

**Cape May Court House, New Jersey
TOWNSHIP OF MIDDLE
TOWNSHIP COMMITTEE
WORK SESSION AGENDA
January 19, 2022 4:00 PM (prevailing time)**

CALL TO ORDER:

Mayor's Announcement: 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).

Notice of this meeting was properly given in Resolution No. 37-22 entitled "Establishing Work Session Meeting Nights" which was adopted by Township Committee of the Township of Middle on January 4, 2022.

Members present are Deputy Mayor Gandy and Committeemember Norris

Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley, Township Engineer Vincent Orlando & Municipal Solicitor Marcus Karavan

**Mayor Donohue and Deputy Business Administrator Suzanne Schumann were absent*

FLAG SALUTE:**PRESENTATIONS OR DISCUSSIONS:**

Amendment to Chapter 129,
Dumpsters and Refuse Containers

Kimberly Osmundsen:

- *Stated David May, Zoning Officer, provided Committee with a synopsis of proposed changes to chapters 129; discussed the code and explained there is a section pertaining to dumpsters that the Zoning Department would like to change*

David May, Zoning Officer:

- *Discussed outline provided to Committee of changes made to Chapter 129; asked if Township Committee will be considering dumpsters on streets in the right of way if the owner takes care of them*

Vince Orlando:

- *Further discussed dumpster placement issues; discussed damage done to road and previous use of dumpster pads*

Committeeman Gandy:

- *Explained many areas don't require a dumpster pad or cover*

Kimberly Osmundsen:

- *Asked David if he ever reviewed other towns dumpster's ordinances for comparison*

David May, Zoning Officer:

- *Explained that is how they determine most of the suggested changes*

Kimberly Osmundsen:

- *Asked if our ordinance speaks to netting on the dumpster*

David May, Zoning Officer:

- *Stated there is language speaking to covering the dumpster*

Marc Karavan:

- *Asked if the dumpsters are required to be covered if they are on private property*

David May, Zoning Officer:

- *Stated yes; Asked if PODs would fall under the same ordinance*

Committeeman Gandy:

- *Reiterated he was wondering if PODs would be restricted under this ordinance as well*

Vince Orlando:

- *State he recommended adding PODs to the ordinance*

Kimberly Osmundsen:

- *Stated she believed there was a section already speaking to PODs on residential properties; ask would David if he would want to regulate dumpsters on private property as well*

David May, Zoning Officer:

- *Stated yes, they still would want to see where the owners are placing the dumpsters on private property*

Kimberly Osmundsen:

- *Clarified that that private property owners would still be required to obtain a permit but not necessarily pay the fee*

David May, Zoning Officer:

- *Stated yes, they do not need to collect the fee from private homeowners but still want to know where they are placing the dumpster*

Committeeman Gandy:

- *Asked then do they want a permit for every dumpster placed*

David May, Zoning Officer:

- *Explained not a permit necessarily but at least provide a survey*

Vince Orlando:

- *Stated he agrees the owners should have to apply for a permit*

Committeeman Gandy:

- *Discussed negatives of requiring permits for dumpsters; asked if this ordinance will extend to dumpster businesses; discussed various dumpsters placed around the township currently*

David May, Zoning Officer:

- Stated they are looking more towards the issues where they have begun placing the dumpsters on the street

Committeeman Gandy:

- Discussed various aspects of different parts of towns and how dumpsters in the streets effect residents in the area

David May, Zoning Officer:

- Spoke of various areas he is currently facing issues with dumpsters in the road

Committeeman Gandy:

- Continued to discussed issues of dumpsters on the road but some people's inability to find locations for dumpsters off the road

David May, Zoning Officer:

- Stated he couldn't say the last time he saw a dumpster with blocks or pads underneath

David May/Kimberly Osmundsen:

- Discussed effects of dumpsters on newly paved streets

Kimberly Osmundsen:

- Asked about yellow sections highlighted on the proposed ordinance

Andrea Singley:

- Suggested repealing and replacing the entire ordinance

Kimberly Osmundsen:

- Agreed

Committeeman Norris:

- Asked what happens when someone is doing work in a private development would they be able to put a dumpster on the street in front of the house

Committeeman Gandy:

- Not allowed under this ordinance, would require a permit and a \$150 fee for the first 30 days

Chief Leusner:

- Agrees with requiring a permit for the street placement but not with requiring a permit for private residents placing dumpsters on their property

David May, Zoning Officer:

- Explained he was making the suggestion so they could maintain where the dumpsters are being placed

Committeeman Gandy:

- Discussed costs associated with dumpsters

Committeeman Norris:

- Stated unfortunately additional prices will fall on the people getting the work done

David May, Zoning Officer:

- Stated he is okay with leaving the private property without requiring permits

Committeeman Gandy:

- Stated the dumpsters should not be placed in the right away for extended periods of time unless they have a special permit: agrees there should be a permit for placement of a street to help regulate but stated he does not want to set further regulations for private properties

Committeeman Norris:

- Stated he does like the idea of a limit time permit

Committeeman Gandy:

- Explained the contractor will not want to incur the extra fee to be able to place the dumpster on the street

David May, Zoning Officer:

- Explained if it is a new house construction the dumpster will be placed for more than 30 days

Committeeman Gandy:

- Asked if there will be a contingent of the first pace versus the final pave

Vince Orlando:

- Stated he thinks the fee should be \$150 for on street placement and limit to not exceed 6 months

Kimberly Osmundsen:

- Asked who will determine if a dumpster is able to be placed on the street

Vince Orlando:

- Stated the Zoning Department

Kimberly Osmundsen:

- Asked if they will clearly specify the dimensions of the road requirement to place the dumpster in the ordinance

Committeeman Gandy:

- Stated it will need to be clearly articulated in the ordinance

Committeeman Norris:

- Asked if most dumpsters already have the reflective stickers on them

David May, Zoning Officer:

- Stated not all dumpsters

Committeeman Gandy:

- Explained it would be on the dumpster company to have the proper reflective stickers on the dumpster; explained technically it is a requirement from the NJDOT

Kimberly Osmundsen:

- Asked David to work with Vince to ensure the required dimensions of a roadway required for a dumpster are in the ordinance

David May, Zoning Officer:

- Stated a tarp should also be require

Committeeman Gandy:

- Further stated many trucks have the partial cover on them to cover the dumpsters

Vince Orlando:

- Asked who will be responsible for replacing the road if damaged

David May, Zoning Officer:

- Suggested the home owner
- Committeeman Gandy:
- Suggested whoever pulls the permit
- Kimberly Osmundsen:
- Asked how the is going to be recouped, will they be required to post a bond?
- Committeeman Gandy:
- Suggested that it is like a fine
- Kimberly Osmundsen:
- Discussed downfalls of requiring them to incur cost to repair the road
- Marc Karavan:
- Wondered if there is a way they can handle as to build it into the structure and collect it as we do with municipal liens
- David May, Zoning Officer:
- It states currently under the damage to street that the homeowner is responsible
- Kimberly Osmundsen:
- Asked should the road be inspected by someone before the dumpster is placed
- Committeeman Gandy:
- Asked what is required for the dumpster to be set on
- Vince Orlando:
- Stated the problem overall is if the road is damaged how does the Township get the money
- Committeeman Gandy:
- Suggested adding language to the ordinance the require what is to be place under the dumpster
- Kimberly Osmundsen:
- Asked Marc to look into it
- Marc Karavan:
- Stated he will; suggested putting the cost in a lien
- Kimberly Osmundsen:
- Stated if lien isn't paid than the property goes to tax sale
- Marc Karavan:
- Stated he will look into how to place the cost into a lien
- Chief Leusner:
- Asked about when a company pulls the permit and not the home owner
- Kimberly Osmundsen:
- Further asked what next steps are taken if the company pulls the permit as she can't lien the home owners if they do not pull the permit
- Kimberly Osmundsen:
- Used street opening permit as an example for when a company opens a permit and the requirement for them to provide bond they provide
- Marc Karavan:
- Discussed difficulty when the homeowner is putting trust in a company who then damages the road and the homeowner is then the one liable for the damage
- Kimberly Osmundsen:
- Asked what the alternative is
- Vince Orlando:
- Stated then the contractor is on the hook and they have to post a bond
- Kimberly Osmundsen:
- Suggested the companies being able to have a rotating bond
- Vince Orlando:
- Stated the bond would only be required when the dumpster is on the street
- Kimberly Osmundsen:
- Asked about how many dumpsters permits they currently do or do they not do them now
- David May, Zoning Officer:
- Explained the only current regulations is for new construction and that requires a dumpster on the property
- Kimberly Osmundsen:
- Asked about area behind Shoprite where there are trash dumpsters; would they fall under this ordinance?
- David May, Zoning Officer:
- Explained they are approved on the site plan
- Kimberly Osmundsen:
- Asked how they are regulated
- Vince Orlando:
- Clarified they should be regulated by the Zoning Office because that is what was presented on their site plan when approved
- Marc Karavan:
- Asked David if he knows how the Avalon ordinance treats damage to the street
- David May, Zoning Officer:
- Stated he could look into and could send it to him
- Kimberly Osmundsen:
- Asked David to look into the various ordinances he has collected from other municipalities to see how they handle damage to streets done by dumpsters
- David May, Zoning Officer:
- Explained the original ordinance was done in 2008
- Kimberly Osmundsen:
- Asked that he review the ordinance and provide a refined version
- Vince Orlando:
- Asked who should get the permit, the home owner or the dumpster company

David May, Zoning Officer:

- *Stated currently the home owners obtains the permit as written now*

Committeeman Gandy:

- *Asked if they can require the dumpster companies to pad their own equipment and put it in the ordinance that the companies are responsible*

Marc Karavan:

- *Stated if it is put in the ordinance than the companies have to follow it*

Committeeman Gandy:

- *Unsure how it is enforceable*

Kimberly Osmundsen:

- *Explained the requirements will be given when they come in to pull the permit*

Committeeman Gandy:

- *Asked what if the homeowner pulls the permit than how would the dumpster company know of the requirement*

David May, Zoning Officer:

- *Stated he can add it to the zoning permit check list*

Vince Orlando:

- *Stated they can advise the homeowners that whoever pulls the permit must place a \$5,000 bond if they place the dumpster in the street, i.e. the contractor, homeowners or dumpster company*
- *Explained they have to determine a fair price that will cover any damage done to the road*

Kimberly Osmundsen:

- *Asked what if someone were to give the Township a certificate of liability insurance to cover the township*

Marc Karavan:

- *Discussed what the next steps would be*

Kimberly Osmundsen:

- *Asked how hard it would be for the homeowner to obtain that type of insurance*

Committeeman Norris:

- *Asked why the requirement can not just be put on the contractor*

Vince Orlando:

- *Stated it could be*

Committeeman Gandy:

- *Stated difficulty of homeowners being able to post a \$5,000 bond*

Vince Orlando:

- *Explained there will be 3 different people who could post the bond depending on the contractor, the homeowner, contractor or dumpster company; or homes owner could pull permit but go to the dumpster company to require the bond; explained in long run all dumpster companies with work the cost into their prices*

David May, Zoning Officer:

- *Asked about posting the certificate of insurance*

Committeeman Gandy:

- *Stated he does not see this being an issue for new building construction but for homeowners that are doing things such as moving or cleaning out a home*

Marc Karavan:

- *Explained costs of the bond will not be the amount of the bond posted*

Committeeman Gandy:

- *Continued to discuss who these costs could affect negatively*

Vince Orlando:

- *Stated the Township should send the new ordinance to the dumpster companies to advise them of the new laws*
- *Asked if they could require that only dumpster companies can post a bond*

Kimberly Osmundsen:

- *Stated technically it is the dumpster companies' property; further explained that yes, they should be able to require that the dumpster companies be required to pull the permit before placing the dumpster on the street*

David May, Zoning Officer:

- *Discussed incident if a dumpster company starts backing up over the curbing and sidewalk and damages them*

Committeeman Gandy:

- *Stated he does not want to impose additional fees on small businesses but believes this will help ensure there is extra care when placing the dumpsters*

Vince Orlando:

- *Continued to discuss proposal to require the dumpster companies to pull the permit; further stated that it should be required to have a no fee permit on private properties for situations that the company could possibly damage the sidewalk or curb*
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Kimberly Osmundsen:

- *Asked David to place the stipulations requiring dumpster companies to acquire the permits in the ordinance*

Vince Orlando:

- *Stated that if dumpster companies are going to do business within the Township than they have to require a permit*

Committeeman Gandy:

- *Stated to look further into Stone Harbor and Avalon's ordinance to see if they require that it be the company that pulls the permit*

Marc Karavan:

- *Stated he would like to look further into it but feels that if they are doing business in the Township than we can set parameters on what it is required*

DEPARTMENTAL REPORTS AND PROJECT UPDATES:

Administration:

Finance:

Public Works:

Engineering:

Legal:

Tax Collection:

Tax Assessment:

Construction/Planning/Zoning:

Recreation:

Police / Animal Control/ Code Enforcement:

Buildings and Grounds:

Sewer:

Economic Development:

Personnel:

Zoning:

Township Clerk:

PUBLIC COMMENT:

Motion to Adjourn Meeting – 4:45pm

1st: Committeeman Gandy

2nd: Committeeman Norris

Roll Call Vote: Committeeman Gandy, Committeeman Norris, Mayor Donohue

Kimberly D. Osmundsen, Township Clerk

Minutes prepared by E.Bowman