Cape May Court House, NJ
May 5, 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. PRESENTATION BY CHIEF OF POLICE

2. QUESTION/ANSWER PERIOD ON AGENDA *(This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)*

3. 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. $4,730,351.30

4. 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. $1,062.00

5. 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 04/21/14; Board of Health 04/21/14; Regular Meeting 04/21/14 and Closed Session 04/21/14.

6. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of April; Zoning Official for the month of April.

7. 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. – Following second reading, hearing, and consideration for adoption, Ordinance 1471-14 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, 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.

8. ORDINANCE NO. 1473-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND PUBLIC PROPERTIES, AND ESTABLISHING A CHAPTER OF THE TOWNSHIP CODE ENTITLED "SMOKING" TO ACCOMPLISH SAME – On motion by seconded by and passed on roll call, Ordinance No. 1473-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/02/2014 at 6:00 p.m.

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:

CHAPTER TITLE: Smoking

ARTICLE I. Findings

Section 1. Purpose

The Township Committee of the Township of Middle hereby finds and determines that:

A. The smoking of tobacco products is a major contributor to indoor air pollution and breathing and second hand smoke is a cause of disease to non-smokers;
B. The United States Department of Environmental Protection (EPA) has designated second hand smoke as a Class A carcinogen, as well as a significant cause of respiratory problems in children;
C. In 1986 the U.S. Surgeon General found that the active smoking of tobacco products and the passive inhalation of environmental tobacco smoke are the most prevalent causes of preventable death, disease and disability;
D. The U.S. Surgeon General found that separating smokers from non-smokers within the same air space does not eliminate the exposure of non-smokers to environmental tobacco smoke;
E. The New Jersey Legislature finds and declares that tobacco is the leading cause of preventable disease and death in the State of New Jersey and the nation and tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public;
F. The State of New Jersey has acknowledged that careless smoking is the leading cause of death from fire;
G. Smoking leads to the inevitable discard of tobacco products and a source of litter by those who fail to properly dispose of cigarettes;
H. The State of New Jersey entered into litigation against various tobacco product manufacturers and others for the purpose of improving the public's health and adopting policies and programs to achieve a significant reduction in smoking by its citizens, and in particular, by youth and, as part of a settlement, the State of New Jersey received significant funding for the advancement of public health, including the implementation of important tobacco-related public health measures and restrictions.
I. In 2006, the Legislature enacted the New Jersey Smoke Free Air Act, N.J.S.A. 26:3D-56 et seq. creating an outright ban on smoking in virtually all public indoor facilities and extending such ban to the grounds of any public or non-public elementary or secondary school regardless of whether the area is an indoor or outdoor public place; and
J. The Legislature has deemed the control of smoking to be a necessary and proper exercise of municipal authority pursuant to N.J.S.A. 40:48-1 et seq., 40:48-2 et seq., and N.J.S.A. 2C:33-13 for the preservation of public health, safety and welfare of the community.
Section 2. Definitions
As used in this chapter only, the following words and terms shall be defined as set forth below. All other terms, words and phrases not defined herein shall be given their customary meaning.
PERSON – Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity.
PUBLIC BUILDING – Any building, structure, facility or complex, including appurtenant parking areas; owned, leased, operated or under the ownership control of Middle Township to which the general public is invited.
PARK – Any athletic fields, playgrounds and other active and passive recreation areas primarily of service to youth; owned, leased, operated or under the ownership control of Middle Township to which the general public is invited and youth under the age of 18 may gather.
SMOKING – The inhaling, exhaling, burning or possession of any lighted cigar, cigarette, pipe or other combustible tobacco product in any manner or in any form. This shall include e-cigarettes or any other type of artificial cigarettes that produce emissions.
Section 3. Smoking Prohibited
A. Except as otherwise provided herein, smoking shall be prohibited in the following places:
1. In every room chamber, lobby, hallway and other common areas in and upon any public building.
2. In every park where children are present and congregate.
3. Any entrance or exit areas of any public buildings where smoke may enter the air people breathe through such entrances, exits, windows or ventilation systems.
4. Any vehicles owned and/or leased, in part or entirely, by the Township of Middle.
5. Public areas of libraries, museums or the like which are funded or partially funded by government agencies.
6. Any polling places within 100 feet of the public entrances to any polling places during the time at which elections are being conducted.
B. Smoking optional areas. Notwithstanding the prohibitions contained in the foregoing provisions, outdoor smoking areas may be designated by the Township Committee by resolution of same. Smoking areas, once approved, shall bear signs specifically designating that they are smoking areas. Smoking areas shall be clear of any public entrance or exit areas of any public buildings where smoke may enter the air people breathe through such entrances, exits, windows or ventilation systems. Except as approved by Resolution, no smoking shall be permitted in any other areas of any public buildings and parks.
Section 4. Signs
"Smoking" or "No Smoking" signs, as appropriate, or the international, "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) shall be clearly and conspicuously posted by the owner, operator, manager, employer or such other person in control of every public building where smoking is controlled by this chapter. The color of such signs, when not of the international type, shall have letters that are distinct, contrasting to the background and easily read. The "No Smoking" signs shall be posted, at a minimum on every area which provides an entry to the public building. The sign shall list the ordinance number and applicable fine. The "Smoking" signs shall be posted only in those areas so designated by resolution of the governing body as provided by this chapter.
Section 5. Promulgation of Regulations
The implementation and administration of regulations concerning the Township's designation of the Township's smoking areas shall be approved by resolution as necessary from time to time under this Chapter in accordance with the terms of this Section ___. Prior to implementing any such designations by resolution, the Township Committee shall (a) consult with and obtain input

from the designated Township staff and advisory boards regarding the proposed designated smoking areas. Notwithstanding anything to the contrary contained in this Section ____, any designated areas implemented hereunder shall not contradict the specific terms of this Chapter, nor may the penalties imposed under this Chapter be assessed for a violation of any regulation implemented by the Township Committee, unless such violated regulation was, prior to the violation, adopted by an Ordinance.

Section 6. Enforcement

The provisions of this article shall be enforceable by a police officer or employee of the Township of Middle, as well as by any other individual. Any person seeking to enforce the provision of this ordinance shall be authorized to file a complaint in the Municipal Court of the Township of Middle.

Section 7. Violations and Penalties

A. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this chapter.

B. Unless a greater find is permitted under N.J.S.A. 26:23D-56 et seq., for smoking in specific areas defined therein, in which case such higher level of fine shall be utilized, any person who smokes in an area in which smoking is prohibited shall be guilty of a disorderly persons offense and subject to a maximum fine of $200 for each violation pursuant to N.J.S.A. 2C:33-13.

C. Any person found guilty defacing, tampering with or removing "No Smoking" or "Smoking" signs, which are required by this chapter shall be guilty of a disorderly persons offense and subject to a maximum fine of $200, plus the cost of replacing the sign.

D. Any juvenile adjudicated to have violated the provisions of this article shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this chapter.

ARTICLE II. Construal of Provisions

No provision of this chapter shall be construed or interpreted to allow smoking where it is otherwise restricted or prohibited by other laws.

ARTICLE III. Repealer, Severability and Effective Date

A. REPEALER – Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. SEVERABILITY – In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. EFFECTIVE DATE – This Ordinance shall take effect upon proper passage in accordance with the law.

9. ORDINANCE 1474-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE ESTABLISHING A CODE PERTAINING TO SECONDHAND MERCHANTS AND DEALERS OF PRECIOUS METALS – On motion by seconded by and passed on roll call, Ordinance No. 1474-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/02/2014 at 6:00 p.m.

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:

Section 1. Secondhand Merchants and Dealers of Precious Metals

(A) Definitions. As used in this chapter, the following terms shall have the meanings indicated:

SECONDHAND MERCHANT OR SECONDHAND DEALER OF PRECIOUS METALS

Any person, firm or corporation, who, within the Township, purchases, trades, handles or deals in any secondhand or used watches, jewelry, cutlery, gold, or other precious metals, wrought gold or other wrought precious metals, or any secondhand or used article whatsoever composed or manufactured in whole or in part of gold or other precious metals.

(B) License required.

1. It shall be unlawful for any person, firm or corporation to engage in the business of secondhand merchant or secondhand dealer of precious metals, as defined in this chapter, without first obtaining a license therefore, as hereinafter provided. A separate license shall be required for each location, place or premises used for the conduct of the business of secondhand merchants and secondhand dealers of precious metals.

2. Each application shall be referred to the Chief of Police or his designee, who shall institute whatever investigation of the applicant's business responsibility and criminal history, in the case of owner, and of criminal history only, in the case of a salesman, as is considered necessary for the protection of the public. No license shall be issued to any person who has been convicted of any crime, or a disorderly person offense involving theft. The findings of the Chief of Police or his designee shall be communicated in writing, together with any recommendations which he may have, to the Township Committee within a reasonable time after the application has been filed. The Township Committee shall consider the application at a regular meeting after receiving a report of the investigation. If, based upon the information contained in the application and the report, there is no adverse showing with respect to the applicant's business responsibility, and criminal history, services or activity are free from fraud, in the case of an owner, or there is no indication that the applicant's criminal history is unsatisfactory, in the case of a salesman, the Township Committee may approve the application and the Township Clerk shall then issue the license, provided that the required license fees and bond fees have been paid, and further provided that there are authorized, but unissued, licenses available.

(C) Application.

1. Any person, firm or corporation desiring a license to conduct the business of secondhand merchant or secondhand dealer of precious metals, as defined in this chapter, shall make a written application for a license, which shall contain the full name and address of the applicant and all employees and, if the applicant is a corporation, the full name and address of all its officers and directors.

2. The number of licenses issued under this chapter to businesses dealing in precious metals shall be limited to a maximum of 10, which number is deemed sufficient to meet the public need and prevent the creation of a nuisance to the public. No licensee shall retain custody of any license created hereunder unless he owns and is prepared to operate a business as described herein.
(D) License fee and term.
The license fee to be paid to the Township by any secondhand merchant or secondhand dealer of precious metals shall be $500. The license shall be valid from January 1 to December 31, renewable annually.
(E) Place of business; soliciting on streets; canvassing.
1. Any license issued under the provisions of this chapter shall designate the place in which the secondhand merchant or secondhand dealer shall carry on such business; and such business shall not be carried on or conducted in any other place than that designated in or by such license. No secondhand merchant or secondhand dealer of precious metals shall be permitted to solicit business upon any street or public highway of the Township.
2. No person, firm, or corporation shall conduct a house-to-house canvass for the purchase or sale of secondhand or used watches, jewelry, cutlery, gold, or other precious metals, wrought gold or other wrought precious metals, or any other secondhand or used article whatsoever composed or manufactured in whole or in part of gold or other precious metals, within the Township.
(F) Record of purchases, sales and exchanges; daily reports.
1. Every secondhand merchant and secondhand dealer shall keep a tightly bound book, not loose-leaf, with pages numbered in sequence in which there shall be made at the time of the transaction a record, in English, of every article received, purchased, sold or exchanged by him, setting forth the following: the name, age, sex, residence and a picture with the general description of the individual with whom the transaction is had, the price or consideration paid or received at the time of the transaction and a picture with the description of every article received, sold or exchanged, giving the manufacturer's name or other marks of identification appearing on the same. Every secondhand dealer shall deliver or mail by U.S. Mail, first class, postage prepaid, to the Chief of Police of the Township of Middle, a legible and accurate exact copy of the aforementioned record of purchases, sales and exchanges before any subsequent transaction or changing of the composition or character of the item(s) received by the secondhand dealer.
2. It will be at the discretion of the Chief of Police of the Township of Middle to switch the method of delivery of such notifications to electronic via Internet or electronic mail if said system is established by the Middle Township Police department. Any costs associated with this method will be the responsibility of the dealer.
(G) Record inspection, transmission and maintenance.
1. This book, and all goods, articles, or things purchased, received or kept for sale or exchange by every secondhand merchant and secondhand dealer of precious metals shall be subject to inspection of the Chief of Police of the Township or such persons as may be designated by the Chief of Police.
2. Any secondhand merchant or secondhand dealer of precious metals not at a permanent place of business in the Township shall, at the conclusion of the last day of business in the Township, turn over to the Police Department the book containing the recordation of all purchases, sales and exchanges mentioned in this code.
3. Any secondhand merchant or secondhand dealer of precious metals with a permanent place of business in the Township shall keep said book mentioned in this code for a minimum of one year from the date of the latest transaction recorded in said book.
(H) Storage of purchased goods prior to sale or disposal.
Every secondhand merchant and secondhand dealer of precious metals must keep, without concealment, for a period of 10 days, subject to inspection by any police officer, all goods, wares and merchandise purchased or received from any person before selling, shipping or otherwise disposing of the same. This provision shall be followed in addition to the section above, requiring reports and records.
(I) Use of unlicensed premises prohibited.
No secondhand dealer of precious metals shall make use of any property, private or public, not included within the licensed premises, or bank vault, within the Township, leased to the secondhand dealer for the storage, handling or display of any secondhand article.
(J) Melting, wrecking and remodeling.
No secondhand dealer of precious metals shall take apart or melt up any watch, watch case or article composed or manufactured, in whole or in part, of gold, silver or platinum or other precious metal until he shall have made a record of his intention to do so, along with all other data required to be recorded in the book mentioned in the section above, and unless and until he shall have kept such article in his licensed place of business or bank vault in the Township, leased to the secondhand dealer, for inspection for a period of not less than 10 days after the report provided for under the second above has been made, unless the article proposed to be taken apart, melted up, wrecked or remodeled has been sooner inspected by the Chief of Police or his deputy or received clearance for such melting, wrecking or remodeling.
(K) Display of license.
Every secondhand dealer of precious metals shall maintain and display his license at all times during the period of his license in a conspicuous place or in the licensed premises.
(L) Bond.
Every secondhand dealer of precious metals shall, at the time of receiving such license, execute a bond to the Township of Middle in the penal sum of $10,000 with good and sufficient surety or sureties to be approved by the Township Solicitor conditioned upon the licensee faithfully observing and complying with the provisions of this chapter at all times during the continuance of such license and conditioned further upon a promise to indemnify, keep and hold the Township of Middle harmless against all liabilities, judgments, costs, damages and expenses which may in any way come against the Township in consequence of the issuance of said license or by any act or thing done or neglected to be done by said licensee under and by virtue of the authority granted in

said license or for the failure or neglect of such licensee to observe and comply with the ordinances of the Township relating to the business licensed.
(M) Purchases from minors.
No secondhand dealer of precious metals shall purchase any secondhand article whatsoever from any minor or minors without written parent or guardian consent.
(N) Exceptions.
The provisions of this chapter shall not apply to secondhand material purchased from any regular motor vehicle dealer, public utility corporation, governmental agency, regularly licensed junk dealer, industrial plant or licensed electrical or plumbing contractor, to purchases at judicial sales or to items left for repair.
(O) Suspension or revocation of license; hearing.
In addition to being subject to the penalties provided in this chapter, any license issued under this chapter may be revoked or suspended as outlined, as deemed necessary by the Chief of Police.
(P) Violations and penalties.
For the violation of any provision of this chapter, the maximum penalty, upon conviction of the violation, shall be a fine not exceeding $500 or imprisonment in the county jail for a period not exceeding 90 days, or both. In addition thereto, upon such conviction, the person, firm or corporation violating any of the provisions of this chapter shall be subject to suspension or revocation of the license issued.
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. ORDINANCE NO. 1472-14 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 121, ENTITLED DOGS AND OTHER ANIMALS, TO INCLUDE SECTION PERTAINING TO MIDDLE TOWNSHIP ANIMAL WELFARE ADVISORY COUNCIL – On motion by seconded by and passed on roll call, Ordinance No. 1472-14 was reintroduced and passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/02/2014 at 6:00 p.m.
BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following chapter of the local code is hereby revised as follows:
SECTION 1: Chapter 121 of the Code of the Township of Middle is hereby amended to include the following section:
<u>Middle Township Animal Welfare Advisory Council</u>
<u>Purpose:</u>
The Middle Township Animal Welfare Advisory Council exists for the purpose of promoting and protecting the health, safety and welfare of companion animals in the Township of Middle. The Middle Township Animal Welfare Advisory Council works to promote responsible pet care and to ensure that pets do not suffer due to abuse, neglect or lack of proper care. The purpose of this board is help promote the well-being of domestic and companion animals through our community while providing essential information and recommendations to the governing body of the Township of Middle and Middle Township Department of Animal Control regarding various safety and quality of life issues. Determination to enact legislation regarding these recommendations is at the discretion of the governing body.
<u>Convening the Advisory Council:</u>
The Middle Township Animal Welfare Advisory Council may be convened when a case is brought to the Business Administrator, Chief of Police or Animal Control Officer, and will meet on a case-by-case basis.
<u>Appointment.</u>
The members of the Middle Township Animal Welfare Advisory Council shall consist of seven voting members who are residents of the municipality. The members of said council shall be appointed by the Township Committee of the Township of Middle.
The members on the Middle Township Animal Welfare Advisory Council will consist of the following members:
    1. *Middle Township Animal Control Officer or Substitute Animal Control Officer in his absence.*
    2. *Liaison of Middle Township Police Department*
    3. *7 voting members, one of which who will serve as the Chairman of the Council, and who shall be appointed as the Chairman of the Council by the Township Committee.*
    4. *2 Alternate Members*
    5. *1 Local Veterinarian, to serve in Advisory position*

The Middle Township Animal Welfare Advisory Council shall utilize the services of a board secretary as may be appointed by the Township Committee and shall utilize the services of the Township Solicitor for all legal matters.
<u>Qualifications.</u>
The members of the Middle Township Animal Welfare Advisory Council shall be chosen by virtue of their known and consistent reputation for integrity.
<u>Term of office.</u>
The initial membership shall consist of the council chairman and three additional members holding three-year terms. The remaining three members and two alternate members shall hold two-year terms. Thereafter, all members shall serve for three years. Members of the Council shall serve without pay and serve at the liberty of the Township Committee.
<u>Vacancy.</u>

Any vacancy occurring in the membership of the Middle Township Animal Welfare Advisory Council shall be filled in the same manner as the original appointment for the unexpired term.
Facilities, equipment and supplies.
The Township Committee shall provide the Middle Township Animal Welfare Advisory Council with a location to conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.
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 serverable.
SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

11. RESOLUTION – RENEWAL OF GRAVEL PIT PERMITS – 2014 – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the several gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and
WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and
WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, "recertification is currently recommended" for the following licensees, and
NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2013 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:

NO.	*NAME OF LICENSE*	*BLOCK/LOT*	*ACREAGE*	*FEE*
8	*Court House Sand & Gravel, LLC*	*472/93*	*79.94*	*$600.00*
9	*Indian Trail Sand & Gravel, LLC*	*472/32*	*7.54*	*$400.00*
12	*Pierson Properties, LLC*	*168/2*	*42.21*	*$600.00*
13	*Sam and Helena Bradway*	*1410.01/27*	*12.23*	*$600.00*

FURTHER RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.

12. RESOLUTION – APPOINTMENTS – PART TIME - NEW HIRES – 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 the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	*DEPARTMENT*	*TITLE*	*SALARY*	*EFFECTIVE*
Jessica Pearson	*Tax Collection*	*Keyboarding Clerk 1 P/T T/A*	*$12.00 ph*	*05/05/2014*
Kelly Godfrey	*Municipal Clerk / Registrar*	*Keyboarding Clerk 1 P/T T/A*	*$12.00 ph*	*05/19/2014*
Joseph Gamble	*Public Safety*	*Special Class II Police Officer*	*$12.50 ph*	*05/05/2014*

13. RESOLUTION – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON VERNICK AND WALBERG ENGINEERS (ITEMS A THROUGH E) – On motion by seconded by and passed on roll call, the following resolution was adopted.
    A. *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 engineering services as required to assist the Township of Middle in the FEMA Hazard Mitigation Grant Program – Energy Allocations Initiative for the installation of an emergency generator.
    Remington, Vernick & Walberg Engineers - Engineering Services
    FEMA Hazard Mitigation Grant Program
    Not to Exceed $20,000.00
    B. *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 grant application preparation and submission for the following grant:
    Remington, Vernick & Walberg Engineers – Grant Preparation & Submission
    FY 2014 NJ DOT Safe Routes to School Program
    Not to Exceed $1,800.00
    C. *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 grant application preparation and submission for the following grant:
Remington, Vernick & Walberg Engineers – Grant Preparation & Submission
2014 Transportation Alternatives Program
Not to Exceed $1,800.00

D. *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 engineering and construction observation services as required to assist the Township of Middle during the Ockie Wisting Recreation Complex park improvements
Remington, Vernick & Walberg Engineers - Engineering Services
Park Improvements – Ockie Wisting Recreation Complex
Not to Exceed $72,000.00

E. *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 engineering services as required to assist the Township of Middle in the FY 2014 NJDCA Small Cities Program – ADA Improvements
Remington, Vernick & Walberg Engineers - Engineering Services
FY 2014 NJDCA Small Cities Program – ADA Improvements
Not to Exceed $30,000.00

14. RESOLUTION – ACCEPTANCE OF ROAD INTO MAINTENANCE SYSTEM – EXTENSION OF TIMBERLEA LANE – SAND CASTLE ESTATES – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the improvements located at Block 95.06 Lot 14-17, otherwise known as Timberlea Lane, are complete; and
WHEREAS, the Township has already released the performance bond and received the maintenance bond for said project, as approved via Resolution 210-14.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the extension known as Timberlea Lane, in Sand Castle Estates, be and hereby is accepted into the Township road system for continuous maintenance.

15. RESOLUTION – AUTHORIZING GRANT APPLICATION (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.

A. *WHEREAS, the Township of Middle desires to apply for and obtain a grant from the New Jersey Department of Transportation, which provides funding for non-traditional transportation projects that enhance cultural, aesthetic and environmental aspects of the transportation system.*
Be it therefore RESOLVED,
1) that the Township of Middle does hereby authorize the application for such a grant, and,
2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Transportation, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Transportation.
Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith.

B. *WHEREAS, the Township of Middle desires to apply for and obtain a grant from the New Jersey Department of Transportation, which provides funding for construction of projects to include installation of sidewalks, crosswalks, bike lands, etc.*
Be it therefore RESOLVED,
1) that the Township of Middle does hereby authorize the application for such a grant, and,
2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Transportation, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Transportation.
Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith:

16. RESOLUTION – APPOINTING MUNICIPAL HOUSING LIAISON – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Governing Body of Middle Township petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 23, 2005; and
WHEREAS, Middle Township's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and
WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Middle Township is required to appoint a Municipal Housing Liaison for the administration of Middle Township's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and
WHEREAS, Middle Township has amended Chapter 25 entitled HOUSING AUTHORITY AND FURTHERMORE CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING MIDDLE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT to provide for the appointment of a Municipal Housing Liaison to administer Middle Township's affordable housing program.
NOW THEREFORE BE IT RESOLVED, by the Governing Body of Middle Township in the County of Cape May County, and the State of New Jersey that Anne Garrison is hereby appointed by the Governing Body of Middle Township as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Chapter 25 of the Township of Middle.

17. RESOLUTION – APPOINTING COAH TRUST FUND PREPARER – On motion by seconded by and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Governing Body of Middle Township in the County of Cape May County, and the State of New Jersey that Anne Garrison is hereby appointed by the Governing Body of Middle Township as the COAH Trust Fund Preparer.

18. RESOLUTION – AUTHORIZING APPLICATION – NEW JERSEY DIVISION OF TRAVEL AND TOURISM (COOPERATIVE MARKETING OF 2015 OLD TYME HARVEST FESTIVAL) – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle desires to apply for and obtain a grant from NEW JERSEY DIVISION OF TRAVEL AND TOURISM for approximately $5,000.00 to market the township's 2015 Old Tyme Harvest Festival.
NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the application for such a grant, and
BE IT FURTHER RESOLVED, that the Township of Middle hereby recognizes and accepts that the organization may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from said organization, does further authorize the execution of any such grant agreement; and also, further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and NEW JERSEY DIVISION OF TRAVEL AND TOURISM
BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith.

19. RESOLUTION – CANCELLATION OF FORECLOSURE GROUP #191 – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, it appears to be in the best interest of this Township to rescind Resolution #505-12 adopted on October 12, 2012 and cancel foreclosure group #191.

20. RESOLUTION – FORECLOSURE GROUP #192 – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #192 be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of Certificates to Attorney Eric C. Garrabrant, Esq. to proceed to Foreclose in Rem, the lands and premises covered by said certificates.

21. RESOLUTION – CANCELLATION OF TAXES – On motion by seconded by and passed on roll call, the following resolution was adopted.
Cancellation due to Mr. Mitchell has been granted 100% disabled American Veteran Status as of 1/16/2014. County tax board judgment received on 4/24/2014:

ACCOUNT	*BLOCK*	*LOT*	*OWNER / LOCATION*	*2014*
18171	*1436.03*	*5*	*Mitchell, William L & Margaret P* *Property location: 115 Aberdeen Way*	*$2,225.30*

Cancellation due to Mr. Migliore has been granted 100% disabled American Veteran Status as of March 25, 2014:

ACCOUNT	*BLOCK*	*LOT*	*OWNER / LOCATION*	*2014*
16948	*164.02*	*26*	*Migliore, Albert R & Gayle A* *Property location: 9 New River Rd*	*$1,235.92*

22. RESOLUTION – REFUND OF TAXES – On motion by seconded by and passed on roll call, the following resolution was adopted.
Refund due to Mr. Mitchell has been granted 100% disabled American Veteran Status as of 1/16/2014. County tax board judgment received on 4/24/2014.

ACCOUNT	*BLOCK*	*LOT*	*OWNER / LOCATION*	*2014*
18171	*1436.03*	*5*	*Mitchell, William L & Margaret P* *115 Aberdeen Way* *Rio Grande, NJ 08242* *Property Location: 115 Aberdeen Way*	*$1,004.09*

Refund due to Mr. Migliore has been granted 100% disabled American Veteran Status as of March 25, 2014.

ACCOUNT	*BLOCK*	*LOT*	*OWNER / LOCATION*	*2014*
16948	*164.02*	*26*	*Migliore, Albert R & Gayle A* *9 New River Rd* *Cape May Court House, NJ 08210* *Property location: 9 New River ROAD*	*$65.04*

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.

23. RESOLUTION – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND BOROUGH OF AVALON – CLERICAL SERVICES – 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 appropriate officials are hereby authorized and directed to sign said Shared Services Agreement with the Borough of Avalon for the term of April 25, 2014 through June 30, 2014, for administrative and clerical assistance within the Office of the Municipal Clerk for the Borough of Avalon.

24. RESOLUTION – APPOINTING MUNICIPAL LIAISON TO THE CONCERNED CITIZENS OF WHITESBORO – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Governing Body of Middle Township desires to appoint a municipal liaison to the Concerned Citizens of Whitesboro, and
WHEREAS, the Concerned Citizens of Whitesboro provide an invaluable service to the Township of Middle and especially the residents of Whitesboro, and
WHEREAS, it is in the best interest of the citizens of Whitesboro to have a liaison who will report issues of interest directly to the governing body.
NOW THEREFORE BE IT RESOLVED, by the Governing Body of Middle Township in the County of Cape May County, and the State of New Jersey that Melanie Collins is hereby appointed by the Governing Body of Middle Township as the Municipal CCW Liaison of the Township of Middle for a term of three years with an term expiration date of 12/31/16.

25. 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 Cape May County #44, Disabled American Veterans, Inc. have applied for approval to sell alcoholic beverages at an event to be held at 1010 Bayshore Road (outside vacant lot), Del Haven, on May 26, 2014 from 1:00 p.m. to 6:00 p.m., and*
    WHEREAS, they have provided proper documentation to the Township of Middle,
    NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
    B. *WHEREAS, the Habitat for Humanity, Cape May County has applied for approval to sell alcoholic beverages at an event to be held at 905 Rte 9 North, CMCH (otherwise known as Stone Harbor Golf Club), on June 23, 2014 from 12:00 p.m. to 9:00 p.m., and*
    WHEREAS, they have provided proper documentation to the Township of Middle,
    NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

26. RESOLUTION – APPROVE TRANSIENT MERCHANT VENDOR LICENSE (ITEMS A THROUGH C) – On motion by seconded by and passed on roll call, the following resolution was adopted.
    A. *WHEREAS, Armen Avetisyan dba A&T Ice LLC. has applied for a Vendor's License to operate an ice cream truck in Middle Township; and*
    WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid; and
    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 vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from May 5, 2014 through December 31, 2014.
    B. *WHEREAS, Blum Family LLC. dba Kona Ice Cape May has applied for a Vendor's License to operate an water ice truck in Middle Township,*
    WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.
    THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by

the Township of Middle to operate a water ice truck in Middle Township from May 5, 2014 through December 31, 2014.

C. *WHEREAS, James R. Brown dba Jim's Mister Softee of Cape May County, LLC. has applied for a Vendor's License to operate an ice cream truck in Middle Township,*
WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.
THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from May 5, 2014 through December 31, 2014.

27. RESOLUTION – AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, there is a need to lease various a copy machine/ printer for the Township of Middle, in the County of Cape May, State of New Jersey; and
WHEREAS, machines will be leased for the following department:
1. Zoning Department
WHEREAS, this can be leased through State Contract #A51464, and
WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.
NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:
CIT Leasing
21146 Network Place
Chicago, IL 60673
For the lease/purchase of copier machines/ printer for 36 months in the amount of $210.00 per month.

28. 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*
Basketball Team Practice *(Rental fee is for practice only. Rental is for entire gym and/or outside basketball court)*	*$35.00 per hour, for first 2 hours.* *$10.00 for each additional hour.*

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

29. RESOLUTION – APPROVE LEAVE OF ABSENCE – 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 Donald Mabry is hereby approved from May 24, 2014 through August 8, 2014.

30. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – VOIP NETWORKS – PHONE HARDWARE, SOFTWARE AND SERVER REPAIRS AND SUPPORT – 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 Agreement between voIP Networks and the Township of Middle for phone hardware and software support and repairs; be and is hereby ratified and the contract is hereby awarded for a two (2) year term, through the Non-Fair and Open Process as described in Pay-To-Play Statutes.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
VOIP Networks - phone hardware and software support and repairs
Not to exceed $10,815.99
** Coverage Period 07/01/2014 through 07/01/2016*

31. RESOLUTION – AUTHORIZE ACCEPTANCE – COUNTY OF CAPE MAY, EMERGENCY MANAGEMENT AGENCY ASSISTANCE PERFORMANCE GRANT – On motion by seconded by and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that approval for acceptance of the County of Cape May, Emergency Management Agency Assistance Performance Grant in the amount of $10,000.00 be and is hereby approved.
FURTHER RESOLVED, that Middle Township Emergency Management Coordinator Paul Fritsch is named as the Contact Person and that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

32. RESOLUTION – CLOSED SESSION – LITIGATION (POLICE MATTERS) – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and
WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and
WHEREAS, said Closed Session shall be held directly after this open session.
NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: LITIGATION (POLICE MATTERS)
2.) The general nature of the subject matter to be discussed is as follows:
LITIGATION (POLICE MATTERS)
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.

33. RESOLUTION – AMENDING ADOPTED PERSONNEL POLICY MANUAL / HANDBOOK – RE: EDUCATIONAL BENEFITS / REIMBURSEMENT - On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has a policy regarding Educational Benefits and Reimbursements, and
WHEREAS, it has been deemed necessary to amend said section, as previously adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the section as indicated shall hereby be amended to include the following additional information as attached, as well as "employee request sheet".
BE IT FURTHER RESOLVED, that a copy of said form shall be distributed to each Township Committeemember, Township Administrator, Township Solicitor, and Head of each Department as an addition to said manual and further shall be utilized by the Human Resources & Training Department accordingly.
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 serverable.

34. RESOLUTION – AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT – TEAMSTERS LOCAL UNION NUMBER 676 – 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 Memorandum of Agreement with the Teamsters Local Union Number 676.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

35. RESOLUTION – APPOINTMENTS – VOLUNTEER BOARD – MIDDLE TOWNSHIP ANIMAL WELFARE ADVISORY COUNCIL – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, The Township of Middle has recently formed a volunteer board known as the Middle Township Welfare Advisory Council, formed via Ordinance No. 1472-14, and
WHEREAS, it is necessary to appoint the council members via Resolution and establish terms of office.
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 Animal Welfare Advisory Council for the term of office opposite their name:

NAME	*POSITION*	*TERM EXPIRES*
Madelyn McCarroll	*Member, Chairperson*	*12/31/2016*
Rick Eufrasio	*Member*	*12/31/2016*
Suzanne Callinan	*Member*	*12/31/2016*
Vilma Pombo	*Member*	*12/31/2016*
Karen Buckingham	*Member*	*12/31/2015*
Diane Lange	*Member*	*12/31/2015*
Chuck Marriner	*Member*	*12/31/2015*
Stefanie Facciolo	*Alternate Member*	*12/31/2015*
Jen Modica	*Alternate Member*	*12/31/2015*

36. RESOLUTION – SALARY AMENDMENT – STIPEND – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, David May is the secretary to both the Zoning and Planning Boards, and
WHEREAS, Mr. May receives a stipend in connection with both positions.
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 stipends are hereby amended as follows:

NAME	*BOARD*	*TITLE*	*STIPEND*	*EFFECTIVE*
David May	*Zoning Board*	*Secretary*	*$1700.00*	*05/05/2014*
David May	*Planning Board*	*Secretary*	*$1700.00*	*05/05/2014*

37. RESOLUTION – SELF EXAMINATION OF BUDGET – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and
WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and
WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.
NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:
1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
a. Payment of interest and debt redemption charges
b. Deferred charges and statutory expenditures
c. Cash deficit of preceding year
d. Reserve for uncollected taxes
e. Other reserves and non-disbursement items
f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
a. All estimates of revenue are reasonable, accurate and correctly stated,
b. Items of appropriation are properly set forth
c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.
BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.
CERTIFICATION OF APPROVED BUDGET
It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.
It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

38. RESOLUTION – RESOLUTION TO AMEND 2014 BUDGET – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the local municipal budget for the year 2014 was approved on the 5th day of March, 2014 and
WHEREAS, the public hearing on said budget has been held as advertised, and
WHEREAS, it is desired to amend said approved budget, now
THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May that the following amendments to the approved budget of 2014 be made:

Recorded Vote (((
((Abstained(
Ayes(Nays((
((
((Absent(

CURRENT FUND:		
	From	To
GENERAL REVENUES		
1. Surplus Anticipated	$ 1,290,000.00	$ 1,377,000.00
Total Surplus Anticipated	1,290,000.00	1,377,000.00
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:		
Bullet Proof Vest Partnership - Federal	-	3,835.00
Health and Wellness Fund - Allen Associates	-	500.00
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues	127,793.97	132,128.97
Total Miscellaneous Revenues	6,130,436.58	6,134,771.58
5. Sub-Total General Revenues	8,420,436.58	8,511,771.58
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes incl Reserve for Uncoll. Taxes	12,551,282.30	12,313,100.11
Total Amount to be Raised by Taxes for Support of Municipal Budget	12,551,282.30	12,313,100.11
7. Total General Revenues	20,971,718.88	20,824,871.69
ANTICIPATED APPROPRIATIONS:		
8. General Appropriations:		
A) Operations - Within "CAPS"		
INSURANCE		
Employee Group Health	3,541,650.00	3,529,650.00
PUBLIC WORKS FUNCTIONS:		
Road Repairs and Maintenance		
Salaries and Wages	855,000.00	820,000.00
Total Operations within "CAPS"	16,072,670.00	16,025,670.00
Total Operations including Contingent within "CAPS"	16,072,670.00	16,025,670.00
Detail:		
Salaries and Wages	8,123,319.00	8,088,319.00
Other Expenses	7,949,351.00	7,937,351.00
E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS"		
2) Statutory Expenditures		
Contribution to:		
Public Employees Retirement System	359,361.00	323,425.00
Police and Firemen's Retirement System	987,039.00	923,223.00
Total Deferred Charges and Statutory Expenditures - Municipal within "CAPS"	2,035,165.06	1,935,413.06
(H-1) Total General Appropriations for Municipal Purposes within CAPS	18,107,835.06	17,961,083.06
Public and Private Programs Offset by Revenues:		
Bullet Proof Vest Partnership - Federal	-	3,835.00
Health and Wellness Fund - Allen Associates	-	500.00
Total Public and Private Programs Offset by Revenues	137,730.97	142,065.97
Total Operations Excluded from "CAPS"	245,794.97	250,129.97
Detail:		
Other Expenses	115,794.97	120,129.97
(H-2) Total General Appropriations for Municipal Purposes Excluded from CAPS	1,976,639.97	1,980,974.97
(O) Total General Appropriations Excluded from CAPS	1,976,639.97	1,980,794.97
(L) Subtotal General Appropriations (Items H-1 and O)	20,084,475.03	19,942,058.03
(M) Reserve for Uncollected Taxes	887,243.85	882,813.66
9. Total General Appropriations	20,971,718.88	20,824,871.69
DEDICATED SEWER UTILITY BUDGET:		
10. Dedicated Revenues from Sewer Utility		
Operating Surplus Anticipated	247,877.00	295,119.00
Total Sewer Utility Revenues	4,083,877.00	4,131,119.00
11. Appropriations for Sewer Utility		
Operating:		
Salaries and Wages	182,427.00	200,669.00
Other Expenses	210,000.00	227,000.00
Insurance	184,450.00	196,450.00
Total Sewer Utility Appropriations	4,083,877.00	4,131,119.00

39. RESOLUTION – ADOPT 2014 BUDGET – 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2014 was introduced and approved at a regular meeting of the Township Committee held on March 5, 2014 and was thereafter advertised in the Herald-Times in its issue on March 12, 2014, which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing; and
BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2014 was hereby read by title only, and also had public hearing on April 21, 2014; and
FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2014; and
FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2014 is hereby adopted with amendment.

40. PUBLIC COMMENT:

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

Motion to return to open morning –
1st 2nd
Pass on Roll Call:

Motion to adjourn meeting –
1st 2nd
Pass on Roll Call: