

Cape May Court House, NJ
September 4, 2013
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Lockwood, Committeemember Donohue, Committeemember DeLanzo, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Marcus Karavan. **Township Clerk Kimberly Krauss and Municipal Engineer Marc DeBlasio were absent.*

1. REPORT BY TOWNSHIP BUSINESS ADMINISTRATOR – SOUTH JERSEY GAS PROJECT IN DEL HAVEN
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.*)
3. RESOLUTION– APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$2,916,559.66*
4. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Work Session 08/19/2013 and Regular Meeting 08/19/2013.*
5. REPORTS: The following departments have submitted their reports for the months indicated:
Treasurer for July 2013;
6. ORDINANCE 1458-13 – AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AMENDMENT OF TOWNSHIP PROPERTY TO CAPE HUMAN RESOURCES, INC. – On motion by _____ seconded by _____ and passed on roll call, Ordinance No.1458-13 passed first reading. Second reading, public hearing and consideration for adoption will be held on October 7, 2013 at 6:00 p.m.
WHEREAS NJS 40A:12-14 authorizes the leasing of municipal property not needed for public use; and
WHEREAS Cape Human Resources, Inc. provides positive services to the people of the Township of Middle; and
WHEREAS Cape Human Resources, Inc. is a non-profit corporation for a public purpose within the meaning of NJS 40A:12-15(c); and
WHEREAS the services performed by Cape Human Resources, Inc. fall within the parameters set forth in NJS 40A:12-15; and
WHEREAS pursuant to Ordinance 1027-2000 the Township entered into a lease with Cape Human Resources; and
WHEREAS the Township Committee and Cape Human Resources, Inc., believe that the interests of both parties are best served by executing a new lease for the property for the balance of the original term which lease shall be substantially in the form of the lease annexed hereto as exhibit “A”;
NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:
SECTION 1. The Lease Agreement with Cape Human Resources, Inc., annexed hereto as Exhibit “A” expiring on December 1, 2020 is hereby approved.
SECTION 2. The previous Lease Agreement is declared null and void upon the complete execution of the attached Exhibit “A”.
SECTION 3. The appropriate Township Officers are hereby authorized to execute the aforescribed Lease.
SECTION 4. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.
SECTION 5. 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 6. This ordinance shall become effective immediately upon final passage and publication, according to law.
7. ORDINANCE NO. 1455-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 215,

LOT 11 IN CAPE MAY COURT HOUSE – Following second reading, hearing, and consideration for adoption, Ordinance 1455-13 was adopted on motion by _____ seconded by _____ 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 and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.

SECTION 1.

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

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

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

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

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

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

Lot 5: Atlantic City Electric Company
5100 Harding Highway
Mays Landing, NJ 08330

Lot 6: Baptist Cemetery CMCH
101 S. main Street
Cape May Court House, NJ 08210

Lot 7: William E. Jr. & Mary A. Jackson
910 Bartram Avenue
Collingdale, PA 19023

Lot 8: Kathryn Cooper
14 Goshen Road
Cape May Court House, NJ 08210

Lot 9: Mattie Mae Matthews
16 Goshen Road
Cape May Court House, NJ 08210

Lot 10: 18 Goshen Road LLC
18 Goshen Road
Cape May Court House, NJ 08210

and

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

NOW, THEREFORE, BE IT ORDAINED,

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

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

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

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

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

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

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

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

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

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

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

8. ORDINANCE NO. 1456-13 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO ESTABLISH AN AGGRESSIVE BEGGING ORDINANCE – Following second reading, hearing, and consideration for adoption, Ordinance 1456-13 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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

SECTION 1.

Aggressive Begging Ordinance:

(A) *Definition:*

1. **AGGRESSIVELY BEG**

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

2. **ASK, BEG OR SOLICIT ALMS**

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

3. **PEDESTRIAN OR VEHICULAR INTERFERENCE**

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

4. **PUBLIC PLACE**

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

(B) *Permits.*

Pursuant to N.J.S.A. 40:48-1, it shall be unlawful for any person to ask, beg or solicit alms upon the streets or elsewhere in the Township without first obtaining a permit from the Township. Persons may apply in writing for permission to ask, beg or solicit alms, which such permission shall be issued on a case by case basis upon review of the Municipal Police Department. The permits shall be valid for a period not to exceed one year and are available at no charge or fee to the applicant. A photo identification is required with the application. A warrant check will be conducted before a permit is issued. At the time a permit is issued, the guidelines relating to the activity will be explained to the permittee.

(C) *Prohibited acts.*

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

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

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

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

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

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

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

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

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

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

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

(D) **EXEMPTIONS**

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

(E) **PENALTIES AND FINES**

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

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

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

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

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

9. ORDINANCE NO. 1457-13 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236-41 THEREOF, ENTITLED VEHICLES AND TRAFFIC SCHEDULE XIII "PARKING PROHIBITED AT ALL TIMES. – Following second reading, hearing, and consideration for adoption, Ordinance 1457-13 was adopted on motion by seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk's Office. *BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:*

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

<i>NAME OF STREET</i>	<i>SIDE</i>	<i>LOCATION</i>
<i>North 6th Street</i>	<i>East</i>	<i>From the intersection of 6th Street and Millman proceeding North to, and inclusive, of the entire Cul de sac.</i>

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

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

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

10. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, Matthew Statzell has been terminated with an effective date of August 22, 2013, and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time, and WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time, NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.*

Matthew Statzell

<i>Vacation</i>	<i>48</i>	<i>Hours</i>	<i>30.39</i>	<i>\$1,458.72</i>
<i>Personal</i>	<i>3</i>	<i>Hours</i>	<i>30.39</i>	<i>\$91.17</i>
<i>Less</i>				<i>-627.64</i>
<i>Owed</i>				<i>\$922.25</i>

11. RESOLUTION – ACKNOWLEDGEMENT OF TERMINATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following termination listed below, is acknowledged.*

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Francis Ierovante	Public Works	Laborer 1	08/22/2013

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

WHEREAS, Local Ordinance Section 215-15D does not allow for any road opening permit for any road that has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except in an emergency situation; and

WHEREAS, Habitat for Humanity, owner of 101 E Anna Street, also known as Block 1048, Lot 9, in Whitesboro, is building a new home and have filed for a hardship exception since they need to hook into the sewer; and

WHEREAS, in order to occupy the home, Habitat for Humanity needs a road opening permit to connect the line from the road to the home;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds:

- 1. That the unfortunate coincidence of Habitat for Humanity's building of the home creates a hardship;*
- 2. That at the time this Resolution was approved, nearly two (2) years have elapsed since the reconstruction of Anna Street; and*
- 3. That an exception to the 5 year moratorium is appropriate in this circumstance; and*
- 4. That the Public Works Director and/or the Municipal Clerk is hereby directed to issue a road opening permit for Block 1048, Lot 9 for the purpose of installing a sewer line, pending the submission of an application, correct fees and bonding associated therewith.*

13. RESOLUTION - APPOINTMENT – BOARD SECRETARY – SENIOR CITIZEN ADVISORY COUNCIL – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following person be and are hereby appointed to the boards for the term of office opposite their name:*

NAME	BOARD	TERM EFFECTIVE	TERM EXPIRES	SALARY
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NAME	BOARD	TERM EFFECTIVE	TERM EXPIRES	SALARY
Dawn Stimmel	Senior Citizen Advisory Council	09/04/2013	12/31/2013	\$850.00

14. RESOLUTION – REFUND OF 2013 TAXES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
Refund in the amount of \$645.70 is due to Mr. Trasatti as he has been granted a 100% Disabled Veteran Exemption as of July 15, 2013 and has paid the 3rd quarter of 2013.

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	AMOUNT
6673	427	12	Trasatti, Alfred M Jr & Lisa 126 Lafayette Ave Del Haven, NJ 08251	\$645.70

15. RESOLUTION – CANCELLATION OF TAXES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
Cancellation of taxes due to Mr. Trasatti has been granted 100% Disabled Veteran Exemption as of July 15, 2013.

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	2013	2014
6673	427	12	Trasatti, Alfred M Jr & Lisa Property location: 126 Lafayette Ave	\$1,493.86	\$1,611.89

16. RESOLUTION - PLACE-TO-PLACE TRANSFER – EXTENSION OF PREMISES – ACME MARKETS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Distribution License No. 0506-44-013-003 (Acme Markets), for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and
WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and
NOW THEREFORE BE IT RESOLVED, that the Township of Middle, County of Cape May, State of New Jersey, does hereby approve, effective August 14, 2013, the expansion of the aforesaid Plenary Retail Distribution Licensed premises located at 11 Court House South Dennisville Road to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

17. RESOLUTION - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
- a) **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 5 PROJECT**
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township Committee 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-2014-Middle Township – 00013 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.
- b) **APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF THIRD AVENUE PROJECT**
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township Committee 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-2014- Middle Township - 00096 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.

18. RESOLUTION – AUTHORIZING A GOVERNMENTAL ENERGY AGGREGATION PROGRAM AND APPOINTING COMMERCIAL UTILITY CONSULTANTS, INC. AS ENERGY AGENT TO ASSIST THE TOWNSHIP IN THE IMPLEMENTATION OF THE TOWNSHIP'S ENERGY AGGREGATION PROGRAM AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

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

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

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

WHEREAS, pursuant to a resolution adopted by the Township on August 5, 2013 ("Prior Resolution"), the Township publicly declared its intent to commence a GEA Program within the Township and to become an aggregator of electric power and natural gas on behalf of its residential and non-residential electricity and gas ratepayers pursuant to the Act and the Rules; and

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

WHEREAS, the E-Procurement Act allows municipalities in the State of New Jersey to purchase commodities and services, including energy supply, through online bidding and reverse auction programs approved by the DCA without the requirement of the traditional public advertisement and bidding requirements contained in the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, pursuant to the Prior Resolution, the Township appointed Commercial Utility Consultants, Inc. ("CUC") to assist the Township with the selection of a third-party energy supplier in connection with its energy aggregation program through the use of CUC's Reverse Energy Auction Platform pursuant to the E-Procurement Act; and

WHEREAS, the Township believes that it will benefit from the assistance of CUC, which has been approved by the New Jersey Board of Public Utilities ("BPU") to serve as an Energy Agent as defined in the Rules, with the GEA Program; and

WHEREAS, CUC has agreed to serve as the Energy Agent for the Township's GEA Program at no cost to the Township; and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential electricity and gas ratepayers of the Township to appoint CUC to serve as Energy Agent in connection with the GEA Program pursuant to the E-Procurement Act.

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

1. The Township hereby appoints CUC to serve as Energy Agent to assist the Township with the administration of its energy aggregation program, all at no cost to the Township.
2. The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of the Township, any documents necessary to carry out the purpose of this Resolution.
3. All resolutions, or parts thereof, inconsistent herewith are hereby repealed and rescinded to the extent of any such inconsistency.
4. This resolution shall take effect immediately upon adoption.

19. RESOLUTION – APPROVE TEMPORARY TRAILER – ALBRECHT – On motion by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, on August 20, 2013 the home of Eric & Jennifer Albrecht, located at 463 Route 47 North (Block 1, Lot 10), sustained fire damage rendering it uninhabitable, and

WHEREAS, After Disaster Housing Corp., on behalf of the homeowners, is requesting the placement of a temporary trailer to be located in the right side yard of the property while the home is repaired.

NOW THEREFORE BE IT RESOLVED, that authorization for placement of a temporary trailer is hereby granted by the Township Committee, the governing body of the Township of Middle, at the location of Block 1, Lot 10, otherwise known as 463 Route 47 North.

FURTHER RESOLVED, that a copy of this resolution shall be given to the Middle Township Construction, Zoning, and Code Enforcement offices for notification.

FURTHER RESOLVED, that said authorization shall be for a period not to exceed six (6) months from the date of this resolution.

20. RESOLUTION – AUTHORIZING AGREEMENT WITH THE STATE OF NEW JERSEY FOR INSTALLATION OF TRAFFIC CONTROL SIGNAL AT INTERSECTION OF FULLING MILL ROAD AND ROUTE NJ 47 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the governing body passed Resolution 257-11 June 6, 2011, which authorized the agreement with the State of New Jersey for installation of a traffic control signal at the intersection of Fulling Mill Road and Route NJ 47, and

WHEREAS, the Township of Middle received a letter dated August 16, 2013 stated that the originally executed agreement and approving resolution were lost, therefore requiring a new resolution and agreement.

WHEREAS, a traffic condition exists at the intersection of Route NJ 47 and Fulling Mill Road, in the Township of Middle, in the County of Cape May, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents, and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic, and
WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection, and
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 Mayor and Clerk of the said Township of Middle be and hereby is authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof.

21. RESOLUTION – ACCEPTING CORRECTIVE ACTION PLAN – AUDIT 2012 – On motion by seconded by and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following is hereby accepted as the Corrective Action Plan for the 2012 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: Sewer utility commercial properties were not always charged in accordance with the Township Ordinance.*
- b. Analysis: Upon taking over the utility billing by the Tax Collection office, discrepancies were found in the uniform application of the billing of commercial properties.*
- c. Corrective Action: The Township will charge all commercial properties based on the fee ordinance adopted by the Township.*
- d. Implementation Date: July 1, 2013.*

Finding #2:

- a. Description: The Township should only pay employees for amounts they are contractually due.*
- b. Analysis: There were minor discrepancies in payments to two employees who had received salary increases during 2012.*
- c. Corrective Action: The Township will review all payroll contracts/resolutions and compare said contracts for accuracy*
- d. Implementation Date: July 1, 2013.*

Finding #3:

- a. Description: The Township had over expenditures of appropriations in the sewer utility fund and the current fund appropriation.*
- b. Analysis: Outstanding bills for prior years were discovered to be owed, in which the ordering department did not secure proper approvals prior to placing an order, resulting in outstanding invoices unknown to the finance office until the following year.*
- c. Corrective Action: The Township will reinforce the requirement that no orders be placed without first securing all of the proper approvals and having the funds encumbered.*
- d. Implementation Date: July 1, 2013.*

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

22. RESOLUTION – LOCAL FINANCE BOARD – ANNUAL AUDIT OF BOOKS, ACCOUNTS AND TRANSACTIONS – On motion by seconded by 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 2012 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 the 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 or 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.

23. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance, and
WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc., and
WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”, and
WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied.
WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations, and
WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.
FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Constance Dadura	13 Linden Lane	1469 // 2	\$83.60
Jeffrey Bucsek & Debra Mahle	671 Dias Creek Road	164.02 // 15	\$64.39
Helen Pulaski	15 Heritage Drive	212.07 // 11	\$52.94
Keith & Alexis Lockerman	1451 Burleigh Road	1410.01 / 51	\$74.80
Dana Eller	211 W. Pacific Avenue	325 // 5	\$74.80

24. RESOLUTION – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 26, 2013 from 6:00 AM until 7:00 PM (rain date October 27, 2013) for the Harvest Festival is hereby approved.
25. RESOLUTION – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 25, 2013 until 7:00AM on Sunday, October 27, 2013 for the Harvest Festival is hereby approved.
BE IT FURTHER RESOLVED, that in the case that the “rain date” for the event is utilize, this order shall remain until 8:00PM on Sunday, October 27, 2013.
26. RESOLUTION – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00AM and 5:00PM on October 26, 2013 (with a rain date of October 27, 2013 from 12 noon until 5:00PM), and
WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival, and
WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle, and
WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 26, 2013 between the hours of 10:00AM and 5:00PM (or as stated in event a “rain date” is utilized) in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey.

FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.

27. RESOLUTION – AMENDING CONTRACT THROUGH NON-FAIR AND OPEN PROCESS – LOMAX CONSULTING GROUP – SEWER SERVICE AREA ANALYSIS – On motion by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle entered into an agreement with Lomax Consulting Group for a sewer service area analysis, as approved via Resolution 235-13, and

WHEREAS, the need to amend said agreement has been presented, to include the review of additional properties that were not originally identified in the original request.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between The Lomax Consulting Group and the Township of Middle for Sewer Service Area Analysis, be and is hereby amendment and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

*The Lomax Consulting Group – Sewer Service Area Analysis –
Not to exceed a total contract amount of \$2,955.00*

28. RESOLUTION – CLOSED SESSION – CONTRACT NEGOTIATIONS (UAW, PBA, and TEAMSTER UNIONS) - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

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

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

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

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

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

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

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

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

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

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

29. RESOLUTION – AUTHORIZING LEASE UNDER STATE CONTRACT FOR COPY MACHINE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to lease various copy machines and a printer for the Township of Middle, in the County of Cape May, State of New Jersey; and

WHEREAS, machines will be leased for the following department:

1. Police Department

WHEREAS, this can be leased through State Contract # T437A, and

WHEREAS, public bids are not required when the purchase is under State Contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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

De Lage Landon Financial Services Inc.

Lease Processing Center

1111 Old Eagle School Road, Wayne, PA 19087

For the lease/purchase of copier machines/ printer for 63 months in the about of \$655.55 per month.

30. RESOLUTION - RATIFY SHARED SERVICES AGREEMENT WITH SEA ISLE CITY FOR ANIMAL CONTROL SERVICES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Shared Services Agreement between Sea Isle City and the Township of Middle for Animal Control Services effective January 1, 2013 through December 31, 2013, be and is hereby ratified.

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

31. RESOLUTION - AUTHORIZING THE RELEASE OF CERTAIN PERFORMANCE BONDS AND AMENDING REQUIREMENTS RELATIVE TO THE POSTING OF CERTAIN MAINTENANCE BONDS CONCERNING THE LINKS AT AVALON – On motion by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle previously required that KHOV post certain performance bonds relative to the construction of a Condominium complex and certain amenities located at and commonly known as the Links at Avalon, which bonds are itemized as follows:

*K. Hovnanian Company Northeast Middle Township File #012319SB
110 Fieldcrest Ave., CN 7825*

*Edison, NJ 08818-7825
Performance Bond ID #929276465 The Continental Insurance Co.*

*(Original Amt. \$2,096,551.50)
Balance Remaining \$ 349,425.25*

*5820 Canogo Ave., #200
Woodland Hills, CA 91367*

*Performance Bond ID #8691956 Fidelity & Deposit Company of
(Original Amt. \$1,932,322.50) Maryland*

*Balance Remaining \$ 578,334. 38
3910 Keswick Road*

Baltimore, MD 21211

and;

WHEREAS, subsequent to the issuance of that resolution and posting of that bond by KHOV all items to be secured therein have been fully performed by KHOV; and

WHEREAS, the Links at Avalon Condominium Association, Inc. has advised the Township that all items described in the performance bond have been fully and satisfactorily performed by KHOV; and

WHEREAS, the said Condominium Association has further advised that KHOV has performed all obligations which would have been required under the proposed maintenance bond; and

WHEREAS, the said Condominium Association and KHOV have requested that the Township release the aforementioned performance bonds and negate the requirement relative to the

Maintenance Bond and both have executed formal releases to the Township in this regard; and

WHEREAS, KHOV has paid all professional escrow fees required of it in conjunction with this

project;

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

1. The Performance bonds articulated above may be and are hereby released.

2. The requirement that a maintenance bond be posted is hereby negated for the reasons set forth above.

32. RESOLUTION - APPOINTMENTS – CROSSING GUARDS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

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

<i>NAME</i>	<i>DEPARTMENT</i>	<i>TITLE</i>	<i>SALARY</i>	<i>EFF. DATE</i>
<i>John Beers</i>	<i>Public Safety</i>	<i>Crossing Guard</i>	<i>\$1.00</i>	<i>09/03/2013</i>
<i>Kathleen Mazzio</i>	<i>Public Safety</i>	<i>Crossing Guard</i>	<i>\$1.00</i>	<i>09/03/2013</i>

33. PUBLIC COMMENT:

Motion to enter executive session –
1st 2nd
Pass on Roll Call:

Motion to return to open meeting –
1st 2nd
Pass on Roll Call:

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