings and specifications to accurately reflect any changes to design code or equipment specifications.

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township of Middle is authorized to enter into agreement with Hatch Mott MacDonald for final review of the Canterbury Subdivision Sewage Pump Station as indicated above, for an amount not to exceed \$2,500.00.*

*BE IT FURTHER RESOLVED, that said services shall be charged to the escrow accounts in place with the Township of Middle under the name of Canterbury Subdivision or Tompkins Builders.*

34. RESOLUTION 171-13 – AMENDMENT TO TITLE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. *WHEREAS, Sewer Billing moved to the Tax Collectors Office effective January 25, 2013, and WHEREAS, therefore it is necessary to remove the stipend and title of Sewer Billing Administrator from Joseph Giannattasio and also the corresponding stipend in the annual amount of \$4,653.00 . NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the title of Sewer Billing Administrator and stipend in the amount of \$4,653.00 be and is hereby removed from Joseph Giannattasio effective March 18, 2013.*
35. RESOLUTION 172-13 – AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SANITARY SEWER SYSTEM IN THE SHELLBAY, SHUNPIKE, GOSHEN, CREST HAVEN SECTION OF THE TOWNSHIP FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. *WHEREAS, it is necessary for the Township of Middle, County of Cape May, New Jersey (Public Body) (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amounts of ONE MILLION NINETY ONE THOUSAND DOLLARS (\$1,091,000) pursuant to the provisions of The Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey and Bond Ordinance 1364-10, duly adopted by the Township Committee and published in accordance with the requirement of the Local Bond Law; and WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association. NOW THEREFORE, in consideration of the premises the Association hereby resolves:*
- 1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.*
  - 2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).*
  - 3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.*
  - 4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.*
  - 5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.*
  - 6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.*
  - 7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.*
  - 8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.*

9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.

10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.

12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short-lived assets.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed under the terms offered by the Government; that the MAYOR, ADMINISTRATOR, CHIEF FINANCIAL OFFICER and TOWNSHIP CLERK of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s). The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

**\*\*THE REAMINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK\*\***

36. PUBLIC COMMENT:

Engineering Report by Marc DeBlasio:



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

EXECUTIVE VICE PRESIDENTS  
Michael D. Vena, PE, PP, CME (deceased 2006)  
Edward J. Walberg, PE, PP, CME  
Thomas F. Beach, PE, CME  
Richard G. Arango, PE, CME

DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY  
Bradley A. Blubaugh, BA, MPA

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John J. Cantwell, PE, PP, CME  
Alan Dittenhofer, PE, PP, CME  
Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
Dennis K. Yoder, PE, PP, CME, LEED  
Charles E. Adamson, PLS, AET  
Kim Wendell Blöbs, PE, CME  
Marc DeBlasio, PE, PP, CME  
Leonard A. Faliola, PE, CME  
Christopher J. Fazio, PE, CME  
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Gregory J. Sullivan, PE, PP, CME  
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& Beach Engineers  
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Conshohocken, PA 19428  
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Mechanicsburg, PA 17050  
(717) 766-1775  
(717) 766-0232 (fax)

U.S. Steel Tower  
600 Grant Street, Suite 1251  
Pittsburgh, PA 15219  
(412) 263-2200  
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building  
262 Chapman Road, Suite 105  
Newark, DE 19702  
(302) 266-0212  
(302) 266-6208 (fax)

Remington, Vernick  
& Arango Engineers  
The Presidential Center  
Lincoln Building, Suite 600  
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300 Penhorn Avenue, 3rd Floor  
Secaucus, NJ 07094  
(201) 624-2137  
(201) 624-2136 (fax)

## ENGINEERING STATUS REPORT MIDDLE TOWNSHIP

March 18, 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 Cities 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 14<sup>th</sup> and the grant application was submitted for the July 17<sup>th</sup> 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 Lt. Adams for being accepted into FBI Academy in Virginia.

New Recreation Director has been hired and will be starting on April 1, look forward to him coming on board.

Open Space project coming to final stage. Last meeting being held March 21 at 6:30pm at Middle Township Senior Center. Draft will be available online on Middle Township Economic Development website.

Congratulations to Middle Township boys traveling basketball team for winning Championship, 3<sup>rd</sup> and 4<sup>th</sup> grade with Coach Salvo, and 5<sup>th</sup> and 6<sup>th</sup> grade which also won their Championship.

Mayor Lockwood – Single stream recycling will be starting on April 1, all recyclables can go into one can.

Presentation at Work Session meeting about potential Farmer's Market in Middle Township. Looking into further details before making a decision.

Several Resolutions passed tonight are part of the restructuring of the Public Works and Sewer Departments. Great job being done by current sewer department employees, and happy that we have been able to keep this in house. Sewer billing has now been moved to the tax collector's office and they have been reviewing every account and making sure it is up to date. Appreciates the time that has been put into this process.

Congratulations to Officer Allison Acke who had the most drunk driving arrests in 2012 in the entire county. Ms. Acke will be recognized in Trenton on April 10.  
Township "Clean Up Day" was held on Saturday, March 16 and was a success.  
Recognized Tammy Devitt for extraordinary job at recreation center during the transition of recreation directors. Tammy has also been appointed as Memory Lane Coordinator at the Goshen Complex. Memory Lane provides plaques for family memorials at the Goshen Complex. Previously was done by Bonnie Millard who did a wonderful job.  
Welcome to the new Recreation Director.  
Congratulations again to John Reardon and thanks to the Fire Department for coming out this evening.

Carl Karmelowicz: has reviewed FEMA maps and does not agree with zones. Asked is Middle Township was going to consider waiving fees for permits for construction damage caused by Hurricane Sandy. Press of Atlantic City said that Somers Point was going to be waiving fees for.

Mayor Lockwood: Our new Business Administrator, Connie Mahon, comes from Cape May Point. She is very familiar with FEMA and the rules and regulations. Connie will be a great asset when it comes to working with FEMA. The Township has not yet considered waiving construction/permit fees.

Connie Mahon: Areas on Ocean County and Monmouth County are waiving their zoning application fees.

Vilma Pombo: Inquired as to which was Fire District #2 and whether the other districts are included in JIF.

Mayor Lockwood: Cape May Court House is Fire District #2, other districts have their own policy and do not wish to be covered under JIF.

Carl Karmelowicz: Does energy aggregate include gas or just electric?  
Committeemember Donohue: Both.

Motion to adjourn meeting – 7:28pm

1<sup>st</sup> Committeemember DeLanzo                      2<sup>nd</sup> Committeemember Donohue

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

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Kimberly Krauss, Township Clerk