

Cape May Court House, NJ
April 18, 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, Business Administrator Constance Mahon, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio. *Deputy Township Clerk Suzanne Stocker was absent.*

1. MOMENT OF SILENCE FOR TOM AMENHAUSER – BROTHER OF JIM AMENHAUSER, CODE ENFORCEMENT OFFICER
2. PRESENTATION BY MAYOR – APRIL EMPLOYEE OF THE MONTH – SAL DESIMONE
3. 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.)

John Marsella, Court House South Dennis Road:

- *Were there any concerns with the reports on item #5?*
- *Item #15, the new hire, is that a new position?*

Constance Mahon:

- *No, nothing glaring regarding the reports.*

Committeemember Donohue:

- *There was a transfer from the records department to the courts.*
- *Filling in the position in the records department.*

Stanley Doniger, Rio Grande:

- *Questioned the bill list and why a private inspection station was used over the state inspection station or the one located in the township.*

Committeemember Donohue:

- *There are some inspections that can't be done at certain stations.*

4. RESOLUTION 159-16 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeemember Donohue seconded by Committeemember DeVico 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. \$760,391.25
5. RESOLUTION 160-16 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: Regular Meeting 04/04/2016.
6. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of March, Zoning for the month of March, Sewer Collection for the month of March, Tax Collector for the month of March, Construction for the month of March,
7. ORDINANCE 1524-16 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) – Following second reading, hearing, and consideration for adoption, Ordinance 1524-16 was adopted on motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
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 0% 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 CY2016 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 3.5% increase in the budget for said year, amounting to \$633,222.51 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 CY2016 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 \$633,222.51 and that the CY2016 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.

No Public Comment

8. ORDINANCE 1525-16 – BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 1478-14 (WHICH PROVIDES FOR ROAD DRAINAGE AND IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ON JULY 21, 2014, TO AMEND THE DESCRIPTION SET FORTH THEREIN – Following second reading, hearing, and consideration for adoption, Ordinance 1525-16 was adopted on motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The bond ordinance of the Township of Middle, in the County of Cape May, State of New Jersey (the "Township"), heretofore finally adopted by the Township Committee on July 21, 2014, numbered 1478-14 and entitled, “BOND ORDINANCE PROVIDING FOR ROAD DRAINAGE AND IMPROVEMENTS IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF” (the "Original Ordinance"), which Original Ordinance is hereby amended such that Section 3(a) thereof is hereby amended to read as follows:

“SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which the bonds or notes are to be issued, include but are not limited to, the reconstruction and repaving of the Township’s roadways, installation of curbs, sidewalks, handicap ramps and miscellaneous storm sewer and drainage improvements and various improvements to Robert “Ockie” Wisting Recreation Complex, including but not limited to, the construction or improvements of, as applicable, a band shell, nature trails, bathroom/comfort station (and associated utilities), a fishing pier and other recreational amenities for said complex and various additional park or recreational improvements, and, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.”

SECTION 2. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 3. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 4. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

No Public Comment

9. ****TABLED**** RESOLUTION 161-16 – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – FEMA HAZARD MITIGATION GRANT PROGRAM – EMERGENCY GENERATOR – On motion by seconded by 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 2016 as Resolution No. 46-16, 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 and construction observation services for the following:

Remington, Vernick & Walberg Engineers
Survey & Engineering Services and
Construction Observation Services
FEMA Hazard Mitigation Grant Program
Emergency Generator
Not to Exceed \$20,000.00

10. RESOLUTION 162-16 – THE TOWNSHIP OF MIDDLE CONSENTING TO THE COUNTY OF CAPE MAY PURCHASE OF LAND KNOWN AS BLOCK 1, LOT 21, ALSO KNOWN AS 425 ROUTE 47 SOUTH, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the Cape May County Agriculture Development Board has granted final approval for the purchase of a Development Easement on property owned by Estate of Ricksom Robbins/Myers Farm designated as 30 acres, Block 1, Lot 21, also known as 425 Route 47 South, Goshen, New Jersey 08218, Cape May County, New Jersey, and on the Official Tax Map of the Township of Middle;

WHEREAS, the Board of Chosen Freeholders of the County of Cape May has entered into a contract to purchase said easement;

NOW, THEREFORE, BE IT RESOLVED by the Township of Middle and the County of Cape May, has reviewed the aforesaid application, pursuant to N.J.A.C. 2:76-6.10 (a) 4, and the best interest of the Township approves the application and the purchase of the development easement of the property designated as Block 1, Lot 21, 33 acres, Township of Middle, Cape May County, New Jersey.

11. RESOLUTION 163-16 – APPROVAL FOR PAYMENT TERMINAL LEAVE – MADONNA SILL – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, Madonna Sill retired with an effective date of April 1, 2016; 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:

Madonna Sill

12.25 Hours Comp Time

9.0 Hours Personal

41.5 Hours Sick

62.75 Hours Total

Total: \$1,689.83 (inclusive of payroll tax expense)

12. RESOLUTION 164-16 – AUTHORIZING ACCELERATED TAX SALE – On motion by Committeemember Donohue seconded by Committeemember DeVico 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 14, 2016; 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 2016 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.

13. RESOLUTION 165-16 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeemember Donohue seconded by Committeemember DeVico 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	BOARD	POSITION	EFFECTIVE
Michael Hajek	Ethics Board	Member	04/12/2016

14. RESOLUTION 166-16 – SALARY AMENDMENT – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the salary for the employee indicated below is hereby amended and shall be referenced as follows:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Joseph Eagan, IV	Public Safety	P/T Telecommunication Operator	\$15.00ph	03/01/2016
William A. Belles, IV	Public Safety	P/T Telecommunication Operator	\$15.00ph	03/01/2016
Jeremy Embs	Public Safety	P/T Telecommunication Operator	\$15.00ph	01/29/2016

15. RESOLUTION 167-16 – REFUND OF CONSTRUCTION PERMIT FEE OVERPAYMENT – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, a refund is due, as a result of overpayment by the builder,
Stone Harbor Crossings
\$12,789.00

Please make check payable and send to:

Haven Homes Builders

c/o Scott Rote

312 31st St.

Brigantine, NJ 08203

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw a check in the above noted amount payable to the above mentioned party, as a refund of overpaid construction permit fees,

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

16. RESOLUTION 168-16 – APPOINTMENTS – NEW HIRE – On motion by Committeemember Donohue seconded by Committeemember DeVico 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 salaries opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Margo Silcox	Public Safety	Keyboarding Clerk 1	\$22,000.00	04/19/2016

17. RESOLUTION 169-16 – RELEASE OF PERFORMANCE BOND – COMTOM, LLC. – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, \$20,800.98, is being held as a performance guarantee for COMTOM, LLC, for site improvements at Block 1, Lot 16, otherwise known as 445 Route 47 North, and

WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed; and

WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released; and

WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$20,800.98 is hereby released.

18. RESOLUTION 170-16 – CLOSED SESSION – CONTRACT NEGOTIATIONS (PBA UNION) – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

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.

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

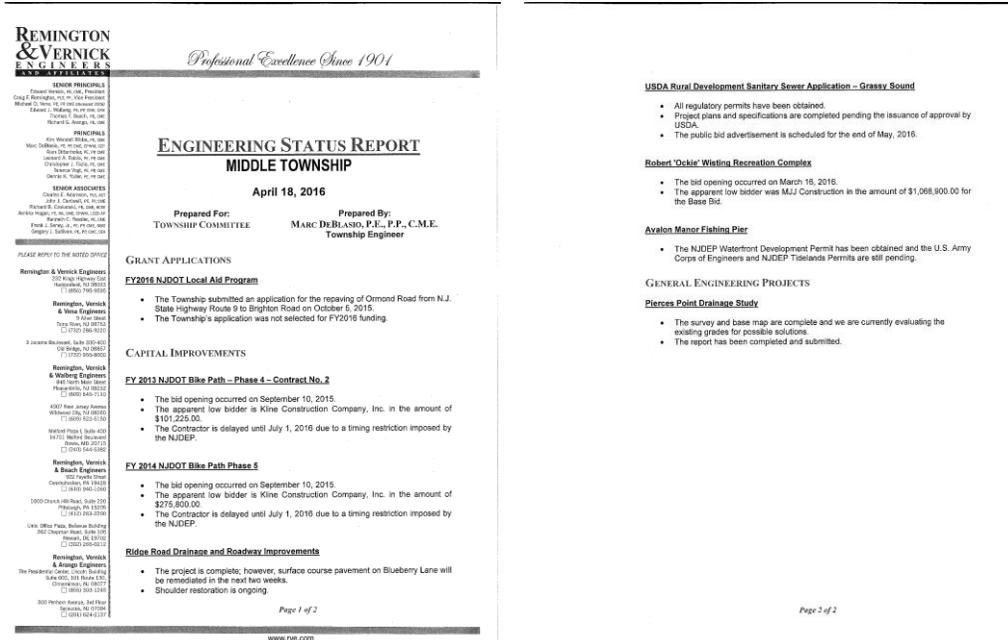
WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist; and

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 (PBA UNION)**
- 2.) The general nature of the subject matter to be discussed is as follows: **CLOSED SESSION – CONTRACT NEGOTIATIONS (PBA UNION)**
- 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.

19. PUBLIC COMMENT:



John Marsella, Court House South Dennis Road:

- Bike path's public safety concern.
- 10 feet is necessary.
- Requests the township get a grant for a refurbished generator.

Committeemember Donohue:

- It is not possible to get a grant for refurbished generator.

Committeemember DeVico:

- There are certain rules.

John Lapworth, Railroad Avenue in Rio Grande:

- Concerned with bike path on his property.
- Resolution to protect homeowners and their property value that is going down.
- Is in disagreement with bike path being widened to 10 feet.

Ed Dillio, Stagecoach Road in Cape May Court House:

- Unhappy with work done on Stagecoach Road.
- Questioned the amount of electricity coming in from the generator.
- It is a lot of money.

Marc DeBlasio:

- Budget is based on similar sized generators.
- 45 kilowatts.
- Going out to bid, hopefully it comes out lower.

Tom Fitzgerald, Railroad Avenue in Rio Grande:

- Impression that the bike path is starting on the 1st of July.

Marc DeBlasio:

- Restrictions by NJDEP require work start after July 1st.

Anne Fitzgerald, Railroad Avenue in Rio Grande:

- Consider property values of homeowners regarding the bike path.

Mayor Clark:

- Upcoming golf tournament.
- Attended the health and safety breakfast sponsored by JIF in Vineland.
- Thanked Sean, Vera, and Kim for doing a good job keeping our employees healthy, fit, and safe.
- Also attended the Police Unity Tour Beef and Beer at the Bellevue, there will be about eight officers going down to the run, it's a great thing.
- Appeared at Middle Township's Baseball Opening Day at Goshen, threw the first pitch.
- Family Promise is a great organization who raises awareness and concerns that affect the homeless in our area.
- Had the privilege of attending the swearing in of two Judges; Michael Donohue and James Pickering.

- *Attended the Chamber of Commerce Installation Dinner where their business person of the year award was given.*
- *A lot of great businesses in our community were recognized for their contributions to Middle Township.*
- *Upcoming events: Coast Guard Community Day May 6-8.*
- *Thanked Frank Corrado for how well he handled the matter for Middle Township regarding Hideaway Beach in Superior Court.*
- *Has been working to send a letter to the state from the Township Committee regarding Kindle & Burke properties recommending inclusion to sewer service area. Also thanked Connie and Dan, while he was on committee, for their hard work concerning the subject matter.*
- *Hoping that Tim can bring the township up to speed with roads that are county roads that Middle Township residents are dissatisfied with.*

Committeemember Donohue:

- *Dias Creek Road, Hand Avenue, all of Goshen Road are all on the list to be paved in the near future.*
- *Congratulated Bob Smetlzer, he does a lot of good work in our community.*
- *Shred Day at Public Works on April 30th from 9am to Noon.*

Committeemember DeVico:

- *Thanked everyone who attended the meeting.*

Constance Mahon:

- *Residents may see a black helicopter with a red tail flying around the area, Atlantic City Electric is doing an aerial survey for steel polls that they will be installing.*
- *Letter drafted for signatures concerning site specific amendment for water quality management and sewer service regarding Kindle properties.*
- *Read the letter for the record.*

Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 7:15pm

1st Committeemember Donohue

2nd Committeemember DeVico

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