

Cape May Court House, NJ
April 20, 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 virtual on Zoom Video Platform and through Facebook Live. 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. 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.)

NONE

2. RESOLUTION 168-20 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) –
On motion by Committeeman Gandy seconded Mayor Donohue 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. \$130,016.78
3. RESOLUTION 169-20 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Gandy seconded by Mayor Donohue 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: 04/06/2020 Regular Meeting.
4. REPORTS: Clerk for the month of March
5. ORDINANCE NO. 1608-20 – AN ORDINANCE TO REPEAL ORDINANCE NO. 1237-06, WHICH ENACTED CHAPTER 116 (“DEVELOPMENT FEES”), AND TO REPLACE THE SAME WITH A COMPLIANT DEVELOPMENT FEE ORDINANCE AND ENACT CHAPTER 116 (“DEVELOPMENT FEES”) IN THE CODE OF THE TOWNSHIP OF MIDDLE - Following second reading, hearing, and consideration for adoption, Ordinance 1608-20 was adopted on motion by seconded by and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
WHEREAS, the Township of Middle, in September of 2006, adopted Ordinance No.: 1237-06, which enacted Chapter 116 of the Code of the Township of Middle regarding Development Fees; and
WHEREAS, the Township Committee, having considered the enactment of N.J.S.A. 52:27D-329.1 as well as changes in the regulations and policies of the New Jersey Council on Affordable Housing regarding Residential and Non-Residential Development and the need for the Township to address the same.
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and the State of New Jersey as follows:
Section 1.
Ordinance No.: 1237-06, which enacted Chapter 116 of the Code of the Township of Middle, is hereby repealed and replaced by Chapter 116 entitled “Development Fees”, the provisions of which are fully incorporated herein as if set forth at length.
Section 2.
The various parts, sections and clauses of this Ordinance are hereby declared to be severable. 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 3.
Any Ordinance(s) or parts thereof in conflict with the provisions of this Ordinance are hereby repealed. This Ordinance shall supersede, in its entirety, any previously enacted and/or inconsistent Ordinance(s) regarding the same.
Section 4.
This Ordinance shall take effect upon final adoption and publication in accordance with the law.
Section 5.
A copy of this Ordinance shall be placed on file with the Township Clerk.
Section 6.
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 7.
This Ordinance shall become effective twenty (20) days after final passage and publication, according

Mayor Donohue:
- *Asked Marc Karavan to give background*
Marc Karavan:

- Gave background on the Township's standing with COAH
- Explained request to update development fee ordinance

Mayor Donohue:

- Briefly explained affordable housing requirements

Marc Karavan:

- Stated that there is a distinction between residential and commercial
- Spoke of specific fee differences in the ordinance

6. RESOLUTION 170-20 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeeman Gandy seconded by Mayor Donohue 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 discontinuation of temporary appointment listed

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Dean Yoffredo	Public Works	Laborer 1 P/T T/A	04/17/2020

below, is acknowledged.

7. RESOLUTION 171-20 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – BRINKERHOFF ENVIRONMENTAL SERVICES, INC. – ENVIRONMENTAL SERVICES FOR CHILD CARE LICENSING AT MLK CENTER – On motion by Committeeman Gandy seconded by Mayor Donohue 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 Agreement between Brinkerhoff Environmental Services, Inc. and the Township of Middle for Environmental Services for Child Care Licensing at the MLK Center, 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.

Brinkerhoff Environmental Services, Inc.
Environmental Services for Child Care Licensing at the MLK Center
Not to Exceed \$5,000.00

8. 2020 BUDGET PRESENTATION – LEON COSTELLO, FORD SCOTT & ASSOCIATES AND SUSAN QUINONES, CFO

Susan Quinones, Chief Financial Officer:

- Explained presentation for the budget was made available on website
- Discussed effect on budget to allow for zero increase
- Spoke of various areas to reduce cost in effort to save money
- Discussed increase in trash and recycle and pension liabilities
- Commented on salary and wages 1.82% increase to prior year
- Discussed current tax incomes
- Continued to discuss various incomes affecting the 2020 budget
- Spoke of various aspects and percentages within the budget

Leon Costello, Municipal Auditor:

- Explained effect of budget cap
- Spoke of relief from 5-year contract in future with waste and recycle

Mayor Donohue:

- Spoke of discussion with Leon about taking steps to stabilize and protect the Township fiscally going forward; asked Leon to discuss steps

Leon Costello, Municipal Auditor:

- Stated fiscal year is extended until September 30
- Explained effects this will have on the Township
- Discussed estimated tax bills
- Explained topic will have to be watched over the next few months
- Spoke of breaks in interest on tax bills

Mayor Donohue:

- Spoke of bond anticipation note

Leon Costello, Municipal Auditor:

- Explained what a bond anticipation note is and how it may help during the current pandemic

9. RESOLUTION 172-20 – SELF-EXAMINATION OF BUDGET – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and
WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and
WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.
NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.
- BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

10. PUBLIC HEARING – 2020 BUDGET

No Public Comment

11. RESOLUTION 173-20 – AMEND 2020 BUDGET – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. WHEREAS, the local municipal budget for the year 2020 was approved on the 2nd day of March, 2020, and WHEREAS, the public hearing on said budget has been held as advertised, and WHEREAS, it is desired to amend said approved budget, NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, that the following amendments to the approved budget of 2020 be made:

CURRENT FUND:				From	To	
ANTICIPATED REVENUES:						
1. Surplus Anticipated						
Total Surplus Anticipated			2,074,000.00	2,048,238.00		(25,762.00)
3. Miscellaneous Revenues - State Aid Without Offsetting Appropriations						
Section B: State Aid Without Offsetting Appropriations						
Garden State Trust			47,481.00	73,243.00		25,762.00
Total Section B: State Aid Without Offsetting Appropriations			3,567,224.00	3,592,986.00		25,762.00
3. Total Miscellaneous Revenues			6,698,626.43	6,724,388.43		25,762.00
7. Total General Revenues			<u>22,281,719.58</u>	<u>22,281,719.58</u>		0.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

Leon Costello, Municipal Auditor:

- *Explained when budget was introduced, state aid was not available*
- *Further explained this is an increase in state aid*

12. RESOLUTION 174-20 – ADOPT 2020 MUNICIPAL BUDGET – On motion by Committeeman Gandy seconded by Mayor Donohue 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2020 was introduced and approved at a regular meeting of the Township Committee held on March 2, 2020 and was thereafter advertised in the Herald-Times in its issue on March 11, 2020, which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing; and BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2020 was hereby read by title only, and also had public hearing on April 20, 2020; and FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2020; and FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2020 is hereby adopted.
13. RESOLUTION 175-20 - ESTABLISHING THE RATE OF INTEREST FOR DELINQUENT TAXES – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 54:4-67a permits the governing body by resolution to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent; and

WHEREAS, the statute fixes the rate of interest cannot exceed 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made; and
 WHEREAS, the Township of Middle adopted Resolution No. 27-20 setting the Rate of Interest for Delinquent Taxes rate of 8% per annum on the first \$1,500.00 of such delinquency and at the rate of 18% per annum on any amount in excess of the said first \$1,500.00; and
 WHEREAS, due to the COVID-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the governing body of the Township of Middle wishes to change the rate of interest for future delinquent tax payments for the 2nd quarter tax, which is due May 1st;
 NOW THEREFORE, BE IT RESOLVED, by the governing body of the Township of Middle in the County of Cape May that the rate of interest for taxes unpaid after May 10, 2020 is fixed at 0% for an additional 30 days; and
 BE IT FURTHER RESOLVED, that the rate of interest for taxes unpaid shall be calculated from date of the quarterly payment until the date of actual payment; and
 BE IT FURTHER RESOLVED, this Resolution shall be published in its entirety once in the official newspaper of the Township of Middle and a copy of this adopted Resolution forwarded to the Division of Local Government Services in the Department of Community Affairs
 BE IT FURTHER RESOLVED, effective June 10, 2020 the rate of interest for taxes unpaid after May 1, 2020 is fixed at 8% on the first \$1,500.00 of delinquency and 18% per annum on any amount of taxes in excess of \$1,500.00 effective June 10, 2020

Mayor Donohue:

- *Discussed municipality being unable to push back tax collection*
- *Spoke of the various entities the taxes are collected for*
- *Explained these taxes must be paid to the entities whether the Township collects them or not*
- *Spoke of purpose for the resolution*
- *Discussed reason for the 30-day interest free period*

14. RESOLUTION 176-20 – AUTHORIZING THE MUNICIPAL TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED PROPERTY TAX BILLS - On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, due to the Covid-19 health crisis facing the State of New Jersey, Governor Murphy issued a State of Emergency in Executive Order 103. As a result, the State’s fiscal year will be extended to September 30, 2020; and

WHEREAS, due to the State of Emergency, the Cape May County Board of Taxation will be unable to certify the tax rate and therefore, the Municipal Tax Collector will also be unable to mail tax bills on a timely basis; and

WHEREAS, the Municipal Tax Collector in consultation with the Municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted tax levies.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle as follows:

1. The Municipal Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the municipality for the third installment of 2020 taxes. The Tax collector shall proceed and take such actions as permitted by N.J.S.A. 54:4-66.2 and 54:4-66.3.
2. The estimated tax levy for 2020 is hereby set at \$52,759,093.15, this results in an estimated tax rate of \$1.82.
3. The Municipal Tax Collector must mail the estimated tax bills to property owners no later than June 30, 2020.
4. In accordance with N.J.S.A. 54:4-66.3, the third installment of 2020 taxes shall not be subject to interest until the later of; the grace period or the 25th, (twenty fifth) calendar day after the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date which interest may begin to accrue.

15. RESOLUTION 177-20 – APPOINTMENT – VOLUNTEER BOARDS – On motion by Committeeman Gandy seconded by Mayor Donohue 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
William Crowther	Member	Zoning Board	12/31/2021*
James Belles	Alt. Member #1	Zoning Board	12/31/2021*
Gary Farrow	Alt. Member #2	Zoning Board	12/31/2020*
Mark Saioni	Class IV Member	Planning Board	12/31/2020*

*filling unexpired term.

Mayor Donohue:

- *Explained reason for the appointment was due to the passing of Jim McLaughlin.*
- *Remembered Jim and stated how much he is missed*

16. PUBLIC COMMENT:

Patricia Bora:

- *Asked who she should talk to about getting a registration through the DMV*

Mayor Donohue:

- *Stated he could reach out to her on Facebook to contact numbers*
- *Further stated that Chief Leusner can contact her with a temporary tag*

Mark Logan:

- *Asked how much damage there was to Township roads, parks etc. by the windstorm the previous week*

Committeeman Gandy:

- *Explained they had not gotten any information regarding any excess damage*
- *Spoke of minor damages throughout the Township*

Mayor Donohue:

- *Spoke of substantial damages to areas outside of Middle Township; explained there was some damage that public works is handling cleanup for, but nothing substantial*

DIAS COMMENTS:

Vince Orlando, Engineer:

- *Discussed paving on Scallop Court*
- *Explained other work has stop at the Rio Grande Park due to the pandemic*
- *Commented on Jaden Road change order that was approved during a previous meeting; stated the project has been completed*

Committeeman Gandy:

- *Spoke of the opening of Dias Creek during the week*
- *Thanked construction and zoning on their hard work; Spoke of positive comments made towards construction and zoning*
- *Thanked teachers for all that they do*
- *Discussed public works "honey do list" i.e. helping clean up properties*
- *Further discussed the hard work being done by all Township employees; Explained effects of the pandemic on all employees*
- *Stated he takes his hat off to the sewer department; explained the hard work done to to maintain the sewer system*
- *Commented on 0% tax increase budget adopted; explained Committee will only raise taxes if dire*
- *Thanked Susan and her crew for their work on the budget*

Mayor Donohue:

- *State this is the second meeting in the zoom environment; further explained that unfortunately, the type of meeting would be continuing for a while*
- *Recognized all the people that make these meetings possible*
- *Spoke of effect of changing the day to day due to the pandemic*
- *Thanked various persons for their hard work during the pandemic*
- *Discussed the upcoming Friday's social distancing hour from 5 to 6 would be celebrating and honoring health care workers*
- *Further explained the recreation department will be having online trivia starting at 7*
- *Stated bike path and open spaces are still open for the public to enjoy at this time*
- *Discussed number of current COVID-19 cases and recovered cases within Middle Township*
- *Spoke of COVID-19 outbreak within Cape May County's nursing homes and the tragedy of the situation*
- *Continued to discuss COVID-19 numbers throughout South Jersey; explained the difference in numbers between counties surrounding New York and the four southernmost counties*
- *Spoke of trend in cases and how that will affect the reopening of the world*
- *Further explained that the discussion needs to start to begin planning for reopening in the future; stated that there is not an option to not reopen Cape May County for the summer*
- *Spoke of discussions between Mayors, Freeholders, business people and State Legislators in regards to reopening and getting people back to work; explained there was a conference call the following day with various County officials to start discussing plans for reopening*
- *Spoke of effects not having a summer could have on Cape May County*
- *Explained discussion of effects the pandemic is having on residents and businesses is ongoing; explained various entities trying to help*
- *Commented on various work continuing on the many projects within the Township such as Avalon Manor Fishing Pier and Rio Grande Park*

Motion to adjourn meeting – 6:46 pm

1st: Committeeman Gandy 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Gandy. Mayor Donohue

Minutes prepared by E. Bowman