

Cape May Court House, NJ  
 October 6, 2014  
 REGULAR MEETING  
 FLAG SALUTE  
 THIS MEETING IS BEING RECORDED:

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

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

1. RESOLUTION 517-14 – APPOINTMENTS – NEW HIRE – POLICE OFFICERS – 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 employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Joseph Gamble	Public Safety	Police Officer	\$34,064.00	09/29/2014
Brian Gibson	Public Safety	Special Class II Police Officer	\$10.50 ph	09/29/2014

2. SWEARING IN OF NEW OFFICER – JOSEPH GAMBLE
3. RESOLUTION 518-14 - PROCLAIMING OCTOBER 10, 2014 AS PUT THE BRAKES ON FATALITIES DAY IN THE TOWNSHIP OF MIDDLE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, Traffic crashes in 2013 increased the number of fatalities by 3.3% over 2012 to 33,561 and caused 2.36 million injuries. They have been the leading cause of death for children ages 4 and every age 11 through 14, and  
 WHEREAS, In 2012, more than half (52%) of passenger vehicle occupants killed in traffic crashes were unrestrained; however, child restraints saved 284 children under age 5 and seat belts saved 12,174 others, and  
 WHEREAS, distracted driving is a dangerous epidemic on America's roadways. In 2012, 3,328 people were killed in distracted driving crashes, and  
 WHEREAS, in 2012, alcohol-related crashes account for 31% of all traffic fatalities, and  
 WHEREAS, in 2012, speeding was a contributing factor in 30% of all fatal crashes, and  
 WHEREAS, in 2012, large trucks were involved in 12% of all fatal crashes with 73% being occupants of other vehicles, 10% non-occupants and 18% occupants of large trucks, and  
 WHEREAS, in 2012, motorcyclists accounted for 15% of all fatalities with 41% of riders and 53% of passengers not wearing helmets at the time of the crash, and  
 WHEREAS, the economic cost alone of motor vehicle crashes in 2000 was \$230.6 billion (noted in recently published data), and  
 WHEREAS, poor road conditions and obsolete highways need to be addressed in order to reduce highway deaths. The use of cost-effective roadway safety improvements such as all-weather signing and markings, traffic signals, skid resistant pavements and removal of roadside hazards could also greatly reduce the number of traffic crashes, and  
 WHEREAS, the use of safer driving behaviors such as not talking or text messaging on cell phones, the use of seat belts and helmets (motorcycles), not drinking and driving, and obeying traffic laws would dramatically reduce the number of traffic-related injuries and deaths, and  
 WHEREAS, the continued development of safer vehicles and protective safety equipment for motor cycles (such as helmets) will enhance people's ability to protect themselves and their families from preventable and tragic permanent injuries and deaths.  
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that I, Timothy Donohue, Mayor of the Township of Middle, County of Cape May, State of New Jersey, do hereby proclaim October 10, 2014 as Put the Brakes on Fatalities Day, and call upon everyone to help save lives by spreading these important messages throughout our communities specifically on this day and also all other days of the year.  
*Chief Leusner spoke briefly about upcoming Press Conference with Caryn Rixey, whose son was killed in an automobile accident in Middle Township, also reached out to Jeffrey Natale's family for Press Conference. Wants to bring awareness to fatalities on October 10<sup>th</sup> of each year for residents.*

4. 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 \$139.50 monthly rental for portable toilet*  
*Committeemember Lockwood:*  
*For recreation facilities, no alternative, no permanent structure for restrooms*  
*Stan Doniger:*  
*Questioned \$10,000 for blue recycle cans*

*Committeemember Lockwood:*

*Paid for out of money received from Clean Communities Program*

5. RESOLUTION 519-14 – 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. \$2,988,597.36
6. RESOLUTION 520-14 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone Electric / LC Equipment, Inc.) – On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. **\*Committeemember Lockwood Abstain**  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:  
Current Acct. \$1,802.50
7. RESOLUTION 521-14 – 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 09/15/2014; Regular Meeting 09/15/2014.
8. REPORTS: The following departments have submitted their reports for the months indicated: Zoning Official for the month of September; Township Clerk for the month of September; Tax Collector for the month of September; Sewer Collector for the month of September.
9. ORDINANCE NO. 1486-14 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188 THEREOF ENTITLED PARKS AND RECREATION, SUBSECTION 9, FEE SCHEDULE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1486-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/03/2014 at 6:00 p.m.  
BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 188 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:  
SECTION 1: Chapter 188-9 Fee Schedule shall be further amended to include the following provisions:
  - A. Non Profit Organizations seeking to conduct events in the Township and to utilize the proceeds generated from same to advance youth sports in Middle Township may apply to the Township Committee for a waiver from the fee schedule above. Such waiver shall be granted or denied by resolution of the Governing Body at a regularly scheduled Committee meeting.
  - B. In the event that any planned activity requires the services of Township employees for set-up, clean up, security, kitchen staffing, etc., then the organization conducting said event shall compensate the Township dollar for dollar for such services. The Recreation Director of the Township shall prepare the invoice for such charges. Payment shall be due on demand.
  - C. Veteran’s Organizations shall be exempt from paying any fees associated with this chapter. A Veteran’s Organization is defined as a nonpartisan, patriotic, nonprofit or not-for-profit Organization, such as the American Legion or Veterans of Foreign Wars, in which past or present service in a branch of the United States Armed Forces is a membership pre-requisite and which also has as its purpose the mutual helpfulness of its veteran’s members. The Township Committee reserves the right to deny this exemption on a case-by-case basis or to limit the use to a reasonable use, in terms of frequency or scope.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.
10. RESOLUTION 522-14 – CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, Cape Hospitality Group LP has applied for approval to sell alcoholic beverages at Middle Township’s Harvest Festival to be held at 33 Mechanic St., Cape May Court House, on October 25, 2014 from 10:00AM to 5:00PM, with a rain date of October 26, 2014 from 12:00PM to 5:00PM, and  
WHEREAS, they have provided proper documentation to the Township of Middle,  
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Catering Permit.

11. RESOLUTION 523-14 – TABULATION COMMITTEE – NJSH ROUTE 9 SIDEWALK INSTALLATION – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer Tracey Taverner, be and hereby are appointed to tabulate the bids to be taken on Wednesday, October 29, 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:  
 NJSH ROUTE 9 SIDEWALK INSTALLATION PROJECT

12. RESOLUTION 524-14 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE	SALARY
Albert Mabry	Recreation	Recreation Aide P/T	Recreation Aide F/T	10/06/2014	\$18,720.00

13. RESOLUTION 525-14 – 2014-2015 HOTEL/MOTEL APPROVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township of Middle has established a Hotel/Motel License in connection with Ordinance No. 1157-04; and  
 WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee; and  
 WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year; and  
 WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property and sewer tax. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent; and  
 WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00; and  
 WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle; and  
 WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities; and  
 NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2014-2015:

LIC. #	APPLICANT	TRADENAME	LOCATION	SITES
25	Venkatesh Sandieya	Wildwood Park Motel	405 North Wildwood Blvd	12

14. RESOLUTION 526-14– APPOINTMENTS – PART TIME – 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 position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Krystel Arana	Municipal Clerk / Registrar	Keyboarding Clerk 1 P/T T/A*	\$10.00ph	10/06/2014
William Chrzanowski	Public Safety	Telecommunications Operator P/T	\$10.49ph	10/06/2014

\*Title Code 01271 (Keyboarding Clerk 1 Bilingual in Spanish and English)

15. RESOLUTION 527-14 – APPOINTMENT – ALTERNATE DEPUTY REGISTRAR OF VITAL STATISTICS – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.  
 WHEREAS, it has been deemed necessary to fill the term of office for the position of Alternate Deputy Registrar of Vital Statistics via N.J.S.A. 26:8-17, and  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following persons be and are hereby appointed to the position for the term of office opposite their name:

NAME	OFFICE	POSITION	TERM EFFECTIVE	TERM EXPIRES
Krystel Arana	Township Clerk / Registrar of Vital Statistics	Alternate Deputy Registrar of Vital Statistics	10/06/2014	12/31/2014

16. RESOLUTION 528-14 – 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
Joseph Brewster	Public Works	Laborer 1 P/T T/A	09/19/2014

17. RESOLUTION 529-14 – REAPPOINTMENT – ACTING DEPUTY MUNICIPAL COURT ADMINISTRATOR – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, Brittany Linz was appointed Acting Deputy Municipal Court Administrator for both Middle Township and Woodbine municipal courts, and  
 WHEREAS, said appointment term was for 90 days, with an expiration date of 10/4/2014.  
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that Brittany Linz is hereby reappointed for another 90 day term effective 10/5/2014.  
 BE IT FURTHER RESOLVED, that the stipend outlined via Resolution 385-14 shall remain in effective.
  
18. RESOLUTION 530-14 – RELEASE PERFORMANCE BOND – AB HEAVENLY HOMES, LLC – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, \$1,955.00, plus interest, is being held as a performance guarantee for AB Heavenly Homes, LLC for site improvements at Block 165.01, Lot(s) 112, otherwise known as 195 Stagecoach Road, and  
 WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed; and  
 WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released; and  
 WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$1,963.86 (total) is hereby released.
  
19. RESOLUTION 531-14 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, \$1,955.00, plus interest, is being held as a performance guarantee for AB Heavenly Homes, LLC for site improvements at Block 165.01, Lot(s) 112, otherwise known as 195 Stagecoach Road, and  
 WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed; and  
 WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released; and  
 WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$1,963.86 (total) is hereby released.
  
20. RESOLUTION 532-14 – 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 October 15, 16 & 17, 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.
  
21. RESOLUTION 533-14 – SEWER ADJUSTMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, the attached properties were billed for sewer rent and should have been connected to the sanitary sewer system, however, the properties have not yet connected.  
 NOW, THEREFORE, the prior billing is being adjusted until such time as they receive a summons from the Township of Middle and are mandated to connect to the sanitary sewer system.
  
22. RESOLUTION 534-14 – 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
Trout, Ellen M.	215 S. Railroad Avenue	1432 // 15	\$131.35
Juarez, Oscar	100 Lafayette Avenue	427 // 23	\$216.32
Woolson, Maureen P.	315 Dias Creek Road	163.01 // 192	\$193.34
Langford, Starr R.	5 Oslo Avenue	1422 // 2	\$179.43
Johnson, Carl	3112 Shunpike	1421 // 2	\$169.02
Butler, Robert	105 Sulloway Street	963 // 4.02	\$70.40
Dadairo, Stephen & Sanford, Joan	136 Indian Trail	206 // 5	\$169.02
Gartner, Teresa B.	111 Rutledge Road	445 // 4	\$169.02
Lewis, Catherine M.	115 Indian Trail	475.01 // 22	\$226.73
Kozak, Bonnie S.	201 Hand Avenue	240 // 14	\$169.02
Tanghare, Patricia A.	316 3 <sup>rd</sup> Avenue	335.01 // 32	\$169.02
Fewell, Rachel M.	423 Shunpike	322.01 // 59	\$193.34
International Plaza II	13 Linden Lane	1469 // 2	\$182.94
Dearing, Jacqueline	206 Vermont Avenue	1486 // 8	\$169.02
Palm, Joseph A. & Palm, Madeline	122 Lafayette Avenue	427 // 14	\$155.11

23. RESOLUTION 535-14 – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE, TOWNSHIP OF LOWER AND COUNTY OF CAPE MAY – IN CONNECTION WITH THE CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM – “MIDDLE AND LOWER TOWNSHIP BIKE PATH CONNECTION” – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle agrees that it is in the best interest of the resident of Middle Township for the County to provide funds for the acquisition of lands for open space and the development of public parks and recreation facilities or improvements, and WHEREAS, the Townships of Lower and Middle have submitted an application under the 2013 Cape May County Program for Regional Bike Path Connection, to request funds towards the connection of each municipal bike path, and

WHEREAS, the bike path connection would run from Sally Marshall Crossing in Lower Township to Satt Boulevard in Middle Township, and

WHEREAS, the County desires, pursuant to the provisions of N.J.S.A. 40:12-16, et seq., N.J.S.A. 40:12-9 and N.J.S.A. 40A:65-1, et seq. and other related statutes providing for joint action with regard to capital projects and improvements which are deemed to benefit the County and the municipalities and their residents, to provide funding for such projects and improvements.

WHEREAS, the County and the Municipalities desire to enter into an agreement in order for the County to provide funding to the Municipalities for the aforementioned project.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement between the Township of Middle, Township of Lower and County of Cape May.

24. RESOLUTION 536-14 – AUTHORIZING SIGNATURE – NJ DOT UTILITY ENGINEERING AND CONSTRUCTION AGREEMENT – RTE 9/ RTE 109 TO EGERT ROAD – 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 appropriate township officials are hereby authorized to sign the NJ DOT Utility Engineering and Construction Agreement, in connection with the Route 9/Route 109 to Egert Road paving project.

25. RESOLUTION 537-14 – AUTHORIZING AMENDMENT TO RATE OF PAY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the salary ordinance establishes rate of pay and salary ranges for various positions within the township, and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the rate of pay for part time “trained” telecommunications operators shall begin at \$15.00 ph.

BE IT FURTHER RESOLVED, that the rate of pay for the following staff shall be amended as follows:

EMPLOYEE	DEPARTMENT	POSITION	SALARY	EFFECTIVE
Brandon Mitchell	Public Safety	PS Telecommunications	\$15.00 ph	10/03/2014

		Operator P/T		
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26. RESOLUTION 538-14 – APPOINTMENTS – COUNCIL ON THE ARTS – 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 a volunteer board known as the Council on the Arts, as outlined by Chapter 8 of the Township Code, and

WHEREAS, it is necessary to appoint and/or reappoint members via Resolution.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individuals are hereby appointed to the Middle Township Council on the Arts for the term of office opposite their name:

NAME	BOARD	POSITION	TERM EXPIRES
Carol Anne Futrell	Council on the Arts	Member	12/31/2016*
Jacklyn Buckingham	Council on the Arts	Member	12/31/2016*

\*filling unexpired terms

27. RESOLUTION 539-14 – AUTHORIZING A REVIEW OF COMPLIANCE WITH PRIOR ANNUAL CONTINUING DISCLOSURE OBLIGATIONS AND PARTICIPATION IN THE SECURITIES AND EXCHANGE COMMISSION'S MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE – On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the above-defined Issuer has previously issued one or more series of bonds, including in the past five (5) years pursuant to one or more preliminary and final official statements (collectively, the "Bonds"); and

WHEREAS, in connection with the issuance of such Bonds, the Issuer covenanted with Bondholders to provide certain secondary market disclosure information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port (2009 to present) ("EMMA"), which secondary market disclosure information may consist of one or more of the following: audited financial statements, municipal budgets, other financial and operating data and ratings changes; and

WHEREAS, the Securities and Exchange Commission (the "SEC") has recently focused attention on what it alleges is widespread failure of local government issuers across the nation to meet their continuing disclosure obligations and misrepresentation through material misstatements in an official statement (innocently, inadvertently or otherwise) of past compliance with continuing disclosure obligations; and

WHEREAS, in an effort to remedy these perceived issues, the SEC has implemented the Municipalities Continuing Disclosure Cooperation Initiative (the "SEC Initiative"), a limited-time program ending at 5:00 p.m. on December 1, 2014, that encourages issuers of municipal bonds, including the Issuer, to self-report possible material misstatements or omissions, made in the past five (5) years in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, should the SEC determine that an issuer has made material misstatements in an official statement regarding compliance with prior continuing disclosure obligations, issuers participating in the SEC Initiative agree to accept certain non-monetary penalties, in lieu of unknown, and, by all accounts, hefty monetary and non-monetary penalties the SEC has threatened on issuers that do not participate in the SEC Initiative; and

WHEREAS, by participating in the SEC Initiative, issuers agree to accept the following penalties, if imposed by the SEC (i) compliance with a cease and desist order in which the issuer neither admits nor denies the findings of the SEC, (ii) implementation of policies, procedures and training regarding continuing disclosure obligations, (iii) compliance with all existing continuing disclosure undertakings, (iv) cooperation with any further SEC investigation, (v) disclosure of settlement terms in any final official statement issued within five years of the date of institution of the proceedings, and (vi) production to the SEC of a compliance certificate regarding the applicable undertakings on the one year anniversary of the proceedings; and

WHEREAS, on July 24, 2014, the Division of Local Government Services issued Local Finance Notice 2014-9 (i) alerting local governments to the SEC Initiative, (ii) strongly recommending that local governments examine their continuing disclosure contractual obligations and past official statements in order to determine if it is advisable for an issuer to participate in the SEC Initiative and (iii) cautioning local governments that fail to complete a disclosure assessment in connection with the SEC Initiative will likely have difficulty accessing capital markets, difficulty in receiving timely approvals of the Local Finance Board or Director of the Division of Local Government Services, as applicable, and decreased scores on the future "Best Practices Questionnaires"; and

WHEREAS, the Issuer desires to conduct a disclosure audit which will (i) summarize the results of the Issuer's prior compliance with its secondary market disclosure obligations and (ii) compare those results to the statements made by the Issuer in its official statements regarding past compliance (the "Disclosure Audit"); and

WHEREAS, the Issuer further desires to retain the services of disclosure specialist to conduct the Disclosure Audit; and

WHEREAS, based on the results of the Disclosure Audit, and weighing heavily the known, non-monetary penalties that may come through the Issuer's participation in the SEC Initiative versus the unknown, and, by all accounts, hefty monetary and non-monetary penalties the SEC has threatened on issuers that do not self-report, the Issuer further desires to delegate to the Chief Financial Officer, in consultation with the Issuer's general counsel, bond counsel, auditor and other finance professionals, the power to prepare and submit all documentation required to enter the Issuer's Bond issues into the SEC Initiative, as necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ISSUER, AS FOLLOWS:

- Section 1. The Issuer hereby authorizes completion of the Disclosure Audit.
- Section 2. The Issuer hereby authorizes the Chief Financial Officer to engage the services of a disclosure specialist to complete the Disclosure Audit; provided that the award of any contract in connection therewith meets the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).
- Section 3. In the event the Disclosure Audit reveals that the Issuer may have made a material misstatement regarding the Issuer's compliance with prior continuing disclosure undertakings, the Issuer hereby authorizes and directs the Chief Financial Officer to prepare and submit all documentation necessary to enter the Issuer's applicable Bond issues into the SEC Initiative.
- Section 4. Any action taken by the Chief Financial Officer, or any other officer of the Issuer, with respect to the Disclosure Audit, the engagement of a disclosure specialist and participation in the SEC Initiative is hereby ratified and confirmed.
- Section 5. This resolution shall take effect immediately.

28. PUBLIC COMMENT:

*Committeemember Clark:*

- Ribbon cutting at ADA playground, commended Public Works and Recreation staff
- Chief's initiative with Cape Assist
- Congratulations to new officer and Albert Mabry on full-time status

*Committeemember Lockwood:*

- ADA playground at Goshen Complex
- Wastewater reuse to water fields
- Court advocate, second town to do this. Chief has been incredibly pro-active for community

*Mayor Donohue:*

- Echoed comments on ADA playground
- Congrats to Officer Gamble
- Recognized Albert Mabry on full-time status

*Ed Dillio:*

*Asked about status of progress of Stagecoach Road*

*Committeemember Lockwood:*

*Plan is to re-stripe, rain delayed process, resurfaced by end of week then will be re-striped*

*Eileen Fausey:*

*Referenced letter from Triad regarding Conifer, everyone is trying to stop Patsy's Way project, but nothing has been done to try to stop Conifer project in Rio Grande which is on preserved land. Spoke of \$234k+ monies owed for Conifer, per letter from Shawn Thompson.*

*Connie Mahon:*

*No Resolution has been drafted for consideration for the recommendation of money to be sent to COAH. Correspondence from Mr. Thompson "recommended" that monies be sent, but did not "request" money.*

*Committeemember Lockwood:*

*Township owned lands could be used for affordable housing, determination by Mr. Thompson about reimbursing Township for expenses incurred, believed determination is incorrect. COAH has not yet made their determination.*

*Connie Mahon: Hearing date is scheduled for October 20<sup>th</sup>.*

*Vilma Pombo:*

*Presented pictures to Committee regarding the Dollar General in Swainton – did not leave buffers, no sill fences, view of sewer system which is 58' from well on her property. Current project engineer is Alan Best of Cleveland. CMC Board of Health issued permit for well. Concerned with well issues and buffer issues for project.*

*Committeemember Lockwood:*

*Will look into issues this week and will contact Ms. Pombo.*

*Bette McGurk:*

*Referenced Triad letter that Eileen spoke about. Mentioned three environmental studies used for Conifer project but not applications included the "3.1 map". Triad reached out to Federal Fish and Wildlife for Conifer and believes they "cherry picked" which environmental to study to send with applications to avoid "red flags". A lot of information to support, but Conifer still received the CAFRA permit.*

*Fran Rambo:*

*Has owned a property at Benny's Landing for 14 years, does not believe bulkhead would have been damaged during Sandy if Township would have replaced years ago when requested by property owners. Believes residents are being "sold off to Feds" over this project. Feels this project is an "illegitimate claim" and "misuse of federal money".*

*Chris Salone:*

*Property owner at Benny's Landing for 14 years, has old photos of bulkhead from years ago and it looks the same now. Residents love Benny's Landing how it is, believes this project is overboard.*

*Marc DeBlasio:*

*FEMA declared area as emergency to be replaced.*

*Michael Zuckerman:*

*Concerned with project and how it evolved and where it is headed. Bought property 10 years ago. Main concerns are means of communications between Township and residents, believes the project affects quality of life in neighborhood.*

*Rambo, Salone and Zuckerman discussed concerns regarding fencing/panels on bulkhead, shortening of landing, additional parking spaces being added.*

*Marc DeBlasio:*

*Original plans proposed clear panels to avoid destruction of views, residents opposed idea.*

*Mayor Donohue:*

*Confirmed that residents agree that the bulkhead needs to be replaced, area needs to be cleaned up and handicap accessible, and that issues of the aesthetics of the railing and shortening of the landing need to be further discussed.*

*Chris Salone:*

*Also mentioned the concern with being able to access the water, does not want people using resident's yards or docks to access the water.*

*Mayor Donohue:*

*Offered to set up a meeting within the next couple of weeks to discuss further concerns and go over project in further detail.*

*Sam Kelly:*

*Directed statements at Connie Mahon regarding her input on her thoughts of how he feels about the Conifer project in Rio Grande.*

*Connie Mahon:*

*Indicated that she was under the impression that Mr. Kelly did not like the type of people who would be living in that project. Mentioned that the meeting was for informational purposes and Committee did not attend because they did not want it to become anything other than for informational purposes.*

*Sam Kelly:*

*Advised that he made no such comments which would support such statement, indicated that he taped that meeting and listened to it several times since and does not believe Ms. Mahon's statement to be accurate. Proceed to discuss items that were addressed at the meeting but not given answers by the Conifer representative.*

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Suzanne M. Stocker, Deputy Township Clerk

Motion to adjourn meeting – 7:32pm

1<sup>st</sup>: Committeemember Clark

2<sup>nd</sup>: Committeemember Lockwood

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