

Cape May Court House, NJ
May 16, 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. PRESENTATION BY MAYOR – MAY EMPLOYEE OF THE MONTH – JOYCE WEBER
2. PRESENTATION BY MAYOR – MIDDLE MATTERS
 - a. Tom Feraco
 - b. Calvin Back
3. PROCLAMATION – OLDER AMERICANS MONTH
Read into record by Mayor Clark
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.)

Stanley Doniger:

- *Questioned several bills on the bill list.*
- *Wants to know how money is being accounted for.*

John Clifford:

- *Clarified Stanley's concern.*

Constance Mahon:

- *Offered to show Stanley the full purchase order.*

Chief Leusner:

- *Spoke of consolidation of titles and subheadings that were addressed in the past.*
- *Ed Grant wanted to apply headings of accounts to lessen confusion.*

Carl Carmelowitz:

- *Questioned bill list regarding one uniform cleaning and computer classes.*
- *Asked why the township was paying for the fire house's shelving.*

Committeemember DeVico:

- *Uniform cleanings are for mechanics in the Public Works department.*

Committeemember Donohue:

- *Computer classes are given to the seniors at the senior center.*

Constance Mahon:

- *The shelving is for the Construction Office.*
- *The township refers to the Construction Office as the old fire house but it is fact now the Construction Office and no longer a fire house.*

5. RESOLUTION 189-16 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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 payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$2,198,022.00
6. RESOLUTION 190-16 – 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 05/02/2016.
7. REPORTS: The following departments have submitted their reports for the months indicated: Clerk for the month of April, Zoning for the month of April, Construction for the month of April, Tax Collector for the month of April and Sewer Billing for the month of April.
8. RESOLUTION 191-16 – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE PBA LOCAL 59 SUPERIOR OFFICERS OF THE MIDDLE TOWNSHIP POLICE DEPARTMENT – On motion by Committeemember Donohue seconded by Mayor Clark and passed on roll call, the following resolution was adopted. ***Committeemember DeVico Abstained**

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 agreement dated January 1, 2016 through December 31, 2018 between the Superior Officers of the Middle Township Police Department and the Township of Middle, is hereby approved.

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.

9. RESOLUTION 192-16 – RATIFY CONTRACT WITH TEAMSTERS 676 – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the Public Works Department (“Blue Collar”) within the Township are represented by Teamster Union 676, and
 WHEREAS, the Township of Middle and the Teamsters 676 have successfully negotiated a contract. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Contract between the Township of Middle and Teamsters 676 effective January 1, 2016 to December 31, 2018, attached hereto, be and is hereby ratified.
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said contract.

10. RESOLUTION 193-16 – PROMOTIONAL TITLE CHANGE – 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 of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the title opposite their name at the following salary:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Christina Lillemon	Construction	Keyboarding Clerk 2	\$30,000.00	01/01/2016

* In-house title of “Technical Assistant to the Construction Official”

11. RESOLUTION 194-16 – AUTHORIZING APPLICATION – WALMART COMMUNITY GRANT APPLICATION (CATCH POLES FOR ANIMAL CONTROL) – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle desires to apply for and obtain a grant from WALMART for approximately \$1,500.00 to purchase approximately 15 catch poles to aid with animal control throughout 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 WALMART
 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.
12. RESOLUTION 195-16 – REDUCTION OF PERFORMANCE BOND – FRED LANGFORD – THE FAIRWAYS – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.
 WHEREAS, \$651,162.54 is being held as a performance guarantee of Fred Langford – The Fairways for Block 335.01, Lot 5.03, otherwise known as 600 Bayberry Drive; and
 WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$81,864.36 have been completed; and
 WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$569,298.18; and
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the surety bond be and is hereby reduced to \$569,298.18.
13. RESOLUTION 196-16 – AUTHORIZING PURCHASE UNDER STATE CONTRACT – DELL COMPUTERS – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, it is the desire of the Township of Middle to purchase from vendors with State Contracts for CY 2016, and
 WHEREAS, pursuant to N.J.S.A. 40A:11-12, any local contracting unit purchasing materials, supplies or equipment under a contract entered into by the State Division of Purchase and Property shall authorize the award of such contract by resolution of the governing body.
 WHEREAS, the Township of Middle authorized the purchase from vendors with State Contracts for CY2016 via Resolution 08-16, approved during Reorganization 2016.
 WHEREAS, there is a need to purchase four (4) Dell Optiplex 9020 Computers for use by the Township of Middle Police Department; and
 WHEREAS, through the State Contract Purchasing System, Contract #M-0483– Contract #89967, these items are available; and

WHEREAS, the total amount of the purchase for four (4) Dell Optiplex 9020 Computers is \$4,266.84 (\$1,066.71 each), and funds are available as evidenced by the Chief Financial Officer's Certification; and NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase four (4) Dell Optiplex 9020 Computers as indicated above.

BE IT FURTHER RESOLVED, that the Township of Middle is hereby authorized to purchase equipment through State Contract approved vendor Dell Computers, Inc., as previously authorized under FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to: Dell Computers, Inc.

14. RESOLUTION 197-16 – ACKNOWLEDGING RESIGNATION AND APPOINTMENT OF BOARD SECRETARY – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the following board secretary has resigned and it is the intent of the governing body to fill said vacancy.

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 following board resignations are hereby acknowledged:

SECRETARY	BOARD
Sandra Linz	Economic Development Council

BE IT FURTHER RESOLVED, that the following individual shall be appointed and/or reappointed to the terms and boards as indicated:

MEMBER	BOARD	TERM EXPIRATION	SALARY
Anne Garrison	Economic Development Council	12/31/2016* *filling unexpired term of Sandra Linz	\$850.00

15. RESOLUTION 198-16 – APPOINTMENT – ZONING BOARD OF ADJUSTMENT – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, The Township of Middle has a volunteer board known as the Middle Township Ethics Board, as outlined by Chapter 17 of the Township Code, and

WHEREAS, it is necessary to appoint and/or reappoint members via Resolution.

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 individuals are hereby appointed to the Middle Township Zoning Board of Adjustment for the term of office opposite their name:

NAME	BOARD	POSITION	TERM EXPIRES
James Belles	Zoning Board of Adjustment	Alt. Member #2*	12/31/2016

*Filling unexpired term of office for vacant position.

16. RESOLUTION 199-16 – ACKNOWLEDGING RESIGNATION AND APPOINTMENT OF ANIMAL WELFARE ADVISORY COUNCIL – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the following volunteer board member has resigned and it is the intent of the governing body to fill said vacancy:

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Middle, County of Cape May, State of New Jersey that the following board resignation is hereby acknowledged:

Name	Volunteer Board	Position
Vilma Pombo	Animal Welfare Advisory Council	Member

BE IT FURTHER RESOLVED, that the following individuals shall be appointed to the unexpired term of the vacant positions of the boards as indicated:

Name	Volunteer Board	Position	Term Expiration
Monica Sopuch	Animal Welfare Advisory Council	Member	12/31/2016*

*filling unexpired term of Vilma Pombo

17. RESOLUTION 200-16 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – SCHAEFER PYROTECHNICS, INC. – FIREWORKS DISPLAY – 4TH OF JULY CELEBRATION – 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 Agreement between Schaefer Pyrotechnics, Inc. and the Township of Middle for the fireworks display at the July 4, 2016, Middle Township Fourth of July Celebration, be and is hereby ratified 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.

FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.

Schaefer Pyrotechnics, Inc.

4th of July Celebration

\$7,400.00

18. RESOLUTION 201-16 – RATIFY LEASE AGREEMENT – WEIGHT WATCHERS – SENIOR CENTER – On motion by Committeemember DeVico seconded by Committeemember Donohue 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 agreement between Weight Watchers North America, Inc. and the Township of Middle for usage of the Middle Township Senior Center from May 3, 2016 through December 31, 2016, be and is 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 202-16 – SALARY ADJUSTMENTS – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted. WHEREAS, it has been deemed necessary to amend various salaries for established employees in connection with this starting salary amendment for Special Class II Police Officers; 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 salaries are hereby amended to the amount opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Kirk Rohrer	Public Safety	Special Class II Police Officer	\$13.50ph	05/16/016
Mark Bakley	Public Safety	Special Class II Police Officer	\$13.00ph	05/16/2016
Joni Frangieh	Public Safety	Special Class II Police Officer	\$13.00ph	05/16/2016
Robert Kelly	Public Safety	Special Class II Police Officer	\$13.00ph	05/16/2016
Jacob Zeller	Public Safety	Special Class II Police Officer	\$13.00ph	05/16/2016
Calvin Macwan	Public Safety	Special Class II Police Officer	\$13.00ph	05/16/2016
Andrew Garcia	Public Safety	Special Class II Police Officer	\$13.00ph	06/30/2016*

*upon completion of police academy.

20. RESOLUTION 203-16 – TABULATION COMMITTEE – COLLECTION OF MUNICIPAL COURT AND TRAFFIC FINES – 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 Township Administrator Constance Mahon, Township Clerk Kimberly Krauss, Chief Finance Officer John Clifford, be and hereby are appointed to tabulate the bids to be taken on Thursday, June 23, 2016 at 11:00AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, New Jersey for the following:

COLLECTION OF MUNICIPAL COURT AND TRAFFIC FINES

21. RESOLUTION 204-16 through 205-16 – REFUND OF TAXES (ITEMS A THROUGH B) – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

A. WHEREAS, a refund is due, as homestead benefit credit received from the State of New Jersey and the properties listed are tax exempt as the owners have qualified for 100% disabled American Veteran status.

ACCOUNT	BLOCK	LOT	OWNER / LOCATION	2016
18118	99.02	87	Gies, W Glenn 40 Egret Trail Cape May Court House, NJ 08210 Property location: 40 Egret Trail	\$409.15
17785	114	13 C0159	Lomax, Richard & Karen A 307 St Andrews Drive Cape May Court House, NJ 08210 Property location: 307 St Andrews Drive	\$560.57
16948	164.02	26	Migliore, Albert R & Gayle A 9 New River Rd Cape May Court House, NJ 08210 Property location: 9 New River Road	\$406.24
6520	420	1.02	Ward, Yvonne 4 Bucknell Ave Del Haven, NJ 08251 Property location: 4 Bucknell Avenue	\$320.10
11237	897	3	Farrow, Robert E Jr & Monica B 413 Scott St Cape May Court House, NJ 08210 Property location: 413 Scott Street	\$126.77
18171	1436.03	5	Mitchell, Margaret P 115 Aberdeen Way Rio Grande, NJ 08242	\$557.69

			Property location: 115 Aberdeen Way	
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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 check in the above noted amounts payable to the above mentioned party, as a refund of 2016 taxes; and

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

B. WHEREAS, a refund is due as overpayment made by mortgage company.

ACCOUNT	BLOCK	LOT	OWNER / LOCATION	2016
17213	473	18	Mollenkof, Thomas W. Sr. Property location: 1428 Burleigh Avenue	\$816.95
17967	168	26.15	Federal National Mortgage Association Property location: 16 Southern Shore Drive	\$1,369.27

Please make check payable and send to:

Lereta

Attn.: Central Refunds

1123 Park View Drive

Covina, CA 91724

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 check in the above noted amounts payable to the above mentioned party, as a refund of 2016 taxes; and

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

22. RESOLUTION 206-16 – APPROVAL FOR PAYMENT TERMINAL LEAVE – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, Joseph Giannattasio retired with an effective date of May 1, 2016; and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick, 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:

Joseph Giannattasio

112 Hours Sick

112 Hours Total

Total: \$1,759.09 (inclusive of payroll tax expense)

23. RESOLUTION 207-16 - AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – FEMA HAZARD MITIGATION GRANT PROGRAM – EMERGENCY GENERATOR – On motion by Committeemember Donohue seconded by Mayor Clark 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

24. RESOLUTION 208-16 – CONSIDERING A REPORT AND ACCOMPANYING MAP OF THE SPECIAL ASSESSMENT BOARD CONCERNING THE STERBACK HARBOR DREDGING PROJECT AND THE ASSESSMENTS ASSOCIATED WITH SAME AND ADOPTING AND CONFIRMING SAID REPORT AND MAP PURSUANT TO N.J.S.A. 40:56-30 – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle (the “Township”), in the County of Cape May, State of New Jersey, had agreed to undertake a joint local improvement project commonly known as the Sterback Harbor Dredging Project (the “Project”) on behalf of certain property owners benefitted by the Township’s portion of the Project (which property owners will pay for the cost of the Township’s portion of such Project through special assessments on their property), with the Borough of Avalon, in the County of Cape May, State of New Jersey (“Avalon”), and

WHEREAS, Avalon has undertaken and completed all the work and improvements for the Project and has provided the final cost of the Township’s portion of the Project pursuant to a letter from Avalon dated January 19, 2016, and

WHEREAS, pursuant to N.J.S.A. 40:56-24, the Township Committee on February 17, 2016 adopted a resolution certifying the final costs of the Township's portion of the Project to the Special Assessment Board for the Sterback Harbor Dredging Project (the "Board"), so that said Board may undertake the processes and finalize the special assessments outlined and set forth in N.J.S.A. 40:56-1 et seq., and WHEREAS, pursuant to N.J.S.A. 40:56-1 et seq., the Board has undertaken a process to finalize the special assessment on certain property owners benefitted by the Township's portion of the Project, including on April 18, 2016 at 4:00pm and in accordance with proper notice and N.J.S.A. 40:56-26, the Board conducting a duly called and held public hearing and gave all parties interested or affected by the Project ample opportunity to be heard upon the subject of the assessment. The process has concluded and the Board has prepared and submitted to the Township Committee a Report of the Special Assessment Board of the Township of Middle Concerning the Sterback Harbor Project and Assessments Dated as of May 9, 2016 (the "Report") and a Map of Sterback Harbor accompanying said Report (the "Map"), and WHEREAS, the Township Committee, has considered the Report and the Map, and desires to adopted and confirm the Report and the Map, without alteration, and to permanently approve and confirm the assessment of real property affected or benefitted by the Project and the Map and further set forth in the Property Percentage Allotment Chart attached as Exhibit I to the Report. The Township Committee further desires to have the Total Allotment payable over a fifteen (15) year period, from the date hereof, for each parcel property outlined in the Property Percentage Allotment Chart attached as Exhibit I to the Report, and WHEREAS, the Township provided a notice dated April 27, 2016 of this Township Committee meeting that was (i) mailed to the owners of all real estate affected or benefitted by such Project or the special assessments associated therewith or named in the Report at their last know post-office address, and (ii) published in the Cape May County Herald Times, a newspaper circulating in the Township, at least once in each week for two weeks prior to the above meeting scheduled for May 16, 2016 and such notice stated that the Township Committee will consider the Report and the Map prepared and approved by the Board concerning the assessment of real property affected or benefitted by or the assessments associated with the Project. The notice further stated that following the Township Committee's consideration of the Report and the Map, the Township Committee at the same meeting on Monday, May 16, 2016 or at a future meeting, may adopted and confirm the Report and the Map, with our without alteration, permanently approving and confirming the assessment of real property affected or benefitted by the Project and the Map, and

WHEREAS, the Township Committee now desires to adopted and confirm the Report and the Map, without alteration, and to permanently approve and confirm the assessment of real property affected or benefitted by the Project and the Map and further set forth in the Property Percentage Allotment Chart attached as Exhibit I to the Report. The Township Committee further desires to have the Total Allotment payable over a fifteen (15) year period, from the date hereof, for each parcel property outlined in the Property Percentage Allotment Chart attached as Exhibit I to the Report.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, as follows:

SECTION 1. Pursuant to N.J.S.A. 40:56-30, the Township Committee has considered the Report and the Map and hereby adopts and confirms the Report and the Map, without alteration, and hereby permanently approves and confirms the assessment of real property affected or benefitted by the Project and the Map and further set forth in the Property Percentage Allotment Chart attached as Exhibit I to the Report. The Township Committee hereby further provides that the Total Allotment for each affected property owner shall be payable over a fifteen (15) year period, from the date hereof, for each parcel property outlined in the Property Percentage Allotment Chart attached as Exhibit I to the Report.

SECTION 2. The Township Administrator, the Township Chief Financial Officer, the Township Tax Assessor and the Township Tax Collector are each hereby authorized and directed to determine all matters in connection with the Project and to place the assessment on each parcel of real property affected or benefitted by the Project and the Map and further set forth in the Property Percentage Allotment Chart attached as Exhibit I to the Report, not determined by this or a subsequent resolution, all in consultation with the Township Solicitor, Bond Counsel and the Township Auditor, and the manual or facsimile signature of the Township Administrator, the Township Chief Financial Officer, the Township Tax Assessor and the Township Tax Collector upon any documents shall be conclusive as to all such determinations and any and all such actions or inactions taken by the aforesaid Township Officials, including the Township Solicitor, Bond Counsel and the Township Auditor heretofore are hereby ratified and confirmed.

SECTION 3. This resolution shall take effect immediately.

25. RESOLUTION 209-16 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – IN REM FORECLOSURES – KEITH BONCHI – 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 the Agreement between Keith Bonchi, of Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill and the Township of Middle for In Rem Foreclosure preparation, be and is hereby ratified 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.

Keith Bonchi – In Rem Foreclosure – Not to Exceed \$15,000.00

26. RESOLUTION 210-16 – CLOSED SESSION - CONTRACT NEGOTIATIONS (CAPE MAY COUNTY ANIMAL SHELTER AGREEMENT) - On motion by Committeemember Donohue seconded by Committeemember DeVico 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 (CAPE MAY COUNTY ANIMAL SHELTER AGREEMENT)

2.) The general nature of the subject matter to be discussed is as follows:
CLOSED SESSION – CONTRACT NEGOTIATIONS (CAPE MAY COUNTY ANIMAL SHELTER AGREEMENT)

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.**

27. RESOLUTION 211-16 – RATIFY LEASE AGREEMENT – RIO GRANDE SUBSTATION – 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 the agreement between Mattera’s Liquor, Inc. and the Township of Middle, for usage of 1602 Route 47 South, Unit B, Rio Grande, be and is hereby ratified.
BE IT FURTHER RESOLVED, that the term of said lease is for five years beginning May 26, 2016 with the option to renew said lease for three terms of five years each.
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.

28. PUBLIC COMMENT:

Mayor Clark:

- #23 on agenda discussed at the work session meeting to great length.
- Feels it’s important to get generator down to Public Works.
- Good points on both sides and differences of opinion.
- Things could be “done better” with money.
- CFO has assured him money can be obtained if not received with grant.

Committeemember Donohue:

- Does not oppose with Committeemember DeVico’s idea of trying to save money on engineering costs.
- Funds for the generator are there, the cost is an estimate, the actual cost will not be known until the project is complete.
- In the past the township has done a good job at controlling the cost of several of these types of projects.
- Continue to talk of ways to save money.
- This project started in 2012 and funding has finally been approved, it should be done.

Committeemember DeVico:

- Look at individual projects in order to save on engineering costs.
- Would like to see in future projects such as the topic of the generator be put as a competitive bid and not just award all projects to RVE.

Carl Carmelowitz: Avalon Manor

- Wants to know who is responsible for horrible road condition of Ormond Drive.

Mayor Clark:

- Met with residents from Ormond Drive
- Is on the Road Project list for future fixing.

Committeemember Donohue:

- The township is responsible for the upkeep of the road.
- Wait for Parkway project and American Water project to be over to fix road.
- Applied for grant to fix road and did not get it.

Carl Carmelowitz:

- Asked about how water and sewer rates are set.
- Would like to know if the rates are the same throughout the entire township.

Committeemember Donohue:

- The majority of residents pay flat rates for having sewer accounts.
- Some residents have commercial accounts which are based on water usage.

Carl Carmelowitz:

- Does not think it’s fair everyone pays the same fee.

Committeemember Donohue:

- *The way it's done is realistic.*
- *The other way to do it is to install sewer meters on every property.*

Anne Fitzgerald:

- *Spoke of the bike path on behalf of the residents who reside on Railroad Avenue.*
- *Residents were made to believe that they were attending these meetings because the bike path would be on the agenda to vote on.*
- *Plans were never presented at a meeting.*
- *In April of 2015 was told by Constance Mahon to expect a letter stating that the bike path would be presented but the letter never came.*
- *Residents were not informed of meeting forthcoming in May or June about the bike path.*
- *Requires residents within 200 feet of project be informed.*
- *Referenced email from Committeemember Donohue.*
- *Believes the governing body has been deceitful.*
- *Double standard in the county accommodating bicycles.*
- *The township blames the County, the electric company blames the County and the Township, it goes around and around.*
- *Quoted Judy Hansen as stating that the township would work with us, would like an elaboration.*
- *Boils down to the old cliché, can't beat city hall.*

Committeemember Donohue:

- *County project in which Middle Township submitted an application for conjunction with Lower Township.*
- *There were two County hearings on this project, not exactly sure when but sometime around this year.*
- *Project was approved last year*
- *We have taken the proper measures to modify the plan in the past to suit the needs of the residents on Railroad Avenue as best as we could.*

John Fitzgerald:

- *"Done deal" as of April 2015.*
- *Questioned why Lower Township is doing all of the work.*

Committeemember Donohue:

- *Lower Township has an asphalt paving machine, Middle Township does not.*

John Fitzgerald:

- *Asked when residents will receive notice of tests, etcetera.*

Constance Mahon:

- *Can provide him with a set of plans as she has done with his neighbors who have requested them.*

John Fitzgerald:

- *Concerned motor home will crush path.*

Craig Gifert:

- *Summer residence in Wildwood Crest.*
- *Hopes the bike path will be extended.*
- *Has not seen any crime or degradation.*

Mayor Clark:

- *Read letter received from Francey Burke regarding the bike path for the record.*

Liz Sool:

- *Works with Rails and Trails Conservancy.*
- *Understands the negative impact some community members may experience.*
- *Currently working on two priority projects.*
- *One project runs through Middle Township.*
- *Regional network of trails.*
- *When project is complete, it will span about 50 miles.*
- *Economy and health benefits.*

Barbara Cresse:

- *Violation notice on rental property that grass was too high.*
- *Displayed a picture of her neighbor's grass which she claims is pulling down the fence.*
- *Zoning violations taking place up and down Route 9.*
- *Different rules for different people.*
- *Raw sewer being pumped into drains.*

Ed Dillio:

- *Concerned with Stagecoach Road.*
- *Cracks and patches.*

Marc DeBlasio:

- *Spoke of Change Order to fix area.*

Ed Dillio:

- *Corrected areas need to be corrected.*

Dan Lockwood:

- *Rio Grande Fire Co.*
- *PILOT – correspondence speaking of concern that they cannot be funded.*

Mayor Clark:

- *The letter was received; it was turned over the attorney.*

- We are addressing the issue.
- When allocating the budget, the fire district didn't ask for money from the township for the PILOT.
- The Fire Company didn't allocate money for the PILOT when completing their budget either.
- Could be considered for next year.

Barbara Cresse:

- Asked whether or not the township was going to go through with establishing a 5 member committee.

Mayor Clark:

- It was spoken about at a previous committee meeting.
- It has not been moved forward with.

Barbara Cresse:

- Spoke of map distributed.
- Believes Rio Grande is not represented.

Stan Donegar:

- School board letter received by the township regarding waiving fees.
- Asked how much the fees are.
- Another letter being sent.

Mayor Clark:

- Have not received another letter.
- Will not know the how much the permit fees are until a plan has been submitted.
- Six different projects.

Carl Carmelowitz:

- Ran into a similar situation regarding citing violations.
- Believes Barb Cresse's neighbor should also be cited for violations.

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Page 1 of 2
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ENGINEERING STATUS REPORT
MIDDLE TOWNSHIP
May 16, 2016

Prepared For: TOWNSHIP COMMITTEE Prepared By: MARC DEBIASIO, P.E., P.P., C.M.E.
Township Engineer

CAPITAL IMPROVEMENTS

FY 2013 NJDOT Bike Path – Phase 4 – Contract No. 2

- The bid opening occurred on September 10, 2015.
- The apparent low bidder is Kline Construction Company, Inc. in the amount of \$101,235.00.
- The Contractor is delayed until July 1, 2016 due to a timing restriction imposed by the NJDEP.

FY 2014 NJDOT Bike Path Phase 5

- The bid opening occurred on September 10, 2015.
- The apparent low bidder is Kline Construction Company, Inc. in the amount of \$275,500.00.
- The Contractor is delayed until July 1, 2016 due to a timing restriction imposed by the NJDEP.

Ridge Road Drainage and Roadway Improvements

- The project is complete; however, surface course pavement on Blueberry Lane will be remediated in the next two weeks.
- Shoulder restoration is ongoing.

USDA Rural Development Sanitary Sewer Application – Grassy Sound

- All regulatory permits have been obtained.
- Project plans and specifications have been transmitted to USDA and are pending approval by USDA.
- The public bid advertisement is scheduled for the end of May, 2016.

Page 2 of 2

Mayor Clark:

- Congratulated Christina in the Construction Office on her promotion.
- Recognized and thanked Vilma Pombo for her dedication to the Animal Advisory Board.
- Congratulated Monica for joining the Animal Advisory Board and Annie on being assigned Secretary for the Economic Development Council.
- Thanked Sandra Linz for all the years she has dedicated to that Board.
- Constance Mahon met with Ronnie concerning an update on upgrading paramount substation.
- Paramount substation is nearing completion
- If project not completed by Memorial Day, it will be continued in the fall.
- Constance Mahon spoke with Gary Finger regarding street lighting.
- Attended the honoring and retirement of Middle Township's Mock Trial team coach.
- Appeared at the start of the Unity Tour.
- Rabies clinic was a great success; vaccinated 154 animals and sold 74 licenses.
- Thanked Dr. Logan and his staff for assisting with the clinic as well as Vilma Pombo and Bill Candell.
- Was present at the Eagle Scout ceremony for John Mehl; publicly thanked him specifically for his service concerning the upgrades made to Shellbay Memorial Park.
- He has more badges than any other Eagle Scout.
- Attended First Responders Graduation; thanked Chief Leusner, Sean McDevitt and Mike Pastor.
- PILOT program with the Goshen Fire Company for first responders.
- 50 hour course.
- Blue Mass for first responders at our Lady of Angels to be held before next meeting.

- *Drum Fish Tournament; thanked Suzanne and Anne.*
- *Captain's meeting this week.*
- *Health Fair at DeVico Center.*
- *New substation Ribbon cutting on May 26.*
- *Memorial Day parade on May 30.*

Committeemember Donohue:

- *Increase in pay for Class II officers.*
- *Successful creation and opening of Rio Grande's substation.*
- *Met with Anne Garrison who is Middle Township's Grant Coordinator and Brian Murphy to discuss "Store front revitalization program."*
- *Incentive to try and fill vacant store spaces.*
- *14,000 square foot location for Habitat for Humanity.*
- *Del Haven water project.*
- *NJAW made presentation to township, but cost is prohibitive.*
- *East Villas water project.*
- *Reached out to MUA to discuss options.*
- *Engineer to draw up proposal.*

Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 8:09pm

1st: Committeemember Donohue

2nd: Committeemember DeVico

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