

Cape May Court House, NJ
July 2, 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. 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.*)
2. 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. \$3,725,972.27
3. 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: 06/18/2018 Work Session, Regular and Board of Health meetings.*
4. REPORTS: The following departments have submitted their reports for the months indicated:
5. ORDINANCE NO. 1568-18 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 167.01, LOT 37 – On motion by _____ seconded by _____ and passed on roll call, Ordinance No.1568-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/06/2018 at 6:00 p.m.
BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.
SECTION 1.
WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and
WHEREAS, the Township owns a parcel of land identified as Block 167.01, Lot 37 in the Cape May Court House section of the Township; and
WHEREAS, the Township desires to sell the lot, which lot is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and
WHEREAS, there are two (2) owners of lots which are contiguous to Block 167.01, Lot 37; and
WHEREAS, the two (2) owners shall be noticed and given an opportunity to participate in an open (public) auction limited to just the two (2) of them participating to purchase the parcel but at a price which is no less than the \$12,100.00 which has been offered by one of the contiguous owners, and which is the assessed value, and which Township Committee believes to be the fair market value of the lot; and
WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;
NOW, THEREFORE, BE IT ORDAINED,
 1. *The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 167.01, Lot 37 to the highest bidder at an open (public) auction to be held on August 22, 2018 at 10:00 a.m. in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those two (2) owners of property contiguous to Block 167.01, Lot 37 which is offered for sale shall participate; and*
 2. *The minimum bid shall be \$12,100.00; and*
 3. *The auction shall be conducted by the Township Chief Financial Officer or her designee; and*
 4. *The winning bidder shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and*
 5. *The winning bidder shall be provided a deed in the form attached hereto as Exhibit B; and*

6. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. 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 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

6. ORDINANCE NO. 1569 – 18 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188, ARTICLE II, SECTION 9, ENTITLED PARKS AND RECREATION AREAS, FEES, FEE SCHEDULE - On motion by [redacted] seconded by [redacted] and passed on roll call, Ordinance No.1569-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/06/2018 at 6:00 p.m.
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. Chapter 188, Article II, Section 9 of the Code of the Township of Middle is hereby amended to include the fee schedule as follows:

Organization or Use:

Ockie Wisting Amphitheatre	
Rental Fee	\$75.00 per hour Monday through Thursday \$100.00 per hour Friday through Sunday

SECTION 3. Sub-Sections A through C of Chapter 188, Article II, Section 9 shall remain in their entirety.

SECTION 4. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 5. Should any section, paragraph, sentence, clause or phase 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 6. This Ordinance shall become effective immediately upon final passage and publication, according to law.

7. ORDINANCE NO. 1567-18 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1567-18 was adopted on motion by [redacted] seconded by [redacted] and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
 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 – APPOINTMENTS – NEW HIRES – On motion by [redacted] seconded by [redacted] 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
Ashley Mitchell	EMS	Emergency Medical Technician P/T	\$12.60 per hour	07/02/2018

9. RESOLUTION - ACKNOWLEDGEMENT OF RESIGNATION – On motion by [redacted] seconded by [redacted] 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
Nancy McDevitt	Shade Tree Commission	Secretary	07/02/2018

10. RESOLUTION – CHANGE IN EMPLOYMENT STATUS – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Maria Campaniello	Public Safety Communications	Public Safety Telecommunications Operator F/T	Public Safety Telecommunications Operator P/T	\$15.00 per hour	07/06/2018

11. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion 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
Grison, Stephen G	1504 Route 9 South	1005//11	\$278.33
King Estates LLC	462 Route 47 North	5//20	\$372.93
Cline, James V	1335 Route 9 North	99.02//57	\$289.44
Wildwood Blvd LLC	1705 Route 47 South	1512//1	\$278.33
Haywood, William E & Lois B	10 N 10 th Street	397//5	\$1,043.35
Gulf Armace USA LLC	253 Indian Trail	472//99	\$303.35
Diedrich, Armon W. Jr	1 Bobwhite Lane	48//35	\$317.27
Tyler, Wilton S	2 N George Street	935//17	\$317.27
Matawin Venures Reo 2016-2LLC	1213 Fulton Street	713//6	\$372.93

12. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and
WHEREAS, the applicants are entitled to a refund of this money.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.
13. RESOLUTION – REDUCTION OF PERFORMANCE BOND NO. 2 – TOMPKINS BUILDERS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, \$285,440.81 is being held as a performance guarantee for Tompkins Builders, for Block 355.01, Lot 12 & 13, otherwise known as 1121 and 1125 Route 9 South; and
WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$61,894.54 have been completed; and
WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$223,546.27; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to \$223,546.27.
14. RESOLUTION - AUTHORIZING AND ACKNOWLEDGING RENEWAL OF CONTRACT WITH BENECARD FOR EMPLOYEE PRESCRIPTION PLAN – 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 the renewal contract with Benecard Prescription Benefit Program/ RX Alliance, for a twelve-month period, effective July 1, 2018 through June 30, 2019, is hereby authorized and acknowledged.
FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all paperwork in connection therewith.
15. RESOLUTION – PUBLIC SALE OF LAND – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Local Lands and Buildings Law (N.J.S.40A-12-1 et seq) authorizes the sale of any real property, capital improvements or interest herein, not needed for public use, and
WHEREAS, it appears to be in the best interest of the Township of Middle to dispose of certain real property which is not needed for public use, which property is more fully described as in Schedule "A" annexed hereto,
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, as follows:
1. It is hereby determined that the parcels of real property set forth in Schedule “A” annexed hereto are not needed for public use. Minimum bids are contained on Schedule “A”.

2. Said parcels of real property shall be sold pursuant to N.J.S.A. 40A:12-13(a) by open public sale at auction to the highest bidder, said open public sale at auction to be conducted by Susan Quinones, Chief Financial Officer, at the Middle Township Hall, Meeting Room, 33 Mechanic Street, Cape May Court House, New Jersey, or her designee, on August 22, 2018 at 10:00AM
3. A notice of said open public sale at auction shall be advertised by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to the open public sale at auction, which advertisement shall include the entire contents of this Resolution. Said advertisement shall be published in the Herald Times.
4. The Township reserves the right to reject all bids where the highest is not accepted.
5. The terms and conditions of the sale shall be as stated in the General Rules of Land Sales and the attached Contract for Sale of Real Estate, which documents and terms are attached hereto and incorporated herein.

SCHEDULE A

BLOCK 401 LOT 18	3 N. 15 TH STREET	MINIMUM BID \$45,000.00
BLOCK 281 LOT 39	14 E. ATLANTIC AVENUE	MINIMUM BID \$5,500.00

16. RESOLUTION - INSERTION OF A SPECIAL ITEM OF REVENUE – 2017 RECYCLING REBATE – 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:

<i>Recycling Rebate 2017</i>	<i>\$42,986.45</i>
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BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

<i>Recycling Rebate 2017</i>	<i>\$42,986.45</i>
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17. RESOLUTION – RESOLUTION TO CREATE A LIST OF QUALIFIED FIRMS TO CHOOSE FROM FOR NON-LEGAL SERVICES IN THE FUTURE – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle advertised a request for qualifications (“RFQ”) under the Fair and Open Process for Special Project Engineer to which it received multiple responses; and

WHEREAS, said qualifications were opened June 20, 2018; and

WHEREAS, the Township wishes to create a list of qualified firms from which it may choose to enter into a contract to provide professional services in the future, as needed; and

WHEREAS, the firms named below have provided responses which satisfy the minimum requirements as set forth in the RFQ;

WHEREAS, at the time the Township is prepared to enter into a contract, qualified firms shall comply with “Local Unit Pay-To-Play Law” (P.L. 2004, c.19 as amended by P.L. 2005, C. 51), and, where appropriate, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, the list of qualified firms is for a one (1) year period from 2018 and the Township is not obligated to accept or pay for services. Prior to incurring services, the certification of available funds shall be made by the Chief Financial Officer as appropriate, attached to the file copy of the purchase order or other such document, pursuant to N.J.A.C. 5:34-4.9; and contract shall be released.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle does hereby create a list of qualified Special Project Engineers who may be called upon to provide engineering services as the need should arise as follows:

Environmental Resolutions Inc.
815 E Gate Dr #103, Mt Laurel, NJ 08054

Remington Vernick Engineers
4907 New Jersey Ave, Wildwood, NJ 08260

Maser Consulting
156 Stagecoach Road, Marmora, NJ 08223

Engineering Design Associates
5 Cambridge Dr, Ocean View, NJ 08230

CME
821 N. Main St., Pleasantville, NJ 08232

DeBlasio & Associates
4701 New Jersey Avenue, Wildwood, NJ 08260

Mott MacDonald
211 Bayberry Drive, Suite 1A, Cape May Court House, NJ 08210

18. RESOLUTION – A RESOLUTION ORDERING THE DEMOLITION AND REMOVAL OF STRUCTURES LOCATED AT 301 GOSHEN ROAD AND ORDERING THAT PREMISE BE BROUGHT INTO COMPLIANCE WITH THE LAW, ALL PURSUANT UNDER THE AUTHORITY OF THE “UNSAFE STRUCTURES” CHAPTER OF THE CODE OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, it is hereby found and determined that there exists in the Township of Middle a building or buildings which are unfit for human habitation, as outlined in Chapter 100 of the Township Code, and that a public necessity exists for the repair, closing or demolition of such building, and

WHEREAS, pursuant to N.J.S.A. 40:48-2.3 et seq., the Construction Official of the Township of Middle has hereby been designated and appointed as the public officer to exercise the powers prescribed by this chapter, and

WHEREAS, if, after notice and hearing, said public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring the repair, alteration or improvement of said building to be made by the owner within a reasonable time, which time shall be set forth in the order, or, at the option of the owner, to vacate or have said building vacated and closed with the time set forth in the order, and

WHEREAS, if the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve said building within the time specified in the order, then the owner shall be required to remove or demolish said building within the reasonable time specified in the order of removal.

WHEREAS, said need exist for the demolition of a building located at Block 60 Lot 11, otherwise known as 301 Goshen Road, Cape May Court House, and

WHEREAS, the public officer, or other official designated under this chapter, may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including but not limited to the following powers, in addition to the others herein granted.

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 does hereby acknowledge that the above referenced procedures, as outlined in Chapter 100 of the Township Code, have been followed, and further directs the public officer to proceed with the repair, alteration, improvement, removal or demolition of 301 Goshen Road, Cape May Court House, NJ.

19. RESOLUTION - A RESOLUTION URGING THE LEGISLATURE TO AMEND S-716, S-477 AND S-1766 – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, while it is commendable that legislation is being considered to provide additional compensation to Firefighters with cancer, S-716 as currently written will prove to be very expensive to municipalities, and

WHEREAS, while it is also commendable that the statute of limitations is being extended for claims involving sexual abuse, S-477 as currently written would eliminate the statute of limitations entirely leaving officials and volunteers with the near impossible task of defending a claim that is decades old.

WHEREAS, under current law family members can already collect substantial compensation for actual losses such as medical bills, lost income as well as loss of companionship.

WHEREAS, the combined impact of these bills would devastate local government insurance budgets at a time when the local taxpayers are being squeezed because of changes in the Federal code.

NOW THEREFORE BE IT RESOLVED by the Township of Middle that:

- *S-716 be amended to provide that the cancer presumption be limited to types of cancer that scientific evident establishes that Firefighters develop at a higher rate than the general public, and*
- *S-716 be amended to end the presumption at age 65 when the firefighter becomes eligible for Medicare. Alternatively, S-716 should be amended to remove volunteers and establish a special program for them along the lines recently adopted by New York, Connecticut, Michigan, Colorado and Georgia, and*
- *S-716 also be amended so that the standard to rebut the presumption remains at the current “preponderance of the evidence”, and*
- *S-477 be amended to increase statute of limitation on claims involving sexual molestation against public entities to 7 years, subject to no limitation against the molester, and*
- *S-1766 be amended to remove public entities subject to Title 59, and*

BE IT FURTHER RESOLVED, A copy of this resolution be forwarded to the Governor, the legislative delegation in the Cape May County district, the Governor, the Senate President and the Speaker of the Assembly.

20. PUBLIC COMMENT:

Motion to adjourn –

1st:

2nd:

Pass on Roll Call: