

Cape May Court House, NJ
August 15, 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, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY COMMITTEE – AUGUST EMPLOYEE OF THE MONTH – ELIZABETH SIMPKINS
2. PROMOTIONS – POLICE DEPARTMENT – On motion by seconded by and passed on roll call, the following resolution was adopted.
3. SWEARING IN OF PROMOTED POLICE OFFICERS
4. 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.*)
5. 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. \$3,638,866.61
6. 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: 08/01/2022 Regular Meeting and Closed Session.*
7. REPORTS: Tax/Sewer Collection for the month of July; Sterbeck Harbor for the month of July; Clerk for the Month of July; Zoning for the month of July
8. ORDINANCE 1658-22 - AN ORDINANCE AMENDING SUB-CHAPTER 104-11 OF THE CODE OF THE TOWNSHIP OF MIDDLE ENTITLED “CAMPGROUNDS-PERMANENT RESIDENTIAL STRUCTURES” – On motion by seconded by and passed on roll call, Ordinance No. 1657-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/19/2022 at 6:00 p.m.
WHEREAS, the Township Committee, the Governing body of the Township of Middle has reviewed the existing ordinances of the Township relative to permanent residential structures within campgrounds; and
WHEREAS the Township Committee deems it to be in the best interest of the citizens of the Township of Middle to amend the existing code provisions in order to clarify the types of non- permanent structures which are permissible as additions within campgrounds; ordinances within the Township of Middle; and
NOW, THEREFORE, BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Sub-Chapter 104-11 of the Code of the Township of Middle entitled “Campgrounds-Permanent Residential Structures” be and is hereby amended as follows:
***SECTION 1.** The averments above shall be incorporated herein as if set forth at length.*
***SECTION 2.** Sub-Chapter 104-11 of the Code of the Township of Middle entitled “Campgrounds-Permanent Residential Structures” shall be and is hereby amended to include as sub-paragraph K, the following:*
K. For the purposes of this Chapter, additions to an existing RVIA (Recreational Vehicle Industry Association) or RPTIA (Recreation Park Trailer Industry Association) Certified Recreational Vehicle shall not be considered permanent residential structures, but deemed to be temporary, if they expressly comply with the following criteria:
 1. *The decking beneath such addition shall be composed temporary wooden platforms of modular 10 x 10 or 8 x 12 sectional decks with a size limitation of total deck area in the amount of 400 square feet.*
 2. *Additional front **open** decking, for access only, shall be permitted subject to a 200 square foot maximum. No construction shall be permitted on said front open deck area. This shall be limited to the front addition only.*
 3. *The footings upon which such deck areas sit shall be underground footings or a post and girder system (4-inch solid block buried at grade level). ~~that shall be attached to the deck area with hurricane anchor straps.~~ The deck area shall be held down by hurricane straps attached to augers (helical soil anchors) into the ground.*
 4. *The deck areas, as constructed, must be totally moveable.*

5. The deck area described in K1 above shall be permitted to contain a temporary Florida Room addition expressly subject to the following criteria:
 - a. The temporary Florida room addition shall be a Craft Built, Silvertop, DuraBuilt pre-engineered aluminum structure (or equal) which shall be affixed to the deck area and trailer via tiedown / hurricane anchors.
 - b. The Florida room addition must be totally movable.
 - c. No plumbing shall be permitted.
 - d. Only detachable wire molded electric on interior walls shall be permitted.
 - e. Room size shall be limited to 400 square feet.
 - f. "Roof Over" structures are deemed to be permanent and are not perm
 - g. Prior to construction the applicant must obtain a zoning permit.
 - h. Prior to construction the applicant must obtain a Construction permit for building, electrical and mechanical.
6. Failure to obtain the requisite permits or to construct an addition in compliance with the provisions of this section shall be deemed to be a violation of this ordinance subject to a fine of \$ 250.00 dollars per day. After a violation notice has been issued, each day that the structure has not been removed shall constitute a separate violation of this ordinance.

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.

9. RESOLUTION – AUTHORIZING PARTICIPATION IN AMENDED ALTERNATE ROUTE APPOINTMENTS FOR POLICE OFFICERS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle Department intends to utilize the Alternate Route Appointments Program through the Civil Service Commission to hire police officers; and

WHEREAS, the Township of Middle certifies that the appointments comply with all applicable State and Federal law governing Equal Employment Opportunity; and

WHEREAS, the Township of Middle has adopted a conflict of interest and nepotism policy; and

WHEREAS, the Civil Service Commission requires a Resolution utilizing the Alternate Route Appointments Program; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle Police Department is authorized to participate in the Alternate Route Appointment Program.

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
Kevin Burns	Public Works	Mechanic Helper F/T T/A (6 months)	\$15.00 per hour	08/15/2022
Kenzee Delgado	Public Safety – Police Department	TA Police Officer*	\$42,500.00	08/15/2022
Brian Harrison	Sewer	Laborer 1 F/T	\$35,000.00	08/29/2022

**Alternate Route Appointment*

11. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE – WILLIAM MAYERSON – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, William Mayerson retired with an effective date of August 1, 2022; and

WHEREAS, it is the policy of Middle Township to compensate retiring 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:

William Mayerson

Sick Hours: 1,377.88

Vacation Hours: 312.16

\$12,000.00

12. 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
William Greenwood	Public Works	Laborer 1 P/T T/A	08/26/2022

13. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – 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 resignations listed below, are acknowledged.

NAME	DEPARTMENT/BOARD	POSITION	EFFECTIVE
David Elliot	Finance	Chief Financial Officer/Qualified Purchasing Agent*	09/16/2022

*Civil Service Title of Keyboarding Clerk 1 and UA title of Chief Financial Officer.

14. RESOLUTION – CANCELLATION OF TAXES (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.
 (A) 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	2023
17229	48	53	Cahall, Christopher J & Deborah L Exempt as of 6/2/2022 Property location: 9 Lacivita Drive	\$3,065.35	\$2,640.04
3308	165.01	82	Donnelly, Edward D & Mary F Exempt as of 2/10/2022 Property location: 11 Dyars Mill Rd	\$6,956.48	\$2,532.01
3373	166	66	Gabris, Joseph III & Samantha Exempt as of 4/5/2022 Property location: 307 Dias Creek Rd	\$6,769.51	\$2,758.86
19126	385	1.19	Caraballo, Samuel Jr & Brynn Exempt as of 5/18/2022 Property location: 7 Sand Dollar Drive	\$4,472.25	\$3,366.95
17915	391	19	Smith, Steven E & Maureen E Exempt as of 4/27/2022 Property location: 14 N 6 th St	\$6,675.98	\$2,863.67
6969	471	12	Woolbert, William T Exempt as of 6/17/2022 Property location: 11 Paula Lane	\$1,204.89	\$1,224.90
7041	472	36	Cohen, Spencer E & Maureen P Exempt as of 5/5/2022 Property location: 282 Rte 47 S	\$6,106.42	\$2,709.25

(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	2023
1802	63	1	Palmer, Ty G Date of exemption: 2/9/2022	\$3107.33	\$1553.67

15. RESOLUTION – REFUND OF TAXES – (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) WHEREAS, A refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
17229	48	53	Cahall, Christopher J & Deborah L 9 Lacivita Drive Cape May Court House, NJ 08210 <i>Property location: 9 Lacivita Drive</i>	\$361.86
3308	165.01	82	Donnelly, Edward D & Mary F 11 Dyars Mill Rd Cape May Court House, NJ 08210 <i>Property location: 11 Dyars Mill Rd</i>	\$658.40
3373	166	66	Gabris, Joseph III & Samantha 307 Dias Creek Rd Cape May Court House, NJ 008210 <i>Property location: 307 Dias Creek Rd</i>	\$1,251.80
19126	385	1.19	Caraballo, Samuel Jr & Brynn 7 Sand Dollar Drive Cape May Court House, NJ 08210 <i>Property location: 7 Sand Dollar Drive</i>	\$1,024.38
17915	391	19	Smith, Steven E & Maureen E 14 N 6 th St Del Haven, NJ 08251 <i>Property location: 14 N 16th St</i>	\$948.65
7041	472	36	Cohen, Spencer E & Maureen P 282 Rte 47 S Cape May Court House, NJ 08210 <i>Property location: 282 Rte 47 S</i>	\$687.93

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.

(A) WHEREAS, a refund is due to the below property owners due to overpayment of 2022 property taxes,

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
2145	99.02	117.01	SHL Development LLC 992 Old Eagle Schl Rd #915 Wayne, PA 19087-1803 <i>Property location: Golf Drive</i>	\$5,899.04

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.

16. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by _____ seconded by _____ 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.

<i>OWNER</i>	<i>PROPERTY LOCATION</i>	<i>BLOCK // LOT</i>	<i>AMOUNT</i>
<i>Adelizzi, Richard & Rita</i>	<i>80 Millman Blvd</i>	<i>389 // 14</i>	<i>\$583.04</i>

17. RESOLUTION – APPROVE CHANGE ORDER NO. 1-HOUSING REHABILITATION CONTRACT NO. #2019-15 MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Housing Rehabilitation Contract No. 2019-15 was awarded December 6, 2021, via Resolution No. 495-21 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 only change the work scope and does not result in any monetary adjustment.
18. RESOLUTION – AMENDING RESOLUTION 263-22 - APPROVE CHANGE ORDER NO. 2 – SWAINTON ROAD PROJECT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Arawak Paving Co. was awarded the “Swainton Road Project” project on April 5, 2021; and WHEREAS, Change Order No. 2 was approved June 6, 2022, and
WHEREAS, the change order summary needs to be adjusted to reflect the correct amount for Change Order No. 2
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order No. 2 for the project awarded to Arawak Paving Co., be and is hereby approved in an increase amount of \$18,492.31 for an amended contract price of \$276,311.30 for an overall project net decrease of \$2,588.70.
19. RESOLUTION – MIDDLE TOWNSHIP ANNUAL FREE YARD SALE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE BE IT RESOLVED, that Township Committee of the Township of Middle, County of Cape May, does hereby authorize the annual free yard sale to be held September 16, 17 and 18, 2022 in the Township of Middle.
20. RESOLUTION – SOCIAL AFFAIRS PERMIT – IUPAT DISTRICT COUNCIL 21 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the IUPAT District Council 21 has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House, New Jersey 08210 on September 19, 2022 from 11:00am until 9:00pm; 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.
21. RESOLUTION – REDUCTION OF PERFORMANCE BOND NO. 1 – CKJR, LLC – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, \$981,734.38 is being held as a performance guarantee for CKJR, LLC, for Block 348.02, Lot 3; and
WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$508,023.00 have been completed; and
WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$473,711.38; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to \$473,711.38.
22. RESOLUTION – RELEASE OF PERFORMANCE BOND – PARK VIEW MOBILE HOME PARK – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, \$114,149.40, is being held as a performance guarantee by William and Sharon Moore for Park View Mobile Home Park for park expansion at Block 333/334 Lot 16, otherwise known as 614 Route 9 South; and
WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$114,149.40 is hereby released.
23. RESOLUTION – SUPPORTING THE 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. *Lena Avenue – Far Side*
Beginning at the southerly curblineline of Lena Avenue and extending 100 feet southerly therefrom.

2. *Along Route 9, northbound, on the easterly side thereof at:*

a. *Lena Avenue – Far Side*

Beginning at the northerly curblineline of Lena Avenue and extending 100 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.

24. RESOLUTION – CLOSED SESSION – POTENTIAL LICENSE VIOLATION – On motion by seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

POTENTIAL LICENSE VIOLATION

2.) The general nature of the subject matter to be discussed is as follows:

POTENTIAL LICENSE VIOLATION

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

25. ENGINEERING REPORT:

26. PUBLIC COMMENT:

Motion to enter closed session –

1st: _____ 2nd: _____

Pass on Roll Call:

Motion to re-enter open session –

1st: _____ 2nd: _____

Pass on Roll Call:

Motion to adjourn meeting –

1st: _____ 2nd: _____

Pass on Roll Call: