

Cape May Court House, NJ  
 July 6, 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 virtually 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.*)
2. 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. \$3,488,042.94
3. 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: 06/15/2020 Regular Meeting.*
4. REPORTS: Clerk for the month of June
5. RESOLUTION - ACKNOWLEDGEMENT OF RETIREMENT – 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 retirement listed below is acknowledged.*

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Christopher Camp	Public Works	Assistant Public Works Superintendent	04/01/2021

6. RESOLUTION – ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.*

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
James Bellamy	Public Works	Laborer 1	04/27/2020

7. RESOLUTION – AUTHORIZE 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
Joshua Tozer	Public Safety	PS Telecommunications Operator P/T	PS Telecommunications Operator F/T	\$29,070.00	06/28/2020
Jessica Brady	Public Safety	Emergency Medical Technician P/T	Emergency Medical Technician F/T	\$26,000.00	07/01/2020

8. RESOLUTION – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – 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 discontinuation of temporary appointment listed below, is acknowledged.*

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Christopher Demtshuk	Public Works	Laborer 1 P/T T/A	06/27/2020

9. RESOLUTION – APPOINTMENT – NEW HIRE – 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
*Christian Demtshuk	Public Works	Laborer 1 P/T T/A 6 months	\$11.00 per hour	06/28/2020

*\*Due to COVID-19, the Civil Service Commission has granted special reappointment of TA Status*

10. RESOLUTION – RESCINDING RESOLUTION 180-20 – APPOINTMENT – NEW HIRE – 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, Resolution No. 180-20 is hereby rescinded.*

11. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and*

*WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and*

*WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance;” and*

*WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and*

*WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and*

*WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.*

*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.*

*FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.*

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Fleet National Bank	1 N Main Street	234//13	\$283.50
Spaulding, Heather L	2 Bucknell Ave.	420//1.01	\$363.12
Darby, Shirlene J	2210 Route 9 South	1065//2	\$350.47
Rourke, Elizabeth A	803 Goshen Road	52//15	\$388.42

12. 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.*

13. RESOLUTION – AUTHORIZING ACCELERATED TAX SALE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and*

*WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and*

*WHEREAS, the annual accelerated tax sale for the Township of Middle is scheduled to be held on December 16, 2020; and*

*WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and*

*WHEREAS, it is the desire of the Township of Middle to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with the said sale; and*

*WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; the first notice will be mailed November 18, 2020; the second notice will be mailed November 25, 2020; the first advertisement will be published in the Herald Newspaper on December 2, 2020 the second advertisement will be published in the Herald Newspaper on December 9, 2020; and*

*WHEREAS, ordinance number 1354.10 of the Township of Middle states the same, and*

*WHEREAS, N.J.S.A. 54-5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less than fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for*

each parcel sold; and all payments accepted will be by cashier's checks, certified checks or money orders and

WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Governing Body of the Township of Middle in the County of Cape May the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for the calendar year 2020 and any prior year delinquencies.

BE IT FURTHER RESOLVED, by the Municipal Governing Body of the Township of Middle, that in accordance with N.J.S.A. 54:5-26 the Tax Collector's office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty Five dollars (\$25.00) for each notice mailed; and

BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) dollars for each parcel.

14. RESOLUTION – CANCEL TAXES – 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 taxes are hereby cancelled due to tax exemption.

Account	Block	Lot	Owner/ Property location	Amount to Cancel
17560	420	3	Errickson, Logan M & Bethany A  Property location: 405 Millman Blvd.  100% Disabled Veteran as of 03/04/2020	\$1,941.37

15. RESOLUTION – REFUND OF TAXES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, A refund is due to the property owner below due to overpayment made on tax exempt property.

ACCT	BLOCK	LOT	OWNER/LOCATION	2020
17560	420	3	Errickson, Logan M & Bethany A  Property location: 405 Millman Blvd	\$1,073.09

Make check payable and mail to:

Errickson, Logan M & Bethany A

21 Oak Drive

Bridgeton, NJ 08302

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2020 taxes.

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

16. RESOLUTION – AMENDING FAIR AND OPEN CONTRACT – DEBLASIO & ASSOCIATES – AVALON MANOR FISHING PIER – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, on September 5, 2018 Township Committee awarded engineering design, bidding services and construction management for the Avalon Manor Fishing Pier to DeBlasio & Associates via Resolution 356-18; and

WHEREAS, said contract shall be amended for additional services pertaining to flag pole lighting services as well as services associated with making application to the Cape May County Open Space Board.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that DeBlasio & Associates shall provide the additional services mentioned above and said contract shall be amended as follows:

DeBlasio & Associates -

Not to Exceed an additional \$4,000.00

17. RESOLUTION – APPROVE CHANGE ORDER NO. 1 – AVALON MANOR FISHING PIER – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, the Avalon Manor Fishing Pier project was awarded on July 15, 2019, via Resolution No. 316-19 to Walter Marine Construction;

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 Walter Marine Construction, is hereby approved, and that the change order results in a decrease of \$20,982.18 to the original contract amount of \$788,000.00 for an amended contract amount of \$767,017.82.

18. RESOLUTION – INSERTION OF A SPECIAL ITEM OF REVENUE – FY 2020 CLEAN COMMUNITIES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount. NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2020 in the sum of:

FY2020 Clean Communities Grant \$51,623.16

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

FY2020 Clean Communities Grant \$51,623.16

19. RESOLUTION CANCELING EXPIRED GRANT BALANCES – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.

WHEREAS, the time period of certain grant awards has expired; and WHEREAS, there remain unspent balances in grant appropriations and uncollected proceeds in grant accounts receivable relating to these expired grant awards;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the balances of the grant appropriations and grant accounts receivable listed below are hereby canceled.

	<u>Accounts</u>	
	<u>Receivable</u>	<u>Appropriations</u>
Bulletproof Vest Assist 2013	\$ 300.00	\$ 0.00
Bulletproof Vest Pr Fund-2016 JAG	\$ 1,334.25	\$ 0.00
Cops in Shops – Summer 2017	\$ 1,200.00	\$ 0.00
Bike Path Middle/Lower Connector	\$122,034.50	\$122,034.50
FY 2017 Bulletproof Vest Partnership	\$ 1,392.30	\$ 0.00
FY 2019 Bulletproof Vest Partnership (duplicate)	\$ 2,730.00	\$ 2,730.00
JJDP MTPF Summer Expansion Program (2019)	\$ 333.30	\$ 0.00
Totals:	\$129,324.35	\$124,764.50

BE IT FURTHER RESOLVED that the Chief Financial Officer is instructed to make all appropriate entries to the financial books and accounts of the Township of Middle.

20. RESOLUTION – ADOPTING AMENDED TOWNSHIP OF MIDDLE PURCHASING MANUAL TO ESTABLISH THE PURCHASING POLICY AND PROCEDURES FOR THE TOWNSHIP OF MIDDLE – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted. WHEREAS, the Qualified Purchasing Agent has developed a Purchasing Manual to establish the purchasing policy and procedures for the Township of Middle, which was originally adopted via Resolution 488-15 November 2, 2015; and

WHEREAS, the adoption of such a Purchasing Manual will help to assure the Township’s purchasing policy and procedures are in compliance with Local Public Contract Law (N.J.S.A. 40A:11 et. seq.); and WHEREAS, there is a need to amend said manual to include various updates.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the amended Purchasing Manual hereby be adopted.

FURTHER BE IT RESOLVED, that said manual be distributed to all Department Heads with a directive that the policy and procedures contained therein are to be followed for all purchases of and/or for the Township of Middle.

21. RESOLUTION – AWARD OF BID – ATLANTIC PACIFIC DRAINAGE – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the Atlantic Pacific Drainage improvement project;

WHEREAS, sealed bids were received on June 25, 2020; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete 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 Atlantic Pacific drainage improvement project.

Perna Finnigan, Inc.  
Atlantic Pacific Drainage  
Not to Exceed \$174,799.30

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

22. RESOLUTION – 2020-2021 HOTEL/MOTEL LICENSE APPROVAL – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.
- WHEREAS, the Township of Middle has established a Hotel/Motel License in connection with Ordinance No. 1157-04; and
- WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee; and
- WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1<sup>st</sup> of July in each calendar year; and
- WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property and sewer tax. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent; and
- WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00; and
- WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle; and
- WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities; and
- NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2020-2021:

LIC. #	APPLICANT	TRADE NAME	LOCATION	SITES
1	Avani, LLC	Catalina Motel	1200 Georgia Avenue	11 + Manager Apt.
7	Priyavadan Patel	Prime Inn	1031 Route 47 South	16 + House
8	Shree Khodiar, LLC	Simpson Motel	1507 Route 47 South	19 + House
11	38 East Mechanic Street, LLC	Hyland Motor Inn	38 East Mechanic Street	34 + Manager Apt.
14	Robert & Ruth Worth T/A Marlee	Marlee Motel	1003 Route 47 South	13 + House
19	Sureshbhai M. Patel	Shelton Motel	1410 Route 47 South	22
22	Whispering Woods, Inc.	Whispering Woods	535 Route 47 South	28
25	Avani, LLC	Wildwood Park Motel	405 North Wildwood Road	13

23. RESOLUTION - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (ITEMS A THROUGH C) – 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 and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.
- BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2021- Linden Lane - Phase II - 00686 to the New Jersey Department of Transportation on behalf of the Township of Middle.
- BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
- (B) 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 Governing Body of the Township of Middle formally approves the grant application for the above stated project.
- BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2021- Walsh Avenue - 00687 to the New Jersey Department of Transportation on behalf of the Township of Middle.
- BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.
- (C) 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 Governing Body of the Township of Middle formally approves the grant application for the above stated project.
- BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as SST-2021- South 4<sup>th</sup> Street - 00060 to the New Jersey Department of Transportation on behalf of the Township of Middle.
- BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

24. PUBLIC COMMENT:

Motion to adjourn meeting –

1<sup>st</sup>:

2<sup>nd</sup>:

Pass on Roll Call: