

Cape May Court House, NJ
May 1, 2017
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, Business Administrator Elizabeth Terenik, Township Clerk Kimberly Krauss and Municipal Solicitor Frank Corrado.

1. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE MATTERS CIVIC RECOGNITION PROGRAM – ANZELONE ELECTRIC

Mayor Clark:

- *Recognized Tony Anzelone and staff for their donation of time and labor for the Operations Center. Mr. Anzelone was instrumental in completing the job; thanked him for all of the work he has done.*

Chief Leusner:

- *Explained where the Operations Center is located. Room is where emergency calls are taken for natural disasters such as Hurricane Sandy, snowstorms etc. Committee spends considerable amount of time in conference room. Keep residents informed and safe. Decided to upgrade after microburst; provide information quicker. Able to upgrade on a very limited budget with the help of people like Tony Anzelone.*
- *Spoke of Officers who also donated their time and skills to get the work done.*
- *Good position to protect the residents of Middle Township.*
- *Thanked Mr. Anzelone for his support with the project as well as his support over the years.*

Mayor Clark:

- *Commented on Mr. Anzelone being the Captain of the Court House Fire Company; 24 years of service in the Fire Company. Serves the community well on the planning board; dedicated his life with service to the community. Sons following in his footsteps.*

Mayor Clark:

- *Welcomed new Business Administrator, Elizabeth Terenik. Great asset; happy to have her on our team. Thanked Ms. Terenik for accepting the position; Middle Township resident.*

Elizabeth Terenik:

- *Thanked Mayor Clark.*

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.)

John Larcella, Cape May Court House:

- *Asked for clarification on item number 6 on the agenda.*

Committeemember Donohue:

- *Pertains to Grassy Sound sewer project. Project goes back to the 90's.*
- *Homes were built with nominal septic symptoms. Department of Environmental Protection demanded a sewer system be installed or properties would be taken. Residents created their own system; association and money from USDA. Carol Powell has been working on the project for about 20 years. Bids went out over a year ago; overbid due to complexity.*
- *Had to ask USDA for more money; expedited the application. Bond is \$2,095,000.00.*

John Larcella, Cape May Court House:

- *Thanked Committeemember Donohue for his explanation.*

Stan Donegar, Rio Grande:

- *Questioned a charge on the bill list pertaining to Bowman and Company.*

Committeemember DeVico:

- *Annual audit and preparation of the budget presentation.*

Stan Donegar, Rio Grande:

- *Asked if bids are taken for those purposes.*

Committeemember DeVico:

- *Yes.*

Committeemember Donohue:

- *Auditing services are competitively bid for every year.*

Mayor Clark:

- *Confirmed.*

Stan Donegar, Rio Grande:

- *Asked for background on item 20.*

Committeemember Donohue:

- *Treatment Works Application; to hook up to public system.*

Stan Donegar, Rio Grande:

- *Asked where the property is located.*

Committeemember Donohue:

- *New subdivision on Stites Avenue; old garage.*

Stan Donegar, Rio Grande:

- *Thanked Committee for their clarification.*

3. RESOLUTION 208-17 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeeman DeVico seconded by Committeeman Donohue 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. \$4,886,312.83
4. RESOLUTION 209-17 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman DeVico seconded by Committeeman Donohue 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 04/17/2017 and Regular Meeting 04/17/2017.
5. REPORTS: The following departments have submitted their reports for the months indicated:
6. ORDINANCE NO. 1543-17 – BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 1417-12 (WHICH PROVIDES FOR IMPROVEMENTS TO THE SEWER UTILITY) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, ON AUGUST 20, 2012, TO INCREASE THE APPROPRIATION BY \$2,095,000 (INCLUDING A GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE EXPECTED TO BE RECEIVED BY THE TOWNSHIP IN THE AMOUNT OF \$649,000) AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$2,095,000 – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, Ordinance No. 1543-17 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/05/2017 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 thereof on August 20, 2012, numbered 1417-12 and entitled, "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SEWER UTILITY IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,705,150 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,705,150 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF" (the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:
SECTION 2. For the improvement or purpose set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$2,095,000 (which is inclusive of a grant from the United States Department of Agriculture expected to be received in the amount of \$649,000) (the "Grant"). The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$3,800,150.
SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, and until the Grant has been received, additional negotiable bonds or notes of the Township in the amount of \$2,095,000 are hereby authorized to be issued by the Township in accordance with the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), such that the total authorization of negotiable bonds or notes to be issued by the Township for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$3,800,150.
(b) Until the Grant is received, the estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 the Original Ordinance, as amended and supplemented hereby, is equal to \$3,800,150.
(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$3,800,150.
SECTION 4. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental 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 5. The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$2,095,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.
SECTION 6. For the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$419,000 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items

of expense \$819,000, such total amount being included in the estimated cost indicated herein for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 8. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 3 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of the Original Ordinance, as amended and supplemented hereby. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 9. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 11. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 12. 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.

7. RESOLUTION 210-17 – AUTHORIZING PURCHASE UNDER STATE CONTRACT – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, there is a need to purchase two (2) 2017 Ford Police Interceptors for use by the Township of Middle Police Department; and
WHEREAS, through the State Contract Purchasing System, Contract #T-2100 – Contract #88728, these items are available; and
WHEREAS, the total amount of the purchase for two (2) 2017 Ford Police Interceptors is \$53,902.00 (\$26,951.00 each), and funds are available as evidenced by the Chief Financial Officer's Certification; and
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase two (2) 2017 Ford Police Interceptors as indicated above.
FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:
Winner Ford
8. RESOLUTION 211-17 THROUGH 212-17 – APPROVE CHANGE ORDER (ITEMS A THROUGH B) – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
(a) WHEREAS, Lexa Concrete was awarded the "2016 Road Program" project on November 21, 2016; and
WHEREAS, Change Order No. 1 was approved via Resolution 84-17; and
WHEREAS, due to unanticipated field conditions and adjustments to as-built quantities, the following change order was requested; and
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 No. 2 for the project awarded to Lexa Concrete, be and is hereby approved in a credit amount of \$141.50 for an amended contract price of \$544,247.81.
(b) WHEREAS, Scalfo Electric, Inc. was awarded the "Stand-By Emergency Generator for the Department of Public Works" project on October 17, 2016; and
WHEREAS, Change Order No. 1 was approved via Resolution 107-17; and
WHEREAS, a Contractual Time Extension is requested to reflect an additional 14 calendar days amending the previous contract length to reflect a length of 162 calendar days; and
WHEREAS, a final as-built quantity adjustment is hereby acknowledged in a credit amount of \$10,000.00 for an amended contract price of \$97,000.00; and
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 No. 2 for the project awarded to Scalfo Electric, Inc., be amended to reflect a completion date of April 14, 2017.

9. RESOLUTION 213-17 – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY FOR THE PROJECT KNOWN AS “MIDDLE TOWNSHIP / LOWER TOWNSHIP BIKE PATH CONNECTOR” – CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, the Township has submitted an application under the County’s 2016 Open Space Program for the Middle Township / Lower Township Bike Path Connector project; and WHEREAS, delays in permitting from NJDEP and Pepco Holding (AC Electric) have prompted reconsideration of a joint project to autonomous projects by Lower Township and Middle Township that will be completed by each municipality; and WHEREAS, the Township has submitted a modified application including a revised site and engineer’s cost estimate dated March 21, 2017 for the Middle Township portion of the previously approved Lower/Middle Joint Bike Path proposal; and WHEREAS, it is desired for the County and the Township to enter into this Shared Services Agreement in order for the County to provide funding to the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement with the County of Cape May for the term of July 1, 2016 through December 31, 2017.

10. RESOLUTION 214-17 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeeman DeVico seconded by Committeeman Donohue 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 appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
John Gliwa	Public Works	Laborer 1 P/T T/A	04/21/2017
Charles Beaudoin III	Public Works	Laborer 1 P/T T/A	04/20/2017

11. RESOLUTION 215-17 – APPROVE TONNAGE GRANT 2016 – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Committee, to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that Middle Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Robert W. Flynn to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

12. RESOLUTION 216-17 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman DeVico seconded by Committeeman Donohue 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 resignations listed below, are acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Denise Bose	Recreation	Recreation Aide P/T	05/01/2017
Kirk Rohrer	Public Safety	Special Class II Police Officer	05/01/2017
John Donahue	Public Safety	Emergency Medical Technician P/T	04/26/2017

13. RESOLUTION 217-17 – RATIFY LEASE AGREEMENT – WEIGHT WATCHERS – SENIOR CENTER – On motion by Committeeman DeVico seconded by Committeeman Donohue 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 Weight Watchers North America, Inc. and the Township of Middle for usage of the Middle Township Senior Center from January 1, 2017 through December 31, 2017, 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.

14. RESOLUTION 218-17 – SOCIAL AFFAIRS PERMIT – DISABLED AMERICAN VETERANS CHAPTER 44 – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Disabled American Veterans Chapter 44 has applied for approval to sell alcoholic beverages at an event to be held at Disabled American Veterans Chapter 44, 1010 Bayshore Road, New Jersey 08251 on June 17, 2017 from 1:00pm until 6:00pm; 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 219-17 – APPOINTMENT – NEW HIRES – On motion by Committeeman DeVico seconded by Committeeman Donohue 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 name:

NAME	DEPARTMENT	TITLE	SALARY/RATE	EFFECTIVE
Thomas Runyon	Public Safety	Special Class II Police Officer	\$13.00ph	05/01/2017
Maria Campaniello	Public Safety	PS Telecommunications Operator P/T T/A	\$10.46ph	05/01/2017
Bill Belles	Public Safety	PS Telecommunications Operator F/T	\$26,000.00	05/01/2017
Rocco Tonzelli	Public Works	Laborer 1 T/A Seasonal	\$10.00ph	05/01/2017
Christian Myers	Public Works	Laborer 1 T/A Seasonal	\$10.00ph	05/01/2017
Brendon Laffey	Public Works	Laborer 1 T/A Seasonal	\$10.00ph	05/01/2017
Jason Hickman	Public Works	Laborer 1 T/A Seasonal	\$10.00ph	06/19/2017
Steve Smearman	Public Works	Laborer 1 T/A Seasonal	\$10.00ph	05/01/2017
John Williams	Public Works	Laborer 1 T/A Seasonal	\$10.00ph	05/01/2017

16. RESOLUTION 220-17 – CHANGE IN EMPLOYEE STATUS – On motion by Committeeman DeVico seconded by Committeeman Donohue 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	SALARY	EFFECTIVE DATE
Joni Frangieh	Public Safety	Special Class II Police Officer	Special Class II Police Officer F/T	\$29,484.00	05/01/2017

17. RESOLUTION 221-17 – AUTHORIZING MAYOR TO SIGN DISCHARGE OF MORTGAGE – On motion by Committeeman DeVico seconded by Committeeman Donohue 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 that the mortgage loan for Vera K. Smith in the amount of \$1,285.00 is hereby authorized to be discharged.

FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

18. RESOLUTION 222-17 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman DeVico seconded by Committeeman Donohue 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.

19. RESOLUTION 223-17 – APPROVAL FOR PAYMENT TERMINAL LEAVE – JAMES NORRIS – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.

WHEREAS, James Norris has resigned with an effective date of April 21, 2017; 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:

James Norris

Vacation Time Hours: 45.44

Comp Time Hours: 0.38

Personal Time Hours: 8

Total Hours: 53.82

\$625.06 (inclusive of payroll tax expense to the Township)

20. RESOLUTION 224-17 – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION – ALTABELLI ESTATES SUBDIVISION – On motion by Committeeman DeVico seconded by Committeeman Donohue 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 Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection with the “Altobelli Estates Subdivision”, Reading and Stites Avenue, otherwise known as Block 248, Lot(s) 5, 6, 7.
21. RESOLUTION 225-17 – AWARD OF BID – USDA GRASSY SOUNDS SANITARY SEWER FORCE MAIN – PHASE IIIA – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted.
 WHEREAS, it has been deemed necessary and desirable to solicit bids for the USDA Grassy Sounds Sanitary Sewer Force Main project, Phase IIIA; and
 WHEREAS, sealed bids were received on October 18, 2016; and
 WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications; and
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the USDA Grassy Sounds Sanitary Sewer Force Main project, Phase IIIA, be and hereby is awarded to:
 Crown Pipeline Construction Co. - \$2,503,900.00
 FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
22. RESOLUTION 226-17 – ACKNOWLEDGING REQUEST FOR INTERGOVERNMENTAL TRANSFER – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the Intergovernmental Transfer Program through New Jersey Civil Service Commission provides the opportunity for eligible New Jersey state and local government employees with permanent civil service status to transfer between local to local employment jurisdictions while maintaining their permanent status, and
 WHEREAS, this program promotes more efficient public service by allowing civil service jurisdictions to share talented and experienced individuals with other governmental sectors, and
 WHEREAS, all parties involved in the transfer (the transferring employee, the sending jurisdiction, the receiving jurisdiction, and the New Jersey Civil Service Commission) must agree to the transfer for it to be completed. A transfer is not valid until approved by the Civil Service Commission.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Governing Body of the Township of Middle does hereby acknowledge and approve the preparation of an Intergovernmental Transfer for Theodore Farina, Telecommunications Operator.
 BE IT FURTHER RESOLVED, that Human Resources, and/or any other required official of the Township of Middle, is hereby authorized to process all “sending agencies” forms in connection with said transfer.
23. RESOLUTION 227-17 – RENEWAL – TOWING LICENSES – 2017 – On motion by Committeeman DeVico seconded by Committeeman Donohue and passed on roll call, the following resolution was adopted.
 WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid accordingly.
 NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2017:

License #	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
3	Rio Auto Body	1	XEGG98	1996 Chevy 3500 Flatbed w/ Wheel Lift	\$450.00	\$50.00
4	Blakeslee Towing & Recovery	1	XDCV12	2010 International 4300 Flatbed w/ Wheel Lift	\$450.00	\$50.00
	Blakeslee Towing & Recovery	2	XDCV13	2006 International 4300 Flatbed w/ Wheel Lift		\$50.00
	Blakeslee Towing & Recovery	3	XS473C	2005 International 4300 Flatbed w/ Wheel Lift		\$50.00
	Blakeslee Towing & Recovery	4	XBYN59	2007 International 4300 Flatbed w/ Wheel Lift		\$50.00
5	Gary's Automotive	1	XK805N	2007 Chevy 5500 Flatbed	\$450.00	\$50.00
	Gary's Automotive	2	XF305W	1994 Chevy C3500HD Flatbed		\$50.00
8	HTA, Inc. dba Clark's Towing	1	XBYJ80	1994 Ford F450 Flatbed	\$450.00	\$50.00
9	South Jersey Towing	1	XEGE17	2005 International 4300 Flatbed w/ Wheel Lift	\$450.00	\$50.00
	South Jersey Towing	2	XEGD62	2010 International 4300 Flatbed w/ Wheel Lift		\$50.00

24. RESOLUTION 228-17 – ACKNOWLEDGING BOND COUNSEL SERVICE AGREEMENT – GRASSY SOUNDS SANITARY SEWER PROJECT – On motion by Committeeman Donohue seconded by Committeeman DeVico and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle has entered into an agreement with Archer & Greiner, P.C. for bond counsel services for CY 2017, and WHEREAS, said agreement was approved January 2, 2017 via Resolution 04-17. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that said services, as outlined and approved in the agreement dated January 4, 2017, shall also remain in effect and shall also include bond counsel services towards the Grassy Sounds Sanitary Sewer Project. BE IT FURTHER RESOLVED, that the amount of the contract approved January 4, 2017 shall not exceed \$15,000.00.
25. PUBLIC COMMENT:
- Ed Dillio, Cape May Court House:*
- *Spoke to flag pole at American Legion being in need of repair. Committeemember Donohue has asked local public owners for help.*
 - *David Cohen, Al Goldman and Michael Hughes donated their time to help; Sherwin Williams also donated paint. 6x10 flag now flown at location.*
 - *Thanked those who donated their time on behalf of the league.*
- Mayor Clark:*
- *Suggested a Middle Matters nomination for those who helped.*
- Committeemember Donohue:*
- *Also thanked those who helped. Commented on his post to Facebook; within hours had various volunteers. Volunteers were honored to help the veterans.*
- Mayor Clark:*
- *Spoke to a conversation he had with Maureen from the Veteran's Advisory Board; shared her excitement for the help the veterans received.*
- John Larcella, Cape May Court House:*
- *Thanked Committee for a smooth transaction with the budget despite differences in feelings; handled professionally.*
- Mayor Clark:*
- *Thanked Mr. Larcella.*
- Robert Matthews, Superintendent of Recreation:*
- *Spoke to a broken-down bus on the Parkway with children; stuck for three hours. Sergeant Fiore transported the children to the MLK Center where they were fed and cared for. Believes officers should be acknowledged for employee of the month; went above and beyond.*
- Committeemember Donohue:*
- *Asked Mr. Matthews where the bus of children was coming from.*
- Robert Matthews, Superintendent of Recreation:*
- *Pennsylvania; 6th graders.*
- Mayor Clark:*
- *Went and met with the teachers and students; praised Middle Township and will never forget the experience. Gave the teachers the Township website and suggested nominating the officers for Middle Matters. All about team work.*
- Charles Raff, Cape May Court House:*
- *Stated that he feels as though he is being targeted. Asked how grass maintenance is deciphered before a violation is sent out. Expressed that he feels he has the right to know who is complaining if complaints have been received.*
- Chief Leusner:*
- *Code Enforcement now falls under the Police Department; two code enforcement officers. Asked Mr. Raff to provide him details to look into it; may not be able to disclose who the complainant if they chose to be anonymous. Will provide a copy of the ordinance. Stated that if Mr. Raff is feeling that the situation is not being handled properly, an investigation can be done.*
- Charles Raff, Cape May Court House:*
- *Thanked Chief Leusner.*
- Rick Eufrazio, Cape May Court House:*
- *Commended Chief Leusner and Committee for the support of William Candell for employee of the month. Sponsoring Mr. Candell to attend the 10th Annual Veterinary Forensic Scientists Association in New York City; will bring back information to help with his position and help the community. Spoke of new appointment for upcoming alternate animal control officer. Expressed concerns Animal Advisory Facebook page; individual making comments on the page. Page has been temporarily taken down; thought is to take commenting ability away. Asked for guidance in how to handle the situation; has threatened lawsuit.*
- Frank Corrado:*
- *Stated that the problem with taking commenting away is that those who are legitimate posters will be unable to do so.*

Committeemember DeVico:

- *Stated that those individuals can start their own Facebook group.*

Frank Corrado:

- *Would need to see the page and the comments from this person along with terms and conditions. Must be careful about restricting citizens' speech; citizen also does not have the right to defame.*

Rick Eufrazio, Cape May Court House:

- *Stated that he would be able to provide Mr. Corrado with the information needed.*

Committeemember Donohue:

- *Expressed that it is really important to have public discourse on the page; page has value as an exchange of information and discussion.*

Rick Eufrazio, Cape May Court House:

- *Board does not have the capabilities to monitor the page full-time. When something is found to be within violation of terms and conditions, posts are taken down.*

Mayor Clark:

- *Thanked Mr. Eufrazio.*

Chief Leusner:

- *Spoke to rules of conduct on the Police Department Facebook page were approved by the solicitor in 2010; update them. Balancing free speech versus the right to post whatever you want; profanity, etc. Can reach out to the Police Department for guidance. Spoke to Mr. Candell's tuition that is paid for by the association to attend event in New York City; supportive of animal control issues.*

Carol Sawyer, Middle Township Chamber of Commerce:

- *Asked for update on business registration ordinance.*

Committeemember DeVico:

- *No further correspondence from the board at this time.*

Carol Sawyer, Middle Township Chamber of Commerce:

- *Questioned if the request will be retracted.*

Committeemember Donohue:

- *Board is an advisory board; no power. Comes up with ideas; different function since they do administer a loan program but cannot make policies. Board is appointed by the governing body; expressed importance of the board and reiterated the idea deserves fair consideration. Spoke to his feelings on the ordinance.*

Mayor Clark:

- *Mentioned the board would be meeting tomorrow.*

Tom Clark, Cape May Court House:

- *Welcomed Ms. Terenik to the panel.*
- *Reiterated concern with neighbor and noise complaints. Contacted the Department of Health for a decibel meter; informed that they are not used for residential matters. Spoke to other neighbors' displeasure with the noise. Thanked the police department and Chief Leusner for their help. Further expressed his feelings on the situation.*

Mayor Clark:

- *Thanked Mr. Clark.*

Frank Corrado:

- *Asked Mr. Clark who he spoke to at the Health Department.*

Committeemember Donohue:

- *Stated that he believes they do not handle resident to resident disputes.*

Chief Leusner:

- *Spoke to the individuals in which he spoke to at the Health Department; only one decibel meter for the County. Only used for commercial to resident noise; enforcing state regulations not ordinances. Issue being worked on; making sure the information is getting to where it needs to be.*

Committeemember Donohue:

- *Spoke to this review of the Ordinance which speaks to decibel standards.*

Frank Corrado:

- *Noise ordinances are standardized; need to be approved by the State and be consistent with State standards. Explained his understanding of noise violations; can be convicted without a decibel reading.*

Chief Leusner:

- *Spoke to the language in the Township's ordinance that states the same.*

Frank Corrado:

- *Said section of the ordinance should be what the court is proceeding on.*

Tom Clark, Cape May Court House:

- *Spoke to his neighbor circling his family on his motorcycle in the street.*

Frank Corrado:

- *Not a noise violation; 2C:33 disorderly person violations.*

Tom Clark, Cape May Court House:

- *Filed that charge per detective's instruction; court did not look at 19 videos that were submitted for evidence. Court determined there was no probable cause for harassment. Feels as though the court does not want to deal with a "neighbor dispute".*

Rick Eufrazio, Cape May Court House:

- Spoke to his experience as a realtor; quiet enjoyment. Stated that maybe the ordinance needs to be addressed and be strengthened.

Peter Lomax, Cape May Court House:

- Welcomed Elizabeth; looking forward to working with her.
- Thanked Committee for their efforts with celebration of Arbor Day at Elementary School #1; Whitesboro school No net loss planting.
- Thanked Mrs. Krauss for her efforts in organizing participation of Committee.
- Provided status update on planting at the elementary school.

Committeemember Donohue:

- Thanked Mr. Lomax for the donation of the trees to students.

Mayor Clark:

- Recognized efforts and talent of Sofia Lomax with her creation of school assembly.
- Also extended his thanks to Mr. Lomax.

Committeemember Donohue:

- Asked for confirmation that trees will be planted at MLK Center.

Peter Lomax, Cape May Court House:

- Provided update on tree planting at the MLK Center; found locations for 35 trees.

Mayor Clark:

- Spoke of tree planting at the County complex.

Peter Lomax, Cape May Court House:

- D&R Landscaping doing a great job; ample recognition.

COMMITTEE COMMENTS

Frank Corrado:

- Welcomed Ms. Terenik; spoke to working with her in the past.

Elizabeth Terenik:

- Pleasure to be here.
- Sees a lot of great things happening in Middle Township.
- Commended Committee and Mrs. Krauss on a well ran town.

Committeemember DeVico:

- Spoke of opening day at Goshen. Thanked Rec and Public Works staff for their efforts in pulling it all together.
- Acknowledged Noah Granigan; Middle Township resident; won USAC cycling collegiate national championship.

Committeemember Donohue:

- Grassy Sound sewer project; spoke to all the residents that have put into the project to make it happen. Appreciates all involved; acknowledged some individually.
- Ormund Road has been paved.
- Welcomed Ms. Terenik; honored to work with her in the past. Couldn't have hoped for a better outcome.
- Thanked Steve O'Conner for his time with the Township; Kimberly Krauss for participation towards absence.
- Flag project; something all can be proud of.
- Thanked Jim Norris and Ted Farina for their service to the Township.
- Acknowledged those who stepped up in Public Works under leadership of John Oliva for opening day.

Mayor Clark:

- Echoed Committeemember Donohue's comments with regards to opening day at Goshen. Spoke to having the largest group ever in attendance. Thanked staff for preparation and hard work; successful day.
- Spoke to his attendance at ACCC for Earth Day.
- Spoke to retirement of Calvin Back Jr.; thanked him for his service.
- May 10th grand opening and ribbon cutting for new AtlantiCare Center in Rio Grande.
- May 13th Baseball Association pancake breakfast at the high school; invited all to come out and support.
- Wished all mothers a happy Mother's Day in advance.
- Drum fish tournament captains meeting being held May 18th at Menz; tournament will take place May 19th – 21st. Provided information regarding registration fees, weigh-ins and prize money. Thanked Drum Fish committee for their efforts in coordinating the tournament every year; money raised for the rec department.
- Coast Guard weekend; first weekend in May.

Motion to adjourn meeting – 7:00pm

1st: Committeeman Donohue

2nd: Committeeman DeVico

Pass on Roll Call: Committeeman DeVico, Committeeman Donohue, Mayor Clark

Kimberly D. Krauss, Township Clerk

*Minutes prepared by Andrea N. Bruno, Keyboarding Clerk