

Cape May Court House, NJ
May 2, 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. \$3,345,836.84
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: 04/18/2022 Regular Meeting.
4. REPORTS: NONE
5. ORDINANCE NO. 1644-22 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO AMEND CHAPTER 108 OF THE TOWNSHIP CODE REGARDING BOUNCED CHECK FEES - Following second reading, hearing, and consideration for adoption, Ordinance 1644-22 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
WHEREAS, Local Ordinance Section 108-1 imposes a fee of twenty dollars (\$20.00) for a check tendered to the Township which check upon presentment to the bank “bounces”, which fee has not changed since 2010.
BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that Chapter 108-1 of the Code of Township of Middle be revised as follows:
SECTION 1. Chapter 108-1 is deleted in its entirety and replaced with the following:
Section 108-1. Fee Imposed.
The Township shall hereafter impose a fee of thirty-eight dollars (\$38.00) against individuals who issue a check payable to the Township of Middle, which check is subsequently dishonored by the individual’s bank for insufficient funds or any other cause.
SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.
SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.
SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.
6. ORDINANCE NO. 1646-22 – AN ORDINANCE REPEALING CHAPTER 131 OF THE CODE OF THE TOWNSHIP OF MIDDLE - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1646-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/06/2022 at 6:00 p.m.
WHEREAS, Township Committee has reviewed Chapter 131, entitled Emergency Medical Transport Services of the Code of Township of Middle;
WHEREAS, Township Committee on 04/05/2004 adopted Ordinance 1148-04, with any fully adopted amendments, establishing EMS billing to insurance companies and/or persons that are provided emergency medical services;
WHEREAS, EMS services to the residents of Middle Township shall be provided by a third-party provider which will be responsible for any and all maintenance of service records and billing for EMS services.
BE IT ORDAINED, by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that CHAPTER 131 of the Code Township of Middle be and is hereby Repealed.
BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately upon final passage and publication, according to law

7. ORDINANCE NO. 1647-22 – AMENDING SECTION 193-1 ET SEQ. OF THE CODE OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1644-22 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 previously adopted Ordinance 1539-17, which set forth within the Township’s Property Maintenance Standards, certain regulations regarding the classification and registration of vacant properties with the Township; and

WHEREAS, it is the opinion of the Township Committee, the Governing Body of the Township of Middle, that said prior Ordinance (now codified as Section 193 of the Township Code) should be modified to narrow the scope of the properties classified under the Ordinance and to adjust the registration fees associated with the same;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and the State of New Jersey as follows:

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

SECTION 2. Section 193 of the Code of the Township of Middle shall be amended as follows:

a. The text of Section 193-4, defining “VACANT PROPERTY”, which provides that “Any real property located in Middle Township, whether vacant or occupied, that...” shall be stricken and the following verbiage shall be substituted in its place:

“Any real property located in Middle Township that is not occupied, and that....”

b. The text of Section 193-27 entitled “Fee Schedule” shall be stricken and the following verbiage shall be substituted in its place:

“The initial and subsequent annual registration fee for each building shall be \$500.

Registrations must be renewed annually in accordance with § 193-24(d).”

SECTION 3. All 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, 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.

8. RESOLUTION – ACKNOWLEDGEMENT OF RETIREMENT – 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Sean McDevitt	Public Safety – EMS	Chief EMT	07/01/2022

9. 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
Robert Luzny	Public Works	Laborer 1	\$35,000.00	05/01/2022
Nick Montalbano	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	04/21/2022

10. RESOLUTION – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by seconded by and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Mark Shaw	Public Works	Laborer 1 F/T T/A	Laborer 1 F/T Permanent	\$35,000.00	04/21/2022
Brian Milburn	Public Works	Laborer 1 F/T T/A	Laborer 1 F/T Permanent	\$35,000.00	05/01/2022
Daniel Branco	Public Works	Laborer 1 P/T Permeant	Laborer 1 F/T Permeant	\$35,000.00	05/01/2022

11. RESOLUTION – ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Luke Smearman	Public Works	Laborer 1 F/T Permanent	04/22/2022
Eric Kelly	Sewer	Sewer Repairer 1	03/16/2022

12. RESOLUTION – EMERGENCY TEMPORARY APPROPRIATION – VARIOUS LINE ITEMS – On motion by _____ seconded by _____ 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 (\$49,683.01),
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 (\$49,683.01) as follows:

<i>Audit Services</i>	
<i>Other Expenses</i>	(\$20,300.00)
<i>Planning Board</i>	
<i>Other Expenses</i>	(\$4,562.50)
<i>Shared Service Agreements</i>	
<i>Interlocal – Construction</i>	(\$24,820.51)
 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.

13. PUBLIC HEARING ON INTRODUCED BUDGET

14. RESOLUTION – ADOPT 2022 MUNICIPAL BUDGET – 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2022 was introduced and approved at a regular meeting of the Township Committee held on April 4, 2022 and was thereafter advertised in the Herald-Times in its issue on April 13, 2022, which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing; and
BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2022 was hereby read by title only, and also had public hearing on May 2, 2022; and
FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2022; and
FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2022 is hereby adopted.
15. RESOLUTION – AMEND 2022 BUDGET – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the local municipal budget for the year 2022 was approved on the 2nd day of May, 2022, and
WHEREAS, the public hearing on said budget has been held as advertised, and
WHEREAS, it is desired to amend said approved budget,
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, that the following amendments to the approved budget of 2022 be made:

CURRENT FUND:			
	<u>From</u>	<u>To</u>	
ANTICIPATED REVENUES:			
3. Miscellaneous Revenues			0.00
Section F: Special Items with Prior Written Consent of the Director of LGS - Public and Private Revenues Offset with Appropriations			0.00
NJDOT Grant - Magnolia Drive	-	300,000.00	300,000.00
Total Section F: Special Items with Prior Written Consent of the Director of LGS - Public and Private Revenues Offset with Appropriations	457,390.00	757,390.00	300,000.00
Total Miscellaneous Revenues	7,942,898.29	8,242,898.29	300,000.00
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	9,807,898.29	10,107,898.29	300,000.00
6. Amount to be Raised by Taxes for Support of Municipal Budget			0.00
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	14,604,098.43	14,604,098.43	0.00
7. Total General Revenues	<u>24,411,996.72</u>	<u>24,711,996.72</u>	300,000.00
ANTICIPATED APPROPRIATIONS:			
8. General Appropriations:			0.00
a) Operations - excluded from "CAPS"			0.00
Public and Private Programs Offset by Revenues			0.00
NJDOT Grant - Magnolia Drive	0.00	300,000.00	300,000.00
Total Public and Private Programs Offset by Revenues	457,390.00	757,390.00	300,000.00
Total Other Operations - excluded from "CAPS"	824,267.40	1,124,267.40	300,000.00
Detail: Other Expenses	628,826.00	928,826.00	300,000.00
H-2 Total General Appropriations for Municipal Purposes Excluded from "CAPS"	2,218,711.69	2,518,711.69	300,000.00
O) Total General Appropriations Excluded from "CAPS"	2,218,711.69	2,518,711.69	300,000.00
I) Subtotal General Appropriations (Items (H-1) and (O))	24,036,429.67	24,336,429.67	300,000.00
I) Subtotal General Appropriations (Items (H-1) and (O))	375,567.05	375,567.05	0.00
9. Total General Appropriations	<u>24,411,996.72</u>	<u>24,711,996.72</u>	300,000.00
SEWER UTILITY FUND:			
ANTICIPATED REVENUES:			
Operating Surplus Anticipated	0.00	230,000.00	230,000.00
Total Sewer Revenues	<u>5,244,000.00</u>	<u>5,474,000.00</u>	230,000.00
ANTICIPATED APPROPRIATIONS:			
Operating:			
MUA User Charges	2,550,000.00	2,780,000.00	230,000.00
Total Sewer Appropriations	<u>5,244,000.00</u>	<u>5,474,000.00</u>	230,000.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of a local municipal budget so amended.

16. RESOLUTION – AWARD OF BID (ITEMS A THROUGH B) – On motion by _____ seconded by _____ 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 2021-01, and WHEREAS, bids were received on February 16, 2022, and WHEREAS, said bids were rejected on March 23, 2022 via Resolution 181-22 and a tabulation committee was re-established; and WHEREAS, the Township received bids on April 13, 2022; 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:*

<i>Contract No.</i>	<i>Awarded to:</i>	<i>Total Bid Amount</i>
<i>2021-01</i>	<i>D D & S Construction LLC</i>	<i>\$31,500.00</i>

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

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- (B) WHEREAS, the Township of Middle, following public advertisement, received bids for Phase II of Pump Station Improvements; and WHEREAS, sealed bids were received on April 13, 2022; and WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest responsible bids received, which complies with specifications and requirements as set forth by the State of New Jersey.*

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the following contract for services shall be awarded as follows:

*B & H Contracting Inc.
Pump Station Improvements – Phase II
Contract No. 2021-01
Not to Exceed \$2,120,000.00*

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

17. RESOLUTION – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
- NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the mortgage loan for Habitat for Humanity for the property located at 210 Hand Avenue, Cape May Court House, New Jersey 08210, in the amount of \$85,000.00 is hereby authorized to be discharged. FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.*

18. RESOLUTION – AUTHORIZING A RETURN PAYMENT TO FREEDOM MORTGAGE CORPORATION FOR PAYMENTS MADE ON BEHALF OF SHARON MCNEAL-SILNICKI – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, Ordinance No. 1580-18 was passed by the Middle Township Committee on December 17, 2018 and memorialized on December 26, 2018 entitled “AN ORDINANCE ESTABLISHING A UNIFIED CODE GOVERNING VACANT AND UNSAFE STRUCTURES AND PROPERTY MAINTENANCE IN MIDDLE TOWNSHIP”;* and *WHEREAS, the property located at 1043 Route 47 S., Rio Grande, NJ was subject to the registration requirements and associated fees as found in said Ordinance;* and *WHEREAS, Freedom Mortgage Corporation has made payments totaling Two Thousand One Hundred Eighty-Five (\$2,185.00) Dollars for fees incurred pursuant to Chapter 193-27 of the Middle Township Code on behalf of Sharon McNeal-Silnicki, who resides at 1043 Route 47 S. Rio Grande, NJ;* and *WHEREAS, Sharon McNeal-Silnicki, filed a Chapter 13 petition in the United States Bankruptcy Court for the District of New Jersey under Case No. 19-11614, and in conjunction with same, has filed an affidavit with the Court confirming that she has consistently lived in said residence and that the same has not been vacant during the time period for which fees were imposed by the Code;* and *WHEREAS, considering the Memorandum of Decision recently entered by the Honorable Julio L. Mendez, A. J. S. C. in the matter entitled McCormick 106 LLC vs. Community Champions Corporation, et al., such continued occupancy would exempt the premises from any fees or payments resulting from the application of the ordinance;* and *WHEREAS, the Township has amended the subject Ordinance to be consistent with the Court’s guidance as aforesaid.* **NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE, the governing body of the Township of Middle, as follows:**
1. *The averments set forth above are incorporated herein as if set forth at length.*
 2. *The monies described above in the amount of Two Thousand One Hundred Eighty-Five (\$2,185.00) Dollars shall be refunded to the mortgagee of record, Freedom Mortgage Corporation forthwith.*
 3. *The Municipal Clerk/Administrator, Municipal Solicitor and all other appropriate personnel, agent, servants, and employees of the Township of Middle are hereby empowered and authorized to take such action as may be necessary to implement to the provisions of this resolution.*
19. RESOLUTION – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. (A) *WHEREAS, Our Lady of Angels Church has applied for approval to sell alcoholic beverages at an event to be held at the Shore Club, 1170 Golf Club Road, Cape May Court House, New Jersey 08210 on May 17, 2022 from 1:00pm until 6:00pm;* and *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 Social Affairs Permit.** (B) *WHEREAS, the Rio Grande Volunteer Fire Co. has applied for approval to sell alcoholic beverages at an event to be held at Rio Grande Fire Co., 1120 Rte 47 South, Rio Grande, NJ on May 21, 2022 from 4:00 pm to 9:00 p.m., and* *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 Social Affairs Permit.**
20. RESOLUTION - DESIGNATING THE MONTH OF MAY AS “BAG UP NJ” MONTH – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *WHEREAS, P.L.202, c.117, signed into law on November 4, 2020 is the most progressive disposable bag law in the country, with the goal of phasing out single-use plastic and paper bags and encouraging the use of reusable bags throughout New Jersey;* and *WHEREAS, New Jersey is working to reduce reliance on single-use products to ensure that future generations have a clean and healthy environment to live, work, and recreate in;* and *WHEREAS, banning or limiting the use of single-use plastic and paper carryout bags is a significant step in this effort;* and *WHEREAS, the New Jersey Clean Communities Council, the New Jersey Department of Environmental Protection, the New Jersey Department of State, policymakers, environmental and business groups, as well as other stakeholders, are working together to educate consumers, businesses, and communities about the new law and encouraging residents to “Bag Up” before the ban on single-use plastic bags goes into effect on May 4, 2022;* and *WHEREAS, the comprehensive “Bag Up NJ” campaign will include educational programs, public and media engagement and reusable bag distribution programs throughout the state, with an emphasis on underserved communities;* and *WHEREAS, this statewide public education campaign will provide residents, businesses and visitors with information about the types of reusable and sustainable bags and containers that they may use and where to access these products.* **NOW, THEREFORE, BE IT RESOLVED, by the Township of Middle that it is critical to begin educating the public about this new law;** and **BE IT FURTHER RESOLVED, that one way to gain important recognition is to deem the month of May each year as “Bag Up NJ” month in Township of Middle as a further reminder that all residents should bring their own reusable bags to the store;** and **BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to the NJ Clean Communities Council, and the New Jersey State League of Municipalities.**

21. ENGINEERING REPORT:

22. PUBLIC COMMENT:

Motion to adjourn meeting –

1st:

2nd:

Pass on Roll Call: