

Cape May Court House, NJ  
 June 4, 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

1. PRESENTATION BY MAYOR AND COMMITTEE – MAY EMPLOYEE OF THE MONTH – CHERYL GRIER
2. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE TOWNSHIP DRUM FISH TOURNAMENT AWARDS
3. 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.)*
4. 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. \$3,926,207.87*
5. 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: 05/21/2018 regular and closed session meetings.*
6. REPORTS: The following departments have submitted their reports for the months indicated: Sewer for the Month of May; Sterback Harbor for the Month of May; Tax Collector for the Month of May;
7. ORDINANCE NO. 1567-18 – 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.1567-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/18/2018 at 6:00 p.m. *Amending the following established title ranges:*

Clerk 1 P/T	\$	1.00		to \$22.50 ph	
Clerk 2 P/T	\$	1.00		to \$22.50 ph	
Director of Grants and Economic Development*	\$	22,000.00	\$	55,000.00	*amended title as of 06/04/2018
Qualified Purchasing Agent	\$	30,000.00	\$	60,000.00	
Special Events Coordinator	\$	22,000.00	\$	55,000.00	

8. RESOLUTION – APPOINTMENT – DEPUTY ACMJIF CLAIMS COORDINATOR – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee is hereby appointed to the following position opposite their name:*

NAME	TITLE	EFFECTIVE
Kimberly Krauss	Deputy ACMJIF Claims Coordinator	06/04/2018

9. RESOLUTION – DEPARTMENT CHANGE – 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 department changes listed below are hereby acknowledged:*

NAME	PREV. DEPT.	NEW DEPT.	TITLE	SALARY	EFF. DATE
Nancy McDevitt	Human Resources	Administration	Special Events Coordinator	\$40,000.00	07/01/2018

10. 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
Daniel Senico	Public Works	Laborer 1	06/08/2018
Madelyn McCarroll	Animal Advisory Board/Cape May County Animal Shelter Advisory	Member/Representative	06/04/2018
Hannah Loftus	Recreation	Recreation Aide P/T T/A	05/21/2018

11. RESOLUTION - TITLE CHANGE/ SALARY ADJUSTMENT – On motion by seconded by and passed on roll call, the following resolution was adopted.  
*WHEREAS, it has been deemed necessary to amend the salary and title for an established employee.*  
*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employee salary and title by hereby amended to reflect the following:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Nancy Sittineri	Administration	Director of Grants & Economic Development*	\$50,000.00	07/01/2018

\*Civil Service Title KBC2

*BE IT FURTHER RESOLVED, that the stipend received under this title be dissolved and combined into the base salary for said employee, and the current salary ordinance shall be amended to reflect the title above.*

12. RESOLUTION – AMENDING RESOLUTION 216-18 - 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 Resolution No. 216-18 shall hereby be amended and corrected to reflect the following employee effective date indicated below:*

NAME	DEPARTMENT	TITLE	SALARY/RATE	EFFECTIVE
Paul Mueller	Public Safety	Special Class II Police Officer	\$13.00 ph	06/04/2018

13. 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
Wildwood Blvd LLC	1705 Route 47 South	1512//1	278.33
US Bank Trust	18 Linden Lane	1466.02//5	439.70

14. RESOLUTION – AUTHORIZING THE TOWNSHIP TO DECLARE DEVELOPERS IN DEFAULT OF OBLIGATIONS TO COMPLETE IMPROVEMENTS PURSUANT TO LAND USE APPROVAL AND PROCEED WITH CLAIM FOR PAYMENT UNDER BOND – On motion by seconded by and passed on roll call, the following resolution was adopted.  
*WHEREAS, Chazray Builders, Inc. (“Chazray”) acquired certain parcels of land in Middle Township known as Lot 17.01 in Block 348.01 on the current Tax Map of Middle Township; and*  
*WHEREAS, on September 9, 2003, the Middle Township Planning Board approved the development of Block 348.01, Lot 17.01, and required the developer to complete certain improvements. In order to assure their completion, the Township required the establishment of an Allocation Category Agreement with sufficient funds to complete the improvements; and*  
*WHEREAS, in accordance with the approval, Chazray entered an agreement with Sturdy Savings Bank to set aside funds for the anticipated cost of improvements, a copy of which is attached hereto as Exhibit A; and*

WHEREAS, under the agreement with Sturdy Savings, Chazray will be in default if (a) it does not complete the improvements in a manner satisfactory to the Engineer for the Township of Middle and Township Committee by eighteen months from September 9, 2003, or such extended date as agreed to by the parties, or (b) it does not proceed with the installation of the improvements in a reasonably diligent fashion; and

WHEREAS, the improvements to the Chazray project are incomplete and there has been no extension agreed to by the Township; and

WHEREAS, the Township reviewed the matter and finds that Chazray is in default of the agreement, and intends to seek the remaining amounts from the fund established to secure installation of improvements in accordance with the Sturdy Savings agreement; and

WHEREAS, on December 14, 2004, the Middle Township Planning Board approved the application of Ros-Len, Inc. ("Ros-Len") for Final Approval of a Major Subdivision of the premises known as Block 13.02 Lots 8.01, 8.02 and 10 on the Middle Township Tax Map, and as a condition of approval, required Ros-Len to complete certain improvements, and establish a Performance Surety Bond Agreement to provide sufficient funds to complete the improvements; and

WHEREAS, Ros-Len entered an agreement with Cape Savings Bank to establish an Irrevocable Letter of Credit (#1051) with the Township as beneficiary, a copy of which is attached hereto as **Exhibit B**; and

WHEREAS, under the Letter of Credit, the amount set aside will be available to the Township with a written statement signed by the Township Engineer finding that the site improvements have not been completed pursuant to approval; and

WHEREAS, on March 17, 2009, the Municipal Engineer sent a letter to the Zoning Officer indicating improvements were incomplete and the bond should remain in place;

WHEREAS, the improvements to the Ros-Len project remain incomplete and there has been no extension agreed to by the Township; and

WHEREAS, the Township reviewed the matter and finds that Ros-Len is in default of the agreement, and intends to seek the remaining amounts from the fund established to secure installation of improvements in accordance with the Letter of Credit with Cape Savings Bank; and

WHEREAS, on June 9, 2011, the Middle Township Zoning Board approved the application of Ros-Len for final major subdivision approval of the property known as Lot 1, Block 385 for purposes of constructing a 21 lot sub-division consisting of 18 single family lots and 3 duplex dwelling lots, and as a condition of approval, required Ros-Len to complete certain improvements, and establish a Performance Surety Bond Agreement to provide sufficient funds to complete the improvements; and

WHEREAS, Ros-Len entered an agreement with Lexon Insurance Company to make the Township of Middle an obligee under Bond #1087481, a copy of which is attached hereto as **Exhibit C**; and

WHEREAS, under the Performance Surety Bond Agreement, if the improvements subject to the bond are not completed on time, the municipal body may declare the principal to be in default upon 30 days prior written notice to the principal and to the surety by certified mail. In the event the surety fails or refused to complete the work in accordance with the terms and condition of the original approval, the Township may claim payment under the bond for the cost of completing the work; and

WHEREAS, the improvements to the Ros-Len project are incomplete and there has been no extension agreed to by the Township; and

WHEREAS, the Township reviewed the matter and finds that Ros-Len is in default of the agreement, and intends to seek the remaining amounts from the fund established to secure installation of improvements in accordance with the Performance Surety Bond Agreement; and

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 declares Chazray Builders, Inc. in default of the Tri-Party Allocation Category Agreement regarding Lot 17.01, Block 348.01.
3. The Township hereby declares Ros-Len, Inc. is in default of the Bond agreements regarding Block 13.02 Lots 8.01, 8.02 and 10, and Block 385, Lot 1.
4. The Township Officials, including but not limited to the Solicitor (or conflict counsel) are authorized to take all necessary steps to request transfer of funds for the benefit of the Township and completing all necessary improvements.
5. This resolution shall take effect immediately, according to law.

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

WHEREAS, A billing adjustment is due as the improvement has been removed and the ground is now vacant:

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the sewer adjustment below is hereby acknowledged:

Account	Block	Lot	Property location	2018
2155	99.02	128	Cape May County Property location: 613 Rte 9 N	\$280.00

16. RESOLUTION – APPROVE CHANGE ORDER NO. 1 – HOUSING REHABILITATION CONTRACT NO. #2018-1- MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, Housing Rehabilitation Contract No. 2018-1 was awarded February 8, 2018, via Resolution No. 99-18 to H.J. Graber Contractors;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to H.J. Construction, be and is hereby approved in the amount of \$0.00 with just a change in work scope.

17. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – 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 agreement between Suasion Communications Group and the Township of Middle for Branding and Communication Consulting Services be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.*

*FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.*

*Government Efficiency Services, LLC  
Technical Assistance for Property Maintenance and Demolition  
Not to Exceed \$5,000.00*

18. RESOLUTION – AUTHORIZING THE LEASE OF POLICE VEHICLE UNDER STATE CONTRACT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the Police Department has determined that the need exists for one additional vehicle to be used in connection with the operation of that department; and*

*WHEREAS, the Township Committee has reviewed this request and has determined that the need for such vehicles does, in fact, exist; and*

*WHEREAS, the particular vehicle requested by the Police Department is one Ford Police Interceptor vehicle, which is available from Cherry Hill Winner Ford. Further, leasing options are available through Ford Credit, Municipal Finance Department; and*

*WHEREAS, this vehicle is available under a state contract and, therefore, competitive bidding for the acquisition of this vehicle is not required; and*

*WHEREAS, the Police Department has recommended the leasing of this vehicle in order to reduce the initial outlay of Municipal Funds; and*

*WHEREAS, the Chief Financial Officer of the Township of Middle has determined that sufficient funds exist for this purpose in the attached certification.*

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

- 1. The leasing of one Ford Police Interceptor vehicle be, and is hereby, authorized.*
- 2. This vehicle shall be in accordance with State Contract T-2776, Contract No. 88728. Said lease included three (3) payments in the amount of \$11,400.92 each, with an APR of 7.00%. At the term end the municipality shall buy the equipment for \$1.00.*
- 3. This vehicle will be acquired from Cherry Hill Winner Ford, pursuant to the quotation submitted to the Township of Middle dated May 23, 2018.*
- 4. The award of this Contract is contingent upon certification by the Chief Financial Officer of the Township of Middle that sufficient funds exist for this purpose.*

19. RESOLUTION – DEDICATION OF THE “DOUGHERTY BASEBALL FIELD” IN MIDDLE TOWNSHIP – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, Chuck and Frank Dougherty have coached Middle Township High School baseball and softball for more than four decades; and*

*WHEREAS, the Dougherty brothers, who are known as “baseball lifers,” continue to convey their knowledge and love of the sport to their players, and want to continue supporting players past and present, as well as the dedicated parents, fans and coaches who have been a part of the Middle Township baseball family; and*

*WHEREAS, for the Dougherty’s, it is all about Middle Township Panther pride, investing their time and energy into the program throughout the years, both on and off the field; and*

*WHEREAS, the MTHS baseball team has become a close family consisting of alumni, fans and both past and current players; and*

*WHEREAS, Chuck Dougherty is the only Coach in Cape Atlantic League history to win more than 100 games as both a head baseball coach and a head softball coach; and*

*WHEREAS, in collaboration with various others, the Dougherty brothers have helped inspire and implement the Middle Township High School Athletic motto “We Bleed Orange and Black”.*

*NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, desires to, and does hereby dedicate Field #1 at the Goshen Complex in honor of Chuck and Frank Dougherty.*

*BE IT FURTHER RESOLVED, that Field #1 at the Goshen Complex shall be now known as “The Dougherty Field.”*

20. RESOLUTION – INSERTION OF A SPECIAL ITEM OF REVENUE - 2018 ALCOHOL REHABILITATION, EDUCATION AND ENFORCEMENT- On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and*

*WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.*

*NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2018 in the sum of:*

*2018 Alcohol Education, Rehabilitation and Enforcement*

*\$1,391.42*

*BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:*

*2018 Alcohol Education, Rehabilitation and Enforcement*

*\$1,391.42*

21. RESOLUTION – A RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF MIDDLE ADOPTING THE FORM OF THE NEW JERSEY TORT CLAIMS ACT QUESTIONNAIRE REQUIRED TO BE UTILIZED BY CLAIMANTS FOR THE FILING OF NOTICES OF TORT CLAIM AGAINST THE TOWNSHIP OF MIDDLE IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6 AND DESIGNATING QUAL-LYNX AS THE AGENT FOR THE TOWNSHIP OF MIDDLE TO PROVIDE THE QUESTIONNAIRE TO ALL OF THE CLAIMANTS AND TO RECEIVE THE COMPLETED QUESTIONNAIRE FROM THE CLAIMANTS – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.

*WHEREAS, the New Jersey Tort Claims Act, specifically N.J.S.A. 59:8-6, provides that a public entity may adopt a form specifying information to be contained in claims filed against a public entity or its employee under the New Jersey Tort Claims Act; and*

*WHEREAS, the Township of Middle is a public entity as defined in New Jersey Claims Act; and*

*WHEREAS, the Township of Middle has determined that it is advisable, necessary and in the public interest to adopt a form Tort Claims Act Questionnaire in the form attached hereto and made a part of this Resolution; and*

*WHEREAS, the Township of Middle has determined that it is in their best interest to designate the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF), Qual-Lynx, as their agent to provide the Tort Claims Act Questionnaire to all of the Claimants and to receive the completed Questionnaire from the Claimants.*

*NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Middle, assembled at a public session on this 4<sup>th</sup> day of June, 2018, that the attached form of Tort Claims Act Questionnaire be and it is hereby adopted as the official Tort Claim Act Questionnaire in accordance with N.J.S.A. 59:8-6 for the Township of Middle and*

*BE IT FURTHER RESOLVED, that all persons making claims against the Township of Middle, in accordance with the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et seq., shall be required to complete the Questionnaire which is attached as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.*

*BE IT FURTHER RESOLVED, that Qual-Lynx, the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF) be and they are hereby designated as the agent for the Township of Middle to provide the Tort Claims Act Questionnaire to all Claimants and to receive the completed Questionnaire from the Claimants.*

22. RESOLUTION - CLOSED SESSION – CONTRACT NEGOTIATIONS (MODICATION OF CONTRACT - GRASSY SOUNDS) – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.

*Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.*

*This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.*

*The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.*

23. PUBLIC COMMENT:

Motion to adjourn –

1<sup>st</sup>:

2<sup>nd</sup>:

Pass on Roll Call: