

Cape May Court House, NJ  
February 3, 2014  
REGULAR MEETING  
FLAG SALUTE  
THIS MEETING IS BEING RECORDED:

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

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

1. 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.)  
*Elaine Fausey* – Asked for explanation on items 9 and 10.  
*Marc Karavan* – Regarding item 9, spoke of potential loss of immunity from builders risk for COAH if case is heard in Appellate Division.  
*Mayor Donohue* – Courts are deciding on a town by town basis as to what will happen.  
*Committeemember Lockwood* – This accepts money into COAH trust funds in lieu of building units.  
*Kimberly Krauss* – Item 10 was voted on at previous meeting and will be removed from this agenda.  
*Stan Doniger* – Asked further questions about item 9.  
*Mayor Donohue* – Spoke of a 30 year deed restriction on the property.

2. RESOLUTION 88-14 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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 payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$4,344,649.99

3. RESOLUTION 89-14 - APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE/LC) – On motion by Mayor Donohue seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
*\*Committeemember Lockwood Abstained*  
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. \$16.00

4. RESOLUTION 90-14 – 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: Work Session Meeting 1/22/2014 and Regular Meeting 1/22/2014.

5. REPORTS: The following departments have submitted their reports for the months indicated:  
Sewer Department for December 2013.

6. RESOLUTION 91-14 through 92-14 – PROMOTIONAL TITLE CHANGE (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
A)BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Dawn Stimmel	Administration	Administrative Secretary	02/03/2014

B) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Sandra Linz	Public Safety Records Department	Keyboarding Clerk 2*	\$24,500.00	02/03/2014

\*Civil Service Title Promotion  
FURTHER BE IT RESOLVED, that Mrs. Linz shall be appointed to the “in-house” title of Office Manager, effective 2/3/2014.

7. RESOLUTION 93-14 – APPOINTMENTS – 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 positions at the salaries opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Danielle Regalbuto	Public Safety	Keyboarding Clerk 1	\$18,720.00	02/03/2014
Thomas Fairman	Recreation	Recreation Aid P/T T/A	\$11.00ph	02/04/2014

8. RESOLUTION 94-14 – ACCEPTING DONATION IN THE FORM OF REAL PROPERTY IDENTIFIED AS BLOCK 1024, LOT 8, MIDDLE TOWNSHIP, NEW JERSEY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Mary Lann Ward Lee has been appointed to be the administrator of the Estate of David Clarence Lann, by the Surrogate of the County of Cape May, New Jersey.; and  
WHEREAS, the Estate is in possession of a parcel of real property located on East Dunbar Street which is also known and identified Block 1024, Lot 8, on the Official Tax Map of Middle Township; New Jersey; and

WHEREAS, Mary Lann Ward Lee has the legal authority and equitable right to transfer said property; and

WHEREAS, Mary Lann Ward Lee has expressed an intent to gratuitously transfer said parcel to the Township, free and clear of claims and encumbrances; and

WHEREAS, in light of the above and other factual circumstances the Township Committee of the Township of Middle deems it to be in the best interest of the Township to accept title to said parcel;

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

1. The Committee hereby directs the Municipal Solicitor to order the appropriate judgment and title searches to determine if encumbrances exist relative to said parcel.
2. If no impediments are found, then the Solicitor is further directed to draft a deed, for signature by the above named executrix in favor of the Township, and to record same in office of the Clerk of the County of Cape May.

9. RESOLUTION 95-14 - RESOLUTION OF THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, DECLARING ITS INTENT TO FULLY COMPLY WITH ITS MOUNT LAUREL OBLIGATIONS VOLUNTARILY AND SEEKING TO SECURE THE BENEFITS THAT OUR LAWS PROVIDE TO MUNICIPALITIES THAT COMMIT TO COMPLY VOLUNTARILY -- PROTECTION FROM MOUNT LAUREL LAWSUITS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, in Southern Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”), the New Jersey Supreme Court emphasized its desire to promote voluntary compliance by municipalities: “[o]ur rulings today have several purposes. First, we intend to encourage voluntary compliance with the constitutional obligation. . . .”; and

WHEREAS, based upon the Supreme Court’s desire to promote voluntary compliance, Judge Serpentelli devised the doctrine of “immunity” to enable municipalities to achieve compliance under the protection of any immunity order free from the costs, burdens and distractions of builder’s remedy lawsuits; and

WHEREAS, the immunity doctrine enables municipalities to devote the public’s finite resources exclusively to compliance, and not litigation, in accordance with the Supreme Court’s desire to limit excessive litigation; and

WHEREAS, in Hills Dev. Co. v. Tp. of Bernards, 103 N.J. 1, 64 (1986) (“Mount Laurel III”), the New Jersey Supreme Court openly praised the three Mount Laurel trial judges, which included Judge Serpentelli, for their “innovative refinement of techniques for the process of litigation,” and temporary immunity constituted just such a refinement; and

WHEREAS, the Legislature enacted the New Jersey Fair Housing Act (“FHA”) in 1985 in response to a plethora of builder’s remedy suits precipitated by Mount Laurel II; and

WHEREAS, the Legislature, like the Supreme Court in Mount Laurel II, sought to encourage voluntary compliance by providing a process by which municipalities could bring themselves into COAH’s jurisdiction and comply voluntarily under the protective umbrella of COAH’s jurisdiction free from the burdens of Mount Laurel lawsuits; and

WHEREAS, indeed, the Legislature clearly stated that it enacted the FHA to create an alternative to builder’s remedy litigation: “[T]he State’s preference for the resolution of existing and future disputes involving exclusionary zoning is the mediation and review process set forth in this act and not litigation, and that it is the intention of this act to provide various alternatives to the use of the builder’s remedy as a method of achieving fair share housing.” See N.J.S.A. 52:27D-303; and

WHEREAS, on August 31, 2001, Judge Serpentelli had the opportunity to reevaluate the immunity doctrine following the enactment of the FHA in a case entitled, K. Hovnanian Shore Acquisitions, Inc. v. Township of Berkeley, Docket No OCN-L-1120-01; and

WHEREAS, in that case, the plaintiff-developer argued that the FHA extinguished the need for temporary immunity by creating a means by which municipalities could voluntarily comply through an administrative process; and

WHEREAS, Judge Serpentelli rejected this argument, even though the FHA had created an administrative alternative to voluntary compliance preferred by all three branches of government; and

WHEREAS, in an opinion entitled K. Hovnanian Shore Acquisitions v. Tp. of Berkeley, 2003 WL 23206281, (App. Div. Jul 01, 2003), the Appellate Division upheld Judge Serpentelli’s ruling and declared that “voluntary compliance is preferred, should be encouraged, and that a builder’s remedy action should be considered a remedy of last resort;” and

WHEREAS, trial judges have routinely used the immunity doctrine to protect municipalities that have expressed a commitment to comply voluntarily; and

WHEREAS, Fair Share Housing Center has brought a motion in aid of litigant’s rights in a case entitled In re Adoption Of N.J.A.C. 5:96 and 5:97 By New Jersey Council On Affordable Housing, 416 N.J.Super. 462 (App. Div. 2010), affirmed, 215 N.J. 578 (2013) and sought relief which could expose Middle Township, as well as over three hundred other municipalities under COAH’s jurisdiction, to Mount Laurel lawsuits; and  
WHEREAS, more specifically, FSHC asked the Appellate Division, among other things, to direct trial judges throughout the state to establish the affordable housing standards with which municipalities must comply in lieu of COAH; and  
WHEREAS, such a ruling would expose Middle Township to Mount Laurel suits if the Appellate Division, as part of any procedures it may require, does not give Middle Township immunity as it completes the process of voluntary compliance in the court arena that it initiated in the COAH arena; and  
WHEREAS, builder’s remedy suits are very expensive and the Township intends to take the actions necessary (a) to avoid such costs if the Appellate Division does not incorporate immunity into its rulings and (b) to devote the public’s finite resources to compliance with whatever obligations may be assigned; and  
WHEREAS, the Township wishes to direct Special Mount Laurel Counsel to move quickly on behalf of the Township to obtain immunity, if the need arises from the rulings issued by the Appellate Division; and  
WHEREAS, to this end, the Township wishes to direct counsel to bring a declaratory relief action and to simultaneously seek an immunity order so that the Township may comply with whatever reasonable requirements the trial judge may deem appropriate.  
NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Township of Middle hereby reaffirms its commitment to satisfy any obligations a court may reasonably require.
2. The Township hereby directs its Mount Laurel professionals to draft a declaratory complaint in accordance with applicable law.
3. In the event that the Appellate Division in In Re 5:96 and 5:97 rules that trial judges shall define the affordable housing responsibilities in lieu of COAH and does not provide the Township immunity as part of its rulings, the Township directs its Mount Laurel professionals to immediately (1) file a declaratory action, (2) simultaneously seek temporary immunity from all Mount Laurel lawsuits, effective the date of this resolution; and (3) to take whatever actions are reasonable and necessary to maintain immunity and to assist the Township in securing a formal judgment of constitutional compliance by the Court.
4. This Resolution shall take effect immediately.

10. RESOLUTION 96-14 – RELEASE OF TRUST ACCOUNT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and  
WHEREAS, the applicants are entitled to a refund of this money.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

11. RESOLUTION 97-14 – RELEASE OF PERFORMANCE BOND – ALLIANCE EYE ASSOCIATES, LLC – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
WHEREAS, \$205,444.80 is being held as a Performance Guarantee for Alliance Eye Associates, LLC (Domenic and Tami Pastore) for site improvements at Block 326, Lot 21, and  
WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed, and  
WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released, and  
WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer,  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$205,444.80 is hereby released.

12. RESOLUTION 98-14 – LIEN REDEMPTION MONIES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, N.J.S.A. 54:5.1, if a tax sale certificate has a premium and is foreclosed by a lienholder the premium becomes part of the foreclosure and is turned over to the C.F.O. of the Municipality and in section 13 requires that if a tax sale certificate has not been redeemed at the end of five years, the premium payment is then paid over to the Treasurer of the Municipality and the premium becomes part of the general municipal revenue for that year and  
WHEREAS, the certificates listed below were foreclosed by the lienholder and now the premiums will become part of the general fund.

TAX SALE PREMIUM JANUARY 23,2008					
ACCOUNT	BLOCK	LOT	CERT#	LIENHOLDER	AMOUNT
5287	315.01	15	2010-6011	CCTS	\$1,000.00
5484	329.03	12	2010-6018	Royal	\$1,000.00

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that a check in the amount of \$2,000.00 be accepted by the Chief Financial Officer from the Collector’s lien redemption account  
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 99-14 – INACTIVE SEWER STATUS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
The following property has attained inactive sewer status in accordance with The Township of Middle Code 204-32 Application, 204-33 Documentation, 204-34 Certificate of Eligibility, 204-35 Fee.

ACCOUNT	BLOCK	LOT	OWNER / LOCATION
12609	1057	10	Hatcher, Elaine Property location: 26 Cochran Street

The Municipal fee for this is \$308.00 per year.

14. RESOLUTION 100-14 – APPROVE CHANGE ORDER NO. 2 (FINAL) – AVALON MANOR AND LEONARDS LANE ROADWAY IMPROVEMENT PROJECT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, April 1, 2013, via Resolution No. 182-13, Landberg Construction, LLC was awarded the Avalon Manor and Leonards Lane Roadway Improvement project, within the confines of the Township of Middle in the amount of \$586,795.00.  
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 (Final) for the project awarded to Landberg Construction, LLC. be and is hereby approved in a credit amount of \$47,099.01.
15. RESOLUTION 101-14 through 102-14 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS (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, on January 4, 2012 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2013 as Resolution No. 42-13, and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide additional work as required to assist the Township of Middle in preparation of a Municipal Public Access Plan:  
Remington, Vernick & Walberg Engineers - Engineering Services  
Preparation of a Municipal Public Access Plan  
Not to Exceed \$10,000.00
- B) WHEREAS, on January 4, 2012 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2013 as Resolution No. 42-13, and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide additional work as required to assist the Township of Middle in a Stormwater Study of the “Marlyn Manor” section of the Township of Middle:  
Remington, Vernick & Walberg Engineers - Engineering Services  
Stormwater Study of “Marlyn Manor” section of Middle Township  
Not to Exceed \$9,000.00
16. RESOLUTION 103-14 – APPROVE CHANGE ORDER NO. 1 – HOUSING REHABILITATION CONTRACT NO. 2013-8 – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
WHEREAS, Housing Rehabilitation Contract No. 2013-8 was awarded October 21, 2013 via Resolution No. 533-13 to Gemini Building Company;  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Gemini Building Company be and is hereby approved in the amount of \$500.00.
17. RESOLUTION 104-14 – AUTHORIZE MAYOR TO EXECUTE AGREEMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor and appropriate officials are hereby authorized to sign the above referenced grant agreement, and any and all documentation in connection therewith.
18. RESOLUTION 105-14 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – VICTORIA A. STEFFEN – ZONING BOARD SOLICITOR – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and  
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and  
 WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 563-13 dated November 4, 2013, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and  
 WHEREAS, the Zoning Board of Adjustment has formally passed Resolution No. ATTY14, appointing Ms. Steffen.  
 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 submission shall be awarded as follows:  
 Victoria A. Steffen Esq.– Zoning Board Solicitor –  
 Not to exceed \$23,000.00 (with an hourly rate of \$135.00 per hour to be charged for all litigation services before any NJ Court, if required).  
 BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.  
 BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2014.

19. RESOLUTION 106-14 - AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – VINCENT C. ORLANDO – ZONING BOARD ENGINEER – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and  
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and  
 WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 596-13 dated December 2, 2013, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and  
 WHEREAS, the Zoning Board has formally passed Resolution No. ENG14, appointing Mr. Orlando.  
 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 submission shall be awarded as follows:  
 Vincent C. Orlando - Zoning Board Engineer  
 All fees related shall be charged to the appropriate escrow accounts as necessary.  
 BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.  
 BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2014.

20. RESOLUTION 107-14 – TABULATION COMMITTEE – SNOW AND DEBRIS REMOVAL – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer Tracey Taverner, Township Clerk Kimberly Krauss, Business Administrator Constance Mahon be and hereby are appointed to tabulate the bids to be taken on Wednesday, March 5, 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: SNOW AND DEBRIS REMOVAL

21. RESOLUTION 108-14 – TABULATION COMMITTEE - DISPOSAL OF RECYCLABLE MATERIALS TAKEN TO CLASS B RECYCLING FACILITIES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on Wednesday, March 5, 2014 at 11:30AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, New Jersey for the following: DISPOSAL OF RECYCLABLE MATERIALS TAKEN TO CLASS B RECYCLING FACILITIES

22. RESOLUTION 109-14 – TABULATION COMMITTEE - MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on Wednesday, March 5, 2014 at 11:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape

May Court House, NJ for the following: MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES

23. RESOLUTION 110-14 – AMENDING RESOLUTION 64-14 – AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
WHEREAS, there is a need to lease various copy machines and a printer for the Township of Middle, in the County of Cape May, State of New Jersey; and  
WHEREAS, machines will be leased for the following department:  
1. Human Resources & Training Department  
WHEREAS, this can be leased through State Contract #T437A, and  
WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.  
NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:  
Keystone Digital Imaging  
PO Box 1610  
Media, PA 19063  
For the lease/purchase of copier machines/ printer for 60 months in the amount of \$135.50 per month.
24. RESOLUTION 111-14 – EMERGENCY TEMPORARY BUDGET – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned; and  
WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$2,424,464.00; and  
NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20:  
1. An emergency temporary appropriation be and the same is hereby made in the amount of \$2,419,464. That said emergency temporary appropriation shall be provided for in the 2014 budget under the title of:  
See Attached List  
2. That one certified copy of this resolution be filed with the Director of Local Government Services.

**GENERAL GOV.**

Administrative & Executive	S&W	0.00	01-20-100-100-111
	OE	5,000.00	01-20-100-100-299
Public Affairs	OE	0.00	01-20-100-101-299
Human Resources	S&W	0.00	01-20-105-105-111
	OE	0.00	01-20-105-105-299
Mayor & Committee	S&W	0.00	01-20-110-110-111
	OE	0.00	01-20-110-110-299
Municipal Clerk	S&W	0.00	01-20-120-120-111
	OE	0.00	01-20-120-120-299
Codification	OE	0.00	01-20-120-121-299
Financial Administration	S&W	0.00	01-20-130-130-111
	OE	10,000.00	01-20-130-130-299
Grants Administration	S&W	0.00	01-20-130-131-111
	OE	15,000.00	01-20-130-131-299
Bond Registrar	OE	0.00	01-20-130-132-299
Information Technology	OE	4,000.00	01-20-132-132-211
Audit Services	OE	16,000.00	01-20-135-135-299
Tax Collection	S&W	0.00	01-20-145-145-111
	OE	0.00	01-20-145-145-299
Tax Assessor	S&W	0.00	01-20-150-150-111
	OE	0.00	01-20-150-150-299
Liquidation of TTL's	OE	0.00	01-20-155-155-299
Legal Services	S&W	0.00	01-20-155-156-111
	OE	297,000.00	01-20-155-156-299
Engineering Services	OE	60,000.00	01-20-165-165-299
Smart Growth	OE	25,000.00	01-21-180-180-111
Planning Board	OE	0.00	01-21-180-180-299
Zoning	S&W	0.00	01-21-185-185-111
	OE	0.00	01-21-185-185-299
Code Enforcement	S&W	0.00	01-22-195-195-111
	OE	0.00	01-22-195-195-299
Construction Code Official	S&W	0.00	01-22-195-196-111
	OE	0.00	01-22-195-196-299
Demolition of Buildings	OE	0.00	01-22-195-198-299
Electrical Inspector	S&W	0.00	01-22-195-200-111
General Liability Insurance	OE	0.00	01-23-210-211-499

Worker's Comp Insurance	OE	0.00	01-23-215-215-499
Group Insurance Plan	OE	0.00	01-23-220-220-499
Dental Insurance	OE	0.00	01-23-220-221-499
Prescription	OE	0.00	01-23-220-222-499
Health Care Waiver	OE	10,000.00	01-23-221-221-411
Unemployment Insurance	OE	45,000.00	01-23-225-225-411
Public Buildings & Grounds	S&W	0.00	01-23-310-310-111
	OE	0.00	01-23-310-310-299
Police	S&W	0.00	01-25-240-240-111
	OE	0.00	01-25-240-240-299
Communications	S&W	0.00	01-25-250-250-111
	OE	0.00	01-25-250-250-299
Emergency Management	S&W	0.00	01-25-252-252-299
	OE	0.00	01-25-252-252-299
Rescue Squad	S&W	0.00	01-25-262-262-111
	OE	0.00	01-25-262-262-299
Contr to First Aid Squads	OE	0.00	01-25-262-263-299
V.I.M. Donation	OE	0.00	01-25-264-264-201
Fire Protection	S&W	0.00	01-25-265-265-111
Prosecutor	OE	25,000.00	01-25-275-275-111
Gypsy Moth Control	OE	0.00	01-26-290-290-299
Public Works	S&W	0.00	01-26-290-291-111
	OE	50,000.00	01-26-290-291-299
Shade Tree	OE	0.00	01-26-300-301-299
Garbage & Trash Removal	OE	0.00	01-26-305-306-373
Recycling - Contractual	OE	0.00	01-26-305-308-373
Motor Pool	OE	100,000.00	01-26-315-315-699
Board of Health	S&W	0.00	01-27-330-330-111
	OE	0.00	01-27-330-330-299
Animal Control	S&W	0.00	01-27-340-340-111
	OE	0.00	01-27-340-340-299
Animal Shelter - Contract	OE	0.00	01-27-340-340-399
PATF 1 Appropriation	OE	500.00	01-27-360-360-299
Recreation	S&W	0.00	01-28-370-370-111
	OE	0.00	01-28-370-370-399
Senior Center	S&W	0.00	01-28-370-370-111
	OE	0.00	01-28-370-370-399
Beach Restoration	OE	0.00	01-28-380-380-299
Terminal Leave	OE	60,000.00	01-30-415-415-111
Electricity	OE	0.00	01-31-430-430-475
Street Lighting	OE	0.00	01-31-435-435-475
Postage	OE	0.00	01-31-436-436-299
Telephone	OE	0.00	01-31-440-440-475
Natural Gas	OE	0.00	01-31-446-446-475
Fuel Oil	OE	0.00	01-31-447-447-475
Gasoline Costs	OE	0.00	01-31-460-460-475
Maint & Serv Policies	OE	158,000.00	01-31-462-462-475
Sanitation - Landfill Contract	OE	0.00	01-32-465-465-373
Contingent	OE	0.00	01-35-470-470-299
Pers	OE	369,361.00	01-36-471-471-451
Social Security	OE	0.00	01-36-471-471-453
DCRP	OE	0.00	01-36-471-471-457
PFRS Employer Liability	OE	987,039.00	01-36-475-475-411
Safe & Secure Grant	OE	60,000.00	01-41-704-704-111
Matching Funds for Grants	OE	3,500.00	01-41-899-899-221
Interlocal - CMC Tech School	OE	70,000.00	01-42-101-101-111
Interlocal - JIF Fire District #2	OE	37,564.00	01-42-101-100-411
Municipal Court	S&W	0.00	01-43-490-490-111
	OE	0.00	01-43-490-490-299
Public Defender	OE	11,500.00	01-43-495-495-111
Capital Improvement Fund	OE	0.00	01-44-901-901-611
Total		2,419,464.00	
<b>TEMP.UTILITY</b>			
Operating	S&W	0.00	07-55-501-501-111
	OE	0.00	07-55-502-502-299
Group Insurance	OE	0.00	07-55-502-503-311
Surety Bond	OE	0.00	07-55-502-503-312
Other Insurance	OE	0.00	07-55-502-503-313
Dental Insurance	OE	0.00	07-55-502-503-314
Prescription	OE	0.00	07-55-502-503-315
CMCMUA User Charges	OE	0.00	07-55-502-504-351

Capital Outlay	OE	0.00	07-55-512-512-012
PERS	OE	5,000.00	07-55-540-540-301
Social Security	OE	0.00	07-55-541-541-303
Total		5,000.00	

25. RESOLUTION 112-14 - TRANSFER OF FUNDS – RESERVES – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
- |                     |          |                     |
|---------------------|----------|---------------------|
| Police S&W          | \$18,000 | Sanitary Landfill   |
| 3-01-25-240-240-111 |          | 3-01-32-465-465-373 |
| Police S&W          | \$4,500  | Rescue OE           |
| 3-01-25-240-240-111 |          | 3-01-25-262-262-299 |
| Police S&W          | \$13,700 | Garbage Removal     |
| 3-01-25-240-240-111 |          | 3-01-26-305-306-373 |
| Public Works S&W    | \$1,500  | Natural Gas         |
| 3-01-26-290-291-111 |          | 3-01-31-446-446-475 |
| Public Works S&W    | \$9,000  | Legal Services      |
| 3-01-26-290-291-111 |          | 3-01-20-155-156-249 |
| Public Works S&W    | \$4,000  | Maint & Service     |
| 3-01-26-290-291-111 |          | 3-01-31-462-462-201 |

26. RESOLUTION 113-14 - APPROVE LEAVE OF ABSENCE – KIMBERLY ANDERSON – On motion by Mayor Donohue seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
 NOW THEREFORE, BE IT RESOLVED, that the leave of absence without pay for Kimberly Anderson is hereby approved from January 24, 2014 until February 12, 2014.

27. RESOLUTION 114-14 – 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
Jill Becker	Economic Development	Economic Development / Paralegal / Rent Control Officer	02/13/2014

28. PUBLIC COMMENT:

*Committeemember Clark*  
 -Acknowledged Jill Becker’s resignation, thanked her for many years of service with Township.

*Committeemember Lockwood*  
 -Mentioned budget season, about a month and half until final budget  
 -Jill Becker will be missed

*Mayor Donohue*  
 -Echoed sentiments about Jill Becker, first worked with her on Economic Development.  
 -Rabies Clinic on Saturday, snowy and cold, 142 dogs and many licenses.  
 -Hoping to complete dog census this year.  
 -Tweaking animal control duties to make department more efficient.  
 -Spoke of \$382,000 grant for reforestation, should equal out to about 1,300 trees. Grant does not have a match amount. Spoke with schools and county about areas to put the trees. Reforestation project about clustering, “no net loss grant”.  
 -FEMA maps and beach replenishment is still being worked on.  
 -FEMA meeting scheduled for Friday to discuss fees to be released for beach replenishment.  
 -Working on demolishing unsafe structures within Township.  
 -County is purchasing solar powered radar signs, hoping to receive a couple to be placed throughout Township.  
 -Mentioned Chief Leusner being sworn in on Wednesday as State President of FBI National Academy, New Jersey Chapter in Pt Pleasant.  
 -Spoke of Connie’s meeting with Steve Atzart from Environmental Commission about potential Farmer’s Market in Middle Township. Could possibly be on Saturdays in summers in municipal parking lot. Preliminary discussions.

*Committeemember Lockwood*  
 -Spoke of conversation with Sal DeSimone about diner in Rio Grande being demolished after fire, also properties in Reeds Beach and looking into properties in Rio Grande.  
 -Recognized Dave Cetti, local volunteer firefighter and Middle Township resident who recently passed away, he will be missed.



*Bill Wiseman, Cape May Court House*

-Spoke of property tax deductions for Senior Citizens and Veterans. Asked if State is pressuring municipalities to reduce advertising about available deductions. Mentioned that form for deductions is no longer on the Township website.

*Connie Mahon*

-Is not aware of any impediment or directive from the State. Spoke of situation when Mr. Wiseman was in Tax Assessor's office. Assessor advised that the topic could not be discussed as it was a broad subject.

*Mayor Donohue*

-Has taken over Senior Center since Committeemember DeLanzo is no longer serving the Township. This topic is on the agenda to be discussed at a meeting there, but recent meetings have been cancelled due to weather.

*Committeemember Lockwood*

-Recently updated website, some links may still not be functioning.  
-Mentioned that he has given out deduction information to many residents.

*Bill Wiseman*

-Asked when the last time was that the Township advertised in the newspaper about available tax deductions.

*Mayor Donohue*

-Does not know about recent advertising, but is willing to look into this.

*Carl Karmelowicz*

-Spoke of NH tax bill which shows various tax reliefs available to taxpayers.

*Eileen Fausey*

-Asked if Middle Township received any money from Hurricane Sandy?

*Connie Mahon*

-Received money for generator grant for one generator, put in for three generators.  
-Some applications for funding are still pending.  
-Bulkhead issue at Benny's Landing received some funding.

*Committeemember Lockwood*

-Very little money has been given to areas down here, some funding still being issued.

*Connie Mahon*

-Any outstanding FEMA programs will be discussed at Friday's meeting and we will get that word out. Sandy funding is ground through FEMA then the State, a bit different than usual.

*Committeemember Lockwood*

-Spoke of meeting in Trenton which he attended with Connie, gave out information about Middle Township and Sandy's impact on our Township.

*Eileen Fausey*

-Mentioned article stating that Conifer is receiving \$5million grant funds from Sandy, asked if the Township had to do anything with regard to Conifer's grant application.

*Mayor Donohue*

-The Township did not.

*Vilma Pombo*

-Asked if anyone from Township would be attending meeting in Galloway regarding DCA amendments. Read this information in an article in the newspaper.

*Mayor Donohue*

-Will look into additional information to see if it pertains to the Township.  
-Mentioned DEP Division of Land Use Regulation meeting on February 26 at 6pm in the Court Room regarding conifer development.

*Betty McGurk*

-Spoke of discrepancies on Conifer applications, pointed out to HMFA but nothing has been done to correct the issues. Thought maybe Township would look into these issues on behalf of the residents.

*Mayor Donohue*

-Spoke of application being split into two different applications with equal number of units. Would assume that it would have to be constructed as approved by the Planning Board.

*Committee and Ms. McGurk conversed further regarding Conifer development and Conifer applications.*

*Mayor Donohue*

-Offered any resident to provide any questions or concerns to him and he will take them to Conifer and/or DCA. Cannot change what is already in place.

*Carl Karmelowicz*

-Asked if Avalon Manor was discussed tonight when talking about FEMA.

*Mayor Donohue –*

-Did not speak of Avalon Manor this evening.

*Connie Mahon*

-Asked for acceptance into Community Rating System which will offer residents discounts on flood insurance. Different ratings equal different discount levels.

*Mayor Donohue*

-Advised that we hired the same individual, Sal DeSimone, that worked for Avalon to obtain their rating. He will now be working toward getting Middle Township a better rating.

*Connie Mahon*

-Township recently passed the Model Flood Ordinance which will assist in these matters.  
-Spoke of Senate Bill which delays Biggert Waters Act to delay flood insurance premium increases for up to four years. This Bill has been passed at Senate level and is waiting on the House decision.

*Stan Doniger*

-Regarding item #8 on agenda, spoke of concerns with liability. Asked what is done before property is accepted by Township

*Marc Karavan*

-Judgment searches, title searches, etc. are done, as listed in the Resolution. This specific property is a small parcel, never been used for residential purposes.

*Stan Doniger*

-Asked what the Township is going to do about contesting COAH and affordable housing and mobile home parks.

*Mayor Donohue / Committeemember Lockwood*

-Spoke of requirements on Mobile Home Park unit owners. Owners receive zero benefit so are reluctant to cooperate.

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Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 7:24pm

1<sup>st</sup> Committeemember Clark

2<sup>nd</sup> Committeemember Lockwood

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

*Minutes prepared by Suzanne M. Stocker, Deputy Township Clerk*