

receipt of notice by the municipality, file a registration statement for such vacant property with the Township Code Enforcement Inspector (or contractor hired by the Township for this purpose) on forms provided by the Township or its Contractor.

The owners of property that is vacant on the effective date of this ordinance shall have 30 days to register that property as set forth herein.

Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners, in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.

c. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property registered. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property registered.

d. The annual renewal shall be completed within 15 days of the prior year's registration form's expiration date. A notice and invoice will be sent 30 days in advance of the renewal due date.

e. The owner shall notify the Code Enforcement Officer (or hired Contractor) within 30 days of any change in the registration information by filing an amended registration statement.

f. The registration statement shall be deemed prima facie proof of the statements contained therein in any administrative enforcement or court proceeding instituted by the Township against the building owner.

SECTION 3. ACCESS TO VACANT PROPERTIES.

The owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 am and 4:00 pm, or such other time as may be mutually agreed upon between the owner and the Township.

SECTION 4. RESPONSIBLE OWNER OR AGENT.

a. An owner may designate an agent or individual responsible for maintaining the property.

b. By designating an authorized agent under this Section, the owner agrees that service on the agent of any notices of code violations and all process concerning the registered vacant property constitutes service on the owner. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies Middle Township in writing of a change of authorized agent or until the owner files a new annual registration statement.

c. Any owner who fails to register vacant property under this Ordinance shall be deemed to consent to service of notices or process by the posting of same in plain view on the building or by regular and certified mail service at the owner's last known address on record with Middle Township.

SECTION 5. FEE SCHEDULE.

The initial registration fee for each building shall be \$500. Registrations must be renewed every six months, for an additional fee of \$500 for each six-month period.

SECTION 6. RESPONSIBILITIES OF VACANT PROPERTY OWNERS

The owner of any building that has become vacant, and any person operating or collecting rent for any such building, shall, within 30 days thereof

a. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code.

b. Post a sign on the building indicating the name, address and telephone number of the owner and/or the owner's agent for the purpose of service of process, as well as the name, address and phone number of the person responsible for day-to-day management of the building. The sign shall be at least eight inches by 10 inches in size and shall be legible from the nearest street or sidewalk.

c. Secure the building and maintain the sign until the building is again legally occupied, demolished, or repair is complete.

d. Ensure that the exterior grounds of the structure are well-maintained and free from trash, debris, litter and grass and weed growth.

SECTION 7. VIOLATIONS.

a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

b. Failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality; failure to

provide correct information on the registration statement; or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

SECTION 8. SEVERABILITY.

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

SECTION 9. REPEALER.

All ordinance, or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

SECTION 10. EFFECTIVE DATE. *This ordinance shall take effect twenty (20) days after passage and publication, as required by law.*

7. **ORDINANCE NO. 1540-17 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)** – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1540-17 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/06/2017 at 6:00 p.m.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.0% increase in the budget for said year, amounting to \$ 552,006.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$644,008.12, and that the CY 2017 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

8. **ORDINANCE NO. 1541-17 – AN ORDINANCE VACATING A PORTION OF CHANNEL ROAD ADJACENT TO BLOCK 120, LOTS 31, 32 AND 33 AS SHOWN ON SHEET 82.02 OF THE TAX MAP OF THE TOWNSHIP OF MIDDLE** – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1541-17 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/06/2017 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May and the State of New Jersey, as follows:

SECTION 1. *The public right, title and interest in, along, upon and over the following described land is hereby vacated, surrendered and extinguished: All that certain tract of parcel of land, situate in the Township of Middle and being further described and bounded as set forth in the "Street Vacation Plan & Lot Consolidation Plan" prepared by Thomas Amey Shaw, Inc., and dated July 27, 2016, attached as Exhibit A; the metes and bounds description for Block 120, Lot 31, attached as Exhibit B; and the metes and bounds description for Block 120, Lot 32, attached as Exhibit C.*

SECTION 2. *The Township of Middle, for itself, its successors and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace and relocate such public utilities and cable television facilities, within the described premises, which it may, at any time hereafter, deem necessary for the public health, safety, convenience and welfare, and the Township of Middle further reserves unto itself the right to use, maintain, repair, replace and relocate all existing utilities and cable television facilities owned or controlled by it located in, adjacent to, upon or through said land, and further reserves unto itself an easement over, under, through and across the portion of the land described as may be necessary or expedient for the purpose of maintaining, replacing, relocating, installing, leveling, constructing and repairing its utilities, mains and appurtenances, if any, wherever there exists a pipeline and appurtenances thereto beneath the surface of the aforesaid described land. The Township of Middle further reserves for its benefit and the benefit of any utility or cable television company the right to maintain, repair, and replace utilities or facilities installed by them in, adjacent to, over or through the aforesaid land. All of the aforesaid rights shall be unaffected by this ordinance.*

SECTION 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Should any part of this ordinance be declared unconstitutional or invalid, the remaining portions of this ordinance shall not be affected thereby, but shall remain in full force and effect, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall become effective immediately upon final passage and publication, according to law.

9. RESOLUTION – AUTHORIZING VERIZON WIRELESS TO USE POLES ERECTED WITHIN THE PUBLIC RIGHT-OF-WAY OF THE TOWNSHIP OF MIDDLE BY PARTIES THAT HAVE THE LAWFUL RIGHT TO MAINTAIN SUCH POLES – On motion by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Township of Middle; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Middle, subject to the following:

A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.

B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Middle.

C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall to the fullest extent permitted by law, defend, pay on behalf of, indemnify, and hold harmless the Township of Middle, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of the Township of Middle against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Township of Middle, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of the Township of Middle, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance, including automobile insurance with single limits not less than \$3,000,000 for injury to or death of one or more persons in any one occurrence, together with workers compensation insurance in statutorily prescribed limits. Middle Township must be named as an “Additional Insured on all policies, and all policies must require 60-days’ notice of cancellation. Nothing in this section shall limit Verizon’s liability in any way.

E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. This instrument shall be adopted on behalf of the Township of Middle by the Township Committee of the Township of Middle and attested to by Township of Middle Clerk who shall affix the Township of Middle Seal thereto.

G. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

10. RESOLUTION – PROVIDING FOR TRANSFER OF CERTAIN 2016 BUDGET APPROPRIATION RESERVES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, various 2016 bills have been present for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2016 Budget Appropriation Transfers in the last two months of 2016; and

WHEREAS, N.J.S.A.:40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding 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 appropriation reserves be made in the budget of Middle Township for the year 2016:

		From	To
Emergency Medical Svs-Other Expenses	6-01-25-262-262-200		3,500.00
Emergency Medical Svs - S&W	6-01-25-262-262-100	3,500.00	
Public Works - Other Expenses	6-01-26-290-291-200		2,000.00
Motor Pool	6-01-26-315-315-200		2,000.00
Public Works - S&W	6-01-26-290-291-100	4,000.00	
Sewer - Other Expenses	6-07-55-502-502-200		20,100.00

Sewer - S&W	6-07-55-501-501-100	20,100.00	
		27,600.00	27,600.00

11. RESOLUTION – FORECLOSURE GROUP 194 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the following cancellations are due to properties that have been foreclosed by the Township of Middle, and

WHEREAS, Docket #F-022752-16, final judgement dated 1/20/2017, has been recorded 1/24/2017 in Mortgage Book 3713, Pages 941-944, which cancel liens and taxes.

ACCT	BLOCK	LOT	LOCATION	CERTIFICATE#	2017 1 st 1/2
774	24	5	128 Beach Ave	2013-6946	\$1,282.66
1784	60	7	3 Ella Ave	2013-6970	\$1,076.51
16306	167.01	57	20 Oak View Rd	2014-7806	\$1,294.26
6149	389	9.01	66 Bay Shore Rd	2014-7867	\$1,249.12
7187	475.03	33	95 Indian Trail	2014-7920	\$868.28
12575	1055	6	2105 Rte 9 S	2012-6873	\$1,044.58
13077	1130	4	S 6 th Ave	2011-6515	\$622.34
15122	1131	3	S 7 th Ave	2009-5857	\$803.05
13087	1134	3	905 E Main Ave	2011-6518	\$697.27
13089	1136	5	E Main Ave	2011-6519	\$671.70

12. RESOLUTION – SOCIAL AFFAIRS PERMITS (ITEMS A THROUGH B) - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(a) WHEREAS, the Brendan Borek High Tides Memorial Fund has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House, New Jersey 08210 on May 5, 2017 from 12:00pm until 8:00pm, 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.

(b) WHEREAS, the Wildwood Golf & Country Club has applied for approval to sell alcoholic beverages at an event to be held at 1170 Golf Club Road, Cape May Court House, New Jersey, on June 7th, 8th, 9th, 10th, 11th, 2017 from 8:00am to 11:00pm, 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.

13. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(a) BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	BOARD	POSITION	EFFECTIVE
Joseph Renczkowski	Shade Tree Commission	Member	12/27/2016
Francey Burke	Veterans Advisory Board	Member	12/31/2016

(b) BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
AnnaMarissa Rescio	Public Safety	PS Telecommunication Operator PT	01/24/2017
Lauren Lepak	Public Safety	PS Telecommunication Operator PT	01/16/2017
Jake Loefflad	Public Safety	PS Telecommunication Operator PT	01/16/2017

14. RESOLUTION - AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE - 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 and State of New Jersey that the mortgage loan for KATHLEEN H. O'NEILL in the amount of Ten Thousand Four Hundred Fifty-Two Dollars (\$10,452.00) is hereby authorized to be discharged.

FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

15. RESOLUTION – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY FOR THE PROJECT KNOWN AS “MIDDLE TOWNSHIP BIKE PATH NORTHERN EXTENSION” – CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township has submitted an application under the County's 2016 Open Space Program for the Middle Township Bike Path Northern Extension project; and

WHEREAS, the Township made application under the County's 2016 Open Space Program for said project, and, after thorough review and deliberation, the Open Space Review Board voted to make recommendation to the Board of Chosen Freeholders to fund the project; and

WHEREAS, the County and the Township desires to enter into this Shared Service Agreement in order for the County to provide funding to the Township.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement with the County of Cape May for the term of February 14, 2017 through February 13, 2019.

16. RESOLUTION – COMMEMORATING THE 30TH ANNIVERSARY OF THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, the Atlantic County Municipal Joint Insurance Fund has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and
 WHEREAS, the Township of Middle is a member of the Atlantic County Municipal Joint Insurance Fund; and
 WHEREAS, the Atlantic County Municipal Joint Insurance Fund commenced operations on January 1, 1987 with seven charter members who, when challenged with an unfavorable market for their insurance, decided to join together to avoid the high costs and limited coverage associated with traditional insurance for fire and property, liability and workers compensation risks; and
 WHEREAS, over the past 30 years the Fund has grown to 41 members and stands today as one of the greatest examples of an inter-local service agreement in the State of New Jersey’s history; and
 WHEREAS, municipalities participating in the ACMJIF have saved their local taxpayers millions of dollars in the form of lower premiums and the return of nearly \$31 million dollars in surplus distributions; and
 WHEREAS, the elected officials and the municipal employees covered by the Atlantic County Municipal Joint Insurance Fund are the foundation of the Fund’s success and without whose dedication to the Fund Safety and Risk Management programs the Fund would not have achieved the status it enjoys today; and
 WHEREAS, the Township of Middle wishes to recognize and commemorate the Fund on its 30th year of successful operation.
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that this body does hereby recognize and commemorate 2017 as the 30th year of the successful operation of the Atlantic County Municipal Joint Insurance Fund; and
 BE IT FURTHER RESOLVED that the Township of Middle wishes to acknowledge this 30th Anniversary as a milestone event in the history of the Fund and wishes the Fund continued success for many years to come; and
 BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Executive Director of the Atlantic County Municipal Joint Insurance Fund for his information and distribution to the membership.

17. RESOLUTION – CANCELLATION OF TAXES – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, a cancellation of taxes is due to the property owner listed below as they have been granted 100% disabled American Veteran status as of January 1, 2017.

ACCT	BLOCK	LOT	OWNER/LOCATION	2017
6418	410	15	Hollish, Joseph F & Natalie A Property location: 400 Roosevelt Blvd	\$1,662.61

18. RESOLUTION – REFUND OF TAXES – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, a refund is due as a result of overpayment by the Cape May County Board of Taxation.

ACCT	BLOCK	LOT	OWNER/LOCATION	2017
6418	410	15	Hollish, Joseph F & Natalie A P O Box 167 Green Creek, NJ 08219 Property location: 400 Roosevelt Blvd	\$29.11
2183	99.02	149	Arc of Cape May County Inc P O Box 255 South Dennis, NJ 08245	\$9.79

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 2017 taxes.
 BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

19. RESOLUTION – CHANGE ORDER NO. 1 – 2016 ROAD PROGRAM - On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, Lexa Concrete was awarded the “2016 Road Program” project on November 21, 2016.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Lexa Concrete, be and is hereby approved in a credit amount of \$13,225.69, for an amended contract price of \$544,389.31.

20. RESOLUTION – RATIFY LEASE AGREEMENT – CAPE EXPRESS SOCCER – 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, County of Cape May, State of New Jersey that the agreement between Cape Express Soccer and the Township of Middle, for usage of the Georgianna and Clarence Sports Complex for a term effective January 1, 2017 through December 31, 2017, be and is hereby ratified.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.
21. RESOLUTION – CHANGE IN WORK SCOPE – CONTRACT #2016-9 – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the above listed project was awarded August 15, 2016, via Resolution No 343-16 to H.J. Graber Contractors in the amount of \$22,481.00.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the following Home Rehabilitation Program be and hereby changed in work scope as reflected in the attached Change Order #1 for the project awarded to H.J. Contractors, be and is hereby approved.
22. RESOLUTION – AWARD CONTACT AND RATIFY AGREEMENT THROUGH THE NON-FAIR AND OPEN PROCESS – PHOENIX ADVISORS, LLC – CONTINUING DISCLOSURE AGENT AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR (“IRMA”) – 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, the governing body thereof, that the Agreement between Phoenix Advisors, LLC and the Township of Middle, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-to-Play Statutes.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.
Phoenix Advisors, LLC
Continuing Disclosure Agent and
Independent Registered Municipal Advisor
\$950.00
23. RESOLUTION - APPROVE REQUEST FOR LEAVE WITH PAY – MILITARY – POLICE OFFICER RAYMOND BRADLEY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Police Officer Raymond Bradley was called to Active Military Duty, and
WHEREAS, he is being placed on a military absence for a period from January 29, 2017 until June 5, 2017, and
WHEREAS, N.J.S.A. 38A: 4-4 requires Government Entities to pay organized militia on military leave for a period not to exceed ninety (90) workdays.
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 Police Officer Raymond Bradley shall be granted paid Military Leave for a period of ninety (90) workdays and will utilize accrued time thereafter until return, if applicable.
24. RESOLUTION - APPROVAL FOR PAYMENT TERMINAL LEAVE – ALLAN CROPPER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Allan Cropper retired with an effective date of February 1, 2017; and
WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick 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:
Allan Cropper
Vacation Hours: 1.33
Sick Hours: 507.00
Total Hours: 508.33
\$11,225.83 (inclusive of payroll tax expense to the Township)
25. RESOLUTION – AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, there is a need to lease a copy machine / printer and copier maintenance for the Township of Middle, in the County of Cape May, State of New Jersey; and
WHEREAS, machines will be leased for the following departments:
Municipal Tax Collector
WHEREAS, this can be leased through State Contract #T-2075 (A51465), and
WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Keystone Digital Imaging

For the lease/purchase of copier machines/printer and copier maintenance for 48 months in the amount of \$306.15 per month.

26. RESOLUTION – RELEASE OF PERFORMANCE BOND – MCDONALD’S USA LLC (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(a) WHEREAS, \$187,259.00, is being held as a performance guarantee for McDonald’s USA LLC for site improvements at Block 1464, Lot 8, otherwise known as 3201 Route 9 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 \$187,259.40 is hereby released.

(b) WHEREAS, \$74,052.00, is being held as a performance guarantee for McDonald’s USA LLC for site improvements at Block 216, Lot 5, otherwise known as 227 North Main Street; 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 \$74,052.00 is hereby released.

27. RESOLUTION – TABULATION COMMITTEE (ITEMS A THROUGH C) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(a) BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on Thursday, February 23, 2017 at 11:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, New Jersey for the following:

DISPOSAL OF RECYCLABLE MATERIALS TAKEN TO CLASS B RECYCLING FACILITIES

(b) BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on Thursday, February 23, 2017 at 10:30am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

MATERIALS PICKED UP OR DELIVERED FROM CLASS B RECYCLING FACILITIES

(c) 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 Township Officials be and hereby are appointed to tabulate the bids to be taken on Thursday, February 23, 2017 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

SNOW AND DEBRIS REMOVAL

28. RESOLUTION – PROMOTIONAL TITLE CHANGE – 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, the governing body thereof, that the following employee is hereby promoted to the title opposite their name at the following salary:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Katherine Keating	Zoning	Keyboarding Clerk 2	
Jessica Gibson	Tax Collection	Keyboarding Clerk 2	
Elizabeth Simpkins	Tax Assessor	Assistant Assessor	
Robert Matthews	Recreation	Superintendent of Recreation	02/06/2017

29. RESOLUTION – RELEASE OF TRUST ACCOUNT – 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.

30. RESOLUTION – AUTHORIZING CONSTRUCTION OFFICE TO WAIVE CONSTRUCTION PERMIT FEE IN CONNECTION WITH MIDDLE TOWNSHIP CDBC PROJECTS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle has approved two grants/loans as part of the CDCB revolving loan fund to connection to city sewer, and
 WHEREAS, both applications have been finalized and approved via Township Resolution No. 's 503-16 and 530-16, and
 WHEREAS, both applicants have made application and paid all associated fees as required by the Middle Township Sewer Department, and
 WHEREAS, as part of the loan application, the inspection fees where waived, and
 WHEREAS, because all on-site inspection and plan review services for various construction department sub-code are performed by the Third Party Agency, Trinity Code Inspections, LLC., a resolution of the governing body must be approved to waive the construction fees of \$138.00 per applicant.
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the one time waiver of fees is hereby granted for the properties listed below, in connection with the CDBC revolving loan for connection to city sewer:
 1809 Route 9 South
 Whitesboro, NJ
 301 Dias Creek Road
 CMCH, NJ

31. RESOLUTION - APPOINTMENTS (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 (a) BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following person be and are hereby appointed to the term of office opposite their name:

NAME	BOARD	POSITION	TERM EFFECTIVE	TERM EXPIRES
Teri McInnis	Shade Tree Commission	Member	02/06/2017	12/31/2021

* Filling unexpired term of office.

(b) WHEREAS, there are various terms of office for various boards and positions that have expired as of 12/31/2016, and

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 named persons be and hereby are appointed or reappointed to fill the following offices/terms, retroactively effective 01/01/2017:

OFFICE / POSITION	TERM	NAME	TERM EXPIRES
Planning Board Member	4yr	James McLaughlin, Class IV	12/31/2020

32. PUBLIC COMMENT:

Motion to adjourn meeting –

1st

2nd

Pass on Roll Call:

 Kimberly D. Krauss, Township Clerk