

Cape May Court House, NJ  
March 23, 2022  
REGULAR MEETING  
FLAG SALUTE  
THIS MEETING IS BEING RECORDED:

The Regular Meeting scheduled for Monday, March 21, 2022 at 6:00pm was cancelled due to a scheduling conflict. This Special Meeting was called pursuant to the provisions of the Open Public Meeting Law. Notices of this meeting were emailed to 98.7 The Coast, The Press of Atlantic City and the Cape May County Herald on March 10, 2022 and advertised in the Cape May County Herald on March 16, 2022. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the Municipal Clerk on aforementioned date. Notices on the bulletin board have remained continuously posted.

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. 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.*)

*Ed Dillio, CMCH:*

- *Asked about item 5 on the agenda and if it extended to private residences*

*Mayor Donohue:*

- *Explained it was only for Township owned properties*

2. RESOLUTION 161-22 – 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. \$1,678,535.74

3. RESOLUTION 162-22 – 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: 03/07/2022 Regular Meeting.

4. REPORTS: NONE

5. ORDINANCE NO. 1643-22 AN ORDINANCE PROHIBITING THE USE AND OPERATION OF BOUNCE HOUSES AND/OR OTHER INFLATABLES ON TOWNSHIP PROPERTY - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1643-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/18/2022 at 6:00 p.m.

WHEREAS, the Township of Middle is the owner of several properties that are the site of public parks, recreation fields, community centers, etc. that are utilized for Township-sponsored events and activities as well as events organized and coordinated by outside organizations and third parties not associated with the Township; and

WHEREAS, the Township has previously permitted outside organizations and/or third parties to utilize bounce house(s) or other similar inflatable recreation apparatus(es) during events on said Township-owned properties; and

WHEREAS, the Township has required those outside organizations and/or third parties utilizing bounce house(s) on Township-owned properties to obtain certificates of insurance indemnifying the Township from liability regarding the use of same; and

WHEREAS, the Township has observed the use of bounce house(s) by outside organizations and/or third parties that were not approved by the Township nor was insurance coverage provided; and

WHEREAS, the Township has investigated obtaining insurance coverage through the Township for the use of said bounce house(s) so as to avoid any lapses in coverage as a result of the aforesaid, and having determined that the Township's insurance carrier does not provide coverage for liability regarding the use of bounce house(s) on Township property; and

WHEREAS, as part of its continuing duty to protect the health, safety and welfare of its residents, the Township Committee has determined that the use of bounce house(s) and other inflatables, as defined hereinafter, creates certain inherent and undeterrable risks to the safety of participant(s), observer(s), passersby and/or any other individual on Township property and poses the risk of liability in the absence of coverage,

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and the State of New Jersey that the following new Chapter of the CODE OF THE TOWNSHIP OF MIDDLE, is hereby created as follows:

Section 1. Prohibition on the Use of Bounce Houses and Inflatables on Township-Owned Property.

No person, organization, entity or otherwise shall be permitted to use, operate or otherwise utilize a bounce house or other inflatable on Township-owned property.

Section 2. Definitions

Bounce house(s) or inflatable, as used in this section, means an amusement device that incorporates a structural and mechanical system and employs a high strength fabric or film that achieves its strength, shape, and stability by tensioning from internal air pressure; a large plastic structure, usually in the shape of a building, that is filled with air and that children and/or adults jump up and down on.

Section 3. Penalties

Any individual, organization, or other such entity that shall be convicted of a violation of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to a fine of up to \$500.00 for a first offense and a fine of up to \$1,000.00 for each subsequent violation(s).

Section 4.

A copy of this Ordinance shall be placed on file with the Township Clerk.

Section 5.

Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in the Township of Middle and a newspaper of general circulation in Cape May County.

Section 6.

All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 7.

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 8.

This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

6. RESOLUTION 163-22 – EMERGENCY TEMPORARY APPROPRIATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2022 budget and no adequate provision has been made in the 2022 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$8,250.00,

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Middle, in the County of Cape May, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$11,070.51 as follows:

SHARED SERVICE AGREEMENTS

Interlocal – Construction Official \$11,070.51

2. Said emergency temporary appropriations will be provided for in the 2022 budget.

3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

7. RESOLUTION 164-22 – PROVIDING FOR TRANSFER OF CERTAIN 2021 BUDGET APPROPRIATION RESERVES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, various 2021 bills have been present for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2021 Budget Appropriation Transfers in the last two months of 2021; and

WHEREAS, N.J.S.A.:40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year; and

NOW, THEREFORE, BE IS 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 appropriation reserves be made in the budget of Middle Township for the year 2021:

Budget Line Description	Budget Account Number	From	To
Police - SW	1-01-25-240-240-100	\$67,500.00	
Admin - OE	1-01-20-100-100-200		\$2,500.00
Public Affairs - OE	1-01-20-100-101-200		\$500.00
Engineering Services - OE	1-01-20-165-165-200		\$7,000.00
Group Insurance	1-01-23-220-220-400		\$5,000.00
Public Works - SW	1-01-26-290-291-100		\$3,500.00
Public Works - OE	1-01-26-290-291-200		\$15,000.00
Recreation - SW	1-01-28-370-370-100		\$4,500.00
Gasoline	1-01-31-460-460-475		\$29,500.00
		\$67,500.00	\$67,500.00

8. PUBLIC HEARING – 2022 GYPSY MOTH SUPPRESSION PROGRAM

*Kimberly Osmundsen:*

- *Discussed final acreage numbers and costs; further discussed reimbursement to be received from the State of New Jersey and campgrounds*

*Mayor Donohue:*

- *Asked about costs associated with the campground sprays*

*Kimberly Osmundsen:*

- *Explained costs*

9. RESOLUTION 165-22 – DECLARING THE GYPSY MOTH A PUBLIC NUISANCE AND AUTHORIZING PARTICIPATION IN THE STATE SPRAYING PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Middle; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Middle has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

NOW THEREFORE BE IT HEREBY RESOLVED by the Township Committee of the Township of Middle that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

10. PUBLIC HEARING – PLACE TO PLACE TRANSFER – EXTENSION OF PREMISES – ACME MARKETS INC.

*Mayor Donohue:*

- *Asked representatives from Acme to come forward to explain application*

*Rob DePisa:*

- *Discussed proposed changes for the liquor store*

*Kimberly Osmundsen:*

- *Clarified the expansion is an aisle length*

*Mayor Donohue:*

- *Asked for intended use of the expanded area*

*Rob DiPisa:*

- *Explained expansion of liquor store; presented Committee with print of proposed expansion*

*Kimberly Osmundsen:*

- *Asked if the storage areas will remain the same*

*Rob DiPisa:*

- *Stated correct*

*Mayor Donohue:*

- *Explained to residents the expansion will be about 15% in the retail space*

11. RESOLUTION 166-22 – PLACE-TO-PLACE TRANSFER – EXTENSION OF PREMISES – LICENSE NO. 0506-44-013-005 – ACME MARKETS INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Distribution License No. 0506-44-013-005 (Acme Markets Inc.), for the purpose of expanding the existing licensed premise wherein the sale, service and storage of alcoholic beverages are authorized, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW THEREFORE BE IT RESOLVED, that the Township of Middle, County of Cape May, State of New Jersey, does hereby approve, effective March 23, 2022, the place-to-place transfer of the aforesaid Plenary Retail Distribution Licensed premise located at 11 Court House South Dennis Road, Cape May Court House, New Jersey 08210, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

BE IT FURTHER RESOLVED, that alcohol storage and display shall be limited to the licensed areas delineated in the sketch.

12. RESOLUTION 167-22 – ACKNOWLEDGEMENT OF DISCONTINUATION OF UA 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 UA Appointment listed below, is acknowledged.

