

Cape May Court House, NJ
April 16, 2018
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, Business Administrator Elizabeth Terenik, Municipal Solicitor Frank Corrado and Municipal Engineer Vincent Orlando.

1. PRESENTATION BY MAYOR AND COMMITTEE – MARCH EMPLOYEE OF THE MONTH – BERNADETTE DELCORIO
2. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE TOWNSHIP RECREATION BOYS BASKETBALL TEAM
3. PRESENTATION BY MIDDLE TWP. RECREATION DEPT. – MIDDLE TOWNSHIP RECREATION EASTER EGG COLORING CONTEST WINNERS
4. 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.*)
5. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$2,786,055.60
6. 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: 04/02/2018 regular and work session meetings.
7. REPORTS: The following departments have submitted their reports for the months indicated: Sewer Utility Collector for the month of March; Sterback Harbor for the month of March; Tax Collector for the month of March; Municipal Clerk for the Month of March; Finance for the month of March.
8. ORDINANCE NO. 1561-18 – AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250, SECTION 610, REGULATING THE KEEPING OF DOMESTIC FARM ANIMALS - Following second reading, hearing, and consideration for adoption, Ordinance 1561-18 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
WHEREAS, Section 250-610 Middle Township Municipal Code, a part of the Township zoning ordinance, regulates the keeping of domestic farm animals; and
WHEREAS, having reviewed that article, the Middle Township Committee believes that it should be amended to clarify what is permitted and what is not.
NOW THEREFORE, be it ORDAINED by the Township Committee of the Township of Middle as follows:
Section 1. Chapter 250, Section 610 of the Middle Township Code is hereby amended as follows (additions underlined; deletions [in brackets]):
§ 250-610 Keeping of domestic farm animals.
A. Purpose. In order to support and encourage the rural and agricultural character of the community and to expand local food production and access to food, the keeping of domestic farm animals as pets and for food supply is permitted in accordance with the regulations below.
B. Small domestic farm animals. The keeping of the small domestic farm animals for recreational purposes, or used for eggs or meat or other food, is permitted in all residential districts [in accordance with the following provisions:]. For purposes of this section, “small domestic farm animals” means only beekeeping and the keeping of fowl, such as chickens, ducks and geese.
[~~1~~] Includes chickens and ducks only.]
~~1~~ [2] Such animals must be completely contained on site.
~~2~~[3] The animals shall not be bred to be sold or used to generate income in any way, except in conjunction with a farm stand[, as defined herein].
~~3~~[4] The minimum lot area is 10,000 square feet.
~~4~~[5] For parcels 10,000 to 35,000 square feet, a maximum of five small domestic farm animals is permitted.
~~5~~[6] For parcels 35,001 square feet to two acres, a maximum of 10 small domestic farm animals is permitted.

[(7) These regulations apply to the keeping of bees.]

C. The keeping of horses and ponies and other large farm animals for recreational purposes shall be permitted as an accessory use in the RC and SR Zoning Districts, provided that no more than two such animals are kept on any single lot or parcel and that any such animals are kept in a completely fenced area no less than 1/2 acre in size on a parcel of not less than five acres in size.

Section 2. Upon introduction, and before second reading and final adoption, this Ordinance shall be referred to the Middle Township Planning Board for review pursuant to N.J.S.A. 40:55D-26 and -64.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.

9. **ORDINANCE NO. 1562-18 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING A REDEVELOPMENT PLAN FOR THE REHABILITATION AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY** – Following second reading, hearing, and consideration for adoption, Ordinance 1562-18 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
- WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution 149-2018 of the Township Committee of the Township of Middle (“Committee”), declared the Study Area detailed on Exhibit A attached hereto and made a part hereof, as an “Area in Need of Rehabilitation”; and*
- WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and*
- WHEREAS, in order to facilitate the redevelopment of the Township of Middle (the “Township”), the Middle Township Planning Board (“Board”), pursuant to N.J.S.A. 40A:12A-7, and Committee Resolution ___-2018, reviewed a Redevelopment Plan for the Township which will support and promote the adaptive reuse and redevelopment of the Rehabilitation Area within the Township; and*
- WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Board did adopt Resolution 180201 as its official report and recommendation to Committee that the Redevelopment Plan, entitled “Redevelopment Plan For the Township of Middle, Cape May County, NJ, 2018” and on file with the Township Clerk’s office, be adopted as it provides for the planning, development, redevelopment and rehabilitation of the Township; and*
- WHEREAS, the Committee has determined that it is in the best interest of the Township to adopt the Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Township; and*
- NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey, as follows:*
- Section 1. The Township hereby adopts the “Redevelopment Plan For the Township of Middle, Cape May County, NJ, 2018” to facilitate the rehabilitation and redevelopment of the Township of Middle.*
- Section 2. The Committee declares and determines that said Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Township and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.*
- Section 3. The Committee shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.*
- Section 4. The Redevelopment Plan shall be an overlay to other local development regulations and the Township Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan.*
- Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.*
- Section 6. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.*
- Section 7. This Ordinance shall take effect after final adoption and publication according to law.*
10. **ORDINANCE NO. 1563-18 – ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING A REDEVELOPMENT PLAN FOR THE RIO GRANDE REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY**- Following second reading, hearing, and consideration for adoption, Ordinance 1563-18 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
- WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution 148-2018 of the Township Committee of the Township of Middle (“Committee”), declared Block 1434, Lots 2, 3, 4, 8 and 9, as an “Area in Need of Redevelopment” (“Rio Grande Redevelopment Area”); and*
- WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and*
- WHEREAS, in order to facilitate the redevelopment of the Township of Middle (the “Township”), the Middle Township Planning Board (“Board”), pursuant to N.J.S.A. 40A:12A-7, and Committee Resolution 180101, reviewed a Redevelopment Plan for the Township which will support and promote the adaptive reuse and redevelopment of the Rio Grande Redevelopment Area within the Township; and*
- WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Board did adopt Resolution 180101 as its official report and recommendation to Committee that the Redevelopment Plan, entitled “Redevelopment Plan For the Rio Grande Redevelopment Area, Township of Middle, Cape May County, NJ, 2018” and on file with the Township Clerk’s office, be adopted as it provides for the planning, development, redevelopment and rehabilitation of the Rio Grande Redevelopment Area within the Township; and*

WHEREAS, the Committee has determined that it is in the best interest of the Township to adopt the Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Township; and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey, as follows:

Section 1. The Township hereby adopts the “Redevelopment Plan For the Rio Grande Redevelopment Area, Township of Middle, Cape May County, NJ, 2018” to facilitate the rehabilitation and redevelopment of the Rio Grande Redevelopment Area within the Township of Middle.

Section 2. The Committee declares and determines that said Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Rio Grande Redevelopment Area within the Township and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Committee shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

Section 4. The Redevelopment Plan shall be an overlay to other local development regulations and the Township Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

11. ORDINANCE NO. 1565-18 –AN ORDINANCE TO PROVIDE FOR AN ADDITIONAL NAME AND DESIGNATION OF ATLANTIC AVENUE AND U.S. ROUTE 9 AS “BISHOP WILLIAM L. MCCLURKIN WAY” IN RECOGNITION OF BISHOP WILLIAM L. MCCLURKIN – On motion by seconded by and passed on roll call, Ordinance No.1565-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/21/2018 at 6:00 p.m.

WHEREAS, BISHOP WILLIAM L. MCCLURKIN, longtime Pastor, departed this life on December 31, 2017. He was 78 years old; and

WHEREAS, BISHOP MCCLURKIN pastored the Mount Olive Baptist Church in Cape May Court House for 37 years; and

WHEREAS, BISHOP MCCLURKIN was a chairman and member of eight civil and ministerial associations; and

WHEREAS, the Governing Body of the Township of Middle desires to recognize the life and legacy of BISHOP WILLIAM L. MCCLURKIN and commend his dedicated and devoted community efforts by designation an additional street name in his honor; and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1: Atlantic Avenue, off of U.S. Route 9 in Middle Township, shall also be designated as “BISHOP WILLIAM L. MCCLURKIN WAY” in recognition of the many contributions BISHOP WILLIAM L. MCCLURKIN made to the community.

SECTION 2: The appropriate Township Department shall post proper street signs setting forth the designation stated herein.

SECTION 3: All Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4: This Ordinance shall become effective immediately upon final passage and publication, according to law.

12. ORDINANCE NO. 1566-18 - AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE - On motion by seconded by and passed on roll call, Ordinance No.1566-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/21/2018 at 6:00 p.m.

Amended to include new title and range:

Keyboarding Clerk 3 \$ 25,000.00 \$80,000.00

13. 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 resignations listed below, are acknowledged.

NAME	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Kyle Lindholm	Public Safety	P/T Emergency Medical Technician	04/01/2016

14. RESOLUTION – AMENDING RESOLUTION 18-18 – SALARIES – 2018 – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, salary ranges for officers and employees of this Township have been established by Ordinance No. 1551-18; and

WHEREAS, said ordinance further provides that the exact salary of each officer and employee shall be as determined from time to time by resolution of the Township Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the attached schedule showing salaries and wages of the Township Employees shall constitute the salary Resolution for the year 2018, subject to such additions as may be made by Resolution of the Township Committee during the year 2018. (ATTACHED LIST AVAILABLE IN CLERK 'S OFFICE)

15. RESOLUTION – PROMOTIONAL TITLE CHANGE– 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 following employee is hereby promoted to the title opposite their name at the following salary:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Merrill Fowle	Public Works	Senior Mechanic	\$38,406.00	04/16/2018
Rex Garrison	Public Works	Mechanic	\$32,664.00	04/16/2018

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

WHEREAS, the properties listed below are not connected to the sewer system and due a fund in the amounts reflected;

Account	Block	Lot	Property location	2018
2552	127	16	15 Easy St	\$420.00
14025	1422	6	3128 Shunpike	\$560.00

17. RESOLUTION - REFUND OF TAXES – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, a refund is due from payment made on an exempt property;

ACCT	BLOCK	LOT	OWNER/LOCATION	2017
3196	164.02	14	Mixon, Raymond & Carole M 669 Dias Creek Rd Cape May Court House, NJ 08210 Property location: 669 Dias Creek Rd	\$109.96

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2018 taxes

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

18. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – (A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the Township of Middle has a need to enter into an agreement with Techna-Pro Electric, LLC towards a traffic calming project with regards to the Goshen Sports Complex, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and WHEREAS, the Township of Middle will be entering into an agreement with Techna-Pro Electric, LLC where the total amount is \$24,627.50, which exceeds the non-fair and open limitation of \$17,500.00; and WHEREAS, Techna-Pro Electric, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Techna-Pro Electric, LLC from making any reportable contributions through the term of the contract; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor for a term of 12-months, and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

(B) WHEREAS, the Township of Middle has a need to enter into an agreement with Irene Garramone to provide interim assistance in the Municipal Court, as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and WHEREAS, the Township of Middle will be entering into an agreement with Irene Garramone where the total amount is \$25,000.00, which exceeds the non-fair and open limitation of \$17,500.00; and WHEREAS, Irene Garramone has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Irene Garramone from making any reportable contributions through the term of the contract; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor for a term of 12-months, and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

19. RESOLUTION - AMENDING CONTRACTS AND RATIFYING AGREEMENTS (ITEMS A THROUGH D) – On motion by seconded by and passed on roll call, the following resolution was adopted.

(A) WHEREAS, Resolution No. 2-12 authorized an agreement with Blauer Associates for a grant application consultant as a fair and open contract pursuant to N.J.S.A. 19:44A-20.4 et.seq.; and WHEREAS, said contract was amended via resolution 531-12 for said contractor to perform grant application services necessary in connection with the Grassy Sounds Sewer Project and application process; and WHEREAS, said contract needs to be further amended to include additional services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BLAUER ASSOCIATES -
Grant Application Consultant
Grassy Sounds Sewer Project
Not to Exceed \$27,500.00

(B)WHEREAS, Resolution No. 363-17 authorized an agreement with McManimon, Scotland & Baumann, LLC for special counsel for water and regulatory issues, as a non-fair and open contract pursuant to the Pay to Play regulations; and
WHEREAS, said contract needs to be amended to include additional services and;
WHEREAS, the agreement for services with McManimon, Scotland & Baumann, LLC will have a total value that will exceed \$17,500; and
WHEREAS, McManimon, Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the McManimon, Scotland & Baumann, LLC from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

MCMANIMON, SCOTLAND & BAUMANN, LLC –
Special Counsel for Water and Regulatory Issues
Not to Exceed \$25,000.00

(C)WHEREAS, Resolution No. 398-17 authorized an agreement with Environmental Resolutions, Inc. for paving design, bidding services, contract administration and construction management for the 2017 Road Program project, as a fair and open contract pursuant to N.J.S.A. 19:44A-20.4 et.seq.; and
WHEREAS, said contract needs to be amended to include additional services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

ENVIRONMENTAL RESOLUTIONS, INC.
Paving Design, Bidding Services, Contract Administration and Construction Management
2017 Road Program
Not to Exceed \$35,000.00

(D)WHEREAS, Resolution No. 470-17 authorized an agreement with Maley & Associates, Counsellors at Law for redevelopment counsel services, as a non-fair and open contract pursuant to the Pay to Play regulations; and

WHEREAS, said contract needs to be amended to include additional services and;

WHEREAS, the agreement for services with Maley & Associates, Counsellors at Law will have a total value that will exceed \$17,500; and

WHEREAS, Maley & Associates, Counsellors at Law has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit the Maley & Associates, Counsellors at Law from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

MALEY & ASSOCIATES, COUNSELLORS AT LAW –
Redevelopment Counsel Services
Not to Exceed \$10,000.00

20. RESOLUTION - ACKNOWLEDGING ROAD CLOSURE – 20th ANNUAL OCEAN DRIVE MARATHON – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, Ocean Drive Run Club, Inc. is orchestrating a Marathon on April 22, 2018, and

WHEREAS, said event will take along a portion of Ocean Drive in Middle Township, and

WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement, and Insurance Certifications for this event.

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 20th Annual Ocean Drive Marathon sponsored by the Ocean Drive Run Club, Inc.

BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.

BE IT FURTHER RESOLVED, that the closure of the roads as indicated above are hereby acknowledged.

21. RESOLUTION – CLOSED SESSION – POTENTIAL LITIGATION (USDA GRASSY SOUNDS) – 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 – (USDA GRASSY SOUNDS SEWER)*
 - 2.) *The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION – (USDA GRASSY SOUNDS SEWER)*
 - 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.***

22. RESOLUTION – SOCIAL AFFAIRS PERMIT – WILDWOOD CATHOLIC HIGH SCHOOL – On motion by seconded by and passed on roll call, the following resolution was adopted. *WHEREAS, the Wildwood Catholic High School has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House, New Jersey 08210 on April 26, 2018 from 12:00pm until 11:00 pm, 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.*

23. RESOLUTION - AUTHORIZING THE TOWNSHIP SOLICITOR TO EXECUTE CONSENT JUDGMENT TO QUIET TITLE REGARDING LOT 3, BLOCK 143 IN THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, the following resolution was adopted. *WHEREAS, Song Ja Severance and the Estate of Howard Randall Severance, Sr. (“plaintiffs”), are the owners of property in Pierces Point in Middle Township known as Block 143, Lot 3 (“the property”). WHEREAS, in the course of a proposed sale of the property plaintiffs and their potential buyers discovered conflicting chains of title; and WHEREAS, in order to clear title for the sale of the property, plaintiffs filed an action to quiet title under Docket No. CPM-C-63-17; and WHEREAS, plaintiffs named Township of Middle as a defendant in the action for any interest the Township might have in the property; and WHEREAS, the Township of Middle does not contest plaintiffs’ claim of ownership to the property and filed a non-contesting Answer in the quiet title action asserting no interest or liability in the matter, other than an agreement to adjust Township records to reflect the outcome of the quiet title action, if necessary; and WHEREAS, plaintiffs have proposed a Consent Judgment to Quiet Title to be filed with the Court quieting title to the property; and WHEREAS, the form of that Consent Judgment is attached to this Resolution and incorporated herein as Exhibit A; NOW, THEREFORE, BE IT RESOLVED by the Middle Township Committee, in the County of Cape May, as follows:*

1. *The Recital paragraphs are incorporated as if fully set forth.*
2. *The Middle Township Committee hereby approves the attached “Consent Judgment to Quiet Title” regarding Block 143, Lot 3, in Middle Township.*
3. *The Township Solicitor is authorized to take all necessary steps to perfect the execution of the Consent Judgment.*
4. *This resolution shall take effect immediately, according to law.*

24. RESOLUTION - CONSENTING TO THE COUNTY OF CAPE MAY PURCHASE OF LAND KNOWN AS BLOCK 55.01, LOT 33, ALSO KNOWN AS 66 ROUTE 47 NORTH, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, the following resolution was adopted. *WHEREAS, the Cape May County Agriculture Development Board has granted final approval for the purchase of a Development Easement on a property owned by B-Jac Farms, LLC designated as 6.78 acres, Block 55.01, Lot 33, also known as 66 Route 47 North, Cape May Court House, Cape May County, New Jersey, and on the official Tax Map of the Township of Middle; and WHEREAS, the Board of Chosen Freeholders of the County of Cape May has entered into a contract to purchase said easement; NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Middle has reviewed aforesaid application, pursuant to N.J.A.C. 2:76-6.10(a)4, and the best interest of the Township, approves the application and the purchase of the development easement of the property designated as Block 55.01, Lot 33, 6.78 acres, Township of Middle, County of Cape May, New Jersey.*

25. RESOLUTION – DUPLICATE TAX SALE CERTIFICATE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Chapter 99 laws of 1997, requires authorization of the governing body for replacement and issuance of a duplicate tax sale certificate held by a third-party lien holder, which has been destroyed or lost; and
NOW THEREFORE BE IT RESOLVED, that due to unforeseen circumstances due to the damage or loss of this tax sale certificate it is the desire of the governing body to have the tax collector issue a duplicate certificate in this instance. An affidavit of loss for certificate #2015-8340 is attached to this resolution for block 475.01 lot 65 in the Township of Middle and the duplicate certificate shall be mailed to:
US Bank Cust/PC6, LLC Sterling Nat'l
50 S 16th St Suite 2050
Philadelphia, Pa 19102
26. RESOLUTION – SELF-EXAMINATION OF BUDGET – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and
WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and
WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.
NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:
1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
a. Payment of interest and debt redemption charges
b. Deferred charges and statutory expenditures
c. Cash deficit of preceding year
d. Reserve for uncollected taxes
e. Other reserves and non-disbursement items
f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
a. All estimates of revenue are reasonable, accurate and correctly stated
b. Items of appropriation are properly set forth
c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.
BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.
27. PUBLIC HEARING ON INTRODUCED BUDGET
28. RESOLUTION - ADOPT 2018 MUNICIPAL BUDGET – 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2018 was introduced and approved at a regular meeting of the Township Committee held on March 19, 2018 and was thereafter advertised in the Herald-Times in its issue on March 28, 2018, which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing; and
BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2018 was hereby read by title only, and also had public hearing on April 16, 2018; and
FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2018; and
FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2018 is hereby adopted.

29. PUBLIC COMMENT:

Motion to adjourn meeting –
1st

2nd

Pass on Roll Call: