

Cape May Court House, NJ
June 1, 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. MAYOR'S CERTIFICATE OF HONOR – RICHARD MCHALE & W. SCOTT WEBSTER
2. 11th ANNUAL MIDDLE TOWNSHIP DRUM FISH TOURNAMENT AWARDS
3. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)

Stan Doniger:

Questioned Verizon Bills and totals on the bill list.

Committeemember Lockwood:

Explained that there are groups of phones on separate bills for example the police department's cell phones would be one group.

Stan Doniger:

Also questioned the total cost for emergency lighting.

Chief Leusner:

Clarified the purpose for emergency lighting is for outfitting new police vehicles.

Maryanne Wagner: 9 Sand Castle Drive

Asked if the gravel pit ordinance has been tabled. And if so, when will it be rescheduled? She is concerned with the hours of operations and states that 8 pm is too late to finish the work day. She would like to know if copies of reports that are filed each year by the Township Engineer and Cape Atlantic Soil are available to the public. And, would also like to know who determines the depth from ground level.

Mayor Donohue:

Stated that there have been many concerns that the project is moving too rapidly. And, that the gravel pit ordinance is tabled until further notice. He proceeded by affirming that there are no set hours of operation yet. He confirmed that copies of reports are open information and are available to the public. He then answered her question concerning who determines the depth by stating that a professional licensed surveyor approves the final numbers.

Art Maroni: 9 Sand Castle Drive

Asked about where the determination for the depth begins. He then followed by asking if the surveyor physically goes to the location to determine the depth.

Mayor Donohue:

A professional licensed engineer submits a sealed survey stating that the numbers given are correct. And, most of the time they do not physically go to site to determine the depth.

Art Maroni:

Proceeded by asking how the surveyor knows the exact depth if he does not physically go to the location for determination. For example, how does the surveyor know it is 30 feet and not 45 feet?

Committeemember Lockwood:

A professional surveyor goes out to the location and does the soundings for the first time. There are a few different scenarios though for example the location being discussed, its report hasn't changed due to no prior activity at the location since the last report therefore deeming no further reports needing to be produced resulting in the surveyor not having to physically appear.

Maryanne Wagner:

Asked about where she could obtain the information for the licenses that must be renewed or extended each year.

Committeemember Lockwood:

Clarified Maryanne's question by directing her to go to the Municipal Clerks office and filing an Open Public Records Act request.

Art Maroni:

Spoke of an alternative headphone method for the "beeping noise" of the machines in the early hours of the morning.

Bob Kelly: Sand Castle Drive

Questioned the renewal date for reports which is December 1st. He also asked about who is responsible for monitoring depth. He is concerned with the level of noise that will be produced and the hours of operation lasting until 8pm.

Mayor Donohue:

Responded by stating that 8pm is in compliance with the noise ordinance set.

Ruth Jones: 16 Sand Castle Drive

Agrees with her neighbors. Spoke of concerns with ongoing noise. She can no longer enjoy the outdoors.

Bob Kelly:

Thanked Committee for not digging any further than 30 feet.

Stan Doniger:

Questioned the noise barriers, and OSHA requirements.

Marcus Karavan:

Standards enforced through OSHA are not necessarily enforced by the township.

Stan Doniger:

Regarding question 9 and when the fees became effective.

Kimberly D. Krauss:

Stated in response to Stan's question by confirming upon advertisement of adopted ordinance.

Stan Doniger:

Questioned number 11 on the agenda.

Constance Mahon:

Clarified number 11 by stating she spoke to the reappropriation about the funds that are currently paying and allowing the purchase of needed items for Public Works and the Police Department.

Jim Roberts: 19 Sand Castle Drive

Stated that digging more than 50 feet could potentially contaminate the wells in the neighborhood.

4. RESOLUTION 252-15 – 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. \$1,825,831.55
5. RESOLUTION 253-15 – 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. \$101.75
6. RESOLUTION 254-15 – 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 Meeting 05/18/2015, Board of Health 05/18/2015, Regular Meeting 05/18/2015
7. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of April; Township Clerk/Registrar for the month of May; Zoning for the month of May.
8. ORDINANCE 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1500-15 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

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.

9. **ORDINANCE 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 –** Following second reading, hearing, and consideration for adoption, Ordinance 1501-15 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

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.

10. ****TABLED**** - ORDINANCE 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1502-15 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

BE IT ORDAINED by the TOWNSHIP COMMITTEE, 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 where 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 filed 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 Datum. 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:

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. 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.

REAPPROPRIATING EXCESS BOND PROCEEDS AND APPROPRIATING TOWNSHIP FUNDS IN THE AGGREGATE AMOUNT OF \$671,904.21 TO FINANCE THE COST THEREOF – Following second reading, hearing, and consideration for adoption, Ordinance 1503-15 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

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.

12. RESOLUTION 255-15 – AUTHORIZING CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE	SALARY
Brandon Mitchell	Public Safety	P/T Telecomm. Operator	F/T Telecomm. Operator	05/22/2015	\$28,500.00
Krystal Arana	Township Clerk / Registrar V.S.	Keyboarding Clerk 1 P/T*	Keyboarding Clerk 1 F/T*	06/01/2015	\$20,000.00

*Title Code 01271 (Keyboarding Clerk 1 Bilingual in Spanish and English)

13. RESOLUTION 256-15 – 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, Thomas Fairman has resigned with an effective date of May 15, 2015; 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.

Thomas Fairman

25.20 Hours Vacation Time \$11.00ph
 Total: \$298.41 (inclusive of payroll tax expense)

14. RESOLUTION 257-15 – APPOINTMENTS – NEW HIRE – 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 employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Kyle Lindholm	Public Safety	P/T P.S. Telecomm. Operator / Trainee	\$10.49ph	05/28/2015
Joseph Repici	Public Safety	P/T P.S. Telecomm. Operator	\$15.00ph	05/28/2015
Mariah Fishman	Public Safety	P/T Telecomm. Operator / Trainee	10.49ph	06/01/2015

15. RESOLUTION 258-15 – 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
Maureen P. Woolson	318 Dias Creek Road	163.01 // 192	\$290.79
Joseph & Madeline L. Palm	122 Lafayette Avenue	427 // 14	\$196.85
John R. Tamulis	9 Colgate Street	392 // 4	\$196.85
New York Community Bank	100 Lafayette Avenue	427 // 23	\$218.85
Mary C. McCarraher	120 Lafayette Avenue	427 // 15	\$169.02
Lillian A. Brunell	222 School Lane	1447 // 15	\$155.11
Kimberly A. Fashaw	106 N. 10 th Avenue	1109 // 1	\$169.02

16. RESOLUTION 259-15 – AUTHORIZING MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – 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 and State of New Jersey, that the mortgage loan for Laverne Kee in the amount of Twelve Thousand Two Hundred (\$12,200.00) Dollars is hereby authorized to be discharged.
 BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

17. RESOLUTION 260-15 – AUTHORIZING PURCHASE UNDER STATE CONTRACT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, there is a need to purchase 2 police vehicles; and
 WHEREAS, through the State Contract Purchasing System, Contract #T-2776 / A88728, these vehicles are available; and
 WHEREAS, the total amount for one standard vehicle is \$25,948.00, and funds are available as evidenced by the Temporary Chief Financial Officer's Certification; and
 WHEREAS, the vehicles are being purchased by authorization of this resolution are 2016 Ford Utility Interceptors; 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 Police Department is hereby authorized to purchase two (2) of the aforementioned vehicles at a cost of \$25,948.00 per vehicle.
 FURTHER RESOLVED, that the Temporary Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:
 Winner Ford
 250 Haddonfield-Berlin Road
 Cherry Hill, NJ 08034

18. RESOLUTION 261-15 – RENEWAL OF GRAVEL PIT PERMITS - On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the several gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and
 WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and
 WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, “recertification is currently recommended” for the following licensees, and
 NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2015 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
8	Court House Sand & Gravel, LLC	472 / 93	79.94	\$600.00

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

19. RESOLUTION 262-15 – 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.

20. RESOLUTION 263-15 – APPOINTMENTS – VOLUNTEER BOARD – MIDDLE TOWNSHIP CABLE TV ADVISORY BOARD – 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 individuals are hereby appointed to the Middle Township Cable TV Advisory Board for the term of office opposite their name:

NAME	POSITION	TERM EXPIRES
Robert Myers	Member	12/31/2015*

*Filling unexpired term of James Lewis

21. RESOLUTION 264-15 – APPROVE CHANGE ORDER NO. 1 – 2014 ROAD PROGRAM – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, 2014 Road Program Project was awarded March 2, 2015 via Resolution No. 124-15 to Jerry & Son Excavating, Inc.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Jerry & Son Excavating, Inc. be and is hereby approved in the amount of \$42,405.00.
22. RESOLUTION 265-15 – AWARD CONTRACT AND RATIFY AGREEMENT – J.P. BAINBRIDGE & ASSOCIATES, INC. – APPRAISAL 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 of the Township of Middle, the governing body thereof, that the Agreement between J.P. Bainbridge Associates, Inc. and the Township of Middle for appraisal services in connection with Block 10.02 Lot 1 (easement), 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.
 J.P. Bainbridge Associates, Inc. – Appraisal Services –
 Not to exceed \$3,900.00 / rate of \$150.00ph
23. RESOLUTION 266-15 – SUPPORTING THE GOSHEN FIRE COMPANY TO APPLY FOR GRANTS FOR THE GOSHEN SCHOOLHOUSE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the Goshen Schoolhouse is owned by the Goshen Volunteer Fire Company and contains an historic schoolhouse and a playground; and
 WHEREAS, the building has been nominated for a listing on the national Register of Historic Places; and
 WHEREAS, the structure has sever deterioration and is need of immediate stabilization and repair; and
 WHEREAS, the Fire Company has received \$200,000.00 in grant funds to date and has applied for additional funds from the New Jersey Historic Trust; and
 WHEREAS, having a resolution of support from Township Committee may assist in receiving grant funds; and
 WHEREAS, the Township fully supports the efforts of the Fire Company to stabilize the building and develop it into a community building to be used for education, public services, cultural venues and support for the Fire Company; and
 WHEREAS, the Middle Township Open Space and Recreation Plan recommends supporting the revitalization efforts of the Schoolhouse and the entire property,
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby express its support for the Goshen Fire Company to apply for funds to stabilize the Schoolhouse building, and for future improvements to the property.

24. PUBLIC COMMENT:

Committeemember Clark:

Had a good time at the Memorial Day parade, it was well attended. Thanked Suzanne Stocker for the work and time she put into the Drum Fish Tournament. He also thanked Anne Garrison for the time she put in as well.

Committeemember Lockwood:

Congratulated Suzanne Stocker for passing the Clerks exam. Welcomed PBA to Middle Township and congratulated Krystel Arana for receiving full time. Shared a compliment received at the Memorial Day Parade by an individual who did three more events similar to the one of that day stating that our event was “top shelf.” He was also honored to be present at the 106th birthday of Florine MaBaugh.

Mayor Donohue:

Echoed comments made on the Memorial Day parade by Committeemember Clark and Committeemember Lockwood. Thanked the members of the Public Works department and American Legion Post who participated for a job well done. Met with Field Director GerryThornton and Maureen Lozier, Chairperson for the Veterans Advisory Board, along with some members of the American Legion to discuss the County Open Space Fund for the renovation of the American Legions property. The vision that is being developed is a Veterans Memorial Park along with a new building that would provide meeting space for the Legion, classroom space where we would educate individuals on the contributions of Middle Township and Cape May County Veterans. As well as some services for Veterans including resources to access the services that they require. Congratulated Suzanne Stocker for passing the Clerks exam. He also mentioned Krystel

Arana who also works in the Clerk's office and her appointment as full time. Mentioned alteration of Change Order on Road Project to allocate funds to increase parking spots for the hockey rink at the Goshen Complex. Goshen Schoolhouse is part of the same County Open Space Program and a new resolution is being created to help support them in renovating the old Goshen schoolhouse.

Stan Doniger:

Noticed paving portion of the COAH Project has been completed. Asked committee if firetrucks would be sustained by the roadway. He is concerned with weight of said trucks. Something to consider before bond release.

Committeemember Clark:

Fire official would determine the outcome and plans before construction. He does not foresee any problems.

Stan Doniger:

Concerned with big projects cutting corners.

Gerry Burns:

Asked a question about the inspection process. Stated that two weeks ago when he asked a similar question he was given a different answer.

Constance Mahon:

Clarified that his question a couple weeks ago pertained to architectural plans that differ from site plans and the current subject being discussed.

Committeemember Clark:

Commended by individual at Memorial Day parade for participation and involvement.

Motion to adjourn meeting – 7:00pm

1st Committeemember Clark

2nd Committeemember Lockwood

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

Kimberly D. Krauss, Township Clerk