

Cape May Court House, NJ
March 19, 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). This meeting date was set after the cancellation of the March 17, 2014 meeting, due to inclement weather.

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

1. PRESENTATION – MAYOR’S CERTIFICATE OF HONOR – PAT LEAHY, YEARS OF SERVICE AWARD – PLANNING BOARD
2. PRESENTATION – MAYOR’S CERTIFICATE OF HONOR - STEVEN NOVSAK, FEBRUARY 2014, MIDDLE TOWNSHIP 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.)
Stan Doniger:
Questioned \$7,000 payment to Ford Scott Associates on bill list.
Committeemember Lockwood:
Contract for Services, progress payment which covers annual audit and budget preparation.
4. RESOLUTION 165-14– 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. \$ 836,824.76
5. RESOLUTION 166-14 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone) – On motion by Mayor Donohue seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$ 2,648.00
***Committeemember Lockwood Abstained**
6. RESOLUTION 167-14 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Regular Meeting 03/05/2014.
7. REPORTS: The following departments have submitted their reports for the months indicated: Zoning Official for the month of January 2014; Treasurer for the month of January & February 2014; Municipal Clerk for the month of February 2014; Construction Department for the month of February 2014; Tax Collector for the month of February 2014; Sewer Billing for the month of February 2014; Municipal Court for the month of February 2014;
8. ACKNOWLEDGING LETTER RECEIVED: March 2014, Atlantic County Municipal Joint Insurance Fund, 2014 Safety Incentive Program Awards.

Middle Township has earned \$1,500.00 as a result of outstanding performance in the 2013 ACMJIF Safety Incentive Program. The program is designed to foster a safety attitude among the ACM JIF members, change behaviors to create a safer work environment, as well as promote continuing efforts to “Change the Culture”.

Congratulations to Tracey Taverner, Fund Commissioner, Sean McDevitt, Safety Coordinator, Vera Kalish, Claims Coordinator, and all Middle Township Employees who played an important role in achieving these results!

9. ORDINANCE 1464-14 - AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1464-14 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.

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.

TOWNSHIP COMMITTEE
TOWNSHIP OF MIDDLE

TITLE	MINIMUM	MAXIMUM
Accounting Assistant	\$ 18,720.00	\$ 45,000.00
Acting Recreation Director	\$ 1.00	\$ 3,000.00
Administrative Clerk	\$ 18,720.00	\$ 36,000.00
Administrative Director of Public Works	\$ 40,000.00	\$ 60,000.00
Administrative Secretary	\$ 18,720.00	\$ 46,000.00
Alt. Deputy Registrar	\$ 9.00	to 15.00 p/h
Alt. Deputy Registrar	\$ 1.00	\$ 5,000.00
Animal Control Officer	\$ 18,720.00	\$ 55,000.00
Animal Cruelty Investigator		\$ 1.00
Assessing Clerk	\$ 18,720.00	\$ 33,000.00
Asst. Animal Control Officer		\$ 1.00
Asst. Maintenance Supervisor	\$ 19,000.00	\$ 55,000.00
Asst. Municipal Tax Collector	\$ 18,720.00	\$ 38,000.00
Asst. Recreation Supervisor	\$ 18,720.00	\$ 30,000.00
Asst. Supervising Mechanic	\$ 30,000.00	\$ 45,000.00
Asst. Supervisor Public Works	\$ 18,720.00	\$ 60,000.00
Asst. Zoning Officer	\$ 18,720.00	\$ 35,000.00
Baseball Commission	\$ -	\$ 15,000.00
Building Director	\$ 5,000.00	\$ 30,000.00
Building Inspector F/T	\$ 20,000.00	\$ 40,000.00
Building Inspector P/T	\$ 3,000.00	\$ 10,000.00
Building Service Worker	\$ 18,720.00	\$ 30,000.00
Building Service Worker P/T	\$ 7.00	to 13.00 p/h
Building Sub-code Official	\$ 7.00	21.00 p/h
Business Administrator	\$ 1.00	\$ 125,000.00
Carpenter	\$ 18,720.00	\$ 42,000.00
Carpenter Helper	\$ 18,720.00	\$ 34,000.00
Carpenter Helper / Truck Driver- Laborer	\$ 18,720.00	\$ 30,000.00
Certified Public Works Manager	\$ 45,000.00	\$ 60,000.00
Chief Financial Officer	\$ 23,000.00	\$ 80,000.00
Clean Communities Supervisor	\$9.00	to \$12.00 p/h
Code Enforcement Officer	\$ 18,720.00	\$ 37,000.00
Code Enforcement Officer P/T	\$ 1.00	\$ 11,000.00
Code Enforcement Officer Trainee	\$ 18,720.00	\$ 30,000.00
Compliance Plan Stipend	\$ 10,000.00	\$ 15,000.00
Computer Service Tech.	\$ -	\$ 50,000.00
Computer Service Tech. P/T/	\$ 15.00	to \$30.00p/h
Conflict Attorney	\$ 1.00	\$ 2,500.00
Construction Official	\$ 22,000.00	\$ 70,000.00
Coordinator of Computer Services	\$ 1,000.00	\$ 6,000.00

Coordinator of Federal and State Aid	\$	10,000.00	\$	40,000.00
Crew Leader	\$	20,000.00	\$	35,000.00
Crossing Guard	\$	1.00	\$	20,000.00
Deputy Business Administrator	\$	1.00	\$	100,000.00
Deputy Chief Financial Officer	\$	30,000.00	\$	65,000.00
Deputy EMT Chief	\$	18,720.00	\$	50,000.00
Deputy Municipal Court Admin.	\$	18,720.00	\$	45,000.00
Deputy Municipal Emergency Management Coordinator			\$	1.00
Deputy Registrar of Vital Statistics	\$	7.00	to 15.00 p/h	
Deputy Registrar of Vital Statistics	\$	1.00	\$	40,000.00
Deputy Sewer Billing Administrator	\$	1.00	\$	10,000.00
Deputy Tax Assessor	\$	18,720.00	\$	55,000.00
Deputy Tax Collector	\$	25,000.00	\$	38,000.00
Deputy Township Clerk	\$	18,720.00	\$	40,000.00
Director Community Development Program	\$	-	\$	1.00
Director of Grants and Economic Loans	\$	4,000.00	\$	6,000.00
Docket Clerk - Typing	\$	18,720.00	\$	37,000.00
Econ Devel/Paralegal/Rent Cont Off	\$	35,000.00	\$	52,000.00
Electrical Subcode Official	\$	10,000.00	\$	32,000.00
Electrical Subcode Official P/T	\$	10,000.00	\$	32,000.00
Electronic Repair Supervisor	\$	20.00	to 22.00 ph	
Emergency Med. Tech. P/T	\$	6.00	to 15.50 p/h	
Emergency Medical Technician	\$	18,720.00	\$	55,000.00
Employee Benefits Clerk	\$	18,720.00	\$	35,000.00
EMS Billing Administrator	\$	1.00	\$	3,000.00
EMT Chief	\$	18,720.00	\$	60,000.00
Equipment Operator	\$	18,720.00	\$	44,000.00
Fire Inspector	\$	20,000.00	\$	35,000.00
Fire Inspector P/T	\$	10.00	to 20.00 p/h	
Fire Official	\$	38,000.00	\$	48,000.00
Fire Prevention Specialist P/T	\$	8.00	to \$20.00 p/h	
Fire Protection Inspector	\$	1.00	17.00 p/h	
Fire Subcode Inspector - Shared Service	\$	1.00	\$	5,500.00
Fire Subcode Official P/T	\$	5,000.00	\$	16,000.00
Food Service Worker P/T	\$	8.00	to 15.00 p/h	
Fund Commissioner			\$	1.00
Hearing Officer	\$	1.00	\$	5,000.00
Judge Municipal Court	\$	24,000.00	\$	50,000.00
Judge Shared Municipal Court	\$	7,000.00	\$	15,000.00
Junior Counselors Summer Camp	\$	6.00	to 15.00 p/h	
Keyboarding Clerk 1	\$	18,720.00	\$	40,000.00
Keyboarding Clerk 1 P/T	\$	8.00	\$	20.00
Keyboarding Clerk 2	\$	18,720.00	\$	48,000.00
Laborer 1	\$	18,720.00	\$	35,000.00
Laborer 1 P/T	\$	8.00	to 10.00 p/h	
Laborer 2	\$	18,720.00	\$	30,000.00
Laborer 3	\$	20,000.00	\$	38,000.00
Laborer Clean Communities P/T	\$	6.00	to 12.50ph	
Laborer Grass Crew P/T	\$	7.00	\$	12.50
Land Use Administrator	\$	35,000.00	\$	52,000.00
Maintenance Supervisor & Project Manager	\$	25,000.00	\$	60,000.00
Manager of Parks and Grounds		\$19,000.00	\$	50,000.00
Mechanic	\$	18,720.00	\$	35,000.00
Mechanic Trainee		\$18,720.00	\$	34,000.00
Mechanics Helper		\$18,720.00	\$	25,000.00
Memory Lane Coordinator		\$1.00	\$	1,500.00
Motor Broom Driver	\$	25,000.00	\$	32,000.00
Municipal Court Admin.	\$	23,000.00	\$	63,000.00
Municipal Court Admin. Shared Services	\$	1.00	\$	7,500.00
Municipal Engineer	\$	1.00	\$	85,000.00
Municipal Prosecutor	\$	10,000.00	\$	35,000.00
Municipal Recycling Coordinator			\$	1.00
Municipal Emergency Management Coordinator	\$	1.00	\$	10,000.00
Payroll Clerk		\$18,720.00	\$	45,000.00
Payroll Supervisor		\$18,720.00	\$	45,000.00
Personnel Clerk	\$	18,720.00	\$	23,000.00
Personnel Officer	\$	29,000.00	\$	60,000.00
Plumbing Subcode Official P/T	\$	4,000.00	\$	28,000.00
Police Captain	\$	60,000.00	\$	135,000.00
Police Chief	\$	65,000.00	\$	140,000.00
Police Lieutenant	\$	50,000.00	\$	120,000.00

Police Officer	\$	25,000.00	\$	110,000.00
Police Officer Detective Stipend			\$	750.00
Police Officer / Detective	\$	30,000.00	\$	59,000.00
Police Sergeant	\$	40,000.00	\$	115,000.00
Police Sergeant/Detective Stipend			\$	750.00
Principal Account Clerk - Typing	\$	18,720.00	\$	22,000.00
Principal Assessing Clerk	\$	18,720.00	\$	40,000.00
Principal Personnel Clerk	\$	18,720.00	\$	40,000.00
Principal Clerk Typist	\$	18,720.00	\$	40,000.00
Principal Technical Aide Public Works	\$	18,720.00	\$	35,000.00
Project Manager	\$	45,000.00	\$	60,000.00
PS Telecommunications Oper.Trainee P/T	\$	6.50	to 15.00 p/h	
PS Telecommunications Operator	\$	18,720.00	\$	60,000.00
PS Telecommunications Operator, P/T	\$	6.50	to 15.00 p/h	
PS Telecommunications Operator,Trainee	\$	18,720.00	\$	40,000.00
Public Defender	\$	7,500.00	\$	20,000.00
Public Works Superintendent	\$	28,000.00	\$	68,000.00
Pumping Station Operator/Sewer Repairer	\$	18,720.00	\$	45,000.00
Qualified Purchasing Agent			\$	1.00
Real Estate Officer			\$	1.00
Reassessment Stipend - Tax Assessor	\$	-	\$	27,500.00
Reassessment Stipend - Deputy Tax Assessor	\$	-	\$	12,500.00
Receptionist	\$	6.00	to 10.00 p/h	
Recreation Aide P/T	\$	6.00	to 15.00 p/h	
Recreation Attendant	\$	18,720.00	\$	33,000.00
Recreation Attendant / Senior Center P/T	\$	7.00	to \$18.00ph	
Recreation Director		\$35,000.00	\$	63,000.00
Recreation Leader	\$	18,720.00	\$	45,000.00
Recreation Leader P/T	\$	7,000.00	\$	10,000.00
Recreation Leader / Sports	\$	18,720.00	\$	42,000.00
Recreation Program Administrator	\$	22,000.00	\$	63,000.00
Recreation Program Coordinator	\$	18,720.00	\$	20,000.00
Recreation Program Specialist	\$	18,720.00	\$	38,000.00
Recreation Superintendent	\$	35,000.00	\$	50,000.00
Recreation Supervisor	\$	18,720.00	\$	33,000.00
Recycling Program Aide- P/T		\$9.00p/h	\$12.00 p/h	
Registrar of Vital Statistics	\$	1.00	\$	47,000.00
Rent Control Board Attorney	\$	1.00	\$	2,500.00
Seasonal Employee - Laborer (CDL Required)	\$	1.00	\$	14.00
Secretary Board of Health	\$	1.00	\$	2,000.00
Secretary Cable TV Advisory Bd.	\$	1.00	\$	2,000.00
Secretary Council on the Arts	\$	1.00	\$	2,000.00
Secretary Economic Dev. Council	\$	1.00	\$	2,000.00
Secretary Emergency Management	\$	1.00	\$	2,000.00
Secretary Environmental Comm.	\$	1.00	\$	2,000.00
Secretary Ethics Board	\$	1.00	\$	2,000.00
Secretary Planning Board	\$	1.00	\$	2,000.00
Secretary Recreation Council	\$	1.00	\$	2,000.00
Secretary Rent Leveling Board	\$	1.00	\$	2,000.00
Secretary Safety Committee	\$	1.00	\$	2,000.00
Secretary Shade Tree Comm.	\$	1.00	\$	2,000.00
Secretary Sr. Citizen Advisory Board	\$	1.00	\$	2,000.00
Secretary Traffic Comm.	\$	1.00	\$	2,000.00
Secretary Zoning Bd of Adj.	\$	1.00	\$	2,000.00
Senior Assessing Clerk	\$	19,000.00	\$	26,000.00
Senior Building Service Worker	\$	18,720.00	\$	25,000.00
Senior Citizen Activities Coordinator	\$	8,000.00	\$	37,000.00
Senior Citizen Lifeline Coordinator	\$	1.00	\$	2,000.00
Senior Clerk	\$	18,720.00	\$	21,000.00
Senior Computer Operator	\$	18,720.00	\$	46,000.00
Senior Emergency Med. Tech.	\$	18,720.00	\$	50,000.00
Senior Mechanic	\$	18,720.00	\$	40,000.00
Senior Payroll Clerk	\$	18,720.00	\$	36,000.00
Senior Personnel Clerk	\$	18,720.00	\$	38,000.00
Senior Tax Clerk	\$	18,720.00	\$	35,000.00
Sewer Administrator	\$	-	\$	1.00
Sewer Administrator P/T	\$	1.00	to 30.00ph	
Sewer Billing Administrator	\$	1.00	\$	15,000.00
Sewer Equipment Operator	\$	18,720.00	\$	63,000.00
Sewer Equipment Operator P/T	\$	10.00	\$	30.00
Sewer License Operator Stipend	\$	6,000.00	\$	12,000.00

Sewer Maintenance Superintendent	\$	30,000.00	\$	70,000.00
Sewer Repairer 1	\$	18,720.00	\$	45,000.00
Sewer Repairer 2	\$	18,720.00	\$	60,000.00
Shared Court Clerk Typist	\$	2,000.00	\$	5,000.00
Shared Court Deputy Municipal Court Admin.	\$	2,000.00	\$	5,000.00
Shared Court Municipal Court Administrator	\$	5,000.00	\$	10,000.00
Shared Court Municipal Prosecutor	\$	4,000.00	\$	10,000.00
Shared Court Public Defender	\$	2,000.00	\$	10,000.00
Shared Court Violations Clerk	\$	-	\$	3,000.00
Special Events Coordinator	\$	18,720.00	\$	30,000.00
Special Officer/Elections	\$	100.00	to 100.00 per day	
Special Police Officer - Class I	\$	7.50	\$	14.00 p/h
Special Police Officer - Class II	\$	7.50	\$	14.00 p/h
Substitute Animal Control Officer	\$	1,000.00	\$	5,000.00
Summer Camp Coordinator Stipend	\$	1,000.00	\$	5,000.00
Superintendent of Public Works	\$	65,000.00	\$	75,000.00
Supervising Dispatcher Stipend			\$	1,500.00
Supervising Emergency Medical Tech.	\$	18,720.00	\$	55,000.00
Supervising Equipment Operator	\$	28,000.00	\$	50,000.00
Supervising Labor	\$	20,000.00	\$	38,000.00
Supervising Mechanic	\$	19,500.00	\$	58,000.00
Supervisor / Heavy Equipment Operator		\$19,000.00	\$	60,000.00
Supervisor Clean Communities	\$	7.00	to 12.00 p/h	
Supervisor Water/Sewer B/C	\$	19,000.00	\$	75,000.00
Tax Assessor	\$	23,000.00	\$	75,000.00
Tax Clerk	\$	18,720.00	\$	28,000.00
Tax Collector	\$	23,000.00	\$	68,000.00
Technical Assistant Const. Off.	\$	19,500.00	\$	52,000.00
Temporary Acting Chief Financial Officer	\$	10.00	to \$15.00 ph	
Temporary Acting Deputy Chief Financial Officer	\$	10.00	to \$15.00 ph	
Temporary Acting Court Administrator	\$	10.00	to 30.00 p/h	
Township Attorney	\$	15,000.00	\$	200,000.00
Township Clerk	\$	53,000.00	\$	75,000.00
Township Clerk/Business Administrator	\$	23,000.00	\$	115,000.00
Township Committee	\$	17,000.00	\$	20,000.00
Violations Clerk			\$	1,000.00
Zoning Officer	\$	20,000.00	\$	65,000.00

Committeemember Lockwood:

Gave explanation regarding modification of titles and salary ranges.

Rosie Jefferson:

Asked is a "step" program would supplement this Ordinance?

Kimberly Krauss:

No, every municipality is required to have a Salary Ordinance.

10. ORDINANCE 1467-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE SALE TO A CONTIGUOUS OWNER – Following second reading, hearing, and consideration for adoption, Ordinance 1467-14 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.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that it is necessary that Township owned land be sold by a private sale to a contiguous owner.

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 136 , Lots 26.03 , which parcel is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and

WHEREAS, there is just one owner of contiguous property, namely Ralph E. Hendee, Jr., PO Box 396, Stone Harbor , NJ, who owns the adjacent lots identified as Block 136 , Lot 24; and WHEREAS, the Township Tax Assessor has stated to the Township Committee that the total fair market value of the land is to be sold for \$ 1.00 plus costs of Survey, Title Insurance, all closing costs, costs of publication, and legal fees. Accordingly, all Township closing expenses , publication expenses and professional fees shall be paid for by the Buyer ; and WHEREAS, Ralph E. Hendee, Jr. has offered to purchase the property for \$ 1.00 plus costs of Survey, Title Insurance, all closing costs, publication expenses, and legal fees, and agreed to

execute a contract contingent upon this Ordinance being approved and all survey and subdivision work being performed at his sole expense; and
WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;
NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell real property identified as Block 136, Lots 24 to Ralph E. Hendee, Jr. for the sale price of \$ 1.00 plus costs of Survey, Title Insurance, all closing costs, publication expenses and legal fees. pursuant to the terms of Contract for Sale; and
2. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
3. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
4. Any and all closing costs associated with this transaction, including Township closing costs, Attorney fees, advertising and postage, are to be paid by the Buyer.

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

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

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

Connie Mahon:

Small parcel of land behind right of way, straddling three properties on Stone Harbor Boulevard. Offered to sell parcel to each property owners, one owner decided to purchase.

Marc Karavan:

Parcel is not developable.

11. ORDINANCE 1469-14 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 146, THEREOF ENTITLED FLOOD DAMAGE PREVENTION – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1469-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on April 21, 2014 at 6:00 p.m.

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 146 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:

SECTION 1: FLOOD DAMAGE PREVENTION

CHAPTER 146

Article I: Authorization; Findings; Objectives

§ 146-1 Statutory authorization.

This chapter is enacted pursuant to the provisions of N.J.S.A. 40:48-1 et seq. and N.J.S.A. 40:55D-1 et seq.

§ 146-2 Findings of fact.

A. The flood hazard areas of the Township of Middle are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

§146-3 Statement of purpose.

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

A. Protect human life and health.

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

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

D. Minimize prolonged business interruptions.

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

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

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

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

§ 146-4 Methods of reducing flood losses.

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

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

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

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

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

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

Article II: Definitions and Word Usage

146-5 Word Usage.

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

146-6 Definitions.

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

ADVISORY BASE FLOOD ELEVATION (ABFE)

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

ADVISORY FLOOD HAZARD AREA (AFHA)

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

ADVISORY FLOOD HAZARD MAP

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

APPEAL

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

AREA OF SHALLOW FLOODING

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

AREA OF SPECIAL FLOOD HAZARD

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

BASE FLOOD

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

BASE FLOOD ELEVATION (BFE)

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

BASEMENT

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

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

BEST AVAILABLE FLOOD HAZARD DATA

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

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION

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

BREAKAWAY WALL

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

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

COASTAL HIGH-HAZARD AREA

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

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

DEVELOPMENT

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

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

ELEVATED BUILDING

A nonbasement building built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor or, in the case of a building in a coastal high-hazard area, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers) or shear walls parallel to the flow of the water

and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

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

FLOOD or FLOODING

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

FLOOD INSURANCE RATE MAP (FIRM)

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

FLOOD INSURANCE STUDY

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

FLOODPLAIN MANAGEMENT REGULATIONS

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

FLOODPROOFING

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

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

FREEBOARD

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

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

HIGHEST ADJACENT GRADE

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

HISTORIC STRUCTURE

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

Any structure that is:

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

LOWEST FLOOR

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

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

MANUFACTURED HOME

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

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

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION

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

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

NEW CONSTRUCTION

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

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

PRELIMINARY FLOOD INSURANCE RATE MAP (FIRM)

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

PRIMARY FRONTAL DUNE

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

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

RECREATIONAL VEHICLE

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

SAND DUNES

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

START OF CONSTRUCTION

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

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

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

STRUCTURE

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

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

SUBSTANTIAL DAMAGE

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

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

SUBSTANTIAL IMPROVEMENT

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

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

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

VARIANCE

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

VIOLATION

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

ARTICLE III General Provisions

§146-7 Applicability.

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

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

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

a. Flood Hazard Boundary Map/Flood Insurance Rate map for the Township of Middle, Cape May County, New Jersey as shown on Index and panels 01 through 11 whose effective date is July 15, 1992.

b. Best Available Flood Hazard Data. These documents shall take precedence over effective panels in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail

§146-9 Violations and penalties.

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

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

action as is necessary to prevent or remedy any violation. Each calendar day of violation shall constitute a separate and individual violation. Any person who violates this chapter shall bear the full cost of correcting any and all violations.

§ 146-10 Abrogation and greater restrictions.

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

§ 146-11 Interpretation.

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

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

§ 146-12 Warning and disclaimer of liability.

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

Article IV: Administration

§ 146-13 Development permit.

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

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

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

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

§ 146-14 Designation of enforcement official.

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

§ 146-15 Duties of enforcement official.

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

A. Permit review.

- (1) The enforcement official shall review all development permits to determine that the permit requirements of this chapter have been satisfied.
- (2) The enforcement official shall review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) The enforcement official shall review all development permits for compliance with the provisions of § 146-18E, Encroachments.
- (4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- (5) Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 5.4-2(4)

B. Use of other base flood data.

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

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

C. Information to be obtained and maintained.

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

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

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

- (a) Verify and record the actual elevation, in relation to mean sea level.
- (b) Maintain the floodproofing certificates required in § 146-13C.
- (3) The enforcement official shall maintain for public inspection all records pertaining to the provisions of this chapter.
- (4) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2(10) (i) and (ii) are met.

D. Alteration of watercourses.

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

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

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

§ 146-16 Variance procedure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 146-17 Conditions for issuance of variances.

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

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

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

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

E. Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

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

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

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

Article V: Provisions for Flood hazard Reduction

§ 146-18 General standards.

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

A. Anchoring.

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

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

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

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements and subsequent damages shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) For all new construction and substantial improvements and substantial damages the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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

D. Subdivision proposals.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or 5 acres (whichever is less).

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

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

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

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 146-19 Specific standards.

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

A. Residential Construction.

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

B. Nonresidential Construction

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

1. Elevated to or above base flood elevation (published FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus one foot and
2. Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least 3 feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; OR
3. Be floodproofed so that below the base flood level plus one foot or best available flood hazard data elevation plus one foot (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;
4. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

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

C. Manufactured homes.

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

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

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

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

146-20 Coastal High Hazard Area.

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

1. Location of Structures

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

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

2. Construction Methods

a. Elevation

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

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

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

b. Structural Support

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

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

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

3. Certification

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 5.4-2(1) and 5.4-2(2) (i) and (ii).

4. Space Below the Lowest Floor

1. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice work or insect screening are used as provided for in this section.

2. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

3. If Breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

4. Prior to construction, plans for any breakaway wall must be submitted to the Building SubCode Official for approval.

146-21 Sand Dunes.

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

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

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

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

12. ORDINANCE 1470-14 - BOND ORDINANCE PROVIDING FOR STERBACK HARBOR DREDGE PROJECT IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,080,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF UPON COMPLIANCE WITH CERTAIN CONDITIONS. – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1470-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/21/2014 at 6:00 p.m.
- BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:
- Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, New Jersey (the "Township") as a local improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,200,000, including the sum of \$120,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.
- Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,080,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.
- Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the undertaking of the Sterback Harbor Dredging Project including the removal of dredge materials, permitting, design, construction, construction engineering services and including all related costs and expenditures incidental thereto.
- (b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.
- Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.
- Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.
- Section 6. The following additional matters are hereby determined, declared, recited and stated:
- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement that the City lawfully may undertake as a local improvement upon obtaining those approvals set forth in N.J.S.A. 40:56-1. The cost of the local improvements will be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,080,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$240,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.
- Section 7. Notice is hereby given to the owners of all lots and parcels of real estate benefitted by the improvement described in Section 3 hereof and affected by the improvement described therein that the Township intends to make and to levy special assessments against all such lots and parcels of real estate in an aggregate amount of not exceeding \$1,200,000 subject to the receipt of certain approvals set forth in N.J.S.A. 40:56-1(p). Such special assessments shall be made and levied in

the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the respective lots and parcels of real estate shall be deemed to receive by reason of the improvement. It is expected that the Township will not contribute to the cost of the improvement.

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

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

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

Section 11. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

Mayor Donohue:

Spoke of Avalon Manor residents who approached Township relative to dredging project. Township advised that they could not afford the project at the time. Avalon started a dredging project, so costs were able to be shared with that project. Township is creating a special assessment district for this project, residents who are affected by this project will be responsible for a special assessment to pay back the project.

Connie Mahon:

Township finances project upfront, but special assesses each resident who benefits from this project over 15 years. Avalon Manor will be in first phase of project due to short window of opportunity. Estimate project to go out to bid in June and award in July. Only covers channel, not individual boat slips.

13. RESOLUTION 168-14 – 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
Brian Palumbo	Recreation	Recreation Aide	12/18/2013

14. RESOLUTION 169-14 through 170-14– ACKNOWLEDGEMENT OF RESIGNATION (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- A) BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.

NAME	BOARD	POSITION	EFFECTIVE
Steve Atzert	Environmental Commission	Member, Chairman	03/11/2014

- B) BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.

NAME	BOARD	POSITION	EFFECTIVE
Nicole Wyatt	Code of Conduct Review Committee	Parent, Baseball/Softball	02/28/2014
Dave Salvo	Code of Conduct Review Committee	Basketball Coach	03/17/2014

Mayor Donohue:

Acknowledged Steve Atzert for time spent on Environmental Committee.

15. RESOLUTION 171-14 – APPOINTMENT – VOLUNTEER BOARD – 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 person(s) be and is/are hereby appointed to the volunteer board as indicated below:

NAME	BOARD	POSITION	TERM EXPIRES
Paula Berrodin	Code of Conduct Review Committee	Basketball Coach	12/31/2014

16. RESOLUTION 172-14 – PROMOTIONAL TITLE CHANGE – On motion by Committeemember Lockwood seconded by Committeemember Clark 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 promoted to the title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Walter Belles, Jr.	Public Works	Senior Mechanic	\$37,000.00	02/27/2014
William Hammerstein	Public Works	Mechanic Helper	\$25,000.00	03/05/2014

17. RESOLUTION 173-14 – AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT – GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE, FISCAL GRANT YEAR JULY 1, 2014 THROUGH JUNE 30, 2015 – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May; and

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey hereby recognizes the following:

- The Township Committee does hereby authorize submission of a strategic plan for the Middle Township Municipal Alliance grant for fiscal year 2014 in the amount of:

DEDR \$13,307.00

Cash Match \$3,327.00

In-Kind \$9,980.00

- The Township Committee acknowledges the term and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

18. RESOLUTION 174-14– AWARD RFP – BANKING SERVICES – STURDY SAVINGS BANK – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

***Committeemember Clark Abstained**

WHEREAS, it has been deemed necessary to request proposals for banking services; and

WHEREAS, RFP’s were received on January 16, 2014, at 1:00 PM; and

WHEREAS, Sturdy Savings Bank was the only proposal received; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that following contract for services shall be awarded as follows: Sturdy Savings Bank

19. RESOLUTION 175-14 – CANCELING OUTSTANDING CHECKS - GENERAL ACCOUNT – On motion by Committeemember Lockwood seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, there are certain checks that have been outstanding in the Middle Township General Account for a period of more than six months, and

WHEREAS, it is the desire of the Township Treasurer to return these funds to the Middle Township General Account.

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 the following checks be and hereby are canceled and will be returned to the General Account of the Township of Middle.

General Account

54836	06/03/13	Public Works Assoc of NJ	\$55.00
54971	06/19/13	Treasurer, State of NJ	\$3,882.38
55058	07/15/13	PM AM Corp	\$1,061.25

20. RESOLUTION 176-14 through 177-14– EMERGENCY TEMPORARY BUDGET

AMENDMENT (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, an emergent condition has arisen and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$13,539,702.97

NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$8,830,593.97 That said emergency temporary appropriation shall be provided for in the 2014 budget under the title of: (See attached)

2. That one certified copy of this resolution be filed with the Director of Local Government Services.

GENERAL GOV.

Administrative & Executive	S&W	40,000.00	01-20-100-100-111
	OE	5,000.00	01-20-100-100-299
Public Affairs	OE	0.00	01-20-100-101-299
Human Resources	S&W	40,000.00	01-20-105-105-111
	OE	2,500.00	01-20-105-105-299
Mayor & Committee	S&W	20,000.00	01-20-110-110-111
	OE	0.00	01-20-110-110-299
Municipal Clerk	S&W	50,000.00	01-20-120-120-111
	OE	15,000.00	01-20-120-120-299
Codification	OE	6,100.00	01-20-120-121-299
Records Management	OE	1,000.00	01-20-120-122-211
Financial Administration	S&W	50,000.00	01-20-130-130-111
	OE	20,000.00	01-20-130-130-299
Grants Administration	S&W	0.00	01-20-130-131-111
	OE	0.00	01-20-130-131-299
Bond Registrar	OE	0.00	01-20-130-132-299
Information Technology	OE	0.00	01-20-132-132-211
Audit Services	OE	0.00	01-20-135-135-299
Tax Collection	S&W	40,000.00	01-20-145-145-111
	OE	10,000.00	01-20-145-145-299
Tax Assessor	S&W	30,000.00	01-20-150-150-111
	OE	20,000.00	01-20-150-150-299
Liquidation of TTL's	OE	0.00	01-20-155-155-299
Legal Services	S&W	0.00	01-20-155-156-111
	OE	0.00	01-20-155-156-299
Engineering Services	OE	-20,000.00	01-20-165-165-299
Smart Growth	OE	0.00	01-21-180-180-111
Planning Board	OE	0.00	01-21-180-180-299
Zoning	S&W	30,000.00	01-21-185-185-111
	OE	20,000.00	01-21-185-185-299
Code Enforcement	S&W	15,000.00	01-22-195-195-111
Construction Code Official	S&W	50,000.00	01-22-195-196-111
	OE	5,000.00	01-22-195-196-299
Demolition of Buildings	OE	0.00	01-22-195-198-299
Electrical Inspector	S&W	10,000.00	01-22-195-200-111
General Liability Insurance	OE	122,000.00	01-23-210-211-499
Worker's Comp Insurance	OE	396,000.00	01-23-215-215-499
Group Insurance Plan	OE	2,000,000.00	01-23-220-220-499
Health Care Waiver	OE	20,000.00	01-23-221-221-411
Unemployment Insurance	OE	0.00	01-23-225-225-411
Public Buildings & Grounds	S&W	0.00	01-23-310-310-111
	OE	50,000.00	01-23-310-310-299
Police	S&W	2,000,000.00	01-25-240-240-111
	OE	30,000.00	01-25-240-240-299
Communications	S&W	200,000.00	01-25-250-250-111
	OE	5,000.00	01-25-250-250-299
Emergency Management	S&W	3,200.00	01-25-252-252-299
	OE	0.00	01-25-252-252-299
Rescue Squad	S&W	200,000.00	01-25-262-262-111
	OE	29,000.00	01-25-262-262-299
Contr to First Aid Squads	OE	35,000.00	01-25-262-263-299
V.I.M. Donation	OE	0.00	01-25-264-264-201
Fire Protection	S&W	10,000.00	01-25-265-265-111
Prosecutor	OE	0.00	01-25-275-275-111

Gypsy Moth Control	OE	0.00	01-26-290-290-299
Public Works	S&W	250,000.00	01-26-290-291-111
	OE	0.00	01-26-290-291-299
Snow Removal	OE	0.00	01-26-295-295-299
Shade Tree	OE	0.00	01-26-300-301-299
Garbage & Trash Removal	OE	228,000.00	01-26-305-306-373
Recycling - Contractual	OE	228,000.00	01-26-305-308-373
Motor Pool	OE	0.00	01-26-315-315-699
Board of Health	S&W	0.00	01-27-330-330-111
	OE	0.00	01-27-330-330-299
Animal Control	S&W	30,000.00	01-27-340-340-111
	OE	7,000.00	01-27-340-340-299
Animal Shelter - Contract	OE	0.00	01-27-340-340-399
PATF 1 Appropriation	OE	0.00	01-27-360-360-299
Recreation	S&W	75,000.00	01-28-370-370-111
	OE	7,000.00	01-28-370-370-399
Senior Center	S&W	20,000.00	01-28-370-370-111
	OE	10,000.00	01-28-370-370-399
Beach Restoration	OE	0.00	01-28-380-380-299
Terminal Leave	OE	50,000.00	01-30-415-415-111
Electricity	OE	100,000.00	01-31-430-430-475
Street Lighting	OE	0.00	01-31-435-435-475
Postage	OE	0.00	01-31-436-436-299
Telephone	OE	40,000.00	01-31-440-440-475
Natural Gas	OE	20,000.00	01-31-446-446-475
Fuel Oil	OE	-2,000.00	01-31-447-447-475
Gasoline Costs	OE	200,000.00	01-31-460-460-475
Maint & Serv Policies	OE	0.00	01-31-462-462-475
Sanitation - Landfill Contract	OE	200,000.00	01-32-465-465-373
Contingent	OE	0.00	01-35-470-470-299
Pers	OE	-15,000.00	01-36-471-471-451
Social Security	OE	300,000.00	01-36-471-471-453
DCRP	OE	4,000.00	01-36-471-471-457
PFRS Employer Liability	OE	0.00	01-36-475-475-411
Recycling Tonnage Grant	OE	43,114.88	01-41-701-701-299
Click It or Ticket	OE	3,726.84	01-41-707-708-111
Drive Sober	OE	2,762.84	01-41-707-708-114
Body Armor Grant	OE	5,637.43	01-41-730-730-299
Emergency Management Grant	OE	5,000.00	01-41-731-731-299
Drunk Friving Enforcement Fund	OE	7,551.98	01-41-745-745-299
Safe & Secure Grant	OE	0.00	01-41-704-704-111
Matching Funds for Grants	OE	0.00	01-41-899-899-221
Interlocal - CMC Tech School	OE	0.00	01-42-101-101-111
Interlocal - JIF Fire District #2	OE	0.00	01-42-101-100-411
Municipal Court	S&W	45,000.00	01-43-490-490-111
	OE	6,000.00	01-43-490-490-299
Public Defender	OE	0.00	01-43-495-495-111
Capital Improvement Fund	OE	0.00	01-44-901-901-611
	Total	7,430,593.97	

TEMP.UTILITY

Operating	S&W	40,000.00	07-55-501-501-111
	OE	100,000.00	07-55-502-502-299
Group Insurance	OE	50,000.00	07-55-502-503-311
Other Insurance	OE	50,000.00	07-55-502-503-313
CMCMUA User Charges	OE	1,000,000.00	07-55-502-504-351
Capital Outlay	OE	50,000.00	07-55-512-512-012
PERS	OE	10,000.00	07-55-540-540-301
Social Security	OE	0.00	07-55-541-541-303
Township of Middle Indirect Costs	OE	100,000.00	07-55-530-530-012
	Total	1,400,000.00	

(B) WHEREAS, an emergent condition has arisen and no adequate provision has been made in the 2014 temporary appropriations for the aforesaid purpose; and NJSA 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned, and WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$4,709,109.00 NOW THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-20

1. An emergency temporary appropriation be and the same is hereby made in the amount of \$2,164,645. That said emergency temporary appropriation shall be provided for in the 2014 budget under the title of:

Utility Bond Principal	\$546,000.00
Utility Interest	\$596,000.00
Current Bond Principal	\$890,000.00
Current Interest	\$ 56,345.00
Current Green Trust Loans	\$ 55,500.00

Current NJEIT Principal \$ 18,300.00
 Current NJEIT Interest \$ 2,500.00

2. That one certified copy of this resolution be filed with the Director of Local Government Services.

21. RESOLUTION 178-14 – RENEWAL – TOWING LICENSES – 2014 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid therein.

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2014:

License #	Tradename	Truck #	License Plate Number	Truck Make / Model	Fee	Sticker Fee Paid
5	Gary's Automotive	1	XK805N	2007 Chevy 5500 Flatbed	\$450.00	\$50.00
		2	XF30SW	1994 Chevy 3500HD Flatbed		\$50.00

22. RESOLUTION 179-14 – 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
Virginia Sweitzer	Public Safety/Records	Keyboarding Clerk 2	06/01/2014

Mayor Donohue:

Acknowledged Ginny on retirement, mentioned many years of service with Township and family background in law enforcement field.

23. RESOLUTION 180-14 through 182-14 – SOCIAL AFFAIRS PERMIT – (ITEMS A THROUGH C) – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

A) WHEREAS, the Cape May County Board of Agriculture (CMCBOA) has applied for approval to sell alcoholic beverages at an event to be held at Barber's Professional Landscape Maintenance, 19 Route 47 North, Cape May Court House, New Jersey 08210, on May 17, 2014 from 5:00pm until 9:00pm; 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 Permit.

B) WHEREAS, the Middle Township Baseball Association has applied for approval to sell alcoholic beverages at an event to be held at Sand Barrens Golf Club, 1765 Route 9 North, Swainton, NJ on May 30, 2014 from 6:00 p.m. to 9:00 p.m., 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 Permit.

C) WHEREAS, Resolution No. 154-14 approved a Social Affairs Permit for Wildwood Golf & Country Club, and

WHEREAS, it is necessary to amend said permit to reflect the addition of two dates inadvertently missed on the original application.

WHEREAS, the Wildwood Golf & Country Club has applied for approval to sell alcoholic beverages at an event to be held at Wildwood Golf & Country Club, 1170 Golf Club Road, Cape May Court House, New Jersey 08210, on June 4, 5, 6,7, 8, 2014 from 11:00am until 1:00 a.m., 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 Permit.

24. RESOLUTION 183-14 through 184-14 – 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, Jill Becker has resigned with an effective date of February 13, 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.

Jill Becker

Vacation	137.25	Hours	\$27.22	\$3,735.95
Personal	5.25	Hours	\$27.22	\$142.91
Owed				\$3,878.86

B) WHEREAS, Elizabeth Keen has retired with an effective date of February 1, 2014; and WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, sick, 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.

Elizabeth Keen

Sick	1,027.25	Hours	\$23.72	\$12,000.00*
Vacation	217.00	Hours	\$23.72	\$5,147.24
Personal	0	Hours		
Owed				\$17,147.24

*capped

25. RESOLUTION 185-14 through 186-14 – RATIFY LEASE AGREEMENT (ITEMS A THROUGH B) – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
- A. BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the IG Soccer Academy and the Township of Middle, for usage of the Middle Township Clarence Davies Sports Complex from March 18, 2014 through May 6, 2014, 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.
- B. BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Federation of Democratic Women and the Township of Middle for usage of the Middle Township Senior Citizen Center from January 1, 2014 through December 31, 2014, 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.
26. RESOLUTION 187-14 – AWARDING CONTRACT UNDER NON-FAIR AND OPEN PROCESS – ALLAN GOULD – HEARING OFFICER – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township has determined that the value of the following contract will not exceed \$17,500.00, and
WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) provides for the award of contracts for professional services without advertising for bids, and
WHEREAS, these contracts are not therefore subject to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, and
WHEREAS, the Township of Middle requires said services, and funds are available for said purpose,
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Allan Gould and the Township of Middle be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
Allan Gould – Hearing Officer – Rate of \$150.00 per hour not to exceed \$2,500.00
FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Herald Times for publication.
FURTHER RESOLVED that these contracts are contingent upon the certification of availability of funds and submission of State Affirmative Action Certification.
27. RESOLUTION 188-14 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – ENGINEERING SERVICES – FY 2013 NJDOT LOCAL AID – BIKEWAY PROGRAM – BIKE PATH PHASE 4 – 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 additional work as required to assist the Township of Middle in Bike Path Phase 4. Remington, Vernick & Walberg Engineers - Engineering Services - Bike Path Phase 4 Not to Exceed \$41,000.00
28. RESOLUTION 189-14 – TABULATION COMMITTEE – FY 2013 NJDOT LOCAL AID – BIKE PATH PROGRAM – BIKE PATH PHASE 4 – On motion by Committeemember Lockwood seconded by Committeemember Clark 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, April 16, 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:
FY 2013 NJDOT LOCAL AID – BIKE PATH PROGRAM – BIKE PATH PHASE 4

29. RESOLUTION 190-14 – APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle wishes to apply for funding of approximately \$60,000.00 with a match of \$201,204.00 for an approximate project total cost of \$249,683.00 for a project under the State of New Jersey Grant Program, and
WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request, and
WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Middle for the purpose described in the application.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:
1. As a matter of public policy the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety;
 2. The Attorney General of New Jersey will receive funds on behalf of the applicant;
 3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds; and
 4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.
30. RESOLUTION 191-14 – CLOSED SESSION –CONTRACTUAL MATTER (WOODBINE SHARED COURT) – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.
WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and
WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and
WHEREAS, said Closed Session shall be held directly after this open session.
NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
- 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – CONTRACTUAL MATTER
 - 2.) The general nature of the subject matter to be discussed is as follows:
CLOSED SESSION – CONTRACTUAL MATTER
 - 3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED
 - 4.) This Resolution shall take effect immediately.
- Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.**
This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.
The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.
31. RESOLUTION 192-14 – AUTHORIZING THE DONATION OF SURPLUS VEHICLES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle wishes to donate the following (junk) vehicles to Goshen Fire Company for training purposes, and
WHEREAS, N.J.S.A 40A:12-21.1 permits the Township of Middle to donate the (junk) vehicles to the Goshen Fire Company for such purpose.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the donation of the following (junk) vehicles, for training purposes, to the Goshen Fire Company be and is hereby approved.
- | | |
|--------------------------|-------------------------|
| 1999 Ford Expedition | VIN #1FMPU18L7XLB52191 |
| 1991 Chevrolet Astro Van | VIN # 1GNDM15Z9MB146403 |

32. PUBLIC COMMENT:
Engineer Report, Marc DeBlasio:

REMINGTON & VERNICK ENGINEERS

EXECUTIVE VICE PRESIDENT
 Michael J. DeBlasio, P.E., C.M.E.
 General Manager, P.E., C.M.E.
 Thomas B. Farnsworth, P.E., C.M.E.

ENGINEERING STATUS REPORT
MIDDLE TOWNSHIP
 March 17, 2014

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

GRANT APPLICATIONS

FY2014 NJDOT State Aid Program

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

New Jersey Office of Clean Energy - Direct Install Program

- Public Works Facility: Eligible to receive a \$65,384.96 grant with a \$23,736.42 match. The yearly estimated savings is \$11,706.38.

CAPITAL IMPROVEMENTS

Whitesboro Roadway Improvements - Phase 3B

- The bid opening occurred on October 11, 2013 and the apparent low bidder is Anasick Paving Company, Inc. in the amount of \$319,600.00.
- A pre-construction meeting was held on November 4, 2013.
- The Township Public Works Department has requested additional work to be added to the contract and we are requesting Township authorization to proceed.
- The Contractor is scheduled to begin work this week, weather permitting.

FY 2013 NJDOT Bike Path - Phase 4

- The project design is complete and the project is scheduled for public advertisement on March 26, 2014.

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FEMA Reconstruction of Benny's Landing Road and Beach Avenue

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

USDA Rural Development Sanitary Sewer Application - Grassy Sound

- Our office has begun coordinating the design and permitting package.
- Survey for the project is completed and the design is approximately 80% complete.
- Combined permitting package (in conjunction with Van Note Harvey Associates) is to be submitted mid to late March.
- Correspondence with Van Note Harvey Associates indicates permitting package to be submitted late March to early April.

GENERAL ENGINEERING PROJECTS

Robert 'Ockie' Wisting Recreation Complex

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

HMGF (Hazard Mitigation Grant Program)

- The Township was selected to receive a grant amount of \$142,080.00 for the purchase and installation of emergency generators.
- A spending plan has been prepared in conjunction with the Township's Economic Development Office and was submitted on 12/19/13.

Committeemember Clark:

- Recognized and thanked Pat Leahy.
- Congratulated to Belles and Hammerstein.
- Congratulated to Ginny on retirement.

Committeemember Lockwood:

- Echoed Committeemember Clark's comments regarding Belles and Hammerstein.
- Thanked Public Works for hard work during snow storm.
- Mentioned Work Session discussion about road improvements and Bond Ordinance to cover road improvements.

Mayor Donohue:

- Echoed Committeemember Lockwood's comments about Public Works, they have done a great job during the storms and have not needed to call for outside services.
- Spoke about meeting with Connie regarding Old Schoolhouse in Whitesboro, high expectations for new tenants.
- Bike Path Phase 4 is in process and awaiting funding for Phase 5.
- Clean Up Day in Middle Township scheduled for Saturday, March 22. Start time is 8:30am from MLK Center. Event is sponsored by Environmental Commission.
- Reeds Beach re-nourishment 2013 was successful. Recent meeting to discuss a similar project for the future, \$1.6 million allocates to repeat project.
- Easter Egg Scramble scheduled for April 12 - joined at both recreation centers this year; breakfast with Easter Bunny at MLK Center, egg hunt with Easter Bunny after at Goshen.

Connie Mahon:

- Mentioned upcoming road closure West side of Crest Haven Road for Thursday, March 20th.
- NJ American Water will be making improvements to water mains around Mechanic Street, Goshen Road, Dias Creek Road. Any residents that will be affected will be notified by mail.

Eileen Fausey:

- Spoke of "disturbing" items received via OPRA request from the State regarding Conifer project. CAFRA permit is still pending, Conifer will not receive Federal Tax Credit until CAFRA permit is issued. Read information from COAH appeal published 9/2013. Mentioned recent Motion filed by Conifer.

Mayor Donohue:

- Township was asked to support Motion, but denied to do so.

Bette McGurk:

*May 28, 2013 special meeting minutes indicated that money replaced COAH funds.
Asked if project is moving forward or getting additional funds.*

Mayor Donohue:

Conifer wants access to funds prior to plans being approved. Township wants protection of losing funds.

Marc Karavan:

Funds go back into COAH development fund.

Daniel Michal:

*-Spoke of drainage issues on Southern Shores Road
-Came to Township in 2009 to obtain a copy of building file for his property, did not receive proper plans for his home. Came to Township today and filed an OPRA request to obtain house plans. Has been having problems with settlement of his home, believes inspection was done but should not have been done.*

Connie Mahon:

*-HOW is covered by DCA through State.
-UCC indicates that mirror image design plans are acceptable for submission for building permits.
-OPRA will allow reproduction of home plans if requested by owner of property.
-Median is owned by Township and should be cared for by Township*

Daniel Michal:

Asked what could be done since inspector signed off on something that was missed by inspector?

Committeemember Lockwood:

Ultimately still the builders responsibility, even if it was missed by the inspector.

Daniel Michal:

Concerned with builder and future projects in the Township done by this builder.

Rosie Jefferson:

Asked how far Phase 4 Bike Path will go?

Mayor Donohue:

Main Street in Whitesboro, Phase 4 is the second half of Phase 3, which was also considered Phase 3A and Phase 3B.

Rose Jefferson:

Asked about mile markers on bike path.

Mayor Donohue:

Not sure why they were not added in the later phases of the bike path but it is being looked into, also looking at making other improvements to bike path.

Rosie Jefferson:

*Commended all relative personnel on job well done with recent situation at school.
-Spoke about application for a recreational sporting event that was only being accepted at one recreation facility, believes they should be accepted at both centers.
-Mentioned TV at Goshen Rec that employees watch instead of doing work during the day.
-Asked about line painting on Pennsylvania Avenue.
-Sidewalk issue on Main Street, 300 block, sidewalk is undermined and needs to be fixed.*

Stan Doniger:

*-Traffic sign on Route 47 by Railroad Avenue, laying down on sidewalk
-Questioned costs of Sturdy Bank RFP
-Hold Harmless Requirements addressed at Work Session Meeting*

Kimberly D. Krauss, Township Clerk

Motion to enter closed session: 7:40 P.M.

1st: Committeemember Lockwood

2nd: Committeemember Clark

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

Motion to return to open meeting: 8:09 P.M.

1st: Committeemember Clark

2nd: Committeemember Lockwood

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

Motion to adjourn meeting: 8:10 P.M.

1st: Committeemember Lockwood

2nd: Committeemember Clark

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

Minutes prepared by Suzanne M. Stocker, Deputy Township Clerk