

Cape May Court House, NJ
 December 6, 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, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. RESOLUTION 482-21 – APPOINTMENTS – NEW HIRES – 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, 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
Kevin Robson	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	12/01/2021
Thomas Reynolds	Public Safety – Police	Police Officer	\$50,962.00	12/06/2021
Christopher Rudy	Public Safety – Police	Special Class II Police Officer	\$15.00 per hour	12/06/2021
Garrett Pelletier	Public Works	Laborer 1 F/T	\$27,500.00	12/06/2021
Jayden Matthews	Public Safety – Police	Special Class II Police Officer	\$15.00 per hour	12/10/2021
Samuel Caraballo	Recreation	Recreation Aide P/T	\$15.00 per hour	12/08/2021

2. SWEARING IN OF NEW POLICE OFFICER

Mayor Donohue:

- Stated swearing in of new officers is always a happy occasion; proclaimed Middle Township has one of the best Police Departments in the County
- Swore in Officer Reynolds

Chief Leusner:

- Welcomed Officer Reynolds; discussed Officer Reynolds father’s connection to the community; explained importance of having officers with deep roots to the community

3. QUESTION/ANSWER PERIOD ON AGENDA (This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)

NONE

4. RESOLUTION 483-21 – 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. \$4,175,780.13

5. RESOLUTION 484-21 – 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: 11/15/2021 Work Session, Board of Health and Regular Meetings.

6. REPORTS: Zoning for the month of November; Clerk for the month of November; Sterback Harbor for the month of November; Tax/Sewer Collection for the month of November

7. RESOLUTION 485-21 – ACKNOWLEDGEMENT OF RETIREMENT – 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
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David May	Zoning	Zoning Officer	03/01/2022
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8. RESOLUTION 486-21 – 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
Paul Bergman	Laborer 1 F/T T/A (6 months)	11/22/2021
Liam Robinson	Laborer 1 P/T	11/23/2021

9. RESOLUTION 487-21 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – 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 discontinuation of appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Paul Johnston	Public Works	Laborer 1	11/18/2021

10. RESOLUTION 488-21 – 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 Dylan Young and the Township of Middle.

11. RESOLUTION 489-21 – RATIFY CONTRACT WITH TEAMSTERS 676 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Public Works Department (“Blue Collar”) within the Township are represented by Teamster Union 676, and

WHEREAS, the Township of Middle and the Teamsters 676 have successfully negotiated a contract.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Contract between the Township of Middle and Teamsters 676 effective January 1, 2022 to December 31, 2025, attached hereto, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said contract.

12. RESOLUTION 490-21 – 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.

13. RESOLUTION 491-21 – RESCINDING RESOLUTION 462-21 – AWARD OF BID – CONTRACT #2019-12 – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 462-21 awarded housing rehabilitation contract #2019-12 to D D & S Construction LLC; and

WHEREAS, the Township of Middle, after additional due diligence, has determined that the home condition is beyond the program’s scope of qualifications and capabilities.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that Resolution No. 462-21 is hereby rescinded and the award of contract connected therewith is cancelled.

14. RESOLUTION 492-21 – TABULATION COMMITTEE – CONTRACT #2019-9 –MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on January 11, 2022 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACT #2019-9
MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

15. RESOLUTION 493-21 THROUGH 495-21 – 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, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contract No 2019-4, 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
2019-4	Buggy Construction, LLC	\$44,000.00

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

(B) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contract No 2019-14, 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
2019-14	Buggy Construction, LLC	\$41,850.00

FURTHER BE IT RESOLVED, that these awards are 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 2019-15, 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
2019-15	Buggy Construction, LLC	\$38,750.00

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

16. RESOLUTION 496-21 – 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
Sarina Apartments LLC	1025 Route 9 South	350 // 51	\$338.84

17. RESOLUTION 497-21 – CANCEL TAXES – 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, County of Cape May, State of New Jersey that the following cancellation is due to property tax exemption for 2022:

Account	Block	Lot	Owner/location	2022
4214	212.03	50	County of Cape May Property location: 109 Magnolia Drive	\$2,004.55

18. RESOLUTION 498-21 THROUGH 499-21 – REFUND OF TAXES (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, a refund is due to the property owner below due to a homestead benefit credit payment made on tax exempt property.

ACCT	BLOCK	LOT	OWNER/LOCATION	2021
5712	348.01	30	Johnson, Rickard M III 60 Honeysuckle Lane Cape May Court House, NJ 08210 Property location: 60 Honeysuckle Lane	\$290.78

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.

(B) WHEREAS, a refund is due for overpayment made on 4th quarter taxes; and WHEREAS, Mr. Kaempf qualifies for a Veteran deduction in the amount of \$250.00.

ACCT	BLOCK	LOT	OWNER/LOCATION	2021
17050	1	18	Kaempf, Glenn & Linda 437 Rte 47 N Cape May Court House, NJ 08210 Property location: 437 Rte 47 N	\$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.

19. RESOLUTION 500-21 – FAILURE TO SURRENDER CERTIFICATE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 54:5-57.1 section 13 requires that if the owner of a tax lien fails to surrender a tax sale certificate within five years of being notified of redemption, the unclaimed redemption monies will escheat to the municipality.

NOW THEREFORE 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 after the due diligence of the tax collector's office to notify the owner (s) of the tax lien certificate(s), the following redemption monies from same shall now be turned over to the Chief Financial Officer in accordance with the above:

Account	block/lot	certificate #	date of redemption	amount
12366	1031/16	2008-5417	10/11/2016	\$16,089.28
13365	1247/13	94-1752	5/11/2016	\$ 146.43

BE IT FURTHER RESOLVED, that a check in the amount of \$16,235.71 be accepted by the Chief Financial Officer from the Collector's lien redemption account

FURTHER RESOLVED, that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle upon adoption.

20. RESOLUTION 501-21 – INTEREST ADJUSTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Lower Township MUA has requested that interest on sewer account #20235, also known as block Del Camino & Willow Drive in the amount of \$954.24 be removed.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, Cape May County, State of New Jersey that interest on account #20235 be removed as indicated above.

21. RESOLUTION 502-21 THROUGH 503-21 – APPROVAL TO SUBMIT A GRANT APPLICATION (ITEMS A THROUGH B)– On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MAGNOLIA DRIVE ROADWAY PRESERVATION PROJECT

NOW, THEREFORE, BE IT RESOLVED that Township Committee of the Township of Middle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LFIF-2022-Middle Township-0062 to the New Jersey Department of Transportation on behalf of the Township of Middle.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement 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) 2021 DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY CRACKDOWN

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 program, grant application number MOB-YEHDS-2021-Middle Township-00115.

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.

22. RESOLUTION 504-21 – AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT – GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE, FISCAL GRANT YEAR JULY 1, 2022 THROUGH JUNE 30, 2023 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May; and

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Middle Township Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$13,511.00
Cash Match	\$3,377.75
In-Kind	\$10,133.25

2. The Township Committee acknowledges the term and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

23. RESOLUTION 505-21 – AUTHORIZING APPLICATION – CAPE MAY COUNTY OPEN SPACE 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 desires to apply for and obtain a grant from CAPE MAY COUNTY OPEN SPACE PROGRAM for approximately \$170,420 for improvements to the Norbury Landing overlook.

NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the application for such a grant, and

BE IT FURTHER RESOLVED, that the Township of Middle hereby recognizes and accepts that the organization may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from said organization, does further authorize the execution of any such grant agreement; and also, further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and CAPE MAY COUNTY OPEN SPACE PROGRAM.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith:

24. RESOLUTION 506-21 – TRANSFER OF FUNDS – 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, 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>
1-01-25-262-262-100	EMS S&W	65,650.00	
1-01-28-370-371-111	SENIOR CENTER S & W	1,000.00	
1-01-20-130-130-100	FINANCE S&W		2,900.00
1-01-23-220-220-411	GROUP INSURANCE		35,000.00
1-01-25-262-262-200	EMS OE		6,000.00
1-01-28-370-370-100	RECREATION S&W		22,000.00
1-01-31-450-450-475	INTERNET		750.00
		66,650.00	66,650.00

25. RESOLUTION 507-21 THROUGH 508-21 – INSERTION OF A SPECIAL ITEM OF REVENUE (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, 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:

SOUTH JERSEY GAS FIRST RESPONDERS GRANT PROGRAM \$4,350.00

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

SOUTH JERSEY GAS FIRST RESPONDERS GRANT PROGRAM \$4,350.00

(B) 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:

2021 Drive Sober or Get Pulled Over Year End Holiday Crackdown \$7,500.00

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

2021 Drive Sober or Get Pulled Over Year End Holiday Crackdown \$7,500.00

26. RESOLUTION 509-21 – ACKNOWLEDGING THE SUBMISSION OF COMPENSATION FOR THE BOARD OF FIRE COMMISSIONERS FOR DISTRICTS 1-4, AS OUTLINED AND ESTABLISHED BY LOCAL FINANCE NOTICE 2021-16 AND N.J.S.A. 40A:14-88 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:14-88 provides that each member of the Board of Fire Commissioners shall receive compensation in such amounts as the Board of Commissioners shall fix by resolution, and WHEREAS, if a Board of Fire Commissioners establishes annual compensation for its fire district commissioners, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve such compensation before the fire district can submit its annual budget to the voters, or, in the case of fire districts whose Board of Fire Commissioners elections coincides with the November General election, before the district can adopt its annual budget, and

WHEREAS, N.J.S.A. 40A:14-88 further provides that the compensation so fixed shall be subject to review by the governing body wherein the Fire District is located, and

WHEREAS, Local Finance Notice 2021-16 issued on September 20, 2021 further outlined the requirements of the Governing Body to review said compensation, and

WHEREAS, the fire district must seek annual approval of elected commissioner compensation from the municipal governing body regardless of whether the Board is modifying the amount of compensation.

Oughton v. Board of Fire Comrs., etc., 178 N.J. Super. 565, 570-571 (App. Div. 1981).

WHEREAS, in order for a fire district to authorize its elected commissioners to receive compensation, the Board of Fire Commissioners must adopt a Local Finance Notice 2021-16 by way of resolution establishing the level of compensation, and

WHEREAS, the 2022 fire district budget will contain a question verifying fire district compliance with the above-referenced requirement.

NOW THEREFORE 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 compensation has been set by each district as outlined below:

FIRE DISTRICT 1 (Resolution 2021-18)

Arenberg, Keith	\$10,800.00 Annually
Trombetta, Joseph	\$10,800.00 Annually
Hand, Lewis	\$4,800.00 Annually
McNulty, Michael	\$4,800.00 Annually
Woodrow, Philip	\$4,800.00 Annually

FIRE DISTRICT 2 (Resolution ____)

Commissioners - \$350.00 monthly

FIRE DISTRICT 3 (Resolution ____)

Chairman -	\$200.00 monthly
Secretary -	\$200.00 monthly
Treasurer -	\$200.00 monthly
Commissioner -	\$200.00 monthly
Commissioner --	\$200.00 monthly

FIRE DISTRICT 4 – (Resolution 2021-19)

Chairman / Commissioner -	\$1,200.00 Annually
Commissioner / Board Member -	\$900.00 Annually
Commissioner / Secretary -	\$1,500.00 Annually
Commissioner / Treasurer -	\$2,400.00 Annually

27. RESOLUTION 510-21 – DIRECTING THE DISTRIBUTION OF THE TOWNSHIP OF MIDDLE’S NET SURPLUS FUNDS HELD IN TRUST BY THE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 2007, and

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq., and

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY’s membership, and

WHEREAS, the MUNICIPALITY understands that the FUND’s Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND, and

WHEREAS, the MUNICIPALITY understands that the FUND’s Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND, and

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year, and

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the MUNICIPALITY’s share to the MUNICIPALITY’s premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY’s share,
3. Direct the FUND to apply the MUNICIPALITY’s share to the FUND’s Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality’s available balance in offsetting future premiums, or
4. Direct the FUND to apportion the MUNICIPALITY’s share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

NOW THEREFORE, the MUNICIPALITY directs the FUND to distribute the MUNICIPALITY’s share of its Net Distribution as follows (check the boxes that apply):

- Apply a portion of the amount as a credit to the MUNICIPALITY’s next FUND Year premium.
- Apply a portion of the amount as a check to the MUNICIPALITY.
- Apply a portion or the full amount to the MUNICIPALITY’s share of the FUND’s Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

Designate the full amount as follows (Sum of below must equal full dividend amount):

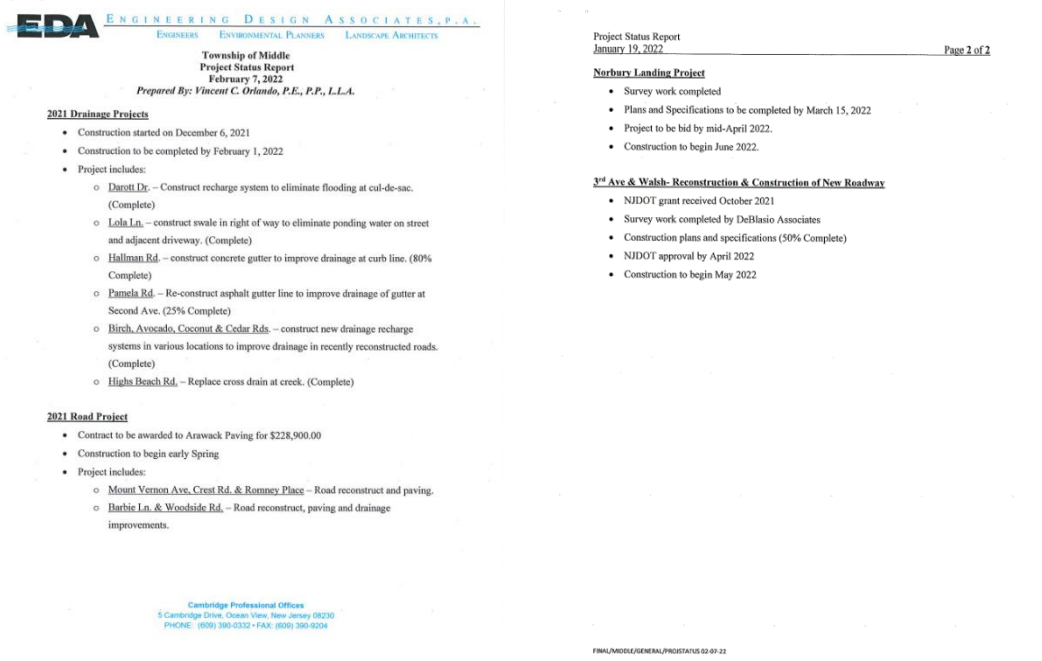
- Credit \$67,798.00 (Requires signed Dividend Release form only)
 - Check \$67,798.00 (Requires signed Dividend Release form and signed voucher)
 - A.E.L.C.F. \$_____ (Requires signed Dividend Release form and resolution)
- Total Dividend \$135,596.00

28. **RESOLUTION 511-21 – OPIOID SETTLEMENT AGREEMENT** – On motion by Committeeman Gandy seconded By Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Multidistrict litigation is currently pending against the three (3) largest pharmaceutical distributors of opioid medication, to wit: McKesson, Cardinal Health and Amerisource Bergen (the distributors) and one manufacturer: Janssen Pharmaceuticals Inc. and its parent company Johnson and Johnson (collectively referred to as Janssen); and
WHEREAS, the State of New Jersey has elected to participate in the settlements, resulting in a negotiation between attorneys representing counties and municipalities in New Jersey and the New Jersey Attorney General’s office to determine the allocation of funds; and
WHEREAS, the Township of Middle has a population base in excess of 10,000, and its participation is critical to the settlement and to maximizing recovery under the same; and
WHEREAS, the Township of Middle has received formal notice of settlement in the form of documents containing the seal of New Jersey Attorney General’s office; and
WHEREAS, the Township Committee, the governing body of the Township of Middle deems it to be in the best interest of the citizens of Middle Township for the Township to “OPT IN” and to participate in the settlement agreement;
NOW, THEREFORE, BE RESOLVED by the Township Committee, the governing body of the Township of Middle as follows:
1. The averments above are incorporated herein is a set forth at length.
2. The Mayor, Business Administrator / Clerk, all applicable Township employees, professional services contractors and personnel are hereby authorized and directed to forthwith undertake any and all appropriate actions as may be necessary to enable the Township of Middle to timely “OPT IN” to the proposed Settlement Agreement, to complete the preliminary registration form and to complete all other documents or to undertake all actions necessary to accomplish same.
29. **RESOLUTION 512-21 – AUTHORIZING CONTRACT EXTENSION – SNOW AND DEBRIS REMOVAL – H4 ENTERPRISES** – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, on January 7, 2021, the Township of Middle and H4 Enterprises entered into a contract for Snow and Debris Removal via Resolution 46-21 and;
WHEREAS, the Township and H4 Enterprises wish to further extend said contract an additional year effective January 1, 2022 through December 31, 2022.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the contract between H4 Enterprises and the Township of Middle is hereby extended with a final expiration date of December 31, 2022.
BE IT FURTHER RESOLVED, that this contract extension is also conditioned upon certification of funds.
FURTHER RESOLVED, that the amount certified shall not exceed the amount set aside in the municipal budget for said services.
H4 Enterprises – See attached tally sheet for machine specifications and hourly rates
30. **RESOLUTION 513-21 – AUTHORIZING THE EXECUTION OF AMENDED DEVELOPERS AGREEMENT - STONE HARBOR ESTATES (STONE HARBOR LAKES SEWER EASEMENT)** – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted
WHEREAS, the Middle Township Governing Body adopted Resolution 396-20 on November 2, 2020 authorizing the Mayor to execute a Treatment Works Application and related documents for filing with New Jersey Department of Environmental Protection, in order to permit the construction, establishment and maintenance of the sewer connections from the Project and to the Dennisville pump station; and
WHEREAS, April 5, 2021 Township Committee authorized the execution of a developer’s agreement between the Township of Middle and Apache Development, LLC. in connection with said project; and
WHEREAS, in furtherance of the requirements by the DEP and in consideration for the issuance of the Permit the attached amended developer’s agreement has been reviewed by legal counsel for both parties.
NOW THEREFORE 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 attached Grant of Conservation Restriction/Easement shall hereby by authorized and approved.
31. PUBLIC COMMENT: NONE

ENGINEER REPORT:

Vince Orlando:

- Reviewed engineer report presented to Committee



COMMITTEE COMMENTS:

Committeeman Norris:

- Welcomed all new hires; stated South Shore basketball practices had begun; explained MLK Center floors has been completed and the wall had been repainted and will soon be open to the public; discussed sponsor banner program; discussed Christmas parade the previous Friday; thanked all that came out and participated; thanked Dustin Sturm, Nancy McDevitt and the Recreation team on all their hard work

Committeeman Gandy:

- Discussed what a great night the Christmas Parade was; welcomed all new hires; stated Public Works is still looking for more employees

Mayor Donohue:

- Recognized the retirement of David May; explained he had been a big part of the Township for a long time and will be missed; reiterated comments about the Christmas parade; recognized the hard work that went into finalizing the teamster's contract; explained these efforts were a big deal as it is the first time since he started that all contracts had been settled before the end of the year before expiration of the current contracts; thanked Kimberly Osmundsen for all her hard work

Motion to adjourn meeting – 6:21 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman