

Cape May Court House, NJ
August 4, 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, Committeemember Lockwood, Committeemember Clark, Township Clerk Kimberly Krauss, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan. *Township Engineer Marc DeBlasio and Deputy Township Clerk Suzanne Stocker were absent.*

1. PRESENTATION – MAYOR’S CERTIFICATE OF APPRECIATION – FRANK CARROLL
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.)

Eileen Fausey:

Questioned the need for item #21 and why the same counsel is being used. Believes the Township is throwing good money away.

Mayor Donohue:

Next round of obligations with Committee is against, needs COAH counsel to fight.

Stan Doniger:

Questioned \$2,500 payment to fire district.

Connie Mahon:

Explained Shared Services Agreement with Sal DiSimone

Bette McGurk:

Concurs with Eileen Fausey on item #21, believes this counsel “did everything to aid Conifer”.

Committeemember Lockwood:

Asked Ms. McGurk if she believes the matter should be fought over.

Bette McGurk:

Certainly.

3. RESOLUTION 426-14 – 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. \$3,564,674.60
4. RESOLUTION 427-14 – APPROVING PAYMENT FOR BILLS – BILL LIST B (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. \$105.60
5. RESOLUTION 428-14 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Lockwood seconded by 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: Work Session 07/21/2014 and Regular Meeting 07/21/2014.
6. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of July; Zoning Official for the month of July, Tax Collector for the month of July, Sewer Billing for the month of July.
7. ORDINANCE NO. 1479-14 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE AMENDING ORDINANCE NO. 1465-14 – Following second reading, hearing, and consideration for adoption, Ordinance 1479-14 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 ORDINANCE 1465-14 of the Township of Middle be and is hereby amended as follows:
SECTION 1: The following terms shall be added to the previously adopted Ordinance in Section 193-12,. Definitions, which is hereby amended to include same:

DWELLING -- Any building or structure or part thereof used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

OWNER -- The holder of the title in fee simple

PARTIES IN INTEREST -- All individuals, associations and corporations who or which have interests of record in a dwelling and any who or which are in possession thereof.

PUBLIC AUTHORITY -- Any housing authority or any officer who is in charge of any department or branch of the government of the municipality, county or state relating to health, fire or building regulations or to other activities concerning dwellings in the municipality.

SECTION 2: The following paragraph shall be added to the previously adopted Ordinance as section 193-16A, et seq., which is hereby amended to include same:

193-16A1. Authority of Building Inspector.

The Building Inspector of the Township of Middle and/or his appointee be and he is hereby designated and appointed to exercise the powers prescribed by this article and is hereinafter called the "public officer."

193-16A2. Determination of unfit dwelling.

Any dwelling within the Township of Middle is hereby declared to be unfit for human habitation if conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality, including, without limiting the generality of foregoing, defects therein increasing the hazards of fire, accident or other calamities, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness or failure to conform to other laws of the State of New Jersey or ordinances of this Township or of the local Board of Health of this Township regulating the safety and sanitation of dwellings.

193-16A3. Complaint, investigation and hearing.

Whenever a petition is filed with the public officer by a public authority or by not fewer than five (5) residents of this municipality charging that any dwelling located therein is unfit for human habitation, the public officer shall make a preliminary investigation of the charges, and if his preliminary investigation of said charges discloses a basis therefore, or whenever it appears to the public officer from his own investigation that any dwelling is unfit for human habitation, said public officer shall issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint.

193-16A4. Rights of owner.

The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and give testimony at the place and time fixed in said notice of hearing.

193-16A5. Evidence.

The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

193-16A6. Conduct of hearing.

At the time and place stated in said notice or at such time and place to which said hearing shall be adjourned from time to time, the public officer shall hold a hearing at which complainants, if any, and the owner and parties in interest and witnesses shall be heard and at which said public officer shall publicly state the results of his investigation.

193-16A7. Determination of public officer; order.

If after such notice and hearing the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his determination and his findings of fact in support thereof and shall issue and cause to be served upon the owner thereof and parties in interest an order:

A Requiring the owner, within the time specified in the order, to repair, alter or improve said dwelling to render it fit for human habitation if the repair, alteration or improvement of said dwelling can be made at a reasonable cost in relation to the value of the dwelling or, at the option of the owner, to vacate and close the dwelling; or

B. Requiring the owner, within the time specified in the order, to remove or demolish such dwelling if the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling.

193-16A8. Failure of owner to comply.

A If the owner fails to comply with an order so issued by the public officer to repair, alter or improve or, at the option of the owner, to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

B. If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.

193-16A9. Recovery of costs.

The amount of such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, and any other consequential costs shall be a municipal lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Division of the Superior Court by the public officer, shall be secured in such manner as may be directed by such Court, and shall be disbursed by such Court to the persons found to be entitled thereto by final order or judgment of such Court.

193-16A10. Additional powers of public officer.

In addition to the powers in this article granted to the public officer, he shall also have the following powers:

- A. To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation.
- B. To administer oaths and affirmations, examine witnesses and receive evidence.
- C. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.
- D. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article.
- E. To issue complaints against owners, either on his or her own motion or in response to petitions from others.
- F. To hold hearings on Complaints.
- G. To issue orders requiring owners to repair, vacate or demolish properties as appropriate
- H. To take action to repair, vacate or demolish properties, if the owner fails to do so

(N.J.S.A.40:48-2.5)

193-16A11. Power to abate nuisances.

Nothing in this article shall be construed to impair or limit in any way the power of this municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

193-16A12. Violations.

The failure, neglect or refusal of any person to comply with any order made by the public officer pursuant to the provisions hereof, or the hindrance by any person of the public officer in making any investigation under this article, shall constitute a violation of this article.

193-16A13. Statutory authority; findings.

This article is adopted pursuant to the provisions of Chapter 112 of the Laws of 1942 of the State of New Jersey (N.J.S.A. 40:48-2.3 to 40:48-2.12, as amended and supplemented) and after the adoption by the Township Committee of said Township of a resolution finding that there are dwellings in said municipality unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such dwellings unsafe or insanitary or dangerous or detrimental to the health or safety and otherwise inimical to the welfare of the residents of this Township.

193-16A14. Violations and penalties.

Any person or persons, firm or corporation or association violating this article or any of the provisions thereof shall, upon conviction thereof, be subject to a fine not exceeding \$200 or imprisonment in the Cape May County Jail for a term not exceeding 90 days, or both, in the discretion of the Magistrate before whom such violator shall be convicted.

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.

8. ORDINANCE NO. 1481-14 - AN ORDINANCE AMENDING ORDINANCE 1465-14 AND 1479-14 OF THE TOWNSHIP OF MIDDLE, KNOWN AS CHAPTER 193, ARTICLE III, OF THE CODE OF THE TOWNSHIP OF MIDDLE, ENTITLED PROPERTY MAINTENANCE – CODE – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1481-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/03/2014 at 6:00 p.m.

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that ORDINANCE 1465-14 & 1479-14, known as Chapter 193 of the Township Code of the of the Township of Middle, be and is hereby amended as follows::

SECTION 1: The following paragraph shall be added to the previously adopted Ordinance as section 193-31, et seq., which is hereby amended to include same:

§193-31 Penalties.

Any person or entity that shall violate section 193–19 shall be subject to a fine as follows:

1st offense: The violator shall, upon conviction, compensate the Township, as restitution, for all costs incurred in cleaning the premises. A lien shall issue against the premises in this regard until paid. Additionally, the violator shall be fined \$150.00.

2nd offense: The violator shall, upon conviction, compensate the Township, as restitution, for all costs incurred in cleaning the premises. A lien shall issue against the premises in this regard until paid. Additionally, the violator shall be fined \$250.

3rd and all subsequent offenses: The violator shall, upon conviction, compensate the Township, as restitution, for all costs incurred in cleaning the premises. A lien shall issue against the premises in this regard until paid. Additionally the violator shall be fined \$500.

Any person or entity that shall violate any other provision of this article shall, upon conviction, be subject to a fine not to exceed \$ 1,000 per occurrence. Each separate 24-hour period during which a violation continues shall be deemed to be a separate and distinct violation of this article.

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.

9. ORDINANCE NO. 1482-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY REGARDING REFUSE CONTAINERS / DUMPSTERS - On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1482-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/03/2014 at 6:00 p.m.

SECTION 1. Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Middle and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Middle, or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Middle.

SECTION 4. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION 5. Enforcement:

This ordinance shall be enforced by the Township of Middle

SECTION 6. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed a fine up to \$500 per offense.

SECTION 7. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 8. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

SECTION 9: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 10: 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.

10. ORDINANCE NO. 1483-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO ESTABLISH PRIVATE STORM DRAIN INLET RETROFITTING – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1483-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/03/2014 at 6:00 p.m.

SECTION 1. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the

Township of Middle so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Middle or other public body, and is designed and used for collecting and conveying stormwater.

Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

Already meets the design standard below to control passage of solid and floatable materials; or
Is retrofitted or replaced to meet the standard in Section 5 below prior to the completion of the project.

SECTION 4. Design Standard:

Storm drain inlets identified in the Section above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

This standard does not apply:

Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards; Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

A bar screen having a bar spacing of 0.5 inches.

Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION 5. Enforcement:

This ordinance shall be enforced by the Township of Middle.

SECTION 6. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed a fine up to \$500 per offense for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION 7. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 8. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

SECTION 9: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 10: 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.

11. RESOLUTION 429-14 – 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.

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
Arthur Carter	453 Shunpike	322.01 // 26	\$338.87
Wendell Hannah	408 S. Main Street	305 // 3	\$169.02
Jean Bartleson	404 Edgewood	1129 // 11	\$159.96
Jacqueline Dearing	206 Vermont Avenue	1486 // 8	\$169.02
David Farrow	5 Johnson Avenue	56.05 // 2	\$179.43
Cherie Daley	108 Bennett Road	270 // 7	\$179.43
Kenneth & Bridgette Gage	1211 Fulton Street	713 // 2	\$179.43
Sophia Cann	19 N. 10 th Street	395 // 11	\$188.49
Noel Shields	312 Route 47 N	49 // 4	\$175.14
Kimberly Fashaw	106 N. 10 th Avenue	1109 // 1	\$171.87
Helen Pulaski	15 Heritage Drive	212.07 // 1	\$155.11
Rachel Fewell	423 Shunpike	322.01 // 59	\$192.56
Dana Eller	211 W. Pacific Avenue	325 // 5	\$263.74
Catherine Lewis	115 Indian Trail	475.01 // 22	\$193.34
James & Doris Wooten	410 W. Main Street	877 // 11	\$182.94
Jacob & Roseann Boyce	11 Freedom Drive	1425.03 // 4	\$216.32
Thomas Ivens, Jr.	4 Linden Circle	1472 // 13	\$179.43
Constance Dadura	13 Linden Lane	1469 // 2	\$179.43
Robert & Rosalie King	124 Indian Trail	208 // 4	\$193.34
Mary Smith	109 Schoolhouse Lane	251 // 2	182.94
Herbert Jaudon	301 Goshen Road	60 // 11	\$212.81

12. RESOLUTION 430-14 – REFUND OF TAXES – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

Refund due to overbills, assessment was lowered and the first and second quarters of 2014 over paid the 2014 tax year.

ACCOUNT	BLOCK	LOT	OWNER / LOCATION	AMOUNT
3381	166	60	Yudicheva, Yuliya Property location: 37 Fishing Creek Road	1,459.18
6185	392	3	Musarra, Francis X Property location: 11 Colgate Street	372.88
11508	925	3	Meyers, Charles & Carol Property location: 211 Raleigh Avenue	450.49

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2014 taxes.

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

13. RESOLUTION 431-14 – ACKNOWLEDGEMENT OF RESIGNATION – 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 the following resignation listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Thomas Burke	Public Works	Laborer 1 PT T/A	07/23/2014
Pamela Vanderwende	Human Resources	Employee Benefits Clerk	07/26/2014
Kelly Godfrey	Municipal Clerk / Registrar	Keyboarding Clerk 1 P/T T/A Alternate Deputy Registrar of V.S.	08/15/2014
Paul Fritsch Jr.	Public Safety	PS Telecommunication Operator	07/27/2014
Janet Williams	Senior Center	Recreation Aide P/T	08/01/2014

14. RESOLUTION 432-14 – MIDDLE TOWNSHIP ANNUAL FREE YARD SALE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle supports the Annual Wings and Water Festival held by the Wetlands Institute, and
WHEREAS, the residents of the Township of Middle are permitted to hold an annual yard sale with no charge to the residents on the following days only:
SEPTEMBER 20 & 21, 2014
NOW, THEREFORE BE IT RESOLVED, that Township Committee in the Township of Middle, County of Cape May, does hereby authorize the annual free yard sale to be held September 20 & 21, 2014 in the Township of Middle
15. RESOLUTION 433-14 – AUTHORIZING ACTING PLUMBING OFFICIAL - On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Richard Kajander is the Plumbing Official for the Township of Middle; and
WHEREAS, Mr. Kajander will be out of the office from August 1 through August 11, 2014, and
WHEREAS, Mike Mills has the qualifications to substitute for Mr. Kajander, performing the duties of Plumbing Official, while he is out of the office; and
WHEREAS, it is appropriate to name Mike Mills Acting Plumbing Official in the absence of Richard Kajander during the time periods listed above.
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, State of New Jersey, County of Cape May that Mike Mills is hereby named Acting Plumbing Official from August 1-August 11, 2014.
16. RESOLUTION 434-14 – APPROVE CHANGE ORDER NO. 2 – FY2013 NJDOT SECOND STREET – PHASE 2 – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
WHEREAS, FY2013 NJDOT Second Street – Phase 2 was awarded August 5, 2013 via Resolution No. 425-13 to Asphalt Paving Systems, Inc.
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 #2 for the project awarded to Asphalt Paving Systems, Inc. be and is hereby approved in the credit amount of \$500.00.
17. RESOLUTION 435-14 – 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.
18. RESOLUTION 436-14 through 437-14 – TABULATION COMMITTEE (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following -resolution was adopted.
- A. 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 Thursday, August 14, 2014 at 1:30 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
FURNISHING, INSTALLING, SUPPLYING AND SERVICING OF HEALTHY VENDING MACHINES FOR VARIOUS TOWNSHIP COMPLEXES
- B. 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 Thursday August 28, 2014 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
AGRICULTURAL AGENT TO PROVIDE MIDDLE TOWNSHIP EMPLOYEES WITH

JERSEY FRESH PRODUCE AND VEGETABLES

19. RESOLUTION 438-14 through 439-14 – 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, Pamela Vanderwende has resigned with an effective date of July 29, 2014, and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

Pamela
Vanderwende

Vacation	1.00	Hours	12.00	12.00
Owed				12.00

B. WHEREAS, Richard Sittineri has retired with an effective date of July 31, 2014, and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.

Richard Sittineri

Sick	79.50	Hours	46.07	3662.57
Vacation	52.00	Hours	46.07	2,395.64
Personal	1.50	Hours	46.07	69.10
Owed				6,127.31

20. RESOLUTION 440-14 through 441-14 – SEWER ADJUSTMENT (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, Block 938, Lot 8 located at 105 W. Main Street (duplex) in Middle Township was billed for sewer since January 1, 2012, and WHEREAS, said account was not connected to the sanitary sewer system until June 3, 2014, therefore said account needs to be adjusted by \$1,596.03. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, State of New Jersey, County of Cape May that the sewer bill for Block 938 Lot 8 is hereby amended as indicated above.

B. WHEREAS, a recent audit of sewer account #20022 showed that a bill was calculated in error for Calendar Year 2014, as this account was combined with Account No. 20023 for CY 2014, and WHEREAS, it is necessary to remove the billing for 2014 on account #20022 in the amount of \$560.00. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, State of New Jersey, County of Cape May that the sewer bill for the above referenced account is hereby amended as indicated above.

21. RESOLUTION 442-14 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – JEFFREY R. SURENIAN AND ASSOCIATES, LLC. – COAH COUNSEL – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. ****Committeemember Clark voted NO.***

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Jeffrey R. Surenian & Associates, LLC. and the Township of Middle for COAH Counsel be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Jeffrey R. Surenian & Associates, LLC. – COAH Counsel – not to exceed \$12,000.00

22. RESOLUTION 443-14 – APPOINTMENTS – NEW HIRE – 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 positions at the salaries opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Linda Brannon	EMS	EMT P/T	\$10.60ph	08/04/2014
Denise Bose	Senior Center	Recreation Aide P/T T/A	\$10.00ph	08/04/2014

23. RESOLUTION 444-14 – AWARD OF BID – RECONSTRUCTION OF BENNY’S LANDING AND BEACH AVENUE – 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 reconstruction of Benny’s Landing and Beach Ave; and WHEREAS, sealed bids were received on July 30, 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 Reconstruction of Benny’s Landing and Beach Avenue be and hereby is awarded to: R.A. Walters & Son. Inc. - \$681,100.00

24. RESOLUTION 445-14 - SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2014 STATEWIDE CRACKDOWN – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day and almost 18,000 people each year; and WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and WHEREAS, an enforcement crackdown is planned to combat impaired driving; and WHEREAS, the summer season and Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2014 Statewide Crackdown; and WHEREAS, the project will involve increased impaired driving enforcement from August 15 through September 1, 2014; and WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways. NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey declares it’s support for the Drive Sober or Get Pulled Over 2014 Statewide Crackdown from August 15 through September 1, 2014 and pledges to increase awareness of the dangers of drinking and driving. FURTHER RESOLVED, that Police Captain John Edwards is named as the Contact Person, and that the appropriate officials are hereby authorized to sign said documents.

25. RESOLUTION 446-14 - AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE	SALARY
Thomas Fairman	Recreation Aid P/T T/A	Recreation Aid P/T Permanent	08/04/2014	\$11.00ph
Katherine Keating	Keyboarding Clerk 1 P/T T/A	Keyboarding Clerk 1 F/T*	08/05/2014	\$18,720.00

*Katherine Keating will be moving from the Municipal Court to Human Resources & Training.

26. RESOLUTION 447-14 - APPOINTMENTS – ZONING BOARD OF ADJUSTMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, The Township of Middle has a volunteer board known as the Middle Township Ethics Board, as outlined by Chapter 17 of the Township Code, and WHEREAS, it is necessary to appoint and/or reappoint members via Resolution. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individuals are hereby appointed to the Middle Township Zoning Board of Adjustment for the term of office opposite their name:

NAME	BOARD	POSITION	TERM EXPIRES
William Crowther	Zoning Board of Adjustment	Alt. Member #2*	12/31/2014

* Filling unexpired term of office for Suzanne Cafiero

27. PUBLIC COMMENT:

Connie Mahon:

-Discussed Route 9 DOT repaving with NJ American Water and South jersey Gas. Route 109 through Swainton. South Jersey Gas looking to start within next few weeks. Project will be during the evenings and will start at the hospital.

Committeemember Clark:

*-Ormond Drive road is in bad shape with trucks going through. Residents asked if contractor will repave. Also was asked about painting at Shellbay and Golf Club Road
-National Night Out at Davies Complex*

Mayor Donohue:

- Condolences to Lockwood family for Committeemember Lockwood's brother passing.*
- Spoke of various road repaving projects, meetings have been productive.*
- Animal Welfare Advisory Board "hit the ground running". Spoke of "dog days of summer" program and no dogs in car campaign.*
- Press Release for Shade Tree Commission, \$382,000 grant to reforest area due to parkway project. Looking for new members landscapers or people with gardening ability).*
- Phase 4 of Bike Path, \$80,000 left over. Few new options: extend Phase 5 or improvements to new area, weighing options.*
- Burke Motors – always doing things for community, achieved goal, will be presenting van to DAV on September 3 at 5:30pm.*
- Free Rabies Clinic on September 27 at Public Works*
- Sidewalk completion at Emeritus to Riggins*

Stan Doniger:

- Asked who pays for police during Route 9 repaving project?*

Connie Mahon:

- Contractor will. They are aware we are already stretched and they may need to hire outside.*

Mayor Donohue:

- Spoke of proposed paving schedule at night and "milling" techniques used.*

Sam Kelly:

- COAH attorney, spoke of 3rd round and lack of need to spend money now for counsel.*

Connie Mahon:

- Spoke with need to fight now.*

Sam Kelly:

- Feels Surenian has lead Township astray.*

Mayor Donohue:

- Asked if closed Session Minutes were released?*

Kimberly Krauss:

- No.*

Eileen Fausey:

- Typo on Resolution for Zoning Board appointment.*
- Spoke of TRIAD letter and Conifer housing numbers.*

Sam Kelly:

- Did anyone read finding of 1st court that was favorable for Township?*

Bette McGurk:

- On "record" we are not attorneys but can say with certainty that the site was #4 and should have never been on that list to begin with. Believes Township could have embraced environmental sensitivities of that area and fought the project. Wants Solicitor to look into PILOT. Told everyone it was workforce housing but its Section 8 housing. That changes PILOT numbers.*

Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 6:50pm

1st: Committeemember Clark 2nd: Committeemember Lockwood

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

Minutes prepared by Suzanne M. Stocker, Deputy Township Clerk