

Cape May Court House, NJ  
October 5, 2015  
REGULAR MEETING  
FLAG SALUTE  
THIS MEETING IS BEING RECORDED:

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

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

1. **\*\*TABLED\*\*** PRESENTATION BY MAYOR – “MIDDLE MATTERS”
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.)

*Vilma Pombo –*

*Confirmed depth of Gravel Pit Ordinance remaining at 30 feet.*

*Marc Karavan –*

*Confirmed no depth change. Ordinance list amendments to Ordinance only.*

3. RESOLUTION 426-15 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$3,078,123.13
4. RESOLUTION 427-15 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Work Session 9/21/2015 and Regular Meeting 9/21/2015.
5. REPORTS: The following departments have submitted their reports for the months indicated: Zoning for the month of September; Sewer for the month of September; Municipal Clerk for the month of September; and Construction for the month of September.
6. ORDINANCE 1509-15 – AN ORDINANCE AMENDING CHAPTER 132, ENTITLED “EXCAVATION AND SOIL REMOVAL” OF THE CODE OF THE TOWNSHIP OF MIDDLE, ORIGINALLY ADOPTED ON FEBRUARY 17, 1983 AS ORDINANCE # 448-83 AND ALL AMENDMENTS THERETO – Following second reading, hearing, and consideration for adoption, Ordinance 1509-15 was adopted on motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that CHAPTER 132 of the CODE OF THE TOWNSHIP OF MIDDLE be and is hereby amended as follows:  
SECTION 1: Article 132-1 shall be amended as follows:
  1. The existing section labeled “License Required “shall be relabeled as section 132 – 1A.
  2. The following section shall be added as section 132–1 and shall be entitled "Definitions":  
APPLICANT: The person who is the owner of the property where mining or excavation is to take place or is the permissive user of such a land who is seeking a license under this ordinance.  
APPLICATION: The form(s) described herein will which be disseminated annually to current licensees by the Township Clerk and is incorporated herein by this reference. Said form will also be available online at the Township website.  
BUFFER: That area along the border of an excavation site in which no mining activity or disturbance is to take place; however, reasonable access will be permitted thru the buffer to access the mining operations.  
PURPOSES: The sale or commercial use of the sand or other product which is excavated, as distinguished from personal use of the product by the owner of the ground at the place where the same is excavated.  
DISTRICT: The Cape Atlantic Soil Conservation District.  
EXCAVATION: The digging or mining of resource extraction materials.  
MINING: Is hereby defined as being synonymous with excavation and including all digging/and or mining related activities  
RESOURCE EXTRACTION MATERIALS: Sand, gravel, earth, soil or mineral products of the soil.  
RESTORATION: Is the process of restoring areas where excavation and related activities have taken place after the conclusion of all excavation activity.

ROADS OR HIGHWAYS: All State, County, Township or local roads, excluding private roads or private rights-of-way.

SITE: The area which has been licensed pursuant to the provisions of this chapter.

SECTION 2: Article 132-2, subsection D shall be amended to read as follows:

(1) Failure to provide a complete application and all other filings required under the terms of this chapter by the November 1st deadline shall result in the following:

- (a) For late filing between November 2 and November 30: an additional \$250 fee.
- (b) For late filing between December 1 and December 31: an additional \$500 fee. Failure to file by December 31 shall result in the immediate cessation of all operations until proper filing has been made.
- (c) For late filing between January 1 and February 1; an additional \$750 fee.
- (d) Any gravel pit owner who fails to comply fully with the requirements herein by February 1 of each year shall have his license suspended for a period of one (1) year. Said operator or owner shall be required to pay the maximum fees which would have been due for the suspension year in conjunction with the application fees for reactivation in the following year. Failure to activate a license within a two year period shall result in revocation of the license.

(2) In addition to the annual fees payable under paragraph 1 above, any applicant that has not obtained a Site Plan review for its operations shall, prior to January 1, 2017, obtain same. Such applicants shall apply for a Site Plan approval and shall pay to the Secretary of the Planning /Zoning Board, as applicable, , any and all fees normally and customarily charged to an applicant for site plan approval, which shall include fees for inspections by the Township Engineer as well as for services of other professionals or consultants employed or engaged by the Planning / Zoning Board. Additionally, any new applicant shall apply forthwith to the Planning/ Zoning Board, as applicable.

- (a) Failure to obtain Site Plan approval by January 1, 2017 shall result in an immediate cessation of all mining operations and a suspension of the license, until approval is obtained. If approval is not obtained prior to January 1, 2018, then the license shall be revoked.
- (b) The Planning/Zoning application shall also disclose, with specificity, each and every other business, commercial, or industrial activity which is carried out or proposed to be carried out at the licensed location including, but not limited to, an identification of any retail sales and the nature thereof and the nature of any products which are to be sold from the licensed premises. The Applicant, in conjunction with its Planning /Zoning application, shall also supply to the applicable Planning/Zoning Board the items listed in Section 4 (a), Items 1 through 11 below:

(3) Additionally, as set forth in Section 132-9A, below, there shall be an annual compliance review. The procedure to be employed relative to such annual review is set forth therein.

(4) Furthermore, every five (5) years each applicant shall be subject to a five (5) year compliance review conducted by the Municipal Engineer, in conjunction with the Municipal Zoning Officer. Public input shall be solicited during the five (5) year review.

- (a) In this regard, in conjunction with the five year review, the applicant shall supply to the Municipal Engineer and the Municipal Zoning Officer, the following:
  1. A copy of the application and site plan referenced in 132-2 (above).
  2. A topographic map at a scale of 1 inch equals 400 feet showing the proposed dimensions, location and operations on the site.
  3. A USGS quadrangle map showing the dimensions of the property in an area of at least 1000 feet beyond such a boundary and all locations.
  4. The location, size and intended use of all buildings or structures.
  5. The location of all streams, wetlands and significant vegetation.
  6. A soil map.
  7. A reclamation plan.
  8. A personal guarantee or surety bond (if approved by the governing body).
  9. A statement of areas that have been mined and reclaimed since the previous review/ approval.
  10. Submit a current certified list (issued within 30 days of the review date) of all property owners located within five hundred (500) feet of the property where the mining and excavation activity is to occur.
  11. A certification indicating that the applicant has served notice on all property owners within five hundred (500) feet of the subject property that an application for mining license has been filed with the Township for a 5 year compliance review.
- (b) Thereafter, the Township Engineer, and Zoning Officer shall jointly file a written report with the Township Clerk no later than December 31 of said year setting forth any violations and other information pertinent to the advisability of renewing each license. If any violations are reported, the subject license shall not be renewed but may be conditionally renewed. Conditional renewal may be granted only if the applicant has submitted a detailed plan for eliminating all violations in a manner and within a time satisfactory to the Township Committee. Each conditional renewal must be the subject of a separate resolution and may not be included in the general resolution authorizing renewals. A conditional renewal granted for any year may not again be granted for any of the same violations in the following year without the approval of the Township Committee. If a conditional renewal is granted then mining operations must cease until all conditions have been fulfilled.
- (c) In the event that the Township Committee, Township Engineer or Zoning Official determines that any such activity deviates from the conditions of the

approved permit then the procedure outlined in section 132-9B shall be employed.

- (d) If the applicant appeals to the Superior Court of New Jersey from determination of non-compliance and does so within the time period specified by the Rules of Court, a notice of such appeal shall be filed with the Township Clerk. At that juncture the application for mining license shall be placed on the inactive list pending a review by the Superior Court of New Jersey. If the determination of the Township Committee, and/or Township Engineer and Zoning Officer is affirmed by the Superior Court, then the applicant for a mining license shall be required to submit a new application for site plan review including any required variance relief as would be required for a new mining facility prior to any action by the Township Committee.

SECTION 3: Article 132-3 shall be and is hereby amended to read as follows:

1. The heading shall be revised to read: Location Restrictions; Exception; Hours of Operation.
2. The existing paragraph shall be labeled as paragraph 132-3A.
3. The following paragraph shall be added as paragraph 132-3B.  
B. Hours of excavation/extraction shall be limited to the following:
  1. 7am to 8pm Monday through Saturday
  2. No excavation or extraction shall be permitted on Sunday.

SECTION 4: Article 132-4 shall be and is hereby amended to read as follows:

1. The heading shall be revised to read: Depth Restrictions; Water Deposit; Slope and Buffering and other conditions.
2. The existing paragraph shall be labeled as paragraph 132-4A.
3. The following language shall be added as additional paragraphs as labeled:  
132-4 B. Unless approval to employ a different plan was part of the previously approved site plan then a minimum 100ft undisturbed buffer of natural vegetation will be maintained around the perimeter of the site; however, reasonable access shall be permitted through the buffer area for access to the mining operations.  
132-4 C. The operator may not pump water to any property outside of the perimeter of the permitted property absent the issuance of all applicable state and federal regulatory permits and written consent of the affected property owners.  
132-4D. Access roads must be a minimum of 30-feet and a maximum of 50-feet in width. The last 100-feet of the access road in its approach to the public highway must be of the same gauge and thickness as the public highway.  
Stop signs shall be provided by the permit holder and installed, on the permit holder's property, on the access road into the site at its intersection with the public highway.  
A gate shall be provided across the access road at entrance to the public highway. Said gate shall be closed and locked at all times except normal hours of operation.  
All loaded trucks must be covered with a suitable cover that complies with state regulations. All material deposited on the public highway within 200-feet of the gravel pit entrance by spillage or trucking from the wheels must be removed by the permit holder before nightfall on the day of deposit.  
Slopes of the excavated pits shall not exceed 2:1.

SECTION 5: Article 132-9 shall be amended to read as follows:

132-9A Once each year, prior to the issuance of a permit, the Township Engineer shall inspect each licensed premises to verify that each license is in compliance with the provisions of this chapter. The Township Engineer shall file a written report with the Township Clerk no later than December 31 of said year setting forth any violations and other information pertinent to the advisability of renewing each license. If any violations are reported, the subject license shall not be renewed but may be conditionally renewed. Conditional renewal may be granted only if the applicant has submitted a detailed plan for eliminating all violations in a manner and within a time satisfactory to the Township Committee. Each conditional renewal must be the subject of a separate resolution and may not be included in the general resolution authorizing renewals. A conditional renewal granted for any year may not again be granted for any of the same violations in the following year without the approval of the Township Committee. If a conditional renewal is granted then mining operations must cease until all conditions have been fulfilled.

132-9B (1) In the event that the Township Committee, Township Engineer or Zoning Official determines that any such activity deviates from the conditions of the approved permit, the operator of the resource extraction operation shall be immediately notified of the deviation. The notice shall state the nature of the deviation, order the action necessary to correct it, and set forth the date, time and location of a meeting of the Township Committee to be held as soon as is practicable, at which the operator shall present all relevant information concerning the deviation and the action taken or to be taken to correct it. The order to take corrective action shall specify any activity that must be immediately ceased to prevent direct or indirect aggravation of the deviation or to avoid a danger to public health, safety or welfare. Such cessation shall continue until the deviation had been resolved to the satisfaction of the Township Committee and or until an agreement to resolve the deviation has been reached. Failure to resolve a deviation or to adhere to the terms and condition of any agreement to resolve a deviation shall constitute sufficient cause for revocation of the permit.

(2) If the applicant appeals to the Superior Court of New Jersey from determination of non-compliance and does so within the time period specified by the Rules of Court, a notice of such appeal shall be filed with the Township Clerk. At that juncture the application for mining license shall be placed on the inactive list pending a review by the Superior Court of New Jersey. If the determination of the Township Committee, and/or Township Engineer and Zoning Officer is affirmed by the Superior Court, then the applicant for a mining license shall be required to submit a new application for site plan review including any required variance relief as would be required for a new mining facility prior to any action by the Township Committee.

SECTION 6: Article 132-11.1 D shall be amended to read as follows:

D. Permittee's Responsibility. The parties who are issued a permit for the land mining operation are responsible for the reclamation of the area in compliance with the reclamation plan on file with the Township, without exception.

SECTION 6A: Article 132-11.1 subsection N (5) shall be amended to include the following language at the conclusion of that subsection:

Plants which do not survive within the initial two year period shall be replaced within one (1) year.

SECTION 7: Article 132-14 subsection A shall be amended to read as follows:

A. The violation of any of the provisions of this chapter shall, upon conviction, be punishable by a fine not to exceed \$2,500. If the violation still persists after 30 days written notice has been given to abate said violation, then for each 24 hour period that such a violation continues to exist shall be deemed to be a separate offense and shall be punishable by an additional fine not to exceed \$100 per day.

SECTION 8: This Ordinance shall become effective immediately upon final passage and publication, according to law.

7. ORDINANCE 1510-15 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 125, ARTICLE II, ENTITLED DRUGS AND DRUG

PARAPHERNALIA, RECREATIONAL DRUG-FREE ZONES – Following second reading, hearing, and consideration for adoption, Ordinance 1510-15 was adopted on motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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

SECTION 1. Chapter 125, Article II of the Code of the Township of Middle is hereby amended as follows:

Pursuant to N.J.S.A. 2C:35-1 et seq., the Township of Middle hereby adopts the following recreational drug-free zones:

1. Clarence Davies Sports Complex, located off the Goshen Road in Cape May Court House. This includes the entire property owned by the township.
2. Cape May County 4H Fairgrounds to include all adjoining property owned by both Middle Township and the County of Cape May to include the bike path that connects the Goshen Complex to South Dennisville Road, Cape May Court House.
3. Cape May County Park (Central) located on US Route 9, Cape May Court House, this includes all county owned property on both the east and west sides of Route 9. This also includes the Zoo and property that extends to South Dennisville Road.
4. County of Cape May Park (South) and recreational fields, located at 1101 Bayshore Road, Del Haven
5. County of Cape May Park (East), located on Crest Haven Road, Cape May Court House
6. Cape May County Historical Museum, 504 US Route 9 N., Cape May Court House.
7. Township of Middle Samuel Devico Center, 23 Romney Place, Cape May Court House.
8. Cape May County Library, 30 West Mechanic Street, Cape May Court House.
9. Middle Township Board of Education owned properties; including baseball fields located 220 South Boyd Street, Cape May Court House (rear of Boyd and School Lane). Also includes Memorial Field located at 101 West Pacific Avenue, Cape May Court House
10. Township of Middle Goshen Historic Schoolhouse and Mini Park, located 316 Route 47 North, Goshen
11. Township of Middle, East Shellbay Avenue Gazebo and Picnic area located at the bay, otherwise known as "Carol Nicoletta Park - Shellbay Avenue Pier", 525 East Shellbay Avenue, Cape May Court House.
12. Township of Middle, Martin Luther King Recreation Center and adjoining recreation fields located on 207 West Main Street, Whitesboro.
13. Township of Middle, Rio Grande Recreation Park located on 11 North Railroad Avenue, Rio Grande.
14. Ockie Wisting Ft. Apache Recreational Complex, 7 Fulling Mill Road, Rio Grande.
15. Middle Township Bike Path, all phases, including joining "connector phase" between Middle and Lower Townships.
16. Avalon Manor Fishing Pier, located along Avalon Boulevard, at the end of Old Avalon Boulevard, Avalon Manor (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).
17. Bidwell Jetty at Reeds Beach, located at 301 Beach Avenue, Cape May Court House (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP)
18. Norbury's Landing, located at Millman Avenue at the Delaware Bay, Del Haven (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP)
19. William "Pop" Belles, Jr. Memorial Park located at the southeast corner of the intersection of Routes 9 and 47, Block 1507, Lot 1.
20. County Special Services Pool, located on Crest Haven Road, Cape May Court House (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP)
21. Scotch Bonnet Fishing Bridge on Stone Harbor Boulevard (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).
22. Cape May National Wildlife Refuge, Refuge headquarters: 24 Kimble's Beach Road, Cape May Court House (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).
23. Songbird Trail, one-mile trail, part of which is universally accessible, starts on the north side of Kimbles Beach Road. This trail begins in the parking lot, extends to the edge of

shrub/scrub habitat, winds through a forest segment with vernal pools and ends along Kimbles Beach Road (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

24. Woodcock Trail, end of Woodcock Lane, a residential road about 0.4 miles south of Kimbles Beach Road off of Route 47. This is a one-mile-long loop through grassland habitat. There are also side trails of 0.4 miles that extend through a forested section and end at a view of the Delaware Bay salt marsh (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

25. Goshen Ponds, located off of Bucks Avenue (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

26. Hand's Landing, located off of Kimble's Beach Road (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

27. Lizard Tail Swamp Preserve, located off of Court House - Dennisville Road, Cape May Court House (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

28. Diana Wintch Preserve at Bidwell Creek (on west side of Dennisville-Court House Road) (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

29. Lizard Tail Swamp Preserve, located on the east side of Dennisville-Court House Road (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

30. Indian Trail Swamp Preserve, located on the south side of Indian Trail Road (as approved by the New Jersey Department of Environmental Protection as (NJDEP) identified in the Municipal Access Plan (MAP).

31. Sunray Beach Preserve, Sunray Road, Del Haven (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

32. The Wetlands Institute, Stone Harbor Boulevard, Cape May Court House (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

33. New Jersey Audubon's Cape May Bird Observatory, 600 Route 47 North, Goshen (as approved by the New Jersey Department of Environmental Protection (NJDEP) as identified in the Municipal Access Plan (MAP).

34. The entire coastline of Delaware Bay, inclusive of all beaches and beach areas, within the Township of Middle (together with all abutting beach access) is hereby listed as a public area included as a recreational drug free zone. Said zone includes, but is not limited to, Sunray Beach, Highs Beach, Cooks Beach, Reeds Beach, Pierces Point, Kimbles Beach.

SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

8. **ORDINANCE 1511-15 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE AMENDING LOCAL ORDINANCE CHAPTER 48 AND ESTABLISHING FEES UNDER THE NEW JERSEY OPEN PUBLIC RECORDS LAW** – Following second reading, hearing, and consideration for adoption, Ordinance 1511-15 was adopted on motion by Committeemember Clark seconded by Committeemember Lockwood 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 sections of the local ordinance are hereby revised as follows:

SECTION 1: The following sections of Chapter 48 of the Code of the Township of Middle are hereby amended to read as follows:

48-2 (B) Fees for routine copies of municipal documents are:

1. The public agency shall charge \$0.05 per page for letter sized pages and smaller
2. The public agency shall charge \$0.07 per page for legal sized pages and larger
3. Electronic records will be processed free of charge (i.e. records sent via e-mail).
4. The public agency will charge the actual cost to provide records in another medium (i.e. computer disc, CD-ROM, DVD).
5. Actual Cost of postage, if required.
6. Actual Cost of mailing envelope, if required.

It is possible that the actual cost to produce paper copies will exceed \$0.05 per letter size page or smaller and \$0.07 per legal size page or larger for some public agencies. In these instances, OPRA allows custodians to charge the actual cost of duplication, which is limited to the cost of materials and supplies used to make the copy. In such cases the agency will consult the actual cost calculation as provided by the Government Records Council

48-6 (B) Special Service Charge

If a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided for in this section.

Access to electronic records and non-printed materials shall be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies ; provided, however, that in the case of a municipality, rates for the duplication of particular records when the actual cost of copying exceeds the foregoing rates shall be established in advance by ordinance. The requestor shall have the opportunity to review and object to the charge prior to it being incurred.

#### 48-6 (E) Digital records.

If a request for governmental records involves production or conversion of digital or computerized records or film which is in a medium not routinely used by the agency (i.e., electronic film); not routinely developed or maintained by an agency; or requiring a substantial amount of manipulation or programming of information technology, the requester shall pay fees the direct cost (no overhead) to comply with the request.

#### 48-6 (F) Police Accident Reports

(1) Every citizen of this State shall have the right, during regular business hours and under supervision, to inspect and have copied, such reports and shall also have the right in person to purchase copies of the [accident] reports at the same fee established by OPRA. If copies of reports are requested other than in person, an additional fee of up to \$5.00 may be added to cover the administrative costs of the report, pursuant to N.J.S.A. 39:4-131. For example, if a requestor sought access to a 5 page motor vehicle accident report via regular mail, a custodian may charge a total of \$5.25 (OPRA fee of \$0.05 per page for 5 pages = \$0.25; an additional fee of \$5.00 per actual report to cover the administrative costs of mailing the report).

#### (A) Fees (other than Municipal Court Discovery)

1. Copy Per Page / size 8.5" x 11" : \$.05
2. Copy Per Page / size 8.5" x 14" (legal): \$.07
3. \$5.00 for mailed accident reports (N.J.S.A. 39:4-131)
4. Video or audiotape reproduction: Actual Cost of reproduction
5. Envelope Cost
6. Actual Postage Cost

(2) Discovery requests in matters pending in the Municipal Court are submitted through the Municipal Prosecutor.

#### (B.) Municipal Court discovery requests:

1. Standard Fees. The municipal prosecutor, or a private prosecutor in a cross-complaint case, may charge a fee for a copy or copies of discovery. The fee assessed for discovery embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. From time to time, as necessary, these rates may be revised pursuant to a schedule promulgated by the Administrative Director of the Courts. If the prosecutor can demonstrate that the actual costs for copying discovery exceed the foregoing rates, the prosecutor shall be permitted to charge a reasonable amount equal to the actual costs of copying. The actual copying costs shall be the costs of materials and supplies used to copy the discovery, but shall not include the costs of labor or other overhead expenses associated with making the copies, except as provided for in paragraph (i)(2) of this rule. Electronic records and non-printed materials shall be provided free of charge, but the prosecutor may charge for the actual costs of any needed supplies such as computer discs.

2. Special Service Charge for Printed Copies. Whenever the nature, format, manner of collation, or volume of discovery embodied in the form of printed matter to be copied is such that the discovery cannot be reproduced by ordinary document copying equipment in ordinary business size, or is such that it would involve an extraordinary expenditure of time and effort to copy, the prosecutor may charge, in addition to the actual copying costs, a special service charge that shall be reasonable and shall be based upon the actual direct costs of providing the copy or copies. Pursuant to R. 7:7-1, the defendant shall have the opportunity to review and object to the charge prior to it being incurred.

3. Special Service Charge for Electronic Records. If the defendant requests an electronic record: (1) in a medium or format not routinely used by the prosecutor; (2) not routinely developed or maintained by the prosecutor; or (3) requiring a substantial amount of manipulation or programming of information technology, the prosecutor may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on (1) the cost for any extensive use of information technology, or (2) the labor cost of personnel providing the service that is actually incurred by the prosecutor or attributable to the prosecutor for the programming, clerical, and supervisory assistance required, or (3) both. Pursuant to R. 7:7-1, the defendant shall have the opportunity to review and object to the charge prior to it being incurred.

4. Actual postage and envelope cost shall be charged.

5. Where the discovery must be obtained from an entity other than the Township of Middle, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.

(3) All photographs will be photocopied. Actual photo reproductions will be prepared only upon separate request and advanced payment for the actual costs of reproductions.

48-6 (G) Cost for copies of recordings of Township Committee, Planning/Zoning Board or Municipal Court meetings via cassette tapes and CD's. The cost of reproduction shall be the actual cost of the requested medium.

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 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.

9. ORDINANCE 1512-15 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1512-15 was adopted on motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.

SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years of service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.

Years of Service (Percent of Annual Salary)	Additional Compensation
5 years or more	2%
10 years or more	4%
15 years or more	6%
20 years or more	8%
25 years or more	10%

Section 4 shall only apply to Township Employees hired before December 31, 1994.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective immediately upon final passage and publication according to law.

**\*This Ordinance is to establish a new starting salary for employees in the Township of Middle**

10. ORDINANCE 1514 -15 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1514-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on November 2, 2015 at 6:00 p.m.

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

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.

SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years of service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.

Years of Service (Percent of Annual Salary)	Additional Compensation
5 years or more	2%
10 years or more	4%
15 years or more	6%
20 years or more	8%
25 years or more	10%

Section 4 shall only apply to Township Employees hired before December 31, 1994.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective immediately upon final passage and publication according to law.

**Code Enforcement Officer Trainee P/T \$12.00 to \$20.00 ph**

11. ORDINANCE 1515-15 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 74, SECTION 3, VETERAN'S ADVISORY BOARD (MEMBERSHIP; APPOINTMENT; COMPENSATION) – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, Ordinance No. 1515-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on November 2, 2015 at 6:00 p.m.

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

SECTION 1. Chapter 74, Section 3 of the Code of the Township of Middle is hereby amended as follows:

- A. This Board shall consist of ten members and two alternate members, whereas the chairperson shall be appointed by the Mayor, and said Board shall be made up of a balanced mix of active military, veterans and concerned Township citizens.
- B. The initial appointees to the Board shall serve terms as follows:
- | Member              | Term            |
|---------------------|-----------------|
| 4 regular members   | Three-year term |
| 3 regular members   | Two-year term   |
| 3 regular members   | One-year term   |
| 2 alternate members | One-year term   |
- C. Thereafter, all subsequent or reappointed members shall serve a term of three years commencing January 1.
- D. The Veterans Advisory Board shall utilize such secretary as may be appointed by the Township Committee and shall utilize the services of the Township Solicitor for all legal matters. The members of the Veterans Advisory Board shall serve without compensation.

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.

12. RESOLUTION 428-15 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 24, 2015 from 6:00am until 7:00pm (rain date October 25, 2015) for the Harvest Festival is hereby approved.

13. RESOLUTION 429-15 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 23, 2015 until 7:00am on Sunday, October 25, 2015 for the Harvest Festival is hereby approved.

BE IT FURTHER RESOLVED, that in the case that the “rain date” for the event is utilize, this order shall remain until 8:00pm on Sunday, October 25, 2015.

14. RESOLUTION 430-15 – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00am and 5:00pm on October 24, 2015 (with a rain date of October 25, 2015 from 12 noon until 5:00pm); and

WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival; and

WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle; and

WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 24, 2015 between the hours of 10:00am and 5:00pm (or as stated in event a “rain date” is utilized) in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey.

FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.

15. RESOLUTION 431-15 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – AMAZING AMUSEMENTS & ENTERTAINMENT INC. – HARVEST FESTIVAL ENTERTAINMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Amazing Amusements & Entertainment, Inc. and the Township of Middle for the amusement ride entertainment for the Middle Township Harvest Festival, 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.  
 Amazing Amusements & Entertainment, Inc.  
 Harvest Festival  
 \$6,000.00
16. RESOLUTION 432-15 - CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, Cape Hospitality Group LP has applied for approval to sell alcoholic beverages at Middle Township’s Harvest Festival to be held at 33 Mechanic Street, Cape May Court House, on October 24, 2015 from 10:00am to 5:00pm, with a rain date of October 25, 2015 from 12:00pm to 5:00pm, and  
 WHEREAS, they have provided proper documentation to the Township of Middle,  
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Catering Permit.
17. RESOLUTION 433-15 – PROCLAIMING OCTOBER 10, 2015 AS ‘PUT THE BRAKES ON FATALITIES DAY’ IN THE TOWNSHIP OF MIDDLE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, across the nation, traffic crashes caused approximately 32,675 fatalities in 2014, and are the leading cause of death for young people ages 15 to 34; and  
 WHEREAS, in New Jersey, 556 individuals lost their lives in traffic crashes in 2015; and  
 WHEREAS, alcohol-related crashes accounted for 27% of the State’s traffic fatalities, while 26% of all fatal crashes involved traveling at unsafe speeds; and  
 WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and  
 WHEREAS, 60 motorcyclists, 11 bicyclists and 170 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and  
 WHEREAS, safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;  
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that I, Timothy Donohue, Mayor of the Township of Middle, County of Cape May, State of New Jersey, do hereby proclaim October 10, 2015 as Put the Brakes on Fatalities Day, and call upon everyone to help save lives by spreading these important messages throughout our communities specifically on this day and also all other days of the year.
18. PUBLIC HEARING - BEST PRACTICES INVENTORY  
*Connie Mahon –  
 Township answered “yes” to 48 out of 50 questions, resulting in 96% result. Reviewed two “no” responses on worksheet. Stated that there will be no loss of State Aid for the Township.*
19. RESOLUTION 434-15 – APPROVE NJ DCA REQUIRED CY 2015 / SFY 2016 BEST PRACTICE INVENTORY PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, the State’s Fiscal Year 2016 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (“Division”) to determine how much of each municipality’s final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory (“Inventory”) to be completed by each municipality, and  
 WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability and transparency, and  
 WHEREAS, one requirement of said Act is that the governing body consider the Inventory at a public meeting, a copy of which has been attached to and is made part of this resolution, and  
 WHEREAS, all members of the governing body have received and have familiarized themselves with said Inventory.  
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that
1. The appropriate parties are hereby authorized to sign the “Best Practices” Worksheet and Certification Form, certifying as to the accuracy of the information provided in the CY 2015 / SFY 2016 Best Practices Inventory.

2. That the Township Clerk is hereby authorized to sign the document as required, certifying that the CY 2015 / SFY 2016 Best Practice Inventory was discussed publicly at the Township Committee Meeting held on October 5, 2015.
20. RESOLUTION 435-15 – RATIFY LEASE AGREEMENT – JM-ZUMBA – ZUMBA CLASSES AT CLARENCE DAVIES SPORTS COMPLEX – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between JM-Zumba and the Township of Middle for usage of the Clarence Davies Sports Complex to conduct “Zumba” Classes from September 30, 2015 through November 25, 2015, be and is hereby ratified.  
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.
21. RESOLUTION 436-15 – RATIFY LEASE AGREEMENT – KATRINA JOHNSON – ZUMBA CLASSES AT MLK CENTER – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between Katrina Johnson and the Township of Middle for usage of the MLK Center to conduct “Zumba” Classes from October 1, 2015 through September 30, 2016, be and is hereby ratified.  
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.
22. RESOLUTION 437-15 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and  
 WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc.; and  
 WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”; and  
 WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and  
 WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and  
 WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.  
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.  
 FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Ivens, Thomas F. Jr	4 Linden Circle	1472 // 13	\$169.02
Kaced, Rahab & Mebarka	211 Vermont Avenue	1493 // 6	\$169.02
Rosner, Wendy	15 Cedar Meadow Drive	356.03 // 4	\$264.40
SMC Properties, LLC.	11 South 10 <sup>th</sup> Street	413 // 13	\$216.32
Greenspan, Paul B.	39 Crest Road	226.04 // 7	\$193.22
Dearing, Jacqueline	206 Vermont Avenue	1486 // 8	\$202.41
Pierce, Todd & O'Donnell, Mary P.	87 Millman Boulevard	421 // 8	\$188.49
Mancini, Cynthia	108 Rutledge Road	441 // 18	\$169.02
Palm, Joseph & Madeline L.	122 Lafayette Avenue	427 // 14	\$169.02
King, Robert S. & Rosalie E.	124 Indian Trail	208 // 4	\$182.94
Soley, Janet	774 Goshen Road	51 // 39	\$169.02
CP-SRMOF II REO 2013-1 Trust	11 Dias Creek Road	235 // 23	\$169.02
Lawrence, Steven D.	1301 Cherry Street	703 // 8	\$198.90
Libby, Elizabeth M. Trustee	14 3 <sup>rd</sup> Avenue	329.01 // 21	\$202.41
Fashaw, Kimberly A.	106 North 10 <sup>th</sup> Avenue	1109 // 1	\$155.11
Lepone, James A.	214 East Shellbay Avenue	337 // 21	\$182.94
Sweitzer, James Jr. & Karen	751 Dias Creek Road	164.01 // 18	\$202.41
Turner, James	87 Indian Trail	475.03 // 37	\$169.02
Johnson, Carl	3112 Shunpike Road	1421 // 2	\$182.94
Yarwasky, Randy & Rachel	811 Goshen Road	52 // 13	\$182.94
Carter, Arthur	453 Shunpike Road	322.01 // 26	\$216.32

23. RESOLUTION 438-15 – SALARY ADJUSTMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee salaries are hereby amended to the amount opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Brittany Linz	Municipal Court	Keyboarding Clerk 2*	\$33,000.00	10/05/2015
William Hammerstein	Public Works	Mechanic Helper	\$27,208.00	10/05/2015

\*In house title of Keyboarding Clerk 2. In transition from Keyboarding Clerk 1 to Keyboarding Clerk 2 in CAMPS.

24. RESOLUTION 439-15 - RATIFY LEASE AGREEMENT – “USOLELY” – MLK CENTER –  
 On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between Reginald & Muriel Anderson t/a uSolely and the Township of Middle for usage of the MLK Center from October 7, 2015 through November 25, 2015, be and is hereby ratified.  
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.
25. RESOLUTION 440-15 THROUGH 444-15 – AUTHORIZING PURCHASE UNDER STATE CONTRACT (ITEMS A THROUGH E) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- A. WHEREAS, there is a need to purchase twelve (12) PACA Capture Shields for use by township Police Department; and  
 WHEREAS, through the State Contract Purchasing System, Contract #T-0106 – Contract #81295, these items are available; and  
 WHEREAS, the total amount of the purchase for twelve (12) capture shields is \$1,956.00 (\$163.00 each), and funds are available as evidenced by the Chief Financial Officer's Certification; and  
 NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase twelve (12) capture shields as indicated above.  
 FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Lawmen Supply Co, NJ, Inc.
- B. WHEREAS, there is a need to purchase one (1) Dell Latitude for use by township Police Department; and  
 WHEREAS, through the State Contract Purchasing System, Contract #M-0483– Contract #70256, these items are available; and  
 WHEREAS, the total amount of the purchase for one (1) Dell Latitude is \$1,562.77, and funds are available as evidenced by the Chief Financial Officer's Certification; and  
 NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase one (1) Dell Latitude as indicated above.  
 FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Dell Computers, Inc.
- C. WHEREAS, there is a need to purchase two (2) Dell Power Edge R530 File Servers for use by township Information Technology department; and  
 WHEREAS, through the State Contract Purchasing System, Contract #M-0483– Contract #70256, these items are available; and  
 WHEREAS, the total amount of the purchase for two (2) Dell Power Edge R530 Servers is \$11,462.15 (\$5,796.74 for a server including 5 interchangeable licenses; \$5,665.41 for server only), and funds are available as evidenced by the Chief Financial Officer's Certification; and  
 NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase two (2) Dell Power Edge R530 Servers as indicated above.  
 FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Dell Computers, Inc.
- D. WHEREAS, there is a need to purchase two (2) Dell Optiplex 9020 Mini Tower for use by township Police department; and  
 WHEREAS, through the State Contract Purchasing System, Contract #M-0483– Contract #70256, these items are available; and  
 WHEREAS, the total amount of the purchase for two (2) Dell Optiplex 9020 Mini Tower is \$2,765.06 (\$1,382.53 each), and funds are available as evidenced by the Chief Financial Officer's Certification; and  
 NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase two (2) Dell Optiplex 9020 Mini Tower as indicated above.  
 FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Dell Computers, Inc.
- E. WHEREAS, there is a need to purchase one (1) Dell Power Edge R530 File Back-up Server for use by township Information Technology department; and  
 WHEREAS, through the State Contract Purchasing System, Contract #M-0483– Contract #70256, these items are available; and  
 WHEREAS, the total amount of the purchase for one (1) Dell Power Edge R530 File Back-up Server is \$5,910.26, and funds are available as evidenced by the Chief Financial Officer's Certification; and  
 NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to one (1) Dell Power Edge R530 File Back-up Server as indicated above.  
 FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Dell Computers, Inc.
26. RESOLUTION 445-15 - TABULATION COMMITTEE – JANITORIAL SERVICES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance

Mahon, Deputy Township Clerk Suzanne Stocker, Chief Finance Officer John Clifford, be and hereby are appointed to tabulate the bids to be taken on Monday, November 9, 2015 at 11:00AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, New Jersey for the following: JANITORIAL SERVICES

27. **\*\*TABLED\*\*** RESOLUTION 446-15 - RESOLUTION TO INCREASE PUBLIC BIDDING THRESHOLD – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
WHEREAS, the public bidding threshold for Municipal Contracting Units is adjusted every five years by the State Governor in conjunction with the Department of Treasury; and  
WHEREAS, the Township of Middle “Township” desires to take advantage of the increased bid threshold to expeditiously purchase goods and services which ultimately saves the Township time and money; and  
WHEREAS, pursuant to the provisions of the Local Public Contracts Laws N.J.S.A. 40A:11-3, as authorized by the New Jersey State Treasurer, effective July 1, 2015 the Township can increase its Public Bidding threshold from \$17,500.00 to \$40,000.00 if the Township has a Qualified Purchasing Agent; and  
WHEREAS, through resolution, Joshua Niemann is designated a Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq. and N.J.S.A. 40A:11-3; and  
NOW, THEREFORE BE IT RESOLVED, by the Committee of the Township of Middle, in the County of Cape May, in the State of New Jersey hereby increases its public bidding threshold to \$40,000.00.
28. RESOLUTION 447-15 – APPROVAL FOR PAYMENT TERMINAL LEAVE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, Ann Marie Camp was terminated with an effective date of August 21, 2015; and  
WHEREAS, it is the policy of Middle Township to compensate terminated employees for accumulated vacation, compensation, and personal time; and  
WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and  
NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:  
Ann Marie Camp  
132.82 Hours Vacation Time  
14.00 Hours Personal Time  
Total: \$2,705.85 (inclusive of payroll tax expense)
29. RESOLUTION 448-15 - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF ORMOND ROAD PROJECT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middle formally approves the grant application for the above stated project; and  
BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Reconstruction of Ormond Road-00162 to the New Jersey Department of Transportation on behalf of the Township of Middle; and  
BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
30. RESOLUTION 449-15 - RELEASE OF PERFORMANCE BOND – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, \$17,460.56, is being held as a performance guarantee for Randall Goodman, for site improvements at Block 48, Lot 36, otherwise known as 75 Route 47 South, Cape May Court House;  
WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed; and  
WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released; and  
WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$17,460.56 is hereby released.
31. RESOLUTION 450-15 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Clark seconded by Committeemember Lockwood 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.

32. RESOLUTION 451-15 THROUGH 452-15 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- A. WHEREAS, on January 6, 2015 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2015 as Resolution No. 06-15, 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 construction observation services for the following:  
 Remington, Vernick & Walberg Engineers – Construction Observation Services  
 FY 2014 NJ DOT Local Aid – Bike Path Phase 5  
 Not to Exceed \$20,000.00
- B. WHEREAS, on January 6, 2015 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2015 as Resolution No. 06-15, 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 preliminary engineering and environmental permitting services for the following:  
 Remington, Vernick & Walberg Engineers – Avalon Manor Fishing Pier Installation  
 Engineering and Regulatory/Environmental Permitting Services  
 Not to Exceed \$35,000.00

33. RESOLUTION 453-15 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Clark seconded BY Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
George B. Neidig, Jr.	Municipal Court	Municipal Court Judge	09/30/2015

34. RESOLUTION 454-15 – APPOINTMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, it is the desire of the governing body to appoint Dorothy Incarvito-Garrabrant as Municipal Court Judge of the Township of Middle for a statutory term of three (3) years pursuant to N.J.S.A.: 2A:8-5 ; and  
 WHEREAS, the annual salary is \$40,000 with a stipend for the Borough of Woodbine Municipal Court service of \$7,000 annually.  
 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 Dorothy Incarvito-Garrabrant is hereby Judge of the Municipal Court of the Township of Middle for a three year term retroactive to October 1, 2015.
35. RESOLUTION 455-15 - AUTHORIZING TEMPORARY SIGNS – ATLANTIC CAPE COMMUNITY COLLEGE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, Atlantic Cape Community College has requested to place small signs at various intersections throughout Middle Township about their 10th anniversary celebration;  
 NOW, THEREFORE, BE IT RESOLVED, that Atlantic Cape Community College is hereby authorized to place temporary signs throughout the Township between the dates of October 6 and October 13, 2015.

36. PUBLIC COMMENT:

- Committeemember Clark –*  
 -Best Wishes for Judge Neidig  
 -Recognized Dotsie as new Judge  
 -Believes Township weathered nor'easter well
- Committeemember Lockwood –*  
 -Spoke of Grassy Sounds loss of house during storm  
 -Commended work done by Connie with State Agencies over the weekend during the storm.  
 -Recognized Judge Neidig for years of service, welcomed Dotsie
- Mayor Donohue –*  
 -Echoed sentiments of Judge Neidig and Judge Garrabrant  
 -Spoke of Rutger's 5<sup>th</sup> Annual Food Day  
 -Approval to finish Bike Path project  
 -New position of Code Enforcement Trainee  
 -Dredging project in Avalon Manor, recognized Connie for great job putting project together/facilitating project.  
 -Cape Express Lease for Ockie Wisting – process moving forward to be reviewed by Green Acres  
 -Next Work Session meeting to provide proposed outlook of Ockie Wisting project

*Connie Mahon –*

*-Spoke of meeting with Game Time to possibly provide property with playground, bandstand, restroom facilities, etc. Park will be “state of the art”.*

*Stan Doniger –*

*Asked about traffic concerns in area of Ockie Wisting complex.*

*Connie Mahon –*

*No plans for traffic signal at entrance. Large events will have traffic control by Police.*

*Mayor Donohue –*

*Complex is located off of a County road, any traffic concerns would be address with County.*

*Vilma Pombo –*

*-Thanked Township for support of Meadow Gardens at school, project has commenced  
-November 7<sup>th</sup> is clean-up day hosted by Environmental Committee, rain date is the 14<sup>th</sup>*

*Joe Griffies –*

*-Veteran’s Parade in Philadelphia*

*-Pleased to see that flag is now flying at Courthouse, thanked help of Veteran’s Advisory Board for assisting in communicating with County to get the flag back up.*

*Dotsie Garrabrant –*

*-On behalf of Judge Neidig, thanked Committee for kind words.*

*-Thanked Committee for opportunity to serve the Township.*

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Suzanne M. Stocker, Deputy Township Clerk

Motion to adjourn meeting – 6:45pm

1<sup>st</sup> Committeemember Clark

2<sup>nd</sup> Committeemember Lockwood

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