Cape May Court House, NJ
June 2, 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, and Municipal Solicitor Marcus Karavan,.

1. PRESENTATION BY MAYOR – ELIZABETH SIMPKINS, APRIL 2014 MIDDLE TOWNSHIP EMPLOYEE OF THE MONTH

2. PRESENTATION – 10TH ANNUAL MIDDLE TOWNSHIP DRUM FISH TOURNAMENT AWARDS

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

4. 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. $1,860,766.89

5. 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. $893.00

6. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST C (Kelly Products) – 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. $233.29

7. 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 5/19/2014; Board of Health 5/19/2014; Regular Meeting 5/19/2014; Closed Session 5/19/2014.

8. REPORTS: The following departments have submitted their reports for the months indicated:

9. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1472-14 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, 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: Middle Township Animal Welfare Advisory Council Purpose: 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 .Convening the Advisory Council:
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.
Appointment. 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. Qualifications. The members of the Middle Township Animal Welfare Advisory Council shall be chosen by virtue of their known and consistent reputation for integrity. Term of office. 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. Vacancy. 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 severable.
SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

10. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1473-14 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 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.

11. ORDINANCE NO. 1474-14 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE ESTABLISHING A CODE PERTAINING TO SECONDHAND MERCHANTS AND DEALERS OF PRECIOUS METALS – Following second reading, hearing, and consideration for adoption, Ordinance 1474-14 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 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.

12. REINTRODUCTION OF ORDINANCE NO. 1476-14 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, Ordinance No. 1476-14 was reintroduced and passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/07/2014 at 6:00 p.m.
** amended to add title:*

Asst. Public Works Superintendent	*$18,720.00*	*$65,000.00*
Public Information Officer	*$1.00*	*$5,000.00*
Public Works Repairer	*$18,720.00*	*$42,000.00*
Supervisor Public Works	*$18,720.00*	*$45,000.00*

13. ORDINANCE NO. 1477-14 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT – On motion by seconded by and passed on roll call, Ordinance No. 1477-14 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/07/2014 at 6:00 p.m.
WHEREAS the Middle Township Planning Board granted an approval to Dearborn Land Improvements, LLC as memorialized in Planning Board Resolution # 121104F , dated February 11, 2014 with regard to the property known and identified as Block 13.02 Lots 18 and 19; and
WHEREAS Grace Oil Company Inc. is the current Owner of the aforementioned parcel and has contracted to sell same to Dearborn Land Improvements, LLC , the applicant in the approval; referenced above; and
WHEREAS said approval requires an agreement between the property owner and the Township, which owns the abutting Beaver Dam Road, with regard to storm water runoff; and
WHEREAS Grace Oil Company Inc. and the Township desire to create a storm water drainage and discharge easement to transport the storm water runoff from that portion of Beaver Dam Road which directly fronts along the southerly portion of Block 13.02, Lots 18 and 19 (the "Servient Estate") , upon and across said Servient Estate, as more clearly depicted in the Exhibits annexed hereto as A-1 and A-2 ;
NOW, THEREFORE BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle, that the following is hereby adopted as an Ordinance of the Township of Middle, as follows:
SECTION 1. The recitations above are incorporated herein as if set forth at length.
SECTION 2. The Mayor and Township Clerk are hereby authorized to execute the annexed "Drainage Easement "Agreement authorizing the creation of a storm water drainage easement and discharge easement as outlined herein.
SECTION 3.. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.
SECTION 4. This ordinance shall take effect after final adoption and publication as required by law.

14. RESOLUTION – SEWER ADJUSTMENT – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, Block 245, Lot 7 located at 215 Stites Avenue in the Township of Middle was billed as of January 1, 2014 for sewer rent; and WHEREAS, Mr. Hewitt did not actually connect to the sanitary sewer system until 5/28/2014. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the sewer bill for the above block and lot is hereby adjusted by $233.34 for 2014.

15. RESOLUTION – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH C) – On motion by seconded by and passed on roll call, the following resolution was adopted.
(A) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget; and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount; and NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2014 in the sum of: 2013 Green Communities Grant $3,000.00 BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption: 2013 Green Communities Grant$3,000.00

(B) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2014 in the sum of: 2014 Clean Communities Grant $45,407.49 BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption: 2014 Clean Communities Grant $45,407.49

(C) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof

was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2014 in the sum of: NJDOT Reconstruction Third Street Grant $174,000.00
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption: NJDOT Reconstruction Third Street Grant $174,000.00

16. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – 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 resignation listed below, is acknowledged.

EMPLOYEE	*DEPARTMENT*	*POSITION*	*EFFECTIVE*
Christopher Anderson	*Public Works*	*Laborer 1 P/T*	*05/28/2014*
Pamela Vanderwende	*Human Resources & Training Dept.*	*Employee Benefits Clerk*	*05/30/2014*

17. 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 the following employees are hereby appointed to the following positions at the salaries opposite their name:

NAME	*DEPARTMENT*	*TITLE*	*SALARY*	*EFFECTIVE*
Pamela Vanderwende	*Human Resources & Training Dept.*	*Employee Benefits Clerk P/T*	*$12.00 ph*	*06/04/2014*
Patricia Cornwell	*Police Records*	*Keyboarding Clerk 1*	*$18,720.00*	*06/02/2014*

18. RESOLUTION – SALARY ADJUSTMENT – 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 employee salary be amended to the amount opposite their name:

NAME	*DEPARTMENT*	*TITLE*	*SALARY*	*EFFECTIVE*
Jeanette Moore	*Administration*	*Clerk 1 P/T*	*$12.00 p/h*	*06/02/2014*
Michael Linz	*Public Safety*	*SPVG EMERG MEDCL TECHN* *Deputy EMT Chief**	*$44,343.00*	*06/02/2014*

*In House Title

19. RESOLUTION – APPOINTMENT – PUBLIC INFORMATION OFFICER – 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 positions at the salaries opposite their name:

NAME	*TITLE*	*STIPEND*	*EFFECTIVE*
Anne Garrison	*Public Information Officer*	*$5,000.00*	*07/01/2014*

20. RESOLUTION – AMENDING RESOLUTION 283-14 – RESCIND APPOINTMENT – 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 Resolution 283-14 is hereby amended to remove the following employee appointment.

NAME	*DEPARTMENT*	*TITLE*	*SALARY*	*EFFECTIVE*
Kelly Keller	*Public Safety*	*PS Telecommunications Operator P/T*	*$13.49 ph*	*05/19/2014*

21. RESOLUTION – APPROVE CHANGE ORDER NO. 1 – HOUSING REHABILITATION CONTRACT NO. 2013-3 – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, Housing Rehabilitation Contract No. 2013-3 was awarded October 21, 2013 via Resolution No. 533-13 to Steve Levick Construction LLC; NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Steve Levick Construction, LLC be and is hereby approved in the amount of $1,200.00.

22. RESOLUTION – APPROVE REQUEST FOR LEAVE WITH PAY – MILITARY (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.
    (A) WHEREAS, Police Officer Raymond Bradley was called to Active Military Duty, and WHEREAS, he is being placed on a military absence for a period from May 18, 2014 until August 18, 2014, and WHEREAS, N.J.S.A. 38A: 4-4 requires Government Entities to pay organized militia on military leave for a period not to exceed ninety (90) workdays. THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that Police Officer Raymond Bradley shall be granted paid Military Leave for a period of ninety (90) workdays and will utilize accrued time thereafter until return, if applicable.
    (B) WHEREAS, Police Officer Matthew Martino was called to Active Military Duty, and WHEREAS, he is being placed on a military absence for a period from May 18, 2014 until August 18, 2014, and WHEREAS, N.J.S.A. 38A: 4-4 requires Government Entities to pay organized militia on military leave for a period not to exceed ninety (90) workdays. THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that Police Officer Matthew Martino shall be granted paid Military Leave for a period of ninety (90) workdays and will utilize accrued time thereafter until return, if applicable.

23. 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.

24. RESOLUTION – APPOINTING A CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY HELPLINE FOR THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND – On motion by seconded by and passed on roll call, the following resolution was adopted.
    WHEREAS, the Governing Body of the Township of Middle hereinafter referred to as "MUNICIPALITY", is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND", and WHEREAS, the FUND has purchased Employment Practices Liability coverage from XL Insurance Company, and WHEREAS, XL Insurance has arranged for the Fund members to have access to an EPL Helpline service, and WHEREAS, the Helpline will provide services ranging from online resources to attorneys that cover various HR & employment issues, and WHEREAS, the FUND requires that the MUNICIPALITY designate specific managerial or supervisory individuals who will have access to the Helpline. NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby appoint Kimberly Krauss as its contact person. BE IT FURTHER RESOLVED, that the Governing Body of the Township of Middle does hereby appoint Vera Kalish as their additional contact person.

25. RESOLUTION – APPROVE RETURN FROM LEAVE OF ABSENCE – 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 leave of absence for William Markee will be ending and authorization to return to work on 06/14/2014 has been approved.

26. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PYROTECNICO –FIREWORKS DISPLAY – 4th OF JULY CELEBRATION – 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 Pyrotecnico and the Township of Middle for the fireworks display at the July 4, 2014, Middle Township Fourth of July Celebration, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement. FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund. Pyrotecnico----- 4th of July Celebration ---- $7,500.00

27. RESOLUTION – SUPPORTING A PROPERTY TAX REWARDS PROGRAM TO BE IMPLEMENTED AS PART OF THE MIDDLE TOWNSHIP SHOP LOCAL CAMPAIGN – On motion by seconded by and passed on roll call, the following resolution was adopted.
    WHEREAS, the Township Committee of the Township of Middle desires to stimulate local commerce in Middle Township by encouraging the patronage of Middle Township-based businesses by local residents; and
    WHEREAS, the Township Committee has determined it is appropriate to permit "reward" type programs that act as enhancement which will give Middle Township taxpayers a financial incentive to patronize participating Middle Township-based businesses through the payment of residential property taxes; and WHEREAS, the Township Committee of the Township of Middle believes that the implementation of this system will benefit Middle Township-based businesses and resident taxpayers. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:
    1. The Township Committee supports the implementation of the Property Tax Reward Program and hereby authorizes the Township Business Administrator and Municipal Clerk, in

coordination with the Township Economic Development Council, to coordinate the implementation.

2. The program shall be administered solely by the vendor who shall undertake to register interested taxpayers and Middle Township-based businesses.

3. The Township shall establish the necessary reporting requirement for any payment of taxes made to the Township by the vendor. The Township shall not be responsible for any impact of program participation on mortgage escrow calculations. The Township shall not be responsible for any changes in property ownership.

28. RESOLUTION – OPPOSING INCLUSION OF THE SUMMER WORK TRAVEL PROGRAM IN FEDERAL LEGISLATION PERTAINING TO COMPREHENSIVE IMMIGRATION REFORM AND THE FORTE ACT – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle supports the continuation and protection of the U.S. State Department managed J-1 Visa Summer Work Travel Program, which allows international college students to come to the United States to work and travel for a period of up to four months during their summer season break prior to returning to school in their home country, and WHEREAS, the J-1 Visa Summer Work Travel Program provides important cultural diversity as well as very important seasonal supplement to businesses in Cape May County and is integral to the success of our seasonal tourism industry, and WHEREAS, the Summer Work Travel Program was created to promote educational and cultural exchanges with other countries and has been as important public diplomacy tool for the Department of State and has a successful track record spanning over fifty years, and WHEREAS, Tourism is the number one job creator in Cape May County and is the 3rd largest industry in New Jersey, and WHEREAS, students who participate in the SWT in Cape May County provide a valuable asset to the local economy by enabling many seasonal businesses to be open when the local workforce is not available or sufficient in numbers, and WHEREAS, although supplemental to our local workforce, if the SWT program were to be eliminated, Cape May County would experience huge economic losses due to our insufficient number of available local workers between March and October as well as the loss of jobs that are supported by the SWT program, and WHEREAS, the Summer Work Travel Program students comprise a small, but important, part of our Cape May County community, and WHEREAS, the Summer Work Travel Program is being incorrectly incorporated into the comprehensive immigration reform bill (S. 744) which passed the Senate in 2013 and has been included in the language of the FORTE ACT, H.R. 4586, and WHEREAS, inclusion in either federal legislative actions would have a devastating impact on the Summer Work Travel Program and there the Cape May County tourism economy; NOW, THEREFORE, BE IT RESOLVED that the Township of Middle recognizes the Summer Work Travel Program as an independent, cultural, public diplomacy program overseen by the Department of State and further recognizes this program as a benefit to the Cape May County, New Jersey tourism economy, and; BE IT FURTHER RESOLVED that, Township of Middle opposes incorporation of the Summer Work Travel program in comprehensive immigration reform legislation and the FORTE ACT.

29. RESOLUTION – CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW UNION) – 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: CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW UNION)
2.) The general nature of the subject matter to be discussed is as follows:
CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW UNION)
3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED
4.) This Resolution shall take effect immediately.
Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.
This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.
The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

30. RESOLUTION – AUTHORIZING APPLICATION – NJ DEP LAND USE REGULATION APPLICATION (LURP) – 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 authorization is hereby granted to Remington Vernick and Walberg Engineers to apply for the NJDEP Lurp Permit, on behalf of the Township, for the Grassy Sounds Sanitary Sewer Project FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents.

31. 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.

32. RESOLUTION – CANCELLATION OF TAXES – On motion by seconded by and passed on roll call, the following resolution was adopted.
Cancellation due to the following residents as they have been granted 100% disabled American Veteran Status as of May 5, 2014:

ACCOUNT	*BLOCK*	*LOT*	*OWNER / LOCATION*	*2014*
6391	*408*	*15*	*Cantz, Gerald & Deborah* *Property location: 21 S 5th Street*	*$595.22*
18193	*1436.04*	*9*	*Griffies, Joseph F & Colleen M* *Property location: 317 Aberdeen Way*	*$739.41*

33. RESOLUTION – REFUND OF TAXES – On motion by seconded by and passed on roll call, the following resolution was adopted.
Refund due to the following residents has they been granted 100% disabled American Veteran Status as of May 5, 2014:

ACCOUNT	*BLOCK*	*LOT*	*OWNER / LOCATION*	*2014*
6391	*408*	*15*	*Cantz, Gerald & Deborah* *21 S. 5th Street* *Del Haven, New Jersey 08251* *Property location: 21 S. 5th Street*	*$595.22*
18193	*1436.04*	*9*	*Griffies, Joseph F & Colleen M* *317 Aberdeen Way* *Rio Grande, New Jersey 08242* *Property location: 317 Aberdeen Way*	*$739.41*

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.

34. RESOLUTION – RENEWAL OF ALCOHOLIC BEVERAGE LICENSES – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, certain licensees have filed for renewal of their Alcoholic Beverage License for one (1) year beginning July 1, 2014, and
WHEREAS, the said applications are in due and proper form with the fee of $720.00 for each Plenary Retail Consumption License and Retail Distribution License; $188.00 for each Club License and with no objection filed with all $200.00 State Filing Fees received and forwarded, THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Consumption License to:
Rio Station Inc. 0506-33-001-007
Avalon Development & Golf, Inc. 0506-33-005-007
Menz Restaurant, Inc. 0506-33-012-001
BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Distribution License to:
Matteras Liquor trading as Joe Canals Discount Liquor 0506-44-003-007
Acme Markets, Inc. T/A Acme – 0506-44-013-003
BE IT FURTHER RESOLVED,that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Club License to:
Royal Oaks Club Inc.0506-31-011-001
Cape May County Chapter 44 Disabled American Veterans 0506-31-010-001
Jersey Devil Country Club, Inc. dba The Links Club 0506-31-008-002
BE IT FURTHER RESOLVED, that these licenses be signed, sealed and delivered by the Clerk of the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.

35. RESOLUTION – LATERAL TITLE CHANGE – 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 the civil service title for the following employee is hereby changed to the lateral title opposite their name:

NAME	*DEPARTMENT*	*TITLE*	*SALARY*	*EFFECTIVE*
Allan Cropper	*Public Works*	*Public Works Repairer*	*$41,318.00*	*06/01/2014*

36. RESOLUTION – PROMOTIONAL TITLE CHANGE – 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 the following employee is hereby promoted to the title opposite their name:

NAME	*DEPARTMENT*	*TITLE*	*SALARY*	*EFFECTIVE*
Christopher Camp	*Public Works*	*Assistant Public Works Superintendent*	*$56,560.00*	*06/01/2014*

37. 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: