

Cape May Court House, NJ
August 3, 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 and Municipal Solicitor Marcus Karavan. *Township Engineer Marc DeBlasio was absent.*

1. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)
No Public Comment
2. RESOLUTION 343-15 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$3,857,970.35
3. RESOLUTION 344-15 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone/LC Equipment) – 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. \$470.00
4. RESOLUTION 345-15 – 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 07/20/2015, Board of Health 07/20/2015, Regular Meeting 07/20/2015
5. REPORTS: The following departments have submitted their reports for the months indicated:
NONE
6. ORDINANCE 1507-15 - AN ORDINANCE AMENDING CHAPTER 112, ENTITLED “CONSTRUCTION CODES, UNIFORM” OF THE CODE OF THE TOWNSHIP OF MIDDLE, ORIGINALLY ADOPTED ON JANUARY 6, 1977 AS ORDINANCE NO. 325-76 AND ALL AMENDMENTS THERETO – Following second reading, hearing, and consideration for adoption, Ordinance 1507-15 was adopted on motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that CHAPTER 112 of the CODE OF THE TOWNSHIP OF MIDDLE be and is hereby amended as follows:
SECTION 1: Section 112-2, entitled “Fees”, shall be stricken in its entirety. The following shall be substituted in its place as Section 112-2:
A. Fees shall be in accordance with Uniform Construction Code as contained in New Jersey Administrative Code Section 5.2-4.20, a copy of which is annexed hereto and made a part hereof as if set forth at length, together with any and all New Jersey Administrative Code cites referred to N.J.A.C. 5.2-4.20. DEPARTMENT FEES
B. Any change in fee structure or charges in the Uniform Construction Code, N.J.A.C. 5.2-4.20, shall be deemed to be, and are hereby, incorporated herein without the need of resolution or other authorization by the governing body of the Township of Middle.
C. The Construction Official shall, with the advice of the sub-code officials, prepare and submit to the Township Committee, biannually, a report recommending a fee schedule based on the operating expenses of the agency and other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act (See N.J.S.A. 52:2-11, et seq.)
D. The administrative surcharge for private, on site inspections and plan review agencies pursuant N.J.A.C. 5: 2-4.1 (j) shall be fifty (50 %) percent of the appropriate State of New Jersey sub-code fee schedule.
E. No person shall be charged a construction permit fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure.
F. Certificates of occupancy for all new construction will not be issued until a surveyor’s plot plan, certifying as to the exact location of all structures on said premises, is submitted together with a complete application.

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

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

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

7. RESOLUTION 346-15 through 349-15 – REFUND OF TAXES (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, there is a refund due to overbills for 2015;
WHEREAS, the assessment for 2015 was reduced;

WHEREAS, there is a third party tax title lien against this property bearing certificate #2014-7685;

WHEREAS, the lien investor paid to Middle Township taxes in excess of the assessment;
NOW, THEREFORE, BE IT RESOLVED, that the lien investor receive a refund of overpayment of 2015 taxes.

ACCT	BLOCK	LOT	OWNER/LOCATION	2015
14781	1503	1	113 East Crocus Road LLC Property location: 201 Hirst Ave	\$209.45

Please make refund payable and send to:

US Bank C/F Tower DBW IV 2014-1
50 S 16th St #2050
Philadelphia, Pa 19102

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 check in the above noted amount payable to the above mentioned party, 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.

- B) WHEREAS, there is a refund due to overbills for 2015;
WHEREAS, the assessment for 2015 was reduced;
WHEREAS, there is a third party tax title lien against this property bearing certificate #2014-8066;
WHEREAS, the lien investor paid to Middle Township taxes in excess of the assessment; and
NOW, THEREFORE, BE IT RESOLVED, that the lien investor receive a refund of overpayment of 2015 taxes.

ACCT	BLOCK	LOT	OWNER/LOCATION	2015
13177	1183	9	Nabrzeski, Richard W Property location: Railroad Ave	\$1,793.94

Please make refund payable and send to:

MTAG Cust/Empire VII NJ Portfolio
P O Box 2096
Hicksville, NY 11802

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 check in the above noted amount payable to the above mentioned party, 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.

- C) WHEREAS, there is a refund due to overbills for 2015;
WHEREAS, the assessment for 2015 was reduced;
WHEREAS, there is a third party tax title lien against this property bearing certificate #2014-8088;
WHEREAS, the lien investor paid to Middle Township taxes in excess of the assessment; and
NOW, THEREFORE, BE IT RESOLVED, that the lien investor receive a refund of overpayment of 2015 taxes.

ACCT	BLOCK	LOT	OWNER/LOCATION	2015
13977	1417	4	Carty, Richard J & Kimberly A Property location: 112 Davis Rd	\$168.10

Please make refund payable and send to:

US Bank Cust/PC 4 Firsttrust Bank
50 S 16th St #2050
Philadelphia, PA 19102

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 check in the above noted amount payable to the above mentioned party, 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.

- D) WHEREAS, there are refunds due to the following property owners as a result of appeals creating overpayments for 2015:

ACC T	BLOCK	LOT	OWNER/LOCATION	2015
755	18	11	Stapleford, John W & Kenneth R 315 Springhill Ave Wilmington, DE 19809 Property location: 139 Beach Ave	\$151.39

1768	60	10	Osborne, John K 121 East Woodland Ave Cape May Court House, NJ 08210 Property location: 303 Goshen Rd	\$117.95
4703	241	2	Altobelli, Louis H Jr 2702 Rte 9 S Rio Grande, NJ 08242 Property location: 113 Hand Ave	\$498.50
6708	451	19	Abel, John Pioneer RD Box 478 Kresgeville, Pa 18333 Property location: 1 Delaware Ave	\$82.89
12467	1041	15	Altobelli, Louis H Jr 2702 Rte 9 S Rio Grande, NJ 08242 Property location: 1904 Rte 9 S	\$658.93
12866	1083	2	Altobelli, Louis H Jr 2702 Rte 9 S Rio Grande, NJ 08242 Property location: 12 Kentucky Ave	\$26.35
16894	1001	2	New Jersey-American Water/tax dept P O Box 5627 Cherry Hill, NJ 08034 Property location: 1390 Rte 9 S	\$1846.65
2044	98	40	1419 Route 9 N Operations LLC 101 E State St Kennett Square, Pa 19348 Property location: 1419 Rte 9 N	\$13,826.45
2769	140	11	Showers, Veda V & Mark A 996 YE Greate St Greenwich, NJ 08323 Property location: 110 Beach Ave	\$92.98
2768	140	12	Lutz, Edward A & Elaine /Sanders 4723 Van Hoose Rd Louisville, KY 40216 Property location: 106 Beach Ave	\$26.77
2767	140	13	Thompson, Nancy C 3 Natchez Court Gibbstown, NJ 08027 Property location: 104 Beach Ave	\$51.80
15494	215	10	18 Goshen Rd LLC 114 Stagecoach Rd Cape May Court House, NJ 08210 Property location: 18 Goshen Rd	\$563.46
5633	341	16	Scales, Robert T & Karen A 4019 School Lane Drexel Hill, Pa 19026 Property location: 206 1 st Ave	\$156.62
12001	971	5	Crawley, Fred A Sr & Martha G 900 Vick Ave Cape May Court House, NJ 08210 Property location: 900 Vick Ave	\$113.39
12580	1055	11	Christ Gospel Church Whitesboro Inc P O Box 44 Whitesboro, NJ 08252 Property location: 14 James St	\$429.89
17275	4.01	37 Qfarm	Natali Vineyards LLC 11 Beechwood Lane East Hanover, NJ 07936 Property location: 221 Rte 47 N	\$19.92
825	29	17	Ogden, Robert F 100 Mount Vernon Drive Bear, DE 08070 Property location: 55 Beach Ave	\$83.55

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 check in the above noted amount payable to the above mentioned party, 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.

8. RESOLUTION 350-15 – CANCELLATION OF TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, a cancellation of taxes is due to Mr. Farley, as he has been granted 100% disabled American Veteran status as of July 14, 2015 by the Cape May County Board of Taxation;

ACCT	BLOCK	LOT	OWNER/LOCATION	2015	2016
16018	164.02	1	Farley, David & Susan 301 Stagecoach Rd	\$2,036.59	\$2,195.18

			Cape May Court House, NJ 08210 Property location: 301 Stagecoach Rd		
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9. RESOLUTION 351-15 - RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND ROBERT FLYNN – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the agreement between Robert Flynn and the Township of Middle, as attached, for a term of three (3) years, is hereby ratified. BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.

10. RESOLUTION 352-15 - APPOINTMENTS – NEW HIRES – 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
Kirk Rohrer	Public Safety	P/T P.S. Telecommunications Operator	\$15.00ph	06/29/2015
Lauren Lepak	Public Safety	P/T P.S. Telecommunications Operator	\$15.00ph	08/03/2015

11. RESOLUTION 353-15 – TABULATION COMMITTEE – ROADWAY AND DRAINAGE IMPROVEMENTS TO RIDGE ROAD – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer John Clifford, be and hereby are appointed to tabulate the bids to be taken on September 1, 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:
ROADWAY AND DRAINAGE IMPROVEMENTS TO RIDGE ROAD

12. RESOLUTION 354-15 - 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
Boyce, Jacob E. and Roseann T.	11 Freedom Drive	1425.03 // 4	\$187.71
McClintock, Roy J. and Kimberly A.	12 N. 8 th Avenue	1120 // 2	\$226.73
Nichols, Billy L.	2 Ryan Lane	165.01 // 15	\$226.73
King, Robert S. and Rosalie E.	124 Indian Trail	208 // 4	\$198.90
Dadairo, Stephen & Sanfod, Joan	136 Indian Trail	206 // 5	\$198.90
Kaced, Rahab and Mebarka	211 Vermont Avenue	1493 // 6	\$216.32
Moore, Justin V.	7 Starling Avenue	475.01 // 26 C0002	\$226.73
Berardi, Fausto	1207 Route 9 North	104 // 3	\$188.49
Mancini, Cynthia	108 Rutledge Road	441 // 18	\$188.49
Gartner, Teresa B.	111 Rutledge Road	445 // 4	\$182.94
Palm, Joseph & Palm, Madeline L.	122 Lafayette Avenue	427 // 14	\$182.94
New York Community Bank	100 Lafayette Avenue	427 // 23	\$221.88
McCarragher, Mary C.	120 Lafayette Avenue	427 // 15	\$182.94
Sickerott, Christian	390 Route 47 South	390 // 45	\$212.81
Ivens Jr., Thomas F.	4 Linden Circle	1472 // 13	\$169.02
McCray, Lorraine	5 Wayne Avenue	56.06 // 3	\$188.49

13. RESOLUTION 355-15 - 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.
14. RESOLUTION 356-15 - APPROVE TRANSIENT MERCHANT PERMIT – BRANCHWATER PRODUCTIONS DBA COLE BROS. CIRCUS INC. – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, Chapter 231-1 of the code of the Township of Middle authorizes the licensing of a traveling show or circus within the confines of the Township of Middle, and
 WHEREAS, Branchwater Productions Inc. dba Cole Bros. Circus, has applied to the Township of Middle to hold a Tented Circus on August 17th through August 19th, 2015, and
 WHEREAS, by way of application, Branchwater Productions Inc. dba Cole Bros. Circus has requested the use of the Robert “Ookie” Wisting Recreation Complex, and
 WHEREAS, they have met all of the application requirements by supplying the necessary fees and insurance certificate information, and
 WHEREAS, Rio Grande Volunteer Fire Company has been designated as the sponsor for said circus and described on the submitted “Hold Harmless Agreement” presented by Cole Bros. Circus along with the Township of Middle.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey, that authorization is hereby granted to Branchwater Productions Inc. dba Cole Bros. Circus to hold a circus at the location of the Robert “Ookie” Wisting Recreation Complex on August 17th through 19th, 2015 in compliance with the rules and regulations set forth by the Code of the Township of Middle.
15. RESOLUTION 357-15 - AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – ANISHA HOSPITALITY, LLC – 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 Anisha Hospitality, LLC, in the amount of Twenty-Five Thousand (\$25,000.00) 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.
16. RESOLUTION 358-15 - CANCELING OUTSTANDING CHECKS – GENERAL ACCOUNT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, there are certain checks that have been outstanding in the Middle Township General Account for a period of more than six months, and
 WHEREAS, it is the desire of the Township Treasurer to return these funds to the Middle Township General Account.
 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 the following checks be and hereby are canceled and will be returned to the General Account of the Township of Middle.
- | General Account | | | |
|-----------------|------------|-----------------------------------|------------|
| 55253 | 08/05/2013 | Redrow, Anna | \$42.91 |
| 55532 | 09/11/2013 | Cellco Partnership dba Verizon | \$1,258.81 |
| 55535 | 09/11/2013 | Homes by Handson | \$22.79 |
| 55537 | 09/11/2013 | Mid-Atlantic Holding | \$290.04 |
| 55946 | 11/04/2013 | Catamaran Media | \$595.00 |
| 56075 | 11/18/2013 | Fath, Bill | \$70.00 |
| 56354 | 12/16/2013 | NJ State League of Municipalities | \$65.00 |
17. RESOLUTION 359-15 - SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY #44 DISABLED AMERICAN VETERANS, INC. – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the Cape May County #44 Disabled American Veterans, Inc. has applied for approval to sell alcoholic beverages at an event to be held at 1010 Bayshore Road, Del Haven, New Jersey on October 10, 2015 from 12:00pm to 5:00pm, and
 WHEREAS, they have provided proper documentation to the Township of Middle,
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit with the provisions regarding setbacks and parking as provided by the Zoning Office of the Township of Middle.
18. RESOLUTION 360-15 - CLOSED SESSION – POTENTIAL LITIGATION (POTENTIAL LICENSE VIOLATION) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

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

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

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

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – POTENTIAL LITIGATION (POTENTIAL LICENSE VIOLATION)

2.) The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION (POTENTIAL LICENSE VIOLATION)

3.) It is anticipated at this time the above subject matter will be made public as follows: WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

19. PUBLIC HEARING - PLACE-TO-PLACE TRANSFER – EXTENSION OF PREMISES/ DELICENSING OF A PORTION OF EXISTING LICENSED PREMISE – ACME MARKETS

No Written Objections Received. No Public Comment.

20. RESOLUTION 361-15 - PLACE-TO-PLACE TRANSFER – EXTENSION OF PREMISES/ DELICENSING OF A PORTION OF EXISTING LICENSED PREMISE – ACME

MARKETS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Distribution License No. 0506-44-013-003 (Acme Markets), for the purpose of delicensing a portion of the existing licensed premises and a revision to the existing floor plan on file and expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW THEREFORE BE IT RESOLVED, that the Township of Middle, County of Cape May, State of New Jersey, does hereby approve, effective August 3, 2015, the place to place transfer of the aforesaid Plenary Retail Distribution Licensed premises located at 11 Court House South Dennisville Road to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

BE IT FURTHER RESOLVED, that alcohol storage and display shall be limited to the licensed areas delineated in the sketch.

21. RESOLUTION 362-15 - RENEWAL OF 2015 ALCOHOLIC BEVERAGE LICENSES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

WHEREAS, the Division of Alcohol Beverage Control has instituted a new “paperless” electronic renewal system, beginning with the 2015-2016 license term that starts on July 1, 2015, and

WHEREAS, due to the compressed time provided, and potential for technical difficulties, the Division has extended the current 2014-2015 license term, permitting certain licensees to continue to operate until further renewal. Licenses will be renewed no later than September 18, 2015, per the Division, and

WHEREAS, certain licensees have filed for renewal of their Alcoholic Beverage License for one (1) year beginning July 1, 2015, and

WHEREAS, the said applications are in due and proper form with the fee of \$720.00 for each Plenary Retail Consumption License and Retail Distribution License; \$188.00 for each Club License and with no objection filed with all \$200.00 State Filing Fees received and forwarded,

THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Consumption License to:

Rio Station Inc. 0506-33-001-007

Avalon Development & Golf, Inc. 0506-33-005-007

Menz Restaurant, Inc. 0506-33-012-001

Cape Hospitality Group LC dba Bellevue Tavern 0506-33-002-006

9 South Bar & Restaurant, LLC 0506-33-009-008

BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Distribution License to:

Matteras Liquor trading as Joe Canals Discount Liquor 0506-44-003-007

Acme Markets, Inc. T/A Acme 0506-44-013-004

BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Club License to:

Royal Oaks Club Inc. 0506-31-011-001

Cape May County Chapter 44 Disabled American Veterans 0506-31-010-001

Wildwood Golf & Country Club 0506-31-006-004

Jersey Devil Country Club, Inc. 0506-31-008-002

BE IT FURTHER RESOLVED, that these licenses be signed, sealed and delivered by the Clerk of the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.

22. RESOLUTION 363-15 - ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Donald Mabry	Public Works	Laborer 1	07/28/2015

23. RESOLUTION 364-15 – LOCAL FINANCE NOTICE – ANNUAL AUDIT OF BOOKS, ACCOUNTS & TRANSACTIONS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40A:5-4 requires that governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and
 WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Township Committee and also Kimberly Krauss, Township Clerk, as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and
 WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and
 WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:
 General Comments
 Recommendations
 and
 WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:
 General Comments
 Recommendations
 As evidenced by the group affidavit form of the governing body, and
 WHEREAS, such resolution of certification shall be adopted by the governing body no further than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and
 WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed o the affidavit, as provided by the Local Finance Board, and
 WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject he members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:
 R.S. 52:27BB-52 – “A local officer of member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

24. RESOLUTION 365-15 – CORRECTIVE ACTION PLAN – 2014 – 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 is hereby accepted as the Corrective Action Plan for the 2013 Audit for the Township of Middle and be it further resolved that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs, Division of Local Government Services as well as a copy of this Resolution be forwarded to Ford, Scott and Associates, LLC, Leon Costello, Registered Municipal Accountant:
 Finding #1:
- a. Finding/Condition: The Township did not maintain their general ledgers and bank reconciliations sufficiently. The Township’s general ledgers had incorrect balances and four months of bank reconciliations were not completed as of year-end.
 - b. Recommendation: That the Township’s general ledgers and bank reconciliations be completed and maintained on a monthly basis.
 - c. Explanation and Corrective Action: The Finance Department was operating without a CFO from October until the CFO resigned in late December. A full time replacement was hired and the Finance Department adopted an internal

policy that all bank reconciliations are to be completed no later than the 15th day of the following month.

- d. Implementation Date: This policy is already implemented and all reconciliations are up to date as of this time.

Finding #2:

- a. Finding/Condition: The Township did not obtain all vendor W-9 forms and ensure issuance of related 1099 forms to applicable vendors. The Township did not ensure all vendor W-9 forms indicating their type of entity and applicable computerized checkmarks were reviewed and completed to properly identify all vendors required to get a year-end 1099 form.
- b. Recommendation: That the Township obtain and maintain all vendor W-9 forms, update computerized records and ensure all applicable vendors are provided year-end form 1099.
- c. Explanation and Corrective Action: The Township did not have a defined vendor set-up policy and the AP clerk was not aware of the criteria for 1099 reporting. The Finance Department issued all 1099's that should have been issued by year-end and implemented a policy requiring all documentation to be on file before any Purchase Orders can be issued to a vendor. Also, the Township notified its vendors that this policy was in place and asked them to furnish the required documentation to prevent errors going forward. Also, the AP Clerk has been instructed on 1099 reporting policies.
- d. Implementation Date: This policy is already implemented and being actively enforced.

Finding #3:

- a. Finding/Condition: The Township did not maintain their fixed asset records with over \$579,832 in unrecorded yearly asset activity. There was \$170,751 in additions not initially identified and \$409,081 of asset disposals not recorded. In addition, there were equipment assets that the Township could not allocate values to due to prior recorded assets not having sufficient identification numbers recorded in order to properly match up with and delete.
- b. Recommendation: That the Township update their current list of assets ensuring all have identifying tag, model/serial number and record all asset acquisitions and disposals.
- c. Explanation and Corrective Action: The Township contracted a service to inventory and record all assets in a previous year. The inventory was not maintained. The Township will re-inventory all qualifying assets and utilize the Finance software package to maintain the inventory as assets are added and disposed of or sold.
- d. Implementation Date: September 30, 2015.

Finding #4:

- a. Finding/Condition: The Township did not properly bill and update Urban Development Action Grant loan balances and receivables. As a result, incorrect balances were reflected on the general ledger.
- b. Recommendation: That the Township ensure billing and maintenance of their Urban Development Action Grant loans and related receivables.
- c. Explanation and Corrective Action: Adjusting entries had not been made to reflect the correct amortization of the loans causing the balances to be incorrect. When payments are made, the adjusting entries will be made to bring the balances current. Additionally, statements were produced and sent to entities with outstanding loans informing them of their correct balances.
- d. Implementation Date: This policy is already implemented and all balances are now correct.

Finding #5:

- a. Finding/Condition: As of year-end there are 877 tickets assigned but not issued over 6 months old, which is a significant increase over the prior year. This indicates a lack of control over the ticket books.
- b. Recommendation: That the Township's Municipal Court review the status and take appropriate action to address older tickets assigned but not issued.
- c. Explanation and Corrective Action: Ticket books were not accounted for and officers had more than one ticket book assigned to them, ticket books were still with officers who had retired and some were assigned to officers who do not issue a high volume of tickets. The Court is now tracing tickets back to the officers and accounting for them. Also, the Court is limiting the number of ticket books an officer is assigned.
- d. Implementation Date: The Court is actively working to reduce the number of assigned but not issued tickets.

Finding #6:

- a. Finding/Condition: Cash Receipts had not been identified and posted properly. There was over \$10,000 in unallocated receipts as of year-end.
- b. Recommendation: That all receipts be identified, support maintained and properly posted.
- c. Explanation and Corrective Action: From October to year-end, the Finance Department operated without a CFO. Deposits were made within the appropriate timeframe but they were not posted to the general ledger due to a lack of knowledge in some cases and a lack of documentation in others. The Finance Department now requires copies of deposit slips and that the deposit slips be marked with the name of the depositing department as well as a categorized break-down of the receipts.

- d. Implementation Date: This policy is already implemented and being enforced by Finance.

Finding #7:

- a. Finding/Condition: The Township had an over-expenditure of a line item for Insurance. This caused a Deferred Charge.
- b. Recommendation: That the Township thoroughly review budget account balances to prevent over-expenditures.
- c. Explanation and Corrective Action: A payment had been applied to the wrong line item. When it was re-classified to the correct line item there were no more committee meetings and, therefore, no opportunity to make a budget transfer to cover the over-expenditure. Budget status reports will be run frequently to monitor all expenditure and in the instance that a line item is close to being over-expended the appropriate actions will be taken to ensure no over-expenditure occurs.
- d. Implementation Date: This policy is already implemented and being enforced by Finance.

FURTHER BE IT RESOLVED, that a copy of this Resolution be forwarded to the Department of Community Affairs Division of Local Government Services.

25. ITEM OF DISCUSSION: POTENTIAL AVALON MANOR FISHING PIER PROJECT

Mayor Donohue –

Spoke of Cape May County Open Space Application and ADA Grant Application to reconstruct fishing pier to grant more access to waterways and make more handicap accessible.

Connie Mahon –

Grant applications would total about \$1 million if approved, \$400,000 Small Cities Grant plus grant from Cape May County Open Space. Proposed project would tear down existing pier and rebuild new with extension, create parking spaces, long lasting pier with low maintenance, fish cleaning stations with water and plumbing, 25' wide to avoid vehicle drive-on. Believes project to be a unique opportunity for this area which will be well utilized.

Marty Montgomery, 461 Avalon Boulevard –

Asked about protection to the roadway, concerned with the area at the end of the road where pier meets, decayed rocks from people dumping.

Stated that he is quadriplegic and believes pier is a great idea.

Asked questions on behalf of the Improvement Association for Avalon Manor:

-Questioned Pier being listed on tax map

-Asked if the neighboring Marina has any interest in this project financially?

-Spoke of Committeemember Lockwood's comment in recent newspaper article in regards to the pier being taken down if the grants are not approved.

Connie Mahon –

Responded to Mr. Montgomery's concerns:

-Looking into Tax Map, believes area may have previously been vacated

-Possible financial interest from Mr. Risko, would contact if needed to

-Fishing Pier is not structurally safe which would may result in tear down if grant not approved, high costs to repair and maintain, as per comments from residents and professionals.

Mayor Donohue –

Discussed ongoing concerns with funding for maintenance and repairs of bridge, issues have been known since he was elected into office.

Marty Montgomery –

Spoke of additional concerns with marina maintenance.

Elaine McClurg, 48 Channel Road –

Asked if proposed new pier goes out as far as existing pier?

Connie Mahon –

Further than old pier with added "dog leg".

Alice Smyth, 28 Channel Road –

Asked for length of proposed "dog leg"?

Anne Garrison –

1,250 sq. ft.

Connie Mahon –

Mentioned that Township will be required to obtain DEP Permits to reconstruct pier.

Alice Smyth –

Indicated that proposed parking is not enough and should be reconsidered to add additional parking. Also spoke of concerns with potential increase of traffic.

Connie Mahon –

Will look into additional parking. Chief Leusner will review traffic plan once project begins to move forward.

Roseanna Muche, 128 Meadow View Lane –

-Questioned "resident buy in" comment made by Mayor Donohue in newspaper article

-Appreciates project and work being done

-Rumor of water taxi

-Could marina donation mean addition of restrooms?

Mayor Donohue –

Indicated that there is no costs to the residents for this project

Connie Mahon –

-Water Taxi Service was proposed, but not moving forward

-No money available for public restrooms, no guarantee of donation from the marina

*Kathryn Badya, 612 Avalon Boulevard –
 -Spoke of barges being tied to the fishing pier which takes up fishing space, considers marina to be a “boatyard”. Concerned with barges in the waterway.*

*Ron Smyth, 28 Channel Road –
 Any plans of dredging?*

*Connie Mahon –
 No plans of dredging within this project.*

*Robert Shreve, 671 Avalon Boulevard –
 Spoke of lack of water around fishing pier, no water to fish during low tide. Concerned with owner of marina doing whatever he wants in neighborhood, believes his donation may promote that further.*

*Carl Karmilowicz, 20 Meadow View Lane –
 -Concerned with lack of water, especially in area of proposed “dog leg” addition to pier
 -Great idea for pier, but barge needs to be removed and area needs to be dredged
 -Concerned about pier and fixtures being destroyed after dark*

*Robert Dollfus, 30 Channel Road –
 Discussed additional concerns regarding the project*

*Marty Montgomery –
 Mentioned that owner of marina has riparian rights by no permits for work being done*

*Alice Smyth –
 Questioned financial responsibility for maintenance of new pier*

*Carl Karmilowicz –
 Asked who is responsible for any injuries on this pier*

*Connie Mahon –
 -Pier is low maintenance, will require minimal finance to maintain
 -Briefly explained Tort Claim Notice process*

*Barbara Faith, 604 Avalon Boulevard –
 -Beautification project, “lovely”
 -Concerned with traffic safety, suggested speed bumps*

*Connie Mahon –
 -Discussed traffic calming measures, cannot guarantee speedbumps, must be DOT approved, problematic for snow plows.*

*Chief Leusner –
 Suggested traffic display signs, collects data which can be used to enforce traffic Violations*

*Roseanna Muche –
 Suggested traffic signs or painted speed limit on roadway*

*Anne Garrison –
 Application due to County on August 17th, presentation scheduled for August 25th*

26. PUBLIC COMMENT:

*Sam Kelly –
 Affordable Housing project in Rio Grande not “affordable”, questioned if developer is in compliance with Affordable Housing Regulations. Asked for liaison contact to review situation.*

*Mayor Donohue –
 Knows of stringent background process – rental history, background check, credit history, etc.*

*Connie Mahon –
 Put Mr. Kelly in contact with Anne Garrison*

*Stan Doniger –
 Asked if Township will be obtaining grant money from State for body cameras.*

*Mayor Donohue –
 Discussed constant upgrades to products and increase of costs.*

*Chief Leusner –
 Spoke of current advancements being made to current products such as battery life, pre-record options and storage. Also looking into grants through the County. Looking for body cameras to fit needs of Township Police Department.*

*Chief Leusner –
 Mentioned National Night Out, August 4th*

*Committeemember Clark –
 -National Night Out, August 4th
 -Successful tournament weekend at Goshen Complex, great job by Public Works and Robert Matthews and staff for field work and taking care of facility.*

*Committeemember Lockwood –
 -Recognized Rob Flynn and Public Works staff*

*Connie Mahon –
 -Environmental Consultant advised that Phase 5 of Bike Path has received CAFRA approval
 -No further permitting needed for Ft. Apache project*

Mayor Donohue –

- National Night Out, August 4th – always a great night*
- Recognized Rob Flynn for great job*
- Thanks to Don Mabry for service while employed with the Township*
- Tax bills mailed out, discussed pie chart included with bills*
- Proud of work done by Department Heads with budget*

Kimberly D. Krauss, Township Clerk

Motion to enter into Closed Session – 7:18pm

1st: Committeemember Clark 2nd: Committeemember Lockwood

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

Motion to return to Open Meeting – 7:38pm

1st: Committeemember Clark 2nd: Committeemember Lockwood

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

Motion to adjourn meeting – 7:38pm

1st : Committeemember Clark 2nd: Committeemember Lockwood

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