NAME	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Tyler Jackson	Public Safety	Special Class II Police Officer	03/09/2022

13. RESOLUTION 168-22 – 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
Gustaf Michael Keun III	Public Safety	Code Enforcement Officer Trainee	\$38,500.00	03/28/2022
Cameron Odom	Recreation	Recreation Aide P/T T/A 6 months	\$15.00 per hr	03/14/2022

14. RESOLUTION 169-22 – PROMOTIONAL TITLE CHANGE – 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 of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Dustin Sturm	Recreation	Recreation Supervisor	04/01/2022

\*In-house title Director of Recreation

15. RESOLUTION 170-22 THROUGH 171-22 – APPROVAL FOR PAYMENT TERMINAL LEAVE (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, Jennifer Teasenfitz resigned with an effective date of March 15, 2022; and WHEREAS, it is the policy of Middle Township to compensate resigning 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:

Jennifer Teasenfitz

Personal Hours: 5.00  
 Vacation Hours: 101.00  
 Total: \$1,630.77

(B) WHEREAS, 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; 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 below employees in the amounts referenced:

EMPLOYEE NAME	COMPENSATION TIME HOURS	TOTAL
Samantha Grassi	17.25	\$250.82
Dustin Kelly	20.25	\$294.44

16. RESOLUTION 172-22 – APPOINTING A MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the New Animal Cruelty Enforcement Law, P.L. 2017 c. 331 (the “New Law”) was signed into law on January 16, 2018; and

WHEREAS, the New Law revises the enforcement of animal cruelty laws in the State of New Jersey by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) and county societies for the prevention of cruelty to animals to a county prosecutor

Animal cruelty task force in each county, and a municipal humane law enforcement officer in each municipality; and

WHEREAS, the New Law requires the governing body of each municipality to appoint at least one municipal humane law enforcement officer, approved by the Chief law enforcement officer in the municipality, who is responsible for the animal welfare within the jurisdiction of the municipality, and who is to enforce and abide by the animal cruelty laws of the State and ordinances of the municipality; and

WHEREAS, Chief Christopher Leusner, Police Chief of the Township of Middle, recommends the appointment of Ptl. Jonas McInnis to serve as Municipal Humane Law Enforcement Officer for the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the additional individual is hereby appointed to the position of Municipal Law Enforcement Officer

NAME	POSITION
Jonas McInnis	Municipal Humane Law Enforcement Officer

17. RESOLUTION 173-22 – AWARD OF BID – LANDSCAPING SERVICES AT VARIOUS TOWNSHIP LOCATIONS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for Landscaping Services at various township locations; and

WHEREAS, sealed bids were received on March 4, 2022; and

WHEREAS, it appears that the following bid submitted 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 Landscaping Services be and hereby is awarded to:

Douglass Landscaping Services, LLC. - \$245,091.00 – 1 year contract

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

18. RESOLUTION 174-22 – 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 payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2021
19327	335.01	5.06 C006	Murphy, Patrick M & Linda A 710 Sunset Lane Cape May Court House, NJ 08210  Property location: 710 Sunset Lane	\$355.76
6912	468	20	Andrzejczak, Robert J 22 Lola Lane Cape May, NJ 08204  Property location: 22 Lola Lane	\$1,115.20

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.

19. RESOLUTION 175-22 THROUGH 177-22 – CANCELLATION OF TAXES (ITEMS A THROUGH C)– 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 cancellation is due to property tax exemption for 2022:

Account	Block	Lot	Owner/location	2022
14500	1450	2	County of Cape May  Property location: 1117 Rte 47 S	\$1,617.32

(B) WHEREAS, A cancellation of taxes is due to the below property owner who qualifies for 100% Disabled Veteran status.

Account	Block	Lot	Owner/location	2022
19327	335.01	5.06 C0006	Murphy, Patrick M & Linda A  Property location: 710 Sunset Lane	\$706.52
6912	468	20	Andrzejczak, Robert J  Property location: 22 Lola Lane	\$2,230.40

(C) WHEREAS, A Cancellation of sewer is due to unit #2 is not connected to the sanitary sewer system.

Account	Block	Lot	Owner/location	2021	2022
13776	1410.01	17	Brant, Paul E & Dorothy P  Property location: 902 Rte 47 S	\$3339.52	\$640.00

20. RESOLUTION 178-22 – 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.

\*Attachments available for viewing in the Clerk’s Office

21. RESOLUTION 179-22 – 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
Jones, O J Realty Inc	Bates Street	907 // 6	\$4,495.16

22. RESOLUTION 180-22 – AUTHORIZING SIGNATURE TREATMENT WORKS APPLICATION/SEWER EXTENSION APPLICATION – 3156 ROUTE 9, BLOCK 1436.01 LOT 5 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
 WHEREAS, Scott Davis is the developer of the Grande Woods South Expansion project at Block 1436.01 Lot 5, and  
 WHEREAS, the project calls for a proposed gravity sewer line to be used to connect 64 townhome-style units into the Township sewer system, and  
 WHEREAS, a 10” sewer main will be used to connect from the project to an existing township-owned manhole located on adjacent property known as Block 1436.01 Lot 4.01, and  
 WHEREAS, the Township is the owner of the sewer system that the project will utilize thereby requiring consent by way of a State of NJ, Department of Environmental Protection, Treatment Works Application, and  
 WHEREAS, Mott MacDonald, Sewer Engineer for the Township of Middle, has reviewed the TWA application and the Application for Sewer Extension, as outlined in their review letter dated January 6, 2021, and find the forms to be in order.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection with this TWA for Block 1436.01 Lot 5.  
 BE IT FURTHER RESOLVED, that prior to commencement of construction, or issuance of permits related to the project, all applicable connection fees, and construction escrows must be paid to the Township of Middle and all required easement and access agreements must be ratified.

23. RESOLUTION 181-22 THROUGH 182-22 – TABULATION COMMITTEE (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, following public advertisement, proposals for the Contracts #2021-1, Middle Township home rehabilitation project, were received by the Township of Middle on February 16, 2022 at the Township Hall; and  
 WHEREAS, it appears to be in the best interest of the Township to reject the bids and rebid the project.  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all proposals received on February 16, 2022 for the Middle Township Home Rehabilitation Project Contracts #2021-1 are hereby rejected; and  
 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 April 13, 2022 at 11:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACTS #2021-1, MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

(B) 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 April 13, 2022 at 11:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACT #2021-2  
 MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

24. RESOLUTION 183-22 – APPROVE CHANGE ORDER NO. 1 – BIKE PATH NORTH EXTENSION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
 WHEREAS, a Contract was awarded, on July 19, 2021, via Resolution No. 299-21 to Landberg Construction, LLC for the Bike Path North Extension.  
 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 Landberg

Construction, LLC for the Bike Path North Extension is hereby approved, and that the change order results in a decrease of \$22,820.00 for an amended contract amount of \$2,108,713.00.

FURTHER BE RESOLVED, that the change order results in an extension of contract until April 16, 2022.

25. RESOLUTION 184-22 – ACKNOWLEDGING ROAD CLOSURE – CAPE MAY TIME TRIAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Somerset Wheelman is orchestrating individual bicycle time trials on April 10, 2022, and WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.

WHEREAS, said applicant has requested, which has been approved by the County of Cape May via Resolution 156-22, to utilize a portion of Court House South Dennis Road (CR657) to conduct said time trials.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the Cape May Time Trial sponsored by Somerset Wheelman and that the governing body does hereby understand and acknowledge the road closure as indicated above.

BE IT FURTHER RESOLVED, that Somerset Wheelman has arranged traffic control for said event.

FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.

26. RESOLUTION 185-22 – AUTHORIZING THE TOWNSHIP OF MIDDLE TO ACCEPT A FEDERAL FISCAL YEAR 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT EMERGENCY MANAGEMENT AGENCY ASSISTANCE SUBAWARD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Middle Township Office of Emergency Management has been awarded a State Homeland

Security Grant Program Subgrant AFN #97.402, Subgrant Award #FY21-EMPG-EMAA-0506, from the New

Jersey Department of Law and Public Safety, Office of the Attorney General for the performance period of July 1, 2021 through June 30, 2022; and

WHEREAS, the Subaward, consisting of a \$10,000.00 Federal Award, is for the purpose of enhancing Middle Township Office of Emergency Management's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the EMPG EMAA subgrant award incorporates all conditions and representations contained or made in the application; and

WHEREAS, the Middle Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for the Subgrant Award as required by the New Jersey State Office of Emergency Management; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Middle is hereby authorized to accept the FFY21 Emergency Management Performance Grant Program, Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and the Township Emergency Management Coordinator are authorized to sign the appropriate Subgrant award documents; and

BE IT FURTHER RESOLVED that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$10,000.00, once approved, from the State of New Jersey Department of Law and Public Safety; and

BE IT FURTHER RESOLVED that the like sum of \$10,000.00 is hereby appropriated under the caption FY 2021 Emergency Management Agency Assistance; and

BE IT FURTHER RESOLVED those copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; Cape May County Office of Emergency Management; the New Jersey Director of the Division of Local Government Services.

27. RESOLUTION 186-22 – AUTHORIZE APPLICATION FOR NJ DCA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – INNOVATIVE DEVELOPMENT FUND - DEL HAVEN WATER PROJECT – 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 the New Jersey Department of Community Affairs, Small Cities Community Development Block Grant Program to assist residents in fees associated with connecting to the Del Haven Water Expansion Project, and

WHEREAS, Small Cities Community Development Block Grants are designated to benefit people of low- and moderate-income or to address recent local needs for which no other source of funding is available, and WHEREAS, the program provides direct assistance to eligible municipalities and counties for housing rehabilitation, public facilities, community revitalization, and economic development.

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 Township of Middle does hereby authorize the application for such a grant.

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 in connection therewith:

## 28. ENGINEERING REPORT:

Vince Orlando:

- Reviewed report presented to Committee:



Township of Middle  
Project Status Report  
February 23, 2022

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

### 2021 Drainage Projects

- Construction started on December 6, 2021
- Construction to be completed by March 15, 2022
- Project includes:
  - Darott Dr. – Construct recharge system to eliminate flooding at cul-de-sac. (Complete)
  - Lola Ln. – construct swale in right of way to eliminate ponding water on street and adjacent driveway. (Complete)
  - Hallman Rd. – construct concrete gutter to improve drainage at curb line. (80% Complete)
  - Pamela Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave. (25% Complete)
  - Birch, Avocado, Coconut & Cedar Rds. – construct new drainage recharge systems in various locations to improve drainage in recently reconstructed roads. (Complete)
  - Highs Beach Rd. – Replace cross drain at creek. (Complete)

### 2021 Road Project

- Contract to be awarded to Arawack Paving for \$228,900.00
- Construction to begin early Spring
- 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  
January 19, 2022

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### Norbury Landing Project

- Survey work completed
- Conceptual Plan – Re-design after meeting with Cape May County Open Space
- Plans and Specifications to be completed by March 15, 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 completed by DeBlasio Associates
- Construction plans and specifications (50% Complete)
- NJDOT approval by April 2022
- Construction to begin May 2022

## 29. PUBLIC COMMENT:

George Polaski, Secluded Lane:

- Discussed concern of well water in his residential area; asked why a city water option has not been discussed for the area

Mayor Donohue:

- Clarified Middle Township does not control water supply in the Township; commented on past discussions with Wildwood Water to try to bring water to the area and the companies non-interest in providing water to the area; spoke of postponement of the drainage and paving project on Secluded Lane in attempts to discuss bringing water to the area with Wildwood Water; continued to discuss water Control within the Township; stated if they feel the water is unsafe than the New Jersey Department of Environmental Protection should be notified

George Polaski, Secluded Lane:

- Commented on discussion with Wildwood Water

Kimberly Osmundsen:

- Spoke of discussions with Wildwood Water and their non-interest in funding the project

George Polaski, Secluded Lane:

- Unsure where the funding lands

Mayor Donohue:

- Discussed effects of the costs of the project among the residents in the neighborhood to add the infrastructure; continued to discussed calculations used to determine if a water project is feasible

George Polaski, Secluded Lane:

- Presented petition from neighborhood to Committee in favor of “city water”; discussed environmental concerns possibly effecting their current wells



Mayor Donohue:

- Stated he understands Mr. Polaski's frustration; continued to discuss efforts made in the past with Wildwood Water

George Polaski, Secluded Lane:

- Spoke of mains that run under Route 47

Kimberly Osmundsen:

- Stated the mains are there but then the infrastructure still has to be built to run to the residential area

George Polaski, Secluded Lane:

- Discussed understanding of bringing infrastructure to the area

Kimberly Osmundsen:

- Explained moratorium on streets once paved; discussed timelines associated with these types of projects

Mayor Donohue:

- Continued to discuss efforts made to provide water to the area

George Polaski, Secluded Lane:

- Asked about pursuing water concerns with either the County or the State

Mayor Donohue:

- Explained the Middle Township Board of Health could set up a meeting with the County or State to see how to proceed further

Lisa Anthony, Secluded Lane:

- Stated she is in favor of having her well water; asked if water was run would it be mandatory to connect

Mayor Donohue:

- Stated yes it would be a mandatory hookup

Patricia Nelson, Secluded Lane:

- Stated she had never had any problem with her water in the 22 years she had lived in the neighborhood

Mayor Donohue:

- Understands that there are people on both sides; explained that when completing a project to this extent before beginning always look at what will benefit the greater amount of people

Steve Craig, Secluded Lane:

- Stated everyone is paying for water whether it is well or city; discussed concerns regarding wells

Anne Regan, Del Haven:

- Discussed letter received from Lower Township MUA; further discussed concerns of not seeing information regarding the Del Haven Water Project; commented on concerns with water costs; continued to discuss various concerns with the water project

Mayor Donohue:

- Explained project establishment and process completed to bring water to Del Haven; reviewed the various meetings held regarding the topic over the previous 5 years; discussed costs and funding being sought to help with these costs; discussed final steps to complete the project

Kim Banks, 102 Bucknell:

- Asked staging of installation

Mayor Donohue:

- State he was unsure of the exact staging process; explained tie in process; further explained it would take 1 year to complete installation and residents would have an additional year from then to tie into the system

Kim Banks, 102 Bucknell:

- Stated she feels the Township has been very transparent with the project

Joe Forte, Secluded Lane:

- Asked about bringing water to Secluded Lane; further discussed concerns with drainage in the area

Kimberly Osmundsen:

- Recapped previous discussions about bringing water to Secluded Lane

Joe Forte, Secluded Lane:

- Asked about sewer

Kimberly Osmundsen:

- Clarified he is referring to sorn water drains

Joe Forte, Secluded Lane:

- Stated yes

Kimberly Osmundsen:

- Discussed current drainage and pavement project being done on Secluded Lane; continued to discuss previous information provided regarding bringing water to the area

Joe Forte, Secluded Lane:

- Reiterated stormwater drainage issues

Mayor Donohue:

- Explained project is not yet complete

Kimberly Osmundsen:

- *Advised Mr. Forte to wait until project is complete to see drainage improvements*

*Lisa Shaw, Secluded Lane:*

- *Asked when paving will begin on Secluded Lane*

*Kimberly Osmundsen:*

- *Discussed timeline for the Secluded Lane project*

*Karleen Iacono, 109 Bucknell:*

- *Stated she is thrilled regarding the Del Haven Water Project; discussed costs associated with have well water; discussed safety aspects associated with having city water; asked about water rates*

*Mayor Donohue:*

- *Explained establishment of the costs*

*Kimberly Osmundsen:*

- *Further explained costs associated with the water*

*Mayor Donohue:*

- *Continued to explained factors used to determine the cost*

*Karleen Iacono, 109 Bucknell:*

- *Asked if people who do not live in the area year-round must pay year-round or if they can turn off the water and pay seasonally*

*Mayor Donohue:*

- *Explained everyone must pay for the entire year*

*Kimberly Osmundsen:*

- *Further broke down associated costs*

*Jim Jameson, Secluded Lane:*

- *Asked when area of his property will be fixed that was broken up for the project*

*Kimberly Osmundsen:*

- *Explained when area would be completed*

*Jim Jameson, Secluded Lane:*

- *Spoke of tree in the road that was suppose to be taken down that was not*

*Kimberly Osmundsen:*

- *Asked the address of where the tree was located*

*Jim Jameson, Secluded Lane:*

- *Explained the tree was Infront of the Mattera's home*

*Nicole Polaski, 32 Secluded Lane:*

- *Discussed concerns regarding quality of water at her home*

*Kimberly Osmundsen:*

- *Asked how water quality results were received*

*Nicole Polaski, 32 Secluded Lane:*

- *Explained she had the results on paper*

*Kimberly Osmundsen:*

- *Asked Nicole to email her the results and she would send them out to the County Board of Health*

*George Polaski, 32 Secluded Lane:*

- *Asked what the waiting period would be should the water be deemed unhealthy*

*Mayor Donohue:*

- *Explained the Township would be moving forward with the paving and drainage project which would then place a 5-year moratorium on the road; further explained if a public health concern is issued than that would take priority*

*Anna Regan, Del Haven:*

- *Asked about being kept informed regarding the Del Haven Water Project*

*Mayor Donohue:*

- *Stated he would keep her informed*

*Jason Banks, Del Haven:*

- *Spoke of his capacity as a mailman regarding information delivered for the Del Haven Water Project; discussed support for the project and concerns regarding well water*

*Pete Richie, Avalon Manor:*

- *Asked how to begin process of adding fire hydrants to Avalon Manor*

*Kimberly Osmundsen:*

- *Explained he would have to reach out to their water district*

*Pete Richie, Avalon Manor:*

- *Asked about special assessment costs in Avalon Manor and how to determine the costs associated with that assessment*

*Mayor Donohue:*

- *Explained project was completed through Avalon; advised him to reach out to Avalon about his concerns regarding the costs*

*Pete Richie, Avalon Manor:*

- *Discussed area where dirt was placed; continued to discuss concerns*

*Mayor Donohue:*

- *Explained he was unsure of how part of the project could not have been completed due to checks and balances*

*Pete Richie, Avalon Manor:*

- *Discussed water collection in the area*

*Kimberly Osmundsen:*

- *Asked if he can provide her with his contact information after the meeting and she will reach out to Avalon regarding his concerns*

*Committeeman Gandy:*

- *Discussed movement of dredge spoils*

*Mayor Donohue:*

- *Stated he appreciated Mr. Richie's advocacy for his neighborhood*

#### COMMITTEE COMMENTS

*Committeeman Norris:*

- *Welcomed everyone that came to the meeting and voicing their concerns; explained AAU basketball teams have begun practicing and begin traveling next month; stated lacrosse had their first home game coming up; discussed the baseball/softball opening day on April 9<sup>th</sup>; stated summer basketball signups were open; discussed 8<sup>th</sup> grade all-star boys' and girls' basketball league; commented on the upcoming 1<sup>st</sup> family fun night on April 1<sup>st</sup> at the MLK Center*

*Committeeman Gandy:*

- *Thanked everyone that came out; discussed work done outside Township meeting and encourage residents to continue to come out to meetings*

*Mayor Donohue:*

- *Spoke of resident's present advocating to bring water to their neighborhood and his frustration that the Township has not been able to provide that yet; explained that they will continue to try*

Motion to adjourn meeting – 7:18 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