

Cape May Court House, NJ  
October 3, 2016  
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 Clark, Deputy Mayor DeVico, Committeemember Donohue, Township Clerk Kimberly Krauss, Business Administrator Constance Mahon, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio.

1. SWEARING IN OF NEW POLICE OFFICER
2. PRESENTATION BY THE MAYOR – ACKNOWLEDGING RETIREMENT OF CAPTAIN JOHN EDWARDS
3. PROCLAIMING OCTOBER 10, 2016 AS PUT THE BRAKES ON FATALITIES DAY – On motion by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, Across the nation, traffic crashes caused 35,092 fatalities in 2015, and are the leading cause of death for young people ages 15 to 34; and*  
*WHEREAS, In New Jersey, 562 individuals lost their lives in traffic crashes in 2015; and*  
*WHEREAS, Alcohol-related crashes accounted for 28 percent of the State’s traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and*  
*WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and*  
*WHEREAS, 50 motorcyclists, 17 bicyclists and 173 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and*  
*NOW, THEREFORE BE IT RESOLVED, that the governing Body of the Township of Middle, County of Cape May, do hereby proclaim October 10, 2016, Put the Brakes on Fatalities Day, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.*
4. 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.*)
5. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by \_\_\_\_\_ 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. \$ 3,112,364.74*
6. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by \_\_\_\_\_ 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 09/19/2016, Regular Meeting 09/19/2016, and Board of Health 09/19/2016.*
7. REPORTS: The following departments have submitted their reports for the months indicated:
8. ORDINANCE NO. 1537-16 – AN ORDINANCE AMENDING THE MIDDLE TOWNSHIP ZONING ORDINANCE AS IT PERTAINS TO TEMPORARY POLITICAL SIGNS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1537-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/07/2016 at 6:00 p.m.  
*BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:*  
*WHEREAS, the Township Committee of the Township of Middle has determined that the municipal ordinance governing signs must be amended to comport with constitutional limitations on the state’s ability to regulate political speech,*  
*NOW, THEREFORE, be it ORDAINED by the Township Committee of Middle Township as follows:*  
*SECTION 1.*  
*Section 218-83(F)(8) of the Middle Township Code is hereby AMENDED as follows (additions in italics, deletions in [brackets]).*  
*(8) Temporary political signs which promote the election of a particular candidate[(s)] or candidates, with the following requirements:*
  - a. *[Installation no sooner than 45 days prior to an election.]*
  - [b.] Removed within five days following the date of the election.*
  - [c.]b. Shall not be placed on [within any public right of way] public property.*
  - [d.]c. Shall not be placed within a site triangle.*

[e.]d. Shall not exceed three square feet in area if located in a residential zone, except on an approved commercial property.

[f.]e. Shall not exceed 32 square feet in area if located in a commercial zone.

SECTION 2.

All ordinances inconsistent with this amendment are hereby repealed.

SECTION 3.

This Ordinance shall be referred to the Middle Township Planning Board for consistency review prior to final adoption, pursuant to N.J.S.A. 40:55D-26 and -64.

SECTION 4.

This ordinance shall take effect immediately upon final adoption.

- 9. RESOLUTION – APPOINTMENTS – NEW HIRE – On motion by seconded by and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position at the salary opposite their name:

Table with 5 columns: NAME, DEPARTMENT, TITLE, SALARY, EFFECTIVE. Row 1: Travis Werner, Public Works, Laborer 1 P/T T/A, \$9.00ph, 10/04/2016

- 10. RESOLUTION – ACKNOWLEDGEMENT OF RETIREMENT – On motion by seconded by 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 retirement listed below is acknowledged.

Table with 4 columns: EMPLOYEE, DEPARTMENT, POSITION, EFFECTIVE. Row 1: John Edwards, Police, Captain, 10/01/2016

- 11. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE – JOHN EDWARDS – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, John Edwards resigned with an effective date of October 1, 2016; 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:

John Edwards
Personal Hours: 40.5
Sick Time Hours: 120 \*
Vacation Hours: 420
Total Hours: 580.50
\$ 38,289.12 (inclusive of payroll tax expense to the Township)

- 12. RESOLUTION – CATERING PERMIT – CAPE HOSPITALITY GROUP LP – HARVEST FESTIVAL – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, Cape Hospitality Group LP has applied for approval to sell alcoholic beverages at Middle Township’s Harvest Festival to be held at 33 Mechanic Street, Cape May Court House, on October 22, 2016 from 10:00am to 5:00pm, with a rain date of October 23, 2016 from 10:00am to 5:00pm, and WHEREAS, they have provided proper documentation to the Township of Middle, NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Catering Permit.

- 13. RESOLUTION – AUTHORIZING STREET OPENING PERMIT WAIVER – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, Local Ordinance Section 215-15D does not allow for any road opening permit for any road that has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except by resolution of the governing body, and WHEREAS, the owner of Block 17, Lot 74, otherwise known as 680 Old Avalon Boulevard, has requested a waiver to said moratorium and is claiming a hardship in connection therewith. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds:

- 1. That an exception to the 5 year moratorium is appropriate in this circumstance; and
2. That the Public Works Superintendent is hereby directed to issue a road opening permit for Block 17, Lot 74 for the purpose of installing natural gas service, pending the submission of an application, correct fees and bonding associated therewith.
3. This waiver is contingent upon use of infrared technology only, and said property owner shall contact the Public Works Superintendent regarding particulars on this procedure prior to moving forward.

14. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by \_\_\_\_\_ 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
Hannah, Wendell J	408 South Main Street	305 // 3	\$212.81
Carty, Richard J & Kimberly A	112 Davis Road	1417 // 4	\$169.02
Berardi, Kathleen F	6 North 4 <sup>th</sup> Street	1475 // 3	\$169.02
Muller, Samantha	11 Pennsylvania Avenue	877 // 5	\$202.41

15. RESOLUTION – PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$9,900,000, GENERAL OBLIGATION BONDS, SERIES 2016, CONSISTING OF \$8,820,000 GENERAL IMPROVEMENT BONDS, SERIES 2016 AND \$1,080,000 SPECIAL ASSESSMENT BONDS, SERIES 2016 OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:  
 Section 1. The \$8,820,000 aggregate principal amount of General Improvement Bonds, Series (the “General Improvement Bonds”) of the Township, authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof, shall be a combined issue of General Improvement Bonds, Series 2016 in the aggregate principal amount of \$8,820,000 to be issued in one series or multiple separate series aggregating said amount and to memorialize the obligations of the Township.  
 Section 2. The principal amount of General Improvement Bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as follows:

General Improvement Bonds

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
1325-09	Completion of Various Capital Improvements, Finally Adopted June 15, 2009	\$975,439	35.43 years
1359-10	Reconstruction and Repaving of Various Township Roads, Finally Adopted June 21, 2010	\$3,057,561	10 years
1478-14, as amended by 1525-16	Road Drainage and Improvements, Finally Adopted July 21, 2014 (1478-14) and April 4, 2016 (1525-16)	\$3,800,000	15 years
1532-16	Various 2016 General Capital Improvements, Finally Adopted 9/7/16	\$987,000	9.06 years
<b>TOTAL</b>		<b>\$8,820,000</b>	

Section 3. The following matters are hereby determined with respect to the combined issue of the General Improvement Bonds:

(a) The average period of usefulness, computed on the basis of the amount of the General Improvement Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 14.86 years.

(b) *The General Improvement Bonds of the combined issue shall be designated “General Improvement Bonds, Series 2016” (or such other designation if such General Improvement Bonds are issued in multiple separate series to memorialize the applicable obligations of the Township) and shall mature within the average period of usefulness hereinabove determined.*

(c) *The General Improvement Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.*

*Section 4. The following additional matters are hereby determined, declared, recited and stated:*

(a) *None of the General Improvement Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.*

(b) *The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which General Improvement Bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.*

*Section 5. The \$1,080,000 aggregate principal amount of Special Assessment Bonds, Series 2016 (the “Special Assessment Bonds” and together with the General Improvement Bonds, the “Bonds”) authorized pursuant to the bond ordinance of the Township heretofore adopted and described in Section 6 hereof, shall be a single issue of Special Assessment Bonds, Series 2016 in the aggregate principal amount of \$1,080,000 to be issued in one series or multiple separate series aggregating said amount and to memorialize the obligations of the Township.*

*Section 6. The principal amount of Special Assessment Bonds authorized by the ordinance to be a single issue as above provided, the bond ordinance authorizing the Special Assessment Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and period of usefulness determined in the bond ordinance is respectively, as follows:*

Special Assessment Bonds

1470-14	Sterback Harbor Dredge Project, Finally Adopted April 21, 2014	\$1,080,000	15 years
<b>TOTAL</b>		<b>\$1,080,000</b>	

*Section 6. The following matters are hereby determined with respect to the issuance of the Special Assessment Bonds:*

(a) *The period of usefulness, computed on the basis of the amount of the Special Assessment Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 15 years.*

(b) *The Special Assessment Bonds of the issue shall be designated “Special Assessment Bonds, Series 2016” (or such other designation if such Special Assessment Bonds are issued in multiple separate series to memorialize the applicable obligations of the Township) and shall mature within the period of usefulness hereinabove determined.*

(c) *The Special Assessment Bonds of the issue shall be sold and issued in accordance with the provisions of the Local Bond Law N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.*

*Section 7. The following additional matters are hereby determined, declared, recited and stated:*

(a) *None of the Special Assessment Bonds described in Section 5 hereof have been sold or issued heretofore, and the bond ordinance described in Section 5 has not been rescinded heretofore and now remains in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinance set forth in Section 5 hereof.*

(b) *The purposes or improvements authorized by the bond ordinance described in Section 5 hereof are purposes for which Special Assessment Bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.*

*Section 8. The General Improvement Bonds shall mature in the principal amounts on November 1 in each of the years as follows:*

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2017	\$700,000	2023	\$735,000
2018	710,000	2024	740,000
2019	715,000	2025	750,000
2020	720,000	2026	755,000
2021	725,000	2027	765,000
2022	730,000	2028	775,000

*The General Improvement Bonds of this issue maturing prior to November 1, 2025 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after November 1, 2025 are subject to redemption at the option of the Township, in whole or in part, on any date on or after November 1, 2024 in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit B (the “Notice of Sale”). The Bonds shall be twenty (20) in number, with one bond certificate being issued for each year of maturity, and shall be designated and numbered GO-1 to GO-12, inclusive.*

Section 9. The Special Assessment Bonds shall mature in the principal amounts on November 1 in each of the years as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2017	\$75,000	2025	\$70,000
2018	75,000	2026	70,000
2019	75,000	2027	70,000
2020	75,000	2028	70,000
2021	75,000	2029	70,000
2022	75,000	2030	70,000
2023	70,000	2031	70,000
2024	70,000		

The Special Assessment Bonds of this issue maturing prior to November 1, 2025 are not subject to redemption prior to their stated maturities. The Bonds of this issue maturing on or after November 1, 2025 are subject to redemption at the option of the Township, in whole or in part, on any date on or after November 1, 2024 in accordance with the terms provided in the Notice of Sale authorized herein and attached hereto as Exhibit B (the "Notice of Sale"). The Bonds shall be twenty (20) in number, with one bond certificate being issued for each year of maturity, and shall be designated and numbered SA-1 to SA-15, inclusive.

Section 10. The Bonds will be issued in fully registered book-entry only form, without coupons. One certificate shall be issued for the aggregate principal amount of the Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as Securities Depository (the "Securities Depository") for the Bonds. The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases of the Bonds may be made in the principal amount of in \$5,000 or any integral multiple thereof, except that any bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof, through book entries made on the books and records of DTC and its participants. The Bonds will be dated the date of delivery and shall bear interest from the date of delivery, which interest shall be payable semiannually on the first day of May and November of each year (each an "Interest Payment Date"), until maturity or prior redemption, as applicable, commencing May 1, 2017, at such rate or rates of interest per annum as proposed by the successful bidder in accordance with the Notice of Sale authorized herein. The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township, or some other paying agent as the Township may designate and appoint, on the maturity dates and due dates and will be credited on the maturity dates and due dates to the participants of DTC as listed on the records of DTC as of each May 15 and October 15 preceding an Interest Payment Date (the "Record Dates"). The Bonds shall be executed by the manual or facsimile signatures of the Mayor or the Business Administrator of the Township (when serving as Acting Mayor) and the Chief Financial Officer of the Township under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested to by the manual signature of the Clerk of the Township (the "Clerk" or "Township Clerk"). The following matters are hereby determined with respect to the Bonds:

Date of Bonds	Date of Delivery
Principal Payment Dates:	November 1, 2017 and each November 1 thereafter until maturity or prior redemption, as applicable
Interest Payment Dates:	Semiannually on each May 1 and November 1 until maturity or prior redemption, as applicable, commencing May 1, 2017
Place of Payment:	Cede & Co., New York, New York

Section 11. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Township to market the Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel (as hereinafter defined).

Section 12. The Bonds shall be sold upon receipt of electronic proposals on Wednesday, October 26, 2016 at 11:00 a.m. by the Mayor, Business Administrator or Chief Financial Officer of the Township via the Parity Electronic Bid Submission System ("PARITY"), in accordance with the Notice of Sale authorized herein. The use of the services provided by PARITY and the fees associated therewith are hereby approved. Archer & Greiner P.C., Bond Counsel to the Township ("Bond Counsel"), on behalf of the Clerk of the Township is hereby authorized and directed to arrange for (i) the publication of a summary of such Notice of Sale to be published not less than seven (7) days prior to the date of sale in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, (ii) the publication of the full text of such Notice of Sale in The Cape May County Herald Times, and (iii) the posting of the full text of the Notice of Sale on the website provided by or for PARITY. Pursuant to N.J.S.A. 40A:2-34, the Township hereby designates the Chief Financial Officer as the financial officer authorized to sell and to award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officers shall report in writing the results of the sale to the Township Committee at its regularly scheduled meeting thereafter. The Chief Financial Officer of the Township is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Bonds.

Section 13. The Notice of Sale shall be substantially in the form set forth in Exhibit B attached hereto with such additions, deletions and omissions as may be necessary for the Mayor, Business Administrator or Chief Financial Officer to market the Bonds, upon advice of Bond Counsel and the Financial Advisor (as defined herein) to the Township.

Section 14. The Bonds shall have affixed thereto a copy of the written opinion with respect to such Bonds that is to be rendered by Bond Counsel. The Clerk of the Township is hereby authorized and directed to file a signed duplicate of such written opinion in the office of the Clerk of the Township.

Section 15. Bond Counsel is hereby authorized and directed, as applicable, to arrange for the printing of the Bonds and for the printing and electronic posting of the Preliminary Official Statement (as hereinafter defined) and the Official Statement (as hereinafter defined), and any and all fees associated therewith, and any such actions undertaken heretofore are hereby ratified and confirmed. The Preliminary Official Statement and the Official Statement are hereby authorized to be prepared by Bond Counsel; Bowman & Company LLP, Voorhees, New Jersey, auditors to the Township (collectively, the "Auditor"); Phoenix Advisors, LLC, Bordentown, New Jersey (the "Financial Advisor") and other Township officials and professionals, and any such actions undertaken heretofore are hereby ratified and confirmed. Bond Counsel and the Financial Advisor are each also authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Township to those financial institutions that customarily submit bids for such Bonds, and any such actions undertaken heretofore are hereby ratified and confirmed. The Mayor and the Chief Financial Officer are each authorized and directed to execute and deliver any certificates necessary in connection with the distribution of the Preliminary Official Statement and the Official Statement. Bond Counsel, the Financial Advisor, and the Auditor are further authorized and directed to obtain ratings on the Bonds and to prepare and submit financial and other information on the Township to each rating agency and the preparation and submission of any such application is hereby ratified and confirmed.

Section 16. The Township hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 17. The Township is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 18. In the event DTC may determine to discontinue providing its services with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000 or any integral multiple thereof, except that any bonds in excess of the largest principal amount equaling a multiple of \$5,000 shall be in denominations of \$1,000 or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the respective Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the respective Registered Bonds in certified form.

Section 19. The Chief Financial Officer or Business Administrator are each hereby authorized and directed to "deem final" the Official Statement (the "Official Statement") prepared with respect to the issuance of the Bonds and pursuant to the provisions of the Rule (as hereinafter defined) and to execute a certificate regarding same, and any such actions undertaken heretofore are hereby ratified and confirmed. The Chief Financial Officer or Business Administrator are each hereby authorized and directed to authorize and approve the use and distribution of the Official Statement in preliminary form (the "Preliminary Official Statement") in connection with the offering and sale of the Bonds, and any such actions undertaken heretofore are hereby ratified and confirmed. Upon the sale of the Bonds, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel and the Financial Advisor, to reflect the effect of the sale of the Bonds and said modified Preliminary Official Statement shall constitute the final Official Statement (the "Final Official Statement"). The Chief Financial Officer or Business Administrator are each hereby authorized and directed to execute and deliver the Final Official Statement to the purchasers of the Bonds in accordance with the provisions of the Rule, for its use in the sale, resale and distribution of the Bonds, where and if applicable.

Section 20. The final Official Statement to be dated on or about October 26, 2016 (the "Final Official Statement"), prepared with respect to the issuance of the Bonds, is hereby authorized to be executed on behalf of the Township by the Chief Financial Officer or Business Administrator of the Township, and delivered to the purchaser of the Bonds or for its use in connection with the sale, resale and distribution of the Bonds, where and if applicable. The Mayor, Business Administrator or Chief Financial Officer of the Township are each hereby further authorized and directed to deliver any certificates necessary in connection with the distribution of the Official Statement.

Section 21. The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of the respective Continuing Disclosure Certificate (the "Certificate") which will set forth the obligation of the Township to file, as applicable, budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material in accordance with the provisions of Rule 15c2-12, as amended and supplemented (the "Rule"), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented. The Mayor, Business Administrator or Chief Financial Officer of the Township are each hereby authorized and directed to execute and deliver the Certificate to the purchasers of the Bonds, evidencing the Township's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Township to comply with the Certificate shall not be considered a default on the Bonds, as applicable; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Township to comply with its obligations hereunder and thereunder.

Section 22. The Mayor, Business Administrator or Chief Financial Officer of the Township are each hereby authorized and directed to sell the aforesaid Bonds and to determine all matters in connection with the Bonds (including adjusting the maturity schedule or any other matters set forth in this resolution that are deemed necessary and advisable to change by the Mayor, Business Administrator or Chief Financial Officer of the

Township prior to the sale or closing of the Bonds, all in consultation with Bond Counsel, the Financial Advisor and the Auditor), and the manual or facsimile signature of the Mayor, Business Administrator or Chief Financial Officer of the Township upon any documents shall be conclusive as to all such determinations. The Mayor, Business Administrator, Chief Financial Officer, Clerk of the Township and any other Township Official or professional, including but not limited to Bond Counsel, the Financial Advisor, the Auditor, the Township Engineer and the Township Attorney (collectively, the "Township Officials"), are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds and all such actions or inactions taken by the aforesaid Township Officials heretofore are hereby ratified and confirmed.

Section 23. This resolution shall take effect immediately.

16. RESOLUTION – AUTHORIZING THE RELEASE OF \$ 26,428.28 IN SURPLUS FROM THE TOWNSHIP OF MIDDLE’S SHARE OF THE AGGREGATE EXCESS LOSS CONTINGENCY FUND – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. WHEREAS, the Atlantic County Municipal Joint Insurance Fund (hereafter referred to as the FUND) has been organized pursuant to N.J.S.A. 40A:10-36 et. seq.; and WHEREAS, the FUND is duly constituted as a Municipal Self Insurance Fund to provide insurance coverage to its member municipalities; and WHEREAS, the FUND has established an Aggregate Excess Loss Contingency Fund pursuant to NJAC 11:15-2.23; and WHEREAS, in accordance with NJAC AA:15-2.21, the FUND is authorized to release surplus from its Closed Years Fund upon approval from the Department of Banking & Insurance & Department of Community Affairs; and WHEREAS, should the FUND authorize the Release of Surplus from its Closed Years Fund, each member receiving a share of the surplus has the option of using the surplus as an offset against their next assessment billing, receiving the surplus as a direct payment, or placing a portion of their surplus in the FUND’S Aggregate Excess Loss Contingency Fund; and WHEREAS, several members, including the Township of Middle, have placed a portion of their surplus from amounts released in prior years into the Aggregate Excess Loss Contingency Fund; and WHEREAS, the Fund Commissioner from the Township of Middle has sent a written request to the Fund Administrator’s office asking that \$ 26,428.28 of their available balance be released from the Aggregate Excess Less Contingency Fund; and NOW, THEREFORE BE IT RESOLVED, by the Township Committee that the Township of Middle does hereby request that the FUND release \$ 26,428.28 from the Township of Middle’s balance in the Aggregate Excess Loss Contingency Fund in the form of a lump sum payment to the Township of Middle.

17. RESOLUTION – AMENDING RESOLUTION 310-16 ACKNOWLEDGEMENT OF RESIGNATION – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 hereby amended as follows.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Alison Akke	Public Safety	Police Officer	08/07/2016

18. RESOLUTION – ADOPTING MIDDLE TOWNSHIP RECREATION DEPARTMENT WAIVER FORM FOR ONLINE REGISTRATION – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 Recreation Department online registration waiver form is hereby adopted. BE IT FURTHER RESOLVED, that said form shall be utilized for all new registrations received through the on-line registration program, RecDesk.
19. RESOLUTION – AUTHORIZING AN AGREEMENT WITH CITY OF NORTH WILDWOOD – ROAD STRIPING SERVICES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. WHEREAS, the Local Public Contracts Law, at N.J.S.A. 40A:11-3, provides that a contract that has a cost or price that is less than the current bid threshold may be awarded without public advertisement; and WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et. seq. provides that “any local unit may enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction...”; and WHEREAS, the Uniform Shared Services and Consolidation Act, at N.J.S.A. 40A:65-3, defines “service” as “any of the powers, duties and functions [emphasis supplied] exercised or performed by a local unit by or pursuant to wall;” and WHEREAS, the Township of Middle has proposed an Agreement with the City of North Wildwood under the terms of which North Wildwood would provide to Middle Township road striping services and Middle Township would compensate North Wildwood for its actual costs of labor and supplies; and WHEREAS, the road striping services being requested are limited in scope (small area of Golf Club Road) and the value of the services being requested is less than the current bid threshold; and WHEREAS, the Township Solicitor has opined that, based on the provision of the Local Public Contracts Law cited above the subject contract is not subject to the public advertisement and bidding requirements of the Local Public Contracts Law and that the services requested by Middle Township fit the definition of

