

**Cape May Court House, New Jersey
TOWNSHIP OF MIDDLE
TOWNSHIP COMMITTEE
WORKSESSION AGENDA
May 16, 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 Mayor Clark, Deputy Mayor DeVico, and Committeemember Donohue.

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:**

FEMA Generator Discussion

Mayor Clark:

- *Deputy Mayor had asked it be placed on this month's work session.*
- *Tabled from last month's work session meeting.*
- *Generator for public works building.*
- *Township has a grant.*
- *Asked Constance to verify they were short about \$50,000.*

Constance Mahon:

- *We have not gone out to bid yet, we have no idea how short we will be.*
- *FEMA Hazard Mitigation grant.*
- *Grants were estimated at about \$140,000 per municipality to install generators as a result of Sandy.*
- *Four years later they realize that it will be about \$100,000 per municipality because of the amount of municipalities in the county.*
- *Ask FEMA for additional funding if bid comes in at over \$100,000 and county has extra money that other municipalities did not utilize.*

Committeemember Donohue:

- *FEMA encouraged municipalities to strengthen infrastructure of facilities needing to be in operation during storms.*
- *We were one out of many applicants who were chosen for the grant.*

Peter Jesperson:

- *Member of Community Emergency Response Team.*
- *Questioned if this project was separate from the generator at Elementary 2.*

Committeemember DeVico:

- *Concerned about the cost of putting the generator in.*
- *Not to exceed \$20,000.*
- *Does not believe it should cost that much.*
- *Has seen others done at a lower cost.*
- *Asked why our engineers don't put out to bid on special projects like this one.*
- *Feels the cost is excessive.*

Committeemember Donohue:

- *Asked Committeemember DeVico if he has seen any plans.*

Committeemember DeVico:

- *Has not seen plans.*

Constance Mahon:

- *This engineering firm applied and assisted in the application process for the grant.*

Marc DeBlasio:

- *Explained process and background on proposal for generator.*

Committeemember DeVico:

- *To voice his opinion he thinks it's excessive.*

Committeemember Donohue:

- *Not opposed to competitive bidding and saving money in engineering costs.*
- *This is not the project to be utilizing the competitive bidding process.*
- *Through personal experience, there are other projects where we could save a lot more money by bidding.*
- *Claimed that option has been looked at before through his own personal request.*
- *Request for Qualifications (RFQ) to create a pool of engineers that would bid on engineering work.*
- *More efficient to have one engineer for more efficient supervision.*

Committeemember DeVico:

- *Feels as if the township should acquire a couple to a few more quotes.*
- *Needs to view comparative costs.*

Mayor Clark:

- *Has confidence in it being a good project.*
- *Interpreted Committeemember DeVico's concern as being that the generator was not budgeted and whether it is going to cost us more.*
- *In speaking with the Chief Financial Officer John Clifford he said that the township could try and find the generator using the method used for police radios.*

Committeemember DeVico:

- *Resolution popped up at the same time as budget adoption.*
- *Wants to see the letter from FEMA.*
- *Things continue popping up that the CFO has not mentioned.*

Dan Lockwood:

- *The grant has been approved.*
- *Worked on the capital budget when in office.*

Committeemember DeVico:

- *Going to bind all of the grants the township has applied for and is going to make sure the township has the money for them.*

Dan Lockwood:

- *Will still have to pay another engineer to write the bid specs.*

Special Engineer Position Discussion

Finance:**Public Works & Engineering:**

2016 Road Program

Legal:**Tax Collection/Tax Assessment:****Construction/Planning/Zoning:****Recreation:****Police / Animal Control:**Proposed Ordinance Amendment
RE: Shopping Carts

Steve VanSeeters – ShopRite, Store Manager
Bob Wode – Village Supermarket District Manager
Bob Whalen – Acme Plaza Shopping Center
Jim Roche – Save-A-Lot, District Manager
Bruce Mobile – Senior Property Manager, Rio Grande Plaza

Chris Leusner:

- *Gave background on problem.*
- *Many complaints from the public.*
- *Public safety issue.*
- *Has researched various options to help control shopping cart issue.*
- *Advised township committee to consider electronic locking mechanism.*

Bob Wode:

- *Shop from home van responsible for collecting carts.*
- *Further patrol the area 3 times a week.*
- *Considerable expense to install electronic locking system and in addition the maintenance.*
- *Sensitive to problem with carts.*
- *Cost to replace \$100 per medium sized cart.*
- *Lots of motivation to keep on lot as it is.*

Chief Leusner:

- *References customers that leave with \$100 carts past numerous employees but receive calls for \$40 shoplifters.*
- *Asked if there is any effort put into place by the store to intervene people taking the carts.*

Jim Roche:

- *Jeopardize safety of employees.*
- *Commented on hourly clerks that collect carts.*
- *States that if the township calls to have the carts picked up, they will.*
- *Store owners are the victims.*

Chief Leusner:

- *Believes store owners can do a lot more to prevent carts from being taken such as hire more staff.*
- *Better loss prevention efforts on behalf of the stores would help.*

Bob Wode:

- *Shoprite makes a good faith effort to retrieve the carts that go off the lot.*
- *Putting a cart locking mechanism into place doesn't show a good message to the law abiding citizens.*
- *It gives the impression that they are not trusted.*

Chief Leusner:

- *Indicated some ShopRite's have them.*

Bob Whalen:

- *Asked about the number of calls the police department receives regarding someone leaving with a cart.*
- *Is it a violation?*

Chris Leusner:

- *Rarely receive calls for someone leaving with a cart.*
- *Considered shoplifting.*
- *Special Form and Complaints Summons.*

Bob Whalen:

- *Asked if signs would help.*

Chief Leusner:

- *Signs are posted in stores and at bus stops in Spanish and English.*

Jim Roche:

- *Stores in Rio Grande are transit and those in Cape May Court House are not.*
- *New ordinance should be imposed on new stores because they budget for it.*
- *Believes this should be a partnership with the township.*

Constance Mahon:

- *Suggested having staff go out to the most problematic areas such as bus stops to retrieve carts a few times a day.*
- *Our man power is being utilized in areas that are not serving the best interest of the rest of our tax payers.*

Bob Wode:

- *Agreed to patrolling area more thoroughly.*
- *In addition to putting up more signs informing everyone that it's a crime to take carts out of the parking lot.*

Dan Lockwood:

- *States that there are ways to relieve some of these issues before township involvement is necessary.*
- *6 years on committee and he constantly received complaints.*

Committeemember Donohue:

- *Agrees that storeowners are the victims.*
- *Locking cart mechanism the last resort we would implement.*
- *Allocating our resources for example the township's police department and public works too much.*
- *Partnership between store owners and township to find solution that works both ways.*

Chief Leusner:

- *Needs to be a mechanism for those stores that do not comply.*
- *They have been given the opportunity to work together with the township and they do not.*

Frank Corrado:

- *The document handed out by Chief Leusner is a draft ordinance modeled from ordinances in other areas.*
- *Encourages storeowners to review and express their suggestions, thoughts, comments, and criticism.*
- *Give feedback to Chief Leusner.*

Committeemember Donohue:

- *Middle township is a small town.*
- *Many storeowners have multiple interests with other towns as well.*

- *Looking for recommendations on what works and has worked for storeowners.*

Francis Wagner:

- *Suggests placing cameras in parking lots as well as putting up signs announcing that there are cameras watching in search of theft regarding shopping carts.*

Body Cameras and In-Car Cameras

Chief Leusner:

- *Grant of \$24,000 that has to be moved forward with by June 15th.*
- *Recommending a body camera and model on meeting being held on June 6.*

Officer Karge:

- *Demonstrated body camera for the committee members.*

Chief Leusner:

- *Explained "Pre-Record" option available.*
- *Every officer will be equipped with a camera.*
- *Current proposal of 55 body cameras.*
- *9 hours of recording time, motion activated.*
- *Protocol set in New Jersey by the General Attorney for proper time of camera usage..*
- *Local protocols and policies in effect as well.*
- *Body cameras \$75,000.*
- *\$24,000 in grant.*
- *\$67,000 in capital.*
- *Appreciates the inquire system.*
- *Given bundle price with savings if car cameras purchased this year.*
- *Would need about another \$95,000 to move forward.*
- *Car camera system comes with a back camera for the ability to view the arrested individual(s) located in the back seat.*
- *Faster access time.*

Committeemember Donohue:

- *Estimate of time body cameras would take to get up and running if approved at the next meeting.*

Chief Leusner:

- *45-60 day delivery.*
- *End of summer.*

Mayor Clark:

- *Asked if there were any issues or problems other departments have had with cameras from this company.*

Chief Leusner:

- *No problems that he is aware of.*
- *Two largest departments in the County who utilize WatchGuard are happy with results.*
- *Battery replacement every 18-24 months which is about \$100.*

Frank Corrado:

- *You can't not have cameras anymore.*
- *The first question any defense attorney will make is if there was a camera or not.*

Constance Mahon:

- *Asked Chief Leusner if he has looked into the value of selling what we currently have.*
- *Trade-in options.*

Chief Leusner:

- *Auction on GOV Deals.*
- *WatchGuard has no interest in cameras from 10 years ago.*
- *Total cost of project \$185,000.*

Committee decided to allow John to review appropriation options.

Chief Financial Officer John Clifford:

- *Asked for Resolution to be drawn up for meeting being held on June 6 regarding State contract.*

EMS:

Buildings and Grounds:

Sewer:

Economic Development:

Personnel:

Zoning:

Seagrove Subdivision Drainage Basin Discussion

John Pagenkopf:

- *Independent Land Development Manager on behalf of Cape Bank.*
- *Matter on the maintenance of the stormwater management basin for the Seagrove community has gone back and forth for some time.*
- *Briefly reviewed where the matter is today and is hopeful a decision can be made.*
- *Cape Bank took the project back from the developer back in 2012.*
- *Received copies of plans and resolution from David May in 2012 which do not contain any reference as to who would take disposition of the basins.*
- *Noted there was a preliminary plan approval in the tape received from David May.*
- *In November 2006 the plan was approved and the basin matter was tabled to the final plan approval which occurred in May 2007.*
- *When final review of the May 2007 tape was completed, it was determined that no decision was made on the topic of the basin.*
- *Concluded that with no decision on the matter of the basin and no stipulation for a stormwater management basin maintenance plan which would be required by the township if it intended to deflect the maintenance onto the homeowners, that there was no maintenance schedule plan approved.*
- *Made references to Ordinance 218-73 Drainage and stormwater management and 218-73.1 Stormwater best management practices and stormwater control in defense to his argument.*
- *Also concluded that without the management maintenance plan which was not originally approved, homeowners are not held liable.*
- *Expressed his idea of one possible plan of action.*
- *Trying to finish the project and get the performance bond released but lurking problem must be dealt with.*
- *Met with the Deputy Mayor on site and walked the property.*
- *Trying to understand what the next step might be.*

Committeemember Donohue:

- *Has in possession an email sent from John on July 31, 2014 stating that the homeowners understanding that the ultimate responsibility for the maintenance of the facilities would fall from the developer to the township.*

John Pagenkopf:

- *Email was based on personal review of the resolution and the approved plans as well as Ryan Homes.*

David May:

- *Contacted EDA regarding maintenance schedule and has not received anything yet but they are working on it.*

John Pagenkopf:

- *Feels as if the matter fell through the cracks.*

David May:

- *The township has never maintained the basin, the township maintains from the infrastructure from the street.*
- *Referenced Ordinance 218-59.*

John Pagenkopf:

- *Questioned why there was no Homeowners Association or entity in control of this development to deal with this matter.*
- *Basins have not been maintained for two years.*

Frank Corrado:

- *Disagrees with Pagenkopf that responsibility would now fall onto the township.*
- *Clarified the interpretation of the ordinance for John.*
- *Puts responsibility on homeowners not the township.*
- *Asked why HOA was never formed.*
- *Questioned the cost of the maintenance basin and why it has not been maintained in two years.*

Frank Corrado:

- *Suggested Township Engineer Marc DeBlasio prepare estimate for Mr. Pagenkopf that speaks of cost to maintain basin.*
- *Also requested to personally meet and speak with Mr. Pagenkopf to help resolve the issue.*
- *Restated that the responsibility does not fall on the township.*

Township Clerk:**SPECIAL PRESENTATIONS OR DISCUSSIONS:**

Sterback Harbor, Special Assessment Board Report by John M. Cantalupo, Esq., Archer & Greiner, P.C.

Mayor Clark:

- *Report has been given and reviewed by all committee members.*
- *Turn over to tax office for levy assessment regarding dredging project that was done.*

Ruth Adelson:

- *Asked if dredging project was finished.*
- *During low-tide there is mud.*

Constance Mahon:

- *Project is complete.*
- *Center channel was dredged.*
- *Post dredge survey is available.*

Jim Cabelo – 26 Meadowview Lane:

- *Concerned that others are being assessed much less because homes are across the street.*
- *Believes cost should be shared equally due to it being considered by him a community project.*
- *Worried that the channel is still shallow at 5 feet.*

Constance Mahon:

- *State and Army Corp. regulate how far down the township can dredge.*
- *Was completed accordingly.*

Roseanna Ritchie:

- *68 owners benefit so all 68 owners should pay equally.*
- *All gained and all go out the harbor.*

Constance Mahon:

- *Spoke of formula utilized to come up with the assessment.*
- *All done by the Special Assessment rules and law of the state of New Jersey.*
- *Formula sent to Avalon Manor Dredge Committee.*

Jim Cabelo:

- *Assessment should include the price of lots across the street where they dock their boats.*

Committeemember DeVico:

- *Project that has been going on for years.*
- *Asked why these questions were not discussed prior.*

Jim Cabelo:

- *Just received notification on how it will be assessed last meeting.*

Ruth Adelson:

- *Questioned if property owner with 1 slip should pay the same as property owners with multiple slips.*

Mayor Clark:

- *Indicated he sits on the board and decided that the decision made was the most fair and equitable option to everyone.*

Ruth Adelson:

- *Has received numerous memos.*

Todd Amo – 10 Seabreeze Lane:

- *Was aware of assessment when he bought property years ago but was told it wouldn't be more than \$15,000.*

Committeemember Donohue:

- *There was no way of guessing what the exact cost would be until the project was complete.*

Constance Mahon:

- *Project actually came in under budget.*

Jim Cabelo:

- *Believes if lots that have deeded boat slips are included it would help.*

Frances Wagner – 611 Avalon Boulevard:

- *Have friends in Avalon who paid nothing for the dredging done there.*
- *Middle Township claimed they were out of money.*

Committeemember Donohue:

- *Clarified that from the very beginning of the project he told the property owners that he township was not going to pay to dredge Sterback Harbor.*
- *Cost to the township for example the time the Administrator and Engineer spent on the project.*

Jim Cabelo:

- *Appreciates township doing project.*
- *Harbor is much better.*
- *Thanked to all involved.*

PUBLIC HEARING:

PUBLIC COMMENT:

Peter Jesperson:

- Road program.
- Explanation of the scope of project.
- List available of the roads that will be worked on .

Committeemember Donohue:

- Suggested Mr. Jesperson talk to our engineer.

Kimberly D. Krauss, Township Clerk

Motion to Adjourn Meeting – 5:55pm

1st: Committeemember Donohue 2nd: Mayor Clark

Roll Call Vote: Committeemember DeVico, Committeemember Donohue, Mayor Clark