

Cape May Court House, NJ  
March 21, 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. MIDDLE TOWNSHIP TOP DOG AWARD 2016 – PRESENTED BY TOWNSHIP COMMITTEE & ANIMAL ADVISORY COUNCIL
2. 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.*)
3. 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. \$1,652,147.09*
4. 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: Regular Meeting 03/07/2016.*
5. REPORTS: The following departments have submitted their reports for the months indicated:  
Municipal Clerk for the month of February,
6. ORDINANCE 1524-16 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1524-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on April 18, 2016 at 6:00 p.m.  
*WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,*  
*WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,*  
*WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY2016 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,*  
*WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$633,222.51 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,*  
*WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.*  
*NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY2016 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$633,222.51 and that the CY2016 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,*  
*BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,*  
*BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,*  
*BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.*

7. ORDINANCE 1525-16 - BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 1478-14 (WHICH PROVIDES FOR ROAD DRAINAGE AND IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ON JULY 21, 2014, TO AMEND THE DESCRIPTION SET FORTH THEREIN – On motion by       seconded by       and passed on roll call, Ordinance No. 1525-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on April 18, 2016 at 6:00 p.m.

*SECTION 1. The bond ordinance of the Township of Middle, in the County of Cape May, State of New Jersey (the "Township"), heretofore finally adopted by the Township Committee on July 21, 2014, numbered 1478-14 and entitled, "BOND ORDINANCE PROVIDING FOR ROAD DRAINAGE AND IMPROVEMENTS IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), which Original Ordinance is hereby amended such that Section 3(a) thereof is hereby amended to read as follows:*

*"SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which the bonds or notes are to be issued, include but are not limited to, the reconstruction and repaving of the Township's roadways, installation of curbs, sidewalks, handicap ramps and miscellaneous storm sewer and drainage improvements and various improvements to Robert "Ockie" Wisting Recreation Complex, including but not limited to, the construction or improvements of, as applicable, a band shell, nature trails, bathroom/comfort station (and associated utilities), a fishing pier and other recreational amenities for said complex and various additional park or recreational improvements, and, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto."*

*SECTION 2. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.*

*SECTION 3. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.*

*SECTION 4. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.*

8. RESOLUTION – ESTABLISHING A GREEN TEAM FOR SUSTAINABLE JERSEY PROGRAM – On motion by       seconded by       and passed on roll call, the following resolution was adopted.

*WHEREAS, the Township Committee of the Township of Middle strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and*

*WHEREAS, the Township Committee of the Township of Middle wishes to build a model of government which benefits our residents now and far into the future with green community initiatives outlined in the Sustainable Jersey program, which are easy to replicate and affordable to implement; and*

*WHEREAS, in an attempt to focus attention on "Green" issues, the Township Committee wishes to establish a Green Team; and*

*WHEREAS, the Township Committee of the Township of Middle wants to begin the process of focusing on "Green" issues by starting with audits of municipality facilities and operations first; and*

*WHEREAS, the following actions will be priorities for the Green Team as the Township moves to do their share to lessen the environmental impact of its operations: energy conservation; smart growth principals; protection of natural resources; smart growth principals of development; and community education.*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that we do hereby establish a Green Team consisting of all the members of the Middle Township Environmental Commission.*

*NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Middle that the following persons are hereby appointed to the Green Team for 2016:*

*Vilma Pombo, Chairman*

*Rachel Shepherd*

*Jeffrey L. Schafer, CEM*

*Betsy Haskins*

*Larissa Smith*

*Josh Nemeth*

*Jim Amenhauser*

*Jimmy Collins, Alt #1*

*Dawn Stimmel, Sec.*

9. 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  |
|--------------|---------------|----------------------------------|-----------|------------|
| Jacob Zeller | Public Safety | Special Class II Police Officer  | \$10.50ph | 03/14/2016 |
| Joel Hatch   | Public Safety | P/T Emergency Medical Technician | \$10.60ph | 03/21/2016 |

10. RESOLUTION – APPROVE TRANSIENT MERCHANT VENDOR LICENSE – JAMES R. BROWN DBA JIM’S MISTER SOFTEE OF CAPE MAY COUNTY, LLC – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, James R. Brown dba Jim’s Mister Softee of Cape May County, LLC has applied for a Vendor’s License to operate an ice cream truck in Middle Township, WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid. THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from March 21, 2016 through December 31, 2016.*

11. RESOLUTION – SUPPORTING APRIL 10<sup>TH</sup> AS “WEAR PURPLE DAY” IN RECOGNITION OF ALCOHOL AWARENESS MONTH – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, Alcohol is the most commonly used addictive substance in the United States; and WHEREAS, One in every 12 adults suffers from alcohol abuse or dependence and more than half of all adults have a family history of alcoholism or problem drinking; and WHEREAS, 100,000 persons die each year from alcohol-related causes (drunk driving crashes, other accidents, falls, fires, alcohol-related homicides and suicides); and WHEREAS, Teens who start drinking before the age of 14 are 7 times more likely to develop alcohol problems by the time they are 21 (14-7-21); and WHEREAS, the month of April has been recognized as Alcohol Awareness Month by NCADD (National Council on Alcoholism and Drug Dependence), the founder and sponsor of Alcohol Awareness Month; and WHEREAS, the color that NCADD uses is in the purple/violet family – a color that is similar to the amethyst. Here is the reasoning behind the amethyst color: AMETHYST is the most beautiful and valuable form of Quartz. The word ‘amethyst’ stems from a Greek word meaning without drunkenness,” for in ancient times it was believed that anyone carrying or wearing this stone could not become intoxicated.” Anyone who displays the amethyst color announces that they know someone whose life has been improved through alcoholism treatment; and WHEREAS, that The New Jersey Association of County Alliance Coordinators has declared that Friday April 10th is “Wear Purple Day” in recognition of Alcohol Awareness Month and encourages all of the members, partners, contributors, and participants of the nearly 400 Municipal Alliance Committees throughout the State of New Jersey to join in wearing purple. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle hereby supports “Wear Purple Day” on April 10th in recognition of Alcohol Awareness Month.*

12. RESOLUTION – REDUCTION OF PERFORMANCE BOND – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, \$26,738.10 is being held as a performance guarantee of COMTOM, LLC for Block 1, Lot 16, otherwise known as 445 Route 47 North; and WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$5,937.12 have been completed; and WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$20,800.98; 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 \$20,800.98.*

13. RESOLUTION – RELEASE OF PERFORMANCE BOND – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, \$432,752.10, is being held as a performance guarantee for Delco, LLC, for site improvements at Block 1435.03, Lots 24.02, etc., otherwise known as Grande Shopping Center, Route 9 South, Rio Grande; WHEREAS, the Township Engineer for the project has conducted his inspection and certified that all improvements have been completed; and WHEREAS, the Land Use Administrator for the Township of Middle has recommended that the performance bond be released; and WHEREAS, the Land Use Law of the State of New Jersey (NJS 40:55D-1 et. seq.) requires such a release upon recommendation by the Township Engineer; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$432,752.10, is hereby released.*

14. RESOLUTION – SOCIAL AFFAIRS PERMIT – FWS FOUNDATION – On motion by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, the FWS Foundation has applied for approval to sell alcoholic beverages at an event to be held at Sand Barrens Golf Club, 1765 Route 9 North, Swainton, New Jersey 08210, on May 13, 2015 from 5:00pm until 11:00pm, 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.

15. RESOLUTION – DEPARTMENT CHANGE – 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 department changes listed below are hereby acknowledged:

| NAME             | PREV. DEPT.   | NEW DEPT.       | TITLE               | SALARY      | EFF. DATE  |
|------------------|---------------|-----------------|---------------------|-------------|------------|
| Stacy Ann Watson | Public Safety | Municipal Court | Keyboarding Clerk 1 | \$25,000.00 | 03/28/2016 |

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    | POSITION                         | EFFECTIVE  |
|-----------------|---------------|----------------------------------|------------|
| Matthew Knipple | Public Safety | P/T Emergency Medical Technician | 02/16/2016 |
| Steven Jackson  | Public Works  | Laborer 1                        | 03/18/2016 |

17. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid, and  
 WHEREAS, the applicants are entitled to a refund of this money.  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

18. RESOLUTION – APPROVE CHANGE ORDER NO. 2 – ROADWAY IMPROVEMENTS TO STAGECOACH ROAD PROJECT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, the “Roadway Improvements to Stagecoach Road” project was awarded July 21, 2014 via Resolution No. 421-14 to South State, Inc..  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #2 for the project awarded to South State, Inc. be and is hereby approved in the amount of \$25,616.00.  
 BE IT FURTHER RESOLVED, that the attached Change Order #2 also serves a purpose to authorize a contractual time extension for this project and that the Township Committee of the Township of Middle hereby approves said contractual time extension.

19. RESOLUTION – AUTHORIZING MAYOR TO EXECUTE 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 Agreement for Installation and Maintenance of Gaging Station with U.S. Geological Survey.

20. RESOLUTION – APPROVE ECONOMIC DEVELOPMENT LOAN – 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, County of Cape May, State of New Jersey, that the following Economic Development Loan in the amount indicated are hereby approved:

| APPLICANT           | AMOUNT       |
|---------------------|--------------|
| 7 Mile Brewery, LLC | \$100,000.00 |

21. RESOLUTION – RATIFY AGREEMENT – EMPLOYEE CARE (EAP/EMPLOYEE ASSISTANCE PROGRAM) – 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 Employee Care and the Township of Middle for the Employee Assistance Program shall for a term of two (2) years, with a one (1) year option to renew.  
 BE IT FURTHER RESOLVED that each annual agreement is for a total cost of \$3,800, to be certified annually, pending availability of funds.  
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.



WHEREAS, the governing body of the Township of Middle has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Township Committee that:

Section 1: No official, employee, appointee or volunteer of the Township of Middle by whatever title known, or any entity that is in any way a part of the Township of Middle shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township of Middle's business or using the facilities or property of the Township of Middle.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township of Middle to provide services that otherwise could be performed by the Township of Middle.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township of Middle as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township of Middle. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township of Middle's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township of Middle in order for the public to be made aware of this policy and the Township of Middle's commitment to the implementation and enforcement of this policy.

24. RESOLUTION – INTRODUCTION OF BUDGET BY TITLE ONLY – On motion 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 2016 Budget for the Township of Middle be introduced, approved and given first reading by title only.

25. PUBLIC COMMENT:

Motion to adjourn meeting –

1<sup>st</sup>

2<sup>nd</sup>

Pass on Roll Call: