

Cape May Court House, NJ  
 August 17, 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, Committeemember Lockwood, Committeemember Clark, Township Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. PRESENTATION BY MAYOR – JULY EMPLOYEE OF THE MONTH – LISA CLIFFORD
2. RESOLUTION 366-15 – APPOINTMENTS – NEW HIRES – POLICE OFFICERS – 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
Benjamin Stiefel	Public Safety	Police Officer	\$34,609.00	08/25/2015
Jonas McInnis	Public Safety	Police Officer	\$34,609.00	08/25/2015

3. SWEARING IN OF NEW OFFICER
4. PRESENTATION OF DONATION TO RECREATION BY DENNIS ROBERTS
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.)

*Vilma Pombo:*

- *Questioned #10 on the agenda concerning the gravel pit ordinance and asked if there have been any changes made to the depth.*

*Mayor Donohue:*

- *Reaffirmed that there have no changes made.*

*Ed Dillio:*

- *Asked for details of Conte agreement regarding agenda item #21.*

*Constance Mahon:*

- *Terms of settlement agreement, cannot be further discussed*

*Mary Ellen Wagner:*

- *Wanted clarification on the depth of the gravel pit.*

*Constance Mahon:*

- *Confirmed the gravel pit depth is 30 feet.*

*Stan Doniger:*

- *Questioned the phone expenditures on the bill list and why the cost is made by phone numbers and not the address.*

*Art Marconi:*

- *Wanted to know who monitors the depth of gravel pits and suggested white noise back-up be used for machines.*

*Committeemember Lockwood:*

- *Commented that gravel pits are surveyed and renewed annually.*

*Kimberly D. Krauss:*

- *Explained the OPRA procedure for obtaining copies of plans*

*Mary Ellen Wagner:*

- *Provided supporting information on OSHA concerning white noise.*

6. RESOLUTION 367-15 – 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. \$2,258,996.51
7. RESOLUTION 368-15 – APPROVING PAYMENT FOR BILLS – BILL LIST B (LC Equipment, Inc.) – On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

**\*Committeemember Lockwood 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. \$880.00

8. RESOLUTION 369-15 – 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: Regular Meeting 08/03/2015 and Closed Session 08/03/2015.
9. REPORTS: The following departments have submitted their reports for the months indicated: Tax Collector for the month of July; Sewer for the month of July; Zoning for the month of July;
10. ORDINANCE 1508-15 - AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1508-15 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, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:

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

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

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

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

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

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

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

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2015 immediately upon final passage and publication according to law.

Account Clerk P/T \$8.38 to \$18.00 p/h

11. ORDINANCE NO. 1509-15 - AN ORDINANCE AMENDING CHAPTER 132, ENTITLED “EXCAVATION AND SOIL REMOVAL” OF THE CODE OF THE TOWNSHIP OF MIDDLE, ORIGINALLY ADOPTED ON FEBRUARY 17, 1983 AS ORDINANCE # 448-83 AND ALL AMENDMENTS THERETO – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1509-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/17/2015 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. The existing section labeled “License Required” shall be relabeled as section 132 – 1A.
2. The following section shall be added as section 132–1 and shall be entitled "Definitions":

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

APPLICATION: The form(s) described herein will which be disseminated annually to current licensees by the Township Clerk and is incorporated herein by this reference. Said form will also be available online at the Township website.

BUFFER: That area along the border of an excavation site in which no mining activity or disturbance is to take place; however, reasonable access will be permitted thru the buffer to access the mining operations.

PURPOSES: The sale or commercial use of the sand or other product which is excavated, as distinguished from personal use of the product by the owner of the ground at the place where the same is excavated.

DISTRICT: The Cape Atlantic Soil Conservation District.

EXCAVATION: The digging or mining of resource extraction materials.

MINING: Is hereby defined as being synonymous with excavation and including all digging/and or mining related activities

RESOURCE EXTRACTION MATERIALS: Sand, gravel, earth, soil or mineral products of the soil.

RESTORATION: Is the process of restoring areas where excavation and related activities have taken place after the conclusion of all excavation activity.

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

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

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

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

(a) For late filing between November 2 and November 30: an additional \$250 fee.

(b) For late filing between December 1 and December 31: an additional \$500 fee. Failure to file by December 31 shall result in the immediate cessation of all operations until proper filing has been made.

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

(d) Any gravel pit owner who fails to comply fully with the requirements herein by February 1 of each year shall have his license suspended for a period of one (1) year. Said operator or owner shall be required to pay the maximum fees which would have been due for the suspension year in conjunction with the application fees for reactivation in the following year. Failure to activate a license within a two year period shall result in revocation of the license.

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

(a) Failure to obtain Site Plan approval by January 1, 2017 shall result in an immediate cessation of all mining operations and a suspension of the license, until approval is obtained. If approval is not obtained prior to January 1, 2018, then the license shall be revoked.

(b) The Planning/Zoning application shall also disclose, with specificity, each and every other business, commercial, or industrial activity which is carried out or proposed to be carried out at the licensed location including, but not limited to, an identification of any retail sales and the nature thereof and the nature of any products which are to be sold from the licensed premises. The Applicant, in conjunction with its Planning /Zoning application, shall also supply to the applicable Planning/Zoning Board the items listed in Section 4 (a), Items 1 through 11 below:

(3) Additionally, as set forth in Section 132-9A, below, there shall be an annual compliance review.

The procedure to be employed relative to such annual review is set forth therein.

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

(a) In this regard, in conjunction with the five year review, the applicant shall supply to the Municipal Engineer and the Municipal Zoning Officer, the following:

1. A copy of the application and site plan referenced in 132-2 (above).

2. A topographic map at a scale of 1 inch equals 400 feet showing the proposed dimensions, location and operations on the site.

3. A USGS quadrangle map showing the dimensions of the property in an area of at least 1000 feet beyond such a boundary and all locations.

4. The location, size and intended use of all buildings or structures.

5. The location of all streams, wetlands and significant vegetation.

6. A soil map.

7. A reclamation plan.

8. A personal guarantee or surety bond (if approved by the governing body).

9. A statement of areas that have been mined and reclaimed since the previous review/ approval.

10. Submit a current certified list (issued within 30 days of the review date) of all property owners located within five hundred (500) feet of the property where the mining and excavation activity is to occur.

11. A certification indicating that the applicant has served notice on all property owners within five hundred (500) feet of the subject property that an application for mining license has been filed with the Township for a 5 year compliance review.

(b) Thereafter, the Township Engineer, and Zoning Officer shall jointly file a written report with the Township Clerk no later than December 31 of said year setting forth any violations and other information pertinent to the advisability of renewing each license. If any violations are reported, the subject license shall not be renewed but may be conditionally renewed. Conditional renewal may be granted only if the applicant has submitted a detailed plan for eliminating all violations in a manner and within a time satisfactory to the Township Committee. Each conditional renewal must be the subject of a separate resolution and may not be included in the general resolution authorizing renewals. A conditional renewal granted for any year may not again be granted for any of the same violations in the following year without the approval of the Township Committee. If a conditional renewal is granted then mining operations must cease until all conditions have been fulfilled.

(c) In the event that the Township Committee, Township Engineer or Zoning Official determines that any such activity deviates from the conditions of the approved permit then the procedure outlined in section 132-9B shall be employed.

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

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

1. The heading shall be revised to read: Location Restrictions; Exception; Hours of Operation.

2. The existing paragraph shall be labeled as paragraph 132-3A.

3. The following paragraph shall be added as paragraph 132-3B.

B. Hours of excavation/extraction shall be limited to the following:

1. 7 AM to 8 PM Monday through Saturday

2. No excavation or extraction shall be permitted on Sunday.

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

1. The heading shall be revised to read: Depth Restrictions; Water Deposit; Slope and Buffering and other conditions.

2. The existing paragraph shall be labeled as paragraph 132-4A.

3. The following language shall be added as additional paragraphs as labeled:

132-4 B. Unless approval to employ a different plan was part of the previously approved site plan then a minimum 100ft undisturbed buffer of natural vegetation will be maintained around the perimeter of the site; however, reasonable access shall be permitted through the buffer area for access to the mining operations.

132-4 C. The operator may not pump water to any property outside of the perimeter of the permitted property absent the issuance of all applicable state and federal regulatory permits and written consent of the affected property owners.

132-4D. Access roads must be a minimum of 30-feet and a maximum of 50-feet in width. The last 100-feet of the access road in its approach to the public highway must be of the same gauge and thickness as the public highway.

Stop signs shall be provided by the permit holder and installed, on the permit holder's property, on the access road into the site at its intersection with the public highway.

A gate shall be provided across the access road at entrance to the public highway. Said gate shall be closed and locked at all times except normal hours of operation.

All loaded trucks must be covered with a suitable cover that complies with state regulations. All material deposited on the public highway within 200-feet of the gravel pit entrance by spillage or trucking from the wheels must be removed by the permit holder before nightfall on the day of deposit.

Slopes of the excavated pits shall not exceed 2:1.

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

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

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

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

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

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

SECTION 6A. Article 132–11.1 subsection N (5) shall be amended to include the following language at the conclusion of that subsection:  
Plants which do not survive within the initial two year period shall be replaced within one (1) year.

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

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

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

12. RESOLUTION 370-15 – AUTHORIZING APPLICATION FOR GYPSY MOTH EGG MASS SURVEY 2015 – 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 governing body thereof, that authorization is hereby granted to submit the 2015 application for a gypsy moth egg mass survey, and  
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
13. RESOLUTION 371-15 – AUTHORIZING PARTICIPATION IN ONLINE AUCTION – GOVDEALS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle is the owner of certain surplus property which is no longer needed for public use; and  
WHEREAS, the Township Committee are desirous of selling said surplus property in an “as is” condition without express or implied warranties.  
NOW THEREFORE, be it RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, as follows:  
(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Municipal Clerk.  
(2) The sale will be conducted online and the address of the auction site is govdeals.com.  
(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.  
(4) A list of the surplus property to be sold is outlined on Exhibit A attached hereto this resolution.  
(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.  
(6) The Township Committee reserves the right to accept or reject any bid submitted.
14. RESOLUTION 372-15 – ACKNOWLEDGEMENT OF RESIGNATIONS – 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
Christopher Clifford	Public Safety	Police Officer	08/23/2015
Brandy Laun	Public Safety	P/T P.S. Telecommunications Operator	08/07/2015
Mariah Fishman	Public Safety	P/T P.S. Telecommunications Operator	08/05/2015
Luis Arana	Public Works	Laborer 1	08/03/2015
Josephine Delinski	Municipal Court	Keyboarding Clerk 1	08/03/2015
Tammy Devitt	Recreation	Recreation Leader	08/14/2015

15. RESOLUTION 373-15 – APPROVE CHANGE ORDER NO. 1 – RECONSTRUCTION OF BENNY’S LANDING AND BEACH AVENUE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
WHEREAS, Reconstruction of Benny’s Landing and Beach Avenue Project was awarded August 4, 2014 via Resolution No. 444-14 to R.A. Walters & Son, 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 R.A. Walters & Son, Inc. be and is hereby approved in the amount of - \$17,178.10.

16. RESOLUTION 374-15 – REFUND OF TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, a refund to Mortgage Company, as this property is tax exempt:

ACCOUNT	BLOCK	LOT	OWNER / LOCATION	2015
16018	164.02	1	Farley, David & Susan Property location: 301 Stagecoach Rd	\$932.05

Please make check payable and send to:

Corelogic Real Estate Tax Service  
P O Box 961250  
Fort Worth, TX 76161

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2015 taxes;  
BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

17. RESOLUTION 375-15 – 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, Albert Mabry has resigned with an effective date of July 2, 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:  
Albert Mabry  
81.0 Hours      Vacation Time  
   Total:                      \$796.98 (inclusive of payroll tax expense)

18. RESOLUTION 376-15 – 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
Spisak, Matthew J. & Stephanie M.	270 Route 47 South	472 // 39	\$240.64
Soley, Janet	774 Goshen Road	51 // 39	\$202.41
Secretary Housing & Urban Development	1453 Burleigh Avenue	1410.01 // 52	\$196.85
Turner, James	87 Indian Trail	475.03 // 37	\$178.09
Sweitzer, James Jr. & Karen	751 Dias Creek Road	164.01 // 18	\$169.02

19. RESOLUTION 377-15 through 378-15 – TABULATION COMMITTEE – (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.  
A. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer John Clifford, be and hereby are appointed to tabulate the bids to be taken on September 10, 2015 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
FY2013 NJDOT LOCAL AID BIKEWAY PROGRAM  
MIDDLE TOWNSHIP BIKE PATH PHASE 4, CONTRACT 2  
B. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer John Clifford, be and hereby are appointed to tabulate the bids to be taken on September 10, 2015 at 10:30 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
FY2014 NJDOT LOCAL AID BIKEWAY PROGRAM  
MIDDLE TOWNSHIP BIKE PATH PHASE 5  
20. RESOLUTION 379-15 – 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
Thomas Fairman	Public Works	Laborer 1 P/T	Laborer 1 F/T	08/06/2015	\$20,120.00
Steven Jackson	Public Works	Laborer 1 P/T	Laborer 1 F/T	08/06/2015	\$20,120.00

21. RESOLUTION 380-15 – SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2015 STATEWIDE CRACKDOWN – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; and WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and WHEREAS, an enforcement crackdown is planned to combat impaired driving; and WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2015 Statewide Crackdown; and WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; NOW, THEREFORE, BE IT RESOLVED, that the Township of Middle declares it’s support for the Drive Sober or Get Pulled Over 2015 Statewide Crackdown from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.
22. RESOLUTION 381-15 – AUTHORIZING THE EXECUTION OF AGREEMENT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the final settlement agreement, as reviewed and approved by counsel, between Pasquale Conte and the Township of Middle.
23. RESOLUTION 382-15 – 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.
24. RESOLUTION 383-15 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – VICTORIA A. STEFFEN – ZONING BOARD SOLICITOR – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 576-14 dated November 3, 2014, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and WHEREAS, the Zoning Board of Adjustment has formally passed Resolution No. 2015-2, appointing Ms. Steffen. 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 submission shall be awarded as follows:
- Victoria A. Steffen Esq.– Zoning Board Solicitor  
Not to exceed \$23,000.00  
(with an hourly rate of \$135.00 per hour to be charged for all litigation services before any NJ Court, if required).
- BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.  
BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2015.
25. RESOLUTION 384-15 through 387-15 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH D) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- A. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2015 in the sum of:

Solid Waste Administration FY 2015 Clean Communities Program \$55,313.25

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Solid Waste Administration FY 2015 Clean Communities Program \$55,313.25

- B. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2015 in the sum of:

2014 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown \$2,596.96

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

2014 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown \$2,596.96

- C. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2015 in the sum of:

Safe and Secure Communities Program \$60,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Safe and Secure Communities Program \$60,000.00

- D. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2015 in the sum of:

Click It or Ticket 2014 Seat Belt Mobilization \$3,409.44

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Click It or Ticket 2014 Seat Belt Mobilization \$3,409.44

26. RESOLUTION 388-15- AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINE – 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 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. Mayor's Office

WHEREAS, this can be leased through State Contract #T-2075 (A51465); 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:

Ricoh Americas Corporation

Five Dedrick Place

West Caldwell, NJ 07006

For the lease/purchase of copier machines/ printer for 60 months in the amount of \$326.02 per month.

27. PUBLIC COMMENT:

*Committeemember Clark:*

- *Congratulated Lisa Clifford and Jonas McInnis*
- *Thanked Dennis Roberts for the donation*
- *Stated that National Night Out was a success and a great turnout*
- *Mentioned the ribbon cutting at Shellbay Pier for the Eagle Scout project*

*Committeemember Lockwood:*

- *Congratulated Lisa and Jonas*

*Mayor Donohue:*

- *Briefly reviewed the work session discussion pertaining to New Jersey American Water in Del Haven. Stated that the project needs more interest from the public.*
- *Spoke of the bike path projects and the connection with the Township of Lower.*
- *Introduced the citizen recognition program "Middle Matters."*

*Chief Leusner:*

- *Spoke of the "Don't Text & Drive" campaign magnets*

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Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 6:35pm

1<sup>st</sup> Committeemember Clark

2<sup>nd</sup> Committeemember Lockwood

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