

Cape May Court House, NJ
March 16, 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, Deputy Mayor Lockwood, Committeemember Clark, Business Administrator Constance Mahon, Township Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Municipal Solicitor Marcus Karavan, and Township Engineer Marc DeBlasio.

1. PRESENTATION BY THE MAYOR – MARCH 2015 EMPLOYEE OF THE MONTH – RITA KIRK, PUBLIC WORKS
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.)
Stan Doniger – Questioned items on Bill List: electric bill descriptions and pest control amounts.
3. RESOLUTION 136-15 – 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. \$330,643.54
4. RESOLUTION 137-15 – 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: Regular Meeting 03/02/2015.
5. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Court for the month of February; Construction Official for the month of February;
6. ORDINANCE NO. 1495-15 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188 THEREOF ENTITLED PARKS AND RECREATION, SUBSECTION 9, FEE SCHEDULE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1495-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/20/2015 at 6:00 p.m.
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188 THEREOF ENTITLED PARKS AND RECREATION, SUBSECTION 9, FEE SCHEDULE BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 188 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:
SECTION 1: Chapter 188-9 Fee Schedule shall be further amended to include the following provisions:
Fees for usage of recreational facilities are as follows:

Organization or Use	Fee
Goshen Complex and Martin Luther King Center	
Baseball/softball fields (tournaments)	\$275/day/field
Baseball/softball fields (MTBSA Sponsored tournaments)	\$ 75/day/field
Deposit Required	
1-2 Fields	\$150.00
3-4 Fields	\$300.00
5-6 Fields	\$450.00
With lights	Additional \$50/field

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.
7. ORDINANCE NO. 1496-15 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, Ordinance No. 1496-15 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/20/2015 at 6:00 p.m.
WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5%

unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,
WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,
WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,
WHEREAS, the Township Committee hereby determines that a 2.0% increase in the budget for said year, amounting to \$359,221.66 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,
WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.
NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$628,637.91 and that the CY 2015 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,
BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

8. RESOLUTION 138-15 – INTRODUCTION OF BUDGET BY TITLE ONLY – 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 of the Township of Middle, the governing body thereof, that the 2015 Budget for the Township of Middle by introduced, approved and given first reading by title only.
9. RESOLUTION 139-15 through 140-15 – APPROVE CHANGE ORDER – HOUSING REHABILITATION (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, Housing Rehabilitation Contract No. 2013-17 was awarded February 18, 2015, via Resolution No. 112-15 to Gemini Building Co.;
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Gemini Building Co., be and is hereby approved in the amount of \$1,850.00.
- B. WHEREAS, Housing Rehabilitation Contract No. 2013-19 was awarded March 2, 2015, via Resolution No. 136-15 to Hot Ice Cooling & Heating, LLC;
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Hot Ice Cooling & Heating, LLC, be and is hereby approved in the credit amount of \$749.77.
10. RESOLUTION 141-15 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE	SALARY
Jessica Pearson	Tax Collector	Keyboarding Clerk 1 P/T	Keyboarding Clerk 1 F/T	03/16/2015	\$20,000.00

11. RESOLUTION 142-15 – RELEASE OF PERFORMANCE BOND – POSTING OF MAINTENANCE BOND – ACCEPTANCE OF STREETS – ABERDEEN WAY, LOCHALSH LANE, GLEN COVE COURT, FALKIRK DRIVE – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, the improvements located at Block 1436 Lot 19, otherwise known as The Gatherings at Cape May, constructed by Beazer Homes Corp. is complete, and
WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and
WHEREAS, the Engineer has recommended that the performance bond, in the amount of \$664,147.60 be released, and
WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$276,728.17 for a two-year period effective March 16, 2015.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the release of the performance bond and acceptance of the maintenance bond and guarantee are hereby authorized.

BE IT FURTHER RESOLVED, that Aberdeen Way, Lochalsh Lane, Glen Cove Court and Falkirk Drive be and hereby is accepted into the Township road system for continuous maintenance.

12. RESOLUTION 143-15 – AMENDING RESOLUTION 129-15 – ACKNOWLEDGING ROAD CLOSURE – 12TH ANNUAL TRI THE WILDWOODS – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, DelMo Sports, Inc. is orchestrating a Triathlon, Aquabike, 5K & Kids Splash & Dash on August 29, 2015, and
- WHEREAS, said applicant has requested, which has been approved by the NJDOT, to use the right lane and shoulder closing of Westbound State Highway 147 from the North Wildwood Border to the South Carolina jug handle in Middle Township, and
- WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.
- NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the 12th Annual Tri the Wildwoods sponsored by DelMo Sports, Inc.
- BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.
- BE IT FURTHER RESOLVED, that the closure of the roads as indicated above are hereby acknowledged.

13. RESOLUTION 144-15 – CANCELLATION OF TAXES – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- Property is tax exempt as of January 15, 2015

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	2015 – 1 st ½
14566	1464.01	4	Middle Township Fire District No. 2 Property location: 1116 Route 47 South	\$1,730.46

14. RESOLUTION 145-15 – APPOINTMENT – TRANSITIONAL DUTY COORDINATOR – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, it is critical to develop a method to manage workers’ compensation cases quickly, effectively and fairly with consideration to both employer and employee needs, and
- WHEREAS, it has become important to promote an active process of minimizing the impact of a physical impairment resulting from injury or illness on the individual’s capacity to participate productively in the workplace, and
- WHEREAS, the most important goal in establishing an effective transitional duty program is to return the injured or ill employee back to full duty as soon as possible, and
- WHEREAS, the Township of Middle has adopted such a policy known as the “Transitional Duty Policy”, as outlined and required by the Atlantic County Municipal Joint Insurance Fund, and
- WHEREAS, said policy mandates the appointment of a Transitional Duty Coordinator, to evaluate the work restrictions of employees injured on-the-job to determine if the employee can be assigned transitional duty, as outlined in the ACMJIF Transitional Duty Policy, 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 opposite their name:

NAME	POSITION	TERM EFFECTIVE
Katherine Keating	Transitional Duty Coordinator	03/11/2015

15. RESOLUTION 146-15 – SOCIAL AFFAIRS PERMIT – FWS FOUNDATION – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
- WHEREAS, the FWS Foundation has applied for approval to sell alcoholic beverages at an event to be held at Sand Barrens Golf Club, 1765 Route 9 North, Swainton, New Jersey 08210, on May 8, 2015 from 6:00pm until 9:00 p.m., and
- WHEREAS, they have provided proper documentation to the Township of Middle,
- NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

16. RESOLUTION 147-15 – APPOINTMENT RENT LEVELING BOARD – 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 person be and are hereby appointed to the term of office opposite their name:

NAME	BOARD	POSITION	TERM EFFECTIVE	TERM EXPIRES
Katherine Keating	Rent Leveling Board	Member at Large	03/16/2015	12/31/2015*
Andrea Iapalucci	Rent Leveling Board	Member at Large	03/16/2015	12/31/2017*
Fred Iapalucci	Rent Leveling Board	Member – Owner	03/16/2015	12/31/2015*

*Filling unexpired term of office.

17. RESOLUTION 148-15 - AWARD CONTRACT UNDER STATE CONTRACT – TELECOMMUNICATIONS EQUIPMENT & SERVICES - VOIP – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, Resolution No. 08-15 authorized the Township of Middle to purchase with vendors with State contracts for CY 2015, and
 WHEREAS, the Township of Middle currently utilizes VOIP Networks for telecommunications equipment and services, and
 WHEREAS, said services are available under State Contract No. T-1316.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between VOIP Networks and the Township of Middle for telecommunications equipment and services be and is hereby ratified, and said contract is hereby awarded under State Contract No. T-1316.
 BE IT FURTHER RESOLVED, that the contract is for a coverage period from 04/01/2015 through 04/01/2020, with funds certified yearly by the Chief Financial Officer or designee.
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
 VOIP Networks – Township of Middle Public Works Bldg \$4,407.64 annual contract
 VOIP Networks – Township of Middle / All Others \$9,133.63 annual contract
18. RESOLUTION 149-15 – APPROVE TRANSIENT MERCHANT VENDOR LICENSE – JAMES R. BROWN DBA JIM’S MISTER SOFTEE OF CAPE MAY COUNTY, LLC. – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, James R. Brown dba Jim’s Mister Softee of Cape May County, LLC has applied for a Vendor’s License to operate an ice cream truck in Middle Township,
 WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.
 THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from March 16, 2015 through December 31, 2015.
19. PUBLIC HEARING – PERSON TO PERSON TRANSFER – CAMPGROUND LICENSE NO. 12
20. RESOLUTION 150-15 – APPROVING PERSON TO PERSON TRANSFER OF CAMPGROUND LICENSE NO. 12 – GREEN HOLLY LLC, AND FURTHER APPROVING 2015 CAMPGROUND LICENSE RENEWAL – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle has received an application for a Person to Person campground license transfer, and
 WHEREAS, Effective 12/28/2014 Green Holly Camping Resort, Inc., under the previous ownership of Charles Leavitt, has been transferred under the new name ownership of Green Holly LLC., and
 WHEREAS, Charles Leavitt is the holder in good standing of Campground License # 12, Green Holly Campground, located on Block 51, Lot 74, also known as 335 Swainton-Goshen Road, CMCH, and
 WHEREAS, all legal requirements for said transfer have been fulfilled.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Campground License # 12 be and hereby is transferred into the name of Green Holly LLC.
 BE IT FURTHER RESOLVED, that Campground License #12 is also hereby renewed for calendar year 2015.
21. PUBLIC HEARING – PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0506-33-009-007
22. RESOLUTION 151-15 – AUTHORIZING AND APPROVING THE APPLICATION FOR THE PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 0506-33-009-007 FROM ATKINSONS TAVERN INC. TO 9 SOUTH BAR & RESTAURANT – On motion by Committeemember Clark seconded by Committeemember Lockwood and passed on roll call, the following resolution was adopted.
 WHEREAS, application has been made to the Township Committee, of the Township of Middle, in the County of Cape May of the State of New Jersey, to permit the Person to Person transfer of Liquor License No. 0506-33-009-007 from Atkinsons Tavern, Inc. to 9 South Bar & Restaurant, LLC.
 WHEREAS, said application for such Person to Person transfer was duly advertised as required by N.J.A.C. 13:2-7.4 with Affidavits of Publication of said notice having been filed in the Office of the Township Clerk, and
 WHEREAS, the submitted application form is complete in all respects, and
 WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and Regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33, and
 WHEREAS, no objections have been filed, in writing or verbally by any person that would prevent such application being approved.
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the said application for the Person to Person Transfer, as stated above for Liquor License No. 0506-33-009-007 from Atkinsons Tavern, Inc. to 9 South Bar & Restaurant, LLC.
 be approved and shall become effective 03/17/2015.

-Economic Development, Tax Rebate Card Program – contract currently under review by Solicitor, donations of \$5,000 received from Cape Bank, Sunshine Dentistry, Rio Auto Body for startup costs of program.

Committeemember Lockwood:

-Recognized Mayor Donohue as new president of the CMC League of Municipalities

Bobby Harrison:

Mentioned request for Temporary Trailer on property of house which recently burnt.

Kimberly Krauss:

*Application was received late Friday by Zoning Office and is currently under review.
Committee can make verbal approval once the application is satisfied by the Zoning Office.*

Kimberly D. Krauss, Township Clerk

Motion to Adjourn Meeting – 6:43pm

1st: Committeemember Clark

2nd: Committeemember Lockwood

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