

Cape May Court House, NJ
December 15, 2014
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Donohue, Deputy Mayor Lockwood, Committeemember Clark, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. PRESENTATION BY MAYOR: NOVEMBER 2014, MIDDLE TOWNSHIP EMPLOYEE OF THE MONTH – OFFICER RAYMOND BRADLEY
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.)
Stan Doniger:
Questioned costs and yearly contract for cleaning services for J&A Cleaning.
Connie Mahon:
Spoke of changed being made to new janitorial contract for 2015 including new cleaning company.
Mayor Donohue:
Mentioned elimination of managerial position for building maintenance over a year ago, saved on yearly cost, benefits, etc.
3. RESOLUTION 619-14 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$879,408.69
4. RESOLUTION 620-14 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone Electric/LC Equipment, LLC) – On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. *Committeemember Lockwood Abstain
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$142.30
5. RESOLUTION 621-14 – APPROVING PAYMENT FOR BILLS – BILL LIST C (Kelly Products) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. *Mayor Donohue Abstain
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$401.00
6. RESOLUTION 622-14 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Lockwood seconded Committeemember Clark and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Regular Meeting 12/01/2014.
7. REPORTS: The following departments have submitted their reports for the months indicated: Sewer Billing for the month of November 2014, Tax Collector for the month of November 2014, Municipal Clerk for the month of November 2014, Zoning Department for the month of November 2014, Construction Department for the month of November 2014, Municipal Court for the month of November 2014.
8. ORDINANCE 1487-14 - AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1487-14 was adopted on motion by Committeemember seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE.
BE IT ORDAINED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:
SECTION 1. The positions listed in the attached schedule are hereby created.
SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases

where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

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

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

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

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

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

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2014 immediately upon final passage and publication according to law.

Keyboarding Clerk 1	\$18,720.00	\$70,000.00
Coordinator of the Disposition of Public Assets	\$1.00	\$2,000.00
Senior Mechanic	\$18,720.00	\$52,000.00

9. ORDINANCE 1488-14 - AN ORDINANCE AMENDING CHAPTER 121, OF THE CODE OF THE TOWNSHIP OF MIDDLE, ENTITLED DOGS AND OTHER ANIMALS, ORIGINALLY ADOPTED ON MAY 5, 1953 AS ORDINANCE #81 AND ALL AMENDMENTS THERETO – Following second reading, hearing, and consideration for adoption, Ordinance 1488-14 was adopted on motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

AN ORDINANCE AMENDING CHAPTER 121, OF THE CODE OF THE TOWNSHIP OF MIDDLE, ENTITLED DOGS AND OTHER ANIMALS, ORIGINALLY ADOPTED ON MAY 5, 1953 AS ORDINANCE #81 AND ALL AMENDMENTS THERETO

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that CHAPTER 121 of the CODE OF THE TOWNSHIP OF MIDDLE be and is hereby amended as follows::

SECTION 1: Article 1, Section 121-2 of Chapter 121 shall be and is hereby amended to read as follows:

A. Every person who owns or possesses one or more dogs within the corporate limits of the Township of Middle shall procure a one year or three year license from the Clerk of the Township of Middle and pay the sum of \$7 or \$21 for each dog as hereinafter provided. The application for the license shall set forth, in writing, the name, sex, breed, age, color and markings of the dog for which the license is to be issued.

B. In addition to the license fee in Subsection A above, the following fees shall also be paid for one; three year licenses:

- (1) State tag fee: \$1; \$3
- (2) Pilot clinic fund fee: \$0.20; \$0.60
- (3) Surcharge for unspayed or unneutered animals: \$3; \$9.

SECTION 2: Article 1, Section 121-3 of Chapter 121 shall be and is hereby amended to read as follows:

Licenses granted under this article shall date from January 1 of each year and must be renewed prior to February 1 of the following year, and the full fee shall be paid for any part of the year and is nonrefundable.

SECTION 3: Any 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 or 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 5: This Ordinance shall become effective immediately upon final passage and publication, according to law.

10. RESOLUTION 623-14 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and

WHEREAS, the applicants are entitled to a refund of this money.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

11. RESOLUTION 624-14 – APPROVAL FOR PAYMENT CASH OUT SICK LEAVE – VARIOUS EMPLOYEES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township allows the cash out of accumulated sick time by employees who meet the guidelines set forth in the personnel policy manual, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employees in the amount referenced below.

NAME	HOURS	HOURLY RATE	TOTAL COST
Larkin, Leonard	60.00	33.86	\$1,968.18

*totals include payroll tax expenses in addition to hourly rates x hours.

12. RESOLUTION 625-14 – RATIFY SHARED SERVICES AGREEMENT WITH BOARD OF EDUCATION – SOLID WASTE AND RECYCLABLES COLLECTION – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Interlocal Agreement between the Board of Education and the Township of Middle for Solid Waste & Recyclables Collection effective January 1, 2015 through December 31, 2019, be and is hereby ratified. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

13. RESOLUTION 626-14 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – LAVERNE KEE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the mortgage loan for Laverne Kee in the amount of Nineteen Thousand Five Hundred and Seventy Five (\$19,575.00) Dollars is hereby authorized to be discharged. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

14. RESOLUTION 627-14 - TABULATION COMMITTEE – THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW SERVICES FOR FIRE SUB-CODE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on Friday, January 9, 2015 at 11:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW SERVICES
FOR FIRE SUB-CODE

15. RESOLUTION 628-14 - APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle wishes to apply for funding of approximately \$60,000.00 with a match of \$189,683.00 for an approximate project total cost of \$249,683.00 for a project under the State of New Jersey Safe & Secure Communities Grant Program, and WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request, and WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Middle for the purpose described in the application. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:
1. As a matter of public policy the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety;
 2. The Attorney General of New Jersey will receive funds on behalf of the applicant;
 3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds; and
 4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

16. RESOLUTION 629-14 – CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW UNION) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and WHEREAS, said Closed Session shall be held directly after this open session. NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

- 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW UNION)
- 2.) The general nature of the subject matter to be discussed is as follows:
CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW UNION)
- 3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED
- 4.) This Resolution shall take effect immediately.

17. RESOLUTION 630-14 – RATIFY PERMIT – NJSH ROUTE 9 SIDEWALK INSTALLATION PROJECT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
BE IT RESOLVED by the Township Committee of the Township of Middle the governing body thereof, that the NJDOT Highway Occupancy Permit (Permit No. SC-9-S-2188-2014) for the NJSH Route 9 Sidewalk Installation Project, be and is hereby ratified.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

18. RESOLUTION 631-14 – AWARD OF BID – SOLID WASTE, REFUSE, AND RECYCLES COLLECTION, HAULING AND DISPOSAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary and desirable to solicit bids for Solid Waste, Refuse and recycles collection, hauling and disposal; and
WHEREAS, sealed bids were received on November 20, 2014 at 1:00pm; and
WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Solid Waste, Refuse and recycles collection, hauling and disposal be and hereby is awarded to:
Gold Medal Environmental for a 5-year Contract
For an amount of \$666,696.00 per year for CY 2015, 2016, 2017, 2018 and 2019.
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

19. RESOLUTION 632-14 – SUPPORTING NO PASSING ZONE – NJ ROUTE 47, REEDS BEACH ROAD AREA – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Bureau of Traffic Engineering and Investigations has completed an investigation along NJ Route 47 in Middle Township; and
WHEREAS, based on this investigation, it has been recommended to revise the centerline pavement markings to a No Passing Zone along Route NJ 47 in the vicinity of M.P. 11.40 (Reeds Beach Road – CR#655); and
WHEREAS, the New Jersey Department of Transportation requires a resolution of support from the municipality in order to promulgate a Traffic Regulation Order.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support the revision of centerline pavement markings to indicate a “No Passing Zone” along Route NJ 147 in the vicinity of M.P. 11.40 (Reeds Beach Road – CR#655).

20. RESOLUTION 633-14 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Clark seconded by Committeemember 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; and
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	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Loving, Dorian & Maya and Wise, K.	701 Reeves Street	645 // 4	\$250.00

21. RESOLUTION 634-14 – AUTHORIZING THE EXECUTION OF AGREEMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the final settlement agreement, as reviewed and approved by counsel, between Dustin Gaskill and the Township of Middle.

22. RESOLUTION 635-14 – RELEASE OF SEWER MAINTENANCE BONDS – BEAZER HOMES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, \$62,261.86 sewer maintenance bond and \$6,917.98 cash bond for sanitary sewer improvements are being held as a sewer maintenance bond for Beazer Homes for a project located in Rio Grande, Middle Township, known as Gatherings at Cape May; and
 WHEREAS, the Sewer Administrator for the Township of Middle has conducted his site observation of the referenced area; and
 WHEREAS, the Sewer Administrator for the Township of Middle has recommended that the bond be released; and
 WHEREAS, the Land Use Administrator has certified that the Bonds in the amount of \$62,261.86 and \$6,917.98 be released.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bonds in the amount of \$62,261.86 and \$6,917.98 be and is hereby released.

23. RESOLUTION 636-14 – 637-14 - APPROVE CHANGE ORDER – HOUSING REHABILITATION (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 (A) WHEREAS, Housing Rehabilitation Contract No. 2013-16 was awarded November 3, 2014, via Resolution No. 587-14 to R.W. Smith Well Drilling;
 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 R.W. Smith Well Drilling be and is hereby approved in the amount of \$1,056.00.
 (B) WHEREAS, Housing Rehabilitation Contract No. 2013-12 was awarded November 3, 2014, via Resolution No. 583-14 to Gemini Building Company.
 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 Gemini Building Company be and is hereby approved in the amount of \$1,215.00.

24. RESOLUTION 638-14 – CANCEL TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the following properties are tax exempt and taxes should be cancelled.

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
9269	682	1	Nature Conservancy Property location: Devane Street	\$121.00
9272	682	3	Nature Conservancy Property location: Savannah Street	\$27.09
9751	731	1	Nature Conservancy Property location: Devane Street	\$37.93
12329	1024	8	Township of Middle Property location: E Dunbar Street	\$8.68
1507	51	82	Cape May County Property location: Goshen Road	\$14.67
2902	163.01	268	Cape May County Property location: 750 Dias Creek Road	\$4,697.18
5559	335.01	39	State of NJ Dept of Environmental Protection Property location: 500 E. Shellbay Avenue	\$31.05
5901	356.01	40	State of NJ Dept of Environmental Protection Property location: E. Shellbay Avenue	\$178.54

25. RESOLUTION 639-14 – DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF MIDDLE NET RETURNED SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle, hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 1998, January 1, 1999, January 1, 2000, January 1, 2001, January 1, 2002, January 1, 2003, January 1, 2004, January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010; and
 WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq.; and
 WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY’s membership; and
 WHEREAS, the MUNICIPALITY understands that the FUND’s Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND; and

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND; and
 WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND; and
 WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year; and
 WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year; and
 WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,
3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, or
4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

NOW, THEREFORE, the MUNICIPALITY directs the FUND to distribute the MUNICIPALITY's share of its Net Distribution as follows (check the boxes that apply):

- Apply a portion of the amount as a credit to the MUNICIPALITY's next FUND Year premium.
- Apply a portion of the amount as a check to the MUNICIPALITY.
- Apply a portion or the full amount to the MUNICIPALITY's share of the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

Designate the full amount as follows (Sum of below must equal full dividend amount):

- Credit \$ _____
- Check \$ _____ (Requires Voucher)
- A.E.L.C.F. \$22,986.00 (Requires Resolution)

26. RESOLUTION 640-14 – AUTHORIZING APPLICATION – STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (FLOOD HAZARD RISK REDUCTION AND RESILIENCY PROGRAM) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle desires to apply for and obtain a grant from NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION for approximately \$3,154,735.00 to restore the beach/dune system at Reeds Beach and Pierces Point Beach.

NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the application for such a grant, and

BE IT FURTHER RESOLVED, that the Township of Middle hereby recognizes and accepts that the organization may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from said organization, does further authorize the execution of any such grant agreement; and also, further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith.

27. RESOLUTION 641-14 – 642-14 – APPROVAL FOR PAYMENT TERMINAL LEAVE (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

(A) WHEREAS, Maria Mattera has resigned with an effective date of December 5, 2014; and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time; and

WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and

NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

Maria Mattera

119.60 hours Vacation & Personal Total: \$1,290.07

(B) WHEREAS, Mary Kate Garry has resigned with an effective date of November 7, 2014; and

*Committeemember Lockwood:
Bulk reduction through County, extra money into surplus?*

*John Errico, Stagecoach Road:
Spoke of ongoing concerns and issues with Pierson Gravel Pit; noise, pumping water onto private property. Asked if survey will show depth of gravel pit. Questioned what will happen if they are out of code/regulation?*

*Connie Mahon:
Code Enforcement will issue summons to the Gravel Pit owner if they are out of code or non-compliant. Will provide copy of engineer inspection/survey once same is available.*

*Dennis Anderson, Stagecoach Road:
-Thanked Township Committee for repaving of Stagecoach Road
-Asked about status of review of Gravel Pit Ordinance*

*Committeemember Lockwood:
-Request for revision to Gravel Pit Ordinance was to allow a gravel pit owner to dig deeper into pit and Township Committee did not move forward with that request.*

*Dennis Anderson:
-Asked several questions regarding Gravel Pit renewal: Why inspection reports have not yet been done? Has Division of Fish and Wildlife been notified? Concerns with old dump being close to property.*

-Would like to see review/inspection done every other week, does not believe that Township Committee is taking this matter seriously.

*Vilma Pombo:
Recently saw article in newspaper regarding new monitoring wells in old dump area.*

Suzanne M. Stocker, Deputy Township Clerk

Motion to enter executive session: 7:09 pm

1st: Committeemember Clark

2nd: Committeemember Lockwood

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

Motion to return to open meeting: 7:36 pm

1st: Committeemember Lockwood

2nd: Committeemember Clark

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

Motion to adjourn meeting – 7:36 pm

1st: Committeemember Clark

2nd: Committeemember Lockwood

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