

Cape May Court House, NJ  
October 17, 2016  
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 Clark, Deputy Mayor DeVico, Committeemember Donohue, Township Clerk Kimberly Krauss, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio.

1. PROCLAIMING THE MONTH OF OCTOBER AS INTERNATIONAL WALK TO SCHOOL MONTH
2. PROCLAIMING OCTOBER 9-15, 2016 AS FIRE PREVENTION WEEK
3. PRESENTATION BY THE MAYOR – OCTOBER EMPLOYEE OF THE MONTH – KRYSTEL ARANA
4. 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.*)
5. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion 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. \$347,470.20*
6. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST B – 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. \$7,485.00*
7. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion 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: Regular Meeting 10/03/2016.*
8. REPORTS: The following departments have submitted their reports for the months indicated: Construction for the month of September; Zoning for the month of September; Sewer Billing for the month of September; Sterback Harbor for the month of September; Tax Collector for the month of September; and Municipal Clerk for the month of September.
9. ORDINANCE NO. 1535-16 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 204, ENTITLED SEWERS – Following second reading, hearing, and consideration for adoption, Ordinance 1535-16 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. Chapter 204, of the Code of the Township of Middle is hereby amended to include the following:*  
*204-19. Meters for Irrigation.*  
*Commercial properties in the Township shall be permitted to install a separate water meter solely for measuring water used for irrigation. Water measured through this separate irrigation meter shall be exempt from sewer billing.*  
*SECTION 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.*  
*SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.*  
*SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.*
10. ORDINANCE NO. 1536-16 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 46, ENTITLED POLICE DEPARTMENT, ARTICLE IV, DIVISION OF CODE

ENFORCEMENT – Following second reading, hearing, and consideration for adoption, Ordinance 1536-16 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. Chapter 46, of the Code of the Township of Middle is hereby amended to include the following:*

**46-19 DIVISION OF CODE ENFORCEMENT, GENERAL**

*There is hereby established Division of Code Enforcement within the Police Department. The division’s primary function shall be enforcement of the ordinances of the Township of Middle, including but not limited to animal control, property maintenance and zoning and planning. In executing that function the Division of Code Enforcement may call upon the sworn Police Department or other law enforcement officers for such assistance as is necessary.*

**46-20 CODE OFFICERS AND STAFF**

*All civilian code enforcement officers shall be appointed by the Chief of Police, with the advice and consent of the Township Committee. The Division of Code Enforcement shall be staffed with such further civilian code enforcement officers and civilian clerical staff as, from time to time, are appointed by the Chief of Police with the advice and consent of the Township Committee. Each Code Enforcement Officer appointed hereunder shall be considered a "code enforcement officer" as that term is used in Rule 7:2-2(a)(3) of the New Jersey Court Rules.*

**46-21 LINE OF AUTHORITY**

*All code enforcement officers and clerical staff of the Division of Code Enforcement shall report to the Chief of Police. The Chief shall develop of Standard Operating Procedure outlining the respective duties and responsibilities of the Code Enforcement Officers and setting operational priorities.*

**46-22 APPLICABILITY OF POLICE DEPARTMENT ORDINANCES**

*Except as otherwise specifically may be set forth in the ordinances of the Township of Middle, or by the laws of the State of New Jersey, all ordinances governing the Middle Township Police Department also shall govern the Division of Code Enforcement. The Chief of Police, in his sole and absolute discretion, may exempt the Division of Code Enforcement from coverage of any or all portions of the Middle Township Police Department rules and regulations (also known as the “Police Manual”). The Code Enforcement Official and the subordinate code enforcement officers and clerical staff of the Division of Code Enforcement shall not be deemed to be sworn members of the Police Department within the meaning of any provision of Title 40A, Chapter 14, of the Revised Statutes of New Jersey.*

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

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

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

11. RESOLUTION – APPOINTMENT – SHADE TREE COMMISSION – 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 term of office opposite their name:*

NAME	BOARD	POSITION	TERM EFFECTIVE	TERM EXPIRES
Barbara Collins	Shade Tree Commission	Member	10/17/2016	12/31/2018*

\* Filling unexpired term of office.

12. RESOLUTION – REFUND OF TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the following refund is due to the homeowner listed below who has been granted 100% disabled American Veteran status as of August 30, 2016 by the Cape May County Board of Taxation.*

ACCT	BLOCK	LOT	OWER/LOCATION	2016
3196	164.02	14	Mixon, Raymond D & Carole M 669 Dias Creek Road Cape May Court House, New Jersey 08210  Property location: 669 Dias Creek Road	\$436.22

*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Chief Financial Officer is instructed to draw check \_\_\_\_\_ in the above noted amount payable to the above mentioned party, as a refund of 2016 taxes.*

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

13. RESOLUTION – CANCELLATION OF TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, the following taxes are cancelled due to the individual listed below being granted 100% disabled American Veteran status by the Cape May County Board of Taxation as of August 30, 2016.

ACCT	BLOCK	LOT	OWNER/LOCATION	2016	2017
3196	164.02	14	Mixon, Raymond  Property location: 669 Dias Creek Road	\$1,529.15	\$2,168.82

14. RESOLUTION – AUTHORIZING CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE	SALARY
Mariah Fishman	Construction / Zoning	Keyboarding Clerk 1 P/T T/A	Keyboarding Clerk 1 P/T	10/06/2016	\$10.00ph

15. RESOLUTION – APPOINTMENT – NEW HIRE – 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 employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Trevor R. MacCormack	Public Safety	Special Class II Police Officer	\$13.00ph	10/12/2016

16. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by \_\_\_\_\_ seconded 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; 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
Di Gori, Elizabeth	304 1 <sup>st</sup> Avenue	342 // 21	\$253.67
Berardi, Fausto	1207 Route 9 North	104 // 3	\$188.49
Nation Star Mortgage, LLC	208 Pennsylvania Avenue	1515 // 6	\$202.41

17. RESOLUTION – RELEASE OF TRUST FUNDS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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.

18. RESOLUTION – CHANGE IN WORK SCOPE – CONTRACT #2016-5 – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, the above listed project was awarded August 1, 2016, via Resolution No. 319-16 to H.J. Graber Contractors in the amount of \$5,950.00.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the contract for the Home Rehabilitation Program be and hereby changed in work scope as reflected in the attached Change Order #1 for the project awarded to H.J. Graber Contractors, be and is hereby approved.

19. RESOLUTION – TABULATION COMMITTEE – 2016 ROAD PROGRAM – 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 Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Purchasing Agent Josh Niemann, be and hereby are appointed to tabulate the bids to be taken on November 16, 2016 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:  
2016 ROAD PROGRAM

20. RESOLUTION – APPROVE NJ DCA REQUIRED CY 2016/SFY 2017 BEST PRACTICE INVENTORY PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, the State’s Fiscal Year 2017 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (“Division”) to determine how much of each municipality’s final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory (“Inventory”) to be completed by each municipality, and*  
*WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability and transparency, and*  
*WHEREAS, one requirement of said Act is that the governing body consider the Inventory at a public meeting, a copy of which has been attached to and is made part of this resolution, and*  
*WHEREAS, all members of the governing body have received and have familiarized themselves with said Inventory.*  
*NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that*  
1. *The appropriate parties are hereby authorized to sign the “Best Practices” Worksheet and Certification Form, certifying as to the accuracy of the information provided in the CY 2016 / SFY 2017 Best Practices Inventory.*  
2. *That the Township Clerk is hereby authorized to sign the document as required, certifying that the CY 2016 / SFY 2017 Best Practice Inventory was discussed publicly at the Township Committee Meeting held on October 17, 2016.*
21. RESOLUTION – AUTHORIZING APPLICATION – PETSMART CHARITIES GRANT APPLICATION (SPAY/NEUTER FOR FREE-ROAMING CATS) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, the Township of Middle desires to apply for and obtain a grant from PETSMART Charities for approximately \$32,000.00 to carry out a free-roaming cat spay and neuter program within the township.*  
*NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the application for such a grant, and*  
*BE IT FURTHER RESOLVED, that the Township of Middle hereby recognizes and accepts that the organization may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from said organization, does further authorize the execution of any such grant agreement; and also, further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and PETSMART Charities*  
*BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith:*
22. RESOLUTION – AUTHORIZING SIGNATURE – NJ DOT UTILITY OPENING PERMIT - 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 appropriate township officials are hereby authorized to sign the NJ DOT Utility Permit, in connection with the Grassy Sounds Sewer Project.*  
*BE IT FURTHER RESOLVED, that the Finance Office shall also process payment in the amount of \$395.00, made payable to NJ Department of Transportation, in connection therewith.*
23. RESOLUTION – ESTABLISHING STERBACK HARBOR DREDGING PROJECT INSTALLMENT PLAN – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, on May 16, 2016 the governing body of the Township of Middle at a public meeting voted to accept the total costs and terms of the Sterback Harbor Dredging Special Assessment, and*  
*WHEREAS, the total cost of the project to be assessed is set at \$1,136,625.00, which was apportioned by the special assessment board and authorized for a period of 15 years, and*  
*WHEREAS, N.J.S.A. 40:56-35 states in any municipality in which the local improvement is being financed by the sale of bonds, the governing body may provide that the assessments may be payable in yearly or quarterly installments, with legal interest thereon, over a period of years up to but in no event exceeding the period of years for which the bonds were issued, or for 20 years, whichever shall be less, and at such time in each year as the governing body shall determine. The governing body may fix the yearly installments in such amounts as in its opinion are equitable and just; and*  
*WHEREAS, the governing body of the Township of Middle has complied with the Local Bond Law N.J.S.A. 40A:2-1, et seq.*  
*NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the assessments for each property are hereby set forth above.*  
*BE IT FURTHER RESOLVED that the amount due by each property owner is attached hereto.*  
*FURTHER RESOLVED, that an installment plan not to exceed 15 years, beginning August 1, 2016, is authorized, and that there be a ten day grace period free of interest, after which time interest will accrue on the unpaid installment at the delinquent rate of the municipality.*  
*BE IT FURTHER RESOLVED, that if any installment is not paid, that installment will be subject to sale of unpaid municipal liens.*  
*BE IT FURTHER RESOLVED that a certified copy of this resolution is provided to the Tax Collector.*

