

Cape May Court House, NJ  
February 20, 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. PRESENTATION BY MAYOR AND COMMITTEE – DANIEL LOCKWOOD – WALL OF MAYORS
2. 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.*)
3. 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. \$334,137.22*
4. 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: 2/4/2019 regular and closed session meetings.*
5. REPORTS: The following departments have submitted their reports for the months indicated: Tax Collector for the year 2018; Sterback Harbor for the year of 2018; Sewer for the year of 2018; Tax Collector for the month of January; Sterback Harbor for the month of January; Sewer for the month of January; Finance for the month of January;
6. ORDINANCE 1581-19 - AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1581-19 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, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey as follows:*

*SECTION 1. The positions listed in the attached schedule are hereby created.*

*SECTION 2. The salary ranges specified in the attached schedule are hereby adopted for each and every position listed therein. In those cases where only one rate or figure appears in said schedule, said rate or figure shall be the maximum rate of figure applicable to said position. In those cases where a maximum and minimum salary are hereby established for a position, the exact salary to be paid to the holder of said position shall be as determined from time to time by resolution of the Township Committee.*

*SECTION 3. The duties to be performed by each person holding any position listed in said schedule shall be those duties as outlined in Job Description of New Jersey Civil Service Department.*

*SECTION 4. In addition to the salaries set forth in said schedule, those employees who have held full time positions for a minimum of five years, as hereinafter defined, shall be entitled to additional compensation as set forth in this section, based upon current salary. The additional compensation to which the employee is entitled on January 1 of any year shall be the additional compensation for the entire year. In determining years of service on January 1 of any year, for the purpose of this Ordinance only, no credit shall be given for less than six full months of service in any year, and credit for a full year shall be given for any year in which the employee served for six full months or more.*

<i>Years of Service (Percent of Annual Salary)</i>	<i>Additional Compensation</i>
<i>5 years or more</i>	<i>2%</i>
<i>10 years or more</i>	<i>4%</i>
<i>15 years or more</i>	<i>6%</i>
<i>20 years or more</i>	<i>8%</i>
<i>25 years or more</i>	<i>10%</i>

*Section 4 shall only apply to Township Employees hired before December 31, 1994.*

*SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.*

*SECTION 6. This Ordinance shall become effective, retroactive to January 1, 2019 immediately upon final passage and publication according to law.*

7. ORDINANCE 1582-19 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE SALE TO A CONTIGUOUS OWNER - On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1582-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/18/2019 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 sale to a contiguous owner.*  
**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 722, Lots 3, which parcel 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 is just one owner of contiguous property, namely Jeffrey and Mary Anne Felicano, 1500 Devane Street, Cape May Court House, who owns the adjacent lot identified as Block 722, Lot 1; and*  
*WHEREAS, the Township Tax Assessor has stated to the Township Committee that the total fair market value of the land is to be sold for \$ 1,000.00 plus costs of Survey, Title Insurance, all closing costs, costs of publication, and legal fees. Accordingly, all Township closing expenses, publication expenses and professional fees shall be paid for by the Buyer; and*  
*WHEREAS, Jeffrey and Mary Anne Felicano has offered to purchase the property for \$ 1,000.00 plus costs of Survey, Title Insurance, all closing costs, publication expenses, and legal fees, and agreed to execute a contract contingent upon this Ordinance being approved and all survey and subdivision work being performed at their sole expense; 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 real property identified as Block 722, Lot 1 to Jeffrey and Mary Anne Felicano for the sale price of \$ 1,000.00 plus costs of Survey, Title Insurance, all closing costs, publication expenses and legal fees. pursuant to the terms of Contract for Sale; and*
  2. *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*
  3. *The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and*
  4. *Any and all closing costs associated with this transaction, including Township closing costs, Attorney fees, advertising and postage, are to be paid by the Buyer.***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.*
8. ORDINANCE 1583-19 - AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) - On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1583-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/18/2019 at 6:00 p.m.  
*WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,*  
*WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,*  
*WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,*  
*WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$196,572.77 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,*

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$688,002.96, and that the CY 2019 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and, BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

9. RESOLUTION – 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
George Eskander	Public Safety	Special Class II Police Officer	\$13.00 per hour	02/25/2019

10. 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
Matthew Maxey	Public Works	Laborer 1 T/A	Laborer 1 F/T Permanent	\$24,000.00	02/06/2019

11. RESOLUTION – AMENDING RESOLUTION 82-19 – 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, County of Cape May, State of New Jersey, that Resolution No. 82-19 shall hereby be amended and corrected to reflect the following employee title indicated below:

NAME	DEPARTMENT	PREVIOUS TITLE	AMENDED TITLE	EFFECTIVE
Eric Kelly	Sewer Department	Sewer Repairer 1 F/T	Laborer 1 F/T Permanent	02/04/2019

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

WHEREAS, a billing adjustment is due for the first quarter of 2019 and;

WHEREAS, this resolution serves to correct an inadvertent error in billing:

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:

ACCT	BLOCK	LOT	PROPERTY LOCATION	2019 ADJUSTMENT
5646	341	9	219 E Shellbay Ave	\$280.00

13. RESOLUTION – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the Wildwood Golf & Country Club has applied for approval to sell alcoholic beverages at an event to be held at 1170 Golf Club Road, Cape May Court House, New Jersey, on June 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 2019 from 8:00am to 11:00pm, and

WHEREAS, they have provided proper documentation to the Township of Middle,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

(B) WHEREAS, the FWS Family Foundation has applied for approval to sell alcoholic beverages at an event to be held at Avalon Golf Club, 1510 Route 9, Cape May Court House, New Jersey 08210, on April 26, 2019 from 5:30pm until 9:30pm; and

WHEREAS, they have provided proper documentation to the Township of Middle; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

14. RESOLUTION – APPROVE SECONDHAND MERCHANT AND DEALER OF PRECIOUS METALS LICENSES – GAMESTOP, INC. – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.

*WHEREAS, the following applicants applied for a Secondhand Merchant & Dealer of Precious Metals License to operate in the Township of Middle;*  
*WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey, reviewed by the Middle Township Police Department, and the proper fees have been paid; and*  
*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 below Secondhand Merchant and Dealer of Precious Metals applicants are hereby licensed by the Township of Middle to operate within the Township of Middle from January 1, 2019 through December 31, 2019.*

License #	Applicant	Location	Fee
2	GameStop, Inc. dba GameStop #4718	1500 Route 47, Suite C-7 Rio Grande, New Jersey 08242	\$500.00

15. 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.*

16. RESOLUTION – TABULATION COMMITTEE – MLK TENNIS COURTS – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.  
*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 Township Officials be and hereby are appointed to tabulate the bids to be taken on March 21, 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:*

*MLK TENNIS COURTS*

17. RESOLUTION – APPROVAL TO SUBMIT A GRANT APPLICATION (ITEMS A THROUGH B) – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.

*(A) 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 Governing Body of the Township of Middle formally approves the grant application for the above stated project. BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit a grant application through the New Jersey Office of Clean Energy, on behalf of the Township of Middle.*  
*BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.*

*(B) NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle formally approved the grant application for the above stated program (NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY JUVENILE JUSTICE COMMISSION – 2019 SUMMER EXPANSION PROGRAM)*  
*BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith.*

18. RESOLUTION – A RESOLUTION ORDERING THE DEMOLITION AND REMOVAL OF STRUCTURES LOCATED AT 3 LESLIE AVENUE 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*

