

Cape May Court House, NJ
July 6, 2015
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 Donohue, Committeemember Lockwood, Committeemember Clark, Township Clerk Kimberly Krauss, and Municipal Solicitor Marcus Karavan.

1. QUESTION/ANSWER PERIOD ON AGENDA (This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)
No Public Comment
2. RESOLUTION 291-15 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills)
– On motion by Committeemember Clark seconded by Committeemember 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, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$878,217.88
3. RESOLUTION 292-15 – APPROVING PAYMENT FOR BILLS – BILL LIST B (Anzelone/LC Equipment) – On motion by Committeemember Clark seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. ***Committeemember Lockwood Abstain**
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$1,134.00
4. RESOLUTION 293-15 – APPROVING PAYMENT FOR BILLS – BILL LIST C (Kelly Products) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted. ***Mayor Donohue Abstain**
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$191.80
5. RESOLUTION 294-15 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember Clark seconded by Committeemember 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, the governing body thereof, that the following minutes are approved: Work Session 06/15/2015, Board of Health 06/15/2015, Regular Meeting 06/15/2015 and Closed Session 06/15/2015.
6. REPORTS: The following departments have submitted their reports for the months indicated: Zoning for the month of June; Construction for the month of June; Tax Collector for the month of June; Sewer for the month of June; Municipal Clerk for the month of June.
7. ORDINANCE NO. 1507-15 - AN ORDINANCE AMENDING CHAPTER 112, ENTITLED “CONSTRUCTION CODES, UNIFORM” OF THE CODE OF THE TOWNSHIP OF MIDDLE, ORIGINALLY ADOPTED ON JANUARY 6, 1977 AS ORDINANCE NO. 325-76 AND ALL AMENDMENTS THERETO – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1507-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/03/2015 at 6:00 p.m.
BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that CHAPTER 112 of the CODE OF THE TOWNSHIP OF MIDDLE be and is hereby amended as follows:
SECTION 1: Section 112-2, entitled “Fees”, shall be stricken in its entirety. The following shall be substituted in its place as Section 112-2:
A. Fees shall be in accordance with Uniform Construction Code as contained in New Jersey Administrative Code Section 5.2–4.20, a copy of which is annexed hereto and made a part hereof as if set forth at length, together with any and all New Jersey Administrative Code cites referred to N.J.A.C. 5.2-4.20. DEPARTMENT FEES
B. Any change in fee structure or charges in the Uniform Construction Code, N.J.A.C. 5.2-4.20, shall be deemed to be, and are hereby, incorporated herein without the need of resolution or other authorization by the governing body of the Township of Middle.
C. The Construction Official shall, with the advice of the sub-code officials, prepare and submit to the Township Committee, biannually, a report recommending a fee schedule based on the operating expenses of the agency and other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act (See N.J.S.A. 52:2-11, et seq.)

D. The administrative surcharge for private, on-site inspections and plan review agencies pursuant N.J.A.C. 5: 2-4.1 (j) shall be fifty (50 %) percent of the appropriate State of New Jersey sub-code fee schedule.

E. No person shall be charged a construction permit fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure.

F. Certificates of occupancy for all new construction will not be issued until a surveyor’s plot plan, certifying as to the exact location of all structures on said premises, is submitted together with a complete application.

SECTION 2: Any 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 or 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. RESOLUTION 295-15 – RELEASE OF TRUST ACCOUNTS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and
- WHEREAS, the applicants are entitled to a refund of this money.
- NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.
9. RESOLUTION 296-15 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and
- WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc.; and
- WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”; and
- WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and
- WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and
- WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
- NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby 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
Smith, James T. Sr. and Linda A.	44 Church Road	1432 // 19	\$417.51
Ball, Florine	2009 Route 9 South	1047 // 6	\$182.94
Libby, Elizabeth M. (Trustee)	14 3 rd Avenue	329.01 // 21	\$202.41
Drosey, Maryann T. & Rybicki, Mark E.	219 E. Shellbay Avenue	341 // 9	\$216.32
King, Robert S. and Rosalie E.	124 Indian Trail	208 // 4	\$196.85
Dadairo, Stephen & Sanford, Joan	136 Indian Trail	206 // 5	\$182.94
Chropka, James M. and Paula J.	108 Indian Trail	208 // 11	\$182.94
Shaw, Carles F. and Jeanette B.	135 Holly Drive	1431.05 // 6	\$148.59

10. RESOLUTION 297-15 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – PIERCES POINT DRAINAGE INVESTIGATIONS AND IMPROVEMENTS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, on January 6, 2015 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2015 as Resolution No. 06-15, and
- 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 engineering contract administration and inspection services as following: Remington, Vernick & Walberg Engineers
Pierces Point Drainage Investigation and Improvements
Not to Exceed \$6,000.00

11. RESOLUTION 298-15 – TABULATION COMMITTEE – COLLECTION OF MUNICIPAL COURT AND TRAFFIC FINES – On motion by Committeemember Clark seconded by Committeemember 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 Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Temporary Chief Finance Officer John Clifford, be and hereby are appointed to tabulate the bids to be taken on August 12, 2015 at 1:00 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
COLLECTION OF MUNICIPAL COURT AND TRAFFIC FINES
12. RESOLUTION 299-15 – AUTHORIZING GRANT APPLICATION – JOHN TAYLOR BABBITT FOUNDATION – AUTOMATIC EXTERNAL DEFIBRILLATOR - On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle desires to apply for and obtain a John Taylor Babbitt Foundation grant for the purchase of an automatic external defibrillator.
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 of Middle does hereby authorize the application for such a grant.
FURTHER RESOLVED, that Tammy Devitt is named as the Contact Person and that the appropriate officials are hereby authorized to sign said documents.
13. RESOLUTION 300-15 – AUTHORIZING ACCELERATED TAX SALE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and
WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and
WHEREAS, the annual accelerated tax sale for the Township of Middle is scheduled to be held on December 16, 2015; and
WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and
WHEREAS, it is the desire of the Township of Middle to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with the said sale; and
WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; and
WHEREAS, ordinance number 1354.10 of the Township of Middle states the same, and
WHEREAS, N.J.S.A. 54-5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less than fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and
WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;
NOW THEREFORE, BE IT RESOLVED, by the Municipal Governing Body of the Township of Middle in the County of Cape May the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for the calendar year 2015 delinquencies.
BE IT FURTHER RESOLVED, by the Municipal Governing Body of the Township of Middle, that in accordance with N.J.S.A. 54:5-26 the Tax Collector's office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty Five dollars (\$25.00) for each notice mailed; and
BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) dollars for each parcel.
14. RESOLUTION 301-15 through 302-15 – AFFIDAVIT OF TAX SALE POSTING (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
(A) I, Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:
 1. I am the Tax Collector of The Township of Middle, County of Cape May, State of New Jersey.
 2. A tax sale in-lieu of notice was mailed to each parcel listed in the tax sale pre postage paid. The first was mailed on February 5, 2014 and the second was mailed on February 12, 2014
 3. Notice of Tax Sale which was held on March 5, 2014, and published in the Cape May County Herald Times, Rio Grande, New Jersey, on February 19, 2014 and February 26, 2014.
 4. A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:
 1. Middle Township Municipal Hall
 2. Green Creek Post Office
 3. Cape May Court House Post Office
 4. Whitesboro Post Office
 5. Rio Grande Post Office

5. A Notice Of Tax Sale was mailed to the owner of record, whose name appears in the list at the last known address, postage prepaid.
- (B) I, Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:
1. I am the Tax Collector of The Township of Middle, County of Cape May, State of New Jersey.
2. A tax sale in-lieu of notice was mailed to each parcel listed in the tax sale pre postage paid. The first was mailed on November 19, 2014 and the second was mailed on November 26, 2014.
3. Notice of Tax Sale which was held on December 17, 2014, was published in the Cape May County Herald Times, Rio Grande, New Jersey, on December 3, 2014 and December 10, 2014.
4. A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:
1. Middle Township Municipal Hall
2. Green Creek Post Office
3. Cape May Court House Post Office
4. Whitesboro Post Office
5. Rio Grande Post Office
5. A Notice of Tax Sale was mailed to the owner of record, whose name appears in the list at the last known address, postage prepaid.

15. RESOLUTION 303-15 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Clark seconded by Committeemember 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 resignation listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Alexander Castaldi	Public Works	Laborer 1	06/29/2015
Timothy Koebel	Public Safety	P/T Emergency Medical Technician	06/30/2015
Dorothy Mutter	Tax Collection	Keyboarding Clerk 1 P/T	07/10/2015
Albert Mabry	Recreation	Recreation Aide	07/02/2015

16. RESOLUTION 304-15 – APPOINTMENTS – NEW HIRES – On motion by Committeemember Clark seconded by Committeemember 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, 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
Brandy Laun	Public Safety	P/T P.S. Telecommunications Operator - Trainee	\$10.49ph	06/29/2015
Kody Smith	Public Safety	Special Class II Police Officer	\$10.50ph	06/28/2015
Andy Hilvert, Jr.	Public Safety	P/T Emergency Medical Technician	\$10.60ph	07/06/2015
Charles Kaczmariski, Jr.	Public Safety	P/T Emergency Medical Technician	\$10.60ph	07/06/2015
Ryan Donnelly	Public Safety	P/T Emergency Medical Technician	\$10.60ph	07/06/2015

17. RESOLUTION 305-15 through 306-15 – APPROVAL FOR PAYMENT TERMINAL LEAVE (ITEMS A THROUGH B) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- (A) WHEREAS, Alexander Castaldi has resigned with an effective date of June 29, 2015; and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time; and WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.
- Alexander Castaldi
- | | | |
|----------|---------------|---|
| 12 Hours | Personal Time | \$9.77ph |
| 36 Hours | Vacation Time | \$9.77ph |
| | Total: | \$505.00 (inclusive of payroll tax expense) |
- (B) WHEREAS, Jacob Loefflad has resigned with an effective date of June 11, 2015; and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time; and WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below.
- Jacob Loefflad
- | | | |
|-------|-------|---------------|
| 11.5 | Hours | Personal Time |
| 71.25 | Hours | Vacation Time |

153.75 Hours Holiday Time
Total: \$3,629.21 (inclusive of payroll tax expense)

18. RESOLUTION 307-15 through 309-15 – RATIFY AGREEMENT (ITEMS A THROUGH C) –
On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.

A. NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the agreement between the UAW Local 2327 Union and the Township for the term of January 1, 2014 through December 31, 2015.

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

B. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the User Agreement between New Jersey Interoperable Communications System (NJICS) and the Township of Middle be hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

C. WHEREAS, the Township of Middle applied for, and received, a grant in the amount of \$100,000.00 through FEMA and the State of New Jersey, Office of Emergency Management for the installation of a generator.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Sub-Grant Agreement for the Hazard Mitigation Grant Program between the State of New Jersey, Office of Emergency Management and the Township of Middle be hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

19. RESOLUTION 310-15 – APPROVE LEAVE OF ABSENCE – On motion by Committeemember Clark seconded by Committeemember 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 Leave of Absence for James Trexler, for two weeks beginning July 10, 2015, is hereby approved.

20. RESOLUTION 311-15 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeemember Clark seconded by Committeemember 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 discontinuation of temporary appointment listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Bobby Jones	Recreation	Maintenance Worker 1 Grounds P/T T/A	07/02/2015

21. PUBLIC COMMENT:

Mayor Donohue:

- *Acknowledged the absence of Constance Mahon and Marc DeBlasio.*

Committeemember Clark:

- *Attended the Ronald McDonald House Ribbon Cutting for the designation of two rooms at Cape Regional Medical Center.*

- *Attended the Ribbon Cutting of Brookdale Assisted Living Community.*

- *Recognized the successful display of fireworks on Independence Day.*

Committeemember Lockwood:

- *Complimented the new fireworks company on a job well done and quantified that the Township of Middle saved \$1,000 this year by doing business with the new company.*

- *Stated that the new fireworks company created a unique atmosphere by incorporating many other different activities that families enjoyed.*

Mayor Donohue:

- *Gave thanks to the Recreational staff for their hard work on the 4th of July “All American Day.”*

- *Parkway opening North-bound overpass on July 14th, hopefully with most of the work complete before school starts. And, thanked everyone for their patience.*

Committeemember Lockwood:

- *Exit 9 will be the exit to take for Stone Harbor when the North-bound overpass opens.*

Mayor Donohue:

- *Spoke of final paving of Route 9.*

- *Acknowledged Al Mabry’s and Beth Mutter’s resignation and thanked them for their services. He also wished them well on their endeavors.*

Stan Doniger:

- *Asked about the Fireworks Bill.*

Ed Dillio:

- *Thanked Committeemember Clark for attending Veteran Advisory Board Meeting held on June 24, 2015.*
- *Invited press to attend as well.*

Committeemember Clark:

- *Believes it is important that committee attend Veteran Advisory Board Meetings due to the fact that there is a lot taking place.*

Motion to adjourn meeting – 6:15pm

1st Committeemember Clark

2nd Committeemember Lockwood

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