

Cape May Court House, NJ
 July 6, 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 _____ 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. \$606,047.37
3. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion 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 06/20/2016, Board of Health 06/20/2016, Regular Meeting 06/20/2016, Closed Session 06/20/2016
4. REPORTS: The following departments have submitted their reports for the months indicated: *Zoning Department for the month of June; Sewer Billing for the month of June; Municipal Clerk for the month of June; Construction Department for the month of June;*
5. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
(A) 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 |
|-----------------|--------------|---------------|------------|
| Anthony Johnson | Public Works | Laborer 1 P/T | 06/28/2016 |

(B) 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 oral resignation received 06/27/2016 listed below, is acknowledged and accepted.

| NAME | DEPARTMENT | POSITION | EFFECTIVE |
|---------------|------------|-------------------------|------------|
| John Clifford | Finance | Chief Financial Officer | 08/12/2016 |

6. 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 positions at the salaries opposite their name:

| NAME | DEPARTMENT | TITLE | SALARY | EFFECTIVE |
|-----------------|--------------|-------------------|-----------|------------|
| James Loftus | Public Works | Laborer 1 P/T T/A | \$9.00ph | 07/05/2016 |
| George Seabrook | Sewer | Clerk 1 | \$22.50ph | 07/06/2016 |

7. RESOLUTION – AUTHORIZING SIGNATORIES FOR VARIOUS TOWNSHIP RELATED ITEMS – SEWER DEPARTMENT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, it has been deemed necessary to establish signatories for the Sewer Department, in the absence of the Superintendent of Public Works and Sewer Administrator, and
WHEREAS, said resolution may need to be amended from time to time.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that George Seabrook be designated as an authorized signatory in the absence of the Superintendent of Public Works and Sewer Administrator.

8. RESOLUTION – AUTHORIZING STREET EXTENSION APPLICATION – EDGEWOOD AVENUE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, Ordinance No. 1177-04, of the Township of Middle, states as follows: “Owners, developers, contractors or other parties seeking a zoning permit and construction permit may apply to the Middle Township Committee for permission to extend a “paper” street or other street previously approved by the Township but not, in fact, improved and accepted by the Township”, and WHEREAS, in accordance with the Code of the Township of Middle, as adopted on December 20, 2004 and duly published upon final passage, according to law, application has been made to the Township Committee of the Township of Middle for the extension of Edgewood Avenue (200ft East of Tenth Avenue to the southeasterly property line of Block 1136, Lot 1). WHEREAS, said application as submitted by Rami Nasser, PE, as prepared by the Engineering Office of Schaeffer Nasser Scheidegg has been reviewed by both the Zoning Department of the Township as well as the Township Engineer, therefore being deemed complete. NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, New Jersey, that the application for street extension for an area of Block 1136, Lot 1 complies with all the requirements of the code of the Township of Middle and therefore demonstrates the promotion of the purposes of zoning as set forth in the Municipal Land Use Law, and BE IT FURTHER RESOLVED, that the above application be authorized based upon the conditions set forth by the Township Engineer in the letter attached. FURTHER RESOLVED, said applicant, in accordance with Chapter 215-30 and 215-31, shall secure and submit all required insurance certifications, indemnification clauses and performance guaranties prior to the initiation of any work, in connection with said approval.
9. RESOLUTION – INSERTION OF SPECIAL ITEM OF REVENUE – 2016 MUNICIPAL ALLIANCE GRANT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2015 in the sum of:
- | | |
|-------------------------------|-------------|
| 2016 Municipal Alliance Grant | \$12,642.00 |
|-------------------------------|-------------|
- BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
- | | |
|-------------------------------|-------------|
| 2016 Municipal Alliance Grant | \$12,642.00 |
|-------------------------------|-------------|
10. RESOLUTION – AUTHORIZING MIDDLE TOWNSHIP AMBULANCE CORP TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and WHEREAS, Middle Township Ambulance Corp has submitted an application to the Municipal Clerk as required per said ordinance; and WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Middle Township Ambulance Corp and attached to this Resolution; and WHEREAS, the County of County Cape May has forwarded a letter to the Municipal Clerk endorsing the Middle Township Ambulance Corp’s application to solicit contributions along the requested areas; and WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Middle Township Ambulance Corp and has determined that there is no public safety reason for the Township of Middle to deny this application; and NOW, THEREFORE, BE IT RESOLVED by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Middle Township Ambulance Corp to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.
11. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and WHEREAS, N.J.S.A.40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds debris, etc.; and WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance”; and WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and

WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby impose a lien on the properties listed below as indicated.

FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

| OWNER | PROPERTY LOCATION | BLOCK // LOT | AMOUNT |
|----------------------------------|---------------------|--------------|----------|
| Riebel, Denise P. | 12 East Main Avenue | 1113 // 4 | \$212.81 |
| Federal National Mortgage Assoc. | 10 Woodcock Lane | 48 // 16 | \$212.81 |
| Island Bay LLC/Kennedy Funding | 45 Seabreeze Lane | 117.04 // 29 | \$226.73 |
| Ball, Frank J. | 106 Bucknell Avenue | 421 // 19 | \$188.49 |
| Gross, Michael J. & Lisa J. | 40 Solar Way | 165.01 // 57 | \$188.49 |
| Loss, Robert | 10 Ellen Avenue | 56.05 // 9 | \$226.73 |
| Quinn, Dorothy | 101 Lehigh Avenue | 427 // 1 | \$202.41 |
| Masker, Greg W. & Marci L. | 13 Timberlea Lane | 212.08 // 12 | \$198.90 |

12. RESOLUTION – LOCAL FINANCE BOARD – ANNUAL AUDIT OF BOOKS, ACCOUNTS & TRANSACTIONS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:5-4 requires that governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Township Committee and also Kimberly Krauss, Township Clerk, as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no further than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “ A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

13. RESOLUTION – AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – REMINGTON, VERNICK AND WALBERG ENGINEERS – 2016 ROAD PROGRAM – 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. 46-16, 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 services in connection with the 2016 Road Program as follows:

Remington, Vernick & Walberg Engineers

| | |
|-----------------------------------|-------------|
| Engineering Services | \$96,000.00 |
| Construction Observation Services | \$49,500.00 |

14. RESOLUTION – CLOSED SESSION – CONTRACT NEGOTIATIONS (MUNICIPAL COURT DEBT COLLECTION SERVICES & CONTINUED NEGOTIATIONS, CAPE MAY COUNTY ANIMAL SHELTER) – 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: CONTRACT NEGOTIATIONS (MUNICIPAL COURT DEBT COLLECTION SERVICES & CONTINUED NEGOTIATIONS, CAPE MAY COUNTY ANIMAL SHELTER)*
- 2.) The general nature of the subject matter to be discussed is as follows: CONTRACT NEGOTIATIONS (MUNICIPAL COURT DEBT COLLECTION SERVICES & CONTINUED NEGOTIATIONS, CAPE MAY COUNTY ANIMAL SHELTER)*
- 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 – 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 |
|---------------|--------------|----------------------------------|-----------|------------|
| Michael Elias | Public Works | Code Enforcement Officer Trainee | \$15.00ph | 07/06/2016 |

16. RESOLUTION – ENDORSING MUNICIPAL APPROVAL CERTIFICATE FOR BUSINESS LICENSE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, Parkview Homes, dba Parkview Mobile Home Park, is the holder of a New Car Dealer license, issued by the State of New Jersey, Motor Vehicle Commission, and

WHEREAS, said applicant is requesting an amendment to Proprietor information, as filed with said Commission.

WHEREAS, there are no other change in facts surrounding this license.

WHEREAS, neither the Zoning Official nor the Office of the Municipal Clerk have any objections to said endorsement.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, the governing body thereof, that the Municipal Clerk and Zoning Official are hereby authorized to sign the Municipal Approval Certificate amending the Proprietor information for Parkview Homes from Sharon Moore to William Moore.

17. RESOLUTION – AMENDING RESOLUTION 200-16 - AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – SCHAEFER PYROTECHNICS, INC. – FIREWORKS DISPLAY – 4TH OF JULY CELEBRATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Governing Body of the Township of Middle approved a contract with Schaefer Pyrotechnics, Inc. for a 4th of July Fireworks Display, and

WHEREAS, due to weather conditions on July 4, 2016 the Township of Middle postponed said event until July 5, 2016, and

WHEREAS, the postponement policy in the contract for services includes a 12% charge of the contract price if postponement occurs after 8:00am the day of the display.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Schaefer Pyrotechnics, Inc. and the Township of Middle for the fireworks display shall be amended to include a 12% charge of the contract price.

Schaefer Pyrotechnics, Inc.

4th of July Celebration

\$7,400.00 + 12% postponement charge (\$888.00)

