

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

Committee:

- Presented the 3rd & 4th grade basketball team certificates for their achievement.

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 ordinance and is without any capital improvement thereon; except that when there is more than one owner with less than the minimum market value of the land plus costs of Survey, T
WHEREAS, the Township owns a parcel of land identified as Block 722, Lots 3, which parcel is owned land, and allow
WHEREAS, there is just one owner of contiguous property, namely Jeffrey and Mary Anne Felicano, 1500 Devan
WHEREAS, the Township Tax Assessor has stated to the Township Committee that the total fair market value of the lan
WHEREAS, Jeffrey and Mary Anne Felicano has offered to purchase the property for \$ 1,000.00 plus costs of Survey, T
WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Ser
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 Jef*
- 2. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Loca*
- 3. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents neces*
- 4. Any and all closing costs associated with this transaction, including Township closing costs, Attorney fees, advertis*

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutio

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

Mayor Donohue:

- Gave explanation regarding proposed ordinance.

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.

Mayor Donohue:

- Gave explanation regarding proposed ordinance.

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:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
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
			26.25%	Budget - 40%
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 26.25% Revised	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
9-01-26-315-315-200	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 26.25% Revised	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 26.25% Revised	30,500.00	30,500.00
		TOTAL CURRENT FUND TEMP BUDGET	\$ 5,189,839.30	7,723,025.00

SEWER UTILITY TEMPORARY BUDGET				
9-07-00-000-000-000	**SEWER OPERATING FUND APPROPRIATIONS			
9-07-36-471-471-000	**STATUTORY EXPENDITURES			
9-07-36-471-471-451	PERS	20,000.00		15,000.00
9-07-36-471-471-453	SOCIAL SECURITY	20,000.00		20,000.00
9-07-55-501-501-100	**SALARIES & WAGES	60,000.00		80,000.00
9-07-55-502-502-200	OTHER EXPENSES	200,000.00		200,000.00
9-07-55-502-503-300	UTILITY INSURANCE	42,000.00		15,000.00
9-07-55-502-504-351	CMCMUA USER CHARGE	500,000.00		740,000.00
9-07-55-511-511-000	**CAPITAL IMPROVEMENT FUND	0.00		0.00
9-07-55-511-511-000	CAPITAL IMPROVEMENT BUDGET	0.00		0.00
		TOTAL SEWER UTILITY TEMP BUDGET	\$ 842,000.00	1,070,000.00

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.

Mayor Donohue:

- Spoke of presentation during Work Session with regard to introduced budget as well as the process to approve the budget.

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.

NAME	BOARD	POSITION	EFFECTIVE
Nakisha Wakefield	Recreation Advisory Board	Secretary	03/18/2019

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.

20. RESOLUTION - RELEASE OF PERFORMANCE BOND – T & H REAL ESTATE ENTERPRISES, LLC – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, \$847,800.00 is being held as a performance guarantee for T&H Real Estate Enterprises, LLC for site improvements at Block 136, Lot 14, otherwise known as 1116 Stone Harbor Blvd.; and

WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$847,800.00 is hereby released.

21. RESOLUTION – RATIFY AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY – 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 the agreement between the Township of Middle and the Cape May County Municipal Utilities Authority for economic benefit towards the solid waste transfer station located in Middle Township, as attached, for a term effective January 1, 2019 through December 31, 2023, is hereby ratified.

BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.

22. RESOLUTION – CLOSED SESSION – MATTERS INVOLVING INVESTMENT OF PUBLIC FUNDS (DISCUSSION OF WATER SERVICE OPTIONS), POTENTIAL LITIGATION (WATER/SEWER BILLING ISSUE) & POTENTIAL LITIGATION (PERSONNEL MATTER) – 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: MATTERS INVOLVING INVESTMENT OF PUBLIC FUNDS (DISCUSSION OF WATER SERVICE OPTIONS), POTENTIAL LITIGATION (WATER/SEWER BILLING ISSUE) & POTENTIAL LITIGATION (PERSONNEL MATTER)

2.) The general nature of the subject matter to be discussed is as follows: MATTERS INVOLVING INVESTMENT OF PUBLIC FUNDS (DISCUSSION OF WATER SERVICE OPTIONS), POTENTIAL LITIGATION (WATER/SEWER BILLING ISSUE) & POTENTIAL LITIGATION (PERSONNEL MATTER)

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.

23. PUBLIC COMMENT:

Stan Donigar, Rio Grande:

- *Asked for explanation on the purposed housing on Railroad Avenue as well as who owns the property.*

Mayor Donohue:

- *Explained the area for redevelopment runs along the railroad tracks.*

Stan Donigar, Rio Grande:

- *Asked if it was subsidized housing.*

Mayor Donohue:

- *Explained it is being discussed but nothing has been finalized. Discussed the proposal is for townhouse and apartments as well as project goals.*

Steve Frame, Cape May Court House:

- *Asked for an update on Pacific and Atlantic Avenue.*

Mayor Donohue:

- *Spoke of water pumping in the area. Discussed proposed correction options to the current system*

Steve Frame, Cape May Court House:

- *Asked about low laying lines*

Mayor Donohue:

- *Spoke of upgrade to existing system and costs involved.*

Steve Frame, Cape May Court House:

- *Asked about the project timeline*

Mayor Donohue:

- *Spoke of bid process. Suggested setting up a meeting with the Township Engineer, Vince Orlando, to further discuss the project details. Discussed areas effected due to high rain counts.*

Peggy Mathis, Hoppy's Lane:

- *Spoke of various concerns with flooding.*

Mayor Donohue:

- *Discussed the various agencies involved with the flooding issue.*

Peggy Mathis, Hoppy's Lane:

- *Asked why presentations are not held during regular Township meetings.*

Mayor Donohue:

- Explained work sessions are at 4 o'clock before the second regular meeting of each month. Further explained that during work session meetings is where projects are reviewed over in more detail.

Peggy Mathis, Hoppy's Lane:

- Asked for descriptions of work session presentations.

Mayor Donohue:

- Provided a brief overview.

Lua Pulaski, Teal Rd, Rio Grande:

- Discussed concern for water being pumped and building up in front of her property.

Mayor Donohue:

- Suggested setting up a meeting with himself and Kimberly Krauss to further discuss issue. Asked about flooding when it rains.

Lua Pulaski, Teal Rd, Rio Grande:

- Presented Committee with pictures of her property.

Steve Collins, Goshen:

- Asked if the Committee has control over Community Service in regards to the Municipal Court.

Mayor Donohue:

- Explained it is set at a county level.

Chief Leusner:

- Discussed previous expansion of ordinances in regard to community service. Spoke of different community service options available.

COMMITTEE COMMENTS:

Mayor Donohue:

- Discussed plan to put the discussion of the available liquor license on the next work session.
- Spoke of the Easter egg Hunt.
- Discussed Facebook post regarding the upgraded safety features at Exit 9 off the Parkway North.
- Spoke of Veterans forum at Green Creek Fire House to help notify veterans of benefits available to them.
- Discussed "Grow Your Business" seminar being held at Atlantic County Community College Cape May Court House Campus.
- Discussed the Atlantic City Electric Seminar.
- Stated that Opening Day of Baseball is being held Saturday April 13th.

Motion to enter closed session – 6:51 pm

1st: Committeeman Clark 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Clark, Mayor Donohue

Motion to re-enter open session – 7:30pm

1st: Committeeman Clark 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Clark, Mayor Donohue

Motion to adjourn meeting – 7:30pm

1st: Committeeman Clark 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Clark, Mayor Donohue

Kimberly D. Krauss, Twp. Clerk

Prepared by: Andrea Singley