

Cape May Court House, NJ  
 November 1, 2021  
 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 Osmundsen, Deputy Business Administrator Suzanne Schumann, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PROCLAMATION – MIDDLE TOWNSHIP SCHOOL CHOICE WEEK – JANUARY 23-29, 2022

*Mayor Donohue:*  
 - *Read proclamation into record*

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.)

*Stan Doniger, Rio Grande:*  
 - *Asked about bill list item regarding radar unit in a supervisor's police vehicle; asked purpose of the radar in the supervisor cars*  
*Captain Robert Shepherd:*  
 - *Explained supervisors also drive around during their shifts and have ability to detect speeding; further explained the one unit is used between four different cars*

*Stan Doniger, Rio Grande:*  
 - *Asked about settlement on the agenda*

*Kimberly Osmundsen:*  
 - *Explained the settlement is for a personal issue and cannot further discuss the situation*

*Mayor Donohue:*  
 - *Explained agreement is between an employee and the Township; further explained there is no monetary compensation*

*Stan Doniger, Rio Grande:*  
 - *Asked if it is standard to withhold the name*

*Kimberly Osmundsen:*  
 - *Explained the name is in the body of the public agenda*

3. RESOLUTION 440-21 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris 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. \$6,152,846.14

4. RESOLUTION 441-21 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris 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: 7/19/2021 Board of Health Meeting & 10/18/2021 Work Session, Board of Health & Regular Meetings.

5. REPORTS: NONE

6. RESOLUTION 442-21 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris 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	POSITION	EFFECTIVE
Thomas Panelas	Police Officer	10/22/2021
Kyle Matthews	Special Class II Police Officer	10/28/2021

7. RESOLUTION 443-21 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by Committeeman Gandy seconded by Committeeman Norris 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
Curtis Harvey	Public Works	Laborer 1 P/T	Laborer 1 F/T	\$27,500.00	10/20/2021
Joseph Dramis	Public Works	Laborer 1 F/T T/A (6 months)	Laborer 1 F/T Permanent	\$15.00 per hour	11/01/2021

8. RESOLUTION 444-21 THROUGH 445-21 – APPOINTMENTS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris 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 following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
William Murphy	Recreation	Recreation Aid P/T	\$15.00 per hour	10/25/2021
David Elliott	Finance	Assistant CFO	\$75,000.00	11/15/2021
Paul Bergman	Public Works	Laborer 1 F/T T/a 6 months	\$15.00 per hour	10/27/2021
Jayden Matthews	Public Safety – Police	Special Class II Police Officer	\$15.00 per hour	12/11/2021

(B) WHEREAS, the Township of Middle, County of Cape May is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as the FUND; and WHEREAS, the FUND requires that in the manner generally prescribed by law, each member shall appoint a Safety Coordinator to chair the Member Safety Committee, coordinate and oversee the Member safety efforts, and act as a liaison between the municipality, the JIF Safety Director, and other outside agencies.

WHEREAS, the Township Committee of the Township of Middle recommends the appointment of Mark Higginbottom to serve as Safety Coordinator in accordance with the FUND requirements.

NOW, THEREFORE, BE IT RESOLVED by the of that it does hereby appoint Mark Higginbottom as Municipal Safety Coordinator\*.

\*filling unexpired term

9. RESOLUTION 446-21 – APPROVE LEAVE OF ABSENCE – On motion by Committeeman Gandy seconded by Committeeman Norris 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 Leave of Absence without pay for Molly VanTrieste, from December 9, 2021 through February 28, 2022 is hereby approved.

10. RESOLUTION 447-21 – AUTHORIZING THE EXECUTION OF AGREEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the settlement agreement and general release, as reviewed and approved by counsel, between Jeffrey Salvesen and the Township of Middle.

11. RESOLUTION 448-21 THROUGH 450-21 – CONFIRMATION OF LAND SALE (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the Township Committee of the Township of Middle, by proper resolution, directed that a public sale be held at the meeting room, 33 Mechanic Street, Cape May Court House, New Jersey, and that certain lands and premises owned by, and situated within, the Township of Middle, County of Cape May, State of New Jersey, be sold as follows:

Resolution No. 344-20 Adopted: September 21, 2020 Sale Date: October 28, 2020 at 10:00 am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as follows:

Block 356.01 Lot 30.01 1144 Golf Club Road  
Block 356.01 Lot 30.02 1146 Golf Club Road

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows: Shore Club, LLC – 1170 Golf Club Road, Cape May Court House, New Jersey 08210

NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above consideration, be and is hereby confirmed, and the Mayor and Clerk of the Township of Middle are hereby authorized and directed to convey said premises as directed by said highest bidder, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

(B) WHEREAS, the Township Committee of the Township of Middle, by proper resolution, directed that a public sale be held at the meeting room, 33 Mechanic Street, Cape May Court House, New Jersey,

and that certain lands and premises owned by, and situated within, the Township of Middle, County of Cape May, State of New Jersey, be sold as follows:

Resolution No. 344-20 Adopted: September 21, 2020 Sale Date: October 28, 2020 at 10:00 am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as follows:

Block 1048, Lot 4, 5 East Anna Street  
Block 1052 Lot 4 205 Cochran Street  
Block 954 Lot 1 501 S. George Street

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows: Louis M. Bocchicchio and Patrick Bocchicchio, 107 E. Maple Avenue, Wildwood, New Jersey 08260 NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above consideration, be and is hereby confirmed, and the Mayor and Clerk of the Township of Middle are hereby authorized and directed to convey said premises as directed by said highest bidder, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

(C) WHEREAS, the Township Committee of the Township of Middle, by proper resolution, directed that a public sale be held at the meeting room, 33 Mechanic Street, Cape May Court House, New Jersey, and that certain lands and premises owned by, and situated within, the Township of Middle, County of Cape May, State of New Jersey, be sold as follows:

Resolution No. 344-20 Adopted: September 21, 2020 Sale Date: October 28, 2020 at 10:00 am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as follows:

Block 1047 Lot 9 Matthews Street

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows: Louis H. Altobelli 25 Solar Way, Cape May Court House, New Jersey, 08210 NOW THEREFORE BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above consideration, be and is hereby confirmed, and the Mayor and Clerk of the Township of Middle are hereby authorized and directed to convey said premises as directed by said highest bidder, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

12. RESOLUTION 451-21 – INSERTION SPECIAL ITEM OF REVENUE – FY2021 PATRICK LEAHY (BVP) BULLETPROOF VEST PARTNERSHIP – On motion by Committeeman Gandy seconded by Committeeman Norris 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 2021 in the sum of:

FY2021 BVP-Bulletproof Vest Partnership \$5,070.00

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

FY2021 BVP-Bulletproof Vest Partnership \$5,070.00

13. RESOLUTION 452-21 – APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL – SAFE AND SECURE COMMUNITIES GRANT PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to apply for funding of approximately \$32,400.00 with a match of \$238,321.70 for an approximate project total cost of \$270,721.70 for a project under the State of New Jersey Safe & Secure Communities Grant Program; and

WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety, Office of the Attorney General and the Township of Middle for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:

1. As a matter of public policy, the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Office of the Attorney General;
2. The Attorney General of New Jersey will receive funds on behalf of the applicant;
3. The Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds; and
4. The Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to the applicant as authorized by law.

BE IT FURTHER RESOLVED, that the subaward number for said project is 22-0506 for a subaward period of 09/02/2021 through 09/01/2022.

14. RESOLUTION 453-21 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Gandy seconded by Committeeman Norris 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
King Estates LLC	462 Route 47 North	5 // 20	\$500.72
DG Strategic II LLC/Tax Dept.	1616 Route 9 North	13.02//18	\$765.32
Rio Grande Storage Units 2021-1 LLC	3115 Route 9 South	1464.02//26	\$676.84
Headley, Thomas K	26 Paula Lane	470//27	\$625.84
Hatcher, Elaine	26 Cochran Street	1057//10	\$1,130.89
Crawley, James M Jr Etals	210 S George Street	944//11	\$486.94

15. RESOLUTION 454-21 THROUGH 455-21 – AMENDING RESOLUTION (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, Resolution No. 412-21, pursuant to N.J.S.A. 40:48-2.14, authorized the creation of a lien on Block 354.01 Lot 20 otherwise known as 586 Shunpike in the amount of \$338.84 and;

WHEREAS, it has been determined to be in the best interest to reverse said lien due to a change in ownership.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution 412-21 is hereby amended to remove the lien on the above referenced property.

(B) WHEREAS, Resolution No. 430-21, pursuant to N.J.S.A. 40:48-2.14, authorized the creation of a lien on Block 944 Lot 9 otherwise known as 116 Sumner Street in the amount of \$486.94 and;

WHEREAS, it has been determined to be in the best interest to reverse said lien due to an error in address.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution 430-21 is hereby amended to remove the lien on the above referenced property.

16. RESOLUTION 456-21 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, A refund is due to the below property owners due to overpayment made towards 2021 taxes.

ACCT	BLOCK	LOT	OWNER/LOCATION	2021
5590	333	2	Garrison, Helen M 908 Rte 9 S Cape May Court House, NJ 08210  Property location: 908 Rte 9 S	\$250.00
18738	1447	3 C0002	Pupo, Maria L 102 School Lane #B Rio Grande, NJ 08242  Property location: 102 School Lane #B	\$250.00

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 2021 taxes

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

17. RESOLUTION 457-21 – DUPLICATE TAX SALE CERTIFICATE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, Chapter 99 laws of 1997, requires authorization of the governing body for replacement and issuance of a duplicate tax sale certificate, which has been destroyed or lost. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Middle of the County of Cape May, State of New Jersey, that due to unforeseen circumstances due to the damage or loss of tax sale certificate #2009-5800, it is the desire of the governing body to have the tax collector issue a duplicate certificate in this instance.
18. RESOLUTION 458-21 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris 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.
19. RESOLUTION 459-21 – TRANSFER OF FUNDS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2021:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
1-01-20-130-130-200	FINANCE-OE	12,600.00	
1-01-20-130-131-200	GRANTS ADMIN-OE	12,000.00	
1-01-20-132-132-200	INFORMATION TECH-OE	6,300.00	
1-01-23-221-221-411	HEALTH CARE WAIVER	28,000.00	
1-01-25-262-262-111	EMS - S & W	15,500.00	
1-01-28-370-371-100	SENIOR CENTER - S & W	4,000.00	
1-01-28-370-371-200	SENIOR CENTER -OE	5,000.00	
1-01-43-490-490-200	MUNICIPAL COURT-OE	5,000.00	
1-01-44-990-218-900	TAX EXEMPT LEASING	4,000.00	
1-01-20-130-130-100	FINANCE - S&W		600.00
1-01-20-132-133-299	TELECOMM SOFTWARE/SUPPORT		6,300.00
1-01-20-155-155-249	TTL PROFESSIONAL SERVICES		2,500.00
1-01-23-210-211-411	GENERAL LIABILITY INSURANCE		23,000.00
1-01-23-220-220-411	GROUP INSURANCE PREMIUMS		18,000.00
1-01-27-340-340-111	ANIMAL SHELTER CONTRACT		33,231.00
1-01-28-370-370-200	RECREATION-OE		3,500.00
1-01-31-446-446-475	NATURAL GAS COSTS		5,269.00
		92,400.00	92,400.00

20. RESOLUTION 460-21 THROUGH 462-21 – AWARD OF BID (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- (A) WHEREAS, the Township of Middle, following public advertisement, received bids for the Secluded Lane Roadway Improvement project; and WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest responsible bids received, which complies with specifications and requirements as set forth by the State of New Jersey. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the following contract for services shall be awarded as follows:
- South State, Inc.  
Secluded Lane Roadway Improvements  
Not to Exceed \$429,177.60
- FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
- (B) WHEREAS, the Township of Middle, following public advertisement, received bids for the 2021 Drainage project; and WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest responsible bids received, which complies with specifications and requirements as set forth by the State of New Jersey. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the following contract for services shall be awarded as follows:
- CTX Infrastructure LLC  
2021 Drainage Project  
(Cedar Drive, Birch Drive, Dogwood Drive, Avocado Drive,

Aspen Drive, Darrott Drive, Highs Beach Road, Lola Lane,  
Pamela Drive & Hallman Road)  
Not to Exceed \$186,176.00

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.  
(C) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contract No 2019-12, and

WHEREAS, bids were received on October 6, 2021, and

WHEREAS, it appears that the following bid submitted below 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 the following Home Rehabilitation Programs be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2019-12	D D & S Construction LLC	\$14,980.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

21. RESOLUTION 463-21 – RELEASE OF PERFORMANCE BOND – T & H REAL ESTATE ENTERPRISES LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, \$414,561.60, is being held as a performance guarantee for T & H Real Estate Enterprises LLC for site improvements at Stone Harbor Crossings; and  
WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$414,561.60 is hereby released.
22. RESOLUTION 464-21 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, N.J.S.A. 19:44A-20.4 et. seq. requires that contracts with a value exceeding \$17,500 be awarded pursuant to a “fair and open” or “non-fair and open” process; and  
WHEREAS, the Township Committee feel the best interests of the residents of Middle Township would be best served by the Township requesting proposals and qualifications, and considering and awarding contracts by use of a Fair and Open process; and  
WHEREAS, the Township Committee desires to establish the Fair and Open Process; and  
WHEREAS, the Township Committee desires to establish the criteria for the consideration of proposals and qualifications, and the award of contracts submitted in accordance with the Fair and Open Process; and  
WHEREAS, the Township Committee desires to establish the positions which for the year 2022 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; and  
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that:
1. **THE FAIR AND OPEN PROCESS**  
A. The Township Committee of the Township of Middle has determined that the following procedure constitutes a fair and open process and shall be the manner in which requests for proposals and qualifications are sought, accepted, and awarded:
1. A request for proposals and qualifications shall be publicly advertised on the Township of Middle’s internet website beginning on November 2, 2021 and continuing on the website through December 7, 2021 Said request will also be advertised in the Cape May County Herald Newspaper on November 10, 2021
  2. The Township shall accept proposals until 10:00 am on December 7, 2021
  3. Proposals shall be in a sealed envelope addressed to:  
Kimberly D. Osmundsen  
Township Clerk - Township of Middle  
33 Mechanic Street  
Cape May Court House, NJ 08210  
**The envelope shall also state the name of the person or entity submitting the proposal and the position for which the proposal is submitted.**
  4. The envelope shall contain one original and one copy of the proposal.
  5. The proposal shall include (**this is mandatory**) at a minimum, a statement of the following:
    - A. Qualifications and Experience of person or entity specifically with regard to the position sought
    - B. Scope of Services proposed to be provided
    - C. Contact Information, including name, address, phone number, email address
    - D. Fee Proposal including a **“Not To Exceed”** Amount,
    - E. Office Staffing Plan and Resources
    - F. Location of Office from which services shall be provided
    - G. References
    - H. Potential Conflicts

- I. The Applicant should provide a proposal which includes a statement of licensing, others in his/her office who will provide services, a fee schedule which lists names, titles and fees for each person and for each of these services, and any other information deemed of importance by the Applicant.
- 6. On December 7, 2021 at 10:00am, the Township Clerk or representative shall open each of the proposals and shall announce the proposals received by name, and a short summary of the proposal and qualifications.
- 7. The proposals shall be submitted to Township Committee for consideration at its reorganization meeting, at which time Township Committee may award a contract by approving a resolution, or, it may choose to award at the next regularly scheduled Township Committee meeting. If a majority votes to seek interviews, interviews may be held between Township Committee and the person or entity that submitted proposals. Township Committee may send proposals to Township Board's or Agency's for consideration and approval as is appropriate.

**2. CRITERIA BY WHICH REQUESTS FOR PROPOSALS AND QUALIFICATIONS SHALL BE EVALUATED**

- A. The Township of Middle hereby discloses in writing that all of the submissions in response to the Request for Proposals and Qualifications submitted through the fair and open process described above, will be evaluated by the Township Committee of the Township of Middle and awarded or rejected on the basis of the following criteria. Proposals will be evaluated by the Township Committee of the Township of Middle on the basis of the most advantageous, price and other factors considered. The evaluation will consider:
  - 1. Experience and reputation in the field
  - 2. Knowledge of the Township of Middle and the subject matter to be addressed under the contact
  - 3. Availability to accommodate any required meetings of the agency
  - 4. Compensation proposal
  - 5. Other factors if demonstrated to be in the best interest of the Township of Middle
- B. The following criteria, found under the competitive contracting rules at N.J.A.C. 5:34-4.2, if determined to be of assistance, may also be considered by Township Committee. These criteria are not intended to be limiting or all-inclusive, and they may be adapted or supplemented in order to meet the Township Committee's needs. No criteria will unfairly or illegally discriminate or exclude otherwise capable vendors.
  - I. Technical criteria:
    - a. Proposed methodology:
      - i. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?
      - ii. Is the vendor's proposal complete and responsive to the specific RFP requirements?
      - iii. Has the past performance of the vendor's proposed methodology been documented?
      - iv. Does the vendor's proposal use innovative technology and techniques?
      - v. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?
    - II. Management criteria:
      - a. Project management:
        - i. How well does the proposed scheduling timeline meet the agency's needs?
        - ii. Is there a project management plan?
      - b. History and experience in performing the work:
        - i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
        - ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on budget, and contract compliance performance?
        - iii. Does the vendor document industry or program experience?
        - iv. Does the vendor have a record of moral integrity?
      - c. Availability of personnel, facilities, equipment and other resources:
        - i. To what extent does the vendor rely on in-house resources vs. contracted resources?
        - ii. Are the availability of in-house and contract resources documented?
      - d. Qualification and experience of personnel:
        - i. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
        - ii. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
        - iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?
    - III. Cost criteria:
      - a. Cost of goods to be provided or services to be performed:
        - i. Relative cost: How does the cost compare to other similar proposals?
        - ii. Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?
      - b. Assurances of performance:
        - i. If required, are suitable bonds, warranties, or guarantees provided?
        - ii. Does the proposal include quality control and assurance programs?
      - c. Vendor's financial stability and strength:
        - i. Does the vendor have sufficient financial resources to meet its obligations?

3. REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS

- A. Municipal Solicitor - Legal Advisor to the Township Committee and Administrative Staff. Includes all litigation, draft and review ordinances, resolutions, and any and all other matters regarding the Township's legal issues. Also, solicitor to Cable Television Advisory Board, Economic Development Council, Rent Leveling, Ethics Board, and Sewer and Water Department. Township Committee meets twice a month in the evening; there are frequent daytime meetings. Cable Advisory Board meets quarterly. The Solicitor is required to be in Township Hall at least one day a week to meet with department heads and employees. The Solicitor is expected to be immediately available to Township Committee members and the Administrator; at least one full time staff member is to be assigned to do Township work. Minimum qualifications are at least five years' experience in some governmental capacity.
  - B. Labor Solicitor - Legal Advisor to the Township Committee and Administrative Staff on labor law issues, including civil service issues, disciplinary matters, hiring and firing of employees, and negotiating contracts.
  - C. Municipal Auditor - The auditor performs annual audit of Township Finances, assists with preparation of annual budget, and is always immediately available to discuss compliance with the Township Administrator and CFO.
  - D. Municipal Prosecutor - Prosecutes in the Township's municipal Court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
  - E. Municipal Public Defender - Represents defendants who qualify for public defender in municipal court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
  - F. Zoning Board of Adjustment Solicitor - Attorney representing the Zoning Board of Adjustment. The Zoning Board meets one evening a month.
  - G. Planning Board Solicitor - Attorney representing the Planning Board. The Planning Board meets two evenings a month.
  - H. Grants Consultant - completes applications and makes efforts to obtain grants in a variety of areas, including but not limited to energy; housing rehabilitation; infrastructure; resilience and Community Rating System; recreation, parks and open space. Consultant is not expected to have expertise in all areas listed, and should indicate in the proposal their respective specialty.
  - I. Bond Counsel - Legal Advisor to the Township Committee and Administrative Staff on issues regarding bond financing. Includes compliance with any and all necessary laws, state and federal, in the marketing and selling of the Township's bonds of any sort, including bond anticipation notes. Minimum qualifications are at least five years' experience in the municipal bonding field, and that the person have the demonstrated experience and capacity for marketing and selling municipal bonds.
  - J. Planning Board Engineer - Engineer to the Planning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding planning issues. Planning Board meets twice a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
  - K. Zoning Board Engineer - Engineer to the Zoning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding zoning issues. Zoning Board meets once a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
  - L. Risk Management Consultant - The consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume, or transfer the risk loss. Shall assist the Municipality in understanding and selecting the various coverage's available from the Atlantic County Municipal Joint Insurance Fund, review with the Municipality any additional coverage's that the Consultant feels should be carried but are not available from the Fund and subject to the Municipality's authorization place such coverage outside the fund. Shall further assist in the preparation of applications, statements of values and similar documents requested by the Fund, review the municipalities' assessment as prepared by the Fund and assist the municipalities' preparation of its annual insurance budget. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Assist where needed in the settlement of claims, with the understanding that the scope of the Consultant's involvement does not include the work normally done by a public adjuster. And any other services as required
- The Township of Middle may select, at its sole discretion, individuals or firms for these positions, so long as those individuals or firms meet or exceed the minimum requirements set forth in this resolution; however, the Township is under no obligation to select any firm even if qualified and will make any selection based on an overall evaluation of qualifications in the best interest of the Township. Once an appointment is made, no substitution of personnel may be made without the express written consent of the Township of Middle, which consent may be withheld in the Township's sole discretion. The Township of Middle reserves the right to appoint other professionals to perform services as the need may arise.



23. RESOLUTION 465-21 – AUTHORIZING THE TOWNSHIP TO ACCEPT FUNDS SECURED BY BOND # 1087481 AND FOR A RELEASE OF CLAIMS AGAINST SAID BOND -On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, in or around July of 2011, the Middle Township Planning Board approved the application of developer Ros-Len, Inc. (“Ros-Len”) for Final Approval of a Major Subdivision of the premises known as Block 385, Lot 1 on the Middle Township Tax Map (hereinafter “Sand Dollar”); and

WHEREAS, as a condition of the same, Ros-Len was required to establish a Performance Surety Bond Agreement to ensure sufficient funds to complete certain improvements in connection the development of Sand Dollar related, in pertinent part, to the roadway and sewerage within the Subdivision; and

WHEREAS, on or about March 26, 2014, Ros-Len and Lexon entered into an agreement to secure the payment of Three Hundred and Ninety Thousand Two Hundred Thirty-Eight Dollars and Twenty Cents (\$390,238.20) to Ros-Len in connection with the development of the Sand Dollar subdivision identified as Bond # 1087481 (the “Bond”); and

WHEREAS, on or about August 26, 2019, Township engineers, Remington & Vernick Engineers, sent correspondence to the principal of developer Ros-Len, which included a punch list that outlined the remaining outstanding work to be completed under the Bond; and

WHEREAS, Ros-Len failed to complete said remaining outstanding work and, upon information and belief, became defunct or otherwise ceased to operate; and

WHEREAS, in order to complete the improvements and Sand Dollar, the Township called the Bond, advised Lexon of the work outstanding, demanded completion of the work and reduced the same to a “Completion and Settlement Agreement” whereby Lexon would be responsible for completing the improvements secured by the Bond to the satisfaction of the Township Engineer; and

WHEREAS, Lexon abandoned discussions regarding the same, requiring the Township to file an action against Lexon and Somp International, CPM-L-181-21, demanding completion and/or payment for completion of the work secured by the Bond; and

WHEREAS, subsequent to the filing of said action, Lexon and Somp expressed a renewed willingness to amicably resolve the claim against the Bond and extended a settlement offer to the Township; and

WHEREAS, upon the advice and recommendation of the Township Solicitor and Township Engineer, the Township has determined that the settlement offer for a payment in satisfaction of the Bond is in the best interests of the Township to finalize the Sand Dollar Subdivision;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWNSHIP COMMITTEE, the Governing Body of the Township of Middle, as follows:

1. The averments above are incorporated herein as if set forth at length.

2. The Township of Middle hereby agrees to release any and all claims against Bond # 1087481 in exchange for a cash payment in the amount of ONE HUNDRED AND TWENTY-EIGHT THOUSAND AND FIFTY (\$128,050.00) DOLLARS.

3. The Township Clerk and other necessary personnel are hereby authorized to enter into and execute any such document memorializing the same consistent with the terms set forth herein.

4. This Resolution shall take effect immediately; all appropriate officers and employees of the Township of Middle are hereby authorized to take such action as may be reasonably necessary to enforce the provisions herein.

24. PUBLIC COMMENT:

*Ed Dillio, CMCH:*

- *Discussed accident he was in earlier that day; stated officers that arrived on scene were what you want to see in a police officer; explained they are an excellent representation of the community*

ENGINEER REPORT:

*Vince Orlando:*

- *Reviewed report presented to Committee*



Township of Middle  
Project Status Report  
November 1, 2021

Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

**2021 Drainage Projects**

- Contractor to be awarded at 11/01/2021 meeting
- Construction to begin mid November 2021
- Project includes:
  - Darott Dr. – Construct recharge system to eliminate flooding at cul-de-sac.
  - Lola Ln. – construct swale in right of way to eliminate ponding water on street and adjacent driveway.
  - Hallman Rd. – construct concrete gutter to improve drainage at curb line.
  - Pamela Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave.
  - Birch, Avocado, Coconut & Cedar Rds. – construct new drainage recharge systems in various locations to improve drainage in recently reconstructed roads.
  - Highs Beach Rd. – Replace cross drain at creek.

**2021 Road Project**

- Project currently out to bid
- Bid date - November 10, 2021
- Construction to begin early December (weather permitting)
- Project includes:
  - Mount Vernon Ave, Crest Rd. & Romney Place – Road reconstruct and paving.
  - Barbie Ln. & Woodside Rd. – Road reconstruct, paving and drainage improvements.

Cambridge Professional Offices  
5 Cambridge Drive, Ocean View, New Jersey 08230  
PHONE: (609) 390-0332 • FAX: (609) 390-9204

Project Status Report  
November 1, 2021

Page 2 of 2

**Norbury Landing Project**

- Survey work completed
- Design underway
- Application to NJDEP to be submitted by mid-December 2021 (120-day review period)
- Plans and Specifications to be completed by March 1, 2022
- Project to be bid by mid-April 2022.
- Construction to begin June 2022.

**3<sup>rd</sup> Ave & Walsh- Reconstruction & Construction of New Roadway**

- NJDOT grant received October 2021
- Survey work to be completed by mid-December 2021
- Construction plans and specifications to be completed by February 2022
- NJDOT approval by March 2022
- Construction to begin May 2022

COMMITTEE COMMENTS:

*Committeeman Norris:*

- *Welcomed new Chief Financial Officer, Dave Elliot*
- *Spoke of success of Harvest Festival and Halloween Parade; thanked Nancy McDevitt, Recreation, Public Works, and EMT on all their hard work helping with the events*
- *Urged everyone to go vote*

*Committeeman Gandy:*

- *Discussed great activities during the previous two weeks such as the Harvest Festival and Halloween Parade; commented on the success of the Harvest Festival; stated this year; explained the parade had its biggest turn out ever*
- *Reiterated to everyone to get out to vote*

*Mayor Donohue:*

- *Agreed with Committeeman Norris and Committeeman Gandy about success of both the Harvest Festival and the Halloween Parade; stated both events ran great*
- *Thanked everyone on the Dias for all their hard work throughout 2021*
- *Encourage everyone to get out to vote the next day*

Motion to adjourn meeting – 6:18 PM

1<sup>st</sup>: Committeeman Gandy    2<sup>nd</sup>: Committeeman Norris

Pass on Roll Call: Committeeman Gandy, Committeeman Norris, Mayor Donohue

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Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman