

Cape May Court House, NJ
February 19, 2020
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 Norris, Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE MATTERS AWARD – ELIZABETH VANTRIESTE
2. PRESENTATION BY MAYOR AND COMMITTEE – JANUARY EMPLOYEE OF THE MONTH – DAVE MAAHS
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.*)
4. 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. \$1,021,914.30*
5. 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: 02/03/2020 Regular Meeting.*
6. REPORTS: Clerk for the month of January; Finance for the month of January; Tax Collector for the month of January; Sterback Harbor for the month of January; Sewer for the month of January
7. RE-INTRODUCTION - ORDINANCE NO.1606-20 – AN ORDINANCE PROHIBITING MOTOR VEHICLE ACCESS AT THE COOK’S BEACH, NORBURY’S LANDING, PIERCE’S POINT, REED’S BEACH AND SUNSET BEACH PUBLIC ACCESS POINTS – On motion by _____ seconded by _____ and passed on roll call, Ordinance No.1606-20 was reintroduced, with amendments, and passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/16/2020 at 6:00 p.m.
8. ORDINANCE NO. 1607-20 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14) - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1607-20 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/16/2020 at 6:00 p.m. *WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and, WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and, WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2020 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 \$197,798.82 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 2020 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 \$692,295.87, and that the CY 2020 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,*

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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

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

9. RESOLUTION – 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/DEPARTMENT	POSITION	EFFECTIVE
Jessica Gibson	Tax Collection	Keyboarding Clerk 3	02/15/2020
Jonathan Spriggs	Public Safety	Emergency Medical Technician P/T	02/03/2020

10. RESOLUTION – AUTHORIZING CHANGE IN EMPLOYMENT STATUS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Chris Witalec	Sewer	Laborer 1 F/T T/A	Laborer 1 F/T Permanent	\$24,990.00	03/01/2020

11. RESOLUTION – APPOINTMENT – VOLUNTEER BOARD – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Betsi Kohler	Alt. Member #2	Environmental Commission	12/31/2020

12. RESOLUTION – ESTABLISHING A MUNICIPAL ALLIANCE COMMITTEE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, the New Jersey Governor’s Council on Alcoholism and Drug Abuse offers grants to municipalities to form a Municipal Alliance Committee, and
 WHEREAS, the mission of the Municipal Alliance Committee is to develop substance abuse prevention programs at the local level, and
 WHEREAS, the designation of a Municipal Alliance Committee is required to plan and develop local programs, and
 WHEREAS, the following individuals have expressed an interest in serving on the Municipal Alliance Committee

Timothy Donohue
 Lt. James Loftus
 Butch Hamer
 Heather McKeown
 Tracey Nagle
 Tammy Tomlin
 Nancy Simmerman
 Francine Springer
 Dustin Sturm
 Nancy Sittineri
 Anne Garrison
 Gary Nagle
 Alyssa Sittineri
 Jenna Sittineri
 Victoria Sittineri

NOW, THEREFORE, BE IT RESOLVED that the following be and are hereby appointed as members of the Township of Middle Municipal Alliance for a term of 1 Year, term to expire on 12/31/2020.

13. RESOLUTION – AWARD OF BID – LANDSCAPING SERVICES AT VARIOUS TOWNSHIP LOCATIONS – 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 Landscaping Services at various township locations; and
 WHEREAS, sealed bids were received on January 14, 2020; and
 WHEREAS, it appears that the following bid submitted 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 Landscaping Services be and hereby is awarded to:
 Douglass Landscaping Services, LLC. - \$263,980.00
 FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

14. RESOLUTION – APPROVE CHANGE ORDER NO. 1 – 2018 ROAD PROGRAM PHASE II – SOUTH STATE, INC. – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, South State, Inc. was awarded the 2018 Road Program Phase II on January 23, 2019 via Resolution 70-19; and
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to South State, Inc., and is hereby approved, and that the change order results in an decrease of \$31,154.93 to the original contract amount of \$758,885.00 for an amended contract amount of \$727,730.07.
15. RESOLUTION – AUTHORIZING REQUEST FOR PROPOSALS – BANKING SERVICES – 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 Chief Finance Officer Susan A. Quinones, and Business Administrator/Township Clerk Kimberly Krauss are hereby appointed to receive proposals, on March 26, 2020 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
BANKING SERVICES
16. RESOLUTION – AMENDING RESOLUTION 63-20 – AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO SALTY HANDS, INC. FOR USE AT THE PREMISES KNOWN AS: 4401 NORTH WILDWOOD BOULEVARD, MIDDLE TOWNSHIP, NEW JERSEY (B 1298 L2) – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, on January 22, 2020 Township Committee authorized the issuance of a plenary retail consumption license to Salty Hands, Inc. via Resolution 63-20 and;
WHEREAS, said license number has been assigned by the NJABC and;
WHEREAS, said resolution shall be amended to reflect license number 0506-33-014-001.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Resolution No. 63-20 shall be hereby amended.
17. RESOLUTION – AUTHORIZING RIO GRANDE VOLUNTEER FIRE COMPANY TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and
WHEREAS, Rio Grande Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and
WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Rio Grande Volunteer Fire Company and attached to this Resolution; and
WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Rio Grande Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Rio Grande Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.
18. RESOLUTION – SOCIAL AFFAIRS PERMIT – FWS FAMILY FOUNDATION – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the FWS Family Foundation has applied for approval to sell alcoholic beverages at an event to be held at Avalon Golf Club, 1510 Route 9, Cape May Court House, New Jersey 08210 on April 24, 2020 from 5:30pm until 9:30pm; and
WHEREAS, they have provided proper documentation to the Township of Middle.
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
19. RESOLUTION – AMENDING RESOLUTION 311-19 – INSERTION OF A SPECIAL ITEM OF REVENUE – NEW JERSEY GOVERNOR’S JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMITTEE, MIDDLE TOWNSHIP POLICE DEPARTMENT 2019 SUMMER EXPANSION PROGRAM – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, Middle Township Police Department has been awarded Office of Juvenile Justice & Delinquency Prevention (OJJDP) Grant Program, Award #2016-JF-FX-0039 from the New Jersey State Department of Law and Public Safety; and
WHEREAS, the grant, consisting of a total amount of \$12,897.23, awarded on 03/28/2019, is to provide positive youth development activities to at-risk youth during the summer months when they are not in school.
WHEREAS, the Township of Middle approved Resolution No. 184-19 authorizing the acceptance of said grant, and
WHEREAS, Resolution 203-19 was approved May 6, 2019 to outline additional grant requirements, and
WHEREAS, Resolution 311-19 was approved July 15, 2019 to further outline more grant requirements; and
WHEREAS, it is necessary to further amend said resolution to modify the award number referenced above as well as the subaward number.

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 appropriate officials are hereby authorized to sign any and all documents in connection therewith.

Subaward No: J-J:6-18-16

Subaward Period: 06/01/2019 – 09/30/2019

Match amount: \$35,650.23

20. 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.
21. RESOLUTION – RELEASE OF PERFORMANCE BOND – LOUIS ALTOBELLI – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, \$65,553.42, is being held as a performance guarantee for Louis Altobelli for site improvements at Block 1113, Lot 1, otherwise known as 2702 Route 9 South; 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 \$65,553.42 is hereby released.
22. RESOLUTION – AUTHORIZING FORECLOSURE GROUP #198 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #198, be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended, known as the In-Rem Foreclosure Act.
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of certificates to Attorney Keith Bonchi to proceed to Foreclose In-Rem, the lands and premises covered by said certificates.
23. RESOLUTION – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 1523 Lot 2.
(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 335.01 Lots 5.02 and 5.03.
24. RESOLUTION – AUTHORIZING EXTENSION – MEMORANDUM OF UNDERSTANDING – CAPE COMMUNITY CHURCH/BIBLE FELLOWSHIP CHURCH – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, on January 23, 2019, the Township of Middle and Cape Community Church/Bible Fellowship Church entered a Memorandum of Understanding designating the church as a “Code Blue” warming center via Resolution 76-19 and;
WHEREAS, the Township and Cape Community Church/Bible Fellowship Church wish to further extend said memorandum of understanding effective January 1, 2020 through March 31, 2020.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the memorandum of understanding between Cape Community Church/Bible Fellowship Church and the Township of Middle is hereby extended with a final expiration date of March 31, 2020.
25. RESOLUTION – CLOSED SESSION – POTENTIAL LITIGATION (SEWER CONNECTION), CONTRACT NEGOTIATIONS (AREA IN NEED OF REDEVELOPMENT), POTENTIAL LITIGATION (VIOLATION OF MUNICIPAL CODE), POTENTIAL LITIGATION (HOST COMMUNITY BENEFIT AGREEMENT) 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:

