

4.2 Said Ordinance shall be and is hereby further amended to reflect that the Township intends to file said Ordinance with the Clerk of the County of Cape May as opposed to issuing an individual deed to the landowner(s). Accordingly, no deed shall issue.

SECTION 5 Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6 Should any section, paragraph, sentence or 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 7: This Ordinance shall become effective immediately upon final passage and publication, according to law.

7. ORDINANCE NO. 1642-22 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 418, LOT 10 IN THE TOWNSHIP OF MIDDLE - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1642-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/04/2022 at 6:00 p.m.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 418, Lot 10 (the "Subject Property") in the Del Haven Section of the Township that qualifies for such a land sale; and

WHEREAS, the Township has received a "Request Sheet for Sale of Township Owned Real Estate" submitted by James A Norris IV, the owner of a property contiguous to the Subject Property

WHEREAS, there are, in total, three (3) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

<i>Block 418 Lot 9</i>	-	<i>James A Norris IV 113 S 10th Street Del Haven, NJ 08251</i>
<i>Block 418, Lot 1</i>	-	<i>Olatunji Olaniyan & Ebulomo Alao 112 S 9th Street Del Haven, NJ 08251</i>
<i>Block 417, Lot 1</i>	-	<i>Charles W & Michelle L Weiss Jr. 902 Bay Shore Road Del Haven, NJ 08251</i>

WHEREAS, the three (3) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the three of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of Block 418 Lot 10 is \$7,000.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$7,000.00, which the Township therefore makes the minimum bid; and

WHEREAS, the Township has determined that the property divested shall be the subject of a deed of consolidation together with the real property owned by the contiguous high bidder in order to eliminate an undersized lot that does not meet minimum development standards; and

WHEREAS, said deed of consolidation must be filed with the County Clerk within sixty (60) days of the private auction; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township may conduct a private auction to sell the Subject Property owned by the Township to contiguous owners of the same.

SECTION 1.

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 418, Lot 10 to the highest bidder of an open (private) auction to be held on April 20, 2022 at 10:00am. in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those three owners of property contiguous to that portion of Block 418, Lot 10 which is offered for sale shall participate; and

2. The minimum bid shall be \$7,000.00; and

3. The auction shall be conducted by the Township Chief Financial Officer, David Elliott; and

4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and

5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit B; and

6. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and

8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. 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 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

8. 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
Paul Crowding	Cable TV Advisory Board	Member	01/01/2022
Jennifer Teasenfitz	Public Safety – Emergency Medical Services	Emergency Medical Technician	03/15/2022

9. RESOLUTION – ACKNOWLEDGMENT OF DISCONTINUATION OF UA 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 UA Appointment listed below, is acknowledged.

NAME	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Joshua Tozer	Public Safety	Special Class I Police Officer	02/25/2022

10. 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
Tyler Maikisch	Sewer	Laborer 1 P/T	Laborer 1 F/T	\$35,000.00	03/07/2022
Luke Smearman	Public Works	Laborer 1 F/T T/A	Laborer 1 P/T Permanent	\$15.00 per hour	02/23/2022
Robert Luzny	Public Works	Laborer 1 F/T T/A	Laborer 1 P/T Permanent	\$15.00 per hour	02/23/2022
Kellie Wood	Recreation	Recreation Aide P/T	Recreation Aide F/T	\$30,000.00	03/14/2022
Kevin Robson	Public Works	Laborer 1 F/T TA	Laborer 1 F/T Permanent	\$35,000.00	03/03/2022

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

(A) WHEREAS, David May retired with an effective date of March 1, 2022; 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:

David May
Personal Hours: 3.50
Sick Hours: 973.00
Vacation Hours: 203.00
\$18,636.48

(B) WHEREAS, Paul Mahan retired with an effective date of March 1, 2022; 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:

Paul Mahan
Vacation Hours: 2.00
\$40.32

(C) WHEREAS, the Township of Middle entered into a Shared Services agreement with the County of Cape May for Central Dispatch Services; and WHEREAS, per said agreement and the Township of Middle policy manual, the below Middle Township Public Safety Telecommunications operators are to be compensated for accumulated vacation, compensation and personal time; 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 below employees in the amounts referenced:

EMPLOYEE NAME	COMPENSATION TIME HOURS	HOLIDAY HOURS	PERSONAL HOURS	VACATION HOURS	TOTAL
Kaitlin Bowman	7.00	85.00	30.00	63.90	\$2,703.06
Wayne Bryant	0.25	72.00	6.00	25.20	\$1,504.22
Lauren Cajigas	6.00	24.25	7.00	10.20	\$750.46
Paul Fritsch	0.00	48.00	3.00	45.90	\$1,408.98
Samantha Grassi	36.00	36.00	6.00	23.90	\$1,481.67
Dustin Kelly	462.75	142.00	6.00	84.20	\$11,193.34
Joshua Tozer	50.38	104.00	6.00	45.20	\$2,989.25
Abdiel Nieves	114.75	0.00	0.00	0.00	\$2,065.50

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.
**Attachments available for viewing in the Clerk’s Office*
13. RESOLUTION – APPROVE CHANGE ORDER NO.1 – PUMP STATION IMPROVEMENTS – PHASE I – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, a Contract was awarded, on April 19, 2021, via Resolution No. 167-21 to MBE Mark III Electric for Phase I of Pump Station Improvements.
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 MBE Mark III Electric for Phase I of Pump Station Improvements is hereby approved, and that the change order results in an extension of contract until September 30, 2022.
14. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – REDEVELOPMENT COUNSEL SERVICES – MALEY GIVENS, COUNSELLORS AT LAW – AREA IN NEED OF REDEVELOPMENT REVIEW – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has a need to enter into an agreement with Maley Givens, Counsellors at Law to provide redevelopment counsel services for review of an area in need of development as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and
WHEREAS, the Township of Middle will be entering into an agreement with Maley Givens, Counsellors at Law where the total amount is \$50,000.00, which exceeds the non-fair and open limitation of \$17,500.00; and
WHEREAS, Maley Givens, Counsellors at Law has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Maley Givens, Counsellors at Law from making any reportable contributions through the term of the contract; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor for a term of 12-months, and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.
BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

15. 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 14, 2022; 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 16, 2022; the second notice will be mailed November 23, 2022; the first advertisement will be published in the Herald Newspaper on November 30, 2022, the second advertisement will be published in the Herald Newspaper on December 7, 2022; 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 2022 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.

16. RESOLUTION – CANCELLATION OF 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 cancellation is due to property tax exemption for 2022:

<i>Account</i>	<i>Block</i>	<i>Lot</i>	<i>Owner/location</i>	<i>2022</i>
<i>1802</i>	<i>63</i>	<i>1</i>	<i>Palmer, Ty G</i> <i>Property location: 4 Leslie Ave</i>	<i>\$1,196.24</i>
<i>6233</i>	<i>397</i>	<i>24</i>	<i>Dalicandro, William</i> <i>Property location: 5 N 11th St</i> <i>100% Disabled Veteran Status as of December 17, 2021</i>	<i>\$1,574.40</i>

17. 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 below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
1802	63	1	Palmer, Ty G 4 Leslie Ave Cape May Court House, NJ 08210 <i>Property location: 4 Leslie Ave</i>	\$438.08
6233	397	24	Dalicandro, William 5 N 11 th ST Del Haven, NJ 08251 <i>Property location: 5 N 11th St</i>	\$787.20

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 2022 taxes

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

18. RESOLUTION – SUPPORT SPEED REDUCTION – STONE HARBOR BOULEVARD – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, in connection with roadway improvements to Stone Harbor Boulevard, the County of Cape May Engineering Department has conducted a Roadway Safety Study through a traffic consultant to investigate additional measures that can be implemented to increase roadway safety; and

WHEREAS, as a result of said study, a speed reduction to 35 miles per hour has been recommended.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support a speed reduction to 35 miles per hour along Stone Harbor Boulevard from US Route 9 to the 96th Street Bridge.

19. RESOLUTION – AUTHORIZING MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – 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 and State of New Jersey that the mortgage loan for TJ Mainstreet LLC for the property located at 2 South Main Street, Cape May Court House, New Jersey 08210, in the amount of \$83,298.81 is hereby authorized to be discharged.

FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

20. RESOLUTION – CLOSED SESSION – POTENTIAL LITIGATION (RECREATION COMPLEX UPGRADES AND LEASE AGREEMENTS) – 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:

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

POTENTIAL LITIGATION (RECREATION COMPLEX UPGRADES AND LEASE AGREEMENTS)

2.) The general nature of the subject matter to be discussed is as follows:

POTENTIAL LITIGATION (RECREATION COMPLEX UPGRADES AND LEASE AGREEMENTS)

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

21. ENGINEERING REPORT:

22. PUBLIC COMMENT:

Motion to enter closed session –

1st: 2nd:

Pass on Roll Call:

Motion to re-enter open session –

1st: 2nd:

Pass on Roll Call:

Motion to adjourn meeting –

1st: 2nd:

Pass on Roll Call: