

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

1. SWEARING IN OF NEW OFFICER – MICHAEL PASTORE
2. PRESENTATION BY MAYOR – OFFICER JOSEPH GAMBLE, JUNE EMPLOYEE OF THE MONTH
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.*)

Debbie Mooers:

Expressed concerns with closure of Ocean Drive in Middle Township during Tri the Wildwoods Marathon which is scheduled to take place on a Saturday in August. Ms. Mooers owns a marina and has found in past years that there have been problems with customers getting access to her business while the marathon is taking place. Ms. Mooers provided letters from slip holders at marina who are opposed to the road closure and would like easy access to the marina throughout that day.

Morris Anagnou:

Owner of Dad's Place (marina) – expressed same concerns as Ms. Mooers.

Mayor Donohue:

Indicated that if this Resolution is tabled or not passed, it may not have a direct effect on the closure of this road, as it is a County road. Township usually passes Resolution to acknowledge the road closure.

Ed Holroy:

Expressed concerns from both business and residential standpoint for road closure.

4. RESOLUTION 392-14 – 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. \$502,800.17
5. RESOLUTION 393-14 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone / LC Equipment) – On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$260.00
6. RESOLUTION 394-14 – 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: Regular Meeting 07/07/2014.
7. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of June, Treasurer for the month of June,
8. ORDINANCE 1478-14 - BOND ORDINANCE PROVIDING FOR ROAD DRAINAGE AND IMPROVEMENTS IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF – Following second reading, hearing, and consideration for adoption, Ordinance 1478-14 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 general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$4,000,000, including the sum of \$200,000 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 \$3,800,000 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 reconstruction and repaving of the Township's roadway, installation of curbs, sidewalk, handicap ramps and miscellaneous storm sewer improvements including all other work and materials necessary therefor or useful thereto.

(b) The estimated maximum amount of bonds or 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 or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall 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 \$3,800,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 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. 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 8. 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 9. 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 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Committeemember Lockwood discussed road projects which are intended to be covered under bond.

9. ORDINANCE 1480-14 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, Ordinance No. 1480-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/18/2014 at 6:00 p.m. BE IT ORDAINED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

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

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

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

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

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

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

Recreation Program Coordinator \$18,720.00 \$50,000.00

10. RESOLUTION 395-14 – 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 |
|-----------------|---------------------|------------------------------------|------------|
| Krista Rickards | Recreation | Food Service Aide | 07/11/2014 |
| Louis Sicilia | Public Safety | PS Telecommunications Operator P/T | 07/10/2014 |
| Marilyn Miller | Rent Leveling Board | Member | 07/08/2014 |
| James Szigeti | Public Works | Laborer 1 PT T/A | 07/24/2014 |

11. RESOLUTION 396-14 – ACKNOWLEDGEMENT OF RETIREMENT – 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 retirements listed below are acknowledged.

| EMPLOYEE | DEPARTMENT | POSITION | EFFECTIVE |
|-------------------|---------------|----------------|------------|
| Richard Sittineri | Public Safety | Police Officer | 08/01/2014 |

12. RESOLUTION 397-14 through 398-14 – APPOINTMENTS (ITEMS A through B) – On motion Committeemember Clark by 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 the following person(s) be and is/are hereby appointed to the volunteer boards as indicated below:

| NAME | BOARD | POSITION | TERM EXPIRES |
|-------------------|--------------------------|----------------|--------------|
| Lillian Armstrong | Environmental Commission | Member | 12/31/2014 |
| Betsy Haskin | Environmental Commission | Member | 12/31/2014 |
| Jim Collins | Environmental Commission | Alt. Member #1 | 12/31/2014 |

B. 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 |
|-------------------|-----------------|-----------------------------|-------------|------------|
| Josephine Donahes | Municipal Court | Keyboarding Clerk 1 | \$18,720.00 | 07/28/2014 |
| Katherine Keating | Municipal Court | Keyboarding Clerk 1 P/T T/A | \$10.00ph | 07/21/2014 |
| Timothy Koebel | EMS | EMT P/T | \$10.60ph | 07/21/2014 |
| Thomas Burke | Public Works | Laborer 1 PT T/A | \$9.00ph | 07/21/2014 |

13. ****TABLED**** RESOLUTION 399-14 – ACKNOWLEDGING ROAD CLOSURE – 11TH ANNUAL TRI THE WILDWOODS – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, DelMo Sports, Inc. is orchestrating a Triathlon, Aquabike, 5K & Kids Splash & Dash on August 16, 2014, and

WHEREAS, said applicant has requested that State Highway 147 be shut down from the North Wildwood border to Ocean Drive and also Ocean Drive, from SH147 to the Stone Harbor border, and

WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the 11th Annual Tri the Wildwoods sponsored by DelMo Sports, Inc.

BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.

BE IT FURTHER RESOLVED, that the closure of the roads as indicated above are hereby acknowledged.

14. RESOLUTION 400-14 – CANCELLATION OF TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Cancellation of taxes due to property is exempt.

| ACCOUNT | BLOCK | LOT | OWNER/LOCATION | 2014 | 2015 |
|---------|---------|------|---|----------|----------|
| 5314 | 320 | 1 | Borough of Stone Harbor Property location: Ocean Drive | | 908.21 |
| 18193 | 1436.04 | 9 | Griffies, Joseph F & Colleen M Property location: 317 Aberdeen Way | 2,906.44 | 2,293.43 |
| 18171 | 1436.03 | 5 | Mitchell, William L & Margaret P Property location: 115 Aberdeen Way | 4,414.91 | 2,316.02 |
| 6391 | 408 | 15 | Cantz, Gerald & Deborah Property location: 21 S 5 th St | 2,551.83 | 1,952.29 |
| 6520 | 420 | 1.02 | Ward, Richard & Yvonne Property location: 4 Bucknell Ave | 3,024.78 | 1,629.01 |
| 11237 | 897 | 3 | Farrow, Robert E Jr & Monica B Property location: 413 Scott St | 1,735.39 | 1,001.23 |
| 16948 | 164.02 | 26 | Migliore, Albert R & Gayle A Property location: 9 New River Rd | 3,586.28 | 2,346.07 |
| 12329 | 1024 | 8 | Township of Middle Property location: E Dunbar St | | 8.69 |

15. RESOLUTION 401-14 – APPROVE CHANGE ORDER NO. 3 (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 #3 (Final) for the project awarded to Landberg Construction, LLC be and is hereby approved in the amount of \$817.50.

16. RESOLUTION 402-14 – SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY #44 DISABLED AMERICAN VETERANS, INC. – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
WHEREAS, the Wetlands Institute has applied for approval to sell alcoholic beverages at an event to be held at the Cape May County #44 Disabled American Veterans, Inc., 1010 Bayshore Road, Del Haven, on September 6, 2014 (1:00pm-6:00pm); and
WHEREAS, they have provided proper documentation to the Township of Middle; and
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permits as submitted.
17. RESOLUTION 403-14 – AUTHORIZING AND ACKNOWLEDGING RENEWAL OF CONTRACT WITH HORIZON DENTAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the renewal contract with Horizon Dental, for the period of 9/1/2014 through 12/31/2015, is hereby authorized and acknowledged.
BE IT FURTHER RESOLVED, that the administrative fee for said renewal period shall be \$5.90 per month per person.
FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all paperwork in connection therewith.
18. RESOLUTION 404-14 – APPROVE TRANSIENT MERCHANT PERMIT – BRANCHWATER PRODUCTIONS DBA COLE BROS. CIRCUS, INC. – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Chapter 231-1 of the code of the Township of Middle authorizes the licensing of a traveling show or circus within the confines of the Township of Middle, and
WHEREAS, Branchwater Productions Inc. dba Cole Bros. Circus, has applied to the Township of Middle to hold a Tented Circus on August 4th and 5th, 2014, and
WHEREAS, by way of application, Branchwater Productions Inc. dba Cole Bros. Circus has requested the use of the Robert “Ockie” Wisting Recreation Complex, and
WHEREAS, they have met all of the application requirements by supplying the necessary fees and insurance certificate information, and
WHEREAS, Rio Grande Volunteer Fire Company has been designated as the sponsor for said circus and described on the submitted “Hold Harmless Agreement” presented by Cole Bros. Circus along with the Township of Middle.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey, that authorization is hereby granted to Branchwater Productions Inc. dba Cole Bros. Circus to hold a circus at the location of the Robert “Ockie” Wisting Recreation Complex on August 4th and 5th, 2014 in compliance with the rules and regulations set forth by the Code of the Township of Middle.
19. RESOLUTION 405-14 – REDUCTION OF PERFORMANCE BOND – ROS-LEN, INC. – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, \$286,958.40 is being held as a performance guarantee of Ros-Len Inc. for Block 385 Lot 1, otherwise known as Sand Dollar Estates, Route 9 South; and
WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$72,406.32 have been completed; and
WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$214,552.08; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the surety bond be and is hereby reduced to \$214,552.08.
20. RESOLUTION 406-14 – LOCAL FINANCE BOARD – ANNUAL AUDIT OF BOOKS, ACCOUNTS & TRANSACTIONS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:5-4 requires that governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and
WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Township Committee and also Kimberly Krauss, Township Clerk, as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and
WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and
WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:
General Comments
Recommendations
and
WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:
General Comments
Recommendations
As evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no further than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

21. RESOLUTION 407-14 – ACCEPTING CORRECTIVE ACTION PLAN – AUDIT 2013 – 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 is hereby accepted as the Corrective Action Plan for the 2013 Audit for the Township of Middle and be it further resolved that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs, Division of Local Government Services as well as a copy of this Resolution be forwarded to Ford, Scott and Associates, LLC, Glen Ortman, Registered Municipal Accountant:

Finding #1:

- a. Description: There were two expenditures charged to current year’s budget rather than to appropriation reserves, one professional appointment was not supported by a signed contract, and there were encumbered purchase order balances that were not reviewed and cancelled at year end.
- b. Analysis: Police Dept erroneously charged incorrect year for clothing allowances due to the delay in ratifying the police contract. The Municipal Prosecutor refused to sign contract authorized by resolution. There were small balances encumbered to utilities that were not cancelled at year end.
- c. Corrective Action: Material Requisitions will be reviewed for proper year charged. No professional services contractee will receive payment for any work performed until there is a signed contract in place, regardless of previous authorization by resolution. Encumbrances will be cleared at year end, regardless as to whether or not we have final bill.
- d. Implementation Date: July 15, 2014.

Finding #2:

- a. Description: The Township recorded and utilized a new trust fund reserve without obtaining an approved Dedication by Rider from the State.
- b. Analysis: Dedication by Rider was not prepared in the proper time frame.
- c. Corrective Action: The finance office will return any checks presented for and new Trust Fund uses to the presenter until said Trust account is established and approved by Dedication by Rider and obtain Dedication by Rider for the new trust fund.
- d. Implementation Date: July 15, 2014.

Finding #3:

- a. Description: The Township approved and overpaid the State of NJ for marriage license fees.
- b. Analysis: Duplicate payments for two quarters were erroneously submitted to the State of NJ
- c. Corrective Action: The Township will review general ledger balances prior to submitting payments to the State of NJ.
- d. Implementation Date: July 15, 2014.

FURTHER BE IT RESOLVED, that a copy of this Resolution be forwarded to the Department of Community Affairs Division of Local Government Services.

22. RESOLUTION 408-14 through 409-14 – 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, Jeanette Moore has resigned with an effective date of July 10, 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; and

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

Jeanette Moore

| | | | | |
|----------|-------|-------|-------|--------|
| Comp | 10.00 | Hours | 12.00 | 120.00 |
| Vacation | 12.25 | Hours | 12.00 | 147.00 |

Owed

267.00

B. WHEREAS, Kimberly Anderson has resigned with an effective date of July 5, 2014; and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time; and WHEREAS, the 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.
Kimberly Anderson

| | | | | |
|----------|------|-------|-------|-------|
| Vacation | 4.20 | Hours | 10.00 | 42.00 |
| Owed | | | | 42.00 |

23. RESOLUTION 410-14 - REFUND OF TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Refund due to an overpayment from an appeal for 2014:

| ACCOUNT | BLOCK | LOT | OWNER / LOCATION | AMOUNT |
|---------|--------|-----|---|----------|
| 1936 | 95.03 | 13 | Albrecht, William F Jr & Heun, P E P O Box 179 Cape May Court House, NJ 08210 Property location: 455 Ch So Dennis Rd | \$664.51 |
| 1935 | 95.03 | 14 | Albrecht, William F Jr & Heun, P E PO Box 179 Cape May Court House, NJ 08210 Property location: 451 Ch So Dennis Rd | \$646.86 |
| 3429 | 167.01 | 43 | Gusty, Paul E 310 E 10 th St North Wildwood, NJ 08260 Property location: 254 Stagecoach Rd | \$556.18 |
| 4504 | 227 | 6 | Riggins, L S Oil Company 3938 S Main St Vineland, NJ 08360 Property location: 15 Goshen Rd | 389.74 |

24. RESOLUTION 411-14 - DUPLICATE TAX SALE CERTIFICATE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Chapter 99 laws of 1997, requires authorization of the governing body for replacement and issuance of a duplicate tax sale certificate held by a third-party lien holder, which has been destroyed or lost.

In accordance with N.J.S.A. 54:5-52.1 the municipality may charge up to \$100.00 for any duplicate certificate authorized. The Collector delivered the tax sale certificates by certified mail to the lien investor, the investor sent the certificates to be recorded at the Cape May County Clerk’s Office; The Cape May County Clerk recorded the tax sale certificates and mailed them back to the lien investor. The tax sale certificates were damaged by the post office and were not returned to the lien investor.

Therefore be it resolved that due to unforeseen circumstances due to the damage or loss of these tax sale certificates it is the desire of the governing body to charge \$50.00 per duplicate certificate in this instance. An affidavit of loss for each certificate is attached to this resolution.

Now, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Middle of the County of Cape May, State of New Jersey, hereby authorizes the Tax Collector, upon receipt of an appropriate affidavit from the owner of the certificate, and the cost of \$50.00 for each prepare a replacement certificates for Tax Sale the same and mail to:

US Bank Cust for Pro Cap II LLC
50 S 16th St Suite 1950
Philadelphia, Pa 19102

BE IT FURTHER RESOLVED, that the replacement certificates, duplicated in original form, shall be marked as “duplicate”, and a \$50.00 fee for each assessed to the above mentioned lien holder for the preparation of said duplicate certificates.

BE IT FINALLY RESOLVED, that a copy of said duplicate certificate shall be attached herewith, and a certified copy be forwarded to the Tax Collector and lien holder.

25. RESOLUTION 412-14 - OPPOSING SENATE BILL 2601 AND ASSEMBLY BILL 3891 WHICH WOULD PERMIT FIFTH AND SIXTH CLASS COUNTIES TO ASSUME CONTROL AND RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF BEACHES BORDERING ON THE ATLANTIC OCEAN – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Senate Bill 2601 and Assembly Bill 3891 would permit the governing body of a fifth or sixth class county to assume control and responsibility for the operation and maintenance of all beaches bordering on the Atlantic Ocean within the county; and

WHEREAS, Cape May County would be actively impacted by this legislation without the input of the Board of Chosen Freeholders of the effected Counties; and

WHEREAS, both the Cape May County municipalities with beached bordering on the Atlantic Ocean and Cape May County oppose legislation authorizing a county to assume responsibility and control for operation and maintenance of Cape May County beaches to be borne by all municipalities within the County even if they are not beach bordering.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle of the County of Cape May, opposed Senate Bill 2601 and Assembly Bill 3891 which would permit the governing body of a fifth or sixth class county to assume control and responsibility for the operation and maintenance of all beaches bordering on the Atlantic Ocean within the county.

BE IT FURTHER RESOLVED, that the Clerk forward a certified true copy of this resolution to the Governor of the State of New Jersey, the Lieutenant Governor of the State of New Jersey, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, the members of the Cape May County Legislative Delegation, the sponsors of the aforesaid bill, all County Boards of Chosen Freeholders and the Office of the Cape May County Counsel.

Mayor Donohue stated that he is concerned with expenses if the township is left with responsibility.

26. RESOLUTION 413-14 - INSERTION OF A SPECIAL ITEM OF REVENUE – GENERATOR FEMA HAZARD MITIGATION – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2014 in the sum of:
- | | |
|------------------------------------|--------------|
| Generator – FEMA Hazard Mitigation | \$100,000.00 |
|------------------------------------|--------------|
- BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
- | | |
|------------------------------------|--------------|
| Generator – FEMA Hazard Mitigation | \$100,000.00 |
|------------------------------------|--------------|
27. RESOLUTION 414-14 – ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES 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 an applicant for Department of Community Affairs Fiscal Year 2015 funds for (1) up to \$400,000 from the NJ DCA Small Cities Program to install storm drainage facilities in the Ridge Road area and (2) up to \$200,000 from the NJ DCA Small Cities Program to rehabilitate owner occupied homes throughout Middle Township; and
WHEREAS, the Township will enter into grant agreement(s) for said grant(s) if approved; and
WHEREAS, that grant agreement(s) will require the Township of Middle to comply with all federal regulations with respect to citizen participation; and
WHEREAS, the Township of Middle has reviewed the State Model Citizen Participation Plan prepared for Small Cities CDBG grantees;
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, that the State Model Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG is adopted by the Township of Middle; and
BE IT FURTHER RESOLVED, that the Township of Middle will follow all regulations set forth in that document throughout the term of the grant agreement cited above.
28. RESOLUTION 415-14 – IDENTIFYING SMALL CITIES FAIR HOUSING AND EQUAL OPPORTUNITY OFFICER – 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 applying for Fiscal Year 2015 Small Cities Community Development Block Grant applications for (1) up to \$400,000 from the NJ DCA Small Cities Program to install storm drainage facilities in the Ridge Road area and (2) up to \$200,000 from the NJ DCA Small Cities Program to rehabilitate owner occupied homes throughout the Township of Middle; and
WHEREAS, the Township of Middle must make efforts to affirmatively further fair housing; and
WHEREAS, the Township of Middle has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and
WHEREAS, the Township of Middle has made assurances in the grant agreement that;
1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
 2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
 3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
 4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.
- NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer shall be designated as the Small Cities Program Fair Housing Officer for the Township of Middle; and
BE IT FURTHER RESOLVED, that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall provide fair housing and equal opportunity advisory services and assistance and referral advice to persons requesting such assistance from the Township of Middle; and

BE IT FURTHER RESOLVED, that the Township of Middle will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

29. RESOLUTION 416-14 – ADOPTING HOUSING REHABILITATION POLICIES AND PROCEDURES MANUAL – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle will apply for \$200,000 for a Housing Rehabilitation project to be implemented in 2015 within the Township; WHEREAS, the Housing Rehabilitation project will be governed by a Policies and Procedures Manual; WHEREAS, the New Jersey Department of Community Affairs requires the Township of Middle to officially adopt its Policies and Procedures Manual; WHEREAS, the Township has prepared a Policies and Procedures Manual for its Fiscal Year 2015 Housing Rehabilitation program; NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Policies and Procedures Manual for the Fiscal Year 2015 Housing Rehabilitation program.
30. RESOLUTION 417-14 – APPROVING HOUSING REHABILITATION GRANT MANAGEMENT PLAN – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle will apply for a Housing Rehabilitation project to be implemented in 2015 throughout the Township; WHEREAS, the New Jersey Department of Community Affairs requires the Township of Middle to prepare a Grant Management Plan to define project staffing and project activities; WHEREAS, the New Jersey Department of Community Affairs requires the Township of Middle to officially adopt its Grant Management Plan; WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2015 Housing Rehabilitation program; NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2015 Housing Rehabilitation program.
31. RESOLUTION 418-14 – APPROVING PUBLIC FACILITIES GRANT MANAGEMENT PLAN – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle will apply for \$400,000 in Fiscal Year CDBG fund for a Public Facilities project to be implemented in 2015 to install storm drainage facilities in the Ridge Road area; WHEREAS, the New Jersey Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities; WHEREAS, the New Jersey Department of Community Affairs requires the Township of Middle to officially adopt its Grant Management Plan; WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2015 Public Facilities project; NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2015 Public Facilities project.
32. RESOLUTION 419-14 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT – FY2015 NJDCA PUBLIC FACILITIES PROJECT – RIDGE ROAD – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle will apply for \$400,000 in Fiscal Year CDBG fund for a Public Facilities project to be implemented in 2015 to install storm drainage facilities in the Ridge Road area; WHEREAS, the New Jersey Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities; WHEREAS, the New Jersey Department of Community Affairs requires the Township of Middle to officially adopt its Grant Management Plan; WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2015 Public Facilities project; NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2015 Public Facilities project. *Marc DeBlasio indicated that funding has been received by township for past 2 years from grant.*
33. RESOLUTION 420-14 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT – FY2015 NJDCA HOUSING REHABILITATION 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 will apply for a Housing Rehabilitation project to be implemented in 2015 throughout the Township; WHEREAS, the New Jersey Department of Community Affairs requires the Township of Middle to prepare a Grant Management Plan to define project staffing and project activities;

WHEREAS, the New Jersey Department of Community Affairs requires the Township of Middle to officially adopt its Grant Management Plan;
WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2015 Housing Rehabilitation program;
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2015 Housing Rehabilitation program.

34. RESOLUTION 421-14 – AWARD OF BID – ROADWAY IMPROVEMENTS TO STAGECOACH ROAD PROJECT – 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 roadway improvements to Stagecoach Road; and WHEREAS, sealed bids were received on July 15, 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 ROADWAY IMPROVEMENTS TO STAGECOACH ROAD PROJECT be and hereby is awarded to:
South State, Inc. --- \$311,744.10
35. RESOLUTION 422-14 – RATIFY LEASE AGREEMENT –CONCERNED CITIZENS OF WHITESBORO – 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 agreement between the Concerned Citizens of Whitesboro and the Township of Middle for usage of Block 1024 Lot(s) 9, 11, 14, 18 & 19, otherwise known as the “Whitesboro School” for a five year term effective May 1, 2014 through April 30, 2019, be and is hereby ratified. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.
36. RESOLUTION 423-14 – PROPERTY MAINTENANCE FINDINGS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township Committee the Governing Body of the Township of Middle finds, as a matter of fact, that there are properties within the Township that are in substandard condition and in need of repair or demolition. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that The governing body does hereby direct the Construction Department, the Construction Official, and all appropriate personnel, to utilize all reasonable efforts and resources to promptly address this issue.
37. RESOLUTION 424-14 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – DRAINAGE STUDY – RIDGE ROAD SUBDIVISION - On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. 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 2014 as Resolution No. 33-14, 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 engineering and construction observation services for the following:
Remington, Vernick & Walberg Engineers – Drainage Study
Ridge Road Subdivision
Not to Exceed \$5,000.00
38. PUBLIC HEARING: SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
Mark Blauer:
Discussed the history of housing rehabilitation loans offered through the township with funds obtained from this grant. Residents are able to pay back loans once home sells. Approximately \$500,000 in outstanding loans per year with township.
Stan Doniger:
Asked why loans only pertains to low/middle income. Asked what definition of “low/middle income” is.
Mark Blauer:
Indicated that 80% of loans are medium income, a family of 2 is based on \$30,000 annual income and \$45,000 annual income based on a family of 4.
39. RESOLUTION 425-14 - AUTHORIZING STREET OPENING PERMIT WAIVER – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, Local Ordinance Section 215-15D does not allow for any road opening permit for any road that has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except by resolution of the governing body, and WHEREAS, the owner of Block 345 Lot 3, otherwise known as 207 1st Avenue, has requested a waiver to said moratorium and is claiming a hardship in connection therewith. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds:

Sam Kelly:

- Recognized handsome new officer
- Spoke of drainage concerns of residents in Rio Grande in area of Conifer project, asked how these drainage concerns will be addressed.

Committeemember Lockwood:

Believes drainage issues will need to be addressed through Public Works.

Connie Mahon:

Construction meeting for project is scheduled, will speak to Vince Orlando to review drainage concerns.

Stan Doniger:

FEMA project, spending money?

Connie Mahon:

Grant received for \$100,000 for generator.

Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 7:10pm

1st Committeemember Clark

2nd Committeemember Lockwood

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