Cape May Court House, NJ
July 7, 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, and 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.)

   Stan Doniger:
   Questioned Resolution (Item 23) for fruit truck.
   Mayor Donohue:
   Will allow a vendor to sell fresh fruit and vegetables to employees at Town Hall, suggested by the Health and Wellness Committee, no cost to taxpayers.

   Stan Doniger:
   Questioned Resolution (Item 30) regarding reduction of performance bond.
   Committeemember Lockwood:
   Table used to calculate costs by engineering firm, public improvements which will be taken over by Township.

   Sam Kelly:
   Item 8, happy to see specific definitions added to Ordinance.
   Mayor Donohue:
   Spoke of 9 unsafe structures taken down to date.
   Marc Karavan:
   Mentioned most structures were taken down by homeowners and not the Township.

2. RESOLUTION 360-14 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
   NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. $3,003,245.98

3. RESOLUTION 361-14 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone/LC) – On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. ***Committeemember Lockwood abstain***
   NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. $2,590.50

4. RESOLUTION 362-14 – 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 6/16/2014; Regular Meeting 6/16/2014

5. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of June; Municipal Clerk for the month of June; Tax Collector for the month of May (corrected) & June; Zoning Official for the month of June; Sewer Utility collection for the month of June.

6. ORDINANCE NO. 1476-14 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1476-14 was adopted on motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
   No Public Comment

7. ORDINANCE NO. 1477-14 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT – Following second reading, hearing, and consideration for adoption, Ordinance 1477-14 was adopted on motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

WHEREAS the Middle Township Planning Board granted an approval to Dearborn Land Improvements, LLC as memorialized in Planning Board Resolution # 121104F , dated February 11, 2014 with regard to the property known and identified as Block 13.02 Lots 18 and 19; and
WHEREAS Grace Oil Company Inc. is the current Owner of the aforementioned parcel and has contracted to sell same to Dearborn Land Improvements, LLC , the applicant in the approval; referenced above; and
WHEREAS said approval requires an agreement between the property owner and the Township, which owns the abutting Beaver Dam Road, with regard to storm water runoff; and
WHEREAS Grace Oil Company Inc. and the Township desire to create a storm water drainage and discharge easement to transport the storm water runoff from that portion of Beaver Dam Road which directly fronts along the southerly portion of Block 13.02, Lots 18 and 19 (the "Servient Estate") , upon and across said Servient Estate, as more clearly depicted in the Exhibits annexed hereto as A-1 and A-2 ;
NOW, THEREFORE BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle, that the following is hereby adopted as an Ordinance of the Township of Middle, as follows:
SECTION 1. The recitations above are incorporated herein as if set forth at length.
SECTION 2. The Mayor and Township Clerk are hereby authorized to execute the annexed "Drainage Easement "Agreement authorizing the creation of a storm water drainage easement and discharge easement as outlined herein.
SECTION 3. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.
SECTION 4. This ordinance shall take effect after final adoption and publication as required by law.
Mayor Donohue:
Drainage Easement required by Planning Department.
No Public Comment

8. ORDINANCE NO. 1479-14 – AN ORDINANCE AMENDING ORDINANCE NO. 1465-14 OF THE TOWNSHIP OF MIDDLE - On motion by Mayor Donohue seconded by Committeemember Clark and passed on roll call, Ordinance No. 1479-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/04/2014 at 6:00 p.m.
BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that ORDINANCE 1465-14 of the Township of Middle be and is hereby amended as follows:
SECTION 1: The following terms shall be added to the previously adopted Ordinance in Section193-12. Definitions, which is hereby amended to include same:
DWELLING -- Any building or structure or part thereof used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.
OWNER -- The holder of the title in fee simple
PARTIES IN INTEREST -- All individuals, associations and corporations who or which have interests of record in a dwelling and any who or which are in possession thereof.
PUBLIC AUTHORITY -- Any housing authority or any officer who is in charge of any department or branch of the government of the municipality, county or state relating to health, fire or building regulations or to other activities concerning dwellings in the municipality.
SECTION 2: The following paragraph shall be added to the previously adopted Ordinance as section 193-16A, et seq., which is hereby amended to include same:
193-16A1. Authority of Building Inspector.
The Building Inspector of the Township of Middle and/or his appointee be and he is hereby designated and appointed to exercise the powers prescribed by this article and is hereinafter called the "public officer."
193-16A2. Determination of unfit dwelling.
Any dwelling within the Township of Middle is hereby declared to be unfit for human habitation if conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality, including, without limiting the generality of foregoing, defects therein increasing the hazards of fire, accident or other calamities, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness or failure to conform to other laws of the State of New Jersey or ordinances of this Township or of the local Board of Health of this Township regulating the safety and sanitation of dwellings.
193-16A3. Complaint, investigation and hearing.
Whenever a petition is filed with the public officer by a public authority or by not fewer than five (5) residents of this municipality charging that any dwelling located therein is unfit for human habitation, the public officer shall make a preliminary investigation of the charges, and if his preliminary investigation of said charges discloses a basis therefore, or whenever it appears to the public officer from his own investigation that any dwelling is unfit for human habitation, said public officer shall issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint.
193-16A4. Rights of owner.
The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and give testimony at the place and time fixed in said notice of hearing.
193-16A5. Evidence.
The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.
193-16A6. Conduct of hearing.

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

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

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

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

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

193-16A8. Failure of owner to comply.

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

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

193-16A9. Recovery of costs.

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

193-16A10. Additional powers of public officer.

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

A. To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation.

B. To administer oaths and affirmations, examine witnesses and receive evidence.

C. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

D. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article.

E. To issue complaints against owners, either on his or her own motion or in response to petitions from others.

F. To hold hearings on Complaints.

G. To issue orders requiring owners to repair, vacate or demolish properties as appropriate

H. To take action to repair, vacate of demolish properties, if the owner fails to do so (N.J.S.A.40:48-2.5)

193-16A11. Power to abate nuisances.

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

193-16A12. Violations.

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

193-16A13. Statutory authority; findings.

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

193-16A14. Violations and penalties.

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

SECTION 3: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

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

9. RESOLUTION 363-14 – APPROVE CHANGE ORDER NO. 1 - WHITESBORO ROADWAY IMPROVEMENTS- PHASE 3B – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, Arawak Paving Company, Inc. was awarded the "Whitesboro Roadway Improvement – Phase 3B" project, within the confines of the Township of Middle.
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 Arawak Paving Company, Inc., be and is hereby approved in a credit amount of $40,529.39.

10. RESOLUTION 364-14 – AUTHORIZING THE EXECUTION OF AGREEMENT- On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the settlement agreement and release, as reviewed and approved by counsel, between Dustin Gaskill and the Township of Middle.

11. RESOLUTION 365-14 – AMENDING RESOLUTION 353-14- REQUESTING DESIGNATION OF BUS STOP ON US HIGHWAY ROUTE 9 (SOUTHBOUND), BETWEEN EASY STREET AND ORBIT DRIVE- On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has received a letter from the State of New Jersey, Department of Transportation, recommending the placement of a NJ Transit Bus Stop on US Highway Route 9 (southbound) between Easy Street and Orbit Drive, in Middle Township, and
WHEREAS, Resolution 353-14 formally requested a designated bus stop as indicated above, and
WHEREAS, it has been deemed necessary to amend Resolution 353-14 to add a precise description of said bus stop, and
WHEREAS, the Township Committee of the Township of Middle, along with the Middle Township Traffic Committee, has reviewed the request and agrees with the establishment of a bus stop as indicated above.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that pursuant to N.J.S.A. 39-4-8(e) the following described location is hereby requested as a designated bus stop:
1. Along Route US 9, southbound, on the westerly side thereof:
a. Between Easy Street and Orbit Drive- mid-block;
Beginning at a point 2,153 feet south of the prolongation of the southerly curb line of Easy Street and extending 135 feet southerly there from.
BE IT FURTHER RESOLVED, that if authorized by NJ Transit, the Township Committee of the Township of Middle will enforce the Traffic Regulation Order governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

12. RESOLUTION 366-14 – 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.
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
Jeanette Moore	Municipal Court	Clerk P/T	07/10/2014
Kimberly Anderson	Recreation	Recreation Aide P/T	07/05/2014
Suzanne R. Cafiero	Zoning Board of Adjustment	Alternate Member #2	06/23/2014

13. RESOLUTION 367-14 through 368-14 – 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, Stephen Stagg has resigned with an effective date of May 28, 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:
Stephen Stagg
Vacation 15.00 Hours $10.00 $150.00
Owed $150.00
B. WHEREAS, Christopher Anderson has resigned with an effective date of May 28, 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.

Christopher Anderson

Vacation	21.50	Hours	$10.00	$215.00
Owed				$215.00

14. RESOLUTION 369-14 – ESTABLISH DEDICATION BY RIDER FOR SMART GROWTH PLANNING PURSUANT TO NJS 40A:5-29- On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and
WHEREAS, NJS 40A:5-29 allows municipalities to receive amounts donated for specific purposes;
WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider; 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 as follows:
    1. Township Committee hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Smart Growth expenditures as per NJS 40A:5-29.
    2. The municipal clerk of the Township of Middle is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

15. RESOLUTION 370-14 – AUTHORIZING MIDDLE TOWNSHIP AMBULANCE CORP TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE- On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and
WHEREAS, Middle Township Ambulance Corp has submitted an application to the Municipal Clerk as required per said ordinance; and
WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Middle Township Ambulance Corp and attached to this Resolution; and
WHEREAS, the County of County Cape May has forwarded a letter to the Municipal Clerk endorsing the Middle Township Ambulance Corp's application to solicit contributions along the requested areas; and
WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Middle Township Ambulance Corp and has determined that there is no public safety reason for the Township of Middle to deny this application; and
NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Middle Township Ambulance Corp to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.

16. RESOLUTION 371-14 – APPROVE LEAVE OF ABSENCE- 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 Leave of Absence without pay for Robert Jackson, from July 5, 2014 through October 5, 2014 is hereby approved.

17. RESOLUTION 372-14 – AMENDING RESOLUTION 315-14- APPROVE RETURN FROM LEAVE OF ABSENCE- 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 leave of absence for William Markee will be ending and authorization to return to work on 06/16/2014 has been approved.

18. RESOLUTION 373-14 – AMENDING APPOINTMENTS- FUND COMMISSIONER (ACMJIF & MEL) - 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, the following Fund Commissioners are hereby amended and appointed as follows:

FUND COMMISSIONER A	CMJIF	12/31/2014
Constance Mahon		
ALTERNATE FUND COMMISSIONER	ACMJIF	12/31/2014
Tracey Taverner		
FUND COMMISSIONER MEL		12/31/2014
Constance Mahon		
ALTERNATE FUND COMMISSIONER MEL		12/31/2014
Tracey Taverner		

19. RESOLUTION 374-14 through 375-14 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
    A. 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:
    Municipal Alcohol, Education, & Rehab Grant -- $ 1,122.52
    BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
    Municipal Alcohol, Education, & Rehab Grant -- $ 1,122.52
    B. 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:
    Park/Recreation Upgrades Ockie Wisting Recreation Complex – County -- $626,000.00
    BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
    Park/Recreation Upgrades Ockie Wisting Recreation Complex – County -- $626,000.00

20. RESOLUTION 376-14 – SOCIAL AFFAIRS PERMITS- THE WETLANDS INSTITUTE- On motion by Committeemember Clark seconded by Committeemember Lockwood 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 Wetlands Institute, 1075 Stone Harbor Blvd, Cape May Court House, on August 2nd (6:00pm-10:00pm,and
    WHEREAS, they have provided proper documentation to the Township of Middle,
    NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permits as submitted.

21. RESOLUTION 377-14 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT- 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 discontinuation of temporary appointment listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Leroy Gift	Public Works	Laborer 1 P/T T/A	06/16/2014

22. RESOLUTION 378-14 through 380-14 – APPOINTMENTS (ITEMS A THROUGH C) - On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
    A. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individuals are hereby appointed to the Middle Township Cable TV Advisory Board for the term of office opposite their name:

NAME	POSITION	TERM EXPIRES	SALARY
Sandra Linz	Secretary	12/31/2014	$850.00

    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 individual is hereby appointed to the volunteer board for the term of office opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Vincent Orlando	Member	Traffic Committee	12/31/2014*

*filling unexpired term of James Bratten

    C. 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
Michael Pastore	Public Safety	Police Officer	$38,649.00	07/18/2014
Joseph Brewster	Public Works	Laborer 1 P/T T/A	$9.00ph*	07/07/2014
James Loftus	Public Works	Laborer 1 P/T T/A	$9.00ph*	07/07/2014
James Bellamy	Public Works	Laborer 1 P/T T/A	$9.00ph*	07/07/2014
James Szigeti	Public Works	Laborer 1 P/T T/A	$9.00ph*	07/07/2014
David Maahs	Public Works	Laborer 1 P/T T/A	$9.00ph*	07/07/2014

*$10.00ph after 6 months of satisfactory employment.

23. RESOLUTION 381-14 – TABULATION COMMITTEE- AGRICULTURAL AGENT TO PROVIDE MIDDLE TOWNSHIP EMPLOYEES WITH JERSEY FRESH PRODUCE AND VEGETABLES- 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 Thursday July 31, 2014 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
AGRICULTURAL AGENT TO PROVIDE MIDDLE TOWNSHIP EMPLOYEES WITH JERSEY FRESH PRODUCE AND VEGETABLES

24. RESOLUTION 382-14 – TABULATION COMMITTEE – RECONSTRUCTION OF BENNY'S LANDING AND BEACH AVENUE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
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 July 30, 2014 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
RECONSTRUCTION OF BENNY'S LANDING AND BEACH AVENUE

25. RESOLUTION 383-14 through 384-14 – PROMOTIONAL TITLE CHANGE (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
    A. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the title opposite their name at the following salary:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Brittany Linz	Municipal Court	Keyboarding Clerk 2	$20,720.00	07/07/2014

*Civil Service title pending promotional eligibility and approval of CSC.

    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 at the following salary:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Robert Matthews	Recreation	Recreation Program Coordinator	$41,888.00	07/07/2014

26. RESOLUTION 385-14 – APPOINTMENT – ACTING DEPUTY MUNICIPAL COURT ADMINISTRATOR – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby appointed to the title opposite their name:

NAME	DEPARTMENT	TITLE	TERM EFFECTIVE	TERM EXP.
Brittany Linz	Municipal Court	Acting Deputy Municipal Court Administrator	07/07/2014	10/04/2014 (90 DAYS)

FURTHER RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the following yearly stipend is hereby authorized in connection with the shared services agreement between the Township of Middle and the Borough of Woodbine for Municipal Court services:

EMPLOYEE	POSITION	STIPEND
Brittany Linz	Shared Court –Acting Deputy Municipal Court Administrator	$2,000.00

27. RESOLUTION 386-14 – AUTHORIZING PARTICIPATION IN ONLINE AUCTION – GOVDEALS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is the owner of certain surplus property which is no longer needed for public use; and
WHEREAS, the Township Committee are desirous of selling said surplus property in an "as is" condition without express or implied warranties.
NOW THEREFORE, be it RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, as follows:
(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Municipal Clerk.
(2) The sale will be conducted online and the address of the auction site is govdeals.com.
(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
(4) A list of the surplus property to be sold is outlined on Exhibit A attached hereto this resolution.

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
(6) The Township Committee reserves the right to accept or reject any bid submitted.

28. RESOLUTION 387-14 – APPROVE TEMPORARY TRAILER – SCALES – On motion by Committeemember Clark seconded Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, in March of 2014 the home of Robert & Karen Scales, located at 206 First Avenue (Block 341, Lot 16), sustained damage rendering it uninhabitable, and
WHEREAS, After Disaster Housing Corp., on behalf of the homeowners, is requesting the placement of a temporary trailer to be located on the property while the home is repaired.
NOW THEREFORE BE IT RESOLVED, that authorization for placement of a temporary trailer is hereby granted by the Township Committee, the governing body of the Township of Middle, at the location of Block 341, Lot 16, otherwise known as 206 First Avenue.
FURTHER RESOLVED, that a copy of this resolution shall be given to the Middle Township Construction, Zoning, and Code Enforcement offices for notification.
FURTHER RESOLVED, that said authorization shall be for a period not to exceed six (6) months from the date of this resolution.
FURTHER RESOLVED, that this approval is pending placement of said trailer in a location that is acceptable to the Zoning Officer and Construction Official, as outlined on the attached sketch.

29. RESOLUTION 388-14 – AUTHORIZING AMENDMENT TO RATE OF PAY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the salary ordinance establishes rate of pay and salary ranges for various positions within the township, and
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the rate of pay for part time "trained" telecommunications operators shall begin at $15.00 ph.
BE IT FURTHER RESOLVED, that the rate of pay for the following staff shall be amended as follows:

EMPLOYEE	DEPARTMENT	POSITION	SALARY	EFFECTIVE
Lauren Anzelone	Public Safety	PS Telecommunications Operator P/T	$15.00 ph	07/07/2014
Michael Petrella	Public Safety	PS Telecommunications Operator P/T	$15.00 ph	07/07/2014
Diane Shinn	Public Safety	PS Telecommunications Operator P/T	$15.00ph	07/07/2014

30. RESOLUTION 389-14 – AMENDING RESOLUTION 333-14 – 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, $390,238.20 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 $103,279.80 have been completed, and
WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to $286,958.40.
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 $286,958.40.

31. RESOLUTION 390-14 – 2014-2015 HOTEL / MOTEL LICENSE APPROVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has established a Hotel / Motel License in connection with Ordinance No. 1157-04, and
WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee, and
WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year, and
WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property and sewer tax. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent.
WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be $1,000.00.
WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle, and
WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities.
NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2014-2015:

LIC. #	APPLICANT	TRADENAME	LOCATION	SITES
1	Amandeep Hotel Inc.	Catalina Motel	1200 Georgia Ave	9, Mng Apt.
3	Isha Hospitality	Country Motel	1604 Rte 47 S	28, Mng Apt.
7	Priyavadan Patel	Passport Inn & Suites	1031 Rte 47 S	16, House
8	Shree Khodiar, LLC.	Simpson Motel	1507 Rte 47 S	19, House
11	Seven Oceans Hospitality	Hyland Motor Inn	38 E. Mechanic Street	34, Mng Apt.
14	Robert & Ruth Worth	Marlee Motel	1003 Rte 47 S	13, House
16	Nayadip, LLC.	Offshore Motel	1801 Rte 47 S	48
17	Nelson Rossi & Jamie Cherego	Sea Gull's Motel LLC.	905 Rte 47 S	11
19	John Lanzinger	Shelton Motel	1410 Rte 47 S	22, House
20	Jai Shree Jalar	Silver Birch Motel	1019 Rte 47 S	10

32. RESOLUTION 391-14 – RENEWAL OF GRAVEL PIT PERMITS – 2014 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the several gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and
WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and
WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, "recertification is currently recommended" for the following licensees, and
NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2014 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
4	Cape Mining & Recycling, LLC	98 / 2	35.37	$600.00
6	Cape Mining & Recycling, LLC	94 / 19.02	57.5	$600.00
7	Cape Mining & Recycling, LLC	94 / 19.01 & 94 / 20	41.03 & 30.50	$600.00
11	H4 Enterprises LLC	95.03 / 21	42.64	$600.00
13*	Sam & Helena Bradway	1410.01 / 27	12.23	$600.00
24	TK Sand & Gravel	96 / 17	8.08	$400.00

*FURTHER RESOLVED, that Gravel Pit License 13 for Block 1410.01 Lot 27 has also been reviewed and is hereby retroactively renewed for CY 2013.
FURTHER RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.

33. PUBLIC COMMENT:

Apology letter read into record by Mayor Donohue:

7/5/14

Dear Eileen,

I wanted to reach out to you to apologize for bringing up your name in a public meeting. It was wrong and there is no excuse for it. I know that while we may disagree on issues, you advocate for what you believe to be in the best interest of the people of Middle Township. You have been fighting the good fight for much longer than I have and I respect you for that commitment. Woody Allen said eighty percent of success is just showing up. You have been showing up and sticking to your guns for many years and our town is better off for it.

I fully understand that, now more than ever, people are cynical when it comes to elected officials and their intentions. Count me among them. Folks have every right to be jaded and frustrated when it comes to politicians. It is this exact frustration that lead me to run for Township Committee. The reality is that politics (and all that is entails) is the process that you must survive in order to gain the honor of serving as the peoples' representative. I have tried mightily to keep politics out of my decision-making process and to do what is I believe is best for all the people of Middle Township. Am I always right? Of course not. But I worked very hard to understand the issues and the impacts my decisions will have on Middle Township.

I got involved to change the status quo. It is more difficult than I had ever imagined. But I remain committed and believe we have done good work. I am passionate in my belief that real, positive change in our country can only come from the ground up. To make that change happen, we need as many voters, of all persuasions, active and involved. That can only happen if people feel they have a voice and are being listened to by the folks on the dais.

I know full well that this has not always been the history here in Middle Township. I truly regret if my words or actions at any meeting have moved us away from the free, open and respectful dialogue that voters deserve.

I hope you will accept this sincere apology. Please continue to fight for what you think is right. I truly believe we can stand together on common ground on many issues. We must, the stakes are too high to do otherwise.

Since my inappropriate comment was made in public, I will also apologize in public. I plan to read this letter into the record on Monday night, July 7th at our Township Committee meeting.

Respectfully,
Mayor Tim Donohue
Middle Township, NJ
[redacted]

Response read into record by Ms. Eileen Fausey:

Comment to Committee/July 7, 2014

On June 2, I attended a regular committee meeting. Prior to resolutions listed on the agenda being voted on, I made comments on two items, one of which was an appointment by the governmental body of a liason to a private non-profit. I wished to give my opinion that passing such a resolution was uncalled for. I based this opinion on the fact that I had served on many private non-profits and among other things felt that it was unnecessary since the non-profit in question always welcomed people to its table and also, that I felt it was an intrusion of the Township Committee, a public entity, to pass a resolution inserting their representative into a private entity. In my experience, as a volunteer in organizations in Middle Township since early 1970's, this just was not done.

I personally did not form that opinion based on the person they wanted to appoint. It could have been my friend, Vilma, or even Pope Francis, and I would have thought it was not necessary.

It was explained by a committee member that this particular non-profit, Concerned Citizens of Whitesboro, situated in Middle Township, already was involved in many Middle Township projects. This has been the case for years. The CCW is a fine, involved, and dedicated group of citizens who provide many good services to the people of Middle. To my knowledge, it has never refused membership to anyone. However, services to Whitesboro by the Township should be provided there as well as to every other community situated in Middle. It shouldn't and hasn't been a requirement that Middle have a liason in any organization to have such services performed.

I stated that when I was Chair of the Middle Tax Payers Assn., the Administrator at the time, attended many of its meetings. It was helpful to the Committee, I'm sure, to have a report of what had occurred at the meeting, as well as the people in the Association, since Mr. Mallett was able to answer many questions to people who in turn, did not have to contact employees at the Township to get answers. Currently, the Township has an employee who is the director of the Rec Center in Whitesboro, and also a member of the CCW. Since he already attends meetings, it insures that the Township has access to information.

It seemed to me that there was possibly another reason for this appointment, since it involved appointing a person who has been involved in campaigns with the Mayor who is currently running for reelection, speculation on my part.

Did I believe my opinion would influence members of the Committee? I was doubtful, but nonetheless, I exercised my rights to give my opinion. Since the Committee members' jobs as public servants is to serve the public, it is the job of citizens to state how they serve us, since, in fact, they do work for the public. I was correct in my assumption, since the committee passed the resolution.

I was surprised at the next meeting, which I did not attend, to read in the paper that Mayor Donahue stated that I had made a political issue of the appointment since I am a Democratic Committee woman in Middle. When I made my statement at the prior meeting, I had no such motive. What would I have to gain? Furthermore, had the Mayor ever attended Committee meetings before he moved back to Middle and decided to run for office three years ago, he would have known that I have questioned every Committee person in past years, regardless of their party, on issues that I thought important to the public and to taxpayers. Never in that time, did any committee member mention the political party of people to asked questions or made comments.

In my opinion, the fact that Mayor Donahue did so, especially, since I was not even present, was both unprofessional and suspect. I am not responsible for resolutions that are presented at meetings. This resolution was the choice of the committee. If it is political, that falls back on the committee. Not people who question them.

People who know me, know that I believe that once you are elected to office, you must serve all people, regardless of party and that I speak for myself as a resident. If speaking for a group I'm involved with, I would identify that before speaking. My advice to the Mayor would be that he not target people who ask questions and shouldn't speak about politics during a public meeting, whether it be about comments from the public or by other members of committee. It's important that public officials are careful not to give the impression that they are using their office for any other reason than service to all.

In the future, I will continue to be involved in the process of government regardless of personal jabs that might be given me.

Thank you, Eileen Fausey, Swainton, NJ

Committeemember Clark:

-Recreation Department did great job with 4th of July Celebration
-Congratulations to new Public Works employees and new Police Officer
-Congratulations to Brittany Linz and Robert Matthews
-Thanked Jeanette Moore for years of employment with Township

Committeemember Lockwood:

-Looking forward to reconstruction of Benny's Landing

Mayor Donohue:

-Spoke of new employees, Mike Pastore as new Police Officer
-Recognized Jeanette Moore and spoke of history with her starting employment through a grant program for individuals 55 years of age and older.
-Recognized Brittany Linz for great work
-Update on steps at library: bids being received within next couple of weeks, project should be commencing within near future
-July 4th Celebration was a success, thanks to Recreation and Public Works staff
-Recognized Connie Mahon for improvements to atrium done out of her own pocket
-First meeting of Animal Welfare Advisory Council met, concerns with animals in heat
-September 15, 2014 Work Session and Regular Meeting to be held at Rio Grande Fire Hall
-Unsafe structures – Sal DiSimone working to remove; 5 in Rio Grande, 4 in Reeds Beach have been taken down, 1 pending in Whitesboro. 8 structures were removed by owners, 1 by Township.
-Map of Middle Township in last week's Gazette, done by Economic Development Council, local business sponsors to help with costs
-4-H Fair July 17-19
-Recognized Robert Matthews on promotion

Sam Kelly:

-Enjoyed 4th of July events at Goshen Complex
-Spoke of Grandson, Mike Pastore, being hired as new Police Officer

Vilma Pombo:

Asked why MLK Center was not on new map

Mayor Donohue:

Oversight, plans to add on next revision of map

Vilma Pombo:

Dollar Store in Swainton causing mess, neighboring property has no air conditioning and dust is going into home with windows open. When is silt fencing supposed to go up, thought should have been up prior to this week. Concerned with buffer zones and cutting down of trees just to re-landscape before project is finished.

Committeemember Lockwood:

Silt fencing is overseen by Soil Conservation District. Work may have to be done which causes trees to be cut down to get to areas of property.

Committeemember Clark:

Asked Vilma if work is beginning prior to 8am and if it is a concern?

Vilma Pombo:

Was not sure what time workers start in the morning.

Yvette Lavalette:

27 No Trespassing signs are still on neighbor's property on Woodcock Lane. Having a hard time with people looking at house to sell. Has attempted to contact Code Enforcement but has not received response form Mr. Amenhauser.

Connie Mahon:

Letter from Code Enforcement sent to Homeowner to remove signs. Will follow up with Code Enforcement.

Yvette Lavalette:

If Homeowner does not respond to Township, would like to know code violation so that she may personally file complaint.

_____

Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 6:48pm
1st: Committeemember Clark 2nd: Committeemember Lockwood
Pass on Roll Call: Committeemember Clark, Committeemember Lockwood, Mayor Donohue

Minutes prepared by Suzanne M. Stocker, Deputy Township Clerk