

Cape May Court House, NJ
March 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 Kyle Weinberg

1. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE TOWNSHIP GIRLS SWIM TEAM

Mayor Donohue:

- *Acknowledged accomplishments of team.*

Committee:

- *Presented team with Certificates.*

2. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE TOWNSHIP MOCK TRIAL TEAM

Mayor Donohue:

- *Provided background on Mock Trial team. Recognized teams' accomplishments.*

Committee:

- *Presented team with Certificates.*

3. 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.)

John Lauricella, Cape May Court House:

- *Questioned items 8 and 9 pertaining to Campground license transfer.*

Kimberly Krauss:

- *Explained real estate transfer process as it pertains to campgrounds.*

John Lauricella, Cape May Court House:

- *Also questioned item on bill list.*

Committeeman Gandy:

- *Explained replacement of trash cans.*

Stan Donigar, Rio Grande:

- *Asked about charge on bill list for Verizon.*

Kimberly Krauss:

- *Described bulk charge of lines.*

Stan Donigar, Rio Grande:

- *Also questioned charges related to vacant property registration.*

Mayor Donohue:

- *Explained third party company that manages vacation property registration process.*

4. RESOLUTION 111-19 – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by Committeeman Clark seconded by Committeeman Gandy 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. \$2,444.087.31

5. RESOLUTION 112-19 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Clark seconded by Committeeman Gandy 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: 2/20/2019 Work Session and Regular Meetings.

6. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of February

7. RESOLUTION 113-19 – ACKNOWLEDGEMENT OF TERMINATION – On motion by Committeeman Clark seconded by Committeeman Gandy 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
Walter F. Belles Jr.	Public Works	Senior Mechanic	04/02/2018

8. PUBLIC HEARING – PERSON TO PERSON TRANSFER – CAMPGROUND LICENSE NO. 7, KING NUMMY CAMPGROUND

Keith Davis:

- *Provided background behind transfer. Introduced Sharon Stokes, existing property manager as well as Eric Gordon, District Manager of company acquiring license.*

9. RESOLUTION 114-19 – PERSON TO PERSON TRANSFER OF CAMPGROUND LICENSE NO. 7 – KING NUMMY CAMPGROUND – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.
 WHEREAS, R.J.H. Lenape Nummy, Inc. is the holder in good standing of Campground License #7, King Nummy Campground, located on Block 142, Lot 16, also known as 205 Route 47 South, Cape May Court House; and
 WHEREAS, MHC King Nummy, LLC has made application to transfer said license R.J.H. Lenape to MHC King Nummy LLC; and
 WHEREAS, all legal requirements for said transfer have been fulfilled.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Campground License #7 be and hereby is transferred into the name of MHC King Nummy, LLC.

10. RESOLUTION 115-19 – AMENDING VENDOR FEES – HARVEST FESTIVAL – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.
 WHEREAS, it is in the best interest of the Township of Middle to establish a structured fee schedule for vendors for the annual Harvest Festival, and
 WHEREAS, said fees should be established via resolution.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that it has been deemed necessary for the Township to charge the following amended fees for various vendor categories at the annual Harvest Festival:

Category	Prior Fee	Amended Fee
VENDORS – MECHANIC/BOYD STREETS	\$70.00	\$90.00
VENDORS – ALL OTHER AREAS	\$70.00	\$75.00

11. RESOLUTION 116-19 – EXTEND LEASE AGREEMENT – QUALITY CARE RESOURCE CENTER – WHITESBORO SCHOOL – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.
 WHEREAS, in July 2015, the Township and Quality Care entered into a lease agreement in which the Township lease to Quality Care a portion of the commercial offices located in the property commonly known as the Whitesboro School; and
 WHEREAS, the Township and Quality Care wish to further extend that lease agreement, subject to the modified terms set forth below,
 NOW, THEREFORE, the Township and Quality Care agree as follows:

1. The averments of the preamble are incorporated herein
2. The current lease Agreement between the Township and Quality Care is hereby extended until December 31, 2019,
3. Retroactively, commencing March 31, 2018, the monthly rent for occupancy of the leased premises shall be \$700.
4. Any claims or disputes arising from this lease agreement shall be venued in the Superior Court of New Jersey in the County of Cape May or in the Middle Township Municipal Court.
5. All other terms of the Lease Agreement between the Township and Quality Care, as extended through December 31, 2019, shall remain in full force and effect, and are incorporated into this Lease Extension Agreement.

12. RESOLUTION 117-19 – ACKNOWLEDGING ROAD CLOSURE – MUDHEN HALF MARATHON (FORMALLY KNOWN AS THE WILDWOOD HALF WEEKEND) – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.
 WHEREAS, DelMoSports, LLC. is orchestrating an event on April 28, 2019, and
 WHEREAS, said applicant has requested that State Highway 147 be temporarily closed from the North Wildwood border to Ocean Drive and also Ocean Drive, from SH147 to the Stone Harbor border, and
 WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.
 NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the MudHen Half Marathon sponsored by DelMoSports LLC.
 BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.
 BE IT FURTHER RESOLVED, that the closure of the roads as indicated above are hereby acknowledged.

13. RESOLUTION 118-19 THROUGH 120-19 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH C) – On motion by Committeeman Clark seconded by Committeeman Gandy 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 Mott MacDonald and the Township of Middle for Sewer Engineer 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.

Mott MacDonald – Sewer Engineer – Not to Exceed \$17,500.00

(B) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Laura Bishop Communications, LLC and the Township of Middle for Public Information Officer 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.

Laura Bishop Communications, LLC – Public Information Officer – Not to Exceed \$10,000.00

(C) WHEREAS, The Township of Middle has a need to award a contract for employee benefits insurance and broker consulting services as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.4; and

WHEREAS, it has been determined that the value of the acquisition shall exceed \$17,500.00; and WHEREAS, the anticipated term of this contract shall be for the 2019 year; and

WHEREAS, the Township of Middle wishes to hire Tom Rotondi of the Marsh & McLennan Agency as the consultant for the Township, and

WHEREAS, Tom Rotondi of Marsh & McLennan Agency has completed and submitted a Business Entity Disclosure Certification, which certifies that they have not made any reportable contributions to a politician or candidate for Committee in the Township of Middle in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the contract amount shall be charged to Group Insurance OE in the amount of \$50,000.00 contingent upon the approval of the 2019 budget; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, is hereby authorized to enter into a contract with Tom Rotondi of the Marsh & McLennan Agency as described herein and that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of this Award Resolution shall be published in the Cape May County Herald as required by law.

14. RESOLUTION 121-19 THROUGH 122-19 – APPROVAL FOR PAYMENT – TERMINAL LEAVE (ITEMS A THROUGH B) – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

(A) WHEREAS, Rita Kirk retired with an effective date of March 1, 2019; and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and

WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Rita Kirk

Vacation Hours: 216.60

Sick Hours: 510.02

Total Hours: 726.62

\$18,264.79 (inclusive of payroll tax expense to the Township)

(B) WHEREAS, Michael Linz retired with an effective date of January 1, 2019; and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and

WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Michael Linz

Vacation Hours: 0.82

Sick Hours: 424.4

Total Hours: 425.22

\$10,288.52 (inclusive of payroll tax expense to the Township)

15. RESOLUTION 123-19 – RESOLUTION PROVIDING FOR TRANSFER OF CERTAIN 2018 BUDGET APPROPRIATION RESERVES – On motion by Committeeman Clark seconded by Committeeman Gandy 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:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
8-01-23-220-220-400	GROUP INSURANCE	58,093.00	
8-01-31-430-430-475	ELECTRICITY COSTS	11,800.00	
8-01-20-155-155-249	TTL PROFESSIONAL SERVICES		6,000.00
8-01-20-165-165-249	ENGINEERING		7,000.00
8-01-21-180-180-111	SMART GROWTH/MASTER PLAN		300.00
8-01-26-305-306-373	GARBAGE & TRASH REMOVAL		28,293.00
8-01-26-305-308-373	RECYCLING-CONTRACTUAL		28,300.00
	Totals:	69,893.00	69,893.00

16. RESOLUTION 124-19 - REFUND OF TAXES – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, A refund is due to the below property owner due to the redepositing of check by Sturdy Savings Bank, causing an overpayment.

ACCT	BLOCK	LOT	OWNER	2019
18598	1432	6 C0038	Zivkovic, Vladimir & Betty L.	\$1,044.45

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2019 taxes.

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

17. RESOLUTION 125-19 - APPROVAL OF LIMOUSINE/TAXI CAB LICENSE – DAY SIPPER TOURS LLC – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, the following company has applied to the Township of Middle for a license to operate a Limousine within the confines of the Township, under Chapter 226 of the Code of the Township of Middle, and

WHEREAS, after review by the Township Solicitor and other appropriate Township Officials, the following application has been found to be in proper order and the fee paid in connection with the licensing process, and

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be, and are hereby authorized, for the calendar year of 2019:

License#	Vehicle #	Tradename	VIN Number	Taxi Make/ Model	Fee
L01-19	1-19	Day Sipper Tours LLC	22920585245	1979 Volkswagen Transporter	License Fee \$50.00 Vehicle Fee: \$10.00

FURTHER RESOLVED, that any license issued pursuant to the terms in accordance with the Code of the Township of Middle shall expire midnight of the 31st day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

18. RESOLUTION 126-19 – APPROVE TRANSIENT MERCHANT VENDOR LICENSE – A&T ICE – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, A&T Ice has applied for a Vendor’s License to operate an ice cream truck in Middle Township,

WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.

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 vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from March 4, 2019 through December 31, 2019.

19. RESOLUTION - CLOSED SESSION – CONTRACT NEGOTIATIONS (CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY) & POTENTIAL LITIGATION (PERSONNEL MATTER) — On motion by Committeeman Clark seconded by Committeeman Gandy 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.

20. RESOLUTION - AUTHORIZING CONSTRUCTION WORK ON SUNDAY – ATLANTIC CITY ELECTRIC – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, Atlantic City Electric will be performing reliability improvement upgrades to their system along North Wildwood Blvd. in Middle Township, which will consist of roughly 1.65 miles of roadway, and

WHEREAS, due to Avian restrictions along the roadway, and to complete the scope of work before the environmental restriction of 04/01/2019, ACE has asked permission to perform work on Sundays, and

WHEREAS, although there are no restrictions to such a request within our current ordinances this resolution shall formalize permission to perform the following scope of work as requested:

5.2. Phase 2 Marsh Reconductoring

Non outage: February 11, 2019 to March 31, 2019

Mileage: 1.65 miles

- Install 48 corrugated cans
- Install 48 wood distribution poles
- Remove 47 wood distribution poles
- Install storm guying
- Install 3 phases 954 AAC primary & 1 477 AAC neutral
- Remove 2 phases #4 Cu primary & 1 #4Cu neutral

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey does hereby acknowledge and permit reliability improvement upgrades to be performed by Atlantic City Electric as outlined in the attached correspondence.

BE IT FURTHER RESOLVED, that all work shall be performed in accordance with Chapter 179 of the Township Code entitled Noise.

Kimberly Krauss:

- *Provided background on construction to be completed.*

21. PUBLIC COMMENT:

Tom Booth, Secluded Hollow:

- *Expressed safety concerns with flooding on his street as well as various other concerns. Asked for temporary pumps.*

Mayor Donohue:

- *Discussed Committee's concern for flooding in the area; feel as though there is no easy fix.*

Vincent Orlando:

- *Discussed groundwater levels being more severe than in 2010; water levels as high as street levels and water will keep re-circulating.*

Tom Booth, Secluded Hollow:

- *Asked why project was stopped in 2010.*

Vincent Orlando:

- *Stated that he was not the engineer at the time. Spoke of conversation with Public Works Director Rob Flynn; will take a look when water levels recede.*

Mayor Donohue:

- *Spoke of lack of outlet for water at this particular street; Township trying to find a solution. Assured Mr. Booth that the Township's rescue vehicles are equipped to handle water in the event of an emergency.*

Vincent Orlando:

- *Spoke of plans from 2010 that can be reviewed.*

Stan Donigar, Rio Grande:

- *Commended Township and Business Administrator for assistance in neighbor's issues with Atlantic City Electric.*
- *Also commented on management of campground and asked if complaints are reviewed before a license transfer.*

Mayor Donohue:

- *Spoke of Ordinance in place to address various topics; cannot regulate business practices.*

Kimberly Krauss:

- *Discussed files kept on all campground and mobile home parks.*

Ed Dillio, Cape May Court House:

- *Asked if any reports are available with regard to the change of government.*

Mayor Donohue:

- *Explained several steps being taken by Committee to research forms of government. Suggested that a recommendation may be available in late spring.*

Ed Dillio, Cape May Court House:

- *Asked if Township had any inquiries on sixth liquor license.*

Mayor Donohue:

- *Spoke of a few “feelers”; Clerk/CFO putting together a packet to layout the framework. Discussed potential hotel with hotel liquor license and support for current licensees.*

Jeff Conlin, Swainton:

- *Spoke of severe flooding issues on his property. Discussed effects on his septic system; also requested water to be pumped.*

Committeeman Gandy:

- *Asked about running creek on neighboring property.*

Jeff Conlin, Swainton:

- *Discussed owning property for 32 years; system cannot handle stormwater runoff.*

Vincent Orlando:

- *Explained Mr. Conlin would be unable to tie into a forced line but may be able to find a resolution for drainage.*

Jeff Conlin, Swainton:

- *Provided photos of his property to the business administrator.*

COMMITTEE COMMENTS:

Committeeman Clark:

- *Discussed ribbon cutting at barber shop.*

Mayor Donohue:

- *Wished new business the best.*
- *Provided background on non-fair and open contracts awarded on agenda.*
- *Discussed budget introduction at next meeting.*
- *Mentioned Founder’s Day celebration in Whitesboro as well as State of the Township; info available on website.*
- *Provided summary of State of the Township event.*
- *Recognized 3rd and 4th grade boys’ basketball team.*
- *Mentioned Economic Development’s “Growing Your Business in Middle” on March 19th at 6:00pm at Atlantic Cape Community College.*
- *Wished girls basketball team luck in South Jersey Championship.*
- *Discussed flooding issue across town; Township will continue to try to bring relief to those effected and eventually solve the problem.*
- *Provided update on Del Haven water project; very complex project with various conditions.*

Motion to enter closed session – 7:05pm

1st: Committeeman Clark

2nd: Committeeman Gandy

Pass on Roll Call: Committeeman Clark, Committeeman Gandy, Mayor Donohue

Motion to re-enter open session – 7:46pm

1st: Committeeman Clark

2nd: Committeeman Gandy

Pass on Roll Call: Committeeman Clark, Committeeman Gandy, Mayor Donohue

Motion to enter adjourn meeting– 7:46pm

1st: Committeeman Clark

2nd: Committeeman Gandy

Pass on Roll Call: Committeeman Clark, Committeeman Gandy, Mayor Donohue

Kimberly D. Krauss, Twp. Clerk

Prepared by: Andrea Singley