

Cape May Court House, NJ
March 2, 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 – RECOGNITION OF RETIREMENT – CORPORAL FRED CRAWLEY & DETECTIVE FIRST CLASS ALLAN MCCLURE
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. \$2,869,422.42
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: 02/19/2020 regular meeting, 02/19/2020 work session and closed session.*
5. REPORTS: The following departments have submitted their reports for the months indicated:
6. 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 04/06/2020 at 6:00 p.m. *WHEREAS, the Township of Middle is home to a number of public access points, which afford residents and visitors opportunity to enjoy the coastal waters and beaches on the western boundary of the Township along the Delaware Bay.*
WHEREAS, said public access points were designed to encourage pedestrian travel to the shoreline along the Delaware Bay and are not equipped to support the passage of motor vehicles.
WHEREAS, the operation of motor vehicles along the shoreline of the Delaware Bay poses significant risks to the health and safety of the operator as well as to the environment and ecosystem.
WHEREAS, the Township Committee has determined that it is in the interest of the health, safety and welfare of Township residents and visitors alike to prohibit the use of motor vehicles, via access points within the Township, on the shorelines and beaches of the Delaware Bay.
WHEREAS, this prohibition is consistent with the Township’s Municipal Public Access Plan, in that it still permits public access to the municipality’s shorelines along the Delaware Bay, but reduces potential damage to the environment that may result from motor vehicle access.
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and the State of New Jersey that the code of the Township of Middle is hereby amended to reflect the creation of the following chapter as follows:
Section 1. Prohibition on Motor Vehicle Access and Operation on Delaware Bay Shoreline
No person shall access, via motor vehicle, the shoreline and beaches along the Delaware Bay through the Township access points located at Cook’s Beach, Norbury’s Landing, Pierce’s Point, Reed’s Beach, Sunset Beach, Highs Beach and Kimble’s Beach. No person shall operate, regardless of point of entry, private or otherwise, a motor vehicle on any Township property located on the beaches along the Delaware Bay.
Section 2. Definitions
Motor vehicle, as used in this section, means any vehicle which is self-propelled, including golf carts and all-terrain vehicles, but not including bicycles.
Section 3. Exceptions
This section shall not apply to any municipal employee, acting in his capacity as a Township employee, any agent of the New Jersey Department of Environmental Protection, the United States Army Corps of Engineers or any such state or federal agency, or any aquaculturist engaged in legal aquaculture activities as authorized by the New Jersey Department of Environmental Protection.
Section 4. Prior Written Approval

The prohibitions of this section shall not apply to any individual, organization, entity or otherwise who obtains prior written approval from the Township of Middle to utilize said access points for environmental, humanitarian or other such purposes.

Section 5. Penalties

Any individual, organization, or other such entity that shall be convicted of a violation of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to a fine of up to \$500.00 for a first offense and a fine of up to \$1,000.00 for each subsequent violation(s).

Section 6.

A copy of this Ordinance shall be placed on file with the Township Clerk.

Section 7.

Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in the Township of Middle and a newspaper of general circulation in Cape May County.

Section 8.

All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 9.

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 10.

This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

7. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) WHEREAS, Allan McClure retired with an effective date of March 1, 2020; 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:

Allan McClure
 Sick Hours: 469.00
 Comp Time Hours: 71.50
 Personal Hours: 24.00
 Vacation Hours 272.00
Total Hours: 836.50

\$32,522.98 (inclusive of payroll tax expense to the Township)

(B) WHEREAS, Fred Crawley retired with an effective date of March 1, 2020; 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:

Fred Crawley
 Sick Hours: 423.00
 Personal Hours: 23.00
 Vacation Hours 41.00
Total Hours: 487.00

\$16,332.20 (inclusive of payroll tax expense to the Township)

8. RESOLUTION - APPOINTMENTS – NEW HIRES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Elisabeth McClintock	Finance	Account Clerk	\$32,500.00	03/09/2020
Ashley Noel Davis	Tax Collection	Clerk 1	\$24,990.00	TBD

9. 2020 BUDGET PRESENTATION – LEON COSTELLO, FORD SCOTT & ASSOCIATES AND SUSAN QUINONES, CFO

10. 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 2020 Budget for the Township of Middle be introduced, approved and given first reading by title only.

11. RESOLUTION – ESTABLISHING A GREEN TEAM FOR SUSTAINABLE JERSEY PROGRAM – On motion by [blank] seconded by [blank] and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township Committee of the Township of Middle strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally, and socially; a community which would thrive well into the new century; and
 WHEREAS, the Township Committee of the Township of Middle wishes to build a model of government which benefits our residents now and far into the future with green community initiatives outlined in the Sustainable Jersey Program, which are easy to replicate and affordable to implement; and
 WHEREAS, in an attempt to focus attention on “Green” issues, the Township Committee wishes to establish a Green team; and
 WHEREAS, the Township Committee of the Township of Middle wants to begin the process of focusing on “Green” issues by starting with audits of municipality facilities and operations first; and
 WHEREAS, the following actions will be priorities for the Green Team as the Township moves to do their share to lessen the environmental impact of its operations: energy conservation; smart growth principals; protection of natural resources; smart growth principals of development; and community education.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that we do hereby establish a Green team consisting of all the members of the Middle Township Environmental Commission.
 BE IT FURTHER RESOLVED, by the Middle Township Governing Body, that we do hereby appoint the following persons to the Green team for 2020:
 Vilma Pombo, Chairman
 Rachel Shepherd
 Amanda DeVico
 Betsy Haskin
 Betsy Kohler
 Tarin Mason
 Josh Nemeth
 Vera Kalish
 Larissa Smith
 Dawn Stimmel, Secretary

12. RESOLUTION – RENEWAL – TOWING LICENSES – 2020– On motion by [blank] seconded by [blank] and passed on roll call, the following resolution was adopted.
 WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid accordingly.
 NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2020:

License #	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
1	Kindle Towing	1	XGLJ86	2018 Ford F-650 Flatbed	\$450.00	\$50.00
1	Kindle Towing	2	XBJP38	2012 Ford F-650 Flatbed		\$50.00
1	Kindle Towing	3	XFKJ46	2007 Ford F-550 Wrecker		\$50.00
10	Peterson’s Auto Towing	1	XY627P	2010 International 4300 Flatbed	\$450.00	\$50.00

13. RESOLUTION – APPROVE TRANSIENT MERCHANT VENDOR LICENSE – A&T ICE – On motion by [blank] seconded by [blank] 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 2, 2020 through December 31, 2020.

14. RESOLUTION – APPROVAL OF LIMOUSINE/TAXI CAB LICENSE – DAY SIPPER TOURS LLC – On motion by [blank] seconded by [blank] 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 2020:

License#	Vehicle #	Tradename	VIN Number	Taxi Make/ Model	Fee
L01-19	1-20	Day Sipper Tours LLC	1FBSS3BL2EDA47658	2014 Ford Econoline E350 SD Wagon	License Fee \$50.00

					Vehicle Fee: \$10.00
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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.

15. RESOLUTION - RATIFY LEASE AGREEMENT –CONCERNED CITIZENS OF WHITESBORO (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.

(A) NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the agreement between the Concerned Citizens of Whitesboro and the Township of Middle for usage of Block 1024 Lot(s) 9, 11, 14, 18 & 19, otherwise known as the “Whitesboro School” for a five year term effective May 1, 2019 through April 30, 2024, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

(B) BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Concerned Citizens of Whitesboro and the Township of Middle for use of premises located at the Martin Luther King Center for office space from which to operate certain programs that benefit the community, January 1, 2020 until December 31, 2020, be and is hereby ratified.

BE IT FURTHER RESOLVED that the appropriate Township Officials are hereby authorized to execute any documents necessary to carry out the purpose and intent of this Resolution.

16. RESOLUTION – AUTHORIZING WAIVER OF USAGE OF RECREATIONAL FACULTY FEE – MIDDLE TOWNSHIP BASEBALL SOFTBALL ASSOCIATION – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, Ordinance No. 1415-12 outlines the fees for the usage of various Recreational Facilities through the Township of Middle, and

WHEREAS, the Middle Township Baseball Softball Association will be holding a Color Fun Run on May 16, 2020; and

WHEREAS, the association directly benefits the youth of the Township of Middle; and

WHEREAS, said event will take place at the Davies Spots Complex.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the fee for the Middle Township Baseball Softball Association for the usage of the Davies Sports Complex be waived.

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

(A) WHEREAS, on January 6, 2020 Township Committee awarded DeMichele and DeMichele as Municipal Prosecutor, and said contract was certified for 2020 as Resolution No. 03-20, and

WHEREAS, Resolution 66-20 was approved on January 22, 2020 amending Resolution 02-20 to include Richard A. DeMichele, Jr.

WHEREAS, the Judicial Committee requires that one or more individuals from the offices of DeMichele and DeMichele be specifically named in the body of said Resolution, and

WHEREAS, said resolution shall be further amended to include Matthew Rooney & Lindsey Watson McCarthy in addition to Richard A. DeMichele Jr.

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. 66-20 shall be hereby amended.

(B) WHEREAS, on February 19, 2020 Township Committee authorized a request for proposals for banking services via Resolution 104-20; and

WHEREAS, there is a need to amend said resolution to modify the date for the receipt of proposals to reflect April 8, 2020 at 10:00 am in the Middle Township Municipal Building in the 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ.

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. 104-20 shall be hereby amended.

(C) WHEREAS, on February 19, 2020 Township Committee authorized the release of performance bond to Louis Altobelli via Resolution 110-20; and

WHEREAS, said Resolution inadvertently indicated the incorrect amount of bond to be released, therefore constituting an amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution No. 110-20 shall hereby be amended to release said bond in the amount of \$85,578.90.

18. RESOLUTION – AUTHORIZING GREEN CREEK 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 be made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and

WHEREAS, Green Creek 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 Green Creek 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 Green Creek Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and

WHEREAS, the County of County Cape May, via Resolution 87-20, has endorsed Greek Creek Fire Company's application to solicit contributions along the roadway of Bayshore Road, CR603; 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 Green Creek Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.

19. RESOLUTION - AWARD OF BID – SOLID WASTE, REFUSE, AND RECYCLES COLLECTION, HAULING AND DISPOSAL – 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 Solid Waste, Refuse and recycles collection, hauling and disposal; and

WHEREAS, sealed bids were received on February 20, 2020 at 10:00am; 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 Solid Waste, Refuse and recycles collection, hauling and disposal be and hereby is awarded to:

Gold Medal Environmental for a 5-year Contract

For an amount as follows:

Year 1 through 5 - \$982,826.00

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

20. RESOLUTION - CREATING A LIST OF QUALIFIED FIRMS TO CHOOSE FROM FOR NON-LEGAL SERVICES IN THE FUTURE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle advertised a request for qualifications ("RFQ") under the Fair and Open Process for Special Project Engineer to which it received multiple responses; and

WHEREAS, said qualifications were opened January 31, 2020; and

WHEREAS, the Township wishes to create a list of qualified firms from which it may choose to enter into a contract to provide professional services in the future, as needed; and

WHEREAS, the firms named below have provided responses which satisfy the minimum requirements as set forth in the RFQ;

WHEREAS, at the time the Township is prepared to enter into a contract, qualified firms shall comply with "Local Unit Pay-To-Play Law" (P.L. 2004, c.19 as amended by P.L. 2005, C. 51), and, where appropriate, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, the list of qualified firms is for a one (1) year period and the Township is not obligated to accept or pay for services. Prior to incurring services, the certification of available funds shall be made by the Chief Financial Officer as appropriate, attached to the file copy of the purchase order or other such document, pursuant to N.J.A.C. 5:34-4.9; and contract shall be released.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle does hereby create a list of qualified Special Project Engineers who may be called upon to provide engineering services as the need should arise as follows:

Environmental Resolutions Inc.

815 E Gate Dr #103, Mt Laurel, NJ 08054

Remington Vernick Engineers

4907 New Jersey Ave, Wildwood, NJ 08260

Maser Consulting

156 Stagecoach Road, Marmora, NJ 08223

Engineering Design Associates

5 Cambridge Dr, Ocean View, NJ 08230

Schaeffer Nassar Scheidegg Engineers

1425 Cantillion Blvd., Mays Landing, NJ 08330

DeBlasio & Associates

4701 New Jersey Avenue, Wildwood, NJ 08260

ARH Associates

215 Bellevue Avenue, PO Box 579, Hammonton, NJ 08037

21. PUBLIC COMMENT:

Motion to adjourn meeting –

1st:

2nd:

Pass on Roll Call: