

Cape May Court House, NJ
 December 5, 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, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio.

1. PRESENTATION BY MAYOR – PANTHERS PEE WEE FOOTBALL, CAJFL CHAMPIONS, AND MIDDLE TOWNSHIP HIGH SCHOOL GIRLS FIELD HOCKEY TEAM, SJ GROUP 1 CHAMPIONS
2. PRESENTATION BY MAYOR – AUGOSTINA MALLOUS
3. QUESTION/ANSWER PERIOD ON AGENDA *(This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)*
4. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$3,496,283.90
5. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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, the governing body thereof, that the following minutes are approved: Work Session 11/21/2016, Board of Health 11/21/2016, and Regular Meeting 11/21/2016.
 BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following closed session minutes are hereby released: 07/18/2016*
6. REPORTS: The following departments have submitted their reports for the months indicated: Construction for the month of November, Zoning for the month of November, Finance for the month of November.
7. RESOLUTION – REFUND OF SEWER UTILITY CONNECTION FEE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, a refund is due for connection fees to Middle Township’s Sewer Utility; and

BLOCK	LOT	OWNER/LOCATION	2016
257	29	John D. Turzanski <i>Property location: 5 Eldredge Avenue</i>	\$2,200.00

*WHEREAS, the original payment of \$2,500.00 contained a non-refundable application fee for administrative costs in the amount of \$300.00, resulting in a refund of \$2,200.00.
 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 a check in the above noted amounts payable to the above mentioned party, as a refund of connection fees for sewer utilities; and
 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 – TRANSFER OF FUNDS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year; and

NOW, THEREFORE, BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2016:

		From	To
BOARD STIPENDS	6-01-20-101-101-100	6,500.00	
INFORMATION TECHNOLOGY SALARY & WAGE	6-01-20-132-132-100	5,000.00	
INFORMATION TECHNOLOGY OE	6-01-20-132-132-200	3,000.00	
LEGAL SERVICES OE	6-01-20-155-156-200	8,500.00	
ENGINEERING SERVICES OE	6-01-20-165-165-200	20,000.00	
GENERAL LIABILITY INSURANCE	6-01-23-210-211-400	31,134.00	
WORKERS COMP INSURANCE	6-01-23-215-215-400	15,000.00	
HEALTH CARE WAIVER	6-01-23-221-221-400	16,000.00	
RECREATION SALARY & WAGES	6-01-28-370-370-100	3,000.00	
SOCIAL SECURITY	6-01-36-471-471-453	4,000.00	
ASSESSMENT OF TAXES OTHER EXPENSES	6-01-20-150-150-200		7,500.00
TELEPHONE SYSTEM CONTRACT	6-01-20-132-133-200		9,134.00
PUB BUILD/GRNDS OTHR EXPENSES	6-01-23-310-310-200		2,500.00
POLICE OTHER EXPENSES	6-01-25-240-240-200		1,500.00
COMMUNICATIONS SALARY & WAGE	6-01-25-250-250-100		37,500.00
PUBLIC WORKS OTHER EXPENSES	6-01-26-290-291-200		20,000.00
MOTOR POOL	6-01-26-315-315-200		25,000.00
ANIMAL CONTROL SALARY & WAGE	6-01-27-340-340-100		2,000.00
RECREATION OTHER EXPENSES	6-01-28-370-370-200		3,000.00
DCRP - (EE PORTION)	6-01-36-471-471-457		4,000.00
		112,134.00	112,134.00

9. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE (ITEMS A THROUGH C) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
- (a) WHEREAS, Constance Mahon resigned with an effective date of November 29, 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:
- Constance Mahon
 Personal Hours: 5.893
 Vacation Hours: 63.518
Total Hours: 69.411
 \$4,762.44 (inclusive of payroll tax expense to the Township)
- (b) WHEREAS, William Mulligan resigned with an effective date of November 30, 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:
- William Mulligan
 Comp Time Hours: 1.5
 Holiday Hours: 40
 Personal Hours: -3
 Vacation Hours: -5.3
Total Hours: 33.20
 \$662.26 (inclusive of payroll tax expense to the Township)
- (c) WHEREAS, Aaron Taylor resigned with an effective date of November 17, 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:
- Aaron Taylor
 Sick Time Hours (Due to Twsp.): -2.80
 Vacation Hours: 29.2
Total Hours: 26.40
 \$284.20 (inclusive of payroll tax expense to the Township)

10. RESOLUTION – APPROVE CHANGE ORDER (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 (a) WHEREAS, the “Bike Path Phase 4, Contract No. 2” project was awarded September 21, 2015 via Resolution No. 417-15 to Kline Construction Company, 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 No. 2 for the project awarded to Kline Construction Company, Inc. be and is hereby approved in the amount of \$6,097.50.
 (b) WHEREAS, the “Bike Path – Phase 5” project was awarded September 21, 2015 via Resolution No. 418-15 to Kline Construction Company, 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 No. 2 for the project awarded to Kline Construction Company, Inc. be and is hereby approved in the amount of \$8,014.50.

11. RESOLUTION – APPOINTMENT – 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:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
William Mulligan	Public Safety	Telecommunications Operator P/T	\$15.00ph	12/1/2016

12. RESOLUTION – AWARD OF BID – CONTRACT NO. 2016-S1 – MIDDLE TOWNSHIP SEWER ASSISTANCE PROJECT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, it has been deemed necessary and desirable to solicit bids for the Sewer Assistance Project Contract No. 2016-S1; and
 WHEREAS, bids were received November 14, 2016; and
 WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey the governing body thereof, that the contract for the following Sewer Assistance Project be and hereby is awarded as described:

Contract No.	Awarded To:	Total Bid Amount	PO#
2016-S1	Mitchell Nichols Enterprises, Inc.	\$1,400.00	TBD

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

13. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by _____ seconded 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 imposes 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
Shoemaker, Eileen M	23 Johnstown Lane	355.01 // 3	\$212.81

14. RESOLUTION – AUTHORIZING MAYOR TO EXECUTE DISCHARGE OF MORTGAGE (ITEMS A THROUGH C) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 (a) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the mortgage loan for JENNIFER ROMEO in the amount of Twenty-Four Thousand Five Hundred Sixty Dollars (\$24,560.00) 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.

(b) 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 Vernetta Lewis in the amount of Four Hundred Seventy Five Dollars (\$475.00) 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.

(c) 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 Ebony Flanders & Michael Harrison in the amount of Two Thousand Six Hundred Fifty Dollars and Forty-Nine Cents (\$2,650.49) 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.

15. RESOLUTION – APPROVAL FOR PAYMENT CASH OUT SICK LEAVE – VARIOUS EMPLOYEES

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

WHEREAS, the Township allows the cash out of accumulated sick time by employees who meet the guidelines set forth in the personnel policy manual; and

WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time;

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 employees in the amount referenced below.

NAME	HOURS	HOURLY RATE	TOTAL COST
Adams, William	60	\$62.56	\$3,636.96
Amrose, Paul	40	\$13.67	\$588.53
Camp, Christopher	40	\$30.62	\$1,318.57
Becker, Deborah	35	\$29.32	\$1,104.53
Burke, Nancy	40	\$14.13	\$608.62
Castellano, Gino	60	\$47.27	\$2,747.89
D'Alonzo, James	60	\$47.27	\$2,747.89
Fiore, Francis	60	\$50.88	\$2,957.89
Garrison, Rex	16	\$13.28	\$228.75
Higginbottom, Mark	60	\$50.88	\$2,787.54
Karstens, Kendra	21	\$20.56	\$464.85
Larkin, Leonard	60	\$37.57	\$2,184.22
Leusner, Christopher	60	\$68.82	\$3,770.26
Lindholm, Martin	60	\$35.99	\$2,091.94
Linz, Michael	40	\$24.71	\$1,064.04
Loftus, Jamie	60	\$58.66	\$3,409.97
Martin, Jr., Kenneth	60	\$50.88	\$2,957.89
Martino, Matthew	60	\$37.57	\$2,184.22
Mathews, Robert	16	\$23.32	\$401.69
May, David	35	\$29.91	\$1,126.85
McClure, Allan	60	\$47.27	\$2,747.89
McDevitt, Nancy	40	\$11.20	\$482.15
McDevitt, Sean	40	\$27.89	\$1,201.08
Miller, Marilyn	40	\$17.14	\$738.17
Mills, Steven	20	\$20.59	\$443.36
Mulligan, William	4	\$19.49	\$83.94
Murphy, Brian	60	\$23.29	\$1,353.70
Nelson, Donald	60	\$62.56	\$3,636.96
Niemann, Joshua	21	\$17.33	\$391.78
Norton, John	60	\$43.92	\$2,553.35
Novsak, Steven	60	\$47.27	\$2,747.89
Osmundsen, Douglas	60	\$55.87	\$3,247.59
Pastor, Michael	60	\$21.70	\$1,261.39
Russ, LeeAnn	35	\$44.62	\$1,681.35
Salvesen, Jeffrey	60	\$24.87	\$1,445.98
Stimmel, Dawn	28	\$26.67	\$803.90
Stocker, Clinton	24	\$50.88	\$1,115.01
Super, Tracey	60	\$50.88	\$2,957.89
Sweitzer, Jason	60	\$47.27	\$2,747.89
Trombetta, Jack	60	\$37.57	\$2,184.22

*total cost is inclusive of payroll tax expense to the Township

16. RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – CHUCK’S MOBILE LIGHTING AND INSTALLATION – POLICE VEHICLE ACCESSORY INSTALLATION – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has a need to enter into an agreement with Chuck’s Mobile Lighting and Installation, for Police vehicle accessory installation, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and

WHEREAS, the Township of Middle will be entering into an agreement with Chuck’s Mobile Lighting and Installation, for accessory installation services, where the total amount is \$30,212.80, which exceeds the non-fair and open limitation of \$17,500.00; and

WHEREAS, Chuck’s Mobile Lighting and Installation has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Chuck’s Mobile Lighting and Installation from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

17. RESOLUTION – REDUCTION OF PERFORMANCE BOND – (ITEMS A THROUGH C) – On motion by seconded by and passed on roll call, the following resolution was adopted.

(a) WHEREAS, \$462,773.10 is being held as a performance guarantee of Rio Grande 9 LLC for Block 1436.01, Lot 6, otherwise known as 3150 Route 9 South; and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$165,996.90 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$296,776.20; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to \$296,776.20.

(b) WHEREAS, \$621,765.50 is being held as a performance guarantee of FCF Realty LLC for Block 1511, Lot 1, otherwise known as 1603 Rte 47 S; and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$435,235.92 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$186,529.68; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to \$186,529.68.

(c) WHEREAS, \$847,800.00 is being held as a performance guarantee of T&H Real Estate Enterprises LLC for Block 136, Lot 14, otherwise known as Stone Harbor Crossings; and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$433,238.40 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$414,561.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to 414,561.60.

18. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by seconded by 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.

19. RESOLUTION – REFUND OF TAXES – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, a refund is due to the homeowner listed below as the result of a veteran deduction granted by the Cape May County Board of Taxation on 11/01/2016; and

ACCT	BLOCK	LOT	OWNER/LOCATION	2016
4887	264	28	Hamann, Kenneth 810 Steel Rd Cape May Court House, NJ 08210 Property location: 810 Steel Rd	\$250.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Chief Financial Officer is instructed to draw check in the above noted amount payable to the above mentioned party, as a refund of 2016 taxes.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

20. RESOLUTION – APPOINTMENTS – SHADE TREE COMMISSION – 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 person be and are hereby appointed _____ to the term of office opposite their name:

NAME	BOARD	POSITION	TERM EFFECTIVE	TERM EXPIRES
Barbara Collins	Shade Tree Commission	Chairperson	12/05/2016	12/31/2017*

** Filling unexpired term of office.*

21. RESOLUTION – RELEASE OF PERFORMANCE BOND – FCF REALTY INC. – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, \$348,313.20, is being held as a performance guarantee for FCF Realty for site improvements at Block 1511, Lot 2, otherwise known as 1613 Rte 47 South; and
WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed; and
WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released; and
WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$348,313.20 is hereby released.

22. RESOLUTION – CLOSED SESSION – PENDING LITIGATION (CAPE MAY POINT AFFORDABLE HOUSING, LP V. TOWNSHIP OF MIDDLE, TOWNSHIP OF MIDDLE PLANNING BOARD AND TOWNSHIP OF MIDDLE ZONING BOARD) - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
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 – PENDING LITIGATION (CAPE MAY POINT AFFORDABLE HOUSING, LP V. TOWNSHIP OF MIDDLE, TOWNSHIP OF MIDDLE PLANNING BOARD AND TOWNSHIP OF MIDDLE ZONING BOARD)*
 2.) *The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – PENDING LITIGATION (CAPE MAY POINT AFFORDABLE HOUSING, LP V. TOWNSHIP OF MIDDLE, TOWNSHIP OF MIDDLE PLANNING BOARD AND TOWNSHIP OF MIDDLE ZONING BOARD)*
 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.*
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.

23. RESOLUTION – INSERTION OF A SPECIAL ITEM OF REVENUE – 2016 DRIVE SOBER OR GET PULLED OVER YEAR END CRACKDOWN, FOR THE PERIOD OF DECEMBER 9, 2016 THROUGH JANUARY 1, 2017 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
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 2016 in the sum of:
 2016 Drive Sober or Get Pulled Over Year End Crackdown \$5,000.00
BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
 2016 Drive Sober or Get Pulled Over Year End Crackdown \$5,000.00

24. RESOLUTION – SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2016 YEAR END HOLIDAY CRACKDOWN – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, impaired drivers on our nation’s roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often 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 Year End Holiday Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 9, 2016 through January 1, 2017; 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 Township Committee of the Township of Middle declares it’s support for the Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown from December 9, 2016 through January 1, 2017 and pledges to increase awareness of the dangers of drinking and driving.

25. RESOLUTION – DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF MIDDLE NET RETURNED SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 1998, January 1, 1999, January 1, 2000, January 1, 2001, January 1, 2002, January 1, 2003, January 1, 2004, January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010, January 1, 2011, January 1, 2012, and

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq., and

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY’s membership, and

WHEREAS, the MUNICIPALITY understands that the FUND’s Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND, and

WHEREAS, the MUNICIPALITY understands that the FUND’s Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND, and

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. *Direct the FUND to apply the MUNICIPALITY’s share to the MUNICIPALITY’s premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),*
2. *Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY’s share,*
3. *Direct the FUND to apply the MUNICIPALITY’s share to the FUND’s Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality’s available balance in offsetting future premiums, or*
4. *Direct the FUND to apportion the MUNICIPALITY’s share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.*

NOW THEREFORE, the MUNICIPALITY directs the FUND to distribute the MUNICIPALITY’s share of its Net Distribution as follows (check the boxes that apply):

- Apply a portion of the amount as a credit to the MUNICIPALITY’s next FUND Year premium.*
- Apply a portion of the amount as a check to the MUNICIPALITY.*

Apply a portion or the full amount to the MUNICIPALITY's share of the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

Designate the full amount as follows (Sum of below must equal full dividend amount):

- Credit \$ _____
 - Check \$65,558.00 (Requires voucher)
 - A.E.L.C.F. \$26,358.00 (Requires Resolution)
- Total Dividend \$91,916.00

26. RESOLUTION – AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT – PRESIDENTIAL INAUGURATION TASK FORCE (PITF) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Agreement between the United States Attorney's Office for the District of Columbia, the Metropolitan Police Department of Washington D.C. (MPD) and the Middle Township Police Department for participation in the Presidential Inauguration Task Force (PITF) in Washington, D.C. area from January 15, 2017 through January 21, 2017.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

27. PUBLIC COMMENT:

Motion to adjourn meeting –
1st: _____ 2nd: _____
Pass on Roll Call: