

Cape May Court House, NJ
July 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, and Municipal Solicitor Frank Corrado.

Deputy Township Clerk Suzanne Stocker and Township Engineer Marc DeBlasio were absent.

1. MOMENT OF SILENCE BY MAYOR – VICTIMS OF TERRORISM
2. PRESENTATION BY MAYOR – MIDDLE MATTERS AWARD – STAN SPERLAK

Stan Sperlak:

- *Made Middle Township his home in 1974 when his father retired from the Coast Guard.*
- *Thanked the police force for their dedication to the township and its people.*
- *Convinced Home Depot to save their 200 year old trees concerning the storm that recently occurred.*
- *Saved the tree located in Rio Grande in front of the AT&T store with the help of Nate Downey.*
- *Established a Facebook page called Middle Township, NJ People, Pictures and Stories.*
- *Praised his workers for their hard work.*
- *Offered to plant ten trees per year on major highways, free of charge.*
- *Would require help finding locations where trees are needed.*

3. PRESENTATION BY MAYOR – JULY EMPLOYEE OF THE MONTH – NANCY MCDEVITT

Mayor Clark:

- *Nancy nominated by Ed Dillio and others.*
- *Ed praised her hard work in preparation of the Memorial Day Parade.*
- *He also commended her prompt response in advising everyone of parade cancellation due to inclement weather.*

Committeemember DeVico:

- *Has known Nancy for a very long time.*
- *Identified her as a person who can certainly cover what needs to be done.*

Committeemember Donohue:

- *Thinks it's great when township employees are noticed and nominated by residents.*

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.)

Madelyn McCarroll, Cape May Court House:

- *Would like to see the Governing Body vote in favor of the animal shelter.*

John Lauricella, Cape May Court House:

- *Asked amendments be identified concerning the Flood Damage Prevention Ordinance.*

Constance Mahon:

- *Making changes to the definitions to include mandatory language from the National Flood Insurance Program.*

Frank Corrado:

- *Amendment due to the changes in the National Flood Insurance Program and the Uniform Construction Code to account for storm related damages and the increase of flooding.*
- *Definitions mandated by the Flood Insurance Program.*
- *Makes our ordinance code and flood insurance compliant.*
- *Keeps taxes low.*

John Lauricella, Cape May Court House:

- *Asked about the requirements for license transfers.*

Committeemember DeVico:

- *Transfer of property.*
- *Presidential Mobile Home Park sold to a new owner.*

Kim Krauss:

- *Legal advertisement.*
- *Checked property taxes.*

Constance Mahon:

- *There is no background check.*

John Lauricella, Cape May Court House:

- *Questioned why a resolution is needed regarding the solicitation of funds by the Rio Grande Volunteer Fire Company.*

Mayor Clark:

- *Done every year for the purpose of reaching the people who are out of town.*

Frank Corrado:

- *They are soliciting funds on state highways and need permission.*

Committeemember Donohue:

- *Allowed only two times a year: Memorial Day and Labor Day weekend.*

John Lauricella, Cape May Court House:

- *New hire for the position of Chief Financial Officer.*
- *Process seemed very quick.*

Committeemember Donohue:

- *Would agree with John under normal circumstances but Susan has worked for the township in the past as the Deputy CFO.*

John Lauricella, Cape May Court House:

- *Questioned the sale of property to the Nature Conservancy.*
- *Asked if an appraisal was ordered and if the sale was being done at market value.*

Constance Mahon:

- *On-going issue since 2012.*
- *Confirmed that property was in fact appraised at fair market value.*

Frank Corrado:

- *Fifth of five sales from the Nature Conservancy.*

Stan Doniger, Rio Grande:

- *Questioned bill list regarding electricity charges on Fulling Mill Road.*

Mayor Clark:

- *Pumping station.*

Constance Mahon:

- *There may be more than one pumping station listed on that account.*
- *Will have John Clifford look at the purchase order and provide an answer at a later date.*

Stan Doniger, Rio Grande:

- *Asked for clarification regarding charges for time-clock usage.*
- *Questioned if charges were monthly or yearly.*

Constance Mahon:

- *Software program has multiple uses.*
- *Accruals.*
- *Time management system.*

Committeemember Donohue:

- *Payroll management.*

Stan Doniger:

- *Questioned various items concerning grants.*

Committeemember Donohue:

- *Explained House Rehabilitation grants allow low-income people to fix their homes.*

Anne Garrison:

- *Requirements include renewal of such grant applications be done each year.*

Stan Doniger, Rio Grande:

- *Asked if township receives money for bids regarding vending machines.*

Constance Mahon:

- *Yes, the fee is what the township is going out to bid for.*

Stan Doniger, Rio Grande:

- *Wanted to know the qualifications of the newly hired Chief Financial Officer.*
- *Wondered if there were any other applicants who applied for the position.*

Constance Mahon:

- *Qualifications cannot be disclosed in a public forum without Susan being present.*

Kim Krauss:

- *Resume is allowed to be obtained under OPRA after she is officially hired.*

Mayor Clark:

- *Not aware of any other applicants.*
- *Susan was interviewed by Connie, Kim and Jeffrey.*

5. RESOLUTION 281-16 – 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. \$2,043,930.58
6. RESOLUTION 282-16 – 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 07/06/2016 and Closed Session 07/06/2016.
7. REPORTS: The following departments have submitted their reports for the months indicated:
8. ORDINANCE NO. 1530-16 - CAPITAL ORDINANCE PROVIDING FOR ACQUISITION AND INSTALLATION OF VARIOUS EQUIPMENT FOR THE POLICE DEPARTMENT, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$100,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF – Following second reading, hearing, and consideration for adoption, Ordinance No. 1530-16 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.
WHEREAS, the Township of Middle, in the County of Cape May, State of New Jersey (the “Township”), wishes to acquire and install, as applicable, various equipment including, but not limited to, Dash Cams, for the Township’s Police Department; and
WHEREAS, the cost of said improvements or purposes is estimated to be \$100,000; and
WHEREAS, the Township desires to authorize the appropriation and expenditure of \$100,000 from the Capital Improvement Fund to acquire and install, as applicable, various equipment including, but not limited to, Dash Cams, for the Township’s Police Department.
BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), AS FOLLOWS:
SECTION 1. The capital improvement or purpose described below is hereby authorized as a general capital improvement to be undertaken by the Township. For the said improvement or purpose, there is hereby appropriated the amount of \$100,000 from the Capital Improvement Fund to acquire and install, as applicable, various equipment including, but not limited to, Dash Cams, for the Township’s Police Department, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.
SECTION 2. The expenditure of the \$100,000 consisting of an appropriation of \$100,000 from the Capital Improvement Fund for the improvement or purpose set forth in Section 1 hereof is hereby authorized and approved. The Mayor, the Clerk, the Chief Financial Officer and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement to undertake the improvement or purpose set forth herein and to effectuate the transaction contemplated hereby.
SECTION 3. The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file in the Office of the Clerk and is available for public inspection.
SECTION 4. This ordinance shall take effect immediately after final adoption and approval by the Mayor as described in N.J.S.A. 40:49-2.

No Public Comment

9. ORDINANCE NO. 1531-16 – AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 146, THEREOF ENTITLED FLOOD DAMAGE PREVENTION – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, Ordinance No. 1531-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/15/2016 at 6:00 p.m.

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 146, Section 6 entitled “Definitions” of the Revised General Ordinances of the Township of Middle be and is hereby amended to include the following:

SECTION 1:

COASTAL HIGH-HAZARD AREA

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

- a. COASTAL A ZONE: A subject of Zone A. Specifically, that portion of the SFHA landward of Zone V (or landward of coastline without mapped Zone V) in which the principal source of flooding is coastal storms, and where the potential base flood wave height is between 1.5 and 3.0 feet. Requiring new construction in the coastal A Zone to meet the same standard as V Zone buildings protects it from a known, but unmapped, breaking wave hazard (credited under CAZ).

DRY OR WET FLOODPROOFING

Where removable shield to be used, a flood emergency plan shall be approved by the authority having jurisdiction and shall specify, at a minimum, the following information: storage locations of the shields, the method of installation, and attachment devices, yearly practice of installing shields, testing sump pumps and other drainage measures, and inspecting necessary material and equipment to activate or implement floodproofing.

INCREASE COST OF COMPLIANCE (ICC)

The coverage by standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the state of New Jersey and the Township of Middle floodplain management laws or ordinances after a direct physical loss by flood, or the Township of Middle declares the structure to be “substantially” or “repetitively” flood damage, ICC coverage is provided for in every standard NFIP flood policy, and will help pay for the cost of floodproof, relocate, elevate or demolish the structure.

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.

10. PUBLIC HEARING – PERSON TO PERSON TRANSFER – MHP LICENSE NO. 15 – PRESIDENTIAL MOBILE HOME PARK

Stan Doniger, Rio Grande:

- *Asked if other corresponding departments check into the background of the property when a license is transferred.*

Kim Krauss:

- *The code does not speak of having to receive reports from other departments.*
- *Property taxes are checked to ensure they have been paid.*

Matt Unsworth:

- *Township has a Rent Leveling Board.*
- *Personally has to request permission and receive approval beforehand to make improvements and such.*
- *Tenants can also reach out to the board regarding issues they are experiencing.*
- *Only allowed to place mobile homes on property.*
- *Modulars not permitted.*

11. RESOLUTION 283-16 – APPROVING PERSON TO PERSON TRANSFER OF MOBILE HOME PARK LICENSE NO. 15 – PRESIDENTIAL MOBILE HOME PARK - On motion by Committeemember Donohue seconded by Mayor Clark and passed on roll call, the following resolution was adopted.

WHEREAS, Estate of Sarah Jane Chambers is the holder in good standing of Campground License #15, Presidential Mobile Home Park, located on Block 322.01, Lot 17, also known as 477 Shunpike Road, Cape May Court House, and

WHEREAS, application has been made to transfer said license to Matt Unsworth, 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 #15 be and hereby is transferred to Matt Unsworth.

12. RESOLUTION 284-16 – IDENTIFYING SMALL CITIES FAIR HOUSING AND EQUAL OPPORTUNITY OFFICER – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is applying for Fiscal Year 2017 Small Cities Community Development Block Grant applications for (1) up to \$400,000 from the NJ DCA Small Cities Program to undertake roadway and pedestrian improvements on Gibbs Street and Main Street in Whitesboro and (2) up

to \$200,000 from the NJ DCA Small Cities Program to rehabilitate owner occupied homes throughout Middle Township; and

WHEREAS, the Township of Middle must make efforts to affirmatively further fair housing; and

WHEREAS, the Township of Middle has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the Township of Middle has made assurances in the grant agreement that;

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer shall be designated as the Small Cities Program Fair Housing Officer for the Township of Middle; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall provide fair housing and equal opportunity advisory services and assistance and referral advice to persons requesting such assistance from the Township of Middle; and

BE IT FURTHER RESOLVED, that the Township of Middle will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

13. RESOLUTION 285-16 – APPROVING PUBLIC FACILITIES GRANT MANAGEMENT PLAN – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle will apply for \$400,000 in Fiscal Year 2017 CDBG funding for a Public Facilities project to be implemented in 2017 for roadway and pedestrian improvements on Gibbs Street and Main Street in Whitesboro;

WHEREAS, the NJ Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities;

WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Grant Management Plan;

WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2017 Public Facilities project;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2017 Public Facilities project.

14. RESOLUTION 286-16 – AUTHORIZING APPLICATION – FY 2017 NJ DCA PUBLIC FACILITIES GRANT – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle desires to apply for and obtain a FY 2017 grant from the New Jersey Department of Community Affairs for approximately \$400,000 to carry out a Public Facilities project to undertake roadway and pedestrian improvements on Gibbs Street and Main Street in Whitesboro.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Middle:

1. Does hereby authorize the application for such a grant; and,
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Community Affairs.

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 to sign the agreement, and any other documents necessary in connection therewith.

15. RESOLUTION 287-16 – AUTHORIZING APPLICATION – FY 2017 NJ DCA HOUSING REHABILITATION GRANT – 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 FY 2017 grant from the New Jersey Department of Community Affairs for approximately \$200,000 to carry out a housing rehabilitation program to assist low and moderate income homeowners.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Middle:

1. Does hereby authorize the application for such a grant, and,
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Community Affairs.

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 to sign the agreement, and any other documents necessary in connection therewith.

16. RESOLUTION 288-16 – APPROVING HOUSING REHABILITATION GRANT MANAGEMENT PLAN - On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle will apply for a Housing Rehabilitation project to be implemented in 2017 throughout the Township;
WHEREAS, the NJ Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities;
WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Grant Management Plan;
WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2017 Housing Rehabilitation program;
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2017 Housing Rehabilitation program.
17. RESOLUTION 289-16 – ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is an applicant for Department of Community Affairs Fiscal Year 2017 funds for (1) up to \$400,000 from the NJ DCA Small Cities Program to undertake roadway and pedestrian improvements on Gibbs Street and Main Street in Whitesboro and (2) up to \$200,000 from the NJ DCA Small Cities Program to rehabilitate owner occupied homes throughout Middle Township; and
WHEREAS, the Township will enter into grant agreement(s) for said grant(s) if approved; and
WHEREAS, that grant agreement(s) will require the Township of Middle to comply with all federal regulations with respect to citizen participation; and
WHEREAS, the Township of Middle has reviewed the State Model Citizen Participation Plan prepared for Small Cities CDBG grantees;
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, that;
1. The State Model Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG is adopted by the Township of Middle; and
 2. The Township of Middle will follow all regulations set forth in that document throughout the term of the grant agreement cited above.
18. RESOLUTION 290-16 – ADOPTING HOUSING REHABILITATION POLICIES AND PROCEDURES MANUAL – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle will apply for \$200,000 for a Housing Rehabilitation project to be implemented in 2017 within the Township;
WHEREAS, the Housing Rehabilitation project will be governed by a Policies and Procedures Manual;
WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Policies and Procedures Manual;
WHEREAS, the Township has prepared a Policies and Procedures Manual for its Fiscal Year 2017 Housing Rehabilitation Program;
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Policies and Procedures Manual for the Fiscal Year 2017 Housing Rehabilitation Program.
19. RESOLUTION 291-16 – AUTHORIZING MEMBERSHIP AND APPOINTING TOWNSHIP REPRESENTATIVES, DELAWARE BAYSHORE COUNCIL - On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, the Bayshore Council (a) is a New Jersey nonprofit, public benefit corporation with Members and perpetual duration and succession and (b) is organized and operated exclusively for the purpose of advocating for the health and sustainability of NJ's Bayshore communities, from the Cape May Canal to the Delaware Memorial Bridge, amplifying the voice of Bayshore issues and community needs and facilitating a healthy balance of conservation and economic vitality, and
WHEREAS, the purposes of the Council are:
1. To conduct education, communication, organizing, and advocacy to restore, improve, preserve and sustain the environment , natural and engineered beaches, waterways, wildlife habitat, ecosystems, and public lands which surround the communities of the Delaware Bay and it's watershed.
 2. To ensure that Bayshore Communities have a vibrant sustainable economy, adequate and resilient infrastructure, telecommunications, services, community resources and funding and that they are treated equitably by county, state and federal agencies.
 3. To provide technical information, support, coordination and to undertake such programs, activities and projects as are consistent with Bayshore Council purposes and values and deemed appropriate by consensus of the member communities within the Council.
 4. The Bayshore Council will seek common ground in Bayshore communities and facilitate partnership activities that will result in healthier communities, more resilient infrastructure and a stronger tourism and natural resource based or natural resource compatible economy for all Bayshore communities.
 5. The Council will not limit its activities to efforts that benefit every Bayshore Community, so long as one or more Bayshore municipality benefits.
 6. Where possible, the council will lessen the burdens of Bayshore local governments and increase their voice in Trenton and Washington, DC and heighten appreciation and stewardship for the region nationwide.

7. The Bayshore Council commits to working collaboratively with our elected representatives, state and federal governments, Cape May, Cumberland and Salem counties, and all their constituent agencies, in the public interest on these matters for the greater good of all our communities, the environment, Bayshore residents and the Delaware Bay and it's watershed.

8. Any other activities deemed necessary by the members to further the purpose of the Council.

WHEREAS, the Township of Middle is a Bayshore Community, and
 WHEREAS, membership in the Bayshore Council is important to the township.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that Constance Mahon be appointed as Middle Township's Official representative to the Bayshore Council and that Mayor Michael Clark serve as alternate.

20. RESOLUTION 292-16 – 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	DEPARTMENT	POSITION	EFFECTIVE
Calvin Macwan	Public Safety	Special Class II Police Officer	07/07/2016

21. RESOLUTION 293-16 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeemember DeVico seconded by Committeemember Donohue 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
Carty, Richard J. & Kimberly A.	112 Davis Road	1417 // 4	\$198.90
Burke, John W.	40 W. Secluded Lane	1411 // 13	\$198.90
Gulf Armace USA LLC	55 Honeysuckle Lane	168 // 27	\$236.57
Franchetta, David L.	106 S. 8 th Street	417 // 6	\$179.43
Sindia Capital, LLC	109 Schoolhouse Lane	251 // 2	\$165.51
Wells Fargo Bank	6 Wayne Avenue	56.05 // 3	\$179.43
King, Robert S. & Rosalie E.	124 Indian Trail	208 // 4	\$179.43
Insource East Properties, Inc.	15 Brook Ridge Road	12.02 // 1	\$236.57

22. RESOLUTION 294-16 – AWARD OF BID – COLLECTION OF MUNICIPAL COURT FEES AND TRAFFIC FINES – 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 and desirable to solicit bids for Collection of Municipal Court Fees and Traffic Fines; and
 WHEREAS, sealed bids were received on June 23, 2016; and
 WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Collection of Municipal Court Fees and Traffic Fines, be and hereby is awarded to:
 NCS Plus, Inc.
 FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

23. RESOLUTION 295-16 – TABULATION COMMITTEE – FURNISHING, INSTALLING, SUPPLYING AND SERVICING OF VENDING MACHINES FOR VARIOUS TOWNSHIP COMPLEXES – 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, 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 Thursday, August 11, 2016 at 1:30 PM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

FURNISHING, INSTALLING, SUPPLYING AND SERVICING OF VENDING MACHINES FOR VARIOUS TOWNSHIP COMPLEXES

24. RESOLUTION 296-16 – AUTHORIZING RIO GRANDE VOLUNTEER FIRE COMPANY TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and

WHEREAS, Rio Grande Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and

WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Rio Grande Volunteer Fire Company and attached to this Resolution; and

WHEREAS, the County of County Cape May has forwarded a letter to the Municipal Clerk endorsing the Rio Grande Volunteer Fire Company’s application to solicit contributions along the requested areas; and

WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Rio Grande Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Rio Grande Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.

25. RESOLUTION 297-16 – AUTHORIZING MAYOR TO EXECUTE GRANT APPLICATION – MUNICIPAL ALLIANCE GRANT FY2016-2017 – 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 Mayor and appropriate officials are hereby authorized to sign the above referenced grant agreement, and any and all documentation in connection therewith.

26. RESOLUTION 298-16 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – IRENE GARRAMONE – INTERIM ASSISTANCE – MUNICIPAL COURT – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

27. RESOLUTION 299-16 – APPOINTMENT NEW HIRE – CHIEF FINANCIAL OFFICER – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:9-140.10 requires that “in every municipality there shall be a chief financial officer appointed by the governing body of the municipality”; and

WHEREAS, N.J.S.A. 40A:9-140.10 further provides that the term of office of the chief financial officer “shall be four years, which shall run from January 1 in the year in which the chief financial officer is appointed”; and

WHEREAS, the exception to the four year appointment is if a CFO vacates the position in the midst of their four year term, and a new CFO is appointed, the new CFO would be appointed for the unexpired portion of the prior CFO’s term, pursuant to the Uniform Vacancy Provision, N.J.S.A. 40A:9-12.1, and WHEREAS, the Township of Middle is in need of a Chief Financial Officer and the Township Committee of the Township of Middle desires, pursuant to N.J.S.A. 40A:9-140.10 and N.J.S.A. 40A:9-12.1, to appoint Susan A. Quinones as Chief Financial Officer, effective August 15, 2016.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Susan A. Quinones shall begin her employment with the Township of Middle effective 08/08/2016, and shall furthermore be appointed 08/15/2016 to the following position at the salary opposite their name:

NAME	TITLE	SALARY
Susan A. Quinones	Chief Financial Officer*	\$80,000.00

*Civil Service Title of Keyboarding Clerk 1 (u) and UA title of Chief Financial Officer.

28. RESOLUTION 300-16 – ACCEPTING CORRECTIVE ACTION PLAN-AUDIT 2015 – 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 is hereby accepted as the Corrective Action Plan for the 2015 Audit for the Township of Middle and be it further resolved that a copy of the Corrective Action Plan be forwarded to the Department of Community Affairs, Division of Local Government Services as well as a copy of this Resolution be forwarded to Bowman & Company LLP, Fred S. Caltabiano, Registered Municipal Accountant:

Finding #1:

- a. Finding/Condition: The fixed asset ledger was not updated on a timely basis for the year 2015.
- b. Recommendation: That the Township maintain the fixed asset ledger in accordance with the New Jersey Administrative Code section 5:30-5.6.
- c. Explanation and Corrective Action: The Township contracted a service to inventory and record all assets in late 2015. The inventory was not completed as of December 31, 2015. The Township will re-inventory all qualifying assets in 2016 and utilize the Finance software package to maintain the inventory as assets are added and disposed of or sold.
- d. Implementation Date: August 31, 2016.

Finding #2:

- a. Finding/Condition: Documentation that Recreation Department cash receipts are monitored for completeness could not be provided for examination.
- b. Recommendation: That internal control policies and procedures are developed by the Finance Department to monitor the Recreation Department cash receipts for completeness.
- c. Explanation and Corrective Action: The Township had never been advised such a policy should exist by previous auditors and felt its existing procedures were sufficient. We will work with our current auditor on a more robust policy and ensure compliance with it by the Recreation Department.
- d. Implementation Date: September 30, 2016.

Finding #3:

- a. Finding/Condition: The Current Fund bank account was not always reconciled on a timely basis and some of the monthly reconciliations did not agree to the General Ledger.
- b. Recommendation: That the Current Fund bank accounts are reconciled on a timely basis and the Current Fund reconciliation agrees to the General Ledger.
- c. Explanation and Corrective Action: The Finance Department fell behind on bank reconciliations and as of December 31, 2015 were not up to date. A new, simpler bank reconciliation has been instituted and reconciliations are being completed timely.
- d. Implementation Date: This policy is already implemented and all reconciliations are up to date as of this time.

Finding #4:

- a. Finding/Condition: Grants receivable and appropriated should be reviewed for proper disposition.
- b. Recommendation: That Grants receivable and appropriated are reviewed for proper disposition.
- c. Explanation and Corrective Action: Grant balances existed from many years prior that should have been cancelled and grants were not monitored closely in more recent years. We will pass a resolution to cancel old, uncollectable receivables and correct any incorrect balances and monitor the grants more closely going forward.
- d. Implementation Date: September 30, 2016.

FURTHER BE IT RESOLVED, that a copy of this Resolution be forwarded to the Department of Community Affairs Division of Local Government Services.

29. RESOLUTION 301-16 – TABULATION COMMITTEE – USDA GRASSY SOUND SANITARY SEWER FORCE MAIN – PHASE III A - 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, Purchasing Agent Josh Niemann, be and hereby are appointed to tabulate the bids to be taken on August 17, 2016 at 11:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

USDA GRASSY SOUND SANITARY SEWER FORCE MAIN – PHASE III A

30. RESOLUTION 302-16 – AUTHORIZING THE SALE OF PROPERTY TO THE NATURE CONSERVANCY – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted. WHEREAS, by Ordinance 1405-12, the Middle Township Committee authorized the sale of certain Township lands to The Nature Conservancy for conservation purposes, pursuant to Title 13 of the Revised New Jersey Statutes; and WHEREAS, the Township and The Nature Conservancy have completed all preliminary title research and other preparation work for the sale, and have tentatively agreed to close the transaction on July 28 or July 29, 2016; and WHEREAS, the removal of certain parcels from the sale has reduced the total sales price from \$109,300 to \$103,156.80; and WHEREAS, Ordinance 1405-12 sets forth certain restrictions and conditions that must apply to the sale. NOW, THEREFORE, be it resolved by the Township Committee of the Township of Middle as follows:
1. The averments of the preamble are incorporated.
 2. The appropriate township representatives are hereby authorized to take all steps necessary to effectuate the sale of this property to The Nature Conservancy for \$103,156.80, with closing to occur on July 28 or July 29, 2016.
 3. The township solicitor is hereby authorized to prepare the deed to transfer said property.
 4. The sale and transfer will be subject to all restrictions and conditions as set forth in Ordinance 1405-12 and as mandated by Title 13 of the Revised Statutes of New Jersey.

31. RESOLUTION 303-16 - REDUCTION OF PERFORMANCE BOND – FRED LANGFORD – THE FAIRWAYS – On motion by Committeemember DeVico seconded by Committeemember Donohue and passed on roll call, the following resolution was adopted. WHEREAS, \$521,670.18 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 \$108,810.00 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$521,670.18; 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 \$412,860.18.

32. RESOLUTION 304-16 - AUTHORIZING STREET OPENING PERMIT WAIVER – On motion by Committeemember Donohue seconded by Committeemember DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, Local Ordinance Section 215-15D does not allow for any road opening permit for any road that has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except by resolution of the governing body; and

WHEREAS, South Jersey Gas Company has requested a waiver to said moratorium to complete a system improvement as part of the Del Haven Backfeed Project; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds:

1. That an exception to the 5 year moratorium is appropriate in this circumstance; and
2. That the Public Works Superintendent and/or Sewer Department is hereby directed to issue a road opening permit to South Jersey Gas Company for various streets throughout Whitesboro for the purpose of completing system improvements as part of the Del Haven Backfeed Project, pending the submission of an application, correct fees and bonding associated therewith.
3. This waiver is contingent upon use of infrared technology only, and said property owner shall contact the Public Works Superintendent regarding particulars on this procedure prior to moving forward.

33. RESOLUTION 305-16 – CLOSED SESSION – CONTRACT NEGOTIATIONS (CAPE MAY COUNTY ANIMAL SHELTER) & POTENTIAL LITIGATION (CODE VIOLATION SUMMONS) – 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: CONTRACT NEGOTIATIONS (CAPE MAY COUNTY ANIMAL SHELTER) & POTENTIAL LITIGATION (CODE VIOLATION SUMMONS)
- 2.) The general nature of the subject matter to be discussed is as follows: CONTRACT NEGOTIATIONS (CAPE MAY COUNTY ANIMAL SHELTER) & POTENTIAL LITIGATION (CODE VIOLATION SUMMONS)
- 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.

34. RESOLUTION 306-16 – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE COUNTY OF CAPE MAY—ANIMAL SHELTER SERVICES – On motion by Committeemember Donohue seconded by Mayor Clark and passed on roll call, the following resolution was adopted.

35. PUBLIC COMMENT:

John Lauricella, Cape May Court House:

- *Would like to see solar panels installed on the township's maintenance buildings.*

Committeemember Donohue:

- *Has been considered in the past but the timing wasn't right.*

Dan Lockwood:

- *Commended Susan on her work in the past and knows she will be a fantastic edition once again.*
- *Asked Mayor Clark if he had met with members during negotiations and potential litigation.*

Mayor Clark:

- *Crossed paths at a coffee shop.*

Dan Lockwood:

- Had heard he had individually met with members from the School Board.

Mayor Clark:

- Did not meet individually with any member.
- Attended a meeting that Connie was also present for.
- Discussion was based on giving them money.
- Clarified that there was no deal made behind closed doors.

Dan Lockwood:

- Asked the terms be identified by Mayor Clark which he requested be included in a letter from the School Board.

Mayor Clark:

- Asked a letter be sent every year recognizing the amount being requested.

Dan Lockwood:

- Questioned Mayor Clark about meeting with the Fire Department.

Mayor Clark:

- He attended one of their meetings.
- School Board feels they could move forward with a five year plan.
- Stated he could not speak for the Governing Body but agrees with the suggestion.
- They would be entitled to receive the money by the first of the year.

Dan Lockwood:

- Inquired about a set amount of money available which does not fluctuate much from year to year.

Constance Mahon:

- The amount of money is based on the revenue which can fluctuate.

Dan Lockwood:

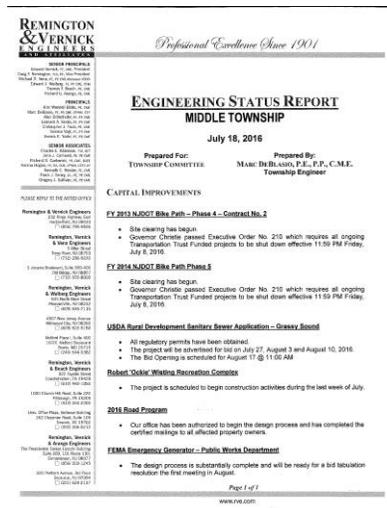
- Asked if a letter from the School Board was received.

Mayor Clark:

- We all received the same letter.

Committeemember Donohue:

- Letter is dated June 28th.
- Not sure when the letter was received.



Committeemember Donohue:

- Asked if State money was being used in the connector path between Lower and Middle.

Constance Mahon:

- Not that the Governing Body is aware of.
- The county is using Open Space funds.
- Meeting in the near future to talk about preconstruction with Lower Township.
- They are the lead agency of the project.

Mayor Clark:

- Attended the Burke Motor Group Car Show whose proceeds were donated to the DAV.
- Attended opening day for football program.
- Praised Jeff McCart and Robert Matthews for their hard work.
- Meeting at MLK Center for upcoming project regarding improving roadways.

Committeemember Donohue:

- *Sale through the Nature Conservancy benefits the township and the community.*
- *Not risking or losing ratables.*
- *Going out to bid on Grassy Sound Sewer Project.*
- *Almost a decade long quest.*
- *Victory for the homeowners and their rights.*
- *Welcomed Susan Quinones back.*
- *Commented on the animal shelter agreement and it having been a difficult process.*
- *Recognized Bill Candell for doing the right thing in relation to the animals.*
- *Better access of records to keep track of costs.*
- *A part of the county's tax rate.*
- *County jurisdiction and in partnership with them.*
- *Cost recalculated every year.*
- *County guarantees particular information will be provided by September every year.*
- *Opportunity to withdrawal from the agreement every year if township decided it didn't want to be a part of the program any longer.*
- *Thanked the county for meeting the township half-way in the end.*
- *Reserved money in the budget for additional street lighting.*
- *Working with Atlantic City Electric.*
- *Public safety is a priority.*
- *National Night Out, August 2.*
- *Encouraged residents to attend and show their support to the police officers.*
- *Blue Ribbon Challenge.*
- *"Thank You" book located in the lobby of Town Hall.*
- *Residents sign the book and take a blue ribbon to display in yard at home to show support of police department.*

Committeemember DeVico:

- *Wants to start focusing on the homeless population specifically in Rio Grande.*
- *Spoke of a boy in Mayville who has cancer.*
- *Participated in the Make-A-Wish Program.*
- *First wish was to go to Disney World.*
- *Second wish was to have a swimming pool.*
- *Township helped with getting permits passed in a timely manner for the boy's second wish.*
- *Rest of the summer to enjoy the pool.*
- *Thanked everyone who stepped up.*

Kimberly D. Krauss, Township Clerk

Motion to enter into Closed Session – 7:00pm

1st: Committeemember Donohue 2nd: Committeemember DeVico

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

Motion to return to Open Meeting – 7:09pm

1st: Committeemember Donohue 2nd: Committeemember DeVico

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

Motion to adjourn meeting – 7:12pm

1st: Committeemember Donohue 2nd: Committeemember DeVico

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