

Cape May Court House, NJ
March 18, 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 – MIDDLE TOWNSHIP BOYS TRAVEL BASKETBALL TEAM – 3RD/4TH GRADE
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. \$1,260,008.47
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: 3/4/2019 Regular and Closed Session Meetings.*
5. REPORTS: The following departments have submitted their reports for the months indicated: Finance for the month of February; Tax Collector for the month of February; Sewer for the month of February; Sterback Harbor for the month of February
6. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1582-19 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 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.

7. **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) -** Following second reading, hearing, and consideration for adoption, Ordinance 1583-19 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk's Office.
- 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.*
8. **RESOLUTION – RESOLUTION PROVIDING FOR TRANSFER OF CERTAIN 2018 BUDGET APPROPRIATION RESERVES –** On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
- WHEREAS, various 2018 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2018 Budget Appropriation Transfers in the last two months of 2018; and*
- WHEREAS, N.J.S.A.:40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;*
- NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriation reserves be made in the budget of Middle Township for the year 2018:*

| Account Number | Name | From | To |
|---------------------|-----------------------------------|------------------|------------------|
| 8-01-23-220-220-400 | GROUP INSURANCE | 30,000.00 | |
| 8-01-31-430-430-475 | ELECTRICITY COSTS | 22,000.00 | |
| 8-01-26-290-291-100 | PUBLIC WORKS S&W | 12,000.00 | |
| 8-01-20-155-156-249 | LEGAL PROFESSIONAL SERVICES | | 52,000.00 |
| 8-01-20-165-165-249 | ENGINEERING PROFESSIONAL SERVICES | | 12,000.00 |
| | Totals: | 64,000.00 | 64,000.00 |

9. RESOLUTION – TEMPORARY BUDGET AMENDMENT – On motion by seconded by and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IS RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Temporary Budget, as established during Reorganization 2019 via Resolution 20-19 is hereby amended as outlined on the attached.

| Account Number | Account Description | | 2019 Temp Budget | Emergency Temporary Budget - 40% |
|---------------------|--------------------------------|---------------------------------------|------------------------|----------------------------------|
| | | | 26.25% | |
| 9-01-20-100-100-100 | ADMIN & EXEC | SALARIES AND WAGES | 42,000.00 | 55,000.00 |
| 9-01-20-100-100-200 | | OTHER EXPENSES | 20,000.00 | 30,000.00 |
| 9-01-20-100-101-200 | PUBLIC AFFAIRS | OTHER EXPENSES | 200.00 | 200.00 |
| 9-01-20-101-101-100 | BOARD STIPENDS | SALARIES AND WAGES | 3,500.00 | 3,500.00 |
| 9-01-20-105-105-100 | HUMAN RESOURCES | SALARIES AND WAGES | 36,500.00 | 45,000.00 |
| 9-01-20-105-105-200 | | OTHER EXPENSES | 16,150.00 | 20,000.00 |
| 9-01-20-110-110-100 | MAYOR & COMMITTEE | SALARIES AND WAGES | 13,800.00 | 16,500.00 |
| 9-01-20-110-110-200 | | OTHER EXPENSES | 1,500.00 | 2,200.00 |
| 9-01-20-120-120-100 | MUNICIPAL CLERK | SALARIES AND WAGES | 36,000.00 | 57,000.00 |
| 9-01-20-120-120-200 | | OTHER EXPENSES | 10,000.00 | 15,000.00 |
| 9-01-20-120-121-200 | CODIFICATION | OTHER EXPENSES | 2,257.50 | 3,400.00 |
| 9-01-20-130-130-100 | FINANCIAL ADMINISTRATION | SALARIES AND WAGES | 42,500.00 | 52,500.00 |
| 9-01-20-130-130-200 | | OTHER EXPENSES | 15,000.00 | 20,000.00 |
| 9-01-20-130-131-100 | GRANTS ADMINISTRATION | SALARIES AND WAGES | 8,750.00 | 12,000.00 |
| 9-01-20-130-131-200 | | OTHER EXPENSES | 7,000.00 | 10,400.00 |
| 9-01-20-132-132-100 | INFORMATION TECHNOLOGY | SALARIES AND WAGES | 17,000.00 | 21,000.00 |
| 9-01-20-132-132-200 | | OTHER EXPENSES | 2,000.00 | 3,000.00 |
| 9-01-20-135-135-200 | AUDIT SERVICES | OTHER EXPENSES | 12,000.00 | 25,000.00 |
| 9-01-20-145-145-100 | COLLECTION OF TAXES | SALARIES AND WAGES | 45,000.00 | 51,000.00 |
| 9-01-20-145-145-200 | | OTHER EXPENSES | 9,800.00 | 15,000.00 |
| 9-01-20-150-150-100 | ASSESSMENT OF TAXES | SALARIES AND WAGES | 34,000.00 | 42,000.00 |
| 9-01-20-150-150-200 | | OTHER EXPENSES | 11,812.50 | 18,000.00 |
| 9-01-20-155-155-200 | LIQUIDATION OF TTLS | OTHER EXPENSES | 4,000.00 | 8,000.00 |
| 9-01-20-155-156-200 | LEGAL SERVICES | OTHER EXPENSES | 82,000.00 | 125,000.00 |
| 9-01-20-165-165-200 | ENGINEERING SERVICES | OTHER EXPENSES | 25,000.00 | 36,000.00 |
| 9-01-21-180-180-100 | SMART GROWTH | OTHER EXPENSES | 1,312.50 | 2,000.00 |
| 9-01-21-185-185-100 | ZONING BOARD | SALARIES AND WAGES | 24,675.00 | 30,500.00 |
| 9-01-21-185-185-200 | | OTHER EXPENSES | 10,500.00 | 16,000.00 |
| 9-01-22-195-195-100 | CODE ENFORCEMENT | SALARIES AND WAGES | 12,206.25 | 15,000.00 |
| 9-01-22-195-195-200 | | OTHER EXPENSES | 1,312.50 | 2,000.00 |
| 9-01-22-195-196-100 | CONSTRUCTION CODE | SALARIES AND WAGES | 25,000.00 | 30,000.00 |
| 9-01-22-195-196-200 | | OTHER EXPENSES | 3,700.00 | 6,000.00 |
| 9-01-22-195-198-200 | DEMOLITION OF SUBSTANDARD BLDG | OTHER EXPENSES | 2,625.00 | 5,000.00 |
| 9-01-23-210-211-400 | OTHER INSURANCE | OTHER EXPENSES | 48,000.00 | 80,000.00 |
| 9-01-23-215-215-400 | WORKERS COMPENSATION INSURANCE | OTHER EXPENSES | 144,500.00 | 215,000.00 |
| 9-01-23-220-220-400 | GROUP INSURANCE PLAN FOR EMP | OTHER EXPENSES | 979,000.00 | 1,500,000.00 |
| 9-01-23-221-221-400 | HEALTH CARE WAIVER | OTHER EXPENSES | 40,000.00 | 40,000.00 |
| 9-01-23-225-225-400 | UNEMPLOYMENT COMPENSATION | OTHER EXPENSES | 2,625.00 | 2,625.00 |
| 9-01-23-310-310-100 | PUBLIC BUILDING AND GROUNDS | SALARIES AND WAGES | 0.00 | 0.00 |
| 9-01-23-310-310-200 | | OTHER EXPENSES | 30,000.00 | 85,000.00 |
| 9-01-25-240-240-100 | POLICE | SALARIES AND WAGES | 1,250,000.00 | 1,650,000.00 |
| 9-01-25-240-240-200 | | OTHER EXPENSES | 94,000.00 | 150,000.00 |
| 9-01-25-250-250-100 | COMMUNICATIONS | SALARIES AND WAGES | 120,000.00 | 140,000.00 |
| 9-01-25-250-250-200 | | OTHER EXPENSES | 1,840.00 | 2,800.00 |
| 9-01-25-252-252-200 | EMERGENCY MANAGEMENT SERVICE | OTHER EXPENSES | 275.00 | 500.00 |
| 9-01-25-262-262-100 | EMERGENCY MEDICAL SERVICES | SALARIES AND WAGES | 121,000.00 | 150,000.00 |
| 9-01-25-262-262-200 | | OTHER EXPENSES | 10,762.50 | 18,000.00 |
| 9-01-25-262-263-200 | CONTRIBUTION-1ST AID SQUAD | OTHER EXPENSES | 20,000.00 | 40,000.00 |
| 9-01-25-265-265-200 | FIRE PROTECTION | OTHER EXPENSES | 1,312.50 | 1,500.00 |
| 9-01-25-275-275-100 | PROSECUTOR | OTHER EXPENSES | 9,000.00 | 15,000.00 |
| 9-01-26-290-291-100 | PUBLIC WORKS | SALARIES AND WAGES | 240,000.00 | 300,000.00 |
| 9-01-26-290-291-200 | | OTHER EXPENSES | 41,000.00 | 70,000.00 |
| 9-01-26-295-295-200 | SNOW REMOVAL | OTHER EXPENSES | 0.00 | 0.00 |
| 9-01-26-300-301-200 | SHADE TREE COMMISSION | OTHER EXPENSES | 200.00 | 200.00 |
| 9-01-26-305-306-373 | CONTRACTUAL WASTE SERVICES | GARBAGE & TRASH | 87,517.50 | 140,000.00 |
| 9-01-26-305-308-373 | | RECYCLING | 87,675.00 | 140,000.00 |
| 9-01-28-315-315-200 | MOTOR POOL | OTHER EXPENSES | 60,000.00 | 90,000.00 |
| 9-01-27-330-330-100 | BOARD OF HEALTH | SALARIES AND WAGES | 250.00 | 300.00 |
| 9-01-27-330-330-200 | | OTHER EXPENSES | 250.00 | 300.00 |
| 9-01-27-340-340-100 | ANIMAL CONTROL | SALARIES AND WAGES | 16,800.00 | 23,000.00 |
| 9-01-27-340-340-200 | | OTHER EXPENSES | 2,100.00 | 3,200.00 |
| 9-01-27-340-340-300 | ANIMAL SHELTER CONTRACT | OTHER EXPENSES | 50,000.00 | 76,000.00 |
| 9-01-28-370-370-100 | RECREATION | SALARIES AND WAGES | 55,800.00 | 76,000.00 |
| 9-01-28-370-370-200 | | OTHER EXPENSES | 13,800.00 | 24,000.00 |
| 9-01-28-370-371-100 | SENIOR CENTER | SALARIES AND WAGES | 15,750.00 | 17,000.00 |
| 9-01-28-370-371-200 | | OTHER EXPENSES | 6,500.00 | 10,000.00 |
| 9-01-30-415-415-100 | TERMINAL LEAVE | SALARIES AND WAGES | 10,000.00 | 10,000.00 |
| 9-01-31-430-430-475 | UTILITIES | ELECTRICITY COSTS | 100,000.00 | 160,000.00 |
| 9-01-31-435-435-475 | UTILITIES | STREET LIGHTING COSTS | 2,500.00 | 2,500.00 |
| 9-01-31-436-436-299 | UTILITIES | POSTAGE | 0.00 | 0.00 |
| 9-01-31-440-440-475 | UTILITIES | TELEPHONE COSTS | 22,300.00 | 35,000.00 |
| 9-01-31-445-445-475 | UTILITIES | WATER | 5,000.00 | 7,600.00 |
| 9-01-31-446-446-475 | UTILITIES | NATURAL GAS COSTS | 15,000.00 | 50,000.00 |
| 9-01-31-447-447-475 | UTILITIES | FUEL OIL COSTS | 0.00 | 0.00 |
| 9-01-31-450-450-475 | UTILITIES | INTERNET | 5,775.00 | 8,800.00 |
| 9-01-31-460-460-475 | UTILITIES | GASOLINE COSTS | 60,000.00 | 88,000.00 |
| 9-01-32-465-465-373 | CONTRACTUAL | SANITARY LANDFILL | 115,000.00 | 180,000.00 |
| 9-01-36-471-471-451 | STATUTORY EXPENDITURES | PERS | 158,500.00 | 300,000.00 |
| 9-01-36-471-471-453 | STATUTORY EXPENDITURES | SOCIAL SECURITY | 160,125.00 | 210,000.00 |
| 9-01-36-471-471-455 | STATUTORY EXPENDITURES | PFRS | 267,200.00 | 650,000.00 |
| 9-01-36-471-471-457 | STATUTORY EXPENDITURES | DCRP | 5,000.00 | 6,000.00 |
| 9-01-42-101-101-100 | INTER-LOCAL AGREEMENTS | CMC TECH SCHOOL (SRO) | 19,500.00 | 30,000.00 |
| 9-01-42-101-101-411 | INTER-LOCAL AGREEMENTS | JIF FIRE DIST #2 | 9,860.55 | 10,000.00 |
| 9-01-42-101-101-611 | INTER-LOCAL AGREEMENTS | JIF FIRE DIST #3 | 7,500.00 | 8,000.00 |
| 9-01-43-490-490-100 | MUNICIPAL COURT | SALARIES AND WAGES | 52,500.00 | 61,000.00 |
| 9-01-43-490-490-200 | | OTHER EXPENSES | 9,920.00 | 16,000.00 |
| 9-01-43-495-495-100 | PUBLIC DEFENDER | OTHER EXPENSES | 4,600.00 | 6,000.00 |
| 9-01-44-910-900-600 | IMPROV.BLDGS/GROUNDS/EQUIP | OTHER EXPENSES | 30,500.00 | 30,500.00 |
| | | TOTAL CURRENT FUND TEMP BUDGET | \$ 5,189,839.30 | 7,723,025.00 |

10. RESOLUTION - GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964" – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Middle, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

11. RESOLUTION – INTRODUCTION OF BUDGET BY TITLE ONLY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the 2019 Budget for the Township of Middle be introduced, approved and given first reading by title only.

12. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

| <i>NAME</i> | <i>BOARD</i> | <i>POSITION</i> | <i>EFFECTIVE</i> |
|--------------------------|----------------------------------|------------------|-------------------|
| <i>Nakisha Wakefield</i> | <i>Recreation Advisory Board</i> | <i>Secretary</i> | <i>03/18/2019</i> |

13. RESOLUTION – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF SUBORDINATE MORTGAGE – 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 Subordinate Mortgage for Peter D. Beyda and Claudia Beyda for the property located at 111 100th Street Stone Harbor, NJ 08247. Said property was used as collateral for an economic development loan.

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

14. 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.

15. RESOLUTION – REJECT BID – CONTRACTS #2018-4 – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, following public advertisement, received bids for the "Contracts #2018-4 and #2018-5– Middle Township Home Rehabilitation Project" on February 28, 2019; and

WHEREAS, it appears to be in the best interest of the Township to reject all bids received for Contract No. 2018-4.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids received for Contract No. 2018-4, received as part of the "Contracts #2018-4 through #2018-5 – Middle Township Home Rehabilitation" Project, shall be and is hereby rejected.

16. RESOLUTION – AWARD OF BID – CONTRACT #2018-5 - 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 2018-5, and

WHEREAS, bids were received on February 28, 2019, 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:

| Contract No. | Awarded to: | Total Bid Amount |
|--------------|-------------|------------------|
| 2018-5 | Gemini | \$10,500.00 |

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

17. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH D) – 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, the governing body thereof, that the Agreement between DeBlasio & Associates and the Township of Middle for GIS Enhancement and Web Mapping Services, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

*DeBlasio & Associates
GIS Enhancement and Web Mapping Services
Not to exceed \$8,100.00*

(B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Ultra Artists LLC and the Township of Middle for The Sensational Soul Cruisers Performance for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

*Ultra Artists LLC
Sensational Soul Cruisers – Summer Concert Series
Not to exceed \$4,000.00*

*Ultra Artists LLC
B Street Band – Summer Concert Series
Not to exceed \$4,000.00*

(C) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Ultra Artists LLC and the Township of Middle for The Nerds Performance for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

*Shore Bets
The Nerds – Summer Concert Series
Not to exceed \$4,500.00*

(D) WHEREAS, MALEY & ASSOCIATES, COUNSELLORS AT LAW is in compliance with the provisions of N.J.S.A. 19:44A-20.26 certifying that no political contributions have been made to Middle Township; and

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Maley & Associates, Counsellors At Law and the Township of Middle for Redevelopment Counsel Services be and is hereby ratified and the contract is hereby amended through the Non-Fair and Open Process as described in Pay-To-Play Statutes for 2019. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documents in connection therewith.

*Maley & Associates, Counsellors at Law – Redevelopment Counsel Services
Not to Exceed \$17,500.00*

18. RESOLUTION – AMENDING CONTRACTS (ITEMS A THROUGH E) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, on January 1, 2018 Township Committee awarded Parker McCay a one-year term as Labor Solicitor, and said contract was certified for 2018 as Resolution No. 05-18, and

(A) WHEREAS, said contract shall require an amendment due to various charges in connection with professional services rendered.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

*PARKER MCCAY
Labor Solicitor – 2018
Not to Exceed \$4,279.95*

(B) WHEREAS, on January 17, 2018 Township Committee awarded Engineering Design Associates as Township Engineer and Planning Consultant, and said contracts were certified for 2018 as Resolution No. 66-18, and

WHEREAS, said contracts shall require an amendment due to various charges in connection with professional services rendered.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreements with said contractor is hereby amended.

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

ENGINEERING DESIGN ASSOCIATES
Township Engineer/Planning Consultant
Not to Exceed \$20,000.00

(C) WHEREAS, Lomax Consultant Group is in compliance with the provisions of N.J.S.A. 19:44A-20.26 certifying that no political contributions have been made to Middle Township; and

WHEREAS, Resolution 519-15 was approved on December 7, 2015, Not to Exceed \$43,500.00; and

WHEREAS, Resolution 393-17 was approved on September 6, 2017 further amending their original contract not to exceed \$53,200.00; and

WHEREAS, it has been deemed necessary to further amend said contract for an additional \$4,000.00, for a contract total of \$57,200.00; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Lomax Consulting Group and the Township of Middle for No Net Loss Reforestation be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

(D) WHEREAS, said contract needs to be amended to include additional services and;

WHEREAS, the agreement for services with Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill will have a total value that will exceed \$17,500; and

WHEREAS, Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill –
In Rem Foreclosures
Not to Exceed \$6,000.00
(Total Contract \$23,500.00)

(E) WHEREAS, MALEY & ASSOCIATES, COUNSELLORS AT LAW is in compliance with the provisions of N.J.S.A. 19:44A-20.26 certifying that no political contributions have been made to Middle Township; and

WHEREAS, Resolution 470-17 was approved on November 6, 2017, in an amount not to exceed \$15,000.00; and

WHEREAS, Resolution 181-18 was approved on April 16 2018 further amending their original contract in an amount not to exceed \$10,000.00; and

WHEREAS, it has been deemed necessary to further amend said contract for an additional \$47,200.00 for services rendered in 2018, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Maley & Associates, Counsellors At Law and the Township of Middle for Redevelopment Counsel Services be and is hereby ratified and the contract is hereby amended through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

19. RESOLUTION – REJECT RELEASE OF PERFORMANCE BOND – SOUTH JERSEY GAS SWAINTON FACILITY – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, \$137,574.00 is being held as a performance guarantee for the South Jersey Gas Swainton Facility Expansion, located at Block 13.02, Lot 22, otherwise known as 1708 Route 9 North.; and

WHEREAS, Remington & Vernick Engineers have conducted a construction observation of site improvement to ascertain the status of the completed improvements covered by the bond; and WHEREAS, it has been determined by Remington & Vernick Engineers that all bonded improvements have not been satisfactorily completed in substantial compliance with board approvals; and

WHEREAS, in accordance with N.J.S.A 40:55D and the code of the Township of Middle, the governing body must approve, partially approve or reject the improvements on the basis of the report of the Township Engineer.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the request to release of the performance guarantee is hereby rejected.

BE IT FURTHER RESOLVED, that the applicant shall reimburse the Township for the costs of any outstanding construction inspection fees.

