

Cape May Court House, NJ
April 4, 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. 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.*)
2. 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. \$2,440,386.28*
3. 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: Work Session 03/21/2016, Board of Health 03/21/2016 and Regular Meeting 03/21/2016.*
4. REPORTS: The following departments have submitted their reports for the months indicated:
5. ORDINANCE 1526-16 - AN ORDINANCE AUTHORIZING THE SALE AT PUBLIC AUCTION OF BLOCK 74, LOT 2 – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1526-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on May 2, 2016 at 6:00 p.m.
BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:
WHEREAS, the Township of Middle owns a parcel of vacant property known as Block 74, Lot 2, located in the RC zone on the Court House-Goshen Road in the Goshen section of the township; and
WHEREAS, this property is not needed for public use; and
WHEREAS, the property is a 24'x200' triangle, and is therefore less than the 3.5- acre minimum size required for development in the RC zone; and
WHEREAS, the property has no capital improvement thereon; and
WHEREAS, there are two properties, each owned by a private individual, contiguous to this property; and
WHEREAS, the fair market value of this property is \$5,000; and
WHEREAS, after considering the matter, the Township Committee believes that the private sale of this property by auction between the contiguous private owners, pursuant to N.J.S.A. 40A:12-13(b)(5), is in the township's best interest; and
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of Middle Township as follows:
SECTION 1. The averments of the preamble are incorporated by reference.
SECTION 2. The Township of Middle hereby authorizes the sale of Block 74, Lot 2, at private auction to the highest bidder of the two contiguous property owners, the auction to be held at 10 a.m. on May 18, 2016 2016, in the Public Meeting Room of the township Municipal Building, 33 Mechanic Street, Cape May Court House, NJ 08210.
SECTION 3. The Township Clerk shall give notice of the sale, by registered mail, to the contiguous property owners at least one week before the sale date.
SECTION 4. The minimum bid for the property shall be \$5,000.
SECTION 5. The township reserves the right to reject any and all bids if the highest bid is not accepted.
SECTION 6. The property shall be sold "as is," and the township makes no warranties whatsoever about the quality of title, condition or development potential of the property.
SECTION 7. The successful bidder shall bear all costs of the sale.
SECTION 8. This ordinance shall take effect immediately, according to law.

6. ORDINANCE 1527-16 - AN ORDINANCE AMENDING ORDINANCE 1189-05 TO REMOVE CERTAIN RESERVED RIGHTS – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1527-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on May 2, 2016 at 6:00 p.m.
BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:
WHEREAS, in 2005 the Township of Middle enacted Ordinance 1189-05, vacating portions of Oak and Delaware Avenues on between Block 982, Lots 1 and 4, and Block 983, Lot 1; and
WHEREAS, Section 2 of that Ordinance 1189-05 contained a reservation of rights to the township entitling it to construct and repair utility facilities within the vacated streets; and
WHEREAS, Vision Property Group has obtained approval to construct a retail facility on that site, portions of which construction shall overlay the vacated street beds; and
WHEREAS, to enable this development, Vision Property Group has accordingly requested that the township surrender its reserved right of access to the vacated street beds; and
WHEREAS, having consulted with the Township Engineer and Zoning Officer, the Middle Township Committee has determined that the reservation of rights is not needed and that the best interests of the Township would be served by surrendering that reservation,
NOW, THEREFORE, 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. The averments of the preamble are incorporated by reference.
SECTION 2. Section 2 of Ordinance 1189-05 is hereby repealed in its entirety.
SECTION 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of that conflict or inconsistency.
SECTION 4. This ordinance shall take effect immediately, according to law.
7. ORDINANCE NO. 1528-16 - BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 1359-10 (WHICH PROVIDES FOR RECONSTRUCTION AND REPAVING OF VARIOUS TOWNSHIP ROADS) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ON JUNE 21, 2010, TO AMEND THE DESCRIPTION SET FORTH THEREIN – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1528-16 passed first reading. Second reading, public hearing and consideration for adoption will be held on May 2, 2016 at 6:00 p.m.
BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:
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 June 21, 2010, numbered 1359-10 and entitled, "BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION AND REPAVING OF VARIOUS TOWNSHIP ROADS IN AND FOR THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$4,200,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$3,990,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS, AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" (the "Original Ordinance"), which Original Ordinance is hereby amended such that Section 7A thereof under the heading "Purpose/Improvement" is hereby amended to read, as follows:
Purpose/Improvement
"Reconstruction and/or Repaving of Various Roadways within the Township, all as more particularly described in the plans and specifications on file in the Office of the Township Clerk and available for inspection during normal Township hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto; and the Acquisition and Installation, as Applicable, of a Fingerprinting Machine and Associated Equipment for the Police Department"
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 – REDUCTION OF PERFORMANCE BOND – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, \$804,261.00 is being held as a performance guarantee of Fred Langford – The Fairways for Block 335.01, Lot 5.03, otherwise known as 600 Bayberry Drive; and
WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$153,098.46 have been completed; and
WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$651,162.54; 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 \$651,162.54.

9. RESOLUTION – ACKNOWLEDGMENT 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	BOARD	POSITION	EFFECTIVE
Ralph Johnson	Ethics Board	Member	04/15/2015

10. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Steven Jackson resigned with an effective date of March 18, 2016; and WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, and personal time; and WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and NOW THEREFORE BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Steven Jackson
 6 Hours Vacation Time
 Total: \$13.82 (inclusive of payroll tax expense)

11. 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 employees are hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Kyle Lindholm	Public Safety	P/T P.S. Telecomm. Operator / Trainee	F/T P.S. Telecomm. Operator / Trainee	\$28,000.00	04/01/2016

12. RESOLUTION – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT – DAVID A. STEFANKIEWICZ – PLANNING BOARD SOLICITOR – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
*WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and WHEREAS, the Township Committee had solicited proposals and placed the position on the Township website as outlined in Resolution 516-15 dated December 7, 2015, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and WHEREAS, the Planning Board has formally passed Resolution No. PB-ATTY-16, appointing David A. Stefankiewicz, Esquire, of Stefankiewicz and Barnes, LLC., as Planning Board Solicitor for 2016. 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 submission shall be awarded as follows:
 David A. Stefankiewicz – Planning Board Solicitor – Not to Exceed \$36,000.00
*BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.
 BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2016.**

13. RESOLUTION – GYPSY MOTH CONTROL PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the gypsy moth Lymantria Dispar, has been found heavily defoliating tree and plant growth in the Township of Middle, and WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees, and WHEREAS, the Township Committee of the Township of Middle has determined that a gypsy moth control program should be instituted with the State of new Jersey Department of Agriculture and that application for any Federal or State funds available be authorized. NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom us deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

14. RESOLUTION – AUTHORIZING THE APPOINTMENT OF VARIOUS PERSONNEL FOR THE PURPOSE OF ADMINISTERING THE 2016 GYPSY MOTH SPRAYING PROGRAM WITH THE TOWNSHIP OF MIDDLE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has determined that it will participate in the State of New Jersey Gypsy Moth Suppression Program:

WHEREAS, the State requires the Township to appoint various personnel for the implementation of the program within the Township; and

WHEREAS, the following personnel are appointed to the following positions:

- Constance Mahon - Program Supervisor
- Dawn Stimmel – Document Coordinator
- Rob Flynn – Workforce Contact

NOW, THEREFORE BE IT RESOLVED that the Mayor and the Township Committee of the Township of Middle, County of Cape May, State of New Jersey authorize the appointment of the above personnel until the completion of the program.

15. RESOLUTION – AUTHORIZING APPLICATION – PETSMART CHARITIES GRANT APPLICATION (SPAY/NEUTER FOR FREE-ROAMING CATS) – On motion by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle desires to apply for and obtain a grant from PETSMART Charities for approximately \$32,000.00 to carry out a free-roaming cat spay and neuter program within the township.

NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the application for such a grant, and

BE IT FURTHER 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; and also, further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and PETSMART Charities; 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 on connection therewith.

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

WHEREAS, after further examination of the water consumption received from Wildwood Water, some adjustments to the processed consumption and billed amounts were necessary; and

NOW, THEREFORE, BE IT RESOLVED, that the sewer bill for 2016 is increased or decreased by adjustments made:

ACCOUNT	BLOCK	LOT	ASSESSED OWNER	LOCATION	INCREASE/ DECREASE GALLONS	INCREASE/ DECREASE BILLED AMOUNT
14560	1464.01	8	Delco	3201 Rte 9 S	+3,548,000	+\$26,077.80
14348	1464.01	15	Grande Properties	3159 Rte 9 S	-188,000	-\$1,381.80
14778	1491	4	Lin	1302 Rte 47 S	-187,000	-\$1,374.45
14387	1436.05	1	Grande Village LLC	3174 Rte 9 S	+1,704,000	+\$12,524.40
13940	1414.01	6	Chapin Aid Porpco LLC	1042 Rte 47 S	+39,000	+\$286.56

17. 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 May 4, 2016 through June 10, 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.

18. RESOLUTION – APPOINTMENT – NEW HIRE – 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 is hereby appointed to the following position at the salaries opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Mariah Fishman	Construction/ Zoning	Keyboarding Clerk 1 P/T T/A	\$10.00ph	04/04/2016

19. PUBLIC COMMENT: