

Cape May Court House, NJ  
April 18, 2022  
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. 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.*)
2. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:*  
*Current Acct. \$5,853,126.55*
3. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 04/04/2022 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1643-22 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk's Office. *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. ORDINANCE NO. 1645-22 – AN ORDINANCE AMENDING CHAPTER 204, ENTITLED “SEWERS”, OF THE CODE OF THE TOWNSHIP OF MIDDLE - On motion by [redacted] seconded by [redacted] and passed on roll call, Ordinance No. 1645-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/16/2022 at 6:00 p.m.

WHEREAS, to protect the public health, safety and welfare of the citizens of the Township of Middle, there is a need to upgrade lateral service to commercial properties to incorporate a 6-inch lateral sewer line; and WHEREAS the Township Committee also deems it appropriate to enact a procedure to allow commercial properties which will have less sewer flow usage to appeal the requirement of the enhanced lateral size and to establish a procedure for the appeal.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS

SECTION 1: The Averments set forth above shall be incorporated herein as if set forth at length.

SECTION 2: The following section shall be added to Chapter 204 as an amendment and shall be inserted in Section 204-22C(1) of that Chapter as subsection “(c)”:

204-22C(1)(c) LATERAL UPGRADES / FLOW METERS /APPEAL PROCEDURES

(i) All new commercial construction shall be required to install a 6-inch diameter lateral. For commercial developments containing multiple, separate units, each individual unit must be provided with its own, independent lateral connection. Each commercial lateral connection must be provided with separate clean out located at the building property line, accessible to the Township.

(ii) All new or existing commercial units shall be required to install an individual water flow meter if not serviced with Township water or the service recipient shall pay the default service rate set forth in the attached Schedule A-1, which is predicated upon DEP guidelines.

(iii) In the event that a new commercial property is serviced by a preexisting 4-inch lateral and the service recipient can demonstrate that the flow warrants the installation of a 4-inch line, then said service recipient may appeal to the Township for relief permitting the 4-inch lateral to remain.

(a) such appeal shall be initiated by providing the following:

(1) A detailed letter to the Administrator requesting the proposed relief;

(2) A written calculation by a licensed engineer or architect demonstrating the actual flow of the proposed commercial unit;

(3) Internal inspection by CCTV of the existing lateral or other evidence satisfactory to the Township establishing the existing condition of the preexisting lateral and acceptability for continued use;

(4) A detailed diagram of the building; and

(5) a \$500 escrow fee to cover the cost of the appeal review

(b) The appeal shall be decided by the Sewer Engineer, whose determination shall be binding.

(c) Further, in the event that the use of such a commercial premises changes, then the new service recipient must demonstrate the level of flow usage to justify the continued use of a 4-inch lateral, or the service must be upgraded to a 6-inch lateral.

SECTION 3: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 5: This Ordinance shall become effective immediately upon final passage and publication, according to law.

**\*Schedule A-1 available for viewing in the Clerk’s Office.**

7. RESOLUTION – ACKNOWLEDGMENT OF RESIGNATION – On motion by [redacted] seconded by [redacted] 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	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Robert Luzny	Public Works	Laborer 1 P/T Permanent	04/02/2022
Bill Jennings	Rent Leveling Board	Member at Large	04/07/2022

8. RESOLUTION – AMENDING RESOLUTION 195-22 – APPOINTMENTS – VOLUNTEER BOARDS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following information listed below is hereby amended as follows.*

NAME	POSITION	BOARD	TERM EXPIRES
Francis R. King	Tenant	Rent Leveling Board	12/31/2026
Shannon Feltwell	Member	Veteran's Advisory Board	12/31/2024
Henry Buchy	Member	Veteran's Advisory Board	12/31/2024
Lee Green	Member	Veteran's Advisory Board	12/31/2024

9. RESOLUTION – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following discontinuation of appointments listed below, are acknowledged.*

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Edward Camp Jr.	Public Works	Laborer 1 F/T T/A	03/24/2022

10. RESOLUTION – APPOINTMENTS – NEW HIRES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:*

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Taylor McNeal	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	04/04/2022
Michael Bailey	Public Safety – Police	Special Class II Police Officer	\$20.00 per hour	04/11/2022
William Greenwood	Public Works	Laborer 1 P/T T/A*	\$15.00 per hour	04/07/2022
Zachary Gray	Public Works	Laborer 1 P/T T/A (6 months)	\$15.00 per hour	04/11/2022

\*Grant-funded position

11. RESOLUTION – RATIFY AGREEMENT – ATLANTICARE BEHAVIORAL HEALTH, INC. (EAP / EMPLOYEE ASSISTANCE PROGRAM) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 Agreement between AtlantiCare Behavioral Health, Inc. and the Township of Middle for the Employee Assistance Program shall for a term of twenty-four (24) months.*

*BE IT FURTHER RESOLVED that each annual agreement is for a total cost of \$3,550.85, to be certified annually, pending availability of funds.*

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

12. RESOLUTION – AUTHORIZING PARTICIPATION IN 2022 SOUTH JERSEY POWER COOPERATIVE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the participation in the 2022 SJPC is hereby authorized.*

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

13. RESOLUTION – CATERING PERMIT – QUAHOGS RESTAURANT INC. – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, Quahogs Restaurant Inc. has applied for approval to sell alcoholic beverages at an event to be held at The Taco Shop located at C-5 Court House South Dennis Road, Cape May Court House, New Jersey 08210 from 11:00am to 10:00pm on May 5, 2022.*

*WHEREAS, they have provided proper documentation to the Township of Middle,*

*NOW, THEREFORE BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Catering Permit.*

14. RESOLUTION – INTEREST ADJUSTMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, an interest adjustment is due to the property owner referenced below as the tax payment was submitted in the drop box on 2-11-2022 and the Tax Collector’s Office did not receive said payment until 4-7-2022. Interest to be applied to future taxes.*

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
1678	56.01	96	Carroll, Jolynn W	9.69

*BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Tax Collector be instructed to adjust the above-mentioned account, as a credit 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.*

15. RESOLUTION – APPROVE CHANGE ORDER (ITEMS A THROUGH B) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*(A) WHEREAS, Housing Rehabilitation Contract No. 2019-4 was awarded December 6, 2021, via Resolution No. 493-21 to Buggy Construction, LLC;*

*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 Buggy Construction, LL, be and is hereby approved. This Change Order will decrease the award by \$6,500.00 to an amended amount of \$ 37,500.00.*

*(B) WHEREAS, a Contract was awarded, on July 19, 2021, via Resolution No. 299-21 to Landberg Construction, LLC for the Bike Path North Extension; and*

*WHEREAS, Change Order No. 1, which resulted in a decrease of \$22,820.00 was approved via Resolution No. 183-22 on March 23, 2022.*

*NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #2 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 \$66,298.26 for an amended contract amount of \$2,042.414.74.*

16. RESOLUTION – TABULATION COMMITTEE – OCKIE WISTING SITE IMPROVEMENTS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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 May 19, 2022 at 10:00 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:*

**OCKIE WISTING SITE IMPROVEMENTS**

17. RESOLUTION – SUPPORTING DESIGNATION OF BUS STOP – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the Township of Middle has received a letter from the State of New Jersey, Department of Transportation, recommending the placement of several NJ Transit Bus Stops; and*

*WHEREAS, the Township Committee of the Township of Middle, along with the Middle Township Traffic Committee, has reviewed the request and agrees with the establishment of bus stops as indicated above; and*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that pursuant to N.J.S.A. 39-4-8(e) the following described locations are hereby requested as a designated bus stop:*

1. Along Route 9, southbound, on the westerly side thereof at:
  - A. Pacific Avenue – Near Side

*Beginning at the notherly curblin of Pacific Avenue and extending 105 feet northerly therefrom  
BE IT FURTHER RESOLVED, that per the “Repealer Clause”, the Township of Middle concurs that any approved bus stop locations or traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.*

*BE IT FURTHER RESOLVED, that if authorized by NJ Transit and NJ Department of Transportation, the Township Committee of the Township of Middle will enforce the Traffic Regulation Order governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.*

18. RESOLUTION – CONFIRMATION OF LAND SALE (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.  
 (A) WHEREAS, the Township Committee, the Governing Body 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, N.J., 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.: 472-21 Adopted: November 15, 2021 Sale Date: January 19, 2022 at 10:00am  
 WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as set forth on the attached list of properties, purchasers and sale amounts.  
 NOW THEREFORE BE IT 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 to said highest bidders, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

Block	Lot	Property	Bid Price	Bidder
52	15	803 Goshen Road	\$ 50,000	HEA Homes LLC
64	1	35 Goshen Road	\$ 12,900	I&G Building LLC
165.01	127	271 Stagecoach Rd	\$ 50,000	Kevin Wiley & Ryan Douglass
167.01	57	20 Oakview Road	\$ 21,000	Dolores DiCicco
167.01	75 C0106	206 Stagecoach Rd., #512	\$ 9,000	Anthony & Jessica Forlenza
934	15	222 W Main Street	\$ 23,000	Carl Arenberg
935	17	2 N George Street	\$ 108,600	Carlett Real Estate LLC
938	3	119 W Main Street	\$ 8,000	Quanette Vasser-McNeal
938	18	W Wiley Street	\$ 26,000	Quanette Vasser-McNeal
943	13,14	Sumner Street	\$ 12,000	Terrence McNeal
944	8	Sumner Street	\$ 9,000	Montel Pitt
1066	9, 12,14	Wildwood Avenue	\$ 13,000	I&G Building LLC
1082	9	15 Kentucky Avenue	\$ 22,000	Kevin Wiley

(B) WHEREAS, the Township Committee, the Governing Body of the Township of Middle, by proper Ordinance, directed that a private auction to be held amongst contiguous owners of Block 1070 Lot 3, at the meeting room, 33 Mechanic Street, Cape May Court House, N.J., 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:

Ordinance No.: 1640-22 Adopted: February 23, 2022 Sale Date: March 9, 2022 10:00am

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

Block 1070 Lot 3 – South Carolina Avenue

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows:

Charles & Gail Farrow – 13 North Carolina Avenue, 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.

19. RESOLUTION – AUTHORIZING GREEN CREEK VOLUNTEER FIRE COMPANY TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, the following resolution was adopted.  
 WHEREAS, Ordinance 1009-98 permits application to be made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and  
 WHEREAS, Green Creek Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and  
 WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Green Creek Volunteer Fire Company and attached to this Resolution; and  
 WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Green Creek Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and

*WHEREAS, the County of County Cape May, via Resolution 62-22, has endorsed Greek Creek Fire Company's application to solicit contributions along the roadway of Bayshore Road, CR603; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Green Creek Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.*

*\*Application available for viewing in the Clerk's Office*

20. ENGINEERING REPORT:

21. PUBLIC COMMENT:

Motion to adjourn meeting –

1<sup>st</sup>:

2<sup>nd</sup>:

Pass on Roll Call: