

Cape May Court House, NJ  
March 20, 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, Township Clerk Kimberly Krauss, Interim Business Administrator Stephen O'Connor, Municipal Solicitor Frank Corrado, and Township Engineer Marc DeBlasio.

1. PRESENTATION BY MAYOR – THE LOUIS BAY 2<sup>ND</sup> FUTURE MUNICIPAL LEADERS SCHOLARSHIP, CERTIFICATE OF PARTICIPATION – JOSHUA WILLIAM MOYER
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. \$523,528.37*
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 03/06/2017 and Closed Session 03/06/2017, 03/16/2017.*
5. REPORTS: The following departments have submitted their reports for the months indicated:
6. ORDINANCE 1542-17 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1542-17 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk's Office. *BE IT ORDAINED by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:*  
*SECTION 1. The positions listed in the attached schedule are hereby created.*  
*SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.*  
*SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.*  
*SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years of service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.*

<i>Years of Service (Percent of Annual Salary)</i>	<i>Additional Compensation</i>
<i>5 years or more</i>	<i>2%</i>
<i>10 years or more</i>	<i>4%</i>
<i>15 years or more</i>	<i>6%</i>
<i>20 years or more</i>	<i>8%</i>
<i>25 years or more</i>	<i>10%</i>

*Section 4 shall only apply to Township Employees hired before December 31, 1994.*  
*SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.*  
*SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2017 immediately upon final passage and publication according to law.*

7. 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
Cecily Rose Carr	Public Safety	Telecommunications Operator P/T T/A	\$10.46ph	03/20/2017
Beth J. Colquhoun	Public Safety	Telecommunications Operator P/T T/A	\$10.46ph	03/20/2017
Kirby Stiltner, Jr.	Public Safety	Telecommunications Operator P/T T/A	\$10.46ph	03/20/2017

8. RESOLUTION – SEWER ADJUSTMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, from time to time the Tax Collector is required to amend sewer accounts for various reasons, and*  
*WHEREAS, said amendments require a resolution of the governing body authorizing the action.*  
*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that authorization is hereby granted to adjust the following sewer accounts as follows:*

Account	Block	Lot	Owner/location	2017 Adjusted Amount	Reason
4945	281	4	Saad, Richard J & James L Jr  Property location: 204 South Main Street	\$1,449.42	Water leak, confirmed by NJ American Water
17882	313	62	Davis, Frank & Lisa  Property Location: 727B Stone Harbor Boulevard	\$560.00	Vacant Ground

9. 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
Charles McGuire	Public Works	Mechanic Helper	03/03/2017
Lauren Anzelone	Public Safety	PS Telecommunications Operator P/T	12/10/2014
Michael Petrella	Public Safety	PS Telecommunications Operator P/T	09/03/2014

10. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE – CHARLES MCGUIRE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, Charles McGuire resigned with an effective date of March 9, 2017; and*  
*WHEREAS, it is the policy of Middle Township to compensate resigning employees for accumulated vacation, compensation, sick 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:*

Charles McGuire  
 Personal Time Hours: 1.16  
 Vacation Time Hours: 10.32  
Total Hours: 11.48  
 \$160.42 (inclusive of payroll tax expense to the Township)

11. 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, the governing body thereof, that we do hereby establish a Green team consisting of all the members of the Middle Township Environmental Commission.*

*BE IT FURTHER RESOLVED, by the Middle Township Governing Body, that we do hereby appoint the following persons to the Green team for 2017.*

*Vilma Pombo, Chairman*

*Rachel Shepherd*

*Jeffery L. Schafer, CEM*

*Betsy Haskins*

*Larissa Smith*

*Josh Nemeth*

*Jim Amenhauser*

*James Collins, Alt#1*

*Dawn Stimmel, Secretary*

12. RESOLUTION – AWARD OF BID – NO NET LOSS TREE PLANTING AND MAINTENANCE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.
- WHEREAS, it has been deemed necessary and desirable to solicit bids for the No Net Loss Tree Planting and Maintenance project; and*
- WHEREAS, sealed bids were received on March 2, 2017; 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 No Net Loss Tree Planting and Maintenance project, be and hereby is awarded to: D&R Landscaping – \$329,751.00*
- FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.*
13. RESOLUTION – APPROVE CHANGE ORDER (ITEMS A THROUGH C) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.
- (a) WHEREAS, Kline Construction Company, Inc. was awarded the “FY 2014 NJDOT Local Aid – Bike Path – Phase 5” project on September 21, 2015.*
- 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. 3 for the project awarded to Kline Construction Company, Inc., be and is hereby approved in a credit amount of \$7,343.50, for an amended contract price of \$267,785.50.*
- (b) WHEREAS, Kline Construction Company, Inc. was awarded the “FY 2013 NJDOT Local Aid Bikeway Program – Bike Path – Phase 4 – Contract No. 2” project on September 21, 2015.*
- 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. 3 for the project awarded to Kline Construction Company, Inc., be and is hereby approved in a credit amount of \$4,914.25, for an amended contract price of \$107,322.50.*
- (c) WHEREAS, Housing Rehabilitation Contract No. 2016-9 was awarded August 15, 2016, via Resolution No. 343-16 to H.J. Graber Contractors; and*
- NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #2 for the project awarded to H.J. Graber Construction, be and is hereby approved in the amount of \$1,050.00.*
14. 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 imposes 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
Shuhart, Victoria	11 Kimble Road	1425.02 // 4	\$405.87
Woolson, Maureen P	318 Dias Creek Road	163.01 // 192	\$488.75

15. RESOLUTION – AUTHORIZING THE EXECUTION OF AGREEMENT – On motion by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the final settlement agreement, as reviewed and approved by counsel, between Mary Creamer and the Township of Middle.*
16. RESOLUTION – AMENDING RESOLUTION 108-17 - ACKNOWLEDGING ROAD CLOSURE – 14<sup>th</sup> ANNUAL TRI THE WILDWOODS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, DelMo Sports, Inc. is orchestrating a Triathlon, Aquabike, 5K & Kids Splash & Dash on August 30, 2017, and*  
*WHEREAS, said event was approved via Resolution No. 108-17 on February 22, 2017, and*  
*WHEREAS, said applicant has requested, which has been approved by the NJDOT, the use of the entire right lane for athletes (NORTH side of median) on Westbound State Highway 147 from the North Wildwood Border to the South Carolina jug handle. Cars will utilize the Eastbound lane of State Highway 147 (SOUTH side of Median). Cars coming South on US 147 will use the shoulder of the Eastbound lane and cars heading North on 147 will use the far-right hand lane. These vehicles heading North will get back onto 147 at the traffic light near Harbor Furniture. There will be cones dividing the opposing traffic.*  
*NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the 14th Annual Tri the Wildwoods sponsored by DelMo Sports, Inc., and that the governing body does hereby understand and acknowledge the road closure as indicated above.*  
*BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.*
17. PUBLIC HEARING – PLACE-TO-PLACE TRANSFER – EXPANSION OF PREMISE – RIO STATION
18. RESOLUTION – PLACE-TO-PLACE TRANSFER – LICENSE NO. 0506-33-001-007 – RIO STATION – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Consumption License No. 0506-33-001-007 (Rio Station), for the purpose of expanding the existing licensed premise wherein the sale, service and storage of alcoholic beverages are authorized, and*  
*WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.*  
*NOW THEREFORE BE IT RESOLVED, that the Township of Middle, County of Cape May, State of New Jersey, does hereby approve, effective March 20, 2017, the place to place transfer of the aforesaid Plenary Retail Consumption Licensed premise located at 3505 Rte. 9 South, Rio Grande, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.*
19. RESOLUTION – TABULATION COMMITTEE – MIDDLE TOWNSHIP/ LOWER TOWNSHIP BIKE PATH CONNECTOR – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*NOW, THEREFORE, 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 Township Officials be and hereby are appointed to tabulate the bids to be taken on April 11, 2017 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following: MIDDLE TOWNSHIP/ LOWER TOWNSHIP BIKE PATH CONNECTOR*
20. RESOLUTION – AUTHORIZING THE SALE OF BLOCK 51, LOT 37 (770 GOSHEN ROAD) TO A CONTIGUOUS PROPERTY OWNER – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
*WHEREAS, the Township of Middle owns a 1.041 parcel of vacant property at 770 Goshen Road, also known as Block 51, Lot 37, located in the Goshen section of the township; and*  
*WHEREAS, this property is smaller than the minimum size needed for development in its zone and free of capital improvements; and*  
*WHEREAS, the Middle Township Committee has determined that this property is not needed for public use; and*  
*WHEREAS, the property is currently assessed at \$11,500; and*  
*WHEREAS, pursuant to N.J.S.A. 40A:12-13.2, the township has notified all contiguous property owners of its desire to sell this property for its appraised, fair market value; and*  
*WHEREAS, one contiguous owner, Daniel and Jamie Young of 768 Goshen Road, has indicated his willingness to purchase that property; and*  
*WHEREAS, N.J.S.A. permits the township to sell this property, at private sale, to a contiguous property owner who exercises his right of first refusal under the statute; and*  
*WHEREAS, after considering the matter, the Township Committee believes that the private sale of this property to Daniel and Jamie Young is in the township’s best interest; and*

NOW, THEREFORE, be it RESOLVED by the Township Committee of Middle Township as follows:

1. The averments of the preamble are incorporated by reference.
2. The Township of Middle hereby authorizes the sale of its property at Block 51, Lot 37, 770 Goshen Road, Middle Township, to Daniel and Jamie Young of 768 Goshen Road.
3. The sales price for the property shall be \$11,500.
4. The property shall be sold "as is," and the township makes no warranties whatsoever about the quality of title, condition, environmental constraints, or development potential of the property.
5. As a condition of this sale, the purchasers shall record a Deed of Consolidation adding this parcel to their existing lot.
6. Upon adoption of this resolution, the township and Mr. and Ms. Young shall enter into an Agreement of Sale that will embody the conditions set forth above, as well as all other pertinent conditions, and that will set a closing date for the property
7. This resolution shall take effect immediately, according to law.

21. RESOLUTION – AUTHORIZE MAYOR TO EXECUTE DOCUMENTS IN CONNECTION WITH MIDDLE TOWNSHIP- GRASSY SOUNDS SEWER CONNECTION PROJECT – 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 that authorization is hereby granted to the Mayor to execute various agreements in connection with the funding obligations provided with regards to the Middle Township-Grassy Sounds Sanitary Sewer Connection Project, as outlined and provided by the USDA, Rural Development. FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all additional documents in connection therewith.

22. RESOLUTION – APPOINTMENTS – CROSSING GUARDS – 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 named persons be and hereby are appointed or reappointed to fill the following offices/terms:

NAME	POSITION / DEPARTMENT	TERM	TERM EFFECTIVE	SALARY
Cory Hofman	Crossing Guard / Public Safety	1 year	03/13/2017	\$1.00
Robert Nagel	Crossing Guard / Public Safety	1 year	03/13/2017	\$1.00

BE IT FURTHER RESOLVED, that the leave of absence for Kathy Mazzio until September 2017 is hereby acknowledged.

23. RESOLUTION – CLOSED SESSION –POTENTIAL LITIGATION (SALARIES STATUTORY OFFICERS) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

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 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: POTENTIAL LITIGATION (SALARIES STATUTORY OFFICERS)
- 2.) The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION (SALARIES STATUTORY OFFICERS)
- 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.

**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.**

24. RESOLUTION – INTRODUCTION OF BUDGET BY TITLE ONLY – 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 2017 Budget for the Township of Middle be introduced, approved and given first reading by title only.

25. PUBLIC COMMENT: