

Cape May Court House, NJ
 November 19, 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. \$930,457.15
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: 10/15 Closed Session and 11/5 Work Session and Regular Meetings.*
4. REPORTS: The following departments have submitted their reports for the months indicated: Finance for the month of October; Sewer for the month of October; Tax Collector for the month of October; Sterback Harbor for the month of October; Municipal Clerk for the month of October; Zoning for the month of October
5. ORDINANCE NO. 1575-18 – AN ORDINANCE CANCELING CERTAIN FUNDED CAPITAL APPROPRIATION BALANCES, RE-APPROPRIATING EXCESS BOND PROCEEDS, AND APPROPRIATING TOWNSHIP FUNDS IN THE AGGREGATE AMOUNT OF \$275,300.09 TO FINANCE THE COST THEREOF - Following second reading, hearing, and consideration for adoption, Ordinance 1575-18 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
BE IT ORDAINED by the Township Committee of the Township of Middle, in the County of Cape May, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented (“Local Bond Law”), as follows:
Section 1. In accordance with N.J.S.A. 40A:2-39, the following appropriations, consisting of remaining balances as set forth below of various bond ordinances heretofore adopted by the Township and no longer needed for their identified purposes, are hereby canceled:

Ordinance Number	Purpose	Purpose Amount	Ordinance Amount
1549-17	Vehicle - SUV and Related Equipment	1,912.00	1,912.00
1485-14	Public Works Equipment	46,812.42	
	Record Archival Birth/Death/Minutes-Clerk	861.00	47,673.42
1466-14	FEMA Benny's Landing Matching Funds	15,366.92	
	Small Cities ADA Gr2 Matching Funds	11,000.00	26,366.92
1409-12	Radio System Upgrades	26,189.09	
	Rio Grande Playground	8,571.67	34,760.76
1374-11	Rec HVAC Sys and Resurface Gym Floors	6,809.93	6,809.93
1532-16	Recreation-Vehicles and Related Equipment	1,132.58	1,132.58
1169-04	Fort Apache Recreation	25,544.30	25,544.30
Totals:			144,199.91

Section 2. Having determined that it is in the best interests of the Township, the aggregate sum of \$144,199.91 is hereby re-appropriated from the bond ordinances set forth above and an additional \$275,300.09 from the Capital Improvement Fund shall be used to undertake the capital projects set forth below:

A:	Acquisition of Various Equipment and Non-Passenger Vehicles for the Department of Public Works Including, But Not Limited to: Backhoe, Leaf Vacuum, Plow Truck, Vehicle Lift, Tire mount/dismount machine, Part Washer, Mig Welder, and any related equipment	101,000.00
B:	Acquisition of Various Equipment for the Department of Emergency Medical Services Including, But Not Limited to: Replacement Mobile Radios and related equipment.	20,000.00
C:	Various Improvements, Acquisition and Installation of Equipment or Furnishings, As Applicable, for the Recreation Department, Including, But Not Limited to: Replacement stage and related equipment, Roof Repairs at various locations, Hoop Power Adjusters, Additional lighting for gymnasium, equipment trailer, replacement flooring.	35,015.00
D:	Grant Related Expenses Required to be financed by the Township of Middle in relation to: Including but not limited to: Matching Funds/Section 20 Costs: Avalon Fishing Pier MLK Tennis Courts Rio Grande Park	223,485.00
E:	Acquisition of Various Equipment for the Police and IT Department for Replacement Video System(s) and Various Servers and Switches	40,000.00
		419,500.00

Section 3. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

6. ORDINANCE NO. 1576-18 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 11 SCHEDULE VII (236-35), THEREOF, ENTITLED STOP INTERSECTIONS - Following second reading, hearing, and consideration for adoption, Ordinance 1576-18 was adopted on motion by [redacted] seconded by [redacted] and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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. Section 236-11 (and furthermore schedule VII (236-35)) of the Code of the Township of Middle is hereby supplemented by the addition of the following:

INTERSECTION	STOP SIGN ON
Old Avalon Boulevard & Avalon Boulevard	North east side of the intersection on Old Avalon Boulevard
Old Avalon Boulevard & Avalon Boulevard	South west side of the intersection on Old Avalon Boulevard

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

7. ORDINANCE NO. 1578-18 - AN ORDINANCE RESCINDING AND REPLACING ORDINANCE NO. 1574-18 ADOPTING AN AMENDMENT TO THE INDIAN TRAIL REDEVELOPMENT PLAN WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, STATE OF NEW JERSEY - On motion by _____ seconded by _____ and passed on roll call, Ordinance No.1578-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/17/2018 at 6:00 p.m.
- WHEREAS, pursuant to N.J.S.A. 40A:12A-1 et seq., Resolution No. 167-2018 of the Township of Middle Committee (the "Township Committee"), adopted on April 2, 2018, designated Blocks 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, Block 210 and Block 211 (the "Indian Trail Redevelopment Area") within the Township of Middle (the "Township") as a Condemnation Redevelopment Area; and
- WHEREAS, on or about May 7, 2018, the Township Committee adopted Ordinance 1564-18, adopting a redevelopment plan (the "Indian Trail Redevelopment Plan" or "Redevelopment Plan") for the Indian Trail Redevelopment Area; and
- WHEREAS, on or about May 23, 2018, certain property owners within the Study Area filed a Complaint in Lieu of Prerogative Writs, captioned Jewell Cheeks, et al. v. Middle Township, et al., Docket No. ATL-L-001446-18, in the Superior Court of New Jersey challenging the actions of the Township, Middle Township Planning Board (the "Planning Board"), and the Township Committee in designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area (the "Lawsuit"); and
- WHEREAS, the Township entered into a Settlement Agreement (the "Settlement Agreement") resolving the Lawsuit. Pursuant to the Settlement Agreement, the Township agreed to amend a portion of the redevelopment designation by re-designating certain properties within the Indian Trail Redevelopment Area as a Non-Condemnation Redevelopment Area and amend the Redevelopment Plan to remove condemnation as an authorized power for the certain properties listed below; and
- WHEREAS, on October 15, 2018, the Township Committee adopted Ordinance No. 1574-18 amending the Indian Trail Redevelopment Plan to effectuate the Settlement Agreement and redevelopment of the Indian Trail Redevelopment Area; and
- WHEREAS, it has been determined that Ordinance No. 1574-18 contained a clerical error and must be corrected to properly state the respective properties to be included in either the Condemnation Redevelopment Area or the Non-Condemnation Redevelopment Area of the Indian Trail Redevelopment Area; and
- WHEREAS, Ordinance No. 1574-18 is hereby rescinded and replaced in its entirety as follows; and NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Middle as follows:
- Section 1. Ordinance No. 1574-18, adopted on October 15, 2018, be and is hereby rescinded and the Indian Trail Redevelopment Plan is hereby amended as follows:
- I. Section II.A. of the Indian Trail Redevelopment Plan shall be amended and replaced with the following:
- i. The following parcels are designated as a Condemnation Redevelopment Area:
Block 169, Lot(s) 2, 3, 4, 5, 6, 7, 8, and 9; Block 170, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 171, Lot(s) 1 and 2; Block 172, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 173, Lot(s) 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11; Block 175, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; Block 176, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Block 177, Lot 1; Block 178, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 179, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 180, Lot(s) 1 and 2; Block 181, Lot(s) 1, 2, 3, 4, 5, 6, and 7; Block 182, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 183, Lot(s) 1 and 2; Block 184, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 185, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 186, Lot(s) 1 and 2; Block 187, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Block 188, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; Block 189, Lot(s) 1 and 2; Block 190, Lot(s) 1 and 2; Block 191, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Block 192, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 193, Lot(s) 1, 2, and 3; Block 194, Lot(s) 1, 2, and 3; Block 195, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 196, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Block 197, Lot(s) 1, 2, 3, and 4; Block 198, Lot(s) 1, 2, and 3; Block 199, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 200, Lot(s) 1, 2, 3, and 4; Block 202, Lot(s) 1, 2, 3, 4, and 5; Block 203, Lot(s) 1, 2, 3, 4, and 5; Block 204, Lot(s) 1, 2, 5, 9, 10, 11, 12, 13, and 14; Block 205, Lot(s) 2 and 8; Block 206, Lot(s) 1, 2, 3, and 6; Block 207, Lot 1; Block 208, Lot(s) 12, 22, and 23; Block 210, Lot(s) 5, 9, 10, and 11.
- ii. The following parcels are designated as a Non-Condemnation Redevelopment Area:
Block 173, Lot 5; Block 200, Lot(s) 5, 6, 7, 8, and 9; Block 201, Lot(s) 1 and 3; Block 204, Lot(s) 3, 4, 6, 7, and 8; Block 205, Lot(s) 1, 3, 4, 5, 6, 7, and 9; Block 206, Lot(s) 4, 5, and 7; Block 208, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, and 21; Block 210, Lot(s) 1, 2, 3, 4, 6, 7, and 8; Block 211, Lot 1.
- II. Section VIII. of the Indian Trail Redevelopment Plan shall be amended and replaced with the following:
To the extent property acquisition will be necessary, the parcels identified in Section II.A.(i) of this Plan have been designated as a Condemnation Redevelopment Area and may be acquired by the Redevelopment Entity via eminent domain. The parcels identified in Section II.A.(ii) have been designated as a Non-Condemnation Redevelopment Area and are not subject to acquisition by the Redevelopment Entity via eminent domain.
- Section 2. The Township Committee declares and determines that this amendment 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 in the designated area and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. The Indian Trail Redevelopment Plan, as amended, shall be an overlay to other local development regulation and the Township of Middle Zoning Map is hereby amended to conform with the provisions of this amendment to the Indian Trail Redevelopment Plan.

Section 5. This Ordinance shall take effect after final adoption and publication according to law.

8. ORDINANCE NO. 1579 - AN ORDINANCE CANCELING CERTAIN FUNDED SEWER CAPITAL APPROPRIATION BALANCES HERETOFORE PROVIDED FOR SEWER CAPITAL IMPROVEMENTS AND APPROPRIATING SUCH FUNDED APPROPRIATION BALANCES FOR OTHER SEWER CAPITAL PROJECTS – On motion by [redacted] seconded by [redacted] and passed on roll call, Ordinance No.1579-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/17/2018 at 6:00 p.m.

BE IT ORDAINED by the Township Committee of the Township of Middle, in the County of Cape May, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented (“Local Bond Law”), as follows:

Section 1. In accordance with N.J.S.A. 40A:2-39, the following appropriations, consisting of remaining balances as set forth below of various bond ordinances heretofore adopted by the Township and no longer needed for their identified purposes, are hereby canceled:

Ordinance Number	Purpose	Purpose Amount	Ordinance Amount
1294-08	Satt Boulevard Sewer Project	3,037.68	3,037.68
1223-06	Shellbay, Shunpike, Goshen, Crest Haven	136,251.54	136,251.54
1308-08	Whitesboro/Edgewood Phase I	89,597.69	89,597.69
Totals:			228,886.91

Section 2. The sum of \$228,886.91, which represents the funded appropriations cancelled in Section 1 hereof, are hereby reappropriated for various Sewer Improvements including, but not limited to, the Reconstruction and/or Replacement of Various Sewer Line Mains, Manholes and Drains (“Improvements”).

Section 3. The period of usefulness of the Improvements referred to in Section 2, within the limitations of the Local Bond Law and according to the reasonable life thereof, is not less than forty (40) years.

Section 4. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 5. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

9. ORDINANCE NO. 1580-18 -AN ORDINANCE ESTABLISHING A UNIFIED CODE GOVERNING VACANT AND UNSAFE PROPERTY MAINTENANCE IN MIDDLE TOWNSHIP - On motion by [redacted] seconded by [redacted] and passed on roll call, Ordinance No.1580-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/17/2018 at 6:00 p.m

WHEREAS, the Township Code of the Township of Middle contains provisions governing vacant and unsafe building and structures, and provisions governing the maintenance of properties in the Township; and

WHEREAS, those provisions are currently separately codified in Chapter 100 (Unsafe Buildings) and Chapter 193 (Property Maintenance); and

WHEREAS, these provisions protect the public health, safety and welfare by imposing minimum requirements and standards for the condition of all existing structures, residential and nonresidential, and of all existing premises and exterior property in the Township; and further the beautification of the Township through the cleanup of litter, debris, structures and unsightly properties; and

WHEREAS, the current codification is, in some cases, duplicative or internally inconsistent, and has made it difficult for township officials to effectively enforce the standards and requirements contained in the respective code chapters; and

WHEREAS, the Township Committee believes it in the best interest of the Township and its residents to consolidate the existing building and property maintenance standards and requirements to remove the duplications and inconsistencies, thereby ensuring safer, more efficient, more consistent, and more effective enforcement of those standards, to the benefit of all Township residents,

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

SECTION 1. REPEAL OF EXISTING CHAPTERS.

Chapter 100 and Chapter 193 of the Middle Township Code are hereby REPEALED in their entirety.

SECTION 2. ADOPTION OF UNIFIED CODE. *There is hereby adopted a revised Chapter 193 of the Middle Township Code, denominated "Property Maintenance and Registration, Vacant, Unfit and Unsafe Buildings and Structures", a copy of which is appended to this Ordinance and incorporated herein. This revised Chapter 193 shall replace the repealed Chapters 100 and 193 of the Code, and shall constitute the uniform standards for property and building maintenance and care in the Township.*

SECTION 3. SEVERABILITY.

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 that end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. REPEALER.

All ordinance, or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

SECTION 5. EFFECTIVE DATE. *This ordinance shall take effect immediately after passage and publication, as required by law.*

10. **RESOLUTION – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT** – 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 discontinuation of temporary appointment listed below, is acknowledged.

<i>EMPLOYEE</i>	<i>DEPARTMENT</i>	<i>POSITION</i>	<i>EFFECTIVE</i>
<i>Lisa Price</i>	<i>Public Works</i>	<i>Laborer 1 P/T T/A</i>	<i>11/12/2018</i>

11. **RESOLUTION - AWARD OF BID – CONTRACT #2018-4- MIDDLE TOWNSHIP HOME REHABILITATION PROJECT** – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contract No 2018-4, and

WHEREAS, bids were received on November 9, 2018, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the following Home Rehabilitation Programs be and hereby is awarded as described:

<i>Contract No.</i>	<i>Awarded to:</i>	<i>Total Bid Amount</i>
<i>2018-4</i>	<i>Watson & Sons</i>	<i>\$19,800.00</i>

12. **RESOLUTION - APPROVE CHANGE ORDER NO. 1 – DRAINAGE REPAIR ON SEABREEZE LANE – AVALON MANOR** – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the drainage report on Seabreeze Lane project was awarded July 16, 2018 via Resolution No. 293-18 to Channel Marine.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #1 for the project awarded to Channel Marine and is hereby approved, and that the change order results in an increase of \$4,200.00 to the original contract amount of \$84,000.00 for an amended contract amount of \$88,200.00.

13. **RESOLUTION – APPROVE NJ DCA REQUIRED CY 2018 / SFY 2019 BEST PRACTICE INVENTORY PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING** – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the State’s Fiscal Year 2018 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (“Division”) to determine how much of each municipality’s final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory (“Inventory”) to be completed by each municipality, and

WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability and transparency, and

WHEREAS, one requirement of said Act is that the governing body consider the Inventory at a public meeting, a copy of which has been attached to and is made part of this resolution, and

WHEREAS, all members of the governing body have received and have familiarized themselves with said Inventory.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that

- 1. The appropriate parties are hereby authorized to sign the “Best Practices” Worksheet and Certification Form, certifying as to the accuracy of the information provided in the CY 2017 / SFY 2018 Best Practices Inventory.*
- 2. That the Township Clerk is hereby authorized to sign the document as required, certifying that the CY 2017 / SFY 2018 Best Practice Inventory was discussed publicly at the Township Committee Meeting held on September 18, 2017.*

14. RESOLUTION - RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY FOR USE OF THE MARTIN LUTHER KING CENTER AS A MASS CARE SHELTER IN THE EVENT OF A MANDATORY EVACUATION OF THE RESIDENTS OF CAPE MAY COUNTY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the County of Cape May desires to designate a facility to be utilized as a mass care shelter for the County emergency personnel, their immediate families, and appropriate displaced residents in anticipation of an evacuation of the County that is required by State or Local Officials due to a County-Wide adverse weather event or other disaster or State of Emergency. and;
WHEREAS, it is desired for the County and the Township to enter into this Shared Services Agreement in order for the County to provide use of the Martin Luther King Center in the event of such an emergency.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement with the County of Cape May for the term of 5 years commencing on the date that said agreement becomes fully executed by the parties. Said agreement shall automatically renew for an additional 5-year term.

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 December 14, 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 9 LOT 7	BROOKS AVENUE	MINIMUM BID \$13,300.00
BLOCK 56.01 LOT 118	HAND AVENUE	MINIMUM BID \$11,900.00

16. RESOLUTION - CLOSED SESSION –POTENTIAL CONTRACT NEGOTIATIONS AND MATTERS INVOLVING INVESTMENT OF PUBLIC FUNDS (DISCUSSION OF WATER SERVICE OPTIONS) – On motion by _____ seconded by _____ 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.
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 CONTRACT NEGOTIATIONS AND MATTERS INVOLVING INVESTMENT OF PUBLIC FUNDS (DISCUSSION OF WATER SERVICE OPTIONS)*
- 2.) *The general nature of the subject matter to be discussed is as follows: POTENTIAL CONTRACT NEGOTIATIONS AND MATTERS INVOLVING INVESTMENT OF PUBLIC FUNDS (DISCUSSION OF WATER SERVICE OPTIONS)*
- 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.*

17. RESOLUTION – FORM OF EMERGENCY RESOLUTION – N.J.S.A. 40A:4-48 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, an emergency has arisen with respect to various emergency sewer main, pump station, and manhole repairs and/or replacements and emergency jet truck pump replacement, no adequate provisions were made in the 2018 budget for the aforesaid purpose, and N.J.S.A.40A-4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and
WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$56,000.00 and three (3) percent of the total operating appropriations in the budget for 2018 is \$104,130.00 and
WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2018,
NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring, that in accordance with N.J.S.A. 40A:4-48:
1. *An emergency appropriation is hereby made for various emergency sewer main, pump station, manhole repairs and/or replacements, and emergency jet truck pump replacement in the amount of \$56,000.00.*
 2. *That said emergency appropriation shall be provided for in full in the 2019 budget.*
That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services
18. RESOLUTION - AUTHORIZING THE DONATION OF SURPLUS VEHICLES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle wishes to donate the following vehicle to the Board of Education, and
WHEREAS, N.J.S.A 40A:12-21 permits the Township of Middle to donate the vehicles to the Board of Education.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the donation of the following vehicle to the Middle Township Board of Education be and is hereby approved.
2006 Ford Crown Victoria VIN # 2FAFP71W26X102448
19. RESOLUTION - RESCINDING AND REPLACING RESOLUTION 413-18 RE-DESIGNATING CERTAIN PROPERTIES WITHIN THE INDIAN TRAIL REDEVELOPMENT AREA AS A NON-CONDEMNATION REDEVELOPMENT AREA – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, on or about February 21, 2018, the Middle Township Committee (the “Township Committee”) adopted Resolution No. 102-18 directing the Middle Township Planning Board (the “Planning Board”) to undertake a preliminary investigation as to whether Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 and all qualifiers therein, as identified and delineated on the Official Tax Map of the Township of Middle (the “Indian Trail Redevelopment Area” or “Redevelopment Area”), qualified as a Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“LRHL”); and
WHEREAS, on or about April 2, 2018, the Township Committee adopted Resolution 167-18 designating the Redevelopment Area as a Condemnation Redevelopment Area; and
WHEREAS, on or about May 7, 2018, the Township Committee adopted Ordinance 1564-18, adopting a redevelopment plan (the “Redevelopment Plan”) for the Study Area; and
WHEREAS, on or about May 23, 2018, certain property owners within the Indian Trail Redevelopment Area filed a Complaint in Lieu of Prerogative Writs, captioned Jewell Cheeks, et al. v. Middle Township, et al., Docket No. ATL-L-001446-18, in the Superior Court of New Jersey challenging the actions of the Township, Planning Board, and the Township Committee in designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area (the “Lawsuit”); and
WHEREAS, the Township entered into a Settlement Agreement (the “Settlement Agreement”) resolving the Lawsuit. Pursuant to the Settlement Agreement, the Township agreed to amend a portion of the redevelopment designation by re-designating certain properties as a Non-Condemnation Redevelopment Area and amend the Redevelopment Plan to reflect the new designation.
WHEREAS, on October 15, 2018, the Township Committee adopted Resolution 413-18 re-designating certain properties within the Indian Trail Redevelopment Area as a Non-Condemnation Redevelopment Area.
WHEREAS, it has been determined that Resolution 413-18 contained a clerical error and must be corrected to properly state the properties to be included in the Non-Condemnation Redevelopment Area of the Indian Trail Redevelopment Area; and
WHEREAS, Resolution 413-18 is hereby rescinded and replaced in its entirety as follows; and
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Middle, County of Cape May, State of New Jersey, as follows:
1. *On or about April 2, 2018, the Township Committee adopted Resolution 167-18 designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area.*
 2. *On or about May 23, 2018, certain property owners within the Indian Trail Redevelopment Area filed a Complaint in Lieu of Prerogative Writs, captioned Jewell Cheeks, et al. v. Middle Township, et al., Docket No. ATL-L-001446-18, in the Superior Court of New Jersey challenging the actions of the Township, Planning Board, and the Township Committee in designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area (the “Lawsuit”).*
 3. *The Township entered into a Settlement Agreement (the “Settlement Agreement”) resolving the Lawsuit. Pursuant to the Settlement Agreement, the Township agreed to amend a portion of the redevelopment designation by re-designating certain properties as a Non-Condemnation*

Redevelopment Area and amend the Redevelopment Plan to remove condemnation as an authorized power.

4. On October 15, 2018, the Township Committee adopted Resolution 413-18 re-designating certain properties within the Indian Trail Redevelopment Area as a Non-Condemnation Redevelopment Area.

5. It has been determined that Resolution 413-18 contained a clerical error and must be corrected to properly state the properties to be included in the Non-Condemnation Redevelopment Area of the Indian Trail Redevelopment Area pursuant to the Settlement Agreement.

6. Resolution 413-18 is hereby rescinded and replaced in its entirety and, pursuant to the Settlement Agreement, the designation of the attached list of properties identified as Exhibit A shall hereby be amended and re-designated as a Non-Condemnation Redevelopment Area.

7. This Resolution shall take effect immediately.

20. RESOLUTION - AUTHORIZING APPROVAL OF ADMINISTRATIVE CONSENT ORDER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the state Department of Environmental Protection brought an enforcement action against Corolla, LLC, and Lawrence Pray Builders, Inc., developers of a subdivision at the end of Sound Drive in Middle Township; and

WHEREAS, that action has resulted in an Administrative Consent Order that settles the dispute by requiring the developers to pay a penalty to the State and also, among other things, to acquire certain property from Middle Township and deed-restrict it against further development; and WHEREAS, as part of the proposed settlement, the DEP has requested that Middle Township require DEP approval of further development in the environmentally sensitive area near Sound Drive, and therefore has asked Middle Township to approve the Administrative Consent Order that embodies the settlement; and

WHEREAS, having reviewed the matter, the Middle Township Committee believes it to be in the best interest of the Township and its residents to approve the Administrative Consent Order, and to take the steps recited in that order to require DEP approval of development in the area of Sound Drive,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middle, the governing body thereof, does hereby approve the Administrative Consent Order and Withdrawal of Hearing Request, Docket No. ECE 05111-2014 Agency Ref. No. PEA080002-0506-04-0067.1 (amended), between the New Jersey Department of Environmental Protection and Corolla, LLC., Lawrence A. Pray Builders, Inc., and Lawrence A. Pray.

21. RESOLUTION - WITHDRAWAL FROM MEMBERSHIP IN THE COASTAL REGIONAL EMPLOYEE BENEFITS FUND AND BENECARD RX ALLIANCE PROGRAM

– On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the _____ Township of Middle is a member of the Southern Coastal Health Insurance Fund (“Fund”); and

WHEREAS, the by-laws of the Fund provide for a 90-day prior written notice of the intent to withdraw from membership in the Fund; and

NOW THEREFORE BE IT RESOLVED by the Township of Middle _____ that it is withdrawing from the Fund and it is providing its notice herewith, such withdrawal to be effective on March 1, 2019.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be sent to the Fund offices and delivered no later than November 28, 2018.

22. RESOLUTION – A RESOLUTION AUTHORIZING PARTICIPATION IN THE STATE HEALTH BENEFITS PROGRAM OF THE STATE OF NEW JERSEY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

BE IT RESOLVED:

1. *The Township of Middle, State Social Security I.D. Number, 21-600868, hereby elects to participate in the Health Program provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.26 and N.J.S.A. 52:14-17.46.2) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission and/or School Employees’ Health Benefits Commission.*

2. A. *We elect to participate in the Employee Prescription Drug Plan defined by N.J.S.A. 52:14-17.25 et seq. and authorize coverage for all employees and their dependents in accordance with the statute and regulations adopted by the State Health Benefits Commission and/or School Employees’ Health Benefits Commission.*

B. *We will be maintaining _____ as our prescription drug plan.1 This plan is comparable in design to the State Employee Prescription Drug Plan.*

C. *We will not have a stand-alone prescription drug plan and understand that prescription drug coverage will be provided based on the medical plan chosen by the subscriber.*

3. A. *We elect to participate in the Employee Dental Plans defined by N.J.S.A. 52:14-17.25 et seq. and authorize coverage for all employees and their dependents in accordance with the statute and regulations adopted by the State Health Benefits Commission.*

B. *We will be maintaining Delta Dental as our dental plan.1*

C. *We will not have a dental plan.*

4. *We elect 322 hours per week (average) as the minimum requirement for full time status in accordance with N.J.A.C.17:9-4.6.*

5. *As a participating employer we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.*

6. We hereby appoint Vera Kalish, Personnel Officer to act as Certifying Officer in the administration of this program.

7. This resolution shall take effect immediately and coverage shall be effective as of March 1, 2019 or as soon thereafter as it may be effectuated pursuant to the statutes and regulations (can be no less than 75 or 90 days pursuant to the provisions of N.J.S.A. 17:9-1.4).

NOTE: AN INDIVIDUAL IS PERMITTED COVERAGE AS AN EMPLOYEE, RETIREE, OR DEPENDENT. MULTIPLE COVERAGE UNDER THE SHBP OR SEHBP IS PROHIBITED.

23. RESOLUTION – A RESOLUTION TO ELECT AN EMPLOYER PREMIUM DELAY OPTION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

One month delay (initial election)

Two month delay (initial election)

Add additional one month delay for a maximum employer premium delay of two months (for locations that have previously adopted a one month premium delay)

BE IT RESOLVED:

The Township of Middle – Cape May County, SHBP # TBD, hereby resolves to exercise its employer premium delay option under the State Health Benefits Program and/or School Employees' Health Benefits Program as selected above, commencing with the March 2019 premium.

*We understand that, should our group elect to terminate State Health Benefits Program and/or School Employees' Health Benefits Program participation sometime in the future or the Programs cease to exist, any delayed premiums will become due and payable immediately. We understand that this premium delay shall take effect 60 days following receipt of this resolution by the State Health Benefits Commission or School Employees' Health Benefits Commission. Since employee premium contributions are tax deferred, the submission of those contributions cannot be delayed or used for any other purpose other than the payment of healthcare premiums. Therefore, employee premium contributions **must** be remitted timely.*

We understand, in accordance with N.J.S.A. 17:9-5.3(b), that full payment of health benefit charges must be received on or before the due date printed on the bill and that interest shall be applied to the total transmittal of health benefit charges from the day following the due date until the day payment is received. Coverage for employees and retirees may be terminated for amounts 90 or more days past due.

24. RESOLUTION – A RESOLUTION TO ADOPT THE PROVISIONS OF CHAPTER 48 (N.J.S.A. 52:14.17.38) UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE HEALTH BENEFITS PROGRAM COVER FOR CERTAIN RETIREEES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

BE IT RESOLVED:

1. The Township of Middle, SHBP ID NUMBER TBD, hereby elects to adopt the provisions of N.J.S.A. 52:14-17.38 and adhere to the rules and regulations promulgated by the State Health Benefits Commission and School Employees' Health Benefits Commission to implement the provisions of that law.

2. This resolution affects employees as shown on the attached Chapter 48 Resolution Addendum. It is effective on the 1st day of March, 2019.

3. We are aware that adoption of this resolution does not free us of the obligation to pay for post-retirement medical benefits of retirees or employees who qualified for those payments under any Chapter 88 Resolution or Chapter 48 Resolution adopted previously by this governing body.

4. We agree that this Resolution will remain in effect until properly amended or revoked with the SHBP and/or SEHBP. We recognize that, while we remain in the SHBP and/or SEHBP, we are responsible for providing the payment for post-retirement medical coverage as listed in the attached Chapter 48 Resolution Addendum for all employees who qualify for this coverage while this Resolution is in force.

5. We understand that we are required to provide the Division of Pensions and Benefits complete copies of all contracts, ordinances, and resolutions that detail post-retirement medical payment obligations we undertake. We also recognize that we may be required to provide the Division with information needed to carry out the terms of this Resolution.

25. RESOLUTION - AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND UAW LOCAL 2327 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Agreement between the Township of Middle and UAW Local 2327.

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign the final contract, inclusive of all final changes incorporated in the herein Memorandum of Agreement.

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

