

Cape May Court House, NJ
August 5, 2013
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 Lockwood, Committeemember Donohue, Committeemember DeLanzo, Township Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon and Municipal Solicitor Marcus Karavan. Township Engineer Marc DeBlasio was not present.

1. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)
***No Public Comment**
2. RESOLUTION 392-13 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills)
– On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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.: \$3,799,892.32
3. RESOLUTION 393-13 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone) –
On motion by Committeemember Donohue seconded Committeemember DeLanzo and passed on roll call, the following resolution was adopted. ***Mayor Lockwood Abstain**
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct.: \$1,705.00
4. RESOLUTION 394-13 – APPROVING PAYMENT FOR BILLS – BILL LIST C (Kelly Products) – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. ***Committeemember Donohue Abstain**
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct.: \$1,071.30
5. RESOLUTION 395-13 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo 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: Board of Health 7/15/2013, Work Session 7/15/2013, Regular Meeting 7/15/2013, and Closed Session 7/15/2013.
6. REPORTS: The following departments have submitted their reports for the months indicated: Zoning Official for the month of July; Construction Official for the month of July; Municipal Clerk for the month of July; Tax Collector for the month of July; and Sewer Department for the month of July.
7. ORDINANCE NO. 1444-13 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112, ARTICLE 11, ENTITLED DRIVEWAY APRONS AND LOT GRADING – Following second reading, hearing, and consideration for adoption, Ordinance 1444-13 was adopted on motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
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:
SECTION 1
Chapter 112, Article II of the Township Code shall be amended as follows:
§ 112-4. Prohibition against drainage changes impacting neighborhood properties.
A. It shall be a violation of this article for any landowner or any person to change the natural flow of drainage, or to change an existing drainage system approved and constructed in accordance with subdivision approvals, such that water will be caused to accumulate on or otherwise negatively impact any other property.
B. Any violation of this section shall result in the following penalties:
(1) The landowner or offending person shall be financially responsible to pay for the cost of any and all remedial action necessary to correct the drainage problem created by his or her conduct, including but not limited to engineering, expert or consultant fees and any and all approvals or permits; and
(2) Said landowner or offending person shall be subject to fines no less than \$500 and no more than \$2,000 for each and every violation of this section.
§ 112-5. Driveway aprons and lot grading requirements.

A. Each and every developed property, whether commercial or residential, including but not limited to single-family homes, located on a Township right-of-way, shall have a driveway apron constructed in accordance with the following specifications:

(1) A standard driveway apron shall be constructed in accordance with Figures 112(a) and 112(b).

(2) Driveway aprons shall be constructed of concrete, asphalt or other hard durable surface acceptable to the Township Engineer so as to keep driveway material from encroaching on to the roadway.

(3) A one and one half-inch reveal shall be required at the intersection of the driveway apron with the roadway. The driveway apron shall be constructed to ensure that runoff from the roadway does not flow on to the driveway. Additionally, the driveway apron shall be constructed in such a manner that the natural flow of storm water shall not be impeded.

(4) Driveway aprons constructed across shallow roadside swales must be constructed at a slope, which will allow storm water to flow unimpeded across the driveway at the existing rate of flow. [See Figure 112(c)]. The Municipal Engineer, or other Township official designated by the Township Committee, shall review the proposed driveway apron plans to ensure that the storm water management system for the roadway will continue to function adequately.

(5) Driveway aprons constructed across existing roadside swales with a significant slope may require the construction of a storm water drainage pipe under the driveway apron in order to ensure that storm water flow through the swale will not be impeded. [See Figure 112(d)]. The Municipal Engineer, or other Township official designated by the Township Committee, shall make a determination as to whether a pipe crossing is required based on the existing drainage swale characteristics. The minimum size of the drainage pipe shall be 12 inches in diameter, and all piping shall be reinforced concrete pipe (RCP), Class V.

(6) Before the issuance of a building permit, a driveway apron plan must be submitted to the Zoning Official, or other Township official designated by the Township Committee, for review and approval by the Municipal Engineer. Before a certificate of occupancy can be granted, the driveway apron shall be inspected and approved by the Construction Official, Zoning Official, or other Township official designated by the Township Committee.

B. The requirements set forth in this section shall apply to the development of all single-family and two-family dwellings within the Township of Middle, it being the intention that other development will be reviewed by one of the Township's development review boards.

(1) A zoning permit or building permit shall not be issued until a grading plan has been reviewed and approved by the Municipal Engineer, or other Township official designated by the Township Committee, which grading plan shall be in accordance with the provisions of this section.

(2) Prior to applying for final inspections in reference to obtaining a certificate of occupancy, an as built survey showing final grades and matching the approved plan must be submitted to the Zoning Office for approval by the Zoning Official, Construction Official, or Municipal Engineer. NOTE: A fee may be billed to the owner/applicant should the Municipal Engineer have to visit the site.

(3) All lots, open spaces and planting areas shall be graded to secure proper drainage and to prevent the collection of storm water. The grading shall be performed in a manner which will minimize the damage to or destruction of trees growing on the land. Topsoil shall be provided and/or redistributed on the surface as cover and shall be stabilized by seeding or planting and shall comply with the standards for soil erosion and sediment control in New Jersey. All provisions shall be approved by the Cape Atlantic Conservation District.

(4) Unless drainage design for an approved subdivision or site plan requires otherwise, wherever possible, the land shall be graded so that the storm water from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be directed to a system of interior yard drainage approved by the Municipal Engineer, or other Township official designated by the Township Committee.

(5) Unless otherwise required by this chapter, all tree stumps, masonry and other obstructions shall be removed to a depth of two feet below existing or finished grade, whichever is lower.

(6) The minimum slope for lawns and disturbed areas shall be 1 1/2% and, for smooth, hard-finished surfaces other than roadways and parking lots, 0.04%.

(7) The maximum grade for lawns and disturbed areas within five feet of a building shall be 10% and, for lawns more than five feet from a building, 25%; except that, for the driveway, the maximum grade shall be 15%.

(8) Retaining walls installed in slope-control areas shall be constructed of timber or logs, reinforced concrete, other reinforced masonry or of other construction acceptable to the Municipal Engineer, or other Township official designated by the Township Committee, and shall be adequately designed and detailed on the final plat to carry all earth pressures, including any surcharges. The heights of retaining walls shall not exceed 1/3 of the horizontal distance from the foundation wall of any building to the face of the retaining wall.

(9) The lot owner shall take all necessary precautions to prevent any siltation of wetland areas. The lot owner shall provide adequate provisions to prevent all deposition of silt or other eroded material in any stream or watercourse. Such provisions may include, but are not limited to, construction and maintenance of siltation basins or holding ponds and diversion berms throughout the course of construction and planting areas. All provisions shall comply with the standards for soil erosion and sediment control in New Jersey.

(10) All lots, open space and planting areas shall be seeded with a suitable stabilizing ground cover approved by the Municipal engineer or other Township official designated by the Township committee. On any waterfront lots or open spaces, suitable stabilizing ground cover other than seeding may be allowed if approved by the reviewing Board, the Township Construction Official or other Township official designated by the Township Committee. Any approved ground cover whether it be vegetation or not should comply with the "Standards for Soil Erosion and sediment Control in New Jersey" and be approved by the cape Atlantic Conservation District.

(11) No topsoil shall be removed from the site or used as soil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of spread cover to all seeding and shall comply with the standards for soil erosion and sediment control in New Jersey. In the

event that the quantity of topsoil at the site is insufficient to provide six inches of cover for all seeding and planting areas, the owner shall provide and distribute a sufficient quantity of topsoil to provide such a cover in accordance with the standards for soil erosion and sediment control in New Jersey. All provisions shall be approved by the Cape Atlantic Soil Conservation District.

(12) In order to conserve the Township's limited natural resources, no soil, sand, gravel or other natural resources shall be stripped, excavated or otherwise removed for sale or for use other than on the premises from which the soil, sand, gravel or other natural resources shall be taken except for excavating or grading incidental to the construction or alteration of a building on such premises or an approved site plan or subdivision.

(13) The excavation and grading for completion of a development subject to Cape Atlantic Soil Conservation District approvals shall be done in accordance with the standards for soil erosion and sediment control in New Jersey. Excavation of soil, other than that required for the construction of approved structures and supporting facilities, such as but not limited to streets, driveways and parking areas, except when resource extraction is authorized by the Township Committee, shall be prohibited. Regrading of property so as to redistribute topsoil throughout the site from areas excavated for such approved structures and supporting facilities shall be permitted, but shall be done to minimize or eliminate the erosion of soil. These areas shall be stabilized by seeding and planting in accordance with Subsection B(11) above.

C. Projects that do not require a soil erosion and sediment control plan certification shall be approved by the Municipal Engineer or other township official designated by township Committee.

D. Any violation of this section shall result in the following penalties:

(1) The landowner or offending person shall be financially responsible to pay for the cost of any and all remedial action necessary to correct the drainage problem created by his or her conduct, including but not limited to engineering, expert or consultant fees and any and all approvals or permits; and

(2) Said landowner or offending person shall be subject to fines no less than \$500 and no more than \$2,000 for each and every violation of this section.

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

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

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

Vilma Pombo- Is this pertaining to the Driveway Aprons on State and Federal highways?

Mayor Lockwood- I believe the state has jurisdiction in the County over Aprons on to their roads, so it is where we have jurisdiction.

Committeemember Donohue- It is mainly for new construction, to be sure that the drainage conforms to neighboring drainage to avoid drainage issues.

8. ORDINANCE NO. 1445- AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250 THEREOF ENTITLED "ZONING" – Following second reading, hearing, and consideration for adoption, Ordinance 1445-13 was adopted on motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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. Chapter 250 of the Code of the Township of Middle is hereby amended and supplemented to add a new article to read as follows:

250-614 Height, area and yards

The maximum height within a flood hazard area is thirty five feet (35') above base flood elevation.

250-201 Terms defined

This chapter shall be amended by adding the following definitions

Advisory Base Flood Elevation (ABFE) —The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) —The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

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

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

Section 4. This Ordinance shall become effective immediately upon filing with the Cape May County Planning Board and publication of notice of passage.

Carl Karmelowitz- Spoke of article in Gazette with regards to the home-owners insurance savings and how Avalon is 2 feet above the flood elevation level and has received discounted rates.

Mayor Lockwood- There is an entire process that needs to be done in order to get that rate.

Committeemember Donohue- Meeting tomorrow to discuss this issue with same company that helped Avalon.

Constance Mahon- It is not an advertised meeting that is taking place tomorrow, but it is a lengthy process involved in the CRS system to get those premium discounts. We will start it all tomorrow during the meeting.

Carl Karmelowitz- I have been talking to Jim Alexis about this for years and nothing has been done.

9. ORDINANCE NO. 1450-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE SALE TO A CONTIGUOUS OWNER – Following second reading, hearing, and consideration for adoption, Ordinance 1450-13 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 951, Lots 4 & 8, which parcel is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and

WHEREAS, there is just one owner of contiguous property, namely Bethel Commandment Church, who owns adjacent lots identified as Block 951, Lots 1,2,3,5,6 and 7; and

WHEREAS, the township assessment of the property is \$6,400.00, and the Township Tax Assessor has stated in writing to the Township Committee that the total fair market value of the land is to be sold for \$6,400.00; and

WHEREAS, Bethel Commandment Church have offered to purchase the property for \$6,400.00 and agree to execute a contract contingent upon this Ordinance being approved; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;

NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell real property identified as Block 951, Lots 4 & 8 to Bethel Commandment Church for the sale price of \$6,400.00 pursuant to the terms of Contract for Sale; and
2. That the Clerk or the Clerk’s representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
3. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
4. Any and all costs associated with this transaction, including, but not limited to all legal fees incurred by the Township, advertising and postage, are to be paid by the Buyer.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

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

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

Constance Mahon- Undersized lot will be sold to Bethel Church as per their request. They will be paying all legal fees so there will be no cost to the taxpayer. Bethel Church will encompass the entire block.

Marc Karavan- It is simply an undersized, undeveloped, and only one contiguous owner.

10. ORDINANCE NO. 1451-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$28,000 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND FOR THE COMPLETION OF PHASE 4 OF THE BIKE PATH AND \$75,000 IN FUNDING FOR THE COMPLETION OF GIS MAPPING TOTALING \$103,000 – Following second reading, hearing, and consideration for adoption, Ordinance 1451-13 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$103,000. from the Capital Improvement Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the completion of Phase 4 of the Bike Path (\$28,000) and GIS Mapping (\$75,000.)

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

***No Public Comment**

11. ORDINANCE NO. 1452-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE SUM OF \$79,122 IN FUNDING FROM THE CAPITAL IMPROVEMENT FUND (\$23,737) AND THE GRANT FUND – NJ DIRECT INSTALL (\$55,385) FOR THE REPAIR AND ACQUISITION OF HVAC UNITS – PUBLIC WORKS – Following second reading, hearing, and consideration for adoption, Ordinance 1452-13 was adopted on motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$23,737 from the Capital Improvement Fund and \$55,385 from the Grant Fund of the Township of Middle, County of Cape May, New Jersey ("Township") for the repair and acquisition of HVAC units – Public Works.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

Mayor Lockwood- Really doing well with these direct installation programs in the short amount of time we have been doing them.

12. ORDINANCE NO. 1453-13 - BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SEWER UTILITY OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$165,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$165,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF. – Following second reading, hearing, and consideration for adoption, Ordinance 1453-13 was adopted on motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Middle, in the County of Cape May, New Jersey (the "Township"). For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$165,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond.

Section 2. In order to finance the cost of the several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$165,000 pursuant to the Local Bond Law and the provisions of the Municipal Qualified Bond Act, P.L. 1976, c. 38, as amended. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the sewer utility, consisting of the purchase of materials for the construction of two PVC sanitary sewer force mains, a sanitary sewer air release manhole, a sanitary sewer manhole, GIS mapping including all work, inspections and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$165,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$35,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Vilma Pombo – Where exactly are the pumps going?

Mayor Lockwood- Under parkway by NJTA- appropriating money to reimburse to allowing township to piggyback.

Committeemember Donohue- Were hoping that the efforts to be more efficient in our billing and collecting on our sewer accounts will help avoid bonding for this amount. We want to make sure anyone who is utilizing the sewer are hooked in properly and paying their portion of same.

Stanley Doniger- Speaking about what is going on in Detroit with bond rates rising, at what point will township stop bonding?

Mayor Lockwood- Still cheap money, we have excellent bond rating.

13. ORDINANCE NO. 1455-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 215, LOT 11 IN CAPE MAY COURT HOUSE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1455-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/04/2013 at 6:00 p.m.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the

real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 215, Lot 11 in the Cape May Court House Section of the Township; and

WHEREAS, the Township desires to sell the lot, which lot is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and

WHEREAS, there are six (6) owners of lots which are contiguous to Block 215, Lot 11; and

WHEREAS, the six (6) owners shall be noticed and given an opportunity to participate in an open (public) auction limited to said six (6) owners to purchase the parcel but at a price which is no less than the \$10,000.00 and which is the assessed value, and which Township Committee believes to be the fair market value of the lot; and

WHEREAS, the six (6) owners who are contiguous to this said portion of the lot, are specifically listed as follows:

Lot 5: Atlantic City Electric Company

5100 Harding Highway

Mays Landing, NJ 08330

Lot 6: Baptist Cemetery CMCH

101 S. Main Street

Cape May Court House, NJ 08210

Lot 7: William E. Jr. & Mary A. Jackson

910 Bartram Avenue

Collingdale, PA 19023

Lot 8: Kathryn Cooper

14 Goshen Road

Cape May Court House, NJ 08210

Lot 9: Mattie Mae Matthews

16 Goshen Road

Cape May Court House, NJ 08210

Lot 10: 18 Goshen Road LLC

18 Goshen Road

Cape May Court House, NJ 08210

and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;

NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell the parcel of real property identified as Block 215, Lot 11 to the highest bidder at an open (public) auction to be held on September 17, 2013 at 1:00 p.m. in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those six (6) owners of property contiguous to Block 215, Lot 11 which is offered for sale shall participate; and

2. The minimum bid shall be \$10,000.00; and

3. The auction shall be conducted by the Township Chief Financial Officer or her designee; and

4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and

5. The winning bidder shall be provided a Bargain and Sale Deed, and

6. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and

8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

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

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

Marc Karavan- 18 Goshen Road was represented by Mr. Hillegass and has been offered to all of its contiguous owners. It is an underdeveloped, undersized parcel of land, the rate for this parcel has been suggested by the tax assessor.

14. ORDINANCE NO. 1456-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO ESTABLISH AN AGGRESSIVE BEGGING ORDINANCE – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, Ordinance No. 1456-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/04/2013 at 6:00 p.m.

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle, that the following is hereby adopted as an Ordinance of the Township of Middle:

SECTION 1.

Aggressive Begging Ordinance:

(A) Definition:

1. AGGRESSIVELY BEG

Speaking to or following a person in a manner that would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or upon property upon the person's immediate possession or would intimidate another person into giving money or goods.

2. ASK, BEG OR SOLICIT ALMS

To ask for money or goods as a charity, whether by words bodily gestures, signs or other means.

3. PEDESTRIAN OR VEHICULAR INTERFERENCE

To walk, stand, sit, lie or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized pursuant to the City's picketing and parade ordinances and regulations are exempt from this article.

4. PUBLIC PLACE

An area generally visible to public view and includes the Boardwalk, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets opened to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings, shops or dwellings and or grounds enclosing them.

(B) Permits.

Pursuant to N.J.S.A. 40:48-1, it shall be unlawful for any person to ask, beg or solicit alms upon the streets or elsewhere in the Township without first obtaining a permit from the Township.

Persons may apply in writing for permission to ask, beg or solicit alms, which such permission shall be issued on a case by case basis upon review of the Municipal Police Department. The permits shall be valid for a period not to exceed one year and are available at no charge or fee to the applicant. A photo identification is required with the application. A warrant check will be conducted before a permit is issued. At the time a permit is issued, the guidelines relating to the activity will be explained to the permittee.

(C) Prohibited acts.

No person may ask, beg or solicit alms, including money and other things of value, in an aggressive manner in any public place. Acts authorized as an exercise of one's constitutional right to protest, the right to legally protest, any acts authorized by permit or parades issued pursuant to the Code of the Township of Middle shall not constitute obstruction of pedestrian or vehicular traffic.

1. A person is guilty of pedestrian interference if, in a public place, that person intentionally obstructs pedestrian or vehicular traffic or if the at person aggressively begs.

2. No person may ask, beg or solicit alms in any public transportation vehicle or at any bus or train station or stop.

3. No person may ask, beg or solicit alms within 100 feet of any automatic teller machine (ATM).

4. No person may ask, beg or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.

5. No person may ask, beg or solicit alms from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying or reserving a public parking space or directing them operator or occupant to a public parking space.

6. No person may ask, beg or solicit alms in exchange for cleaning motor vehicle windows while the vehicle is in traffic on a public street

7. No person may ask, beg or solicit alms in exchange for protecting, watching, washing, cleaning, repairing or painting a motor vehicle or bicycle while it is parked on a public street.

8. No person may ask, beg or solicit alms on private property or residential property without permission from the owner or occupant.

9. No person may ask, beg or solicit alms between the hours of 8:00 PM and 8:00 AM.

10. No person may ask, beg or solicit alms within 25 feet of the entrance or exit of any business establishment where the express intent of such asking, begging or soliciting of alms is to solicit directly from the employees or patrons of such business establishment.

(D) EXEMPTIONS

Not for profit organizations seeking to solicit donations may be exempted from the provisions of this ordinance. Such exemptions must be granted first in written by the Municipal Police Department.

(E) PENALTIES AND FINES

a. First offense. A fine up to \$250.00 plus up to 30 days jail time and up to 5 days of Court approved community service.

b. Second offense. A fine up to \$500.00 plus up to 30 days jail time and up to 10 days of Court approved community service.

c. Third offense. A fine up to \$1,000.00 plus up to 30 days jail time and up to 15 days of Court approved community service.

SECTION 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall take effect after final adoption and publication as required by law.

Mayor Lockwood- I have personally experienced this activity in Rio Grande area myself, and would like to help the Chief and the Police Department by giving them the tools they need to curtail these activities.

Committeemember Donohue- It's unfortunate that we have to bring this to the table but we need to attack this aggressively. We need people to know that this is not the place to come and camp out and do these kinds of things. That's the way you clean things up, and all charges will be heard in Municipal Court.

15. ORDINANCE NO. 1457-13 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236-41 THEREOF, ENTITLED VEHICLES AND TRAFFIC SCHEDULE XIII “PARKING PROHIBITED AT ALL TIMES” – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1457-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/04/2013 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:

SECTION 1. Section 236-41 of the Code of the township of Middle is hereby supplemented by the addition of the following:

NAME OF STREET	SIDE	LOCATION
North 6th Street	East	From the intersection of 6th Street and Millman proceeding North to, and inclusive, of the entire cul-de-sac.

SECTION 2. All other ordinances in Conflict of inconsistent with this Ordinance are hereby repealed, to the extent of such conflict of inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions or this Ordinance shall no be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

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

Mayor Lockwood- Did we successfully communicate with fellow residents that this will be taking place?

Kimberly Krauss- After the first reading, letters will be sent out to those residents so that they will be able to speak before adoption.

16. RESOLUTION 396-13 through 397-13 – SOCIAL AFFAIRS PERMIT – (ITEMS A THROUGH B) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

- A) WHEREAS, Concerned Citizens of Whitesboro, Inc. has applied for approval to sell alcoholic beverages at an event to be held at 207 W. Main Street, Whitesboro (otherwise known as the Martin Luther King Community Center) on August 31, 2013 from 7:30 p.m. to 11:30 p.m., and
 WHEREAS, they have provided proper documentation to the Township of Middle, including required Liquor Liability Insurance as approved by the ACJIF.
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
- B) WHEREAS, Eagles Fly For Leukemia has applied for approval to sell alcoholic beverages at an event to be held at 905 Rte 9 North, CMCH (otherwise known as the Stone Harbor Golf Club) on September 20, 2013 from 1:00 p.m. to 5:00 p.m., and
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

17. RESOLUTION 398-13 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Donohue seconded by Committeemember DeLanzo 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.

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
Harbor Place Development LLC	1116 Stone Harbor Blvd	136 // 14	\$62.67
Walter Hunter	100 Lehigh Avenue	425 // 26	\$62.67

18. RESOLUTION 399-13 – APPROVE TRANSIENT MERCHANT PERMIT – BRANCHWATER PRODUCTIONS DBA COLE BROS. CIRCUS INC. – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Chapter 231-1 of the code of the Township of Middle authorizes the licensing of a traveling show or circus within the confines of the Township of Middle, and

WHEREAS, Branchwater Productions Inc. dba Cole Bros. Circus, has applied to the Township of Middle to hold a Tented Circus on August 12th and 13th, 2013, and
WHEREAS, by way of application, Branchwater Productions Inc. dba Cole Bros. Circus has requested the use of the Robert "Ockie" Wisting Recreation Complex, and
WHEREAS, they have met all of the application requirements by supplying the necessary fees and insurance certificate information, and
WHEREAS, Rio Grande Volunteer Fire Company has been designated as the sponsor for said circus and described on the submitted "Hold Harmless Agreement" presented by Cole Bros. Circus along with the Township of Middle.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey, that authorization is hereby granted to Branchwater Productions Inc. dba Cole Bros. Circus to hold a circus at the location of the Robert "Ockie" Wisting Recreation Complex on August 12th and 13th, 2013 in compliance with the rules and regulations set forth by the Code of the Township of Middle.

19. RESOLUTION 400-13 – 2013-2014 HOTEL / MOTEL LICENSE APPROVAL – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has established a Hotel / Motel License in connection with Ordinance No. 1157-04, and

WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee, and

WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year, and

WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property and sewer tax. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent.

WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00.

WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle, and

WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities.

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2013-2014:

Lic. #	Applicant	Tradename	Location	Sites
14	Robert & Ruth Worth	Marlee Motel	1003 Rte 47 S	13, House

20. RESOLUTION 401-13 through 405-13 – AMEND SHARED SERVICES AGREEMENT – ANIMAL CONTROL (ITEMS A THROUGH E) – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

A) WHEREAS, the Township of Middle and the Borough of Avalon have entered into a shared services agreement for Animal Control Services until March 31, 2013, and

WHEREAS, it is the desire of both parties to extend this agreement through December 31, 2013; 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 Shared Services Agreement between the Township of Middle and the Borough of Avalon for Animal Control Services shall remain in effect until December 31, 2013; and

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

B) WHEREAS, on January 3, 2013 the Township of Middle and the Borough of Cape May Point entered into a shared services agreement for Animal Control Services for a period of January 1, 2013 through March 31, 2013; and

WHEREAS, it is the desire of both parties to extend this agreement through December 31, 2013; 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 Shared Services Agreement between the Township of Middle and the Borough of Cape May Point for Animal Control Services shall remain in effect until December 31, 2013; and

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

C) WHEREAS, on January 3, 2013 the Township of Middle and the City of Sea Isle City entered into a shared services agreement for Animal Control Services for a period of January 1, 2013 through March 31, 2013; and

WHEREAS, it is the desire of both parties to extend this agreement through December 31, 2013; 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 Shared Services Agreement between the Township of Middle and the City of Sea Isle City for Animal Control Services shall remain in effect until December 31, 2013; and

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement; and

- D) WHEREAS, on January 3, 2013 the Township of Middle and the Township of Lower entered into a shared services agreement for mutual aid towards Animal Control Services for a period of January 1, 2013 through March 31, 2013; and
 WHEREAS, it is the desire of both parties to extend this agreement through December 31, 2013; 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 Shared Services Agreement between the Township of Middle and the Township of Lower for Animal Control Services shall remain in effect until December 31, 2013; and
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
- E) WHEREAS, on January 3, 2013 the Township of Middle and the Borough of West Wildwood entered into a shared services agreement for Animal Control Services for a period of January 1, 2013 through March 31, 2013; and
 WHEREAS, it is the desire of both parties to extend this agreement through December 31, 2013; 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 Shared Services Agreement between the Township of Middle and the Borough of West Wildwood for Animal Control Services shall remain in effect until December 31, 2013; and
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
21. RESOLUTION 406-13 – CANCELLATION OF TAXES – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 Cancellation of 2014 first and second quarters as properties will be exempt as of 1/1/2014
- | ACCT | BLOCK | LOT | OWNER/LOCATION | AMOUNT |
|-------|-------|-------|---|----------|
| 18770 | 264 | 60.02 | State of NJ Department of Environmental Protection
Property location: Bayberry Drive | \$482.16 |
| 12157 | 1000 | 2 | State of New Jersey
Property location: Garden State Parkway | \$20.87 |
22. RESOLUTION 407-13 through 409-13 – REFUND OF TAXES (ITEMS A THROUGH C) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
- A. Refund to the State of New Jersey for homestead benefit credits on exempt properties:
- | ACCOUNT | BLOCK // LOT | ASSESSED OWNER/LOCATION | AMOUNT |
|---------|--------------|---|----------|
| 16950 | 164.02 // 28 | Romanino, Thomas & Helen
Property location: 317 Stagecoach Rd | \$307.49 |
| 4244 | 212.05 // 5 | Collins, James J & Patricia L
Property location: 4 Shadow Lane | \$179.76 |
| 15504 | 438 // 7 | Osborne, Joseph M
Property location: 109 Eldredge Ave | \$326.40 |
- Please make check payable and send to:
 State of New Jersey
 Property Tax Program Unit
 P O Box 266
 Trenton, NJ 08695-0266
 Attn.: John Middleton
 BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2013 taxes.
 BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.
- B. Refund due to overbills, assessment was lowered and the first and second quarters of 2013 over paid the 2013 tax year.
- | ACCOUNT | BLOCK // LOT | ASSESSED OWNER/LOCATION | AMOUNT |
|---------|--------------|---|----------|
| 376 | 10.06 // 1 | Atlantic City Electric Co
Property location: S Railroad Ave | \$74.67 |
| 375 | 10.05 // 1 | Atlantic City Electric Co
Property location : S Railroad Ave | \$101.11 |
| 377 | 10.07 // 1 | Atlantic City Electric Co
Property location: S Railroad Ave | \$60.28 |
| 378 | 10.08 // 1 | Atlantic City Electric Co
Property location: S Railroad Ave | \$31.00 |
- Please make check payable to:
 Atlantic City Electric Co
 Real Estate Dept.
 5100 Harding Highway
 Mays Landing, NJ 08330
 BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2013 taxes.
 BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

- C. Refund due to overbills, assessment was lowered and the first and second quarters of 2013 over paid the 2013 tax year.

ACCOUNT	BLOCK // LOT	ASSESSED OWNER/LOCATION	AMOUNT
777	24 // 8	Stapleford, John 315 Springhill Ave Wilmington, DE 19809 Property Location: 134 Beach Avenue	\$21.87
4125	205 // 2	Mc Cullough, Andy & Ethel 607 Southern Ave Penn Hills, PA 15235 Property location: Chestnut Ave	\$17.62
4047	197 // 3	Mc Sweeney-Mays, Kathleen 815 Beau Chene Drive Mandeville, LA 70471 Property location: West Blvd	\$31.80
1791	61 // 4	Norton, Geraldine 139 Thornhill Circle Athens, GA 30607 Property location: 9 Mary Ave	\$100.64
772	24 // 3	Stapleford, John W & Jean T 315 Springhill Ave Hillcrest Wilmington, DE 19809 Property location: 124 Beach Ave	\$21.87
3327	165.01 // 92.02	Ryder Campground Inc 227 W Shellbay Ave Cape May Court House, NJ 08210 Property location: 115 Stagecoach Rd	\$60.07
13221	1182 // 17	Redrow, Anna M 69 N Wildwood Rd Grassy Sounds, NJ 08260 Property location: North Wildwood Rd	\$42.91
17138	164.01 // 79	McNulty, Sherri A. 118 Springers Mill Rd Cape May Court House, NJ 08210 Property location: 110 Springers Mill Rd	\$808.35
2804	141 // 1	Bennett, James M & Regina V P O Box 8311 Clearwater, FL 33758 Property location: 75 Pierces Point Rd	\$30.44
2339	117.02 // 1	Dixon, Frank J P O Box 333 Lebanon, PA 17042 Property location: Leonards Lane	\$39.16
1594	56.01 // 116	Ryder, Milton A 256 W Shellbay Ave Cape May Court House, NJ 08210 Property location: Hand Ave	\$892.35
775	24 // 6	Reimuth, John L & Kimberly L 85 Saw Mill Rd Monroeville, NJ 08343 Property location: 130 Beach Ave	\$21.87
776	24 // 7	Reimuth, John L & Kimberly L 85 Saw Mill Rd Monroeville, NJ 08343 Property location: 132 Beach Ave	\$21.87
9146	670 // 7	Jones, Leila M & Leonard P O Box 2109 Brooklyn, NY 11202 Property location: Mitchell St	\$85.13

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned parties, as a refund of 2013 taxes.

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

23. RESOLUTION 410-13 through 411-13 – RELEASE PERFORMANCE BOND (ITEMS A THROUGH B) – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.
- (A) WHEREAS, \$783,320.40 is being held as a Performance Guarantee for Cape View Suites, LLC. for site improvements at Block 99.02 Lot 137, 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,

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 \$783,320.40 is hereby released.

(B) WHEREAS, \$161,610.00 is being held as a Performance Guarantee for Wildwood Golf and Country Club for site improvements at Block 356.01 Lot 15, otherwise known as Bayberry Drive, 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,

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 \$161,610.00 is hereby released.

24. RESOLUTION 412-13 – ENDORSING APPROVAL CERTIFICATE FOR NEW / USED MOTOR VEHICLE DEALER – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

**Committeemember Donohue Abstain*

WHEREAS, Sun Homes Services, Inc., TA Sun Homes, wishes to apply for a new and used motor vehicle dealer license, and

WHEREAS, said applicant is the new owner of a campground located at 116 Swainton Goshen Road, CMCH, NJ 08210, and wishes to continue the sale of park units as well as new units at said location, and

WHEREAS, the Zoning Official has no objection to the endorsement, as dully noted on said approval certificate.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk is hereby authorized to sign the Approval Certificate.

25. RESOLUTION 413-13 – URGING THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION REIMBURSING PUBLICALLY FUNDED PENSIONS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the State of New Jersey requires that Municipalities and Counties within its jurisdiction contribute to a special fund to establish retirement pensions to municipal and county officials and employees; and

WHEREAS, municipal and county officials or employees who are convicted of criminal offenses are required to forfeit any and all interest said municipal or county official or employee may have in the established fund; and

WHEREAS, although the aforesaid municipal or county official or employee may forfeit his or her interest in a retirement pension, the total portion of the municipality's or county's contribution to a retirement pension fund remains within the possession of the State of New Jersey and not refunded to the contributing municipality or county; and

WHEREAS, fundamental fairness mandates that a municipality or county should be entitled to a reimbursement of that portion of pension funds contributed on behalf of said municipal or county official or employee subsequent to removal and conviction.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that all funds contributed by a municipality or county to the pension of a municipal or county official or employee subsequently convicted of a criminal offense should be reimbursed to the contributing municipality or county upon the removal and conviction of said official or employee and not held by the State of New Jersey as a continuing part of the pension fund, and urges passage of law to that effect.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the New Jersey State Senate, Assembly, Governor, and the legislative delegations representing the County of Cape May.

26. RESOLUTION 414-13 through 415-13 – APPOINTMENT – NEW HIRE (ITEMS A THROUGH B) – On motion by Committeemember DeLanzo seconded by Committeemember Donohue 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, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Brittney Adams	Municipal Court	Deputy Municipal Court Administrator	\$30,000.00	08/05/2013

FURTHER BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the following yearly stipend is hereby authorized in connection with the shared services agreement between the Township of Middle and the Borough of Woodbine for Municipal Court services:

EMPLOYEE	POSITION	STIPEND
Brittney Adams	Shared Court – Deputy Municipal Court Administrator	\$2,000.00

- B) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Daniel Auld	Recreation	Recreation Aide P/T T/A*	\$9.00 ph	07/23/2013

*T/A appointment (6 month appointment)

27. RESOLUTION 416-13 through 417-13 – PROMOTIONAL TITLE CHANGE (ITEMS A THROUGH B) – On motion by Committeemember DeLanzo seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

A) 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	SALARY	EFFECTIVE
Barbara Montgomery	Municipal Court	Deputy Municipal Court Administrator	\$31,000.00	08/05/2013

C) 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	SALARY	EFFECTIVE
Debra Becker	Municipal Court	Deputy Municipal Court Administrator	\$35,627.00	08/05/2013

28. RESOLUTION 418-13 – AMEND RESOLUTION 373-13 – APPOINTMENT – NEW HIRE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution 373-13 established the hire of Mary Kate Garry effective August 1, 2013, and

WHEREAS, the Civil Service Title for Ms. Garry shall be amended to accurate reflect her current title during the working test period, effective the date of her hire.

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
Mary Kate Garry	Finance Office	Payroll Clerk*	\$41,000.00	08/01/2013

*With opportunity to be provisionally promoted to Payroll Supervisor after Working Test Period.

29. RESOLUTION 419-13 – APPOINTMENT – DEPUTY TREASURER – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following persons be and are hereby appointed to the position opposite their name:

NAME	OFFICE	POSITION	TERM EFFECTIVE
Mary Kate Garry	Finance Office	Deputy Treasurer	08/05/2013

30. RESOLUTION 420-13 – CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW, PBA, AND TEAMSTERS UNIONS) – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session. This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist. The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

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

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

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

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW, PBA, and TEAMSTER UNIONS)

2.) The general nature of the subject matter to be discussed is as follows:

CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW, PBA, and TEAMSTER UNIONS)

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.

31. RESOLUTION 421-13 – ESTABLISHING A GREEN TEAM FOR SUSTAINABLE JERSEY PROGRAM – On motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
- WHEREAS, the Township Committee of the Township of Middle strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and
- WHEREAS, the Township Committee of the Township of Middle wishes to build a model of government which benefits our residents now and far into the future with green community initiatives outlined in the Sustainable Jersey program, which are easy to replicate and affordable to implement; and
- WHEREAS, in an attempt to focus attention on “Green” issues, the Township Committee wishes to establish a Green Team; and
- WHEREAS, the Township Committee of the Township of Middle wants to begin the process of focusing on “Green” issues by starting with audits of municipality facilities and operations first; and
- WHEREAS, the following actions will be priorities for the Green Team as the Township moves to do their share to lessen the environmental impact of its operations: energy conservation; smart growth principals; protection of natural resources; smart growth principals of development; and community education.
- NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that we do hereby establish a Green Team consisting of all the members of the Middle Township Environmental Commission.
- NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Middle that the following persons are hereby appointed to the Green Team for the remainder of 2013:
- Steve Atzert, Chairman
Gary Farrow
Rachel Shepherd
Jeffrey L. Schafer, CEM
Vilma Pombo
Susan Copson
Lillian Armstrong
Betsy Haskins
Larissa Smith
Dawn Stimmel, Sec.
32. RESOLUTION 422-13 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo 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.
33. RESOLUTION 423-13 – SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
- WHEREAS, Resolution No. 73-13 outlined Tracey Taverner and Vera Kalish as Fund Commissioners to the Southern New Jersey HIF effective January 1, 2013, and
- WHEREAS, it is necessary to amend these appointments.
- NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that Constance Mahon be and is hereby appointed as Fund Commissioner to the Southern New Jersey Regional Employee Benefits Fund, effective the date of this resolution, to represent the Township of Middle, and
- BE IT FURTHER RESOLVED that Tracey Taverner be and is appointed as Alternate Fund Commissioner to the Southern New Jersey Regional Employee Benefits Fund effective the date of this resolution.
34. RESOLUTION 424-13 – RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.
- WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and
- WHEREAS, Middle Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and
- WHEREAS, Middle Township is participating in the Sustainable Jersey Program; and
- WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;
- NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that Township Committee of Middle has determined that Middle Township should apply for the aforementioned Grant.
- THEREFORE, BE IT RESOLVED, that Township Committee of the Middle Township, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

35. RESOLUTION 425-13 – AWARD OF BID – FY2013 NJDOT SECOND STREET – PHASE 2 –
On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call,
the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the reconstruction of
Second Street, Phase 2, and

WHEREAS, sealed bids were received on July 30, 2013 at 10:00 AM, and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid
received, which complies with specifications.

Asphalt Paving System, Inc. - \$114,760.01

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle,
the governing body thereof, that the contract for the reconstruction of Second Street, Phase 2,
otherwise known as FY2013 NJDOT Second Street, Phase 2, by and hereby is awarded to Asphalt
Paving Systems, Inc.; and

FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer's
Certification of availability of funds.

36. RESOLUTION 426-13 – TABULATION COMMITTEE – BURGLAR / FIRE ALARM
ADMINISTRATION SERVICES – On motion by Mayor Lockwood seconded by
Committeemember Donohue and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of
the Township of Middle, County of Cape May and State of New Jersey that Chief Finance Officer
Tracey Taverner, Township Clerk Kimberly Krauss, and a representative from the Middle
Township Police Department, be and hereby are appointed to tabulate the bids to be taken on
Thursday August 29, 2013 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor
Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
BURGLAR AND FIRE ALARM ADMINISTRATION SERVICES

37. RESOLUTION 427-13 – DEPOSITORY CURRENT FUNDS – 2013 AMENDED – On motion
by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call,
the following resolution was adopted.

BE IT FURTHER RESOLVED, that the Sturdy Savings Bank shall be the depository for the
following account of the Township of Middle for the year 2013, and that all disbursements shall
be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
Clerk	Township Clerk or Deputy Clerk
TTL Redemption	Tax Collector or Designated Tax Clerk
Construction Official	Construction Official, Chief Financial Officer, Deputy Treasurer
Municipal Court	Municipal Judge or Court Administrator or Deputy Court Administrator
Bond Account	Municipal Judge or Court Administrator, or Deputy Court Administrator
Current	Chief Financial Officer, Deputy Treasurer
General Checking Account	Chief Financial Officer, Deputy Treasurer, Mayor, Clerk or Deputy Clerk
Trust Account - Other Forfeited Monies)	Chief Financial Officer, Deputy Treasurer
General Capital Account	Chief Financial Officer, Deputy Treasurer Chief Financial Officer, Deputy Chief Financial Officer
Urban Development Action	Chief Financial Officer, Deputy Treasurer
EMS Billing	Chief Financial Officer, Deputy Treasurer
Middle Township Municipal Alliance Committee	Chief Financial Officer, Deputy Treasurer
Housing Rehabilitation Revolving Fund	Chief Financial Officer, Deputy Treasurer
Utility Account	Chief Financial Officer, Deputy Treasurer
Utility Escrow Account	Chief Financial Officer, Deputy Treasurer
Utility Capital Account	Chief Financial Officer, Deputy Treasurer
Green Acres	Chief Financial Officer, Deputy Treasurer
Payroll (SS & Withholding)	Chief Financial Officer, Deputy Treasurer
Unemployment Trust	Chief Financial Officer, Deputy Treasurer
Recreation-Ded. Trust Fund	Chief Financial Officer, Deputy Treasurer
Public Assistance Trust Fund	Chief Financial Officer, Deputy Treasurer
Dog Tax	Chief Financial Officer, Deputy Treasurer
Accumulated Absences Trust Fund	Chief Financial Officer, Deputy Treasurer
COAH Fees	Chief Financial Officer, Deputy Treasurer
Alarm Billing Account	Chief Financial Officer, Deputy Treasurer

BE IT FURTHER RESOLVED, that TD Bank, of New Jersey shall be the depository for all of the
following current funds, of the Township of Middle, for the year 2013, and that all disbursements
shall be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
Master Escrow Checking	Chief Financial Officer, Deputy Treasurer
Master Escrow Savings	Chief Financial Officer, Deputy Treasurer

BE IT FURTHER RESOLVED, that 1st Bank of Sea Isle, of New Jersey shall be the depository
for all of the following current funds, of the Township of Middle, for the year 2013, and that all
disbursements shall be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
Middle Township Employee Medical/Child Care Plan	Chief Financial Officer, Deputy Treasurer

BE IT FURTHER RESOLVED, that MBIA Class, of New Jersey shall be the depository for all of the following current funds, of the Township of Middle, for the year 2013, and that all disbursements shall be made by checks signed by the following:

ACCOUNT	DISBURSEMENT OFFICER
General Capital Account	Chief Financial Officer, Deputy Chief Financial Officer

38. RESOLUTION 428-13 – ESTABLISHING AUTHORIZED SIGNORS FOR VARIOUS TOWNSHIP RELATED ITEMS – AMENDED – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, purchases for goods and services must be signed by the Chief Financial Officer or her Designee

WHEREAS, the Township of Middle has not previously formally established this designee and is doing so now

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof; that the following employees be designated as authorized signors for the specified funds for purchase orders in the absence of the Chief Financial Officer:

MaryKate Garry	All Funds
Joshua Niemann	All Funds

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof; that the following employees are hereby authorized to transfer of funds within various bank accounts in the absence of the Chief Financial Officer:

MaryKate Garry	All Accounts
Joshua Niemann	All Accounts

39. RESOLUTION 429-13 – AUTHORIZING AMENDMENT TO CONTRACT – AWARD OF A NON-FAIR AND OPEN CONTRACT – JEFFREY R. SURENIAN AND ASSOCIATES, LLC. – SPECIAL COUNSEL – AFFORDABLE HOUSING – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle approved Resolution 37-13, January 3, 2013 authorizing the award of a Non-Fair and Open Contract with Jeffrey R. Surenian and Associates, LLC. for special counsel towards Affordable Housing Issues

WHEREAS, the total contract, with amendment will exceed \$17,500, and

WHEREAS, Jeffrey R. Surenian and Associates, LLC. 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 the Jeffrey R. Surenian and Associates, LLC. 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.

BE IT FURTHER RESOLVED, that the contract listed above shall be amended for an additional sum not to exceed \$5,200.00, for a total contract amount of \$20,200.00.

40. RESOLUTION 430-13 – AUTHORIZING A GOVERNMENTAL ENERGY AGGREGATION PROGRAM AND APPOINTING COMMERCIAL UTILITY CONSULTANTS, INC., TO ASSIST THE TOWNSHIP IN THE SELECTION OF A THIRD-PARTY ENERGY SUPPLIER AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and natural gas market; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-93.1 et seq. ("Act") and the New Jersey Board of Public Utilities' implementing rules at N.J.A.C. 14:4-6.1 et seq. ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential and non-residential electricity and gas ratepayers may have the opportunity to receive a direct reduction in their electric bills and gas bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of the Township of Middle, County of Cape May, New Jersey ("Township"); and

WHEREAS, to commence a GEA Program, the Township must first appoint itself as a governmental aggregator on behalf of all potential residential and non-residential participants in the GEA Program pursuant to N.J.A.C. 14:4-6.3(a); and

WHEREAS, pursuant to the "Local Unit Electronic Technology Pilot Program and Study Act" (P.L. 2001, c.30) ("E-Procurement Act"), administered by the New Jersey Department of Community Affairs ("DCA"), the State of New Jersey has established a pilot program for the electronic purchase of certain commodities and services; and

WHEREAS, the E-Procurement Act allows municipalities in the State of New Jersey to purchase commodities and services, including energy supply, through online bidding and reverse auction

programs approved by the DCA without the requirement of the traditional public advertisement and bidding requirements contained in the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, the DCA has prequalified Commercial Utility Consultants, Inc.'s ("CUC") online reverse energy auction platform and software to receive online bids and quotes for the selection of a third-party supplier of energy in connection with a GEA Program; and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential electricity and gas ratepayers of the Township to: (i) commence a GEA Program in the Township in order to seek potential energy savings for Township residential and non-residential electricity and gas ratepayers; (ii) establish the Township as the governmental aggregator in connection with the GEA Program; and (iii) select CUC's online reverse energy auction platform and/or software to receive online bids and quotes pursuant to the E-Procurement Act.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle in the County of Cape May, New Jersey, duly assembled in public session, as follows:

1- The Township publicly declares its intent to commence a Governmental Energy Aggregation Program in the Township and to become an aggregator of electric power and natural gas on behalf of its residential and non-residential electricity and gas ratepayers pursuant to the Act and the Rules.

2- The Township hereby appoints CUC to assist the Township with the selection of a third-party energy supplier in connection with its energy aggregation program through the use of CUC's Reverse Energy Auction Platform and/or software to receive online bids and quotes pursuant to the E-Procurement Act.

3- The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of the Township, any documents necessary to carry out the purpose of this Resolution.

4- All Resolutions or parts thereof, inconsistent herewith are hereby repealed and rescinded to the extent of any such inconsistency.

5- This resolution shall take effect immediately upon adoption.

Committeemember DeLanzo- Question as to whether it is just Township facilities or it is for residents as well?

Mayor Lockwood- I believe the aggregation is a town- wide program.

Committeemember DeLanzo- So this has nothing to do with the residents?

Marc Karavan- It authorizes CUC to do bidding only; it's not entering into an agreement with them.

Committeemember DeLanzo- If this will start the process for the residential 3rd party then I vote yes, but if change my mind then I can vote no?

Marc Karavan- Its only authoring them to go out to bid.

Committeemember DeLanzo- I like to save people money however I've been speaking with residents and they're not happy with that process. I don't feel that I'm elected to decide what people should do in their home, and I should make sure that public facilities are maintained properly.

Kimberly Krauss- This allows for Committee to sign the amended agreement and to move forward to be able to do the indicative bid.

Committeemember DeLanzo- I thought the amended agreement had to do with Township facilities?

Committeemember Donohue- No, the amended agreement had to do with the electric account information.

Marc Karavan- There are a couple different moving parts here: there is an agreement with CUC that the Township entered into that had certain parameters, then there is an agreement that Atlantic City Electric is preparing that is relative to the Energy aggregation. All this authorizes tonight is that they are going to be the individuals or the entity that is going to go out and make the bid selection.

Kimberly Krauss- It also allows for you to sign those agreements in connection with allowing them to go out and make those bids.

Marc Karavan- It just authorizes them to solicit this information.

Committeemember DeLanzo- So is it kind of tied into the Township's contract?

Marc Karavan- We are re-visiting portions of it, yes.

Mayor Lockwood- I viewed this after I thought about it, it would give residents the choice. We are not making the residents to anything they don't want to do because they can opt out.

Committeemember DeLanzo- I believe government should not be able to go into people's homes and tell them who to use for electric.

Committeemember Donohue- Do you vote to pick the cable company?

Committeemember DeLanzo- If I don't want the cable I can choose something else such as Direct TV. We don't know this company and we don't know how easy it will be to opt out.

Marc Karavan- By voting yes tonight you would authorize CUC to be your representative solicit bids on your behalf, should you choose to vote no at a later date that will be fine to do at that point in time.

Committeemember DeLanzo- Have we received any disclosures that they do not have any affiliations with any other companies.

Constance Mahon- We have received disclosures that say they do not have affiliations with anyone.

Committeemember Donohue- I see where you are coming on this one. I've been wrestling with this too, we shouldn't tell people what to do. These are all programs that have been tried all over the country. But it is better to have them as an "opt out" rather than an "opt in" because they will still have other options to use if they like the services. It gives us more buying power and the "opt out" process is very easy, and we are able to get out of it after a year. We might be able to save people at least 10 percent on their electric bills, so I think it is worth the try and if we don't like it we can always go back.

Committeemember DeLanzo- I think it is important that we have this conversation openly because it gets the dialog out there. I know it has been talked about but I don't think that people are wondering why we are telling them what to do.

Committeemember Donohue- Some people that I know personally that I would think would be against it are happy so save the money.

Mayor Lockwood- I have been approached on this issue in public, and I have to say I have a lot of people that are interested in saving money. We are simply opening up free market principles.

Committeemember Donohue- There is a whole other 30 days for people to opt out if they so choose after the rate is in front of their face.

41. PUBLIC COMMENT:

Committeemember DeLanzo- Encourages families and young children to come out to national Night out on August 6, 2013, where all will be involved: police, fire, and first responders. It is a great community experience thanks to Coordinator Butch Hamer for putting it all together.

Committeemember Donohue- Over the past weekend we had the D3 basketball tournament, it is a group of players from North Carolina. Local businesses contributed, they toured Stockton College, and met with coaches. So Dan Auld should be recognized along with Tammy Devitt and Robert Matthews for making this possible.

Also there was a tournament where 54 Baseball teams came together for a tournament in Goshen, and it really helps our town.

We are hoping to have the biggest Harvest Fest ever, so we have to start talking to local business owners and to start planning.

Mayor Lockwood- I had the opportunity to work with the Habitat for Humanity, which brought the Wakefields into their new home. It was very special and I want to recognize Habitat for their hard work. The family received permission to use a man hole instead of taping into the sewer as it would cost them an extra \$6,000.00.

Vilma Pombo- Will all of the shopping centers be governed by the Begging Ordinance?

Committeemember Donohue- Yes it will be the entire Township.

Vilma Pombo- How can it be reported?

Chief- Call the Police Department.

Stanley Doniger- As far as the Township bank account goes, are we charged interest on it? Also does it go out to bid?

Mayor Lockwood- It is our obligation to look in to that, not necessarily monthly but maybe annually but we have recently looked into it. We are not required to go out to bid for that though. I live nearby the winery and in Greenbriar they party and the noise travels, so is this allowed?

Marc Karavan- Farms and Wineries are given lead-ways. There are regulations as to what they can do. That particular winery is considered Lower Township, and the County Agriculture Board accepts complaints related to this.

Francis Dearlove- I'm pleased with the repaving project so far. We also have some derelict properties in Avalon Manor as well as some bank-owned properties on Leonard Lane that need maintenance. I would like code enforcement to stop out and evaluate.

Mayor Lockwood- I believe that we have had code enforcement out to Avalon Blvd. that are not currently owned by the bank but they will eventually take it.

Melanie Collins- Wanted to thank committee and Chief for support for social affairs permit for concerned citizens of Whitesboro. Is pleased to see the extension of contracts of Animal Control and would like to see Township step away from privatizing.

Committeemember Donohue- It really is eye-opening to see all of these different towns and only one Animal Control Officer.

Mike Clark- Wants to know what the current Ordinance pertaining to the Political Signage?

Mayor Lockwood- Ordinance states that does not cover private property, violation would be public property or right of ways.

John Errico- Received a letter from Constance Mahon who spoke with DEP in compliance with soil conservation in Pierson Gravel Pit- who watches the 100 foot buffer zone. Who enforces the fence location and the buffer zone? Also do you have a copy of the mining plan?

Mayor Lockwood- Also to add to that annually they have to re-apply for their permit, and as part of that they have to give the survey.

Constance Mahon- Our code enforcement would be the ones responsible for enforcing the gravel pits and buffer zone. I do not have a copy of the mining plan, but I'm sure Kim has a copy in her office. The current fence is in no way encroaching on the buffer. Therefore he had no violation to write on that. My address was to the DEP only and did not address the local ordinance but I will do so and have code enforcement look into it.

Committeemember Donohue- I have spoken with Tom Hillegass about this and suggested that it would be best for these folks to be "good neighbors" in your neighborhood, he seemed to admit to several violations but not take blame for any of them.

John Errico- He actually told me on the phone that they were in violations, and he knew that they didn't have the room to stop piling the material but they are doing it anyhow.

Committeemember Donohue- When I spoke with Connie and the DEP their responses didn't seem to jive. Tom Hillegass actually admitted to me more than what the DEP is even saying.

Our plan is to put this issue on our next work session. We'll have our people out there and address by our next meeting. We want this to impact Middle Township residents as little as possible.

Mayor Lockwood- We have to look in to what disturbing means to them, I may not mean digging into ground but it may mean moving brush is acceptable. We will make sure any progress is communicated to you Mr. Errico.

Herman- Expressing his concerns about the amount of signage on Stone Harbor Boulevard with regards to the upcoming elections.

Committeemember Donohue- That really was enforcing the ordinance that was on the books. There were exceptions made for certain people.

Mayor Lockwood- Avalon actually has property past the bridge that isn't Middle Township property.

Committeemember Donohue- We have been approached by Stone Harbor with an idea to some type of digital sign, and we are having very preliminary discussions with them.

Constance Mahon- I want you to know that we do not any kind of digital signs and that will be communicated to Stone Harbor. It is still in the infancy stages and still has a lot of negotiations to work out before anything like that happens.

Sam Kelly- Spoke to Susan's CUC comment: that was the first step to a monopoly and I wonder how long the savings will stand.

Carl Karmelowicz- You have mentioned Coyotes have been spotted, is this a positive or a negative for the Township? I would rather see more of them than less.

Mayor Lockwood- It depends on whether you have small dogs and cats; we have a lot of very environmental areas that benefit our community.

Motion to enter executive session – 7:27pm

1st: Committeemember Donohue 2nd: Committeemember DeLanzo

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

Motion to return to open meeting – 8:18pm

1st: Mayor Lockwood 2nd: Committeemember DeLanzo

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

Motion to adjourn meeting – 8:20pm

1st: Committeemember Donohue 2nd: Committeemember DeLanzo

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

Kimberly D. Krauss, Township Clerk