

Cape May Court House, NJ  
April 21, 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 Deputy Mayor Lockwood, Committeemember Clark, Township Clerk Kimberly Krauss, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio. Mayor Donohue was absent.

1. PRESENTATION – MAYOR’S CERTIFICATE OF HONOR - BRITTANY LINZ, MARCH 2014 MIDDLE TOWNSHIP EMPLOYEE OF THE MONTH
2. EASTER COLORING CONTEST AWARDS – MIDDLE TOWNSHIP RECREATION
  - Pre-K & Kindergarten
  - 1st place-Nicholas Cummiskey*
  - 2nd place- Ella Harkins*
  - 3rd place- Sam Pruneau*
  - 1st & 2nd Graders
  - 1st place-Tatyana Moffitt*
  - 2nd place- Maddie Powell*
  - 3rd place- Ana Aragon*
  - 3rd & 4th Graders
  - 1st Place-Amelia Slick*
  - 2nd place- Cara Stehman*
  - 3rd place- Matthew Panzini*
  - 5th Graders
  - 1st place Craig Martin*
  - 2nd place Elizabeth Howe*
  - 3rd place- Josui Osoria*
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.)  
**No Public Comment**
4. RESOLUTION NO. 222-14 – 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. \$ 613,277.04
5. RESOLUTION NO. 223-14 – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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 the following minutes are approved: Regular Meeting 4/7/2014; Closed Session 4/7/2014.
6. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of March and Treasurer for the month of March.
7. ORDINANCE 1469-14 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 146, THEREOF ENTITLED FLOOD DAMAGE PREVENTION – Following second reading, hearing, and consideration for adoption, Ordinance 1469-14 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.  
BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 146 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:  
SECTION 1: FLOOD DAMAGE PREVENTION  
CHAPTER 146  
Article I: Authorization; Findings; Objectives  
§ 146-1 Statutory authorization.  
This chapter is enacted pursuant to the provisions of N.J.S.A. 40:48-1 et seq. and N.J.S.A. 40:55D-1 et seq.  
§ 146-2 Findings of fact.  
A. The flood hazard areas of the Township of Middle are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and

impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

146-3 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health.

B. Minimize expenditure of public money for costly flood-control projects.

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

D. Minimize prolonged business interruptions.

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard.

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.

G. Ensure that potential buyers are notified that property is in an area of special flood hazard.

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 146-4 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, are protected against flood damage at the time of initial construction.

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.

D. Controlling filling, grading, dredging and other development which may increase flood damage.

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Article II: Definitions and Word Usage

146-5 Word Usage.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

146-6 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ADVISORY BASE FLOOD ELEVATION (ABFE)**

The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory Stillwater elevation plus wave effect ( $ABFE = SWEL + \text{wave effect}$ ) resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

**ADVISORY FLOOD HAZARD AREA (AFHA)**

The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

**ADVISORY FLOOD HAZARD MAP**

The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

**APPEAL**

A request for a review of the enforcement official's interpretation of any provision of this chapter or a request for a variance.

**AREA OF SHALLOW FLOODING**

A designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from with a one percent annual or greater chance of flooding to an average depth of one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD**

The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1 A30, AE, A99, or AH.

**BASE FLOOD**

The flood having a one-percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)**

The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ( $BFE = SWEL + \text{wave effect}$ ) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT**

Any area of the building having its floor sub-grade (below ground level) on all sides.

[Amended 4-1-1987 by Ord. No. 569-86 Editor's Note: This ordinance also repealed the definitions of "existing mobile home park or mobile home subdivision," "expansion of an existing

mobile home park or mobile home subdivision," "mobile home" and "new mobile home park or mobile home subdivision." ]

#### **BEST AVAILABLE FLOOD HAZARD DATA**

The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

#### **BEST AVAILABLE FLOOD HAZARD DATA ELEVATION**

The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.

#### **BREAKAWAY WALL**

A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

[Amended 4-1-1987 by Ord. No. 569-86]

#### **COASTAL HIGH-HAZARD AREA**

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

[Added 7-15-1993 by Ord. No. 863-93]

#### **DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

[Amended 7-15-1993 by Ord. No. 863-93]

#### **ELEVATED BUILDING**

A nonbasement building built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor or, in the case of a building in a coastal high-hazard area, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

[Amended 4-1-1987 by Ord. No. 569-87]

#### **FLOOD or FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

#### **FLOOD INSURANCE RATE MAP (FIRM)**

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

#### **FLOOD INSURANCE STUDY**

The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Maps and the water surface elevation of the base flood.

#### **FLOODPLAIN MANAGEMENT REGULATIONS**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

#### **FLOODPROOFING**

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

[Added 7-15-1993 by Ord. No. 863-93]

#### **FREEBOARD**

A factor of safety usually expressed in feet above the base flood elevation. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the base flood elevation.

[Added 7-15-1993 by Ord. No. 863-93]

#### **HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

#### **HISTORIC STRUCTURE**

[Added 7-15-1993 by Ord. No. 863-93]

Any structure that is:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places approved by a state authorized by the Secretary of the Interior or directly approved by the Secretary.

#### LOWEST FLOOR

The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement, is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of other applicable nonelevation design requirements.

[Amended 4-1-1987 by Ord. No. 569-87]

#### MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

[Added 4-1-1987 by Ord. No. 569-87]

#### MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION

A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

[Added 4-1-1987 by Ord. No. 569-87]

#### NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of this chapter (7-3-1986).

[Amended 7-15-1993 by Ord. No. 863-93]

#### PRELIMINARY FLOOD INSURANCE RATE MAP (FIRM)

The draft version of the FIRM released for public comment before finalization and adoption.

#### PRIMARY FRONTAL DUNE

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the "primary frontal dune" occurs at the point where there is a distinct change from a relatively steep slope to a relatively mold slope.

[Added 7-15-1993 by Ord. No. 863-93]

#### RECREATIONAL VEHICLE

A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

#### SAND DUNES

Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

#### START OF CONSTRUCTION

For other than new construction or substantial damages and improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

[Amended 4-1-1987 by Ord. No. 569-87; 7-15-1993 by Ord. No. 863-93]

#### STRUCTURE

A walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

[Amended 7-15-1993 by Ord. No. 863-93]

#### SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

[Added 7-15-1993 by Ord. No. 863-93]

#### SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either

A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

B. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"..

#### VARIANCE

A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

#### VIOLATION

The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

### ARTICLE III General Provisions

#### 146-7 Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Township of Middle.

#### 146-8 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard for the Township of Middle Community No. 0506 are identified and defined on the following documents prepared by the Federal Emergency management Agency:

- a. Flood Hazard Boundary Map/Flood Insurance Rate map for the Township of Middle, Cape May County, New Jersey as shown on Index and panels 01 through 11 whose effective date is July 15, 1992.
- b. Best Available Flood Hazard Data. These documents shall take precedence over effective panels in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

#### § 146-9 Violations and penalties.

[Amended 4-5-1990 by Ord. No. 720-90; 7-15-1993 by Ord. No. 863-93]

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. An offense against the provisions of this chapter by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to one or more of the following: a fine of not more than \$1,000 or imprisonment for not more than 90 days or a period of community service not to exceed 90 days, for each violation, and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Middle from taking such other lawful action as is necessary to prevent or remedy any violation. Each calendar day of violation shall constitute a separate and individual violation. Any person who violates this chapter shall bear the full cost of correcting any and all violations.

#### § 146-10 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more-stringent restrictions shall prevail.

#### § 146-11 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### § 146-12 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Township of Middle, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

### Article IV: Administration

#### § 146-13 Development permit.

[Amended 7-15-1993 by Ord. No. 863-93]

A development permit shall be obtained before development begins within any area of special hazard established in §

146-8. Application for a development permit shall be made on forms furnished by the Construction Official and may include but not be limited to plans, in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- A. The elevation, in relation to mean sea level, of the lowest floor, including the basement, of all structures.
- B. The elevation, in relation to mean sea level, to which any structure has been floodproofed.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 146-19B.
- D. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

#### § 146-14 Designation of enforcement official.

The Construction Official or his/her designee is hereby appointed the enforcement official to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

#### § 146-15 Duties of enforcement official.

Duties of the enforcement official or his/ her designee shall include but not be limited to:

- A. Permit review.

(1) The enforcement official shall review all development permits to determine that the permit requirements of this chapter have been satisfied.

(2) The enforcement official shall review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) The enforcement official shall review all development permits for compliance with the provisions of § 146-18E, Encroachments.

(4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.

(5) Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 5.4-2(4)

B. Use of other base flood data.

When base flood elevation and floodway data has not been provided in accordance with § 146-8, Basis for establishing areas of special flood hazard, the enforcement official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer § 146-19A and B.

[Amended 4-1-1987 by Ord. No. 569-87]

C. Information to be obtained and maintained.

(1) The enforcement official or his/her designee shall obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures and subsequently damaged and whether or not the structure contains a basement.

[Amended 7-15-1993 by Ord. No. 863-93]

(2) For all new substantially improved and damaged floodproofed structures, the enforcement official or his/her designee shall:

(a) Verify and record the actual elevation, in relation to mean sea level.

(b) Maintain the floodproofing certificates required in § 146-13C.

(3) The enforcement official shall maintain for public inspection all records pertaining to the provisions of this chapter.

(4) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2(10) (i) and (ii) are met.

D. Alteration of watercourses.

(1) The enforcement official shall notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(2) The enforcement official shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries. The enforcement official shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 146-16.

§ 146-16 Variance procedure.

A. The Middle Township Planning Board shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the enforcement official in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.

D. In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger of life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity to the facility of a waterfront location, where applicable.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

E. Upon consideration of the factors of § 146-16D and the purposes of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The enforcement official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

§ 146-17 Conditions for issuance of variances.

A. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 146-16D or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Article V: Provisions for Flood hazard Reduction

§146-18 General standards.

In all areas of special flood hazards compliance with the applicable requirements of the Uniform Construction Code (NJAC.5.23) and the following standards, whichever is more restrictive is required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

[Amended 4-1-1987 by Ord. No. 569-87]

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements and subsequent damages shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) For all new construction and substantial improvements and substantial damages the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

[Added 4-1-1987 by Ord. No. 569-87]

D. Subdivision proposals.

(1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or 5 acres (whichever is less).

E. Encroachments. In all areas of special flood hazard in which base flood elevation data has been provided, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 0.25 foot at any point.

F. Enclosure openings. For all new construction and substantial improvements, fully enclosed areas below the lowest floor are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

[Added 4-1-1987 by Ord. No. 569-87]

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 146-19 Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 146-8, Basis for establishing areas of special flood hazard, or in § 146-15B, Use of other base flood data, the following standards are required:

A. Residential Construction.

1. New construction and substantial improvement and substantial damages of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities elevated at or above the base flood elevation (published FIRM) or the best available flood hazard data elevation whichever is more restrictive, plus one foot.

2. Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least 3 feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential Construction

In an area of special flood hazard, all new construction and substantial improvement of any commercial industrial or other non-residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

1. Elevated to or above base flood elevation (published FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus one foot and

2. Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least 3 feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; OR

3. Be floodproofed so that below the base flood level plus one foot or best available flood hazard data elevation plus one foot (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;

4. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

5. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 146-15C(2).

C. Manufactured homes.

[Amended 4-1-1987 by Ord. No. 569-87]

(1) Manufactured homes shall be anchored in accordance with § 146-18A(2).

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation (published FIRM) or the best available flood hazard data elevation, plus one foot (whichever is more restrictive).

D. Annual recertifications and inspections of nonresidential structures that have been floodproofed shall be required to assure that they are properly maintained.

146-20 Coastal High Hazard Area.

Coastal high hazard areas (V or VE Zones) are located within the areas of the special flood hazard established in Section 3.2 these areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

1. Location of Structures

a. All buildings or structures shall be located landward of the reach of the mean high tide.

b. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

2. Construction Methods

a. Elevation

All new construction and substantial improvements and damages shall be elevated on piling or columns so that:

1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation (published FIRM), the best available flood hazard data elevation or as required by the Uniform Construction Code (NJAC 5:23) whichever is more restrictive, and:

2. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2(4).

b. Structural Support

1. All new construction and substantial improvements and damages shall be securely anchored on piling or columns.

2. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

3. There shall be no fill used for structural support.

3. Certification

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and

methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 5.4-2(1) and 5.4-2(2) (i) and (ii).

4. Space Below the Lowest Floor

1. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice work or insect screening are used as provided for in this section.
2. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
  - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood and
  - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
3. If Breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
4. Prior to construction, plans for any breakaway wall must be submitted to the Building SubCode Official for approval.

146-21 Sand Dunes.

Prohibit man made alteration of sand dunes within zones VE and V on the community's DFIRM which would increase potential flood damage.

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

SECTION 3: Should any section, paragraph, sentence 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 4: This Ordinance shall become effective immediately upon final passage and publication, according to law.

*Connie Mahon:*

*CRS rating system requirement, part of FEMA initiative to establish discounts for flood insurance premiums for residents. Required in order to enter into the program and gives definitions of certain areas and improvements. The lower our rating, the higher discounts will be for residents.*

8. ORDINANCE 1470-14 - BOND ORDINANCE PROVIDING FOR STERBACK HARBOR DREDGE PROJECT IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,080,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF UPON COMPLIANCE WITH CERTAIN CONDITIONS – Following second reading, hearing, and consideration for adoption, Ordinance 1470-13 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, New Jersey (the "Township") as a local improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,200,000, including the sum of \$120,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,080,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the undertaking of the Sterback Harbor Dredging Project including the removal of dredge materials, permitting, design, construction, engineering services and including all related costs and expenditures incidental thereto.

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

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

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

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

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement that the City lawfully may undertake as a local improvement upon obtaining those approvals set forth in N.J.S.A. 40:56-1. The cost of the local improvements will be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,080,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$240,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Notice is hereby given to the owners of all lots and parcels of real estate benefitted by the improvement described in Section 3 hereof and affected by the improvement described therein that the Township intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$1,200,000 subject to the receipt of certain approvals set forth in N.J.S.A. 40:56-1(p). Such special assessments shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Township will not contribute to the cost of the improvement.

Section 8. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty (30) days after the time it shall become due and payable, it shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 9. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 10. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 11. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@)

for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

*Tom Dwyer:*

*Spoke of language in Bond Ordinance. Asked that Section 6 be amended to include language that assessment charges go to new owner if sold.*

*Connie Mahon:*

*Language is not appropriate for the Bond Ordinance.*

*Erin Law:*

*Pointed out Section 8.*

*Tom Dwyer:*

*Asked that Section 8 be amended.*

*Erin Law:*

*Proposed change to sentence in Section 8.  
Committee OK with Erin's proposal.*

*Tom Dwyer:*

*Spoke of prepayment of lien.*

*Connie:*

*Once payment is satisfied, lien goes away.*

*Erin Law:*

*Made a comment into record regarding interest.*

*Sam Kelly:*

*Asked what Bond Ordinance is relative to?*

*Committeemember Lockwood:*

*Briefed Mr. Kelly on history of project and the need for Avalon Manor to be dredged.  
Spoke of special assessment to property owners which this project affects.*

9. ORDINANCE NO. 1472-14 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 121, ENTITLED DOGS AND OTHER ANIMALS, TO INCLUDE SECTION PERTAINING TO MIDDLE TOWNSHIP ANIMAL WELFARE ADVISORY COUNCIL – On motion by seconded by and passed on roll call, Ordinance No. 1472-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/19/2014 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following chapter of the local code is hereby revised as follows:

SECTION 1: Chapter 121 of the Code of the Township of Middle is hereby amended to include the following section:

Middle Township Animal Welfare Advisory Council

Purpose:

The Middle Township Animal Welfare Advisory Council exists for the purpose of promoting and protecting the health, safety and welfare of companion animals in the Township of Middle. The Middle Township Animal Welfare Advisory Council works to promote responsible pet care and to ensure that pets do not suffer due to abuse, neglect or lack of proper care. The purpose of this board is help promote the well-being of domestic and companion animals through our community while providing essential information and recommendations to the governing body of the Township of Middle and Middle Township Department of Animal Control regarding various safety and quality of life issues. Determination to enact legislation regarding these recommendations is at the discretion of the governing body.

Convening the Advisory Council:

The Middle Township Animal Welfare Advisory Council may be convened when a case is brought to the Business Administrator, Chief of Police or Animal Control Officer, and will meet on a case-by-case basis.

Appointment.

The members of the Middle Township Animal Welfare Advisory Council shall consist of seven voting members who are residents of the municipality. The members of said council shall be appointed by the Township Committee of the Township of Middle.

The members on the Middle Township Animal Welfare Advisory Council will consist of the following members:

1. Middle Township Animal Control Officer or Substitute Animal Control Officer in his absence.
2. Liaison of Middle Township Police Department
3. 7 voting members, one of which who will serve as the Chairman of the Council, and who shall be appointed as the Chairman of the Council by the Township Committee.
4. 1 Local Veterinarian, to serve in Advisory position

The Middle Township Animal Welfare Advisory Council shall utilize the services of a board secretary as may be appointed by the Township Committee and shall utilize the services of the Township Solicitor for all legal matters.

Qualifications.

The members of the Middle Township Animal Welfare Advisory Council shall be chosen by virtue of their known and consistent reputation for integrity.

Term of office.

The initial membership shall consist of the council chairman and three additional members holding three-year terms. The remaining three members shall hold two-year terms. Thereafter, all members shall serve for three years. Members of the Council shall serve without pay and serve at the liberty of the Township Committee.

Vacancy.

Any vacancy occurring in the membership of the Middle Township Animal Welfare Advisory Council shall be filled in the same manner as the original appointment for the unexpired term.

Facilities, equipment and supplies.

The Township Committee shall provide the Middle Township Animal Welfare Advisory Council with a location to conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

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

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

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

- 10. RESOLUTION NO. 224-14 – CLOSED SESSION – LITIGATION (MATTER OF TWP. PROPOSED PROPERTY EASEMENT) – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

- 11. RESOLUTION NO. 225-14 – APPOINTMENTS – PART TIME – NEW HIRES – 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, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Dawn Avedelis	Public Safety	EMT P/T	\$10.60 ph	04/14/2014
Kathleen Bittner	Municipal Court	Keyboarding Clerk 1 P/T T/A	\$12.00 ph	05/01/2014

- 12. RESOLUTION NO. 226-14 – REDUCTION OF PERFORMANCE BOND – RANDALL GOODMAN – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, \$41,757.75 is being held as a performance guarantee of Randall Goodman for Block 48 Lot 7.02, otherwise known as Route 47 North, and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$34,000.00 have been completed, and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$17,416.80.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the cash bond be and is hereby reduced to \$17,416.80.

- 13. RESOLUTION NO. 227-14 – AUTHORIZING APPLICATION – PETSMART CHARITIES / FAST TRACK GRANT APPLICATION (SPAY/NEUTER FOR FREE-ROAMING CATS) – 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 PETSMART Charities for approximately \$31,175.00 to carry out a free-roaming cat spay and neuter program within the township.

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 PETSMART Charities

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:

14. RESOLUTION NO. 228-14 – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY FOR THE PROJECT KNOWN AS “PARK/RECREATION UPGRADES TO THE OCKIE WISTING RECREATION COMPLEX” – CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION 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 is the owner of Block 466.01 Lot 47 (7 Fulling Mill Road), otherwise known as Ockie Wisting Recreational Complex, and  
 WHEREAS, the Township of Middle wishes to enter into a Shared Service Agreement with the County of Cape May for joint action with regard to capital projects and improvements, which are deemed beneficial not only to the Township of Middle but also the County of Cape May and their residents.  
 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 with the County of Cape May for the term of April 1, 2014 through March 31, 2016.
15. RESOLUTION NO. 229-14 – AMENDING RESOLUTION NO. 409-13 – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
 WHEREAS, Resolution #409-13 provided for the refund of taxes on the property listed below in the amount of \$17.62, as a result of an assessment change that created an overpayment for the year 2013, and  
 WHEREAS, Check #55232 was issued to the property owner on record in the amount of \$17.62, and  
 WHEREAS, the original owner of record is now deceased, which hereby cancels the original refund.  
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that that the CFO of the Township of Middle is hereby authorized to cancel check #55232 in the amount of \$17.62.  
 BE IT FURTHER RESOLVED, that the Tax Collector is hereby directed to process a credit toward future taxes on this parcel in the amount of \$17.62.
- | ACCT | BLOCK | LOT | OWNER/LOCATION   | AMOUNT  |
|------|-------|-----|--|---------|
| 4125 | 204   | 2   | Mc Cullough, Andy & Ethel<br>Property location: Chestnut Ave | \$17.62 |
16. RESOLUTION NO. 230-14 – AUTHORIZING MAYOR TO SIGN 2014 SAFETY INCENTIVE PROGRAM – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, the governing body of the Township of Middle does hereby recognize the important role that an effective safety program plays in lowering employee injury rates, reducing lost time accidents, and cutting insurance costs, all of which contributes to greater employee safety and lower tax rates, and  
 WHEREAS, as part of the 2014 Safety Incentive Program, the JIF hereby request that the municipality execute a “2014 Safety Contract” essentially agreeing to support and participate in all aspects of the JIF Safety Program.  
 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 Mayor and Township Clerk are hereby authorized to sign any and all documents in connection with said 2014 Safety Contract.
17. RESOLUTION NO. 231-14 – AWARD OF BID – FY 2013 NJDOT LOCAL AID – BIKE PATH PROGRAM – BIKE PATH PHASE 4 – 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 the Bike Path Phase 4; and  
 WHEREAS, sealed bids were received on April 16, 2014, 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 FY 2013 NJDOT LOCAL AID – BIKE PATH PROGRAM – BIKE PATH PHASE 4 be and hereby is awarded to:  
 Kline Construction Company, Inc. - \$198,020.00  
 FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds and also contingent upon receiving all necessary DOT approvals.
18. RESOLUTION NO. 232-14 – APPROVE LEAVE OF ABSENCE – 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 leave of absence without pay for William Markee is hereby approved from April 21, 2014 until June 15, 2014.
19. RESOLUTION NO. 233-14 – AUTHORIZE MAYOR TO SIGN NOVATION AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MIDDLE AND BLUE DIAMOND DISPOSAL, INC. – 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, State of New Jersey that the Mayor is hereby authorized to sign the Novation Agreement between the Township of Middle and Blue Diamond Disposal, Inc..

20. PUBLIC HEARING – 2014 MUNICIPAL BUDGET

*Glen Ortman:*

*Gave brief synopsis of budget.*

*Mayor Donohue (read by Connie Mahon):*

*I'm sorry to miss the Budget hearing. We were handed a budget that proposed a three cent levy increase. Tonight our hearing is based on a budget that would bring a one cent increase. I remain committed to delivering a final budget that will, for the third consecutive year, keep our levy below the all-time high of 2011. When we cut the budget and had a zero tax increase in 2012, some said it was a one year fluke. When we kept the 2013 budget below the 2011 high, some said we would have to raise the levy even more in 2014. Now, as we are the verge of delivering another budget under the 2011 all-time high, the naysayers will call us shortsighted.*

*With all due respect, these naysayers are the same folks who brought us double digit levy increases for a decade. These critics are the same folks who doubled the levy in just seven years. For years they avoided the hard work and tough decisions needed to control spending by simply dipping ever deeper into the taxpayers pocket.*

*We promised to end that practice and we have. By partnering with our employees and professionals to bring innovative approaches and better long range planning, we are bending the cost curve of government downward, while maintaining and improving on the services we provide to our residents. This budget is the proof our commitment to smart sized government.*

*Committeemember Clark:*

*Asked how much was being taken out of surplus?*

*Glen Ortman:*

*\$1.2 Million for 2014*

*Committeemember Clark:*

*Spoke of accelerated tax sale in December.*

*Stan Doniger:*

*Asked about 2.2% increase.*

*Glen Ortman and Committeemember Lockwood discussed budget as introduced.*

*Eileen Fausey:*

*Asked about Health Insurance Company? Will accelerated tax sale have to continue next year?*

*Committeemember Lockwood:*

*HIF is participated in by other municipalities and school districts. Accelerated tax sale will continue as it will reduce the reserve for uncollected taxes. Jump in surplus this year will affect next year.*

*Eileen Fausey:*

*Are attorney fees down from last year?*

*Connie Mahon:*

*Budgeted less for this year.*

*Sam Kelly:*

*Committee did great job presenting budget.*

*Committeemember Lockwood:*

*Does not see a reason to increase taxes if there is no need to and it can be prevented. Employees have played a large part on preventing tax increases. Cap has been banked for previous two years, but does not see the need to spend the money if there is no reason to. Appreciates comments by Mr. Kelly.*

*Committeemember Clark:*

*Accelerated tax sale is a one-time thing, important that residents understand this. May not always agree, but has to be practical.*

21. PUBLIC COMMENT:

Engineer Report:



EDWARD VERNICK, P.E., C.M.E., President  
 CRAIG F. REMINGTON, P.L.A., P.E., Vice President  
 EXECUTIVE VICE PRESIDENTS  
 Michael D. Wain, P.E., P.E. C.M.E. Assistant  
 Edward J. Helling, P.E., C.M.E.  
 Thomas F. Beach, P.E., C.M.E.  
 Richard S. Knepp, P.E., C.M.E.

DIRECTOR OF OPERATIONS  
 CORPORATE SECRETARY  
 STACY R. SCHMIDT, P.E., 1999  
 SENIOR ASSOCIATES  
 John J. Caruso, P.E., P.E. C.M.E.  
 Alan Chiodini, P.E., P.E. C.M.E.  
 Frank J. Simon, Jr., P.E., P.E. C.M.E.  
 Raymond P. Kelly, P.E., C.M.E.  
 SENIOR ENGINEERS  
 Dennis K. Tross, P.E., P.E. C.M.E., LEED  
 Charles C. Brennan, P.E., LEED  
 Jeff Reynolds, P.E., C.M.E.  
 Alan Sabatino, P.E., P.E. C.M.E.  
 Jonathan A. Kline, P.E., C.M.E.  
 Christopher J. Patti, P.E., C.M.E.  
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ENGINEERING STATUS REPORT  
 MIDDLE TOWNSHIP

April 21, 2014

Prepared For: TOWNSHIP COMMITTEE  
 Prepared By: MARC DEBLASIO, P.E., P.F., C.M.E.,  
 Township Engineer

GRANT APPLICATIONS

FY2014 NJDOT State Aid Program

- The Township has submitted the following grant applications before the September 20<sup>th</sup> deadline:
  - Municipal Aid - Roadway: Third Avenue
  - Municipal Aid - Bikeway: Bike Path Phase 5

New Jersey Office of Clean Energy - Direct Install Program

- Public Works Facility: Eligible to receive a \$55,384.99 grant with a \$23,736.42 match. The yearly estimated savings is \$11,756.38.

CAPITAL IMPROVEMENTS

Whitesboro Roadway Improvements - Phase 3B

- The bid opening occurred on October 11, 2013 and the apparent low bidder is Arawak Paving Company, Inc. in the amount of \$19,600.00.
- A pre-construction meeting was held on November 4, 2013.
- The Township Public Works Department has requested additional work to be added to the contract and we are requesting Township authorization to proceed.
- The Contractor began work the week of April 7, 2014.
- The main line paving is complete.
- Contractor is currently installing driveway aprons.

FY 2013 NJDOT Bike Path - Phase 4

- The project design is complete and the project is scheduled for public advertisement on March 25, 2014.
- The bid opening occurred on April 16, 2014, and the apparent low bidder was Kline Construction Company, Inc. in the amount of \$198,020.00.
- The estimated construction costs are \$295,420.00. Our office will explore project enhancements to utilize available funds.

FEMA Reconstruction of Benny's Landing Road and Beach Avenue

- The survey and base mapping is complete and the project is entering the design phase.

USDA Rural Development Sanitary Sewer Application - Grassy Sound

- Our office has begun coordinating the design and permitting package.
- Survey for the project is completed and the design is approximately 75% complete.
- Our office is working with Van Note Harvey Associates to finalize the Joint Permit Package.

GENERAL ENGINEERING PROJECTS

Robert 'Ockie' Wisting Recreation Complex

- Cape Express Soccer Organization has proposed to complete what remains unfinished, additional work and maintenance of the facility.
- Our office has generated a conceptual plan to show additional recreation activities at the Complex based upon Cape Express' plan of development.
- A conceptual plan was presented the public at an Open Space and Recreation Meeting held on January 22, 2013 for public comment.
- An application to extend the Freshwater Wetlands Letter of Interpretation was submitted to NJDEP. NJDEP informed our office that an extension would not be granted. Our office will prepare a new Letter of Interpretation in conjunction with Lomax Consulting.
- A conceptual plan was sent to Elizabeth Terenik for inclusion in her submittal to Cape May County.
- The Township was awarded \$582,000.00 grant from Cape May County.
- The Township has applied to Cape May County for additional funding for a fishing pier/boardwalk.
- A verification Letter of Interpretation Application for the Freshwater Wetlands was submitted to NJDEP on 8/22/13 and is under review. NJDEP has performed their field visit and has requested additional information. Surveyor has completed updating the plan and re-submittal will take place the week of 2/17/14.

HMGP (Hazard Mitigation Grant Program)

- The Township was selected to receive a grant amount of \$142,080.00 for the purchase and installation of emergency generators.
- A spending plan has been prepared in conjunction with the Township's Economic Development Office and was submitted on 12/16/13.

GIS Mapping

- All available resource mapping documents have been collected, inventoried and scanned into our system, including existing GIS resource data from State, County and local agencies (additional CADD data exists, however, not made available according to Connie Mahon, Administrator).
- We have returned all collected original hard copy and digital documents/information to the office of Rob Flynn, Public Works Director, on April 1, 2014.
- Digitizing the existing as-built maps is underway and our efforts have concentrated on the storm sewer system in the Marilyn Manor Drainage Study area, which needed to complete a base map of the storm sewer system in this area in order to complete a drainage study. Anticipate having this area complete the week of 4/21/2014 and then proceeding with the remaining areas from there.
- Once these areas are complete a progress meeting will be scheduled with the office of Rob Flynn, Public Works Director, the week of 4/29/2014.

Marilyn Manor Storm Sewer Drainage Study

- Our office has begun gathering available mapping.
- A system map has been assembled, and we will meet with the Public Works Department to field verify within the next two weeks.

Improvements to Stapecoach Road

- Survey is scheduled to begin the week of April 28, 2014.

Tim Donohue (ready by Connie Mahon):

*Congratulations to March employee of the month Brittney Linz. I want to recognize her and all of our court staff for the great job they do running the County's busiest court.*

*Recognize and congratulate Chief Leusner for his new social media initiative, Crime Watch. The MTPD continues to lead local departments in the use of social media to enlist community support and input to fight crime. These methods are low cost, interactive and effective.*

*Our Easter Egg Hunt and Pancake breakfast was great success with over 500 residents turning out. Thanks to Tammy, Robert, Justin and their staffs for all their hard work.*

*A big congratulations to the Middle Township Panther Band who went to Nashville and not only received superior ratings but also earned the spirit award for their attitude and appearance at this national band competition.*

*Tonight we move one step closer to breaking ground on the phase 4 section of the bike path and the Ockie Wisting Recreation Complex. Good leadership is about bringing good people together to do good work. I want to thank all the folks that have helped to make these visions a reality.*

Committeemember Clark:

*-Recognized Brittany Linz on Employee of the Month*

*-Attended Easter Egg Hunt on behalf of the Fire Department, Recreation Staff did a great job.*

*Committeemember Lockwood:*

- Spoke of developments with Ockie Wisting Recreation Complex
- Lt. Bill Adams is currently attending the 255<sup>th</sup> Session of FBI National Academy, in 3<sup>rd</sup> week of 10-week program.
- Recognized Brittany Linz as Employee of the Month
- Recognized and wished luck to Suzanne Stocker, taking her RMC exam through DCA tomorrow.

*Eileen Fausey:*

- Gravel Pit on Swainton-Goshen Road starting at 6am, previously spoken to Connie about this.

*Committeemember Lockwood:*

- Federal funding is involved which allows them to continue working with no limitation to operation hours.

*Connie Mahon:*

- Reached out to asked if the project is in relation to parkway or a beach replenishment project, has not yet heard back. Has forwarded concerns to Code Enforcement.

*Stan Doniger:*

- Spoke of transparency at Middle Township meetings. Mentioned school board only allowing 5 minutes per person for comments at meetings. Questioned Committeemember Clark as to his vote on the Centers Amendment Resolution.

*Kimberly Krauss:*

- Indicated, per Roberts Rules, Committee members are not required to discuss their votes or why the vote in that manner.

*Sam Kelly:*

- Stated that Committeemember Clark should answer Mr. Doniger's request for an explanation. Spoke of comment time period for meetings.

*Committeemember Lockwood:*

- Willing to look into limitation of comments, but believes flexibility is needed for comments.

*Vilma Pombo:*

- Thanked Committee for Animal Welfare Board
- Spoke of Earth Day at Zoo on Saturday from 10am-4pm

*Eileen Fausey:*

- Spoke of Centers Boundary Amendment, heard that plan was previously submitted to the State. Were the plans originally submitted and rejected?

*Committeemember Lockwood:*

- Advised that the plans were just updated to include certain lines that were not there before. The plans included those parcels, but did not include the entire parcel in the designation area.

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Kimberly D. Krauss, Township Clerk

Motion to enter into closed session – 7:20pm

1<sup>st</sup>: Committeemember Clark                      2<sup>nd</sup>: Committeemember Lockwood

Pass on Roll Call: Committeemember Clark, Committeemember Lockwood

*\*Mayor Donohue Absent*

Motion to return to open morning – 7:35pm

1<sup>st</sup>: Committeemember Clark                      2<sup>nd</sup>: Committeemember Lockwood

Pass on Roll Call: Committeemember Clark, Committeemember Lockwood

*\*Mayor Donohue Absent*

Motion to adjourn meeting – 7:35pm

1<sup>st</sup>: Committeemember Clark                      2<sup>nd</sup>: Committeemember Lockwood

Pass on Roll Call: Committeemember Clark, Committeemember Lockwood

*\*Mayor Donohue Absent*