

Cape May Court House, NJ  
May 4, 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, Township Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. MOMENT OF SILENCE – MARVIN HUME
2. PRESENTATION BY THE MAYOR – DESIGNATING FIRST FULL WEEK OF MAY EACH YEAR AS “COAST GUARD COMMUNITY WEEK” IN MIDDLE TOWNSHIP – CAPTAIN TODD PRESTIGE
3. PROCLAMATION – OLDER AMERICANS ACT
4. PROCLAMATION – WORLD LUPUS MONTH
5. 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.)  
**No Public Comment**
6. RESOLUTION 198-15 – 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.\$4,927,985.88
7. RESOLUTION 199-15 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Kelly Products) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. **\*Mayor Donohue Abstain**  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct.\$459.65
8. RESOLUTION 200-15 – 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 4/20/2015, Board of Health 4/20/2015, Regular Meeting 04/20/2015
9. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of April; Zoning Board for the month of April; Tax & Sewer Billing Collector for the month of April.
10. ORDINANCE NO. 1497-15 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY CREATING THE MIDDLE TOWNSHIP VETERANS ADVISORY BOARD – Following second reading, hearing, and consideration for adoption, Ordinance 1497-15 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.  
**No Public Comment**  
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: ESTABLISHMENT  
This is hereby created the “Middle Township Veterans Advisory Board.”  
SECTION 2: MISSION AND PURPOSE  
The mission of the Veterans Advisory Board is to advise Township Committee on programs and initiatives available to improve the quality of life for Middle Township’s veterans. The board shall work to preserve the memory and the dignity of all United States veterans worldwide and shall work with other local veteran and military groups to orchestrate local activities and ceremonies throughout the calendar year particularly Memorial Day and Veteran's Day.  
The board shall assist veterans with questions concerning what entitlements for which they might be eligible as a US veteran, and provide direction as to how and where their questions should be answered.  
The group will ensure that local government remains responsive to our Veterans needs and to ensure that traditions which honor our Veterans are perpetuated.

The Veterans Advisory Board shall have no policy-making powers, nor shall it have the power to hire employees or otherwise expend moneys.

**SECTION 3: MEMBERSHIP APPOINTMENT AND COMPENSATION**

This Board shall consist of nine (9) members and two (2) alternate members, whereas the Chair Person 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.

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
2 Regular Members	one-year term
Alternate Members	one-year term

Thereafter, all subsequent or reappointed members shall serve a term of three years commencing January 1.

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 4. RULES AND REGULATIONS**

The Veterans Advisory Board shall adopt rules and regulations with regard to time, place, frequency and conduct of meetings.

**SECTION 5:** Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 6:** 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 7:** This Ordinance shall become effective immediately upon final passage and publication, according to law.

11. RESOLUTION 201-15 through 205-15 – APPOINTMENTS (ITEMS A THROUGH E) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

A. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Salvatore DeSimone	Construction	Construction Official / Director of Inspections	05/11/2015

B. 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 is hereby temporarily appointed to the following position for a term of 60 days:

NAME	DEPARTMENT	TITLE	EFFECTIVE	TERM EXPIRES
Salvatore DeSimone	Construction	Fire Subcode Official	01/01/2015	12/31/2015

C. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Mark Bakley	Public Safety	Special Class II Police Officer	\$8.38ph*	05/01/2015
Garrett Moretti	Public Safety	Special Class II Police Officer	\$8.38ph*	05/01/2015
Thomas Fairman	Senior Center	Recreation Aide P/T	\$9.00ph	05/16/2015
Brian Tierney	Public Works	P/T T/A Laborer 1	\$9.00ph	05/04/2015
Steven Jackson	Public Works	P/T T/A Laborer 1	\$9.00ph	05/04/2015

\*salary to increase to \$10.50ph after Academy Graduation

D. WHEREAS, The Township of Middle has recently formed a volunteer board known as the Middle Township Veterans Advisory Board, formed via Ordinance No. 1497-15, and WHEREAS, it is necessary to appoint the council members via Resolution and establish terms of office.

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

NAME	POSITION	TERM EXPIRES
Maureen Lozier	Member, Chairperson	12/31/2017
Ed Dillio	Member	12/31/2017
Joe Griffies	Member	12/31/2017
Vince DePrinzio	Member	12/31/2017
Allyn Penkethman	Member	12/31/2016
Butch Hamer	Member	12/31/2016
Francey Burke	Member	12/31/2016
Fred Trasatti, Jr.	Member	12/31/2015
Bill Hawk	Member	12/31/2015
Tony Buero	Alternate Member	12/31/2015
Howard Trout	Alternate Member	12/31/2015

E. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following person be and are hereby appointed to the board/position for the term of office opposite their name:

NAME	BOARD	TERM EFFECTIVE	TERM EXPIRES	SALARY
Krystal Arana	Veterans Advisory Board	05/04/2015	12/31/2015	\$850.00

12. SWEARING IN – VETERAN’S ADVISORY BOARD

13. ORDINANCE NO. 1500-15 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO LEASE TOWNSHIP OWNED PROPERTY TO THE POLICE BENEVOLENT ASSOCIATION LOCAL #59 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1500-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/01/2015 at 6:00 p.m.

WHEREAS, New Jersey Statute 40A: 12-14 provides the procedure for the lease of Township owned property, and allows for a lease to a not for profit entity by Ordinance; and WHEREAS, the Township Committee believes it is the best interest of the Township to lease a portion of the 2nd floor of the Zoning / Construction Office, 10 S. Boyd Street, Cape May Court House, New Jersey to the Police Benevolent Association Local #59, as further set forth in a lease agreement to be prepared by the Municipal Solicitor herein for a two year period at a rate of Three Hundred Fifty (\$350.00) dollars per month.

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1.

1.1. The Township Committee of the Township of Middle does hereby authorize the Mayor And Municipal Clerk of the Township to execute a lease agreement to be prepared by the Municipal Solicitor leasing portions of the 2nd floor of the Zoning / Construction Office, 10 S. Boyd Street, Cape May Court House, New Jersey to Police Benevolent Association Local #59 for a two year period at a rate of Three Hundred Fifty (\$350.00) dollars per month;

1.2. Furthermore, the Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any additional documents necessary to effectuate this transaction; and

1.3. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the tenant.

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.

14. ORDINANCE NO. 1501-15 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY ESTABLISHING TAX MAP AND GIS ESCROW FEES WITHIN THE TOWNSHIP OF MIDDLE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1501-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/01/2015 at 6:00 p.m.

ARTICLE 1: PURPOSE

It is the purpose of this ordinance to impose upon developers the costs incurred by MIDDLE TOWNSHIP in updating the municipal tax map/GIS database as a result of the approval of various subdivisions or the creation of any new lots within MIDDLE TOWNSHIP. Said costs are directly related to the development procedure, and thereby MIDDLE TOWNSHIP determines that they should be borne by the developer/applicant for all said subdivisions.

Tax Map/GIS Database Update Fees: Each applicant and/or developer for any approval which results in the creation of any new lots, revisions of any existing lots, and/or other alterations to the tax map/GIS database, shall be responsible for paying all reasonable charges incurred by the MIDDLE TOWNSHIP Engineer in updating said tax map/GIS database. These costs shall include, but not be limited to, update to the GIS database, revisions to existing tax map plates, creation/addition of new tax map plates, appropriate revisions to the Key Map(s), reprographic services for applicable Borough, County and State submission copies as well as any reasonable shipping and handling fees involved.

ARTICLE II: COSTS

Once final submission and/or new lot approval has been received, an escrow account shall be established by the applicant and maintained by MIDDLE TOWNSHIP for the express purpose of maintaining the tax map/GIS database. No construction permit shall be issued until said costs are posted with MIDDLE TOWNSHIP, as outlined below:

- \$65 per lot for minor subdivisions (five (5) lots or less)
- Major subdivisions are further broken down as follows:
  - o \$45 per lot for one (1) to twenty-five (25) lots
  - o \$40 per lot for twenty-six (26) to seventy-five (75) lots
  - o \$35 per lot for seventy-six (76) to one hundred twenty-five (125) lots
  - o \$30 per lot for one hundred twenty-six (126) to one hundred seventy-five (175) lots
  - o \$25 per lot for one hundred seventy-six (176) or more lots
  - o \$800 per commercial site plan
  - o \$1000 per condominium site plan plus \$20 per unit for residential condominium projects.

o \$45 per lot or per change for each lot/tax map revision due to deed discrepancies, lot line adjustments, easement detailing, ownership labeling, acreage calculation and labeling, street name changes and other minor revisions.

o \$500 for printing/plotting of final deliverables, as outlined herein

If any portion of the escrow account remains unused following the appropriate revisions to the tax map/GIS database it shall be refunded to the applicant.

In the event that any application for development is denied and the application is no longer pending before the respective Board, then any portion of the aforementioned fee, which has not been expended by the engineer responsible for maintaining the tax map/GIS database, shall be refunded to the applicant.

In addition to the maintenance fees noted, each approved applicant must supply a map of the new subdivision or new lot in a scale suitable for inclusion on the MIDDLE TOWNSHIP tax map/GIS database. Said map must be submitted in both electronic and hardcopy formats, and must be compliant with current New Jersey Map Filing Law guidelines (N.J.S.A. 46-23.1).

#### ARTICLE III: ELECTRONIC FILE SUBMISSIONS STANDARDS

In addition to any/all hard copy submissions already required of all map and plan materials currently being submitted to MIDDLE TOWNSHIP, a digital graphics file containing the data outlined in 129-7 shall also be submitted with each project. All files must be submitted in a .dwg or .dxf file format.

All electronic files must be created in New Jersey State Plane Coordinate System North American Datum 1983 (NADE 83), in the US Survey Feet.

All line work shall connect at line end points. Overlaps, gaps or dangles are not acceptable.

Polygon objects, such as parcels or other boundaries, shall be created from line segments, connecting to adjacent line work at intersections. Single, closed polygons are not to be used where coincidental boundaries may occur. All text shall be clearly legible and not obscured by polygon boundaries/line work.

All digital files for proposed property upgrades/changes/improvements shall be submitted to MIDDLE TOWNSHIP within 45 days of recordation of the final plat or parcel map. Upon acceptance of the improvements by the Land Development Board, the digital files for all public, private and site development, upgrades, changes and/or improvements shall be submitted by the originating party. These digital files shall contain all information as shown on the approved, hard copy plans, as well as any approved changes or revision, and and/all as-build information. Any proposed deviation from these guidelines shall be considered by the Land Development Board on a case-by-case basis only.

The following minimum information must be provided as outlined for each type of project referenced:

- A. Signalization data: striping, traffic signs, traffic signals, legend.
- B. Contour data: contour lines and contour elevations.
- C. Grading data: street grade, top of curb elevations.
- D. Road data: right-of-way lines, street name(s), sign locations, center line locations, median island locations, sidewalk locations, retaining wall locations, sound barrier locations, driveway/gutter line locations, curb lines, handicap ramp locations, traffic light locations, tree/shrub locations, legend.
- E. Surface data: water body locations, stream/drainage ditch locations, park locations, railroad locations, bike path/trail locations, well locations, aboveground storage tank locations, legend.
- F. Survey data: boundary line locations, monument locations, center line locations, lot/parcel boundaries, easement locations, control lines, legend.
- G. Utilities data: transmission line locations, pole locations, transformer locations, lateral locations, meter locations, valve locations, cleanout locations, manhole locations, catch basin locations, hydrant locations, culvert/culvert fencing locations, water line locations, sanitary sewer line locations, Stormwater drainage facility locations, legend.

#### ARTICLE IV: AMENDMENT

Any/all previous ordinances now in effect regarding tax map/GIS database escrow fees in MIDDLE TOWNSHIP are superseded by this ordinance.

#### ARTICLE V: EFFECTIVE DATE

This ordinance presented herein was introduced and passed at a regular meeting of the MIDDLE TOWNSHIP governing body, in the County of CAPE MAY, in the State of NEW JERSEY, which was held on April 20, 2015. A PUBLIC HEARING will be held on May 18, 2015 at the MIDDLE TOWNSHIP Municipal Complex, at which time any person desiring to be heard in regard to said ordinance will be given an opportunity to speak.

15. ORDINANCE NO. 1502-15 – 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 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1502-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/01/2015 at 6:00 p.m.

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. 1. The existing section labeled license required shall be relabeled as section 132 – 1A.
2. The following section it shall be added as section 132–1 and shall be entitled "Definitions":

APPLICANT: The person who is the owner of the property were mining over excavation is to take place or is the permissive user of such a land who seeking a license under this ordinance.

APPLICATION: The form(s) described herein, which will be disseminated by the Township Clerk and is incorporated herein by this reference.

BUFFER: A. buffer is that area along the border of an excavation site in which no mining activity or disturbance is to take place.

PURPOSES: The sale or commercial use of the sander 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 as 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 were excavation has 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 is 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 immediate cessation of operations plus the following cumulative penalties :

(a) For filing between November 2 and November 30: \$250.

(b) For filing between December 1 and December 31: an additional \$500.

(c) For filing between January 1 and February 1; an additional \$750.

(d) In addition to the fees payable under paragraph a above, the applicant for a permit shall pay to the Secretary of the Planning Board, in accordance with paragraph (f) below, any and all fees normally and customarily charged 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 Board.

(e) The 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.

(f) Additionally, every five (5) years the applicant shall make an application to the Township Planning Board for amended site plan approval in accordance with the Municipal Land Use Act of the State of New Jersey and the ordinances of the Township. The applicant shall file the following information:

1. The aforesaid documents.

2. Statement of areas that have been mined and reclaimed during the previous amended site plan approval.

3. Submit a certified list of all property owners located within five hundred (500) feet of the property where the mining and excavation activity is to occur.

4. 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 Planning Board for amended site plan approval.

5. The Township Planning Board shall proceed to consider such application for amended site plan review and shall report its finding to the applicant and to the Township Committee. If the Township planning Board should deny amended site plan approval, no further action on the application for mining license renewal shall be taken by the Township Committee. If the applicant appeals to the Superior Court of New Jersey from denial of amended site plan approval and does so within the time period specified by the Rules of Court, and notice of such appeal is file with the Township clerk, 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 Planning Board is affirmed by the Superior Court, 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. In addition to the granting of amended site plan approval, the Township Planning Board may make any other recommendation which it deems appropriate for the consideration of the Township Committee including, but not limited to, a recommendation of either approval or Rejection of the mining application. The Township Committee may, in its sole discretion, accept, modify or reject the aforesaid recommendations of the Township Planning Board. The approval or rejection of site plan, however, shall be within the Exclusive determination of the Township Planning Board and such determination of the Township Planning Board shall be binding upon the Township Committee.6. Furthermore, upon the initial application subsequent to the adoption of this ordinance and every thirty (30) months thereafter, an as-built survey showing topographic conditions of the site including contours of the site both above and below the water surface shall be submitted to the Township Engineer for review. The Township Engineer shall report to the Township Committee as to the status of operation at the mining operating prior to the subsequent mining relicense period. Contours shall be at one (1) foot intervals and referenced to the New Jersey Geodetic Control Survey atum. Said survey shall be prepared by a licensed land surveyor and shall have been completed within the previous three (3) months of submittal. (2) Any gravel pit owner who fails to comply fully with the requirements here in by February 1 of each year shall have his license permanently revoked.

#### SECTION 3:

Article132-3 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. Additionally, the following language shall be added to this existing paragraph:  
Any well which is installed on site subsequent to the enactment of this ordinance shall be located at a distance no less than 200 feet from an adjoining property.
3. The following paragraph shall be added as paragraph 132-3B.  
B. Hours of operation shall be limited to the following:  
7 AM to 8 PM daily (inclusive of Saturday and 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. A minimum 100ft undisturbed buffer of natural vegetation will be maintained around the perimeter of the site except where clearing and disturbance occurred prior to the enactment of the current Middle Township Ordinance (Chapter 132 Excavating and Soil Removal as amended.)  
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 surface as the public highway.  
Stop signs shall be provided by the permit holder and installed on the access road into the site at its intersection with the public highway. "truck entering roadway" signs shall be installed by the permit holder or owner at least 200 feet in each direction from the access road into the site.  
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 and the Cape Atlantic Soil Conservation District shall inspect each licensed premises to verify that each license is in compliance with the provisions of this chapter. The Township Engineer and the Cape Atlantic Conservation District, shall file a written report with the Township Clerk no later than September 1 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 unanimous approval of the Township Committee. If a conditional renewal is granted then operations must cease until all conditions have been fulfilled.

132-9B In the event that the Township Committee, Planning Board 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 a subcommittee of the Planning Board to be held within fifteen (15) days of the notice, 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 which 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 Planning Board subcommittee 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.

#### 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 forthwith.

#### 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.

16. ORDINANCE NO. 1503-15 - BOND ORDINANCE PROVIDING FOR THE UNDERTAKING OF VARIOUS 2015 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE "TOWNSHIP"); REAPPROPRIATING EXCESS BOND PROCEEDS AND APPROPRIATING TOWNSHIP FUNDS IN THE AGGREGATE AMOUNT OF \$671,904.21 TO FINANCE THE COST THEREOF – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1503-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/01/2015 at 6:00 p.m. WHEREAS, the Township Committee of the Township of Middle, in the County of Cape May, State of New Jersey (the "Township"), finally adopted various Bond Ordinances and Ordinances, specifically (a) Bond Ordinance Number 874-93 finally adopted on December 2, 1993, (b) Bond Ordinance Number 1126-03 finally adopted on April 7, 2003, (c) Ordinance Number 1360-10 finally adopted on June 21, 2010 and (d) Ordinance Number 1374-11 finally adopted on February 23, 2011 (collectively, the "Ordinances"); and WHEREAS, following the effective date of each of the Ordinances, the Township, if applicable, issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and WHEREAS, the Township has determined that all of the capital improvements or purposes set forth in each of the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and WHEREAS, there currently remains on deposit in the Township capital accounts excess bond proceeds and capital funds allocable to the Ordinances in the aggregate amount of \$55,570.93 (the "Excess Proceeds") but no longer necessary to complete the improvements or purposes authorized therein; and WHEREAS, in accordance with its statutory powers, including but not limited to those set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Township Committee has determined that it is in the best interest of the Township to reappropriate the Excess Proceeds and to appropriate an additional \$590,000.00 from the Capital Improvement Fund and \$26,333.28 from surplus, making the total reappropriation/appropriation \$671,904.21, to finance the cost of the undertaking of various capital improvements in and by the Township, including but not limited to, the acquisition and installation, as applicable, of a radio system, core power battery, body cameras, a folding machine, a hydro-seeder, video surveillance equipment and non-passenger SUVs and other police, public works, tax collector and Township capital equipment, and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the list, plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved (collectively, the "Project"), which Project is an improvement for which bonds may be issued, thereby, decreasing the amount of additional Township debt to finance such current capital needs; and WHEREAS, the Township Committee now desires to reappropriate the Excess Proceeds and appropriate the additional funds to undertake the cost of the Project, which is an improvement or purpose for which bonds may be issued; and BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS: SECTION 1. The following amounts of Excess Proceeds of the Ordinances are no longer necessary for the purposes for which they were authorized and issued:

Bond Ordinance/ Ordinance Number	Excess Proceeds Amount
874-93	\$ 328.73
1126-03	\$ 7,834.50
1360-10	\$44,000.00
1374-11	\$ 3,407.70
TOTAL	\$55,570.93

SECTION 2. The total amount of \$55,570.93 in Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39 and other applicable law and \$590,000.00 from the Capital Improvement Fund and \$26,333.28 from surplus is hereby appropriated, making the total reappropriation/appropriation \$671,904.21 and shall be used to finance the cost of the Project, which is a general capital improvement or purpose for which bonds may be issued and, which general improvement or purpose is set forth in Section 3 of this bond ordinance.

SECTION 3. (a) The improvement hereby authorized and purpose for which the Excess Proceeds and the Township funds shall be utilized is the undertaking of various capital improvements in and by the Township, including but not limited to, the acquisition and installation, as applicable, of a radio system, core power battery, body cameras, a folding machine, a hydro-seeder, video surveillance equipment, non-passenger SUVs and other police, public works, tax collector and Township capital equipment, and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the list, plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved (collectively, the "Project"), which Project is an improvement for which bonds may be issued.

(b) The estimated cost of said purpose is \$671,904.21, which is the \$55,570.93 reappropriation of the Excess Proceeds, the \$590,000.00 appropriation from the Capital Improvement Fund and \$26,333.28 appropriation from surplus.

SECTION 4. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government

Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 5 years.

(c) An amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

SECTION 6. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

17. RESOLUTION 206-15 – AMENDING ADOPTED PERSONNEL POLICY

MANUAL/HANDBOOK – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, it has been deemed necessary to amend several sections personnel policy manual/handbook, as previously adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the section as indicated shall hereby be amended to include the following additional information as attached.

BE IT FURTHER RESOLVED, that a copy of said amendment shall be distributed to each Township Committeemember, Township Administrator, Township Solicitor, and Head of each Department as an addition to said manual and further shall be utilized by the Human Resources & Training Department accordingly.

FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of this manual be declared unconstitutional or invalid for any reason, the remaining portions of said manual shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual are hereby declared to be severable.

18. RESOLUTION 207-15 through 208-15 – APPROVAL FOR PAYMENT TERMINAL LEAVE – (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, Brian Gibson has resigned with an effective date of December 18, 2014; and WHEREAS, it is the policy of Middle Township to compensate resigning 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.

Brian Gibson

26.5 Hours	Comp Time	\$10.50 ph
	Total:	\$299.54 (21.29 payroll tax expense)

B. WHEREAS, Brian Revoir has resigned with an effective date of December 18, 2014; and WHEREAS, it is the policy of Middle Township to compensate resigning 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.

Brian Revoir

27 Hours	Comp Time	\$12.00 ph
	Total:	\$348.78 (24.78 payroll tax expense)

19. RESOLUTION 209-15 – ACKNOWLEDGMENT 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
Susan Tomes	Public Safety	PS Telecommunications Operator Trainee P/T	04/29/2015
Brian Gibson	Public Safety	Special Class II Police Officer	03/25/2015
Thomas Fairman	Senior Center	Recreation Aide P/T	05/15/2015

20. RESOLUTION 210-15 – FORECLOSURE GROUP #193 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #193 be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of Certificates to Attorney Keith Bonchi to proceed to Foreclose in Rem, the lands and premises covered by said certificates.  
\*\*List available in Municipal Clerk's office
21. RESOLUTION 211-15 through 213-15 – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH C) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
(A) WHEREAS, the Wildwood Golf & Country Club, has applied for approval to sell alcoholic beverages at an event to be held at Wildwood Golf & Country Club, 1170 Golf Club Road, Cape May Court House, New Jersey 08210 on June 3, 2015 thru June 7, 2015 (11:00am-1:00am); and WHEREAS, they have provided proper documentation to the Township of Middle; and NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permits as submitted.  
(B) WHEREAS, Cape May County Association of Realtors has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 N., Cape May Court House, New Jersey 08210 on May 13, 2015 from 12:00pm until 6:00pm; and WHEREAS, they have provided proper documentation to the Township of Middle; and NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permits as submitted.  
(C) WHEREAS, the FWS Foundation has applied for approval to sell alcoholic beverages at an event to be held at Sand Barrens Golf Club, 1765 Route 9 North, Swainton, New Jersey 08210, on May 8, 2015, which was approved via Resolution 146-15, and NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the time for this event shall be amended to reflect the following time change:  
FWS FOUNDATION – May 8, 2015 5:00pm – 10:00pm – 1765 Route 9 North, Swainton
22. RESOLUTION 214-15 – RESCINDING RESOLUTION 167-15 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – UHY ADVISORS (EMPLOYEE BENEFIT CONSULTING SERVICES) – 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 Resolution No. 167-15 is hereby rescinded.
23. RESOLUTION 215-15 – APPROVING TONNAGE GRANT 2014 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and  
WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and  
WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and  
WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and  
WHEREAS, a resolution authorizing this municipality to apply for the 2014 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Committee, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and  
WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.  
NOW THEREFORE BE IT RESOLVED by the Township Committee of Township of Middle that Township of Middle hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Robert W. Flynn to ensure that the application is properly filed; and  
BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
24. RESOLUTION 216-15 – SUPPORTING NO PASSING ZONE – ROUTE NJ 9 IN THE VICINITY OF MP 11.50 (SHELLBAY AVENUE) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, the Bureau of Traffic Engineering and Investigations has completed an investigation along Route NJ 9 in the vicinity of M.P. 11.50 (Shellbay Avenue) in Middle Township; and

WHEREAS, based on this investigation, it has been recommended to revise the centerline pavement markings to a No Passing Zone along Route NJ 9 in the vicinity of M.P. 11.50 (Shellbay Avenue); and

WHEREAS, the New Jersey Department of Transportation requires a resolution of support from the municipality in order to promulgate a Traffic Regulation Order.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support the revision of centerline pavement markings to indicate a “No Passing Zone” along Route NJ 9 in the vicinity of M.P. 11.50 (Shellbay Avenue).

25. RESOLUTION 217-15 – SUPPORTING THE TRANSPARENT TAX ACT OF 2015 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, Assembly Bill No. A-4325 supplementing chapter 4 of Title 54, R.S.54:4-65 and designated the “Transparent Tax Act of 2015” is being considered for adoption by the New Jersey State Assembly; and,  
WHEREAS, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and,  
WHEREAS, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and,  
WHEREAS, A-4325 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets;  
WHEREAS, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and,  
WHEREAS, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.  
NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Middle, County of Cape May, and the State of New Jersey, hereby supports Assembly Bill A-4235 amending Title 54:4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and,  
BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of the New Jersey State Assembly, the members of the New Jersey Senate, and the Governor of the State of New Jersey, the New Jersey State League of Municipalities, the Municipal Clerk’s Association of New Jersey, and all Bergen County Municipalities.
26. RESOLUTION 218-15 through 219-15 – APPROVE TRANSIENT MERCHANT LICENSE (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, A+T Ice has applied for a Vendor’s License to operate an ice cream truck in Middle Township,  
WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.  
THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from May 4, 2015 through December 31, 2015.
- B. WHEREAS, Kona Ice Cape May has applied for a Vendor’s License to operate an ice cream truck in Middle Township,  
WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.  
THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from May 4, 2015 through December 31, 2015.
27. RESOLUTION 220-15 – AMENDING AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – FLOOD PLAIN MANAGER – 2015 – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, on November 17, 2014 Township Committee awarded DeSimone Management, LLC a one year term as Flood Plain Manager, and said contract was certified for 2015 as Resolution No. 599-14, and  
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said amended agreement:
- DeSimone Management, LLC  
Flood Plain Manager  
Not to Exceed \$13,500.00
- \*Contract Period 01/01/2015 through 12/31/2015
28. RESOLUTION 221-15 – CLOSED SESSION – CONTRACT NEGOTIATIONS – OCKIE WISTING GROUND LEASE – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session. This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist. The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

WHEREAS, said Closed Session shall be held directly after this open session.

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – CONTRACT NEGOTIATIONS (OCKIE WISTING GROUND LEASE)

2.) The general nature of the subject matter to be discussed is as follows:

CLOSED SESSION – CONTRACT NEGOTIATIONS (OCKIE WISTING GROUND LEASE)

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.

29. RESOLUTION 222-15 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – THYSSENKRUPP ELEVATOR CORPORATION – 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 ThyssenKrupp Elevator Corporation and the Township of Middle for annual elevator testing in the amount of \$1,176.00 per year, 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.

ThyssenKrupp Elevator Corporation – Elevator Annual Maintenance

2 year contract – Not to exceed \$1,176.00 per year

30. RESOLUTION 223-15 – AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINES – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to lease various a copy machine/ printer for the Township of Middle, in the County of Cape May, State of New Jersey; and

WHEREAS, machines will be leased for the following department:

1. Public Works
2. Municipal Clerk/Registrar
3. Finance

WHEREAS, this can be leased through State Contract #A51464, and

WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

CIT Leasing

21146 Network Place

Chicago, IL 60673

For the lease/purchase of copier machines/ printer for 60 months in the amount of \$425.00 per month.

31. RESOLUTION 224-15 – RATIFY LEASE AGREEMENT – CAPE EXPRESS SOCCER – On motion by Committeemember Lockwood seconded by Committeemember Clark and passed on roll call, the following resolution was adopted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the agreement between Cape Express Soccer and the Township of Middle, for usage of the Georgianna and Clarence Sports Complex for a term effective January 1, 2015 through December 31, 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.

32. RESOLUTION 225-15 – SELF-EXAMINATION OF BUDGET – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

33. RESOLUTION 226-15 – AMEND 2015 BUDGET – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

<b>WHEREAS</b> the public hearing on said budget has been held as advertised, and							
<b>WHEREAS</b> it is desired to amend said approved budget, now							
<b>THEREFORE BE IT RESOLVED</b> , by the Township Committee of the Township of Middle, County of							
Cape May that the following amendments to the approved budget of 2015 be made:							
<b>CURRENT FUND:</b>							
				<u>From</u>		<u>To</u>	
<b>GENERAL REVENUES</b>							
	1.	Surplus Anticipated		\$ 1,740,000.00		\$ 1,757,500.00	
		Total Surplus Anticipated		1,740,000.00		1,757,500.00	
	5.	Sub-Total General Revenues		8,034,131.71		8,051,631.71	
	7.	Total General Revenues		<u>20,347,231.82</u>		<u>20,364,731.82</u>	
<b>ANTICIPATED APPROPRIATIONS:</b>							
	8.	General Appropriations:					
		A) Operations - Within "CAPS"					
		Legal Services and Costs					
		Other Expenses		309,500.00		327,000.00	
		Total Operations within "CAPS"		16,170,501.00		16,188,001.00	
		Total Operations including Contingent within "CAPS"		16,170,501.00		16,188,001.00	
		Detail:					
		Other Expenses		8,077,551.00		8,095,051.00	
	(H-1)	Total General Appropriations for Municipal Purposes within CAPS		18,074,572.31		18,092,072.31	
	(L)	Subtotal General Appropriations (Items H-1 and O)		20,013,240.12		20,030,740.12	
	9.	Total General Appropriations		<u>20,347,231.82</u>		<u>20,364,731.82</u>	

34. PUBLIC HEARING – 2015 MUNICIPAL BUDGET

*No Public Comment*

35. RESOLUTION 227-15 – ADOPT 2015 MUNICIPAL BUDGET – 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2015 was introduced and approved at a regular meeting of the Township Committee held on March 16, 2015 and was thereafter advertised in the Herald-Times in its issue on April 1, 2015, which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing; and BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2015 was hereby read by title only, and also had public hearing on May 4, 2015; and FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2015; and FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2015 is hereby adopted.

36. PUBLIC COMMENT:

Stan Doniger –  
    Asked Chief Leusner if vans are used to transport prisoners?  
Chief Leusner –  
    MTPD does not use vans.

Committeemember Clark –  
    No Comments

Committeemember Lockwood –  
    -Spoke about good work done by good people with regards to the budget  
    -Discussed No Net Loss Program and Arbor Day event at school in which about 1,000 trees were given out  
    -Mentioned Joe Gianntasio’s recognition by NJ Clean Communities program  
    -Recognized Marvin Hume who recently passed away – veteran who conducted the flag raising ceremony at Sunset Beach  
    -Mentioned Middle Township resident Matt Smith who recently retired from the USCG  
    -Spoke about upcoming Coast Guard Community event

Mayor Donohue –  
    -Echoed Committeemember Lockwood’s sentiments on the budget, recognized hard work of department heads, administrator and clerk  
    -Parkway Closure – May 4<sup>th</sup> from 8pm until May 5<sup>th</sup> at 5am – AC Electric replacing lines/poles  
    -Free Rabies Clinic – May 16<sup>th</sup> from 2pm-3pm at Public Works building  
    -Spoke about upcoming Coast Guard Community Festival – May 8<sup>th</sup> – 10<sup>th</sup>  
    -Happy Mother’s Day

Millie Card, 104 Lafayette Street, Del Haven –  
    -Attended meeting in February to express concerns of abandoned neighboring property at 100 Lafayette Street. Yard is full of trash, oxygen tanks, broken glass. Recent fire at Ms. Card’s residence caused damage to neighboring property, police have attempted to contact owners to no avail. Asked Township’s status on this property, believes it is unsafe.

Committeemember Lockwood –  
    -Explained that “unsafe structure” process can be lengthy, involves court hearing and notices being sent, often rescheduled or delayed for certain reasons. Will follow up with police and code enforcement.

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Kimberly D. Krauss, Township Clerk

Motion to enter closed session – 6:47pm  
1<sup>st</sup>: Committeemember Clark      2<sup>nd</sup>: Committeemember Lockwood  
Pass on Roll Call: Committeemember Clark, Committeemember Lockwood, Mayor Donohue

Motion to return to open meeting – 7:40pm  
1<sup>st</sup>: Committeemember Clark      2<sup>nd</sup>: Committeemember Lockwood  
Pass on Roll Call: Committeemember Clark, Committeemember Lockwood, Mayor Donohue

Motion to adjourn meeting – 7:41pm  
1<sup>st</sup>: Committeemember Clark      2<sup>nd</sup>: Committeemember Lockwood  
Pass on Roll Call: Committeemember Clark, Committeemember Lockwood, Mayor Donohue