

Cape May Court House, NJ  
April 7, 2014  
REGULAR MEETING  
FLAG SALUTE  
THIS MEETING IS BEING RECORDED:

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

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

1. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)
2. RESOLUTION– APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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. \$2,568,206.74*
3. RESOLUTION – 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. \$693.00*
4. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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 the following minutes are approved: Work Session 3/19/14; Board of Health 3/19/14; Regular Meeting 3/19/14 and Closed Session 3/19/14.*
5. REPORTS: The following departments have submitted their reports for the months indicated: Construction Official for the month of March; Zoning Official for the month of March; Tax Collector for the month of February; Sewer Utility for the month of March; Township Clerk / Registrar for the month of March;
6. ORDINANCE 1465-14 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 193, ARTICLE III, ENTITLED PROPERTY MAINTENANCE CODE – Following second reading, hearing, and consideration for adoption, Ordinance 1465-14 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office. *BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May 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, b	120	120	150
Dining room, b	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.

7. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1466-14 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, 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.

8. **ORDINANCE 1468-14 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) –** Following second reading, hearing, and consideration for adoption, Ordinance 1468-14 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
- 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.*
9. **ORDINANCE NO. 1471-14 - BOND ORDINANCE PROVIDING FOR ROAD DRAINAGE AND IMPROVEMENTS IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. –** On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1471-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/05/2014 at 6:00 p.m.
- BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:*
- Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$4,000,000, including the sum of \$200,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.*
- Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,800,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.*
- Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the reconstruction and repaving of the Township’s roadway, installation of curbs, sidewalk, handicap ramps and miscellaneous storm sewer improvements including all other work and materials necessary therefor or useful thereto.*
- (b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.*
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.*
- Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery*

thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,800,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

10. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and*  
*WHEREAS, the applicants are entitled to a refund of this money.*  
*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.*
11. RESOLUTION – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.
- A. *WHEREAS, the Brendan Borek High Tides Memorial Fund has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House, New Jersey 08210, on May 2, 2014 from 12:00pm until 10:00pm; and*  
*WHEREAS, they have provided proper documentation to the Township of Middle; and*  
*NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.*

B. *WHEREAS, the St. Mary's Episcopal Church has applied for approval to sell alcoholic beverages at an event to be held at The Wetlands Institute, 1075 Stone Harbor Boulevard, Stone Harbor, New Jersey 08247, on May 3, 2014 from 4:00pm until 8:00pm; and WHEREAS, they have provided proper documentation to the Township of Middle; and NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.*

12. RESOLUTION – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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
Alexis Cropper	Municipal Clerk / Vital Statistics	Keyboarding Clerk I	3/26/2014

13. RESOLUTION – APPROVE LEAVE OF ABSENCE – WILLIAM MARKEE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*NOW THEREFORE BE IT RESOLVED, that the leave of absence without pay for William Markee is hereby approved from March 18, 2014 until April 21, 2014.*

14. RESOLUTION – APPOINTMENTS – NEW HIRE – 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, County of Cape May, State of New Jersey, that that the following employee is hereby appointed to the following civil service title at the salary opposite their name:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Anne Garrison	Finance	Keyboarding Clerk I	\$38,000.00	04/07/2014

*FURTHER BE IT RESOLVED, that Mrs. Garrison shall also be appointed to an "in house" title of Economic Development & Grant Coordinator.*

15. RESOLUTION – APPOINTMENT – RENT LEVELING BOARD – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 term of office opposite their name:*

NAME	BOARD	POSITION	TERM EFFECTIVE	TERM EXPIRES
Anne Garrison	Rent Leveling Board	Rent Control Officer	04/07/2014	12/31/2014

16. RESOLUTION – AMENDING FEES FOR MIDDLE TOWNSHIP RECREATION DEPARTMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, it is in the best interest of the Township of Middle to establish a structured fee schedule for the recreational programs; and WHEREAS, various changes to the already established fee schedule have been deemed necessary; and WHEREAS, said fees should be established 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 changes to the fee schedule for the recreation department are hereby authorized:*

PROGRAM	FEE
Student Dance	\$5.00 per Student

*BE IT FURTHER RESOLVED, that fees associated with the above referenced programs are non-refundable.*

17. RESOLUTION – AUTHORIZING EXECUTION OF AGREEMENT BETWEEN UAW LOCAL 2327 AND TOWNSHIP OF MIDDLE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the agreement between the UAW Local 2327 Union and the Township for the term of January 1, 2012 through December 31, 2013.*

*BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.*

18. RESOLUTION – CLOSED SESSION – CONTRACT NEGOTIATIONS (TEAMSTER UNION AND GRASSY SOUNDS) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.*

*This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.*

*The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.*

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and  
 WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and  
 WHEREAS, said Closed Session shall be held directly after this open session.  
 NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

- 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – CONTRACT NEGOTIATIONS (TEAMSTER UNION AND GRASSY SOUNDS)
- 2.) The general nature of the subject matter to be discussed is as follows:  
CLOSED SESSION – CONTRACT NEGOTIATIONS (TEAMSTER UNION AND GRASSY SOUNDS)
- 3.) It is anticipated at this time the above subject matter will be made public as follows:  
WHEN THE MATTER IS RESOLVED
- 4.) This Resolution shall take effect immediately.

19. RESOLUTION – ESTABLISHING SPECIAL ASSESSMENT BOARD – On motion by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, it has been deemed necessary to outline appointments in connection with a Special Assessment Board for the Sterback Harbor Dredging Project in Middle Township;  
 WHEREAS, the Special Assessment Board shall consist of three members to be appointed by the Township Committee; and  
 WHEREAS, the members of said board shall be appointed by the Township Committee of the Township of Middle; and  
 WHEREAS, the terms of said members shall be as follows:
- (1) All appointees shall be appointed for a one-year terms, expiring on December 31<sup>st</sup> of each year;
- NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the following members are hereby appointed to serve on the Special Assessment Board:

MEMBER	TERM EXPIRES
Lee Ann Russ, Tax Assessor	12/31/2014
Tracey Taverner, Chief Financial Officer	12/31/2014
Michael Clark, Committeeman	12/31/2014

20. RESOLUTION – TEMPORARY CAPITAL BUDGET – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township of Middle, County of Cape May, desires to establish a 2014 Temporary Capital Budget to permit various improvements,  
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle as follows:  
SECTION 1.  
 The 2014 Temporary Capital Budget of the Township of Middle is hereby constituted as follows:

Project	Estimated Cost	Capital Improvement Fund	Grants	Debt Authorized
<u>GENERAL CAPITAL</u>				
Sterback Harbor Dredge Project	1,200,000.00	120,000.00		1,080,000.00
	<u>\$ 1,200,000.00</u>	<u>\$ 120,000.00</u>	<u>\$ -</u>	<u>\$ 1,080,000.00</u>

SECTION 2.  
 The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

SECTION 3.  
 The aforementioned capital projects shall be included in the 2014 Permanent Capital Budget as adopted.

21. RESOLUTION – AMENDING RESOLUTION 24-14 – ESTABLISHING CHANGE FUNDS FOR VARIOUS TOWNSHIP DEPARTMENTS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, authorizes the establishment of Change Funds for various departments within the town,  
 NOW, THEREFORE, BE IT RESOLVED, the following departments are hereby authorized and permitted to establish change funds in the respective amounts:

DEPARTMENT	OFFICER	AMOUNT
Tax Collector	Sandra Beasley	\$600.00
Construction	Donald Arndt	\$150.00
Vital Statistics	Kimberly Krauss	\$ 50.00
Municipal Court	Deborah Becker	\$300.00

Dog Licensing	Dawn Stimmel	\$100.00
Recreation	Tammy Devitt	\$ 25.00
Police Records	Christopher Leusner	\$ 25.00
Recreation – MLK	Robert Matthews	\$150.00
Zoning	David May	<u>\$100.00</u>
	Total	\$1,400.00

BE IT FURTHER RESOLVED, that said funds shall be used by such offices to maintain a cash box.

22. RESOLUTION - RESOLUTION DESIGNATING APRIL 2014 AS CHILD ABUSE AND NEGLECT PREVENTION MONTH IN CAPE MAY COUNTY – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, the citizens of Cape May County acknowledge that children are Cape May County's most precious resource and accept an important responsibility to create a caring environment in which our children can flourish and reach their full potential; and

WHEREAS, we take the opportunity to National Child Abuse/Neglect Prevention Month to renew our commitment to protecting our most vulnerable citizens from harm, and to accept the responsibility of working together as a community to eradicate child adversity of any kind; and WHEREAS, we acknowledge that neglected and traumatized children face challenges that no child deserves, and understand that the damage caused often results in young people who develop long lasting behaviors that affect both themselves, their future families and their communities; and WHEREAS, we acknowledge that every occurrence of childhood adversity and maltreatment is a human tragedy, and that the effects of child trauma not only are long-lasting and inhumane, but are also financially costly as well, taxing the health, mental health and juvenile justice systems, as well as law enforcement agencies, courts and education institutions; and

WHEREAS, we pledge as a community to help our children to be safe and happy, and succeed in school, we encourage parents, caregivers and neighbors to provide our children with love, security, emotional support and a strong connection to their extended families and communities; and

WHEREAS, we freely utilize the privileges and responsibilities of this office to encourage all citizens to become more aware of the tragedy of child neglect and maltreatment, and to learn what they can do to support child and family wellbeing through prevention initiatives.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that said Committee hereby proclaims April as Child Abuse and Neglect Prevention Month in Cape May County and further calls upon all citizens, service agencies, organizations, medical facilities, schools and businesses to increase their participation in the efforts to strengthen all of our families and communities and thereby do their part in the prevention of child maltreatment.

BE IT FURTHER RESOLVED, that the residents of Middle Township participate in Cape May County's annual "Show Kids You Care", April 6th through the 12th, 2014, through special outreach and caring to our children, and by wearing blue ribbons or displaying blue ribbons throughout our communities on April 11, 2014, designated as "Dress in Blue Day". The Blue Ribbons and outreach will commemorate the county-wide effort to show our children that they are truly our priority and worthy of a Blue Ribbon World here in Cape May County.

23. RESOLUTION – RELEASE OF PERFORMANCE BOND – ACCEPTANCE OF MAINTENANCE BOND – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, the improvements located at Block 95.06 Lot 14, otherwise known as Sand Castle Estates are complete; and

WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and

WHEREAS, the Engineer has recommended that the performance bond, in the amount of \$15,947.95 be released, and

WHEREAS, the applicant has also submitted a two year maintenance bond in the amount of \$13,870.50 effective April 3, 2014.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the release of the performance bond and acceptance of the maintenance bond and guarantee are hereby authorized, as outlined in Planning Board Resolution No. 901241-14.

24. RESOLUTION – CANCELLATION OF TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

Cancellation due to Mr. Farrow has been granted 100% disabled American Veteran Status as of February 18, 2014.

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	2014
11237	897	3	Farrow, Robert E., Jr & Monica B.	\$734.81
			Property location: 413 Scott Street	

25. RESOLUTION – REFUND OF TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

Refund due to Mr. Farrow has been granted 100% disabled American Veteran Status as of February 18, 2014.

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	2014
11237	897	3	Farrow, Robert E Jr & Monica B 413 Scott St	\$233.88

			Cape May Court House, NJ 08210	
			Property location: 413 Scott Street	

*BE IT RESOLVED* by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2014 taxes.

*BE IT FURTHER RESOLVED* that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

26. RESOLUTION – REQUESTING DESIGNATION OF BUS STOP ON STONE HARBOR BLVD., IN THE VICINITY OF WETLANDS INSTITUTE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 on Stone Harbor Blvd, in the area of The Wetlands Institute, 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 The Wetlands Institute, on Stone Harbor Blvd.

*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:

*The Wetlands Institute, Stone Harbor Blvd.*

*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.

27. RESOLUTION – ENDORSING APPROVAL CERTIFICATE FOR BOAT DEALER LICENSE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS*, Phillip Risko (Managing Member), Avalon Marine Center, wishes to apply for a boat dealer license through the State of New Jersey, Motor Vehicle Commission, and

*WHEREAS*, said applicant (Avalon Marine Holding, LLC.) is the owner of a parcel located at 701 Avalon Blvd, Middle Township, and

*WHEREAS*, the Zoning Official has no objection to the endorsement, as dully noted on said approval certificate, so long as all stored boats are not located in the municipal right of ways or site triangles. Boats may not be sold off premise.

*NOW THEREFORE BE IT RESOLVED*, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk is hereby authorized to sign the Approval Certificate.

28. RESOLUTION – AMENDING RESOLUTION 508-13 – AWARD OF BID – BURGLAR / FIRE ALARM ADMINISTRATION SERVICES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS*, Resolution 508-13 awarded the Burglar / Fire Alarm Administration Services contract to PMAM Corporation, and

*WHEREAS*, it has been deemed necessary to amend said resolution to include language pertaining to mailing cost, as outlined in their proposal from August 29, 2013.

*NOW THEREFORE BE IT RESOLVED* by the Township Committee of the Township of Middle, the governing body thereof, that the Resolution No. 508-13, which outlines the award for burglar/fire alarm administrative services to PMAM Corporation, shall reflect the following Three (3) Year Contract – PMAM Corporation – 22% of total permit fees, false alarm fines and fees payable to Awardee

Total Revenue Collected	City Percentage	PMAM Percentage
Total permit fees, False Alarm fines, and fees	78%	22%

Middle Township and PMAM shall share the revenue generated from fees, fines, and penalties as described above, with the exception of postage, to be paid by the City. By deploying the technologies as stated in the RFP response, we expect to minimize the postage expense to bulk postage rates wherever possible.

The above fee structure shall be set in the beginning of the program and shall continue for 12 months. Thereafter, it will again be set to zero dollars for the next 12 months and so on.

A dedicated bank account shall be opened for all deposits for the alarm fee for the City. PMAM shall pay for all bank charges that are incurred on this account.

*FURTHER RESOLVED*, that this award is conditioned upon submission of Treasurer's Certification of availability of funds.

29. RESOLUTION – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, & WALBERG ENGINEERS – ENGINEERING SERVICES – ROADWAY IMPROVEMENTS TO STAGECOACH ROAD (SPRINGERS MILL ROAD TO DIAS CREEK ROAD) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, on January 4, 2012 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2014 as Resolution No. 33-14, and*  
*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide additional work as required to assist the Township of Middle in Roadway Improvements to Stagecoach Road (Springers Mill Road to Dias Creek Road).*  
*Remington, Vernick & Walberg Engineers - Engineering Services*  
*Roadway Improvements to Stagecoach Road (Springers Mill Road to Dias Creek Road)*  
*Not to Exceed \$54,000.00*
30. RESOLUTION –ADOPTING UPDATED PERSONNEL POLICIES AND PROCEDURES MANUAL – 2014 – 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 the Personnel Policies and Procedures Manual amended and updated April 2014 is hereby adopted.*  
*FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of this manual be declared unconstitutional or invalid for any reason, the remaining portions of said manual shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual are hereby declared to be severable.*  
*FURTHER RESOLVED, this manual shall become effective immediately upon approval of this resolution and all other manuals in conflict or inconsistent with the updated version dated April 2014 is hereby repealed, to the extent of such conflict or inconsistency.*
31. RESOLUTION – APPROVE TONNAGE GRANT 2013 – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and*  
*WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and*  
*WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and*  
*WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and*  
*WHEREAS, A resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Middle to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and*  
*WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.*  
*NOW THEREFORE BE IT RESOLVED by the Township Committee of Township of Middle that the governing body does hereby endorse the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Rob Flynn to ensure that the application is properly filed; and*  
*BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.*
32. RESOLUTION – AUTHORIZE MAYOR TO SIGN AGREEMENT FOR SUBORDINATION OF MORTGAGE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to sign the Agreement for Subordination of Mortgage as attached.*

33. RESOLUTION – AMENDING RESOLUTION 151-14 – SALARY ADJUSTMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, the Office of Municipal Clerk had taken over the Office of the Registrar of Vital Statistics of the Township of Middle in 2012, and*  
*WHEREAS, the Kimberly Krauss was appointed as Registrar of Vital Statistics on 03/08/2010, then Deputy Registrar of Vital Statistics on 01/01/2014 in connection therewith without any salary compensation, and*  
*WHEREAS, Resolution NO. 151-14 amended the total base salary of Kimberly Krauss to reflect \$63,973.00.*  
*WHEREAS, it should be noted that this increase in salary is for additional duties performed as Deputy Registrar of Vital Statistics.*  
**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

34. PUBLIC HEARING: BIENNIAL REPORT & PETITION FOR CENTER BOUNDARY AMENDMENT, BY REMINGTON VERNICK ENGINEERS PRESENTED BY STEWART WISER

35. RESOLUTION – APPROVING THE BIENNIAL REPORT & PETITION FOR CENTERS BOUNDARY AMENDMENT, TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY (DATED "SUBMITTED FOR APPROVAL, FEBRUARY 27, 2014"), AUTHORIZING SUBMISSION OF SAME AND AUTHORIZING THE MAYOR, TOWNSHIP ADMINISTRATOR AND/OR OTHER APPROPRIATE TOWNSHIP OFFICERS TO PREPARE, EXECUTE AND SUBMIT ANY RELATED DOCUMENTS WHICH MAY BE REQUESTED OR REQUIRED BY RELEVANT STATE OFFICES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, on November 23, 2004, the Township of Middle, Cape May County, New Jersey ("Township") commenced the regulatory process under the State Planning Act (N.J.S.A. 52:18A-203) to have its Zoning, Land Development and related planning policies and regulations certified by the New Jersey Office of Planning Advocacy ("OPA") and the New Jersey State Planning Commission. Such certification, known as "Plan Endorsement", signifies that a municipality's policies and regulations related to growth and land use are consistent with the New Jersey State Development and Redevelopment Plan ("State Plan"), and confers on municipalities special status as relates to permitting and development; and*  
*WHEREAS, on December 29, 2005, the Township formally submitted a Petition for Initial Plan Endorsement to the OPA. After staff review and recommendation to the State Planning Commission, the Township's Petition was approved; and*  
*WHEREAS, working cooperatively, the Township and OPA developed an Action Plan and entered into a Memorandum of Understanding ("MOU") regarding future Township actions in furtherance of the Endorsed Plan. On December 4, 2006, the Township adopted Resolution No. 574-06, entering into the MOU. Since then, the Township has actively worked to achieve the action items agreed-upon as part of the MOU; and*  
*WHEREAS, N.J.A.C. 5:85-7.22(b) requires, in pertinent part, that within one year from the date of Plan Endorsement, municipalities having endorsed plans must provide an annual report to the State Planning Commission on the status of their planning and implementation efforts, with biennial reports due thereafter; and*  
*WHEREAS, prior to the Plan Endorsement process, certain sections of the Township were designated as Coastal Regional Centers, Coastal Villages or Coastal Hamlets. Significantly, such designations are used by State permitting agencies in their decision-making processes related to infrastructure and development permitting; and*  
*WHEREAS, it has come to the Township's attention that certain properties which were previously included in the aforementioned Centers were excluded from the Centers established during the Plan Endorsement process, and properties which the Township believes should have been included in the Endorsed Centers were excluded. Accordingly, these lands are not eligible for inclusion in the Township's new Sewer Service Area which, is limited under New Jersey Department of Environmental Protection ("NJDEP") Rules to these Endorsed Centers. Without sewer, otherwise developable lands can not be utilized as a productive asset for the community; and*  
*WHEREAS, the mechanism to correct this situation is for the Township to petition the State Planning Commission for an amendment to the Endorsed Centers boundaries. Subsequent modifications to NJDEP designations necessary to expand the Sewer Service Area will follow a successful petition process; and*  
*WHEREAS, the Township has engaged Remington, Vernick & Walberg Engineers, licensed Professional Planners in the State of New Jersey, to prepare a Biennial Report and Petition for Centers Boundary Amendment for submission to OPA. Such document, entitled Biennial Report & Petition For Centers Boundary Amendment, Township of Middle, Cape May County, New Jersey (dated "Submitted for Approval, February 27, 2014"), has been carefully reviewed by the Township Committee.*  
**NOW, THEREFORE, BE IT RESOLVED**, that Township Committee:  
 1. Finds that the document prepared by Remington, Vernick & Walberg Engineers entitled Biennial Report & Petition for Centers Boundary Amendment, Township of Middle, Cape May

County, New Jersey (dated "Submitted for Approval, February 27, 2014") satisfies the biennial reporting requirements of N.J.A.C. 5:85-7.22(b) and the requirements for a Petition for Center Boundary Amendment of N.J.A.C. 5:85-7.24.

2. Approves the Biennial Report & Petition for Centers Boundary Amendment and authorizes its submission to the New Jersey Office of Planning Advocacy.

3. Authorizes the Mayor, Township Administrator and/or other appropriate Township Officers to prepare, execute and submit any related documents which may be requested or required by relevant State offices.

36. PUBLIC COMMENT:

Motion to enter into closed session –  
1<sup>st</sup> 2<sup>nd</sup>  
Pass on Roll Call:

Motion to return to open morning –  
1<sup>st</sup> 2<sup>nd</sup>  
Pass on Roll Call:

Motion to adjourn meeting –  
1<sup>st</sup> 2<sup>nd</sup>  
Pass on Roll Call: