

Cape May Court House, NJ

March 5, 2014

\*Meeting rescheduled from March 3 due to inclement weather.

REGULAR MEETING

FLAG SALUTE

THIS MEETING IS BEING RECORDED:

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

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

1. **\*\*POSTPONED\*\*** PRESENTATION – MAYOR’S CERTIFICATE OF HONOR – PAT LEAHY, YEARS OF SERVICE AWARD – PLANNING BOARD
2. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

*Stan Doniger:*  
*Questioned item on Bill List for payment to Dave Adams roofing.*

*Committeemember Lockwood:*  
*Spoke of home rehab projects, payment covers costs of permits, sheathing, etc. Materials and labor are usually donated.*

*Bette McGurk:*  
*Questioned salary adjustment for Kimberly Krauss, asked if it was an increase and if additional duties have been added to her position.*

*Committeemember Lockwood:*  
*Explained Kim’s recent history of taking on additional tasks and overseeing another department.*
3. RESOLUTION 143-14 – 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. \$2,028,752.81
4. **\*\*TABLED\*\*** RESOLUTION 144-14 - APPROVING PAYMENT FOR BILLS – BILL LIST B (ANZELONE/LC) – On motion by                      seconded by                      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. \$1,457.00
5. RESOLUTION 145-14 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Work Session 2/19/2014; Regular Meeting 2/19/2014.
6. REPORTS: The following departments have submitted their reports for the months indicated:  
**NONE**
7. ORDINANCE 1465-14 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 193, ARTICLE 111, ENTITLED PROPERTY MAINTENANCE CODE – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1465-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/07/2014 at 6:00 p.m.  
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 193, ARTICLE III, ENTITLED PROPERTY MAINTENANCE CODE  
BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey that Article III of said chapter shall be deleted in its entirety and replaced as follows:  
SECTION 1.  
§193-10 Standards Established.  
There is hereby established a Property Maintenance Code for all properties, in the Township of Middle.  
§193-11 Purpose, Intent and Scope.  
The purpose of this article is to ensure public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

The intent is to foster the beautification of the Township of Middle through the cleanup of litter, debris and unsightly properties. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures and exterior property.

§193-12 Definitions.

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

CODE OFFICIAL - The official who is charged with the administration and enforcement of this code, or any duly authorized representative, including but not limited to code enforcement officer, zoning officer, construction official.

CONDEMN - to adjudge unfit for occupancy

DWELLING UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DUMPSTER - an exterior waste container designed to be mechanically lifted by and emptied into or carted away by a commercial vehicle.

HABITABLE SPACE - Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HEAVY DUTY EQUIPMENT- vehicles designated for executing commercial construction tasks such as bulldozers, excavators, engineering equipment, heavy hydraulics, etc.

LITTER - Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can; any unlighted cigarette, cigar, match or any flaming or glowing material; any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste; newspapers or magazines; glass, metal, plastic or paper containers or other packaging; or construction material; but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE - A container suitable for the depositing of litter.

INOPERABLE VEHICLE- a vehicle on which the engine, wheels or other parts have been removed altered or damaged or allowed to deteriorate to the point where the vehicle cannot be driven.

OCCUPANT-Any person or persons, regardless of age, in actual possession of, and living in any room or rooms in a hotel, lodging house, motel, or dwelling unit designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations accompanying the use and possession of such room, rooms or dwelling unit regardless of whether such use and possession is as lessee, tenant, guest, invitee or licensee.

§193-13 Responsibility.

It shall be the duty of the owner, lessee, tenant, occupant and/or person in charge of any structure or property to maintain the property in strict conformance with this article. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

§193-14 Liability.

The code official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code. (IPMC - A103.4)

§193-15 Duties and Powers of the Code Official

A. General.

The code official is hereby authorized and directed to enforce the provisions of this code.

The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

B. Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

C. Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

D. Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

E. Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

F. Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

§193-16 Vacant Structures and Land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or general welfare of the surrounding property owners, the neighborhood, or the community as a whole.

§193-17 Exterior Property Areas – Generally.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

§193-18 Litter and Waste.

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

A. It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

B. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk, driveway, curb or property.

C. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter, trees, stumps and/or cleaning debris before, during or after completion of any construction or demolition project on the job site or on any vacant lot situate in a residential district.

D. It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins or litter receptacles on his or her property.

E. It shall be unlawful for any person or entity to store or permit storage of any trash, garbage, rubbish, or bulky household waste, including household appliances, furniture and mattresses, except in a fully enclosed structure or during days designated for the collection of bulky items.

F. It shall be unlawful for any property owner to store or permit the storage of tires except in a fully enclosed structure or on days designated for the collection of tires.

G. It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the cost therefore. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

H. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Any container proposed in the right-of-way shall first obtain a permit from the code official per chapter 158 of the code of the Township of Middle.

Any dumpster proposed in the right-of-way, or on private property shall first obtain a permit from the code official of the Township of Middle. The permittee shall abide by all time constraints and provisions set forth in section 218 – 99A of the Township Code.

The owner, lessee, tenant, occupant and/or person in charge of any structure or property shall provide a litter receptacle and service therefore at the following public places:

(1) Buildings held out for use by the public, including schools, government buildings and the like

(2) All street vendor locations. One (1) receptacle per location.

(3) Self-service refreshment areas. One (1) receptacle per location.

(4) Gasoline service station islands. One (1) receptacle per island.

(5) Shopping centers. Minimum of one (1) receptacle per store or unit to be placed the entrances of stores/units.

(6) Campgrounds. Minimum of one (1) receptacle in each of the following areas: pools, restrooms, laundry facilities, common areas.

(7) Mobile home parks. Minimum of one (1) receptacle in each of the following areas: pools, restrooms, laundry facilities, common areas.

[Amended 4-5-1990 by Ord. No. 720-90]

(8) Marinas, boat moorage and fueling stations, boat launching areas and public and private piers. Minimum of one (1) receptacle in each of the following areas: pools, restrooms, laundry facilities, common areas.

(9) Beaches and bathing areas. One receptacle for each public access area.

(10) At special events to which the public is invited, including sporting events, parades, carnivals, circuses, festivals and picnics. Six (6) receptacles per acre of area designated for event not including parking.

It shall be the duty of the owner, agent and/or contractor in charge of any construction site to furnish containers adequate to accommodate flying or nonflyable debris or trash at said construction site at areas convenient thereto and to maintain and empty said litter receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

All sweepings shall be collected and properly containerized in a litter receptacle.

#### §193-19 Grass and Weeds.

A. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10". All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. This subsection shall not apply to undeveloped wooded tracts. Upon failure of the owner or agent having charge of a property to abate a violation by cutting grass and weeds within 10 calendar days, they shall be subject to prosecution in accordance with Section 193-29 and as prescribed by the authority having jurisdiction. Each day shall be counted as a separate offense.

Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds and grass growing thereon, and the costs of such removal plus a 20% administrative fee shall be paid by the owner or agent responsible for the property. Each separate twenty-four-hour period during which a violation continues shall be deemed to be a separate and distinct violation of this article.

#### §193-20 Grading and Drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon with the exception of approved retention areas and reservoirs. Such grading and drainage shall be directed to neighboring properties.

#### §193-21 Sidewalks, Driveways and Parking Lots.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas abutting the building, structure, or property shall be kept in a proper state of repair, clean, and maintained free from hazardous conditions or nuisances of every kind. Any parking lot that services the public shall be kept free from potholes.

#### §193-22 Rodent/Insect Harborage and Pest Elimination.

All structures and exterior property (residential and non-residential) shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and exterminate, and the costs of such action shall be paid by the owner or agent responsible for the property along with a reasonable administrative fee to be determined by the Township.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and exterminate the pests. The costs of such removal shall be paid by the owner or agent responsible for the property along with an administrative fee

#### §193-23 Exhaust Vents.

Consistent with the current International Mechanical Code, pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

#### §193-24 Accessory Structures.

All accessory structures, including but not limited to detached garages, fences and walls, shall be maintained structurally sound and in good repair.

#### §193-25 Motor Vehicles, Trailers, Boats, RV's and ATV's.

Except as provided for in other regulations, no unregistered or inoperable motor vehicle, trailer, boat, recreational vehicle, heavy equipment or ATV shall be parked, kept or stored on any exterior premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth which has been approved by the code official.

No person, firm or corporation shall park or store any unregistered or inoperable motor vehicle, trailer, boat, recreational vehicle, heavy equipment or ATV on any street within the limits of the Middle Township. In addition, no registered trailer that is not attached to a registered motor vehicle shall be parked or stored on any street within the limits of Middle Township.

Registered, operable motor vehicles, trailers, boats, recreational vehicles, ATVs and any other motorized vehicles being stored or kept must be parked on approved driveways or other approved surfaces. No portion of the vehicle or trailer may encroach upon any public right-of-way, including sidewalks.

Existing nonconforming parked boats, trailers, and campers are not exempt from the above provisions, as of the effective date of this paragraph.

Any such vehicle stored in accordance with this paragraph shall not be occupied and shall not be provided with utility connections other than required for vehicle maintenance or start-up for a period not to exceed 72-hours and shall not be used for storage or space for the permanent conduct of a business, profession, occupation or trade.

§193-26 Defacement of Property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

§193-27 Occupancy Limits.

A. Living room requirements.

Every living room shall contain at least 120 square feet

B. Bedroom Requirements- every bedroom shall contain a minimum of 70 square feet and every bedroom occupied by more than one person shall contain a minimum of 50 square feet of floor area for each occupant thereof.

MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room <sup>a, b</sup>	120	120	150
Dining room <sup>a, b</sup>	No requirement	80	100
Bedrooms	Shall comply with Section 193-28B		

C. Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

D. Water closet accessibility.

Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

E. Prohibited occupancy.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

F. Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the table above.

G. Sleeping area.

The minimum occupancy area required in this section shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes.

H. Combined spaces.

Combined living room and dining room spaces shall comply with the requirements above if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

I. Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m<sup>2</sup>). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

§193-28 Violations.

A. Unlawful Acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

B. Notice of Violation.

The code official shall serve a notice of violation or order in accordance with Section 193-15.

C. Prosecution of Violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 193 shall be deemed guilty of a local ordinance violation as determined by the local municipality. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Violation Penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Abatement of Violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. If a violation is abated after the prescribed time period allotted by the violation notice, prosecution and penalties may still be implemented and assessed.

§193-29 Notices and Orders.

A. Notice to Person Responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed to the person responsible for the violation as specified in this code.

B. Form. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with this chapter.

C. Method of Service.

Such notice shall be deemed to be properly served if a copy thereof is either:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

D. Unauthorized Tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

E. Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in 193-31.

F. Transfer of Ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. If any such transfer by an owner does occur, then the new owner takes such title and the property subject to the Compliance Order, Notice of Violation, and/or Municipal Court Complaints, and any other legal or administrative actions, and shall be deemed to be the responsible party in any action and in any venue, and shall be responsible for satisfying all other penalties and conditions, monetary or otherwise.

§193-31 Penalties.

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

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

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

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

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

SECTION 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 phase 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.

8. ORDINANCE 1466-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$311,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENT PROJECTS – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No.1466-14 passed first reading.

Second reading, public hearing and consideration for adoption will be held on 04/07/2014 at 6:00 p.m.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$311,000. from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the following:

- A) \$110,000 Purchase of 3 (three) Police Emergency Sport Utility Vehicles.
- B) \$100,000 Township appropriation of Open Space Grant from Cape May County for Ockie Wisting Improvements.
- C) \$90,000 Township appropriation of FEMA Grant – Benny’s Landing and Reed’s Beach Improvements.
- D) \$11,000 Township appropriation of Small Cities ADA Grant 2.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

9. RESOLUTION 146-14 – GRANT AGREEMENT – 2013 GREEN COMMUNITIES GRANT – COMMUNITY FORESTRY MANAGEMENT PLAN – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the governing body of TOWNSHIP OF MIDDLE desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2013 GREEN COMMUNITIES GRANT  
COMMUNITY FORESTRY MANAGEMENT PLAN

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the governing body resolves that the Mayor, Timothy C. Donohue, or the successor to the office of the Mayor, is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute [ ] any amendments thereto [x ] any amendments thereto which do not increase the Grantee’s obligations.

FURTHER RESOLVED, The TOWNSHIP OF MIDDLE authorizes and hereby agrees to match \$3,000.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).\*

RESOLVED, The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

10. RESOLUTION 147-14 - EMERGENCY TEMPORARY BUDGET AMENDMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

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

WHEREAS, the total emergency temporary resolutions adopted pursuant to the provisions of Chapter 96 PL 1951 (NJSA 40A:4-20) including this resolution total \$2,544,464.00

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 \$100,000. That said emergency temporary appropriation shall be provided for in the 2014 budget under the title of:

Electricity Costs \$100,000.00

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

11. RESOLUTION 148-14 – 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
Rashaun Damon	Recreation	Food Service Worker	01/12/2014
Thomas Jones	Recreation	Food Service Worker	01/18/2014
Timothy Johnson	Recreation	Recreation Aide	01/17/2014
Daniel Auld	Recreation	Recreation Aide	01/26/2014

12. RESOLUTION 149-14 - APPOINTMENTS – NEW HIRES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following positions at the salaries opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Daniel Auld	Recreation	Recreation Aide – P/T Permanent	\$10.00 ph	01/27/2014
Timothy Johnson	Recreation	Recreation Aide – P/T Permanent	\$10.00 ph	01/18/2014
Thomas Jones	Recreation	Food Service Worker – P/T Permanent	\$10.00 ph	01/19/2014

13. RESOLUTION 150-14 - ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

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

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Elizabeth Moulder	Public Safety	PS Telecommunications Operator P/T	02/26/2014

14. RESOLUTION 151-14 – SALARY ADJUSTMENT – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee salary be amended to the amount opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Kimberly Krauss	Township Clerk / Registrar of Vital Statistics	Township Clerk	\$63,973.00	03/01/2014

15. RESOLUTION 152-14 – APPOINTMENT – BOARD SECRETARY – 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 be and are hereby appointed to the boards for the term of office opposite their name:

NAME	BOARD	TERM EFFECTIVE	TERM EXPIRES	SALAR Y
Sandra Linz	Economic Development Council	03/03/2014	12/31/2014	\$850.00

16. RESOLUTION 153-14 - RATIFY AGREEMENT – EMPLOYEE CARE (EAP / EMPLOYEE ASSISTANCE PROGRAM) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle the governing body thereof, that the Agreement between Employee Care and the Township of Middle for the Employee Assistance Program effective April 1, 2014 through March 31, 2015, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

17. RESOLUTION 154-14 – SOCIAL AFFAIRS PERMIT – WILDWOOD GOLF & COUNTRY CLUB – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

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, 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.

18. RESOLUTION 155-14 – 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
Chris Brown	Recreation Advisory Council	Advisor, Cape Express Liaison	12/31/2014

19. RESOLUTION 156-14 – REAFFIRMING APPOINTMENTS – SENIOR CITIZEN ADVISORY COUNCIL – 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 Middle Township Senior Citizen Advisory Council:

NAME	TERM EXPIRES
Chris Gawel	12/31/2014
Virgie Jones	12/31/2014* Filling unexpired term of Mary Durkin

20. RESOLUTION 157-14 – REQUESTING DESIGNATION OF BUS STOP ON ROUTE 9 NORTH, IN THE AREA OF ORMOND ROAD – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has received a request for the placement of a NJ Transit Bus Stop in the area of Ormond Road, in Middle Township, and  
 WHEREAS, the Township Committee, along with the Middle Township Traffic Committee has reviewed the request and recommends the establishment of a bus stop in the area of Ormond Road.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that pursuant to N.J.S.A. 39-4-8(e) the following described location is hereby requested as a designated bus stop:

Ormond Road & Route 9 North, Middle Township

BE IT FURTHER RESOLVED, that if authorized by NJ Transit, the Township Committee of the Township of Middle will enforce the Traffic Regulation Order governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

21. RESOLUTION 158-14 - AUTHORIZING CREATION OF LIEN ON PROPERTY - On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance, and

WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc., and

WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”, and  
 WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied.

WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations, and

WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.

FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Lorraine McCray	5 Wayne Avenue	56.06 // 3	\$112.95

22. RESOLUTION 159-14 - SEWER ADJUSTMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, Block 1024, Lot 20 was billed from 1/1/2012 but actually connected to the sanitary sewer system as of 1/1/2014.

NOW, THEREFORE, BE IT RESOLVED, that the amount of \$1,120.00 be deducted from the prior bill.

23. RESOLUTION 160-14 - REFUND OF TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

Refund due to overpayment made by Mr. Ward. Mr. Ward has been granted 100% disabled American Veteran status as of January 28, 2014:

ACCOUNT	BLOCK	LOT	OWNER / LOCATION	AMOUNT
6520	420	1.02	Ward, Richard & Yvonne 4 Bucknell Ave Del Haven, NJ 08251  Property location: 4 Bucknell Avenue	\$516.97

24. RESOLUTION 161-14 - CANCELLATION OF TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
Cancellation of taxes due to property is exempt as Mr. Ward is a 100% Disabled American Veteran

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
6520	420	1.02	Ward, Richard & Yvonne Property location: 4 Bucknell Avenue	\$1,267.17

25. RESOLUTION 162-14 – DEFERRED SCHOOL TAX – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, by statute, when a municipality raises school taxes on a school year basis, an amount of not more than 50% of the levy may be deferred to the following year; and

WHEREAS, 50% of the school tax levy of the Township of Middle School District is \$12,587,409.50;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middle desires to defer school taxes to the year 2014 in the amount of \$9,676,265.00.

26. RESOLUTION 163-14 – AUTHORIZING AN ACCELERATED TAX SALE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, it is projected that as of November 12, 2014, over 25% of properties located within the Township of Middle will have unpaid municipal charges (i.e. real estate and/or sewer service charges); and

WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and

WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and

WHEREAS, the annual accelerated tax sale for the Township of Middle is scheduled to be held on December 17, 2014; and

WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and

WHEREAS, it is the desire of the Township of Middle to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with the said sale; and

WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; and

WHEREAS, ordinance number 1354.10 of the Township of Middle states the same, and

WHEREAS, N.J.S.A. 54-5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale.

The two (2%) percent shall not be less than fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and

WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Governing Body of the Township of Middle in the County of Cape May the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for the calendar year 2014 delinquencies.

BE IT FURTHER RESOLVED, by the Municipal Governing Body of the Township of Middle, that in accordance with N.J.S.A. 54:5-26 the Tax Collector's office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty Five dollars (\$25.00) for each notice mailed; and

BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) dollars for each parcel.

27. ORDINANCE NO. 1468-14 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1468-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/07/2014 at 6:00 p.m.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.0% increase in the budget for said year, amounting to \$525,302.82 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,  
WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$612,853.29 and that the CY 2014 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

*Glen Ortman – If increase is not used this year, it can be used in following year.*

28. RESOLUTION 164-14 – INTRODUCTION OF BUDGET BY TITLE ONLY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the 2014 Budget for the Township of Middle by introduced, approved and given first reading by title only.

*Connie Mahon:*

*The overall tax levy is up from our goal to meet the 2011 Tax Levy by \$237,033. Keep in mind we came in below the 2011 tax levy last year. Increased costs of \$261,646 in healthcare (7.92% increase vs. average industry increase of 8%), the loss of the reserve from land sales which was allocated at \$281,000/year and an increase in terminal leave due to anticipated number of retirees all had an effect on this year's increase in tax levy. Once again the most significant increase was healthcare. Changes currently being made through contract negotiations will enable us to control healthcare spending in future years. While its impact is offset by increases this year, we will be better positioned going forward.*

*The proposed budget before you is within State mandated 2% CAP.*

**COST INCREASES:**

*Small merit salary increases or personnel changes:*

*Zoning, Registrar, Human Resources and Training, Registrar, Tax and Sewer Collection, Municipal Court, Rescue Squad, Contractual Increases.*

*Healthcare:*

*2013 Healthcare was underfunded by \$260,001*

*2014 Healthcare premiums up 7.92% for a total of \$261,646*

*Increased healthcare contribution in accordance with Chapter 78 realized this year will be \$156,000. That was previously deducted to the healthcare line item, so healthcare costs would have been \$3,697,650.*

*Worker's Compensation - Up \$17,000 (3.5% increase)*

*Garbage and Recycling (contractual increase 2%)*

*Terminal Leave - Up \$70,000 due to number of retirements anticipated in the coming year.*

**REDUCTIONS:**

<i>Legal Services</i>	<i>\$40,000</i>
<i>Public Defender</i>	<i>\$2,000</i>
<i>Public Buildings and Grounds</i>	<i>\$89,400 (privatization of janitorial services)</i>
<i>Construction</i>	<i>\$30,000 (retirement and replacement at lower salary)</i>
	<i>\$161,400</i>

**REVENUES:**

*This budget anticipates a \$35,000 increase in surplus and revenues remaining flat. An exception would be construction code fees (up \$77,000) and ambulance fees (up \$32,000.)*

**CHANGE IN CURRENT SURPLUS**

*Total surplus balance after 2014 budget usage is \$1,290,000. We will be utilizing 430,544.83 this year to balance the budget.*

*Connie Mahon on behalf of Mayor Donohue:*

*The Mayor asked me to offer the following comments on his behalf:*

*-He believes the use of an accelerated sale this year rewards responsible taxpayers who year after year come into to town hall and pay their taxes on time while those who do not pay are afforded the opportunity to wait until March of the following year causing unnecessary tax increases. This accelerated tax sale anticipates a 98.14 tax collection rate.*

*-He also wanted me to tell you that he is very proud of the PBA's cooperation with Administration in negotiating a 3 year contract that will leave the police department's spending flat until 2015 while at the same time providing our valued officers with pay increases each year over the contract period.*

*Committeemember Clark:*

*-Recognized Tracey, Glen and Department Heads for doing a fantastic job on preparing budget. Believes budget looks good and thinks if items continue to be cut, it may become detrimental in the future.*

*Committeemember Lockwood:*

- Spoke of surplus differenced from 2008 to now;
- Spoke of accelerated tax sale which will help the budget by receiving those funds in current year;
- Healthcare is one of the largest expenses and included retirees.

*Bette McGurk:*

*Questioned timetable for accelerated tax sale. Expressed concerns with rapidness of accelerate tax sale, as many people have difficulties paying their property taxes on time due to economy. Believes the current tax sale is more accelerated than years past, believes this will be "super accelerated."*

*Committeemember Lockwood:*

*Delinquent notices will be sent out in November, sale will happen at the end of the year. The result of this should increase the total amount of paid taxes for the current year.*

*Glen Ortman:*

*Mentioned that the tax sale is worth about \$360,000.*

## 29. PUBLIC COMMENT:

*Connie Mahon:*

- Read congratulations letter from ACJIF, Township earned \$1,500 to Township for Safety meeting.
- Spoke of LoBiondo reporting that House passed delay of Biggert Waters Act.

*Mayor Donohue (read by Connie Mahon):*

- Recognized MTPD and School Board relative to recent event at school;
- Recognized John Leahy, 2014 CAL champs;
- Thanked Pat Leahy for years of service on Planning Board;
- National Reading Night at Elem. #1.

*Committeemember Clark:*

- Attended reading night at Elem #1, fun time;
- DEP CAFRA meeting, residents seemed very knowledgeable about the subject and project;
- Congratulated Township on safety award.

*Committeemember Lockwood:*

- Expressed gratitude to MTPD, supporting departments and school board on job well done;
- Thanked Public Works department on fights against snow, cold and ice;
- Congratulated Rob Sheehan on being sworn into office as Chief of Police in Cape May;
- Preliminary planning meeting today regarding drainage issue in Marlyn Manor, working towards solving problem.

*Eileen Fausey:*

*Read the following into record:*

I would like to comment on the DEP meeting that was held last Wednesday, the 26<sup>th</sup>, when residents were allowed to give testimony about the environmental concerns about building a project on the narrow strip of land bordered on three sides by a Federal Wildlife Preserve. The hearing was held after hundreds of people in Middle petitioned the DEP to do so. Persons representing Conifer were present and were offered the chance to give testimony both before and after the public, which they refused. However, after the hearing was adjourned, they went to the DEP representatives in an attempt to engage them, and perhaps give testimony, without the public being able to hear their remarks.

The testimonies were compelling in my opinion and many areas were covered including fire safety and the lack of anything but one road in and out of the property. Especially interesting were the testimonies of the representatives of the Littoral Society and the US Fish and Wildlife, which listed the endangered species of plants and animals and the remark that having a development in the midst of the Preserve would in effect take away habitat and kill the Preserve. They also made clear that this site was important to the animals that lived and bred in the abutting property for breeding and feeding purposes.

We are all aware that both Mr. Lockwood and Mr. Donohue voted to change the law to allow only 10' of buffer to the forest to accommodate the building of this project by Conifer, a for-profit corporation, with little regard to the impact it would have on the preserve. The change in law also eliminated the requirements of Conifer going to the Zoning Board for any variances. Minutes of a closed session meeting have revealed that Conifer did not wish to go through another such meeting when the Zoning Board had previously refused to grant such variances. History has shown that this was accomplished by just changing zoning requirements.

Furthermore, the Township Committee conducted no impact studies wherein the public could hear testimony under oath and ask questions of experts concerning the environment, or any other issue. Throughout NJ, we have seen developers receive positive consideration of the granting of Super Storm Sandy money, while home owners have gone begging. Conifer has received \$5 million dollars for each site from that disaster fund even though they had not even started the projects and there were few people displaced in Middle. It seems unlikely to me that people from outside our area would be likely to move here if their homes were unliveable, since a recent report in The Press on February 9 shows the Cape May County has one of the nation's worst job markets, 6<sup>th</sup> in unemployment. Surrounding counties, Cumberland is 18<sup>th</sup> from the bottom and Atlantic is 21<sup>st</sup> in the country.

It is my opinion that our officials in Middle in 2012 were negligent by not conducting a hearing on this matter and that there was a lack of transparency on their parts. Hundreds of people came to Committee meetings and expressed their opinions but apparently they fell on deaf ears since a hearing never took place and only public comment was heard, nothing under oath or never the opportunity to ask questions of people under oath. I understand that a for-profit corporation is concerned with making a profit. What I don't understand is why public officials, who are supposed to listen, serve and react to the public interest did not do so. It seems to me they were willing to aid and abet the interests of a corporation instead of the township, its residents and its environment. Let us hope that the CAFRA permit will not be issued for the Railroad Avenue project. Sadly, if it is, your legacy will be that you destroyed a Federal Wildlife Preserve and the life within it. Nothing to be proud of. If the CAFRA permit is denied, it will be because of the residents of Middle.

*Bette McGurk:*

*Spoke of Conifer project area being ranked number 4 for endangered species, important environmental site; project went against DEP regulations to allow building on the parcel. Mentioned endangered species being Eastern Tiger Salamander. Mentioned lack of time allowed at DEP public hearing to provide comments. Believes that residents have put a lot of time into researching this project and Township is going against residents.*

*Committeemember Lockwood:*

*Believes that this parcel is an important environmental site, but not as important as mentioned. This site is not the only site in this area that the Eastern Tiger Salamander lives on. Money used to negotiate with Conifer was affordable trust fund monies.*

*Committeemember Clark:*

*Stated that no matter what side you sit on regarding affordable housing, it is a hot topic. Attended DEP meeting and was very impressed with the knowledge of residents for this project, also believes that the DEP was impressed and personally believes that they will listen to the public's comments. Feels residents did a fantastic job at representing themselves and were very professional. It may be a difficult battle, but personally believes that Conifer will not receive their CAFRA permits. Agrees that it is an important area and with endangered species. May have done things differently if he was on committee at the time of these initial discussions.*

*Eileen Fausey:*

*Mentioned Conifer receiving additional funds through Super Storm Sandy.*

*Stan Doniger:*

*Recognized Township on doing an extraordinary job with reaching out to "Lanar" building company to correct issues in development.*

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*Suzanne M. Stocker, Deputy Township Clerk*

Motion to adjourn meeting – 7:00pm

1<sup>st</sup> Committeemember Clark

2<sup>nd</sup> Committeemember Lockwood

Pass on Roll Call: Committeemember Clark, Committeemember Lockwood

***\*Mayor Donohue absent***