

Cape May Court House, NJ
September 19, 2016
REGULAR MEETING
FLAG SALUTE

THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Clark, Deputy Mayor DeVico, Committeemember Donohue, Township Clerk Kimberly Krauss, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio. Business Administrator Constance Mahon absent.

1. PRESENTATION BY THE MAYOR: MIDDLE TOWNSHIP MIDDLE MATTERS CIVIC RECOGNITION PROGRAM – BRIAN & KELLY BALESTRIERE

Mayor Clark:

- *Owners of Court House Pizza; nominated by Middle Township's Police Department.*
- *Explained that on multiple occasions, the Balestrieres have provided free or discounted food to the police department for their events and programs.*

Chief Leusner:

- *Spoke on behalf of the entire police department.*
- *Brian and Kelly support the police department in so many ways; we wouldn't be able to do the things that we do such as the Police Unity Tour and Middle Township's Police Officer Association Retiree dinner.*
- *They provided the police department with tons of food during the tragic loss of Jason Sill.*
- *They care about our officers, they care about our community, and we really appreciate their support.*

Ed Dillio:

- *Spoke on behalf of the Knights of Columbus and the American Legion which recently held an event and had all of the food supplied by Court House pizza.*
- *Wonderful price cut.*
- *They are an asset to our community; always willing to jump in and help.*
- *Thanked Brian and Kelly.*

2. PRESENTATION BY THE MAYOR – SEPTEMBER EMPLOYEE OF THE MONTH – PAT CORNWELL

Mayor Clark:

- *Read nomination for the record. Pat goes above and beyond the regular assigned duties.*
- *Organized an inventory of paper records dating as far as 1959.*
- *Pat volunteered to assist identifying qualified files in accordance with New Jersey's guidelines. She did not only volunteer to help with this project but she took the lead and put a lot of effort into organizing and completing this project.*
- *Spent many hours, days, and weeks.*
- *Especially important task due to storage space becoming extremely limited. Because of Pat, office space is organized, easy to navigate, and should be recognized for all of her hard work.*
- *Always has a smile on her face.*

Chief Leusner:

- *Congratulated Pat.*
- *Echoed the Mayor; always has a smile on her face.*
- *Very pleasant and hard worker, valued employee.*
- *Goes above and beyond; sat down with Pat a few months ago and she gave some suggestions for the website on how to better provide information and have a more effective and efficient process.*
- *She really cares about the people and the job.*
- *Important valued employees are recognized.*

Committeemember Donohue:

- *Echoed Chief Leusner; people don't see the police records employees very much but they are a critical part of the police department.*
- *Their rolls and job are growing more and more complicated over the years with all of the different records that are being added.*

Committeemember Donohue:

- *Thanked Pat for a job well done.*

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 Lauricella, Cape May Court House:

- *Glad everything is being addressed but doesn't understand how things such as item #17 occur.*

Committeemember Donohue:

- *Doesn't look good in a snap shot but believes progress has been made in the department.*
- *2014-2015 Transitional Period; new CFO was hired.*
- *Great confidence in our new CFO that we won't see this next year.*

Ed Dillio, Cape May Court House:

- *Asked how the money in item #16 was distributed; who determines who gets what?*
- *Knows the money comes from Conifer; what they would have otherwise paid in taxes.*

Mayor Clark:

- *It's a formula that consists of the capacity of how many people are involved at the time.*
- *It could vary from year to year.*
- *Formula is a certain percentage.*
- *5% is given to the County.*
- *Discussed in work session a portion will be given to the school; as long as it is asked for in writing by November the first, the school board will receive their portion as well as the fire districts.*
- *Distributions according to a pie chart; thinks the school receives 50%.*

Ed Dillio:

- *Standard Formula.*

Committeemember Donohue:

- *Not really a standard formula because there are various taxing authorities. Middle township is one, the School Board is one, and the Fire District is another. So, based on the budget for that year will depend on what will be extracted out of the total levy.*
- *Historically it's been 50-52% of the budget goes to the school board.*
- *The concern that was raised which I don't think will happen under the current administration, but if there was a real spike in school board spending and they were using 65% of the budget, should we then reward them with more money from the PILOT.*
- *Take a five-year rolling average every year to avoid that from happening.*
- *County has 5% of the pilot by law.*
- *We are not obligated under the law to give anybody else anything.*

4. RESOLUTION 386-16 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeeman DeVico seconded by Committeeman 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. \$820,855.72
5. RESOLUTION 388-16 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman DeVico seconded by Committeeman 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 09/07/2016, and Closed Session 09/07/2016.
6. REPORTS: The following departments have submitted their reports for the months indicated:
7. ORDINANCE NO. 1533-16 – AN ORDINANCE AMENDING CHAPTER 218, ARTICLE VI, SECTION 27 OF THE CODE OF THE TOWNSHIP OF MIDDLE THEREOF ENTITLED SUBDIVISION/SITE PLAN REVIEW, FILING PROCEDURES, APPLICATION FOR DEVELOPMENT FEES – Following second reading, hearing, and consideration for adoption, Ordinance No. 1533-16 was adopted on motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call. Complete Ordinance is on file in the Clerk's Office. **No Public Comment.**
BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 218, Section 27 entitled "Application for Development Fees," of the Revised General Ordinances of the Township of Middle be and is hereby amended to include the following:
SECTION 1.
Section 218-47 (7) Application for development fees shall be amended by the addition of the following:
218-47 (7f) Major Site Plan Gravel Pits. Application Fee \$500.00 Escrow Fee \$2000.00
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.

8. **ORDINANCE NO. 1534-16 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236, SECTION 236-7, SCHEDULE III** – Following second reading, hearing, and consideration for adoption, Ordinance No. 1534-16 was adopted on motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call. Complete Ordinance is on file in the Clerk’s Office. **No Public Comment.**

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 236, Section 7, Schedule III of the Code of the Township of Middle is hereby amended to read as follows:

| Name of Street | Direction of Travel | Location |
|------------------|---------------------|---|
| US Highway Rte 9 | North | From Wawa Driveway located approximately 300 feet North of the signalized intersection of Route 9 and Route 47 on to North Bound Route 9. |

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

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

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

9. **ORDINANCE NO. 1535-16 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 204, ENTITLED SEWERS** – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, Ordinance No. 1535-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/17/2016 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 204, of the Code of the Township of Middle is hereby amended to include the following:

204-19. Meters for Irrigation.

Commercial properties in the Township shall be permitted to install a separate water meter solely for measuring water used for irrigation. Water measured through this separate irrigation meter shall be exempt from sewer billing.

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

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

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

10. **ORDINANCE NO. 1536-16 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 46, ENTITLED POLICE DEPARTMENT, ARTICLE IV, DIVISION OF CODE ENFORCEMENT** – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, Ordinance No. 1536-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/17/2016 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1. Chapter 46, of the Code of the Township of Middle is hereby amended to include the following:

46-19 DIVISION OF CODE ENFORCEMENT, GENERAL

The primary function of the Division of Code Enforcement within the Police Department shall be enforcement of all ordinances of the Township of Middle. In executing that function the Division of Code Enforcement may call upon the sworn Police Department or other law enforcement officers for such assistance as is necessary.

46-20 CODE OFFICERS AND STAFF

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

46-21 LINE OF AUTHORITY

All code enforcement officers and clerical staff of the Division of Code Enforcement shall report to the Chief of Police.

46-22 APPLICABILITY OF POLICE DEPARTMENT ORDINANCES

Except as otherwise specifically may be set forth in the ordinances of the Township of Middle, or by the laws of the State of New Jersey, all ordinances governing the Middle Township Police Department also shall govern the Division of Code Enforcement. The Chief of Police, in his sole and absolute discretion, may exempt the Division of Code Enforcement from coverage of any or all portions of the Middle

Township Police Department rules and regulations (also known as the "Police Manual"). The Code Enforcement Official and the subordinate code enforcement officers and clerical staff of the Division of Code Enforcement shall not be deemed to be sworn members of the Police Department within the meaning of any provision of Title 40A, Chapter 14, of the Revised Statutes of New Jersey.

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

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

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

Committeemember Donohue:

- *Important that the public understand what they are trying to achieve.*

Chief Leusner:

- *In the process of working on a plan to bring the department up to 52 full-time officers.*
- *Promoting a Lieutenant and Sergeant to the Street Crimes Unit as part of final restructuring. About 40% decrease in crime in Rio Grande.*
- *Middle Township veteran resident who is trying to transfer.*
- *Code enforcement will be managed under the police department; all vacant properties will have to register with the township and have to pay a registration fee.*
- *Modeling Cherry Hill's program.*
- *Large number of foreclosures in Middle Township.*
- *RFP where a company locally invoices all the banks in Cherry Hill; 99% of the registered properties are owned by banks.*
- *Require a visit once a month to make sure there are no code enforcement issues, or safety issues.*
- *Vacant properties can attract criminal activity.*
- *Bring revenue to the township.*
- *ACCC is interested in teaming up with Police Department.*

Committeemember Donohue:

- *Idea behind it is to self-fund the property maintenance of the vacant properties.*
- *Hefty registration fee.*
- *Take burden off the township.*

Chief Leusner:

- *Two Code Enforcement Officers, one under Public Works and the other under Zoning.*
- *They will be consolidated, communication will be improved.*
- *During a meeting with Jim Amenhauser he mentioned it was a tough process trying to locate a home owner to give notice; Conclusion was established, Code Enforcement being operated under the Police Department, Code Enforcement Officers will have Police Department resources as well.*
- *Would appreciate feedback from committee to establish procedures.*

Committeemember Donohue:

- *Judge plays a role in this too.*

Frank Corrado:

- *Standardized procedures for inspections of property by bringing Code Enforcement into the Police Department.*

Chief Leusner:

- *Makes everything much easier to track and get the facts.*

11. RESOLUTION 389-16 – AUTHORIZING APPLICATION – NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS – SANDY RECOVERY DIVISION – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle requests to apply for and obtain a grant from the New Jersey Department of Community Affairs, Sandy Recovery Division for approximately \$18,715.00 as a reimbursement for the non-Federal match expended by the Township during Sandy recovery efforts; and NOW, THEREFORE, BE IT RESOLVED, that the Township of Middle does hereby authorize the application for said grant; and BE IT 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; BE IT FURTHER RESOLVED, that the Township of Middle authorizes the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and New Jersey Department of Community Affairs, Sandy Recovery Division; and 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 in connection therewith:
12. RESOLUTION 390-16 & 391-16 – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
- (a) 390-16 WHEREAS, Chip Miller Charitable Foundation has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House,

New Jersey, on October 9, 2016 from 10:00am to 8:00pm with a rain date of October 10, 2016 from 10:00am to 8:00pm, and

WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

(b) 391-16 WHEREAS, Driving Away Melanoma Inc. has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House, New Jersey, on October 22, 2016 from 10:00am to 9:00pm, and

WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

13. RESOLUTION 392-16 – APPOINTMENT – TOWNSHIP CLERK / REGISTRAR DEPARTMENT – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following person be and is hereby appointed to the position for the term of office opposite their name:

| NAME | OFFICE | POSITION | TERM EFFECTIVE | TERM EXPIRES |
|-----------------|--|-------------------------------|----------------|--------------|
| Kimberly Krauss | Township Clerk / Registrar of Vital Statistics | Registrar of Vital Statistics | 09/19/2016 | 09/20/2019 |

14. RESOLUTION 393-16 – AUTHORIZING CANCELLATION OF TAXES – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the individuals listed below were granted 100% disabled American Veteran status by the Cape May County Board of Taxation.

NOW THEREFORE BE IT RESOLVED, that the taxes on the properties listed below are hereby cancelled.

| ACCT | BLOCK | LOT | OWNER/LOCATION | STATUS GRANTED | 2017 |
|-------|---------|-----|--|----------------|------------|
| 17532 | 350 | 50 | Vehon, Donald 7 Kings Lane Cape May Court House, NJ 08210 Property Location: 7 Kings Lane | 06/29/2016 | \$1,787.53 |
| 17377 | 1425.06 | 6 | Burke, Thomas 11 Centennial Drive Rio Grande, NJ 08242 Property Location: 11 Centennial Drive | 07/18/2016 | \$2,022.34 |

15. RESOLUTION 394-16 – REFUND OF TAXES – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the following refunds are due as a result of overpayment to the homeowner listed below who has been granted 100% disabled American Veteran Status by the Cape May County Board of Taxation.

| ACCT | BLOCK | LOT | OWNER/LOCATION | 2016 |
|-------|---------|-----|---|----------|
| 17532 | 350 | 50 | Vehon, Donald 7 Kings Lane Cape May Court House, NJ 08210 Property Location: 7 Kings Lane | \$132.65 |
| 17377 | 1425.06 | 6 | Burke, Thomas & Anna M 11 Centennial Drive Rio Grande, NJ 08242 Property Location: 11 Centennial Drive | \$929.04 |

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 checks in the above noted amounts payable to the above mentioned parties, 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.

16. RESOLUTION 395-16 & 396-16 – AUTHORIZING SHARING OF THE CONIFER PILOT (ITEMS A THROUGH B) – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted. **Mayor Clark abstained from Resolution No. 396-16**

(a) Resolution 395-16 WHEREAS, Middle Township annually receives a “payment in lieu of taxes,” or PILOT, from Conifer Realty LLC for the Meadow Lark Run and Green Heron apartment developments, each of which was constructed to provide low- and moderate-income housing to Middle Township’s residents, as part of the township’s obligation under Southern Burlington County NAACP v. Tp. of Mt. Laurel, 67 N.J. 151 (1975); and

WHEREAS, Middle Township uses that PILOT to defray governmental expenses that would otherwise be underwritten by local property taxes; and

WHEREAS, the Middle Township Committee recognizes that some proportionate share of that PILOT should be shared with the Middle Township Board of Education, whose expenses are also paid out of local property taxes; and

WHEREAS, having considered the matter, the Township Committee believes it is in the township's best interest, and in the best interest of its residents, to enter into an agreement with the Board of Education to ensure that, for each year that Conifer pays the PILOT, an appropriate share of those funds should be forwarded to the Board of Education, so as to relieve increases in pupil population and class sizes, to preserve program options and to compensate for the property taxes Conifer would otherwise be paying; and WHEREAS, the Township Committee believes that the Board of Education's share of the annual PILOT should reflect, to the extent possible, the portion of school tax revenues the Board would have received were Conifer to pay property taxes rather than a PILOT, calculated as the average of the previous five years' proportionate share.

NOW, THEREFORE, on this 19th day of September, 2016, be it RESOLVED by the Township Committee of Middle Township as follows:

1. The averments of the preamble are incorporated by reference.
2. The Township shall enter into a five-year agreement with the Middle Township Board of Education providing that the Board shall receive an appropriate proportionate share of the annual payment in lieu of taxes (PILOT) made by Conifer Realty LLC for the Meadow Lark Run and Green Heron apartment developments.
3. The Board shall annually, and no later than November 1st of each year, send a letter to the Township Committee requesting its proportionate share of the PILOT.
4. That share will be calculated annually and shall correspond, as nearly as possible, to the portion of school tax revenues the Board would have received from Conifer had it paid property taxes rather than a PILOT, calculated as the average of the previous five years' proportionate share.
5. The Township and the Board of Education shall enter into a written agreement embodying this arrangement.
6. This resolution shall take effect immediately, according to law.

(b) Resolution 396-16 WHEREAS, Middle Township annually receives a "payment in lieu of taxes," or PILOT, from Conifer Realty LLC for the Meadow Lark Run and Green Heron apartment developments, each of which was constructed to provide low- and moderate-income housing to Middle Township's residents, as part of the township's obligation under Southern Burlington County NAACP v. Tp. of Mt. Laurel, 67 N.J. 151 (1975); and

WHEREAS, Middle Township uses that PILOT to defray governmental expenses that would otherwise be underwritten by local property taxes; and

WHEREAS, the Middle Township Committee recognizes that some proportionate share of that PILOT should be shared with the Middle Township Fire Districts #1 and #2, where the developments are located, since those districts' expenses are also paid out of local property taxes; and

WHEREAS, having considered the matter, the Township Committee believes it is in the township's best interest, and in the best interest of its residents, to enter into an agreement with Fire Districts #1 and #2 to ensure that, for each year that Conifer pays the PILOT, an appropriate share of those funds should be forwarded to each Fire District, to offset the tax contribution that would otherwise be made by Conifer toward the operation of those districts, and so as to ensure the continued provision of fire protection services in the areas served by those districts; and

WHEREAS, the Township Committee believes that the Fire Districts' share of the annual PILOT should reflect, to the extent possible, the portion of tax revenues each District would have received were Conifer to pay property taxes rather than a PILOT.

NOW, THEREFORE, on this 19th day of September, 2016, be it RESOLVED by the Township Committee of Middle Township as follows:

1. The averments of the preamble are incorporated by reference.
2. The Township shall enter into five-year agreements with the Middle Township Fire Districts #1 and #2, providing that each District shall receive an appropriate proportionate share of the annual payment in lieu of taxes (PILOT) made by Conifer Realty LLC for the Meadow Lark Run and Green Heron apartment developments.
3. Each District shall annually, and no later than November 1st of each year, send a letter to the Township Committee requesting its proportionate share of the PILOT.
4. That share will be calculated annually and shall correspond, as nearly as possible, to the portion of property tax revenues each District would have received from Conifer had it paid property taxes rather than a PILOT.
5. The Township and Fire Districts #1 and #2 shall enter into a written agreement embodying this arrangement.
6. This resolution shall take effect immediately, according to law.

Frank Corrado:

- *These resolutions require Fire Districts and the Board of Education to notify the township on an annual basis if they want a share of the PILOT.*
- *Notification is due by November first.*
- *Because the School Board receives the largest share of the tax money, we want to make sure there isn't some huge spike of spending in any given year.*
- *The School Board's share is going to be calculated as the average of the previous five years. Committee is amending the resolution to say that when the School District's share of the PILOT is calculated it is calculated on the average of the previous five years rather than on the basis of the immediate calculation.*

17. RESOLUTION 397-16 – AMENDING AND ACCEPTING REVISED CORRECTIVE ACTION PLAN – AUDIT 2015 – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle adopted Corrective Action Plan – Audit 2015 Resolution 300-16 on July 18, 2016 which inadvertently omitted unresolved prior year audit findings, as well minor revisions requested by the State of New Jersey, Department of Community Affairs; and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following amending resolution 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 will maintain fixed assets in accordance with N.J.A.C. 5:30-5.6. 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: The Finance office will review and close-out expired grant receivable and appropriated reserves balances. 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: No later than December 31, 2016.

Unresolved Prior Year Audit Findings

Finding #2014-001

- a. Finding/Condition: The Township's general ledgers had incorrect balances, and four months bank reconciliations were not completed as of year-end.
- b. Recommendation: Bank reconciliations be prepared timely and in agreement with the general ledger.
- c. Explanation and Corrective Action: Simpler bank reconciliation process currently being followed and up-to-date.
- d. Implementation Date: Currently implemented and up to date.

Finding #2014-003

- a. Finding/Condition: There was \$170,751 in asset additions not initially identified and \$409,081 of asset disposals not recorded. In addition, there were equipment assets that the Township could not allocate values to due to prior recorded assets not having sufficient identification numbers recorded, in order to properly match up with and delete.
- 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 will maintain fixed assets in accordance with N.J.A.C. 5:30-5.6. 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.

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

18. RESOLUTION 398-16 – APPOINTMENTS – SHADE TREE COMMISSION – On motion by Committeeman DeVico seconded by Committeeman 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 the following person be and are hereby appointed to the term of office opposite their name:

| NAME | BOARD | POSITION | TERM EFFECTIVE | TERM EXPIRES |
|-----------------|-----------------------|----------|----------------|--------------|
| Michelle Cotton | Shade Tree Commission | Member | 09/19/2016 | 12/31/2019* |
| Connie Barry | Shade Tree Commission | Member | 09/19/2016 | 12/31/2020* |

* Filling unexpired term of office.

19. RESOLUTION 399-16 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman DeVico seconded by Committeeman 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 |
|--------------------------|----------------------------------|--------------|----------|
| Nagle, Donald E & Jean E | 1 Southern Shore Drive | 168 // 26.01 | \$276.91 |
| Lin, Shen Hung & Yu Ling | 100 North 6 th Street | 1490 // 3 | \$246.20 |

20. RESOLUTION 400-16 – AUTHORIZING AND ACKNOWLEDGING RENEWAL OF CONTRACT WITH BENECARD FOR EMPLOYEE PRESCRIPTION PLAN – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is currently in a contract with Benecard Prescription Benefit Program for employee prescription plans, and

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 contract with Benecard Prescription Benefit Program / RX Alliance, is hereby amended.

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all paperwork in connection therewith.

21. RESOLUTION 401-16 – TABULATION COMMITTEE - FURNISHING, INSTALLING, SUPPLYING AND SERVICING OF VENDING MACHINES FOR VARIOUS TOWNSHIP COMPLEXES – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, on July 18, 2016, Township Committee established a Tabulation Committee to accept bids for the furnishing, installation, and supply and servicing of vending machines at various township complexes at Township Hall on Thursday, August 11, 2016; and

WHEREAS, it was in the best interest of the Township to reject the bids and rebid for the project; and

WHEREAS, a new Tabulation Committee was established through Resolution 350-16 to receive bids on September 13, 2016; and

WHEREAS, no bids were received; and

NOW THEREFORE BE IT FURTHER RESOLVED that Purchasing Agent Josh Niemann, Township Clerk Kimberly Krauss and Business Administrator Constance Mahon, be and hereby are appointed to tabulate the bids to be taken on October 18, 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:

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

22. PUBLIC COMMENT:

John Lauricella, Cape May Court House:

- *Happy to hear about the properties owned by the bank being spoken about. Reach out to the banks and tell them that there is going to be a penalty and let's give the homes to some homeless people.*
- *Cease the opportunity.*

Helen McCafferty, Kings Lane:

- Coyotes and road runners.
- Republican committeeman for the ninth precinct and has had complaints from her constituents who live on Johnstown Lane about their chickens being eaten by coyotes.
- They sought information from the Wildlife Commission who denies there are any coyotes in NJ.
- Wonders if the township can do something about it.
- Johnstown Lane is being used a Nascar Strip; eight children who live on that street.
- No signs that say slow down or speed bumps; people driving at 60 mph.

Ed Taylor, Wynndemere Court:

- Was not able to attend the Work Session in regards to ordinance concerning political signs and asked to be enlightened.

Frank Corrado:

- Committee has authorized me to draft an amendment to the ordinance that removes the section that prohibits signs being erected more than 45 days before the election. And they also authorized me to remove the ban on a privately owned piece of land. There was some discussion about size limitation but they didn't authorize any changes.

Ed Taylor, Wynndemere Court:

- Has seen coyotes.
- Hand Avenue is also used for speeding.

Stan Doniger, Rio Grande:

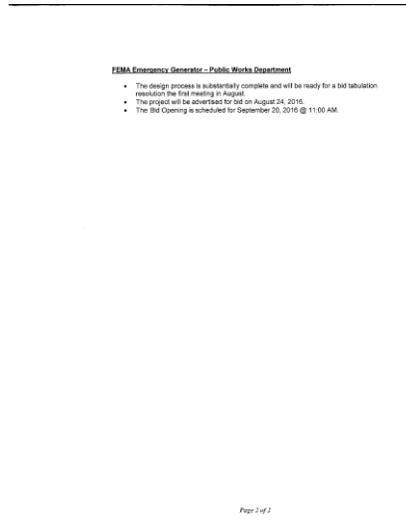
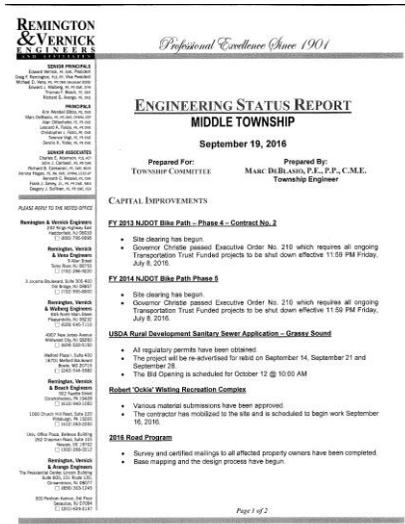
- Shop Middle Township on website.
- Asked if the township was intending on doing anything with that.

Mayor Clark:

- Tax rebate card, the problem is that not enough businesses have signed on.
- Difficult to get the corporate type of business: Lowe's, Home Depot.

Ed Dillio, Stagecoach Road:

- I also have a coyote problem.
- Lost 2 chickens last week.
- If township can't do anything, I'm going to hunt them.



Mayor Clark:

- Attended the Volunteers in Medicine Annual Gala at the Sand Barrens, they honored Stephen Kornberg as physician of the year and Pat Lang as volunteer of the year and The Ocean Drive Run Club, Inc. as Community Partner of the year.
- Blue Mass for the first responder fireman police officers at our Lady of the Angels. Wanted to publicly thank them; very well attended.
- Optimal Health Walk at the Goshen Complex, put on by Andrew Schultz and his wife Gloria. Dinner at the Avalon Country Club; becoming an annual thing, done across the Country, bring awareness to the epidemic of being overweight. Monies that they raised will be donated to youth organizations, one here in Middle Township summer camp program held in Whitesboro and the other to a playground in Lower Township.
- Presentation over at Brookdale for National Assisted Living Week which was September 11-17th.
- Restaurant week coming up.
- Attended the Ribbon Cutting at McDonald's in Rio Grande.

Committeemember Donohue:

- Thanked Kim for assuming the Registrar role in her office; important functions. In the process of getting new employees trained in the Clerk's Office.
- Glad PILOT resolutions have been approved. It is important that precedent is set for future governing bodies.
- Fought to get the most money we could get from PILOT.

- *Road Projects / Bike Path – funding is in place and the State is holding us up. The problem with the state transportation trust fund. Powerless and that’s why we ask the community as a whole to contact state legislatures to stop messing around; running out of time; we won’t be able to get started working on it again until next July*
- *Connector project is funded and ready to go.*
- *Preliminary approval to take path north towards Dennis Township.*
- *All related to NJ DOT.*
- *We need the people that represent us to take it to Trenton.*

Kimberly D. Krauss, Township Clerk

Motion to adjourn meeting – 6:55pm

1st: Committeemember Donohue

2nd: Committeemember DeVico

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