

**Cape May Court House, New Jersey
TOWNSHIP OF MIDDLE
TOWNSHIP COMMITTEE
WORKSESSION AGENDA
February 17, 2016 4:00 PM (prevailing time)**

CALL TO ORDER:

Mayor's Announcement: 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).

Notice of this meeting was properly given in Resolution No. 18-16 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 4, 2016.

Members present are Deputy Mayor DeVico and Committeemember Donohue. *Mayor Clark was absent.*

Business Administrator Constance Mahon, Township Clerk Kimberly Krauss, Deputy Township Clerk Suzanne Stocker, Municipal Solicitor Frank Corrado & Municipal Engineer Marc DeBlasio.

FLAG SALUTE:**DEPARTMENTAL REPORTS AND PROJECT UPDATES:****Administration:****Finance:****Public Works & Engineering:****Legal:****Tax Collection/Tax Assessment:****Construction/Planning/Zoning:****Recreation:****Police / Animal Control:**

Proposed Ordinance Amendment
RE: Shopping Carts

Committeemember DeVico discussed some proposed language changes to the Ordinance, specifically omitting the word "retail" to include all business with shopping carts.

Committeemember Donohue provided background information regarding the purpose of this Ordinance and the reasons for modifying it. Expressed concerns with safety issues, property maintenance issues and appearance issues with loose shopping carts.

Committeemember DeVico would like to see the Ordinance written in an enforceable manner.

Chief Leusner indicated that Ordinance is a draft and put together from sample Ordinances. Believes an electronic mechanism is needed to control shopping cart issues. Spoke of previous attempts at enforcement which were unsuccessful. Hopes that new Ordinance will provide for better enforcement abilities.

Solicitor Corrado asked Chief about violations against the violators. Also asked difference between small and large businesses.

Chief Leusner mentioned that enforcing violations from the individuals who are removing the shopping carts is time consuming. Number of shopping carts per store would determine size of business.

Solicitor Corrado asked Committeemember DeVico and Committeemember Donohue for their concerns.

Committeemember Donohue believes that notification to the businesses to step up on their own enforcement should be the initial step before Ordinance goes into effect. Time of less than 18 months for businesses to improve enforcement.

Chief Leusner explained issues with constant changing management on the local level of the businesses.

Connie Mahon relayed a concern which was received relative to who would be responsible for: lessee or lessor of the property. Also possible interference with antenna systems of neighboring properties.

Chief Leusner indicated that antenna systems would cost approximately \$30,000 based on 150 shopping carts, for a location such as Walmart. Mentioned resident concerns with shopping carts being left laying around.

Solicitor Corrado asked Committeemember Donohue is his opinion is to enforce all businesses.

Committeemember Donohue expressed concerns with actual violators not being penalized, only penalizing the businesses. Would be cheaper for businesses to purchase new carts rather than pay fines to pick up carts that are picked up by police, public works, etc.

Chief Leusner spoke of shopping cart containment system to be approved by the Township and would provide businesses a chance to enforce their issues before Township gets involved with violations and fines.

Committeemember DeVico believes that fines should be established for businesses that do not comply.

Dan Lockwood, Cape May Court House, suggested more penalty if the businesses do not comply. Asked about statutory language for fines.

Solicitor Corrado suggested reviewing the Ordinance and making changes for further review and consideration.

Committeemember Donohue would like to research to find if other areas are successful with enforcement.

Committeemember DeVico mentioned meeting with local businesses for their input.

Michael Voll, Rio Grande, agrees with Solicitor Corrado regarding the importance of enforcement.

Chief Leusner will prepare letter to send to local business owners regarding future discussion of Ordinance.

Buildings and Grounds:

Sewer:

Economic Development:

Personnel:

Zoning:

Township Clerk:

SPECIAL PRESENTATIONS OR DISCUSSIONS:

PUBLIC COMMENT:

Michael Voll, Rio Grande, asked about the status of the grants/funding for Bike Path project with Lower Township.

Connie Mahon indicated that extension of bike path funding through County until June. Project has been approved by Atlantic City Electric. Opposition of proposed project area has been received by several residents in Rio Grande, Township is now looking into other options for project path. Discussions with NJDOT regarding use of Railroad areas, chain-link fence would be required, but limited options are Railroad is currently being leased.

Michael Voll, Rio Grande, suggested that Township Committee and Freeholders sent a letter to Commissioner of NJDOT to revoke permission to operate Railroad. Further mentioned exemption for school buses to stop at Railroad Crossings as they are not active.

Committeemember DeVico mentioned visiting residents who are affected by bike path project with Peter Lomax to discuss and review the plans. Expects to meet with residents during the first week in March.

Kimberly D. Krauss, Township Clerk

Motion to Adjourn Meeting – 4:50pm

1st: Committeemember Donohue 2nd: Committeemember DeVico

Roll Call Vote: Committeemember DeVico, Committeemember Donohue

*Mayor Clark Absent

Minutes prepared by Suzanne M. Stocker, Deputy Township Clerk