

Cape May Court House, NJ
January 20, 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, Deputy Township Clerk Suzanne Stocker, Business Administrator Constance Mahon, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio.

1. PRESENTATION TO COMMITTEEMAN DONOHUE – CAPE MAY COUNTY LEAGUE OF MUNICIPALITIES
2. PRESENTATION BY MAYOR – JANUARY EMPLOYEE OF THE MONTH – CHERYL GRIER
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.*)
4. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by _____ seconded by _____ 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. \$*
5. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by _____ seconded by _____ 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: Reorganization Meeting 1/4/2016.*
6. REPORTS: The following departments have submitted their reports for the months indicated: Construction Office for the month of December 2015; Sewer Department for the month of December 2015;
7. RESOLUTION – AUTHORIZING MAYOR TO SIGN 2016 SAFETY INCENTIVE PROGRAM CONTRACT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, the governing body of the Township of Middle does hereby recognize the important role that an effective safety program plays in lowering employee injury rates, reducing lost time accidents, and cutting insurance costs, all of which contributes to greater employee safety and lower tax rates, and WHEREAS, as part of the 2016 Safety Incentive Program, the JIF hereby request that the municipality execute a “2016 Safety Contract” essentially agreeing to support and participate in all aspects of the JIF Safety Program. 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 Mayor and Township Clerk are hereby authorized to sign any and all documents in connection with said 2016 Safety Contract.*
8. RESOLUTION – AUTHORIZING MAYOR TO EXECUTE TRI-PARTY AGREEMENT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, are hereby authorized to sign the Tri-Party Agreement relative to 3150 Route 9 South.*
9. RESOLUTION – RATIFY CONTRACT – REMINGTON, VERNICK & WALBERG ENGINEERS – ENGINEERING SERVICES CY2016 – FAIR AND OPEN PROCESS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, on November 17, 2014 by way of Resolution 601-14, request for proposals and qualifications were sought for the position of Municipal Engineer, and WHEREAS, on January 6, 2015, reorganization, the position of Municipal Engineer was awarded to Remington, Vernick & Walberg Engineers, and WHEREAS, said term was awarded for three years, with the certification and award of contract set yearly. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract between the Township of Middle and Remington, Vernick & Walberg Engineers, for CY2016, shall hereby be ratified in the amount not to exceed \$40,000.00 for general engineering consulting services.*

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said contract.

10. RESOLUTION – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK & WALBERG ENGINEERS – OCKIE WISTING RECREATION COMPLEX IMPROVEMENTS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, on January 6, 2015 Township Committee awarded Remington Vernick & Walberg Engineers a three year term as Township Engineer, and said contract was certified for 2016 as Resolution No. ____-16, and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Remington, Vernick & Walberg Engineers shall provide engineering and construction observation services for the following:
Remington, Vernick & Walberg Engineers
Engineering and Construction Observation Services
Ockie Wisting Recreation Complex
Not to Exceed \$14,000.00
11. RESOLUTION – AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT – NICK BADAME REFRIGERATION, LLC – HVAC ENERGY UPGRADES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has a need to enter into an agreement with Nick Badame Refrigeration, LLC for HVAC energy upgrades , as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and
WHEREAS, the Township of Middle will be entering into an agreement with Nick Badame Refrigeration, LLC, for services, where the total amount is \$32,280.43, which exceeds the non-fair and open limitation of \$17,500.00; and
WHEREAS, Nick Badame Refrigeration, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the Nick Badame Refrigeration, LLC from making any reportable contributions through the term of the contract; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.
BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
12. RESOLUTION – RATIFY LEASE AGREEMENT – MARINE CORPS LEAGUE AT MIDDLE TOWNSHIP SENIOR CITIZEN CENTER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Marine Corps. League and the Township of Middle for usage of the Middle Township Senior Citizen Center from January 1, 2016 through December 31, 2016, be and is hereby ratified.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.
13. RESOLUTION – CONTINUANCE OF APPOINTMENT – MUNICIPAL PROSECUTOR – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Marian Ragusa was appointed as Municipal Prosecutor for CY2015 on January 6, 2015 via Resolution 06-15; and
WHEREAS, Resolution 41-16 of the Township of Middle, approved the Continuance of Appointment for Ms. Ragusa for a one month period;
WHEREAS, it is in the best interest of the Municipal Court to hold over Ms. Ragusa's current appointment as Municipal Prosecutor for a period not to exceed one additional month for the continuance and operation of the Woodbine and Middle Township Municipal Courts; and
WHEREAS, Ms. Ragusa has agreed to said continuance of appointment, with fees not to exceed \$2,500 for the additional one month appointment; and
NOW THEREFORE BE IT RESOLVED THAT Marian Ragusa appointment as Municipal Prosecutor of the Township of Middle be held over until February 29, 2016.
14. RESOLUTION – CLOSED SESSION – CONTRACTUAL MATTERS (POSSIBLE LEASE OF REAL PROPERTY AND PROFESSIONAL SERVICES CONTRACT REVIEW) – On motion by _____ seconded by _____ 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: CLOSED SESSION – CONTRACTUAL MATTERS (POSSIBLE LEASE OF REAL PROPERTY AND PROFESSIONAL SERVICES CONTRACT REVIEW) AND PENDING LITIGATION (DECO 2001 v. MIDDLE TOWNSHIP and HIDEAWAY BEACH v. MIDDLE TOWNSHIP)

2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – CONTRACTUAL MATTERS (POSSIBLE LEASE OF REAL PROPERTY AND PROFESSIONAL SERVICES CONTRACT REVIEW) AND PENDING LITIGATION (DECO 2001 v. MIDDLE TOWNSHIP and HIDEAWAY BEACH v. MIDDLE TOWNSHIP)

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.

15. RESOLUTION – AMENDING RESOLUTION 554-15 – APPOINTMENTS – NEW HIRES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following appointment Resolution is hereby amended as follows:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Michael A. Elias	Public Works	Code Enforcement Officer Trainee P/T Permanent	\$12.50ph	12/22/2015

16. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – On motion by _____ seconded by _____ 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/BOARD	POSITION	EFFECTIVE
Alexander Bauer	Public Safety	P/T Emergency Medical Technician	1/11/2016
Tiffany Parker	Public Safety	P/T Emergency Medical Technician	1/11/2016
William Cripps	Public Safety	P/T Emergency Medical Technician	1/11/2016
Charles McNeal	Recreation Advisory Council	Member	12/31/2015
Phil Heun, Jr.	Recreation Advisory Council	Member	12/31/2015
Gary Blum	Recreation Advisory Council	Member	12/31/2015

17. RESOLUTION – APPOINTMENTS – VARIOUS VOLUNTEER BOARDS – On motion by _____ seconded by _____ 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 board/position for the term of office opposite their name:

NAME	BOARD	POSITION	TERM EXPIRES
James Ernst*	Cable TV Advisory Board	Alternate Member #2	12/31/2016
Jim Belles*	Traffic Advisory Committee	Fire/EMS Chief Advisor	12/31/2016
Richard Sweeten*	Traffic Advisory Committee	Alternate Member #2	12/31/2017

*filling unexpired term of vacant position

18. RESOLUTION – APPOINTMENTS – NEW HIRES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Autumn Flannery	Public Safety	P/T Emergency Medical Technician	\$10.60ph	1/20/2016
Gerald McCaffrey	Public Safety	P/T Emergency Medical Technician	\$10.60ph	1/20/2016

19. RESOLUTION – SALARY ADJUSTMENT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee salaries are hereby amended to the amount opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Kevin Wong	Public Safety	System Analyst	\$55,000.00	01/20/2016

20. RESOLUTION – ACKNOWLEDGING DISCONTINUATION OF EMPLOYMENT – On motion by _____ seconded by _____ 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 discontinuation of temporary appointment listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Daniel DeSimone	Zoning	P/T Fire Protection Specialist	12/31/2007

21. RESOLUTION – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE	SALARY
Jennifer Teasenfitz	Public Safety	P/T Emergency Medical Technician	F/T Emergency Medical Technician	1/20/2016	\$22,000.00

22. RESOLUTION – ACKNOWLEDGING DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by _____ seconded by _____ 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 discontinuation of temporary appointment listed below, is acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Jeffrey Thompson	Recreation	Maintenance Worker 1 Grounds P/T T/A	12/31/2015

23. RESOLUTION – TAX SALE CERTIFICATE PREMIUM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, pursuant to N.J.S.A. 54:5-33, if a tax sale certificate has a premium and is foreclosed by a lienholder the premium becomes part of the foreclosure and is turned over to the C.F.O. of the Municipality; and

WHEREAS, section 13 requires that if a tax sale certificate has not been redeemed at the end of five years, the premium payment is then paid over to the Treasurer of the Municipality and the premium becomes part of the general municipal revenue for that year; and

WHEREAS, the certificate listed below was foreclosed by the lienholder and now the premium will become part of the general fund; and

TAX SALE PREMIUM

ACCOUNT	BLOCK/LOT	CERT#	DATE OF SALE	AMOUNT
3453	167.01/84	2010-5976	1/19/2010	\$8,000.00

BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, that a check in the amount of \$8,000.00 be accepted by the Chief Financial Officer from the Collector's lien redemption account; and

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

24. RESOLUTION – SEWER ADJUSTMENT (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

A. *WHEREAS, Block 1410.01, Lot 62 assessed to Peterson, Joseph H., located at 502 Route 47 South has been changed by the assessor from commercial to single family; and*

WHEREAS, the sewer for same must be adjusted; and

NOW THEREFORE BE IT RESOLVED, that from January 1, 2016 the sewer bill will reflect one (1) residential and therefore will be adjusted from \$640.00 to \$560.00 for 2016.

B. *WHEREAS, the property located at 14 Sand Dollar Drive; Block 385, Lot 1.07, was billed as a commercial unit, when it is a residential property;*

NOW, THEREFORE, BE IT RESOLVED, that \$20.00 will be deducted from each quarterly bill, for a yearly deduction of \$80.00.

25. RESOLUTION – CANCEL TAXES (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

A. *WHEREAS, cancellation of taxes is due to this property being tax exempt for 2016:*

ACCOUNT	BLOCK	LOT	OWNER/LOCATION	2016
2566	127	3	First Methodist Church 1 Church St Cape May Court House, NJ 08210 Property location: 418 Rte 9 N	\$58.16
19049	94	8.02	Mount Zion Ministries of CMCH, Inc. 17 Springers Mill Road Cape May Court House, NJ 08210	\$4,186.37

			<i>Property location: 570 Goshen Road</i>	
5905	356.01	38	State of NJ, Dept. of Env. Protection P.O. Box 112 Trenton, NJ 08625	\$888.83
			<i>Property location: Golf Club Road</i>	
1934	958.03	15	Nature Conservatory 2350 Route 47 South Delmont, NJ 08314	\$51.22
			<i>Property location: 447 Court House –S. Dennis Road</i>	
10533	825	2	State of NJ, Dept. of Env. Protection P.O. Box 112 Trenton, NJ 08625	\$152.25
			<i>Property location: Trenton Avenue</i>	
10546	826	1	State of NJ, Dept. of Env. Protection P.O. Box 112 Trenton, NJ 08625	\$98.88
			<i>Property location: Clinton Avenue</i>	
10685	839	1	State of NJ, Dept. of Env. Protection P.O. Box 112 Trenton, NJ 08625	\$123.38
			<i>Property location: Raleigh Avenue</i>	
14885	1523	3	Rio Grande Housing Ptrs LLC/Conifer 1000 University Avenue #500 Rochester, NY 14607	\$7,035.88
			<i>Property location: 4006 Route 9 South</i>	
1648	56.01	46	Middle Township Housing Assoc. LLC/Conifer 1000 University Avenue #500 Rochester, NY 14607	\$7,997.75
			<i>Property location: 8 Railroad Avenue</i>	

B. WHEREAS, cancellation of taxes is due as these individuals have been granted 100% Disabled American Veteran by the Cape May County Board of Taxation; and
WHEREAS, said status was received from the County Tax Board on 12/24/2015;

ACCT	BLOCK	LOT	OWNER/LOCATION	2015	2016
18118	99.02	87	Gies, Glenn W. 40 Egret Trail Cape May Court House, NJ 08210 <i>Property location: 40 Egret Trail</i>	\$1,266.71	\$4,582.17
18250	1436.05	50	Kochinski, Stephen R., et als. 29 Falkirk Drive Rio Grande, NJ 08242 <i>Property location: 29 Falkirk Drive</i>	\$344.23	\$1,940.88
1318	46	7	Kurz, David G. 9 Martha Louise Avenue Cape May Court House, NJ 08210 <i>Property location: 9 Martha Louise Avenue</i>	\$637.53	\$1,366.23

26. RESOLUTION – REFUND OF TAXES (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.

A. WHEREAS, a refund is due to the properties listed below as they are Tax Exempt for the year 2016; and

WHEREAS, the first half of taxes in the year 2016 was paid in 2015 and are now overpayments for exempt properties; and

ACCT	BLOCK	LOT	OWNER/LOCATION	2016
14885	1523	3	Rio Grande Housing Ptrs. LLC/Conifer 1000 University Ave. #500 Rochester, NY 14607 <i>Property location: 4006 Route 9 South</i>	\$7,035.88
1648	56.01	46	Middle Township Housing Assoc. LLC/Conifer 1000 University Ave #500 Rochester, NY 14607 <i>Property location: 8 Railroad Avenue</i>	\$7,997.75
19049	94	8.02	Mount Zion Ministries of CMCH, Inc. 17 Springers Mill Road Cape May Court House, NJ 08210	\$57.60

			Property location: 570 Goshen Road	
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BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw checks in the above noted amounts payable to the above mentioned party, as a refund of 2016 taxes; and

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

B. WHEREAS, a refund is due to the properties listed below as the Veteran deductions have been granted for 2016; and

WHEREAS, said judgment was received on December 24, 2015; and

ACCT	BLOCK	LOT	OWNER/LOCATION	2015
4941	264	27	Cirillo, Gregory 811 Steel Road Cape May Court House, NJ 08210 Property location: 811 Steel Road	\$250.00
6407	409	3	Kurst, William 20 S. 5 th Street Del Haven, NJ 08251 Property location: 20 S. 5 th Street	\$250.00
6872	466.02	5	Sellers, Jon 100 S. 15 th Street Del Haven, NJ 08251 Property location: 100 S. 15 th Street	\$250.00
18118	99.02	87	Gies, W. Glenn 40 Egret Trail Cape May Court House, NJ 08210 Property location: 40 Egret Trail	\$1,266.71
18250	1436.05	50	Kochinski, Stephen T. 29 Falkirk Drive Rio Grande, NJ 08242 Property location: 29 Falkirk Drive	\$344.23
1318	46	7	Kurz, David G. 9 Martha Louise Avenue Cape May Court House, NJ 08210 Property location: 9 Martha Louise Avenue	\$637.53

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 party, as a refund of 2015 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.

27. RESOLUTION - RATIFY LEASE AGREEMENT – “USOLELY” – MLK CENTER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between Reginald & Muriel Anderson t/a uSolely and the Township of Middle for usage of the MLK Center from January 27, 2016 through April 1, 2016, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

28. PUBLIC COMMENT:

1st
Pass on Roll Call:

2nd