

**Cape May Court House, New Jersey  
TOWNSHIP OF MIDDLE  
TOWNSHIP COMMITTEE  
WORKSESSION AGENDA  
January 18, 2017 4:00 PM (prevailing time)**

**CALL TO ORDER:**

Mayor's Announcement: 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).

Notice of this meeting was properly given in Resolution No. 16-17 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 2, 2017.

Members present are Mayor Clark, Deputy Mayor DeVico, and Committeemember Donohue

Interim Administrator Stephen O'Connor, Deputy Township Clerk Krystel Arana, Municipal Solicitor Frank Corrado & Municipal Engineer Marc DeBlasio. *Township Clerk Kimberly Krauss was absent.*

**FLAG SALUTE:****SPECIAL PRESENTATIONS OR DISCUSSIONS:****ITEMS OF DISCUSSION:**

Request for road closure – Delmo Sports, 14<sup>th</sup> Annual Tri the Wildwoods

*Mayor Clark:*

- *Annual event; township has closed road in past years.*

*Committeemember Donohue:*

- *Has met with the Moores' several times over the last few years in regards to Grassy Sound Marina; have got a handle on the situation.*

*Frank Corrado:*

- *Wanted to know when the event was occurring.*
- *Questioned if a resolution is usually passed when authorizing a road closure.*

*Committeemember Donohue:*

- *August 27<sup>th</sup>.*
- *Yes, a resolution is always passed approving the event.*

*Mayor Clark:*

- *Have had some problems with a few of the owners that have been resolved.*

*Committeemember Donohue:*

- *Road closures in August are not ideal.*

**Ockie Wisting Project Status Report**

*Marc DeBlasio:*

- *Provided Committee with photos to give them an idea of where the project is.*
- *Project progressing really well; particularly the pier structure.*
- *Named numerous minor projects that have been completed.*
- *Playground equipment has begun to be installed.*
- *Project should be completed within two months granted no inclement weather or unforeseen problems.*
- *So far, project has turned out phenomenal.*
- *Sign out along the roadway is left to be completed.*

*Committeemember Donohue:*

- *Asked about improvements to the entrance.*

*Marc DeBlasio:*

- *In terms of paving the entrance, possible change order from roadway contractor needed.*
- *The existing parking lot was already surface paved.*
- *Had current contractor, MJJ, face paint the new parking lot; proper grade; ADA compliant.*

*Committeemember Donohue:*

- *Asked if the money would come from the road bond.*

*Marc DeBlasio:*

- *Correct; pave roadway item.*

*Committeemember Donohue:*

- *Questioned if the sub-surface that has been there all these years is still intact.*
- *Asked the engineer if he was confident to pave over the one already in place.*

*Marc DeBlasio:*

- *Pretty intact.*
- *Explained if there is an area with base failure, it will be cut out and fixed; have not seen any major damages.*

*Committeemember Donohue:*

- *Would like to see a separate construction entrance made after certain procedures such as paving the entrance take place; would not like the new parking lot to be destroyed by heavy equipment.*

*Marc DeBlasio:*

- *Could be done; there is a lot of frontage there.*

*Mayor Clark:*

- *South of the entrance?*

*Marc DeBlasio:*

- *Yes.*

*Committeemember Donohue:*

- *Reached out to Chris Brown for an update on their status; Cape Express.*

## **DEPARTMENTAL REPORTS AND PROJECT UPDATES:**

### **Administration:**

### **Finance:**

### **Public Works & Engineering:**

FY 2017 NJDOT State Aid Application – Roadway Grant

*Marc DeBlasio:*

- *Annually; typically allocates funding from about \$150,000 to \$200,000.*
- *Township has been a successful recipient over the last couple of years.*
- *The funding cycle is in bad alignment this year because of gas tax issues.*
- *Notification released around December where the state opened up the program again but they are closing it quickly with the deadline being in the first few days of February.*
- *This is the last meeting before that deadline to pass a resolution approving authorizing submitting grant application.*
- *Put together a list of streets that meet the criteria along with the Public Works Director, Robert Flynn.*
- *Committee would have to select which street they would like be filed.*
- *All roads touch Route 47.*
- *2<sup>nd</sup> Avenue; Route 47 to Old Railroad Avenue could be considered a continuation of a previously funded project; two cycles of funding for 2<sup>nd</sup> Avenue.*
- *Package application as Phase 3.*
- *Committee to decide if they want to submit and what road to submit for.*

*Committeemember Donohue:*

- *In favor of continuing with 2<sup>nd</sup> Avenue.*

*Mayor Clark:*

- *Agrees with Committeemember Donohue.*

*Krystal Arana:*

- *Item to be forwarded to Clerk to be added to regular meeting agenda being held later that evening.*

### **Legal:**

### **Tax Collection/Tax Assessment:**

### **Construction/Planning/Zoning:**

### **Recreation:**

### **Police / Animal Control/ Code Enforcement:**

Vacant Property Ordinance

*Chief Leusner:*

- *Require registration of vacant properties.*
- *Number of municipalities in the state are instituting similar ordinances.*
- *Registration fee.*
- *Believes vacant properties, especially with the amount of foreclosures, create public health concerns.*
- *Thinks there is value in having these properties registered.*
- *Cherry Hill has practiced system for about four years; thinks it's proven to improve public safety and also bring in revenue.*
- *Circulated a couple of different ordinances; explained differences between Cherry Hill's ordinance and Franklin Township's ordinance.*
- *Defined vacant property in Cherry Hill's ordinance; property that is not occupied; registration fee the first year; second, third, and fourth year fee escalates in an effort to create an incentive for the bank to move the property because the longer the property sits vacant in the neighborhood it decreases value; creates public health issues.*
- *Defined Franklin Township's meaning of vacant property; expands Cherry Hill's definition of vacant properties to include properties that are in the process of going into foreclosure; capture more properties that way.*
- *Also place notice on properties that may become vacant as opposed to waiting for a property to become vacant; thinks that's the way Middle Township should go.*
- *Registration fee for Franklin Township is a little bit different; every six months \$500 are charged; the bank would have to register the property.*

- Committee would have to decide what direction they'd want to go in with the ordinance; also have to come up with a way to identify vacant properties and registration fees; believes the function should be privatized due to a number of companies that provide the service.
- Explained the different services offered by different organizations.
- False alarms function in place; privatized; process works well.
- Managed through the Code Enforcement Department which the Police Department now supervises.

Frank Corrado:

- Three issues; what the definition of vacant property is; the amount of the fee; at some point the township will have to decide whether to privatize the program or not which will require going out for bids; RFPs.
- Definition of vacant properties in ordinance he drafted is limited to properties that have actually gone into foreclosure and are in fact vacant.
- Regarding registration fee, the ordinance that was drafted tracks the Cherry Hill model; the fee escalates the longer the property remains vacant or subject to registration; the alternative would be to impose a flat fee maybe every six months; recommends the second alternative of a simple flat fee; incentivizes the bank to pay the fees; get more pushback if the fee keeps escalating; in a town where housing sales are slow, properties are going to remain vacant for a while.
- A lot of banks have hired property managers to manage vacant properties; they're authorized to pay fee if it is at a low level.
- Prudent choice; \$500 every six months; \$1,000 a year.
- Once Committee clarifies what they would like to include in the ordinance, resolution can be finalized to be introduced at next meeting.

Committeemember Donohue:

- Understands the money making aspect; questions the effectiveness.

Chief Leusner:

- If one structures the money charged every six months, that adds up; creates an incentive to get these properties back out on the market faster.
- Vendors that go out and visit the property once a month; they are making sure that the property does not become an issue; criminal activity.

Mayor Clark:

- Asked Chief Leusner if he has spoken to any of the companies that offer these services.

Chief Leusner:

- Reviewed material from a company called Champion; up in Camden County moving to Atlantic County.
- Connie and he had met with a company called RE Solutions; they offer the service of visiting the property once a month; reputable; retired police lieutenant; manages Cherry Hill's program in-house; one of their employees that started this company and is looking to expand.

Stephen O'Connor:

- Asked Frank Corrado if there was any way in determining what homes are entering the process of foreclosure.

Frank Corrado:

- The property comes off the list when it is sold.
- Franklin Township requires properties that are in the foreclosure process to, at any stage, be registered.
- That means that some of the properties that Franklin Township registers are properties that have not been fully foreclosed upon; people are still living there.
- Asked if those kinds of situations really justify the township; imposes the fee which is designed to incentivize the banks to take vacant properties, keep them in good condition, and get them back on the market and back into occupancy as soon as possible.

Stephen O'Connor:

- So those properties that are in the process of foreclosure but still have people living in them can't be on the list of vacant properties.

Frank Corrado:

- They can if you define vacant property to include anything that is in the foreclosure process.

Stephen O'Connor:

- Even if people still live there?

Frank Corrado:

- Correct; that's what Franklin Township does.
- They have an ordinance that states a property is vacant as long as it's somewhere in the foreclosure process.
- Does not agree with that form of the ordinance; believes the ordinance should be limited to properties that qualify as vacant or abandoned.
- There are state statutes that deal with what constitutes a vacant property.
- At least limit the ordinance in the beginning to properties that qualify as vacant and abandoned and not properties that could still be occupied in the process of foreclosure; raises a lot of legal issues.

Committeemember Donohue:

- What then would trigger the registration?

Frank Corrado:

- Some sort of foreclosure judgement; sheriff's sale.

Chief Leusner:

- Part of it is to incentivize the bank to sell the property and the other part is to identify the property and that there is a risk in the community that may attract criminal activity.
- Identify properties as early as possible that may attract criminal activity.
- Knows from talking with the person in charge of program in Cherry Hill regarding what triggers registration; he rides around and looks for properties that appear to be vacant/abandoned, researches the property and sends a notice.

*Frank Corrado:*

- *The advantage of this expanded definition is that the ordinance will say that when a foreclosure act is filed, the entity that's filing a foreclosure action must notify the township.*

*Mayor Clark:*

- *Once database is created, mission is to add homes that become vacant.*

*Chief Leusner:*

- *That's where privatizing the function comes in and this person is an expert at identifying these kinds of properties that are vacant and in the foreclosure process; identifying addresses; knowing where to send them.*

*Committeemember DeVico:*

- *You're also talking about for example when parents pass and a property is left abandoned because no one lives in the area.*

*Chief Leusner:*

- *Thinks it is important that we are sensitive to the fact that we have a lot of folks with second homes; only come once or twice in the summer time; not considered vacant.*

*Committeemember DeVico:*

- *Agrees with doing it the way the chief wants to do it until it's challenged; at that point we have something to fall back on.*

*Committeemember Donohue:*

- *Would like to discuss it further.*

*Mayor Clark:*

- *Write it both ways that way it is ready when Committee decides which way to go.*

*Chief Leusner:*

- *Confirmed registration fee will cost \$500 every six months.*
- *Asked for permission to direct Lieutenant Loftus to start working on a draft RFP with the Finance Department.*

*Mayor Clark:*

- *Yes; thanked Chief for all of his work.*

### **Buildings and Grounds:**

### **Sewer:**

### **Economic Development:**

### **Personnel:**

### **Zoning:**

### **Township Clerk:**

### 2017 Gravel Pit License Renewal Status

*Brian Murphy:*

- *New ordinance in town for the gravel pits.*
- *Submitted applications in timely manner.*
- *Clause in ordinance that states if the gravel pit license is not approved by the first of the year that gravel pit license holders are unable to operate their businesses.*
- *Simply wants to make sure that all of the gravel pits can continue to operate while they go through the approval process.*

*Frank Corrado:*

- *Asked if they have all applied?*

*Brian Murphy:*

- *Yes; all with the exception of one.*
- *Two applications required; one to the Township and one to Planning Board; do not have approval from either.*

*Marc DeBlasio:*

- *Everything complete on his part minus the planning board aspect.*

*Committeemember Donohue:*

- *Everything should be complete before coming before committee.*

*Frank Corrado:*

- *In Dennis Township where he is the Planning Board Solicitor it comes before the Land Use Board first and then it goes to Township Committee.*
- *Site plan review to be done before Committee signs off.*
- *Kim's note states according to David May all license holders have applied to the Planning Board for review.*

*Brian Murphy:*

- *There was an application that was scheduled to be reviewed next week but believes that is going to be pushed back.*

*Committeemember Donohue:*

- *Clarified that what Mr. Murphy is asking for inaction from Township Committee.*

*Mayor Clark:*

- *Reaffirmed everything was good.*

*Frank Corrado:*

- *Asked how many applicants were subject to annual registration.*

*Krystal Arana:*

- *Around 10.*

*Frank Corrado:*

- *One thing Committee should consider is a longer licensing period; staggered licenses.*
- *Four per year; three year permit.*

**PUBLIC COMMENT:**

*Brian Murphy:*

- *Regarding the vacant property ordinance, would like to include commercial properties.*
- *Property at the intersection of Indian Trail and Route 9, northwest corner; eyesore; detriment to the township.*

*Frank Corrado:*

- *Ordinance drafted to include all sorts of properties.*

*Mike Linz:*

- *Understands committee is leaning towards including properties in ordinance that are still inhabited; maybe waive the fee for those properties but send them notice that are in the process.*
- *Agrees with Chief; the quicker they know the properties will become vacant, the quicker they can control the situation.*

Motion to Adjourn Meeting – 4:44pm

1<sup>st</sup>: Committeemember Donohue

2<sup>nd</sup>: Committeemember DeVico

Roll Call Vote: Committeemember DeVico, Committeemember Donohue, Mayor Clark

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Krystal Arana, Deputy Township Clerk