

Cape May Court House, NJ  
September 5, 2012  
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 Business Administrator Mark Mallett, Township Clerk Kimberly Krauss, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. MOMENT OF SILENCE – IN MEMORY OF PATROLMAN JASON SILL  
*Mayor Lockwood read into record the obituary of Jason Sill.*
2. 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.  
*Eileen Fausey - #12 is there a copy available. Also, #29 who is responsible for Corrective Action Plan and making sure items are carried out.*  
*Committeemember Donohue stated Corrective Action Plan will be amended and when we get to that item we will read it into the record.*
3. RESOLUTION 409-12 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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 payment for the following bills in the amounts indicated are hereby approved:  

Current Acct.	\$	2,442,646.66
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4. RESOLUTION 410-12 – 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: Regular Meeting 8/20/2012; Closed Session 8/20/2012.
5. REPORTS: The following departments have submitted their reports for the months indicated:  
Construction Official for the month of August; Municipal Clerk for the month of August;
6. ORDINANCE NO. 1420-12 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 215, ARTICLE III ENTITLED STREET EXCAVATIONS – Following second reading, hearing, and consideration for adoption, Ordinance 1420-12 was adopted on motion by Committeemember DeLanzo seconded by Committeemember Donohue and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
WHEREAS, the current Ordinance pertaining to street excavation permits references submission of said application to the Township Clerk.  
WHEREAS, all references to Township Clerk throughout said ordinance shall be amended to read Department of Public Works.  
BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey that the following Ordinance sections shall be amended as follows:  
§ 215-14. Application procedure.  
A. A written application for the issuance of an excavation permit shall be submitted to the Department of Public Works. The application shall state the name and address of the applicant, the location and dimensions of the excavation, the purpose of the excavation, the estimated dates of commencement, completion and restoration of the excavation and such other data as may reasonably be required by the Public Works Superintendent.  
§ 215-15. Issuance of permit.  
B. For any extensive opening (those longer than 100 linear feet or more than 50% of the pavement width), a resolution must be passed by the Township Committee before any permit can be granted and before any work is commenced. The Township Committee may, in its discretion, pass a blanket resolution good for one year giving utility authorities and municipalities or their contractors permission to make numerous unspecified extensive openings on Township roads throughout the year, provided that proper application forms are filed in with the Department of Public Works before commencing work.  
C. Small openings (those less than 100 linear feet or less than 50% of the pavement) are approved by the Public Works Superintendent before the granting of a permit.  
§ 215-17. Fees; bond requirements.

A. A permit fee shall be charged by the Department of Public Works for the issuance of a permit, which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The permit fee shall be in an amount varying with the size of the road opening.

F. All checks and bonds under this article shall be submitted to the Department of Public Works and shall be made payable to the "Township of Middle." The Township of Middle will hold performance bonds until final inspection and maintenance bonds for two years after final acceptance.

G. Openings over 30 feet of continuous installation shall require an inspection fee to be paid by the permittee to the Township of Middle at a prorated fee of \$15 per hour.

§ 215-19. Insurance requirements.

A. Prior to performing any work under the permit, the permittee shall deliver to the Department of Public Works a certificate of insurance in the sum of not less than \$1,000,000 combined single limit (liability). Where applicable, the permittee shall demonstrate that the explosion, collapse and underground exclusion has been removed from its insurance policy. The insurance carrier will not cancel said insurance without giving the Township of Middle at least 10 days' notice thereof, in writing. The insurance policy must remain in effect until the Township inspector signs the certificate of satisfactory completion.

§ 215-22. Restoration; specifications.

K. Upon completion of work, the applicant will request a final inspection by the Public Works Superintendent. If work is completed in a satisfactory manner, a certificate of satisfactory completion will be signed and upon delivery of maintenance guarantee to the Department of Public Works, the performance guaranty will be returned.

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.

***No Public Comment***

7. ORDINANCE NO. 1421-12 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188, ENTITLED PARKS AND RECREATION AREAS, TO INCLUDE SECTION PERTAINING TO MIDDLE TOWNSHIP RECREATION CODE OF CONDUCT REVIEW COMMITTEE – Following second reading, hearing, and consideration for adoption, Ordinance 1421-12 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, that the following chapter of the local code is hereby revised as follows:

SECTION 1: Chapter 188 of the Code of the Township of Middle is hereby amended to include the following section:

Middle Twp. Recreation Code of Conduct Review Committee

Purpose:

The Code of Conduct Review Committee exists for the following purposes:

1. To determine whether a violation has occurred within the code of conduct.
2. If there is a violation, what disciplinary action should be taken.

Convening the Review Committee:

The Code of Conduct Review Committee may be convened when a case is brought to the Recreation Director and will meet on a case-by-case basis. When a case is brought forward, the members on the Code of Conduct Review Committee will consist of the Recreation Director, Township Business Administrator, two members from Recreation Advisory Board, two coaches from another sport, and two parents from the sport involved.

Appointment.

The members of the Code of Conduct Review Committee shall be appointed by the Township Committee of the Township of Middle.

Qualifications.

The members of the Code of Conduct Review Committee shall be chosen by virtue of their known and consistent reputation for integrity.

Term of office.

A. The initial members of the Code of Conduct Review Committee shall have terms as follows:

- (1) Recreation Director and Township Business Administrator shall be appointed to serve for a term of three years
- (2) Two members of the Recreation Advisory Board shall be appointed to serve for a term of three years.
- (3) One coach from each sport (football, soccer, baseball/softball, hockey, basketball and wrestling) shall be appointed to serve for a term of two years.
- (4) Two parents from each sport (football, soccer, baseball/softball, hockey, basketball and wrestling) shall serve for a term of two years.

B. Each member of the Code of Conduct Review Committee shall serve until his successor has been appointed and qualified.

Vacancy.

Any vacancy occurring in the membership of the Code of Conduct Review Committee shall be filled in the same manner as the original appointment for the unexpired term.

Compensation.

Members of the Code of Conduct Review Committee shall serve without compensation.

Facilities, equipment and supplies.

The Township Committee shall provide the Code of Conduct Review Committee with offices for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary.

Payment of expenses.

All necessary expenses incurred by the Code of Conduct Review Committee and its members shall be paid, upon certification of the Recreation Director, by the Chief Financial Officer within the limits of funds appropriated by the Township Committee by annual or emergency appropriations for those purposes.

Professional and clerical staff as needed.

The Code of Conduct Review Committee may appoint employees, including independent Counsel, and clerical staff as are necessary to carry out the provisions of this Act within the limits of funds appropriated by the municipal governing body for those purposes.

Orienting & Conducting the Review Committee:

The Recreation Director or other designee will act as the Review Committee Coordinator and

- Inform the Review Committee and those in question of the purposes of the Review Board
- Inform everyone participating in the process to treat the matter as confidential
- Advise the Review Committee of the violation (or suspected violation)
- Ensure that persons not essential to the proceedings are excluded
- Allow witnesses to be present only during their own testimony
- Appoint one of the committee members as a recorder to document the proceedings and the discussion of the committee following the proceedings
- Provide opportunity for each person to present his/her recollection of the events
- Permit the committee members to ask questions and call for additional information.

Reaching a Determination:

When all parties have had an opportunity to present and the Committee has no further questions, the proceedings shall be closed. The Review Committee Coordinator will instruct the individual that he or she will be notified of the findings of the Committee and of any disciplinary action.

The Committee will deliberate and determine by vote whether the coach(s) are in violation of the Middle Township Recreation Code of Conduct and what appropriate disciplinary action is warranted, in keeping with the guidelines the Code of Conduct. The Review Committee Coordinator may participate in these deliberations but may not vote other than to break a tie.

Once a determination is made, the Review Committee Coordinator will prepare a written summary of the findings and the disciplinary decision using the recorder's documentation of the proceedings and subsequent Committee discussion. This report, along with the written record, will be submitted to all committee members to review. After review by the committee members, the Review Committee Coordinator will notify the coach(s) in writing, of the findings, and, if necessary, what disciplinary action will be taken.

The action taken by the Code of Conduct Review Committee will be considered final.

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 phase 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.

***Committeemember DeLanzo asked who this would apply to. Employees?***

***Mark Mallett and Committeemember Donohue clarified this is for volunteers only. Employees are covered under Personnel Policy Manual.***

***No other public comment.***

8. ORDINANCE NO. 1422-12 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 15, SECTION 2, ENTITLED ECONOMIC DEVELOPMENT COUNCIL – MEMBERSHIP – Following second reading, hearing, and consideration for adoption, Ordinance 1422-12 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, that the following chapter of the local code is hereby revised as follows:

SECTION 1: Chapter 15 of the Code of the Township of Middle is hereby amended as follows:  
§ 15-2. Membership.

A. The Economic Development Council shall consist of nine members to be appointed by the Township Committee. Among the initial appointees, three shall be appointed for three year terms, three shall be appointed for two year terms, and three shall be appointed for one year terms. Thereafter, all members shall be appointed for three year terms. The terms of office commence on January 1 and terminate on December 31, three years thereafter. The initial appointees shall take office immediately, but their appointments shall be deemed to have commenced January 1, 1998.

B. The Council shall also appoint one alternate member, having a term of two years' duration.

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 phase 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.

***No Public Comment***

9. ORDINANCE NO. 1423-12 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, TO MAKE REVISIONS TO CHAPTER 218 OF THE TOWNSHIP CODE – Following second reading, hearing, and consideration for adoption, Ordinance 1423-12 was adopted on motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

WHEREAS, the sign ordinance references former zoning districts and is generally in need of updating; and

WHEREAS, the 2010 Master Plan lists as one of its goals and objectives to “Update sign standards that promote safety while discouraging sign proliferation”.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of Middle in the County of Cape May, in the State of New Jersey, the following amendments shall be made in the code.

**SECTION I**

1. The following additions and changes shall be made to section 218-5 Definitions.

**SIGN, BANNER-** a sign made of fabric or other similar flexible material with no framework or electrical components. A pole banner sign generally is made of fabric, affixed to a lamppost, and celebrates an event, season, community, downtown district or organization.

**SIGN, ELECTRONIC MESSAGE –**

**FIXED –** sign with basic informational content that is preprogrammed to include only certain types of information, such as time and temperature.

**VARIABLE –** sign with a information that is changed a maximum of once per 24 hour period. Scrolling messages are prohibited.

**SIGN, GROUND**

A freestanding sign, other than a pole sign, placed upon or supported by the ground independent of any other structure. (Add) Includes monument signs.

**SIGN, NON-CONFORMING**

A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.

**COMMERCIAL ZONES**

B Business, HV Hildreth Village, TB Town Business, TC Town Center, TP Town Professional, VC Village Commercial

**RESIDENTIAL ZONES**

CD Coastal Development, R Residential, RB Residential Business, RC Rural Conservation, SR Suburban Residential , TR Town Residential, VR Village Residential

**SECTION II**

1. Delete § 218-83 Signs in its entirety and replace with the following:

**A.** Purpose: The regulation of signs under this article is intended to:

1. Ensure that the proposed signage is compatible with surrounding land uses.
2. Create a more attractive economic and business climate within the commercial areas of the Township
3. Protect and enhance the physical appearance of all areas
4. Reduce the distractions, obstructions and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs
5. To protect the historic character of the Cape May Court House Overlay District by ensuring that signage is aesthetically compatible.
6. Effectuate the master plan goal to “Update sign standards that promote safety while discouraging sign proliferation”.

**B.** General requirements.

**(1)** Any sign proposed to be placed in the Township of Middle is subject to review and approval by the Zoning Officer who will determine whether or not such sign is in compliance with this article. [Amended 9-16-2002 by Ord. No. 1113-2002]

**(2)** All regulations described in this article shall govern and control the installation, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the Township that are visible from any street, sidewalk, walkway and public or private property. Any signs not permitted in this article are prohibited.

**(a)** All existing signs that are presently nonconforming which were legally erected prior to the enactment of this chapter may remain but shall not be replaced if removed or destroyed.

**(3)** The American Flag, defined as a piece of cloth, varying in size, usually attached at one edge to a staff or cord and used as the symbol of the United States of America, may be flown or displayed without limitation, as it is not considered a sign relative to this ordinance. Federal guidelines that govern the manner in which an American Flag shall be flown shall be followed at all times. Flags used for advertising purposes shall be regulated as set forth in Chapter 210 of the Code of Middle Township.

**C.** Design standards.

**(1)** All signs that are to be illuminated shall be lit by a shielded or indirect white light source. No illuminated sign is to be placed so as to permit the beams and/or illumination of such to be directed or beamed upon adjacent public and/or private property so as to create a nuisance or traffic hazard. In addition, any illuminated sign that is adjacent or across the street from any

residential zoning district and is visible from such shall be illuminated between the hours of 11:00 a.m. to 7:00 p.m. only, unless the use to which the sign pertains is open for business past those hours.

To protect and enhance the historic character of the Cape May Court House Overlay District, no internally illuminated or electronic messaging signs (as defined herein) are permitted in the Cape May Court House Overlay District. Also see Section 250-640 Design Guidelines for Non-Residential Uses in the Cape May Court House Overlay Zone.

(2) No sign is to be located so as to, by reason of its position, size, shape, content or color, be confused for, obstruct, impair, obscure or interfere with any traffic control sign, signal or device.

(3) No signs, unless publicly owned, shall be placed within or extend into or over any public right-of-way or easement.

(4) No sign or any part thereof shall be located closer than 10 feet to any lot line and no greater in height than 20 feet (unless otherwise noted).

(5) To determine the square footage of any sign, the measurements shall include the entire display, together with all spaces between letters and/or symbols and any artwork, framing or other work clearly a part of the display area of the sign, but not including the supporting structure. No sign shall contain more than two sides visible from any street. Unless otherwise prohibited, all signs may be double-faced with the maximum area applying to each side individually. Signs that require posts or pylons whose surface is being used for advertising purposes shall include these surfaces in the total sign area.

(6) Wall or façade signs shall not extend above the height of the vertical wall or cornice to which they are attached, nor may they obstruct, project over or occupy any window surface required for light and/or ventilation. Wall or façade signs may not project more than 18 inches from the building facade to which it is attached or be closer than eight feet from the ground level under said sign.

(7) Whichever a proposed development is bordered by more than one street, additional signage may be permitted by the Planning/Zoning Board in accordance with the provisions of this article.

(8) All signs shall be located on the same property with the use, firm, facility, business, product, service or organization they advertise, unless otherwise provided by this chapter.

(9) All signs shall be of a character and composition harmonious with the area of the Township in which the sign is located, and shall have a professional appearance.

(10) Window signs are permitted in all commercial zones limited to 25% of the window area.

#### C. Construction standards.

(1) All signs are to conform to the structural requirements of the New Jersey Uniform Construction Code. Freestanding signs shall be supported by posts or pylons constructed of concrete, steel, treated wood or other suitable materials or a combination of the same. Posts or pylons are to be securely anchored into the ground so that the sign will withstand high winds. No guy wires or bracing is permitted. Signs attached to structures are to be securely anchored by means of nonrusting metal hardware.

(2) All signs shall be maintained in a safe, secure and proper painted condition. Any sign not maintained in such a manner will be removed at the expense of the permittee if no repairs are performed 10 days after a written notice is issued by the Construction Official.

#### D. Prohibited Signs

(1) Temporary signs, unless permitted under Code Section 210-1 et seq, and 218-83.

(2) Animated or moving signs or signs using blinking, flashing, vibrating, revolving, flickering, tracer and/or sequential lighting.

(3) Signs using red, yellow or green lights which would be mistaken for or interfere with the operation of any traffic control signals.

(4) Signs using neon lights or any other material which sparkles or glitters.

(5) Roof signs. No sign may be constructed which attaches to the roof or projects above the roof line.

(6) Portable signs that are used for advertising purposes, sidewalk and curb signs, unless permitted under Section 218-83E(8).

(7) Signs on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge or other natural feature, whether on public or private property.

(8) Signs which contain statements, words or pictures of any obscene character or nature.

(9) Signs which advertise, identify or pertain to any business no longer conducted or product no longer sold on the premises where the sign is located.

(10) Signs containing advertising which is untruthful.

(11) Banners, strings of banners, pinwheels, inflated signs, and other similar attention-getting devices.

(12) Billboards.

(13) Off-premises signs on stationary boats located within the Township's jurisdiction in any Township waterways or in any waterways adjacent to the Township.

(14) Signs on motor vehicles and trailers that are parked or stored in a lot in excess of 48 hours, shall be presumed to be used for advertising purposes and therefore prohibited under this section.

(15) Internally lit or electronic message signs in Residential zones or in the Cape May Court House overlay zone.

#### (E) Signs permitted without a Permit

(1) Official traffic, parking and street signs.

(2) Signs authorized by the Chief of Police.

(3) Warning and no-trespassing signs indicating private ownership of roadways or other private property that do not exceed ~~three~~ two (2) square feet in area, limited to one sign per 200' of lot frontage.

(4) Name and number plates identifying residents and affixed to a house, apartment or mailbox that do not exceed four square feet in area.

(5) Signs posted by governmental agencies that are pursuant to governmental statute, order or regulation.

(6) "A-frame" sandwich board signs are permitted in the TB and VC Zones only, provided that the following conditions are met:

[Amended 5-21-2001 by Ord. No. 1082-2001]

(a) No freestanding signs presently exist on the site.

(b) The sign must be displayed during business hours only; and must be removed after closing.

(c) The sign area may not exceed six (6) square feet per side.

(d) The style of the sign must be consistent with the architecture and character of the neighborhood in which it is located. The materials, design and lettering must exhibit a professional appearance.

(7) Real estate, housing development and community entrance signs.

[a] One sign not greater than six square feet, including any attachments, shall be permitted on any property, lot or building, advertising the property, lot or building for sale, rent or lease. Properties with frontage on two roadways shall be permitted two signs. In the event that more than one person with a real estate license is authorized to advertise the property, lot or building, each person with a real estate license may place one such sign on the property, lot or building, to a maximum of two total signs.

In the case of any parcel of land larger than one acre or any building containing covered floor space greater than 10,000 square feet, each sign advertising the property, lot or building for sale may be greater than six square feet but not greater than 12 square feet, and for each acre of land area or for each 10,000 square feet of covered floor space there shall be a maximum of four such signs.

[b] In addition, one additional off premises directional signs is permitted per property for sale, only if all of the following conditions are met:

(1) The maximum size of the signs shall be three (3) square feet in area, with nothing attached (including, but not limited to, balloons, pennants and riders)

(2) No more than one (1) sign per corner, with no part of the sign to block or protrude over any part of a sidewalk or driveway

(3) Signs are permitted only during the time of the open house (defined as period during which a sales agent is present on the property for sale)

(4) Signs are permitted only if anchored to the ground. No signs are permitted on vehicles, poles or structures.

(5) Signs shall be in compliance with sight triangle regulations.

Commercial properties for sale shall be permitted one sign not greater than sixteen (16) square feet in area.

[c] Signs advertising that a property, lot or building has been sold, rented or leased shall be permitted for a period not to exceed 30 days.

[d] One sign not greater than 32 square feet shall be permitted to advertise developments containing four or more lots for sale. Such signs shall be set back no less than ten (10) feet from the property line. All development signs shall be removed when 95% of the lots have been initially sold.

[e] Identification signs calling attention to the entrance to a community within the Township may be permitted, provided that such signs do not exceed 32 square feet, do not call attention to any particular businesses or organizations within the community and are necessary and desirable, in the opinion of the Planning Board, for the general welfare of the Township.

[f] One temporary construction sign not greater than 32 square feet shall be permitted to announce the erection of a building and call attention to the architect, contractors, sponsors and other individuals and firms participating in the construction. Such a sign may be erected for a period of 60 days plus the construction period, after which the sign shall be removed from the premises.

(9) Temporary political signs which promote the election of a particular candidate(s) with the following requirements:

a. Installation no sooner than 45 days prior to an election

b. Removed within five days following the date of the election

c. Shall not be placed within any public right of way or public property

d. Shall not be placed within a sight triangle

e. Shall not exceed three (3) square feet in area if located in a residential zone, except on an approved commercial property

f. Shall not exceed thirty two (32) square feet in area if located in a commercial zone

(10.) Yard sales and/or garage sale signs must be removed within twenty four (24) hours after the event.

(F) Signs Permitted in Residential Zones [Amended 5-21-2001 by Ord. No. 1082-2001]

(1) All signs permitted in § 218-83 (E) of this chapter.

(2) Identification signs for residential developments, provided that they are associated with an approved use within a residential zone. Such signs are not to exceed 32 square feet in area

and six feet in height. If there are two entrances to the development, a second sign of up to half the size of the first is permitted.

(3) Business signs that are accessory to a nonconforming commercial use or a commercial use approved by a variance granted by the Zoning Board of Adjustment.

[a] Freestanding signs shall not exceed sixteen (16) square feet in area, five feet in height.

[b] One facade sign is permitted to be placed or inscribed upon the facade of the building for each use or activity that takes place there. Such sign shall not exceed an area of 1/4 square foot for each one foot in width of the front of the building or portion thereof devoted to such use or activity, and in no case shall exceed 20 square feet in area.

(4) Any sign specifically permitted in Section 250-500 Conditional Uses, will take precedent over this section.

(G) Signs Permitted in TP Town Professional

(1) All signs permitted in 218F Signs Permitted in Residential Zones.

(2) Non-illuminated direction signs.

(3) One facade sign is permitted to be placed or inscribed upon the facade of the building for each use or activity that takes place there. Such sign shall not exceed an area of 1/4 square foot for each one foot in width of the front of the building or portion thereof devoted to such use or activity and in no case shall exceed 20 square feet in area. Where a business faces two highways, as determined by the Board Engineer, utilizing appropriate highway designations, a second facade sign of up to 1/2 of the size of the first facade sign is permitted. Such sign shall meet the same requirement as all permitted building signs.

(3) One freestanding sign is permitted. Such sign is not to exceed an area of sixteen (16) square feet and five feet in height. Setback 10'.

(4) Temporary signs for the promotion of a public function or charitable fundraising event that meets all of the following conditions:

(a) Prior to the installation of any such sign, the applicant shall file an application for a zoning permit which shall include a sketch of the sign, dimensions of the sign, its location and the dates proposed for its exhibition.

(b) shall not be erected more than 21 days prior to the first day of the event and shall be removed not more than three days after the last day the event has taken place.

(c) Such signs shall not exceed six (6) feet in height and 32 square feet in area if on event property, and shall not exceed 16 square feet if off-site.

(d) The event must be held in Middle Township and must benefit a public agency or legally established non-profit.

(e) Sign must not be located in a public right of way.

(f) Only one sign per property is permitted.

(g) Shall not be located within a Residential Zone.

(h) The sign shall not be illuminated, and the materials, design and lettering must exhibit a professional appearance.

(H) Signs Permitted in the B Business, HV Hildrith Village, TB Town Business, and VC Village Commercial Zoning Districts

(1) All signs permitted in § 218-83 E of this chapter.

(2) Non-illuminated directional signs.

(3) One sign attached to the main building. Such sign shall not exceed an area of one (1) square foot for each one foot in width of the front of the building or portion thereof devoted to such use or activity and in no case shall exceed fifty (50) square feet in area. Such sign shall have a vertical dimension no greater than five feet.

Where a business faces two major highways, as determined by the Board Engineer, utilizing appropriate highway designations, a second facade sign of up to 1/2 of the size of the first facade sign is permitted. Such sign shall meet the same requirement as all permitted building signs.

(4) One freestanding sign which shall not exceed two square feet in area for each ten-foot interval of street frontage of the lot on which the sign is to be located. Such signs shall not exceed 20 feet in height and shall contain a maximum of forty (40) square feet of area with the exception of specific types of business as set forth in this section. The setback of sign edge from right of way/property line shall be a minimum of 10'.

(5) Temporary signs for the promotion of a public function or charitable fundraising event that meets all of the following conditions:

(a) Prior to the installation of any such sign, the applicant shall file an application for a zoning permit which shall include a sketch of the sign, dimensions of the sign, its location and the dates proposed for its exhibition.

(b) shall not be erected more than 21 days prior to the first day of the event and shall be removed not more than three days after the last day the event has taken place.

(c) Such signs shall not exceed six (6) feet in height and 32 square feet in area if on event property, and shall not exceed 16 square feet if off-site.

(d) The event must be held in Middle Township and must benefit a public agency or legally established non-profit.

(e) Sign must not be located in a public right of way.

(f) Only one sign per property is permitted.

(g) Shall not be located within a Residential Zone.

(h) The sign shall not be illuminated, and the materials, design and lettering must exhibit a professional appearance.

(I) Signs Permitted in the TC Town Center zone

**(1) Wall Signs**

Each business shall be permitted one wall sign of Two (2) square feet of sign area for each linear foot of building width, but shall not exceed 150 square feet.

Where a business faces two major highways, as determined by the Board Engineer, utilizing appropriate highway designations, a second facade sign of up to 1/2 of the size of the first facade sign is permitted. Such sign shall meet the same requirement as all permitted building signs.

**(2) Freestanding Sign**

Each property shall be permitted one freestanding sign calling attention to the shopping center and/or the business(es) located therein. The area of the freestanding sign shall be based on total square footage as stated below:

Minimum Retail Square Footage	Permitted Sign Area	Setback of sign edge from right of way/property line
0-5,000 sf	2 sf per 10 linear foot of width of building, not to exceed 40 sf	10'
5,001-10,000 sf	40 sf	10'
10,001-20,000 sf	60 sf	15'
20,001-50,000 sf	100 sf	20'
50,001-100,000 sf	250 sf	25'
100,001 sf and over	400 sf	30'

**(4) Temporary signs for the promotion of a public function or charitable fundraising event that meets all of the following conditions:**

**(a)** Prior to the installation of any such sign, the applicant shall file an application for a zoning permit which shall include a sketch of the sign, dimensions of the sign, its location and the dates proposed for its exhibition.

**(b)** shall not be erected more than 21 days prior to the first day of the event and shall be removed not more than three days after the last day the event has taken place.

**(c)** Such signs shall not exceed six (6) feet in height and 32 square feet in area if on event property, and shall not exceed 16 square feet if off-site.

**(d)** The event must be held in Middle Township and must benefit a public agency or legally established non-profit.

**(e)** Sign must not be located in a public right of way.

**(f)** Only one sign per property is permitted.

**(g)** Shall not be located within a Residential Zone.

**(h)** The sign shall not be illuminated, and the materials, design and lettering must exhibit a professional appearance.

**(J) Farm Markets -** Farm markets shall be permitted to have one temporary sign with interchangeable lettering. The square footage of the sign shall be limited to 32 square feet.

**SUMMARY**

Zones	Façade/wall sign area	Freestanding sign area	Setback
TP	¼ sf for each 1' building width 20 sf max	16 sf 5' high max	10'
B, HV, TB, VC	1 sf for each 1' building width 50 sf max	2 sf for each 10' street frontage 20' high max 40' max area	10'
TC	2 sf for each 1' of building width 150 sf max	See chart above	

*Elizabeth Terenik indicated this was a recommendation of the Master Plan. Change to zoning district is the main purpose. We had to change the area where signs are permitted. Every business that was coming in for signs had to get a variance. We reviewed all the variance requests and we developed sign regulations based on what was applied for. Spoke of Cape May Court House overlay zone being a historical area. Language added to define American Flag. Increased regulations on signs for charitable events. Based area of wall signs on frontage of store.*

*Committeemember DeLanzo asked how does this address signs on Stone Harbor Blvd.*

*Elizabeth Terenik explained they are not permitted, we do not allow signs in residential zones... that zoning district is coastal development zone. Not permitted in that specific area.*

*Carl Carmelowitz asked what the penalty is for leaving political signs up. Who gets penalized?*

*Committeemember Donohue stated they are required to be picked up 5 days after the election.*

*E. Terenik – Chapter 250 \$100.00 fine*

*Mayor Lockwood – locally people are pretty good with getting signs off the street. Has tried to work with other candidates in the past to have signs removed.*

*C. Carmelowitz – after elections can anyone pick up old signs to clean up community?*

10. ORDINANCE NO. 1426-12 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 131, ENTITLED EMERGENCY MEDICAL TRANSPORT SERVICES – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No 1426-12 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/01/2012 at 6:00 p.m.

SECTION 1. Chapter 131 of the Code of the Township of Middle is hereby amended to include the following:

Chapter/ Section

§ 131-6. Billings to insurance companies and/or persons provided emergency medical services.

A. The Township of Middle shall contract with a third-party billing agent who shall issue a bill in the amount of \$750.00 in each instance where EMS services are provided. Said bill shall be issued to the insurance company providing coverage for the person served, if any, or directly to the person served if insurance coverage is not available.

B. In addition to the amount billed pursuant to Subsection A above, the third-party billing agent shall also bill for load miles. Load miles are those miles traveled by an EMS vehicle from the location where the patient was initially transported to the end destination. Load miles shall be billed at \$10 per load mile.

C. Any Resident patient whose insurance denies payment due to injury and/or illness diagnosis will be billed the current Medicare Allowed Emergency ground transport rate, including mileage and any supplies used. Non-Residents will be billed the full charges, including mileage & supplies.

D. For Residents & Non-resident patients who Decline Transport or request a lift-assist will be charged \$100 per occurrence.

§ 131-7. Payment for emergency medical services.

E. The Chief Financial Officer, or her designee, shall be responsible for receipt of all payments and the communication to the third-party billing agent for payments received. The third-party billing agent shall be responsible for accounting of payments and providing the Township with a current billing and receivable ledger. The third-party billing agent is responsible for the initial billing and two follow-up billings. Costs associated with the third-party billing agent shall be based solely on a percent of cash collections. After three attempts to collect said claim, the third party billing agent shall notify the Township and relinquish rights to that billing. The Township of Middle or third-party billing agent shall turn said delinquent accounts to a collection agency that will be compensated on a percent of cash collections of the delinquent accounts. The Township of Middle reserves the right to determine that a bill is uncollectable and written off.

§ 131-8. Definitions.

NON RESIDENT

Any individual that does not reside in the municipal boundaries or meet the Verification of residency of year round resident shall be deemed a non-resident.

DECLINED TRANSPORT / REFUSAL OF CARE

When an ambulance is requested and patient contact is made with an individual and that individual declines or refuses transport to a medical facility. Including but not limited to treat and release, lift assist, etc.

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 phase 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.

***Mayor Lockwood explained the ordinance and changes to the health care laws and the codes that are used by EMS. There has been a spike in the number of declines by Medicare and Medicaid for rides by ambulance.***

11. ORDINANCE NO. 1419-12 – ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, Ordinance No 1419-12 was reintroduced and passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/01/2012 at 6:00 p.m.

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

SECTION 1. The positions listed in the attached schedule are hereby created.

SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.

SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.

SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the

entire year. In determining years of service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.

Years of Service            Additional Compensation  
(Percent of Annual Salary)

5 years or more            2%  
10 years or more            4%  
15 years or more            6%  
20 years or more            8%  
25 years or more            10%

Section 4 shall only apply to Township Employees hired before December 31, 1994.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2012 immediately upon final passage and publication according to law.

TITLE	MINIMUM	MAXIMUM	
Accounting Assistant	\$ 18,720.00	\$ 45,000.00	
Administrative Clerk	\$ 18,720.00	\$ 36,000.00	
Administrative Director of Public Works	\$ 40,000.00	\$ 58,000.00	
Alt. Deputy Registrar	\$ 9.00	to 15.00 p/h	range change
Animal Control Officer	\$ 18,720.00	\$ 50,000.00	
Animal Cruelty Investigator		\$ 1.00	
Assessing Clerk	\$ 18,720.00	\$ 33,000.00	
Asst. Animal Control Officer		\$ 1.00	
Asst. Maintenance Supervisor	\$ 19,000.00	\$ 55,000.00	
Asst. Municipal Tax Collector	\$ 25,000.00	\$ 38,000.00	new title / range
Asst. Recreation Supervisor	\$ 18,720.00	\$ 30,000.00	
Asst. Supervising Labor	\$ 18,720.00	\$ 30,000.00	
Asst. Supervising Mechanic	\$ 30,000.00	\$ 45,000.00	
Asst. Supervisor Public Works	\$ 18,720.00	\$ 40,000.00	
Asst.Zoning Officer	\$ 18,720.00	\$ 35,000.00	
Attorney Planning Board	\$ 5,000.00	\$ 60,000.00	
Attorney Zoning Board	\$ 5,000.00	\$ 25,000.00	
Baseball Commissioner	\$ -	\$ 15,000.00	
Building Director	\$ 5,000.00	\$ 30,000.00	
Building Inspector F/T	\$ 20,000.00	\$ 40,000.00	
Building Inspector P/T	\$ 3,000.00	\$ 10,000.00	
Building Service Worker	\$ 18,720.00	\$ 30,000.00	
Building Service Worker P/T	\$ 7.00	to 13.00 p/h	
Building Sub-code Official	\$ 7.00	21.00 p/h	
Business Administrator	\$ 90,000.00	\$ 100,000.00	
Carpenter	\$ 18,720.00	\$ 35,000.00	
Carpenter Helper	\$ 18,720.00	\$ 34,000.00	
Carpenter Helper / Truck Driver- Laborer	\$ 18,720.00	\$ 30,000.00	
Certified Public Works Manager	\$ 45,000.00	\$ 60,000.00	
Chief Financial Officer	\$ 23,000.00	\$ 75,000.00	
Clean Communities Supervisor	\$ 9.00	to \$12.00 p/h	
Clerk P/T	\$ 7.00	to \$20.00 P/H	
Clerk Typist	\$ 18,720.00	\$ 29,000.00	
Clerk Typist P/T	\$ 7.00	to 12.00 p/h	
Code Enforcement Officer	\$ 18,720.00	\$ 35,000.00	
Code Enforcement Officer P/T	\$ 1.00	\$ 11,000.00	
Code Enforcement Officer Trainee	\$ 18,720.00	\$ 30,000.00	
Compliance Plan Stipend	\$ 10,000.00	\$ 15,000.00	
Computer Service Technician	\$ -	\$ 50,000.00	
Computer Service Technician P/T	\$ 15.00	to \$30.00 p/h	
Conflict Attorney	\$ 1.00	\$ 2,500.00	
Construction Official	\$ 22,000.00	\$ 70,000.00	
Coordinator of Computer Services	\$ 1,000.00	\$ 6,000.00	
Coordinator of Federal & State Aid	\$ 10,000	\$ 20,000.00	
Crew Leader	\$ 20,000.00	\$ 35,000.00	
Crossing Guard	\$ 1.00	\$ 20,000.00	
Deputy Business Administrator	\$ 90,000.00	\$ 100,000.00	
Deputy Chief Financial Officer	\$ 30,000.00	\$ 65,000.00	
Deputy EMT Chief	\$ 18,720.00	\$ 50,000.00	new title / range
Deputy Municipal Court Admin.	\$ 18,720.00	\$ 45,000.00	
Deputy Municipal Emerg.Man.Coor.		\$ 1.00	
Deputy Registrar of Vital Stats.	\$ 9.00	to 15.00 p/h	range change
Deputy Tax Assessor	\$ 18,720.00	\$ 55,000.00	

Deputy Tax Collector	\$	25,000.00	\$	38,000.00	new title / range
Deputy Township Clerk	\$	18,720.00	\$	40,000.00	new title / range
Director Community Dev. Program			\$	1.00	
Director of Grants & Economic Dev. Loans	\$	4,000.00	\$	6,000.00	
Docket Clerk-Typing	\$	18,720.00	\$	37,000.00	
Econ Devel/Paralegal/Rent Cont Off	\$	35,000.00	\$	50,000.00	
Electrical Subcode Official	\$	10,000.00	\$	32,000.00	
Electronic Repair Supervisor	\$	20.00	to 22.00 p/h		
Emergency Med. Tech. P/T	\$	6.00	to 15.50 p/h		
Emergency Medical Technician	\$	18,720.00	\$	50,000.00	
EMS Billing Administrator	\$	1.00	\$	3,000.00	
<b>EMT Chief</b>	<b>\$</b>	<b>18,720.00</b>	<b>\$</b>	<b>60,000.00</b>	<b>new title / range</b>
Equipment Operator	\$	18,720.00	\$	44,000.00	
Fire Inspector	\$	20,000.00	\$	35,000.00	
Fire Inspector P/T	\$	10.00	to 20.00 p/h		
Fire Official	\$	38,000.00	\$	48,000.00	
Fire Prevention Specialist P/T	\$	8.00	to \$20.00 p/h		
Fire Protection Inspector	\$	5.75	to 17.00 p/h		
Fire Subcode Inspector (Dennis Twp.)	\$		\$	5,500.00	
Fire Subcode Official P/T	\$	5,000.00	\$	16,000.00	
Fund Commissioner			\$	1.00	
Hearing Officer	\$	1.00	\$	5,000.00	
<b>Keyboarding Clerk 1</b>	<b>\$</b>	<b>18,720.00</b>	<b>\$</b>	<b>29,000.00</b>	<b>new title / range</b>
Judge Municipal Court	\$	24,000.00	\$	50,000.00	
Judge Shared Municipal Court	\$	7,000.00	\$	15,000.00	
Junior Counselors Summer Camp	\$	6.00	to 15.00 p/h		
Laborer	\$	18,720.00	\$	35,000.00	
Laborer Clean Communities P/T	\$	6.00	to 12.50 p/h		
Laborer Grass Crew P/T	\$	7.00	to 12.50 p/h		
Laborer P/T	\$	7.00	to 12.50 p/h		
Land Use Administrator	\$	35,000.00	\$	52,000.00	
Maintenance Supervisor & Project Manager	\$	25,000.00	\$	60,000.00	
Manager of Parks and Grounds		\$19,000.00	\$	50,000.00	
Mechanic	\$	18,720.00	\$	35,000.00	
Mechanic Trainee		\$18,720.00	\$	34,000.00	
Mechanics Helper		\$18,720.00	\$	25,000.00	
Member Board of Health		\$0.00	\$	1,500.00	
Memory Lane Coordinator			\$	1,500.00	
Motor Broom Driver	\$	25,000.00	\$	32,000.00	
Municipal Emergency Management Coordinator	\$	1.00	\$	10,000.00	
Municipal Court Admin.	\$	23,000.00	\$	62,000.00	
Municipal Court Admin. (Dennis Township)			\$	7,500.00	
Municipal Engineer	\$	10,000.00	\$	85,000.00	
Municipal Prosecutor	\$	10,000.00	\$	35,000.00	
Municipal Recycling Coordinator			\$	1.00	
Payroll Clerk		\$18,720.00	\$	40,000.00	
Personnel Clerk	\$	18,720.00	\$	23,000.00	
<b>Personnel Officer / Benefits Administrator / Training Coord</b>	<b>\$</b>	<b>29,000.00</b>	<b>\$</b>	<b>60,000.00</b>	<b>Title amended</b>
Plumbing Subcode Official P/T	\$	4,000.00	\$	28,000.00	
Police Captain	\$	60,000.00	\$	135,000.00	
Police Chief	\$	65,000.00	\$	140,000.00	
Police Lieutenant	\$	50,000.00	\$	120,000.00	
Police Officer	\$	25,000.00	\$	110,000.00	
Police Officer Detective Stipend			\$	750.00	
Police Officer/Detective	\$	30,000.00	\$	59,000.00	
Police Sergeant	\$	40,000.00	\$	115,000.00	
Police Sergeant/Detective Stipend			\$	750.00	
Principal Account Clerk-typing	\$	18,720.00	\$	22,000.00	
Principal Assessing Clerk	\$	18,720.00	\$	40,000.00	
Principal Clerk-Typist	\$	18,720.00	\$	40,000.00	
Principal Personnel Clerk	\$	18,000.00	\$	40,000.00	
Principal Technical Aide Public Works	\$	18,720.00	\$	35,000.00	
Project Manager	\$	45,000.00	\$	60,000.00	
PS Telecommunications Oper. Trainee P/T	\$	6.50	to 15.00 p/h		
PS Telecommunications Operator	\$	18,720.00	\$	53,000.00	
PS Telecommunications Operator, P/T	\$	6.50	to 15.00 p/h		
PS Telecommunications Operator, Trainee	\$	18,720.00	\$	40,000.00	

Public Defender	\$	7,500.00	\$	20,000.00	
Public Works Superintendent	\$	28,000.00	\$	68,000.00	
Pumping Station Operator/Sewer Repairer	\$	18,720.00	\$	45,000.00	
Qualified Purchasing Agent			\$	1.00	
Real Estate Officer			\$	1.00	
<b>Reassessment Stipend Tax Assessor</b>			\$	27,500.00	<b>New Stipend</b>
<b>Reassessment Stipend Deputy Tax Assessor</b>			\$	12,500.00	<b>New Stipend</b>
Receptionist	\$	6.00	to 10.00 p/h		
Recreation Aide P/T	\$	6.00	to 15.00 p/h		
Recreation Attendant	\$	18,720.00	\$	33,000.00	
Recreation Attendant p/t	\$	6.00	to 18.00 p/h		
Recreation Attendant/ Senior Center / PT	\$	7.00	to 18.00 p/h		
Recreation Director		\$35,000.00	\$	63,000.00	
Recreation Leader	\$	18,720.00	\$	32,000.00	
Recreation Leader P/T	\$	7,000.00	\$	10,000.00	
Recreation Leader(Sports	\$	18,720.00	\$	42,000.00	
Recreation Program Administrator	\$	22,000.00	\$	63,000.00	
Recreation Program Coordinator	\$	18,720.00	\$	20,000.00	
Recreation Program Specialist	\$	18,720.00	\$	38,000.00	
Recreation Superintendent		\$35,000.00	\$	50,000.00	
Recreation Supervisor		\$18,720.00	\$	33,000.00	
Recycling Program Aide- P/T		\$9.00p/h	\$12.00 p/h		
Registrar of Vital Statistics	\$	20,000.00	\$	47,000.00	
Rent Control Board Attorney			\$	2,500.00	
Seasonal Employee - Laborer (CDL Requir)	\$	-	\$	14.00	
Secretary Board of Health	\$	1.00	\$	2,000.00	
Secretary Cable TV Advisory Bd.	\$	1.00	\$	2,000.00	
Secretary Council on the Arts	\$	1.00	\$	2,000.00	
Secretary Economic Dev. Council	\$	1.00	\$	2,000.00	
Secretary Emergency Management	\$	1.00	\$	2,000.00	
Secretary Environmental Comm.	\$	1.00	\$	2,000.00	
Secretary Ethics Board	\$	1.00	\$	2,000.00	
Secretary Planning Board	\$	1.00	\$	2,000.00	
Secretary Recreation Council	\$	1.00	\$	2,000.00	
Secretary Rent Leveling Board	\$	1.00	\$	2,000.00	
Secretary Safety Committee	\$	1.00	\$	2,000.00	
Secretary Shade Tree Comm.	\$	1.00	\$	2,000.00	
Secretary Sr. Citizen Advisory Board	\$	1.00	\$	2,000.00	
Secretary Traffic Comm.	\$	1.00	\$	2,000.00	
Secretary Zoning Bd of Adj.	\$	1.00	\$	2,000.00	
Senior Assessing Clerk	\$	19,000.00	\$	26,000.00	
Senior Building Service Worker	\$	18,720.00	\$	25,000.00	
Senior Citizen Activities Coordinator	\$	8,000.00	\$	35,000.00	
Senior Citizen Life-Line Coordinator	\$	1,000.00	\$	2,000.00	
Senior Clerk	\$	18,720.00	\$	21,000.00	
Senior Clerk Typist	\$	18,720.00	\$	45,000.00	
Senior Computer Operator	\$	18,720.00	\$	46,000.00	
<b>Senior Emergency Medical Technician</b>	\$	18,720.00	\$	50,000.00	<b>amend range</b>
Senior Mechanic	\$	18,720.00	\$	40,000.00	
Senior Payroll Clerk	\$	18,720.00	\$	36,000.00	
Senior Personnel Clerk	\$	18,720.00	\$	38,000.00	
Senior Tax Clerk	\$	18,720.00	\$	35,000.00	
Sewer Billing Administrator	\$	2,000.00	\$	5,000.00	
Sewer Equipment Operator P/T	\$15.00 p/h		to \$30.00 p/h		
Sewer Equipment Operator	\$	18,720.00	\$	63,000.00	
Sewer License Operator Stipend	\$	6,000.00	\$	12,000.00	
Sewer Maintenance Superintendent	\$	30,000.00	\$	70,000.00	
Sewer Repairer	\$	18,720.00	\$	32,000.00	
Shared Court Clerk Typist	\$	2,000.00	\$	5,000.00	
Shared Court Deputy Municipal Court Admin.	\$	2,000.00	\$	5,000.00	
Shared Court Municipal Court Administrator	\$	5,000.00	\$	10,000.00	
Shared Court Municipal Prosecutor	\$	4,000.00	\$	10,000.00	
Shared Court Public Defender	\$	2,000.00	\$	10,000.00	
Shared Court Violations Clerk			\$	3,000.00	
Solid Waste & Recycling Advisor to Mayor	\$	5,000.00	\$	12,000.00	
Special Officer/Elections	\$	100.00	to 100.00 per day		
Special Police Officer - Class II	\$	10.50 p/h	\$	14.00 p/h	

Substitute Animal Control Officer	\$	1,000.00	\$	3,500.00
Summer Camp Coordinator Stipend	\$	1,000.00	\$	5,000.00
Supervising Dispatcher Stipend			\$	1,500.00
<b>Supervising Emergency Medical Technician</b>	<b>\$</b>	<b>18,720.00</b>	<b>\$</b>	<b>55,000.00</b> new title / range
Supervising Equipment Operator	\$	28,000.00	\$	50,000.00
Supervising Laborer	\$	20,000.00	\$	38,000.00
Supervising Mechanic	\$	19,500.00	\$	58,000.00
Supervisor / Heavy Equipment Operator		\$19,000.00	\$	54,000.00
Supervisor Clean Communities	\$	7.00	to 12.00 p/h	
Supervisor Water/Sewer B/C	\$	19,000.00	\$	75,000.00
Tax Assessor	\$	23,000.00	\$	75,000.00
Tax Clerk	\$	18,720.00	\$	28,000.00
Tax Collector	\$	23,000.00	\$	68,000.00
Temporary Acting Chief Financial Officer	\$	10.00	to 15.00 p/h	
Temporary Acting Deputy Chief Financial Officer	\$	10.00	to 15.00 p/h	
Temporary Acting Court Administrator	\$	10.00	to 30.00 p/h	
Technical Assistant Const. Off.	\$	19,500.00	\$	52,000.00
Township Attorney	\$	15,000.00	\$	200,000.00
Township Clerk	\$	53,000.00	\$	65,000.00
Township Clerk/Business Administrator	\$	23,000.00	\$	115,000.00
Township Committee	\$	17,000.00	\$	20,000.00
Violations Clerk			\$	1,000.00
Zoning Officer	\$	20,000.00	\$	65,000.00

12. RESOLUTION 411-12 – AWARD OF BID – CONTRACTS NO. 2012-5, 2012-6, 2012-8 - REHABILITATION OF 4 HOMES IN MIDDLE TOWNSHIP – On motion by Committeemember DeLanzo 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 Home Rehabilitation Program for Contract No 2012-5, 2012-6, 2012-7, and 2012-8, and WHEREAS, sealed bids were received on July 10, 2012, and WHEREAS, it appears that the following bids submitted below represent a figure equal to the lowest bids received, which complies with specifications. WHEREAS, at this time the Township will only be awarding contracts 2012-5, 2012-6 and 2012-8 as referenced below. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contracts for the following Home Rehabilitation Programs be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount	PO #
2012-5	Gemini Building Company	\$8,000.00	
2012-6	Gemini Building Company	\$12,710.00	
2012-8	Gemini Building Company	\$8, 550.00	

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

13. RESOLUTION 412-12 – REQUESTING APPROVAL FOR MECHANISMS IN THE SPENDING PLAN NOT IN THE FAIR SHARE PLAN, REPLACING RESOLUTION 310-12 ADOPTED ON JULY 2, 2012 - On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, the governing body of the Township of Middle has endorsed the August 20, 2012 Revised Spending Plan and requested that COAH or DCA review and approve same, and WHEREAS, there are affordable housing developments in the August 20, 2012 Revised Spending Plan that are not in the 2008 Fair Share Plan, and WHEREAS, N.J.A.C. 5:97-8.11 Consideration for mechanisms not in the adopted Fair Share Plan states that:

(a) A municipality may request authorization for expenditure of affordable housing trust funds on emergent affordable housing mechanisms not included in the municipal Fair Share Plan, in the form of an amendment to the spending plan.

(b) In addition to the requirements for approval of a spending plan or amendment to an approved spending plan set forth at N.J.A.C. 5:96-5, the resolution submitted by the municipality shall include a certification that the affordable housing opportunity addresses the Council’s criteria set forth in N.J.A.C. 5:97-6, and the municipality shall submit information regarding the proposed mechanism in a format to be provided by the Council.

(c) The municipality shall submit an amendment to its Fair Share Plan to include the mechanism at the earlier of two years after the Council’s approval of the spending plan amendment or the next planned amendment to the Fair Share Plan resulting from plan evaluation review pursuant to N.J.A.C. 5:96-10.

(d) The municipality shall submit monitoring pursuant to N.J.A.C. 5:96-11 relating to the affordable units created using affordable housing trust funds.

WHEREAS, the Township Planner, Elizabeth Terenik, P.P., A.I.C.P. has prepared a certification, dated August 24, 2012, attached to this resolution, that provides the information required by COAH rules on the proposed affordable housing mechanisms not in the Township’s 2008 Fair Share Plan, and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Middle requests approval for mechanisms in the Township's Revised Spending Plan that are not in the 2008 Fair Share Plan. The Township shall revise its Fair Share Plan within two years to be consistent with the August 20, 2012 Revised Spending Plan.

BE IT FURTHER RESOLVED THAT this Resolution replaces Resolution 310-12 adopted by the Township Committee on July 2, 2012.

14. RESOLUTION 413-12 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – HOLLY DRIVE EMERGENCY STORM SEWER REPLACEMENT – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, on January 4, 2012 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 2-12, and WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg Engineers to serve as Municipal Engineer at its January 2012 reorganization meeting, and WHEREAS, Remington, Vernick & Walberg Engineers will be providing additional engineering services for the Holly Drive Emergency Storm Sewer Replacement project. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide the additional engineering services mentioned above and said contract shall be amended as follows:
- Additional Engineering Services - Emergency Storm Sewer Replacement – Remington, Vernick & Walberg Engineers - \$5,600.00
15. RESOLUTION 414-12 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – NJ DOT GRANT APPLICATIONS – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted. WHEREAS, on January 4, 2012 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 2-12, and WHEREAS, the Township of Middle appointed Remington, Vernick & Walberg Engineers to serve as Municipal Engineer at its January 2012 reorganization meeting, and WHEREAS, Remington, Vernick & Walberg Engineers will be providing additional engineering services towards applying for various New Jersey Department of Transportation applications. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide the additional engineering services mentioned above and said contract shall be amended as follows:
- Remington, Vernick & Walberg Engineers – NJ DOT Grant Applications – Not to exceed \$3,600.00
16. RESOLUTION 415-12 – AUTHORIZING APPLICATION – MUNICIPAL ALLIANCE GRANT 2013 – On motion by Mayor Lockwood seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community, and WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Cape May. NOW THEREFORE BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, New Jersey hereby recognizes the following:
1. The Township Committee does hereby authorize submission of an application for the Township of Middle Municipal Alliance grant for calendar year 2013.
  2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant including the administrative compliance and audit requirements.
17. RESOLUTION 416-12 – AUTHORIZING AND ACKNOWLEDGING RENEWAL OF CONTRACT WITH HORIZON DENTAL – 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, County of Cape May and State of New Jersey, that the renewal contract with Horizon Dental, for the period of 9/1/2012 through 8/31/2013, is hereby authorized and acknowledged. BE IT FURTHER RESOLVED, that the administrative fee for said renewal period shall be \$5.45 per month per person. FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all paperwork in connection therewith.

18. RESOLUTION 417-12 – RENEWAL OF GRAVEL PIT PERMITS – 2012 – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the several gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and  
 WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and  
 WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter, “recertification is currently recommended” for the following licensees, and  
 NOW THEREFORE BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2012 and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
4	Siegtown Partners	98/2	35.37	\$600.00
7	Albrecht & Heun	94/19.01 94/20	41.03 / 30.50	\$600.00

FURTHER RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer in the letters attached to each license and as outlined in the code of the Township of Middle.

19. RESOLUTION 418-12 – AUTHORIZING BUSINESS ADMINISTRATOR TO EXPLORE POSSIBILITY OF SHARED SERVICES AGREEMENT WITH MIDDLE TOWNSHIP FIRE DISTRICT NO. 1 FOR AGGREGATING NET METERING – 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, of the Township of Middle, County of Cape May and State of New Jersey, that the Business Administrator is hereby authorized to explore possibilities of entering into a Shared Services agreement with Fire District No. 1 for electricity generated from a possible solar field in Middle Township.

20. RESOLUTION 419-12 – RELEASE PERFORMANCE BOND – RPJK DEVELOPMENT, LLC. – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, on June 6, 2011 via Resolution 274-11, the Township of Middle declared that RPJK Development was deemed in default of its obligations and they had not satisfactorily completed their project located at Block 1520 Lots 2-20, and  
 WHEREAS, the Township of Middle was forced to take corrective measures, and the appropriate Township Officials were authorized to take whatever measures necessary to carry out the purposes and intents of said Resolution, including calling in the bond, and placing the money in the general funds, and

WHEREAS, \$30,838.20 is being held as a performance guarantee for RPJK Development, LLC. , and  
 WHEREAS, \$12,945.00 has been withheld to reimburse the Township of Middle for repairs that were required on said development.

WHEREAS, the Business Administrator for the Township of Middle has recommended that the remaining balance of the performance bond be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that \$17,893.20 of the bond is hereby released.

21. \*\* TABLED \*\* RESOLUTION 420-12 – RELEASE PERFORMANCE BOND – RIGGINS INC. – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, \$53,846.40 is being held as a performance guarantee of Riggins Inc. for Block 326 Lot 26, and

WHEREAS, the Engineering Design Associates, on behalf of the Township of Middle, 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 \$53,846.40 is hereby released.

22. RESOLUTION 421-12 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Mary Kate Garry	Finance Office	Payroll Clerk	08/31/2012

23. RESOLUTION 422-12 through 424-12 – 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.

422-12 (a) Refund due to overpayment by Mortgage Company.

ACCT ck#	BLOCK	LOT	OWNER/LOCATION	AMOUNT
18710	1432	6 C0150	Schubert, John & Lucille Property location: 104 Seacrest Lane	1,572.97
18599	1432	6 C0039	Fiedler, Edgar & Annie Property location: 1005 Tidewater Ave	283.65

Refund Payable and sent to:

Lereta: attn.: Central Refunds  
1123 Park View Drive  
Covina, Ca 91724

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 2012 taxes.

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

423-12 (b) Refund due to overpayment by Mortgage Company.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
2959	163.01	75	Wiscott, Jake D Property location: 881 Hand Ave	1042.94
18686	1432	6 C0126	Tatarsky, Dolores T Property location: 105 Seacrest Lane	283.65
18161	1436.02	27	Stasiorowski, Lester & Denise Property location: 306 Aberdeen Way	394.88

Refund Payable and sent to:

Wells Fargo Real Estate Tax Service, LLC  
ATTN: Financial Support Unit - Region 1  
1 Home Campus  
MAC X2302-04D  
Des Moines, IA 50328-0001

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 2012 taxes.

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

424-12 (c) Refund due to overpayment by Mortgage Company.

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
15186	163.01	28	Brown, Jessica Property location: 32 West Woodland Ave	788.89
3083	163.04	5	Fox, William L & Elizabeth M Property location: 7 Woodside Rd	860.90
3292	165.01	62	Szarek, Daniel L & Margery A Property location: 31 Stagecoach Rd	1162.78
5068	305	13	Doan, Kelly Property location: 408 Valley Rd	484.50
5354	322.01	5	Seitz, Donald C Jr & Julie M Property location: 3 Bellewood Rd	1042.56
17077	1414.01	20 C0001	Stanton, Jared & Jennifer Property location: 3125 Shunpike #A	882.07
14096	1427	18	Thurston, Elaine R & Riebel, S K Property location: 37 Mimosa Drive	743.53
18600	1432	6 C0040	Bakley, Frederick R & Patricia Property location: 1007 Tidewater Ave	283.65

Refund Payable and sent to:

CoreLogic Real Estate Tax Service  
Refund Dept.  
P O Box 961250  
Fort Worth, TX 76161-9887

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 2012 taxes.

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

24. RESOLUTION 425-12 – APPOINTMENTS – TRAFFIC COMMITTEE – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following person(s) be and is/are hereby appointed to the volunteer board as indicated below

NAME	BOARD	TERM EXPIRES
Ruth Whitehead	Traffic Committee, Alt Member #1	12/31/13
Chuck Mussachio	Traffic Committee, Alt Member #2	12/31/13

25. RESOLUTION 426-12 – ACKNOWLEDGING FIREWORKS DISPLAY AT SAND BARRENS GOLF CLUB – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted. Mayor Lockwood abstain.

WHEREAS, the Sand Barrens Golf Club has requested permission to conduct an outdoor fireworks display as part of a wedding ceremony on September 15, 2012, and

WHEREAS, as part of the approval Sand Barrens Golf Club must comply with all conditions as set forth in Chapter 142-8 Subsections C, D, and E of the code of the Township of Middle as well as apply for and receive the appropriate permits in connections with the regulations of the Bureau of Fire Prevention, Fire District No 1, and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby acknowledge a fireworks display at Sand Barrens Golf Club on September 15, 2012.

BE IT FURTHER RESOLVED, that the request for an extension on the Middle Township Noise Ordinance is hereby granted until 9:30pm.

26. RESOLUTION 427-12 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignation listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
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Dawn Stimmel	Township Clerk	Deputy Township Clerk	09/10/2012
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27. RESOLUTION 428-12 – APPOINTMENT – NEW HIRE – 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, 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	EFF. DATE
Suzanne Stocker	Township Clerk	Keyboarding Clerk 1	\$27,000.00	09/10/2012

BE IT FURTHER RESOLVED, that Suzanne Stocker is hereby appointed to the position of Deputy Township Clerk, effective September 10, 2012, for a one-year term as outlined in N.J.S.A. 40A:9-135, renewable annually.

28. RESOLUTION 429-12 – CLOSED SESSION – CONTRACT NEGOTIATION (UAW UNION & PBA UNION) (GRASSY SOUND CIVIC ASSOCIATION) ( REGISTRAR OFFICE/ COUNTY OF CAPE MAY)(CAPE EXPRESS SOCCER); POTENTIAL LITIGATION ; PERSONNEL MATTERS (REGISTRAR OFFICE) – On motion by Committeemember Donohue seconded by

Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

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

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

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

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CONTRACT NEGOTIATION (UAW UNION & PBA UNION) (GRASSY SOUND CIVIC ASSOCIATION) ( REGISTRAR OFFICE/ COUNTY OF CAPE MAY)(CAPE EXPRESS SOCCER); POTENTIAL LITIGATION ; PERSONNEL MATTERS (REGISTRAR OFFICE)

2.) The general nature of the subject matter to be discussed is as follows: CONTRACT NEGOTIATION (UAW UNION & PBA UNION) (GRASSY SOUND CIVIC ASSOCIATION) ( REGISTRAR OFFICE/ COUNTY OF CAPE MAY)(CAPE EXPRESS SOCCER); POTENTIAL LITIGATION ; PERSONNEL MATTERS (REGISTRAR OFFICE)

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

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

**\*Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the topics indicated above 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.**

29. RESOLUTION 430-12 – LOCAL FINANCE BOARD – ANNUAL AUDIT OF BOOKS, ACCOUNTS AND TRANSACTIONS – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40A:5-4 requires that governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Township Committee and also Kimberly Krauss, Township Clerk, as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

As evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no further than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed o the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject he members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “ A local officer of member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars( \$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

30. RESOLUTION 431-12 – ACCEPTING CORRECTIVE ACTION PLAN – AUDIT 2011 – On motion by Mayor Lockwood 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 is hereby accepted as the Corrective Action Plan for the 2011 Audit for the Township of Middle and be it further resolved that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs, Division of Local Government Services as well as a copy of this Resolution be forwarded to Ford, Scott and Associates, LLC, Glen Ortman, Registered Municipal Accountant:

Finding #1:

- a. Description: The list of open purchase orders should be reviewed and monitored on a periodic basis and a resolution to cancel open contract/orders should be presented to Township Committee.
- b. Analysis: The Township’s list of open purchase orders and encumbrances charged in the accounting system is not accurate and does not reflect the current status of open contracts.
- c. Corrective Action: The Finance Office will review any and all outstanding open contracts/orders with Department Heads and cancel closed/completed contracts/orders on a periodic basis.
- d. Implementation Date: September 5, 2012.

Finding #2:

- a. Description: The Township should only pay employees for amounts they are contractually due.
- b. Analysis: There were discrepancies in payments to one retired employee and one active employee.

- c. Corrective Action: The CFO and Payroll Clerk will review all payroll contracts/resolutions and compare said contracts for accuracy.
- d. Implementation Date: September 5, 2012.

Finding #3:

- a. Description: Payments made to former employees for terminal leave did not match the amounts listed per resolution.
- b. Analysis: The schedule of payments to former employees did not match the amounts listed in the approved resolution causing overpayments.
- c. Corrective Action: The CFO and Payroll Clerk will maintain and monitor all employees who are receiving terminal leave payments on a scheduled basis to ensure they are paid accurately.
- d. Implementation Date: September 5, 2012.

Finding #4:

- a. Description: Employees are required to contribute 1.5% of their salary towards health care coverage. Employees who opt out of the health and dental coverage must be removed from the health and dental bills in a timely manner.
- b. Analysis: The Township did not start taking the 1.5% contribution for two employees enrolled in the Police Academy. The Township did not remove employees opting out of benefits in a timely manner, causing an overpayment to the insurance company.
- c. Corrective Action: The Finance Office will start making health benefit contribution deductions from new employees within a timely manner. The Personnel Officer will remove opting out employees in a timely manner.
- d. Implementation Date: September 5, 2012.

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

31. RESOLUTION 432-12 through 433-12 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MIDDLE TOWNSHIP BIKE PATH PHASE 4 PROJECT (ITEMS A THROUGH B) – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.  
 432-12 (a) NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.  
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2013-Middle Township - 00015 to the New Jersey Department of Transportation on behalf of the Township of Middle.  
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.  
 433-12 (b) NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.  
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Middle Township-00103 to the New Jersey Department of Transportation on behalf of the Township of Middle.  
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
32. RESOLUTION 434-12 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SECOND STREET PHASE 2 ROADWAY RECONSTRUCTION PROJECT – 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, of the Township of Middle, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.  
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Middle Township-00104 to the New Jersey Department of Transportation on behalf of the Township of Middle.  
 BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
33. RESOLUTION 435-12 – AMENDING RESOLUTION 212-12 – APPOINTMENT – JOYCE WEBER – DEPUTY TAX COLLECTOR – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.  
 WHEREAS, Resolution No. 212-12 included various amendments to the salary resolution, and WHEREAS, the title and salary for Joyce Weber was included in these amendments.  
 WHEREAS, for the sake of uniformity with the Civil Service Commission it has been deemed appropriate to amend Ms. Weber’s title to read Assistant Municipal Tax Collector.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the title for Joyce Weber shall be amended to read Assistant Municipal Tax Collector.

BE IT FURTHER RESOLVED, the above referenced title change shall remain effective as of 01/01/2012, as prescribed via Resolution 212-12.

34. RESOLUTION 436-12 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Mayor Lockwood seconded by Committeemember Donohue 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	PROP. LOCATION	BLOCK / LOT	AMOUNT
Earl & Christine Nichols	6 Parkway Drive	124/7	\$208.59
Mark & Gina Munger	1002 Bayview Rd	1099/4	\$208.59
Cherie Daley	108 Bennett	270/7	\$208.59
Cherie Daley	108 Bennett	270/7	\$106.73
Kimberly Fashaw	106 N. 10 <sup>th</sup> Ave	1109/1	\$208.59
David Farrow	5 Johnson Ave	56.05/2	\$211.66
Richard & Regina Anderson	17 Fishing Creek	166/52	\$208.59
Sherye Chase – Pearson	450 Shunpike	325/21	\$208.59
Herbert Jaudon	301 Goshen Rd	60/11	\$312.88
Randy & Rachel Yarnasky	811 Goshen Road	52/13	\$312.88
Harbor Place Development LLC.	1116 Stone Harbor Blvd	136/14	\$235.56
Ruth Costa	312 Linden Lane	1467/19	\$104.27
Joseph & Loretta Polito	709 Stone Harbor Blvd	313/53	\$104.27
Ellen Trout c/o Douglass	215 S. Railroad	1432/15	\$104.27
Cape Savings dba Casaba Real Estate Holding Co.	1258 Rte 9 S.	974/1	\$104.27
William Belles Jr.	6 Linden Circle	1472/12	\$104.27
Thomas Ivens Jr.	4 Linden Circle	1472/13	\$104.27
Creola Moffitt	144 Swainton Goshen Rd	9/37	\$116.29
Christopher & Christine Adams	371 CH SO Dennisville Rd	95.03/28	\$106.73
Paul Greenspan	39 Crest Road	226.04/7	\$106.73
Walter Hunter	100 Lehigh	425/26	\$106.73
Bonnie Kozak	201 Hand Ave	240/14	\$104.27
Richard & Kimberly Carty	112 Davis Road	1417/4	\$104.27
Michael & Barbara Farrell	26 Stagecoach Road	166/108	\$104.27
Nathan Romano	387 Rte 47 S	388/6	\$104.27
Glendon & Elizabeth Miller	55 Acorn	95.01/28	\$104.27
Paul McDonald	27 4 <sup>th</sup> Ave	329.01/2	\$208.59

35. RESOLUTION 437-12 – AUTHORIZE APPLICATION TO STATE OF NEW JERSEY, BUREAU OF TIDELANDS MANAGEMENT, FOR RENEWAL OF TIDELANDS LICENSE – SHELLBAY FISHING PIER – 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 owns the lands now or formerly under water known as Jenkins Sound, outshore of Shellbay Avenue in Middle Township, and

WHEREAS, the Township of Middle has a license/lease with the State of New Jersey for use of the Shellbay Fishing Pier, which leads into Jenkins Sound, and

WHEREAS, the license/lease has expired and the township wishes to renew said license/lease.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the appropriate officials are hereby authorized to sign any and all documentation in connection with the application for license renewal with the State of New Jersey, Bureau of Tidelands Management, for the property known as the Shellbay Fishing Pier.

BE IT FURTHER RESOLVED, that said license/lease is for a period of seven (7) years.

FURTHER RESOLVED, that the fee associated therewith shall be One Hundred Dollars (\$100.00) per annum.

36. RESOLUTION 438-12 – AUTHORIZING EMERGENCY CONTRACT – HOLLY DRIVE EMERGENCY STORM SEWER REPLACEMENT – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.  
 WHEREAS, N.J.S.A. 40A:11-6 authorizes the ratification of a contract under emergency situations, and  
 WHEREAS, due to the emergent nature of said project various township officials have already begun preliminary site work and “mark outs” as required, and  
 WHEREAS, due of the risk of injury to the public resulting from various sink holes and hazards, the Township of Middle initiated immediate performance of services for said project.  
 NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that a contract with Mitchell Nichols Enterprises, Inc. is hereby awarded in the amount of Ten Thousand Four Hundred Fifty Dollars (\$10,450.00) to Mitchell Nichols Enterprises, Inc. for the Holly Drive Emergency Storm Sewer Replacement.  
 BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
37. RESOLUTION 439-12 – AUTHORIZATION TO CLOSE BOYD STREET – SEPTEMBER 11<sup>TH</sup> MEMORIAL SERVICE – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization to close a section of Boyd Street, between Mechanic Street and Hand Avenue, on September 11, 2012 from 4:00pm until 5:00 PM for a September 11<sup>th</sup> memorial service is hereby approved.
38. RESOLUTION 440-12 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PAT MARTIN – CONFLICT PROSECUTOR – On motion by Mayor Lockwood seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Pat Martin and the Township of Middle for conflict prosecutor services be and is hereby ratified and the contract is hereby awarded through the Non Fair and Open Process as described in Pay-To-Play Statutes in the amount not to exceed \$1,000.00.  
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
39. RESOLUTION 441-12 – APPOINTMENTS – CODE OF CONDUCT REVIEW COMMITTEE – On motion by Committeemember Donohue seconded by Mayor Lockwood and passed on roll call, the following resolution was adopted.  
 BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following person be and are hereby appointed to the Code of Conduct Review Committee for the term of office opposite their name:

NAME	POSITION ON BRD.	TERM EXPIRATION
Charles McDonnell	Recreation Director	12/31/2014
Mark Mallett	Business Administrator	12/31/2014
Tom Schad	Rec Advisory Board	12/31/2014
Bob Jackson	Rec Advisory Board	12/31/2014
Clyde Pettitt	Hockey Coach	12/31/2013
Joe Westfield	Soccer Coach	12/31/2013
Karl Giulian	Football Coach	12/31/2013
Dave Salvo	Basketball Coach	12/31/2013
Mike Butterfield	Baseball Coach	12/31/2013
Jeff Conlin	Wrestling Coach	12/31/2013
Gene Hall	Parent – Hockey	12/31/2013
Shelley McFadden	Parent – Soccer	12/31/2013
Brian Juzaitis	Parent – Football	12/31/2013
Willie Johnson	Parent – Basketball	12/31/2013
Nichole Wyatt	Parent – Baseball	12/31/2013
Pam Shute	Parent – Wrestling	12/31/2013

40. RESOLUTION 442-12 – APPOINTMENT – NEW HIRE – SPECIAL CLASS II POLICE OFFICER – 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, 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	
Mike Reardon	Public Safety	Special Class II Police Officer	\$10.50 p/h	09/06/2012

41. PUBLIC COMMENT:

Chris Eaton, Remington Vernick & Walberg Engineering, read into record the engineering report.

Committeemember DeLanzo reiterated condolences to the Sill Family. Fine young man who will be missed greatly. My heart goes out to all and the department. Wish everyone healing and Peace.

Congratulations to Concerns Citizens on reunion. Great speakers. Very inspirational.

Looking forward to 9/11 celebration with residents.

Mayor Lockwood added that they recognized Kay White and Nate Doughty at the reunion.

Committeemember Donohue it has been a tough summer for Middle Township and especially our police department. I was happy to see the last week how the people came out, not only for Jason Sill and his family but for our police department. Made me proud to be a Middle Township resident. Tough times to come.

Was also at the reunion. There was a nice tree dedication by the Shade Tree Commission with Bonnie Millard. Tree in memory of former Police Chief Raymond Sanders. Made a little bit poignant by the events we were going through. Chris spoke of bike path, I think by next weekend it should be opened.

We also spoke of emergency in Shannon Oaks. We were able to come together with Public Works and the engineer to get that situation taken care of immediately. Very dangerous.

Testing on online bill paying system, should have it up and running shortly.. goal to add sewer billing to this come next year. Tomorrow economic development meeting with Economic Development Council. Spoke of "Buy Local" campaign.

Read article on citizen concerns regarding growing the size of committee. People of the town have the right to be governed in the way they want to be governed. Spoke of downfalls with only having 3 members. Discussed idea of Charter Study.

Mayor Lockwood also talked about Charter Study and attempts in the past to change the number of members on Committee.

Indicated that the family of Jason Sill asked him to publically comment on their appreciation for the police department and the care provided.

Spoke of 9/11 ceremony at 4:15pm outside of town hall by the clock.

SJ Gas meeting.. they are bringing natural gas to Del Haven. Meeting in Del Haven to be held at Green Creek Fire Hall Saturday September 29<sup>th</sup> from 10-12 noon.

We passed a resolution to authorize the administrator and other professionals to start working with M.T. Fire District No. 1 on a possible shared services agreement for solar. May benefit from some nice savings from solar. When we save money together we are saving money for taxpayers, twice.

Farewell to Mary Kate Garry, who is moving to school district. She will be missed.

Authorized engineer to continue on with Bike Path Phase 4. Phase 3 so popular the public is knocking down barricades to ride on it.

Next meeting, 9/17, will be held at Rio Grande Fire Hall. 4pm work session, 6pm regular session.

Carl Carmelowitz – asked about the 1.5% payable by employees on their health benefits. Asked what the max amount is that can be paid?

Mayor Lockwood explained the minimum, no max set by statute.

C. Carmelowitz – employees need to pay their fair share.

E. Fausey (to Karavan) asked for the statute that allows recess and the ability to reconvene with more people.

Mayor Lockwood stated that Committeemember DeLanzo did listen to the tape.

C. Carmelowitz stated he read in the Gazette where committee voted on the Affordable Housing with Conifer. Was it unanimous? Congratulations to committee for making the best possible deal they could. You were dealt cards by the court, State and legislature. Taxpayers understand your position. I personally thank you for the good job you have done for the taxpayers of Middle Township.

Debbie McGuire, CMC Herald, indicted that the door was locked to township hall. She wanted to know why the public was denied access to the meeting.

Kim Krauss indicated that the door was not locked. She personally entered the same door prior to Ms. McGuire so did other members of the public.

D. McGuire – it was jammed... wants the record to show.

Motion to go into closed session:

1<sup>st</sup> Committeemember Donohue 2<sup>nd</sup> Committeemember DeLanzo

Roll Call Vote: Passed on roll call.

Committee entered closed session at 7:20pm.

Committee reentered the regular session at 10:05pm

Committee voted on the following resolution after exiting closed session:

42. RESOLUTION 443-12 – APPOINTMENT – ALAN MORRIS – ALTERNATE DEPUTY REGISTRAR OF VITAL STATISTICS – On motion by Committeemember Donohue seconded by Committeemember DeLanzo and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary to fill the term of office for the position of Alternate Deputy Registrar of Vital Statistics via N.J.S.A. 26:8-17, and

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 for the term of office opposite their name:

NAME	POSITION	TERM EFFECTIVE	TERM EXPIRES
Alan Morris	Alternate Deputy Registrar of Vital Statistics	09/05/2012	12/31/2012

Motion to adjourn meeting:

1<sup>st</sup> Committeemember Donohue 2<sup>nd</sup> Committeemember DeLanzo

Roll Call Vote: Passed on roll call.

There being no further business the meeting was adjourned at 10:13pm.

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Kimberly D. Krauss, Twp. Clerk