

Cape May Court House, NJ  
 February 4, 2019  
 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 Donohue, Deputy Mayor Gandy, Committeemember Clark, Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley & Municipal Solicitor Marcus Karavan

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. \$2, 511, 545.13*
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: 1/23/2019 regular, work session and closed session meetings*
4. REPORTS: The following departments have submitted their reports for the months indicated:
5. 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 the following employees are hereby appointed to the following position at the salaries opposite their names:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Ashley Vitelli	Municipal Court	Keyboarding Clerk 1	\$22,000.00	02/06/2019

6. RESOLUTION – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:*

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Eric Kelly	Sewer Department	Sewer Repairer 1 FT/TA	Sewer Repairer 1 – F/T	\$24,000.00	02/04/2019

7. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *(A) 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	POSITION	EFFECTIVE
Bill Hawk	Veterans Advisory Board	Member	02/04/2019

*(B) 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
Benjamin Conlin	Public Safety	Emergency Medical Technician P/T	01/01/2019
Krystal Ecker	Public Safety	Emergency Medical Technician P/T	01/01/2019
Ryan Funk	Public Safety	Emergency Medical Technician P/T/	01/01/2019

8. RESOLUTION – ACKNOWLEDGEMENT OF TERMINATION– 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 termination listed below, is acknowledged.*

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Maria Pearson	Recreation	Recreation Aide	01/29/2019

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

*WHEREAS, after further examination of the water consumption received from New Jersey American Water some adjustments to the processed consumption, and*

*WHEREAS, billed amounts were necessary due to a water leak in 2018, and*

*WHEREAS, the supporting documentation was given by property owner.*

*NOW THEREFORE 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 sewer bill for 2019 is decreased by adjustments made.*

Account	Block	Lot	Assessed owner	Property location	Decrease gallons	Decrease Billed amount
4713	242	5	CMCH Baptist Church	101 S Main St.	320,000.	3,200.00

10. RESOLUTION – CANCEL TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the following cancellation of taxes requires as properties are tax exempt:*

ACCT	BLOCK	LOT	OWNER/LOCATION	2019
19211	4.01	18	St Babs-Barbara A Sees-Keenan FND <i>Property location: 321 Rte 47 N</i>	1,793.62

11. RESOLUTION – AUTHORIZING CANCELLATION OF LIENS AND FIRST AND SECOND QUARTER TAXES OF 2019 – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the Middle Township Tax Collector has received final judgement for Foreclosure Group 196, and*

*WHEREAS, it is hereby deemed necessary to cancel tax title liens and also the current taxes for said foreclosure group.*

*NOW THEREFORE BE IT RESOLVED, that the following tax title liens and property taxes as listed below are hereby cancelled:*

Certificate	Account #	Block	Lot	Former Owner	Location	Lien Amount	2019 1st 1/2
2015-8161	1528	52	18	Corson, Franklin Estate	Goshen Rd	\$5,096.92	\$402.17
2016-8493	1518	52	21	Whittaker, Milton	755 Goshen Rd	\$18,993.16	\$2,382.64
2015-8162	1529	52	22	Corson, Franklin F Estate	Goshen Rd	\$5,520.85	\$441.06
2012-6686	3569	170	4	Goldsmith, Iris L	Sassafras Ave	\$1,150.76	\$10.07
2012-6687	3568	170	5	Martin, John H	Sassafras Ave	\$1,165.76	\$10.07
2012-6688	3582	172	4	Gould, Philip C	Magnolia Ave	\$1,385.91	\$21.06
2014-7377	3620	173	7	Burgess, Margaret A	Magnolia Ave	\$1,061.14	\$10.07
2015-8203	3646	175	8	Allen, Hattie L	Locust Ave	\$1,072.39	\$21.06
2014-7378	17568	176	3	Jes Properties LLC	Locust Ave	\$3,903.23	\$214.23
2012-6691	3693	176	5	Mc Dowell, John W & Annie M	Magnolia Ave	\$1,180.94	\$10.07
2009-5577	3708	178	2	Smith, Thomas S & Florence	Locust Ave	\$1,277.80	\$10.07
2015-8204	3753	180	2	Daniels, Mary	Locust Ave	\$1,548.19	\$79.65
2013-7029	3820	184	2	Skeete, Lettie M N	Cypress Ave	\$1,458.64	\$31.13
2014-7379	17569	184	3	Jes Properties LLC	Arbutus Ave	\$3,152.85	\$162.96
2014-7380	3912	188	5,6	Kiejdan, Pinchus Est Marital TR B	Pine Ave	\$1,625.58	\$31.13
2013-7030	3949	191	4	Jarvis, Louise	Spruce Ave	\$1,178.42	\$17.40
2014-7381	17570	192	3	Jes Properties LLC	Spruce Ave	\$2,943.79	\$147.40
2014-7382	3976	193	1	Jes Properties LLC	Spruce Ave	\$1,811.45	\$67.75
2014-7383	17572	194	3	Jes Properties LLC	Walnut Ave	\$2,012.50	\$82.40
2014-7384	3989	195	1	Jes Properties LLC	Spruce Ave	\$3,299.84	\$172.12
2014-7811	3991	195	2	Edwards, Cordia M	Spruce Ave	\$1,099.49	\$17.40
2012-6694	4013	196	2	Bost, John F	Spruce Ave	\$1,279.44	\$17.40
2014-7386	17575	198	2	Jes Properties LLC	Chestnut Ave	\$2,311.55	\$103.46
2014-7387	4055	199	1	Jes Properties LLC	Chestnut Ave	\$3,381.82	\$177.61
2014-7812	4068	199	6	Bennings, William	Chestnut Ave	\$1,285.92	\$34.79
2013-7031	17577	202	3	Jes Properties LLC	Cedar Ave	\$1,979.15	\$67.75
2014-7388	4110	203	1	Jes Properties LLC	Cedar Ave	\$2,607.47	\$123.60
2014-7813	4137	204	9	Thompson, Jeanne M	Cedar Ave	\$1,600.66	\$60.42

2012-6697	4131	204	12	Day, Minerva E & Roberts, R C	Cedar Ave	\$1,308.78	\$17.40
2012-6698	4144	205	2	Day, Minerva E & Peterson, R	41 Chestnut Ave	\$2,188.74	\$34.79
2014-7390	4152	206	1	Kiejdan, Pinchus Est Marital Tr B	146 Indian Trail	\$2,834.58	\$109.86
2014-7814	4154	206	3	Hudson, Joseph	Cedar Ave	\$1,135.71	\$18.31
2013-7033	4187	210	10	Williams, T & Barber, S	Oak Ave	\$3,135.63	\$141.91
2013-7133	9458	702	8	Ward, Ralph W	Fulton St	\$5,122.89	\$203.93
2014-7932	9480	703	4	Kirnon, Eugenia	Richmond St	\$1,147.40	\$19.33
2014-7934	9474	703	9	Kirnon, Eugenia	Fulton St	\$18,302.53	\$1,234.22
2009-5686	10403	813	2	Chazray Builders Inc	Newark Ave	\$2,925.04	\$65.89

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

12. 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.

*WHEREAS, the Township of Middle approved Resolution 442-14, August 4, 2014 authorizing the award of a Non-Fair and Open Contract with Jeffrey R. Surenian and Associates, LLC for special counsel towards Affordable Housing Issues; and*

*WHEREAS, said resolution authorized an agreement in the amount of \$12,000.00, and WHEREAS, there is an outstanding balance due for 2014 in the amount of \$3,437.37 for additional work related to Mount Laurel matters, and*

*WHEREAS, the Township of Middle does desire to contract with Jeffrey R. Surenian and Associates, LLC. for 2019 as Special Counsel to assist the Township and its legal counsel in helping the Township address its responsibilities with respect to its affordable-housing obligations under the area of law commonly referred to as the Mount Laurel doctrine.*

*NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Jeffrey R. Surenian and Associates, LLC. and the Township of Middle for Special Counsel for Affordable Housing for CY2019 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.*

*BE IT FURTHER RESOLVED, that payment for the balance due for 2014 in the amount of \$3,437.37 is further authorized.*

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

13. RESOLUTION - REJECT BIDS AND RE-ESTABLISH TABULATION COMMITTEE – CONTRACTS #2018-4 THROUGH #2018-5, MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.

*WHEREAS, following public advertisement, proposals for the Contracts #2018-4 through #2018-5, Middle Township home rehabilitation project, were received by the Township of Middle on January 10, 2019 at the Township Hall; and*

*WHEREAS, it appears to be in the best interest of the Township to reject the bids and rebid the project.*

*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all proposals received on January 10, 2019 are hereby rejected; and*

*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 Township Officials be and hereby are appointed to tabulate the bids to be taken on February 28, 2019 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:*

*CONTRACTS #2018-4 THROUGH #2018-5, MIDDLE TOWNSHIP HOME REHABILITATION PROJECT*

14. RESOLUTION - AWARD OF BID – SNOW AND DEBRIS REMOVAL – 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 Snow and Debris Removal for upcoming potential snow storms that might occur within the Township of Middle, and*

*WHEREAS, sealed bids were received on January 15, 2019, and*

*WHEREAS, it appears that the following bids submitted represents a figure equal to the lowest responsible bids received, which complies with specifications and requirements as set forth by the State of New Jersey.*

*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that in the event that private snow removal services are necessary, the Superintendent of Public Works is hereby authorized to utilize the following company as shown on the attached tally sheet.*

*BE IT FURTHER RESOLVED, that this award is conditioned upon certification of funds and also submission of appropriate affirmative action forms.*

*FURTHER RESOLVED, that the amount to be certified shall not exceed the amount as set aside in the municipal budget for said services.*

15. RESOLUTION - AUTHORIZING ACTION FOR VIOLATION OF CONDITION OF A SITE PLAN APPROVAL – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.
- WHEREAS, Resolution # 041203F was passed by the Middle Township Planning Board on June 24, 2004 and memorialized on July 13, 2004, granting Final Approval of a Major Subdivision to Thomas Sandler, III as to Block 166, Lot 26 and to Edmund T. Dougherty as to Block 166, Lot 7, a copy of which is annexed hereto; and*
- WHEREAS said subdivision was filed in the office of the Clerk of Cape May County on May 12 2006 under filing number 9821 A & B; and*
- WHEREAS, a continuing condition of said subdivision approval required that a Bank Letter of Credit or Bond remain in force until all improvements on site were completed; and*
- WHEREAS, an Irrevocable Standby Letter of Credit was issued by Harvest Bank, in that regard, in the amount of \$609,000 on April 28, 2006 bearing LOC# 99-00000131; and*
- WHEREAS, Harvest Bank has since become insolvent and all of its assets, liabilities and letters of credit have been assumed by First Citizens Bank and Trust Company, 100 East Tryon Road, Raleigh, North Carolina 27603; and*
- WHEREAS, First Citizens Bank and Trust Company claims to have no record of said Irrevocable Standby Letter of Credit previously issued by Harvest Bank as referenced above; and*
- WHEREAS site improvements have not been completed on the subject property; and*
- WHEREAS a Consent Order and Settlement Agreement were also filed with regard to a lawsuit commenced in the United States District Court, regarding the subject property under the caption “Cape May Affordable Housing, LP versus Township of Middle, et al”, under case number 1:16 Dash cv– 08522 RMB– AMD; and*
- WHEREAS, a material provision of said Consent Order, and the Settlement Agreement filed in conjunction therewith, was the continued viability of the Irrevocable Standby Letter of Credit issued by Harvest Bank pursuant to the Planning Board Resolution referenced above; and*
- WHEREAS, as aforesaid, said Irrevocable Standby Letter of Credit was posted to insure the completion of site improvements and appears to no longer be viable, as aforesaid; and*
- WHEREAS, ownership of the property is now held by the Federal Deposit Insurance Corporation (FDIC) which seeks to sell or develop same and which has not posted a replacement bond or Letter of Credit to secure site improvements;*
- NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE, the governing body of the Township of Middle, as follows:*
- 1. The averments set forth above are incorporated herein as if set forth at length;*
  - 2. No certificates of occupancy or building permits shall be issued with regard to any of the subdivided lots on site until such time as a viable letter of credit or bond is posted in accordance with the requirements of the subdivision resolution referenced herein;*
  - 3. All work proceeding on site shall cease and desist until such time as a viable letter of credit or bond posted in accordance with the requirements of the subdivision resolution has been properly installed;*
  - 4. The Municipal Clerk/Administrator, Construction Official, Zoning Officer and all other appropriate personnel, agent, servants and employees of the Township of Middle are hereby empowered and authorized to take such action as may be necessary to implement to the provisions of this resolution;*
  - 5. A copy of this resolution shall be recorded forthwith in the office of the Clerk of the County of Cape May so as to appear in the chain of title of the subject premises.*
16. 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 January 31, 2019; 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 2019 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:

*Van Note Harvey Associates, Inc.*

*211 Bayberry Drive, Suite 2-E, Cape May Court House, NJ 08210*

*Remington Vernick Engineers*

*4907 New Jersey Ave, Wildwood, NJ 08260*

*CME Associates*

*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*

17. 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.*

18. PUBLIC COMMENT:

Motion to enter closed session –

1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

Pas on Roll Call:

Motion to re-enter open session –

1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

Pas on Roll Call:

Motion to enter adjourn meeting–

1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

Pass on Roll Call: