

Cape May Court House, NJ
September 7, 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, Committee member Norris, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, & Municipal Solicitor Marcus Karavan – *Absent – Township Engineer Vince Orlando*

1. PRESENTATION BY COMMITTEE – MIDDLE MATTERS – JOHN LAURICELLA

John Lauricella, Cape May Court House:

- *Read prepared speech about the many people who help make the Police Youth Camp what it is*

Chief Leusner:

- *Discussed various ways John Lauricella and others help the community's youth through the camp; thanked all involved*

2. 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.)

Stan Doniger, Rio Grande:

- *Asked about item 6 on agenda*

Mayor Donohue:

- *Clarified parameters around the ordinance*

Kimberly Osmundsen:

- *Further explained reason for the reintroduction*

Stan Doniger, Rio Grande:

- *Discussed differences between campgrounds and mobile home parks; spoke of concerns of the structures*

Marc Karavan:

- *Further explained process of executing the ordinance once approved*

Mary Ann Alulis, Cape May Court House:

- *Asked about item 7*

3. RESOLUTION 373-22 – 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. \$3,509,951.41

4. RESOLUTION 374-22 – 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: 08/15/2022 Regular Meeting, Work Session and Closed Session.

5. REPORTS: Tax/Sewer Collection for month of August; Sterbeck Harbor for month of August; Clerk for month of August

6. RE-INTRODUCTION – 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 Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1658-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/03/2022 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 of 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 permitted
 - 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.

7. **ORDINANCE 1659-22 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY CREATING THE RIO GRANDE COMMUNITY ENGAGEMENT COMMITTEE** – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1659-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/03/2022 at 6:00 p.m.

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

SECTION 1: ESTABLISHMENT

This is hereby created the “Rio Grande Community Engagement Committee.”

The Township committee wishes to bring Rio Grande residents, business owners, social service agencies and local government together to address ongoing concerns in the Rio Grande area; and

SECTION 2: MEMBERSHIP

This Committee shall consist of nine (9) members appointed by the Governing Body, whereas the Chair Person shall be appointed by the Mayor. The Board would consist of Rio Grande area residents and business owners as well as representatives and advisers from local and county government and the Middle Township Police Department.

The initial appointees to the Board shall serve terms as follows:

Member	Term
4 Regular Members	three-year term
3 Regular Members	two-year term
2 Regular Members	one-year term

Hereafter, all subsequent or reappointed members shall serve a term of three years commencing January 1. The members of the Committee shall serve without compensation.

The Committee will meet at least on a quarterly basis, or on such other more frequent meeting dates as the agenda established by the Committee shall provide.

The Rio Grande Community Engagement Committee shall have no policy-making powers, nor shall it have the power to hire employees or otherwise expend moneys.

On behalf of the Committee, the Township shall appoint a staff member as secretary to the board and provide legal counsel from the municipal solicitor.

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.

8. ORDINANCE 1660-22 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP-OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 276 LOT 5 IN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1660-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/03/2022 at 6:00 p.m.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 276, Lot 5 (the “Subject Property”) in the Cape May Court House section of the Township that qualifies for such a land sale; and

WHEREAS, the Township has received a “Request Sheet for Sale of Township Owned Real Estate” submitted by Michael DeWald, the owner of a property contiguous to the Subject Property

WHEREAS, there are, in total, two (2) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 276 Lot 4 - Michael Bass & Susan Fierstein
16095 Cameron Way
Broomfield, CO 80023-8118

Block 276 Lot 6 - Michael DeWald
101 Hildreth Road
Cape May Court House, NJ 08210

WHEREAS, the two (2) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the three of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of Block 276 Lot 5 is \$1,000.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$1,000.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township may conduct a private auction to sell the Subject Property owned by the Township to contiguous owners of the same.

SECTION 1.

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 276, Lot 5 to the highest bidder of an open (private) auction to be held on October 26, 2022 at 9:00am in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those two (2) owners of property contiguous to that portion of Block 276, Lot5 which is offered for sale shall participate; and

2. The minimum bid shall be \$1,000.00; and

3. The auction shall be conducted by the Township’s interim Chief Financial Officer, Francine Springer; and

4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit “A” and the terms of which are incorporated herein in full; and

5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit “B”; and

6. That the Clerk or the Clerk’s representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and

8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

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.

9. RESOLUTION 375-22 – 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
Richard Munizza	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	08/15/2022
Laila Shelton	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	08/28/2022
Anthony Cole	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	09/08/2022
Olivia Greene	Administration/Tax Assessor	Clerk 1	\$30,000.00	10/03/2022

10. RESOLUTION 376-22 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following discontinuation of appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Cameron Odom	Recreation	Recreation Aide P/T T/A (6 months)	08/18/2022

11. RESOLUTION 377-22 – AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND BOROUGH OF WILDWOOD CREST – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Agreement between the Township of Middle and the Borough of Wildwood Crest for a temporary appointment of an Acting Chief Financial Officer.

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

12. RESOLUTION 378-22 – APPOINTMENT – TEMPORARY ACTING CHIEF FINANCIAL OFFICER – 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 temporarily appointed (for a period of 90 days) to the following position at the salary opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Francine Springer	Finance	Temporary Acting Chief Financial Officer	\$100.00 per hour	09/07/2022

13. RESOLUTION 379-22 – ESTABLISHING DEPOSITORY FUNDS – 2022 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT FURTHER RESOLVED, that the following banking institutions shall be the depositories for the listed accounts of the Township of Middle for the year 2022, and that all disbursements shall be made by checks signed by the following:

Account Title	Banking Institution	Authorized Signatories	Number of Required Signatories	Authorized Facsimile Signatories
Accumulated Absences	OceanFirst	CFO, BA	One	Not Applicable
Animal Advisory Board	OceanFirst	CFO, BA, Board Secretary	One	Not Applicable
COAH	OceanFirst	CFO, BA	One	Not Applicable
Current	OceanFirst	CFO, BA	One	Not Applicable
Developer's Escrow	OceanFirst	CFO, BA	One	Not Applicable
Dog Trust	OceanFirst	CFO, BA	One	Not Applicable
EMS Billing	OceanFirst	CFO, BA	One	Not Applicable
General Capital	OceanFirst	CFO, BA	One	Not Applicable

General Disbursement	OceanFirst	CFO, BA, Mayor, Clerk, Deputy Clerk Deputy BA, Deputy CFO	Three	BA, Mayor (Maximum amount per facsimile transaction - \$4,000,000)
Emergency Housing	OceanFirst	CFO, BA	One	Not Applicable
Municipal Alliance Committee	OceanFirst	CFO, BA	One	Not Applicable
Municipal Court Bail Bonds	OceanFirst	Municipal Judge, Court Administrator, Deputy Court Administrator	One	Not Applicable
Municipal Court General	OceanFirst	Municipal Judge, Court Administrator, Deputy Court Administrator	One	Not Applicable

Payroll	OceanFirst	CFO, BA, Deputy Clerk Deputy CFO	One	CFO (Maximum amount per facsimile transaction - \$500,000)
Police Alarm Registration	OceanFirst	CFO, BA	One	Not Applicable
Police Forfeiture	OceanFirst	CFO, BA	One	Not Applicable
Recreation	OceanFirst	CFO, BA	One	Not Applicable
Special Assessment Trust	OceanFirst	CFO, BA	One	Not Applicable
Tax Collector Lien Account	OceanFirst	Tax Collector, Assistant Tax Collector, Tax Clerk	One	Not Applicable
Trust Other	OceanFirst	CFO, BA	One	Not Applicable
Urban Development	OceanFirst	CFO, BA	One	Not Applicable
Utility Capital	OceanFirst	CFO, BA	One	Not Applicable
Utility Escrow	OceanFirst	CFO, BA	One	Not Applicable
Utility Operating	OceanFirst	CFO, BA	One	Not Applicable
Unemployment	OceanFirst	CFO, BA	One	Not Applicable
Vacant Property	OceanFirst	CFO, BA	One	Not Applicable
Master Escrow Checking	TD Bank	CFO, BA	One	Not Applicable
Master Escrow Savings	TD Bank	CFO, BA	One	Not Applicable

* CFO – Chief Financial Officer

** BA – Business Administrator

14. RESOLUTION 380-22– AUTHORIZING THE EXECUTION OF AGREEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the separation agreement and general release, as reviewed and approved by counsel, between Josh Bryan and the Township of Middle.

15. RESOLUTION 381-22 – CANCELLATION OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a cancellation of taxes is due to the below property owners who qualify for 100% Disabled Veteran Status.

Account	Block	Lot	Owner/location	2022	2023
4173	208	13	Bradbury, Joseph Property location: 102 Indian Trail Exempt as of 7/25/2022	\$1,452.32	\$1,675.48
4236	212.03	24	Rzepnicki, Matthew J & Carol A Property location: 14 Cynwyd Drive Exempt as of 8/3/2022	\$2,628.06	\$3,071.20

16. RESOLUTION 382-22 THROUGH 383-22 – REFUND OF TAXES – (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
4173	208	13	Bradbury, Joseph 102 Indian Trail Cape May Court House, NJ 08210 Property location: 102 Indian Trail	\$595.05
4236	212.03	24	Rzepnicki, Matthew J & Carol A 14 Cynwyd Drive Cape May Court House, NJ 08210 Property location: 14 Cynwyd Drive	\$1,054.06

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.

(B) WHEREAS, a tax payment was made via ACH for the below referenced property; and WHEREAS, said property has since been sold resulting in a need to refund the former owner.

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
2391	117.04	66	French, Harry B Jr 100 Kynln Rd Radnor, PA 19087	\$3,385.50

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.

17. RESOLUTION 384-22 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, 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.

18. RESOLUTION 385-22 – 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
Smith, Vincent T	200 Gibbs Street	886 // 3	\$522.34
Jordan, Angelena	30 Old North Wildwood Blvd W	1182 // 10	\$604.85

19. RESOLUTION 386-22 – APPROVE CHANGE ORDER NO. 1 – HOUSING REHABILITATION CONTRACT #2019-9 - MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Housing Rehabilitation Contract No. 2019-9 was awarded February 7, 2022, via Resolution No. 107-22 to Buggy Construction, LLC; and

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, LLC, be and is hereby approved in the amount of \$800.00. This change order is for unanticipated modifications to the existing project.

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

20. RESOLUTION 387-22 – APPROVAL OF ADDITIONAL VEHICLES – TOWING LICENSE NO. 10 – D.A.D.’S TOWING SERVICE LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the following Company has applied to the Township of Middle for a license to operate a Towing Vehicle within the confines of the Township of Middle; and

WHEREAS, said license was approved via Resolution 72-22 dated January 19, 2022; and

WHEREAS, the company now wishes to add an additional vehicle under said license, and

WHEREAS, this company is in good standing with the Township of Middle and has followed all of the rules and regulations as set forth.

NOW, THEREFORE BE IT RESOLVED, that each of the following vehicles is hereby approved to be added as follows:

License#	Truck #	Tradename	VIN Number	Make/ Model	Fee
10	3	D.A.D.’s Towing Service LLC	1FDUF5HY3DEA24868	2013 Ford F550 4X4 Flatbed	\$50.00

21. RESOLUTION 388-22 – AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT – SURE SECURITY, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Agreement with Sure Security, LLC relative to sewer service for Block 353 Lot 4, otherwise known as 1102 S. Route 9.

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

22. RESOLUTION 389-22 – AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND MUNICIPALITY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Agreement between the Township of Middle and MunicipiPay for credit card services relative to transactions with GovPilot.

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

23. RESOLUTION 390-22 – AUTHORIZING THE ACCEPTANCE OF CREDIT CARD PAYMENTS FOR THE COLLECTION OF ADMINISTRATION, TOWNSHIP CLERK AND VITAL STATISTICS FEES IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENTAL ELECTRONIC AND ACCEPTANCE ACT N.J.S.A. 40A:5-43 ET SEQ – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, in accordance with the Governmental Electronic Payment & Acceptance Act, NJSA 40A:5-43 et seq., the Department of Community Affairs, Division of Local Government Services has promulgated regulations, NJAC 5:30-9.1 et seq., authorizing municipalities to accept credit card payments for quarterly sewer utility rent.

WHEREAS, in order for a municipality to accept credit card payments, a resolution must be adopted by the governing body authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipt that will be permitted; and

WHEREAS, it is the desire of the Township Committee to authorize the payment of dog license fees, OPRA fees and vital records fee associated with the operation of the Administration, Township Clerk and Vital Statistics Offices; and

WHEREAS, it is the intention of the Township Committee to authorize the Administration, Township Clerk and Vital Statistics to accept payment by credit card for those fees, costs or other payments associated with that department as set forth above; and

WHEREAS, the utilization of credit cards for payment of these fees and costs associated with the same must be in accordance with the provisions of NJSA 40A:5-43 et seq., and NJAC 5:30-9.1, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, as follows:

1. That the Administration Office is authorized to accept credit card payments for the payment of dog licenses, and to require any processing fee to be paid by the payer.

2. That the Municipal Office is authorized to accept credit card payments for the payment of OPRA fees, and to require any processing fee to be paid by the payer
3. That the Vital Statistics is authorized to accept credit card payments for the payment of vital record fees, and to require any processing fee to be paid by the payer
4. That the use of credit cards for payment is subject to the provisions of NJSA 40A:5-43 et seq., and NJAC 5:30-9.1, et seq.
5. That the Mayor and Township Clerk are authorized to execute any and all documents necessary to retain one or more processors in accordance with NJAC 5:30-9.1.

24. RESOLUTION 391-22 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – MOTT MACDONALD – PUMP STATION IMPROVEMENTS PHASE I – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has a need to enter into an agreement with Mott MacDonald to provide professional services relative to phase I of pump station improvements as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and

WHEREAS, the Township of Middle will be entering into an agreement with Mott MacDonald where the total amount is \$63,000.00, which exceeds the non-fair and open limitation of \$17,500.00; and

WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Mott MacDonald from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

25. RESOLUTION 392-22– AMENDING FAIR AND OPEN CONTRACT FOR ENGINEERING SERVICES – ENGINEERING DESIGN ASSOCIATES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on January 7, 2021 Township Committee awarded Vincent Orlando of Engineering Design Associates a three-year term as Township Engineer, and said contract was certified for 2021 as Resolution No. 03-21, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Engineering Design Associates shall provide additional engineering services relative to the 2022 Road Project.

Engineering Design Associates
2022 Road Project – Not to Exceed \$127,000.00

26. RESOLUTION 393-22 – AWARD OF BID – 2022 ROAD 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, following public advertisement, received bids for the 2022 Road Project; 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:

South State
2022 Road Project
(English Way, Jackson St, Sherry St, Fulton St,
Randolph St, Savannah St, Main St &
Goshen Landing Rd, Goshen Creek Rd)
Not to Exceed \$669,293.06

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

27. RESOLUTION 394-22 – INSERTION OF A SPECIAL ITEM OF REVENUE – CMC CODE BLUE WARMING CENTERS FALL 2021 – SPRING 2022 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, R.S. 40A:4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2022 in the sum of:

CMC Code Blue Warming Centers Fall 2021-Spring 2022 \$25,203.03

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

CMC Code Blue Warming Centers Fall 2021-Spring 2022 \$25,203.03


28. RESOLUTION 395-22 THROUGH 396-22 – REQUESTING THE COUNTY OF CAPE MAY CONDUCT A SPEED SURVEY/TRAFFIC STUDY (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, the Township of Middle has received a request for a speed limit survey on South Railroad Avenue, CR 626; and
WHEREAS, the Middle Township Committee believes it to be in the best interest of Middle Township that the County of Cape May conduct such a speed limit survey.
WHEREAS, the Middle Township Committee further requests the County of Cape May also explore the installation of a crosswalk between the Legacy Development to the Bike Path on South Railroad Avenue.
WHEREAS, the County of Cape May requires a resolution from the municipality in order to promulgate a traffic study and speed survey.
NOW, THEREFORE, BE IT RESOLVED, that the County of Cape May is requested to conduct a speed survey within the above limits to determine if a reduction in any of the posted speed limits is warranted.
BE IT FURTHER RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby request a traffic study of South Railroad Avenue between the Legacy Development and the Bike Path with regards to installation of a crosswalk.
BE IT FURTHER SOLVED, BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the County Engineer, the Chief of Police of the Township of Middle and the Clerk of the Board of County Commissioners
- (B) WHEREAS, the Township of Middle has received a request for a speed limit survey on Stone Harbor Boulevard CR 657 from the Wetlands Institute to the 96th Street Bridge; and
WHEREAS, the Middle Township Committee believes it to be in the best interest of Middle Township that the County of Cape May conduct such a speed limit survey; and
WHEREAS, the Middle Township Committee further requests the County of Cape May also explore prohibiting on-street parking along the speed tables on Stone Harbor Boulevard, in the same area.
WHEREAS, the County of Cape May requires a resolution from the municipality in order to promulgate a traffic study and speed survey.
NOW, THEREFORE, BE IT RESOLVED, that the County of Cape May is requested to conduct a speed survey within the above limits to determine if a reduction of the 35 MPH posted speed limit to 25 MPH is warranted.
BE IT FURTHER RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby request a traffic study of Stone Harbor Boulevard along the speed tables with regards to prohibited on-street parking.
BE IT FURTHER SOLVED, BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the County Engineer, the Chief of Police of the Township of Middle and the Clerk of the Board of County Commissioners.
29. RESOLUTION 397-22 – REQUESTING THE COUNTY OF CAPE MAY CONDUCT A SPEED SURVEY ON GOSHEN ROAD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle has received a request for a speed limit survey on Goshen Road, CR 615; and
WHEREAS, the Middle Township Committee believes it to be in the best interest of Middle Township that the County of Cape May conduct such a speed limit survey.
NOW, THEREFORE, BE IT RESOLVED, that the County of Cape May is requested to conduct a speed survey within the above limits to determine if a reduction in any of the posted speed limits is warranted.
BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the County Engineer, the Chief of Police of the Township of Middle and the Clerk of the Board of County Commissioners.
30. RESOLUTION 398-22 – AUTHORIZING WAIVER OF USAGE OF RECREATIONAL FACILITY FEE – CUB SCOUT PACK 65 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Ordinance No. 1415-12 outlines the fees for the usage of various Recreational Facilities through the Township of Middle, and
WHEREAS, Cub Scout Pack 65, a non-profit organization that promotes character development of youth, will be holding a recruitment event on September 17 2022; and
WHEREAS, in the event of inclement weather for said event, Cub Scout Pack 65 will require use of the Goshen Sports Complex’s Parking Lot.
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the fee for Cub Scout Pack 65 for the usage of the Middle Township Goshen Sports Complex’s Parking Lot be waived.
31. RESOLUTION 399-22 – TO APPOINT AN ADMINISTRATIVE AGENT FOR AFFORDABLE HOUSING PROGRAMS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, The Township has adopted an updated Housing Plan Element and Fair Share Plan which recommends that the Township implement certain programs and policies to further the opportunities for low- and moderate-income housing within Middle Township; and
WHEREAS, the Township is authorized to designate one or more qualified Administrative Agents to be responsible for the administration of affordable units and affordability assistance programs in accordance with the Affordable Housing ordinance of the Township; and
WHEREAS, the Township seeks to designate and contract directly with a qualified administrative agent; and

WHEREAS, Triad Associates shall be designated as the Township’s Affordable Housing Administrative Agent; and
 NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Middle, in the County of Cape May, and State of New Jersey, that Triad Associates is hereby designated as the Affordable Housing Administrative Agent for the Township of Middle, and shall serve in such capacity through the date of the 2023 Township reorganization meeting.

32. RESOLUTION 400-22 – TO APPOINT A MUNICIPAL HOUSING LIAISON – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Chapter 25, Section 8 of the Township Code has established the position of Municipal Housing Liaison for the purpose of administering the Township’s Affordable Housing programs; and
 WHEREAS, pursuant to N.J.A.C. 5:96-17 et seq. and N.J.A.C. 5:80-26.1 et seq, the Township is required to appoint a Municipal Housing Liaison for administration; and
 WHEREAS, Suzanne Schumann shall be appointed as the Municipal Housing Liaison; and
 NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Middle, in the County of Cape May, and State of New Jersey, that Suzanne Schumann is hereby appointed as the Municipal Housing Liaison for the Township of Middle, and shall serve in such capacity through the date of the 2023 Township reorganization meeting.

33. ENGINEERING REPORT:



Township of Middle
 Project Status Report
 September 7, 2022
 Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

2021 Drainage Projects

- Construction started on December 6, 2021
- All work completed with exception of the following.
 - Pamela Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave.
 - Contractor attempted to repair gutter last week. Work complete but still unsatisfactory. Contractor will be removing asphalt gutter and repave.

Norbury Landing Project

- Survey work completed
- Cape May County open space board approved additional funding of \$230,256.00 for creative place making amenities
- CAFRA plan approved by NJDEP
- NJDEP permit requires no construction from April 1st through August 31st
- Construction drawings completed except for railing detail
- Submission to DCA completed
- Project to be bid end of September
- Construction to begin October 2022

3rd Ave & Walsh- Reconstruction & Construction of New Roadway

- NJDOT grant received October 2021
- Survey work completed by DeBlasio Associates
- Construction plans and specifications (100% Complete)
- NJDOT approval pending
- Bid in September 2022

Cambridge Professional Offices
 5 Cambridge Drive, Ocean View, New Jersey 08230
 PHONE: (609) 390-0332 • FAX: (609) 390-9204

Project Status Report
 August 15, 2022 Page 2 of 2

Hand Avenue Sidewalk (Phase II) North Side between Hamman Avenue and Boyd Street

- NJDOT grant received for \$150,000
- Survey work order completed
- Construction plans and specifications (100% completed)
- NJDOT Approval pending
- Construction to begin by October 2022

Magnolia Avenue

- NJDOT Grant received 04/25/2022 for \$300,000.00
- Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping Center
- Construction drawing and specifications currently being developed
- Anticipated construction start – November 2022

Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- Grant received for \$144,000.00
- Contracted with William McLees, RA to complete drawings
- Current schedule:
 - Construction drawings and specifications
 - Submission to DCA September 2022
 - Bid project – October 2022
 - Construction – November 2022

2022 Road Improvement Project

- Survey work completed
- Construction drawings and specifications completed
- Contract to be awarded September 7, 2022
- Construction to begin October 2022

FINAL/MIDDLE/GENERAL/PRO/STATUS 9-7-22

34. PUBLIC COMMENT:

- Jim Chew, Rio Grande:*
- *Discussed homeless in the community*
- Mayor Donohue:*
- *Discussed steps forward by creating Rio Grande Committee*
- Stan Doniger, Rio Grande:*
- *Asked about temporary CFO*
- Mayor Donohue:*
- *Discussed CFO appointment*
- Stan Doniger, Rio Grande:*
- *Commented on benefits of shared service agreements*
 - *Asked about item 31 on the agenda*
- Mayor Donohue:*
- *Clarified reason for the appointment*
- Karen, Mayville:*
- *Commented on speeding around Corner Stone Plaza and speed bumps*
- Mayor Donohue:*
- *Clarified street; stated they would review the issue*
- Lillian Wing, Whitesboro:*

- *Asked about RV hookups on private properties*
- Kimberly Osmundsen:*
- *Discussed code covering these types of RV hookups*
- Dawn Robinson:*
- *Stated to Committeeman Norris that if food was ever needed for the homeless, she would like to help*
- Committeeman Norris:*
- *Thanked her and gave her various suggestions on how to assist*

COMMITTEE COMMENTS:

- Committeeman Norris:*
- *Congratulated John Lauricella; discussed role models for youth in Middle Township; spoke of birth of his first son at the end of August*
- Committeeman Gandy:*
- *Congratulated John Lauricella; discussed Whitesboro reunion; spoke of the upcoming dedication of Memorial Field to John Roberson*
- Mayor Donohue:*
- *Discussed John Roberson's impact on the youth in Middle; congratulated CCW on another successful reunion; discussed work gone into modernization of the Clerk's Office; spoke of upcoming Rabies Clinic and yard sale weekend; discussed Rio Grande Engagement Committee*

Motion to adjourn meeting – 6:46 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk

Minutes prepared by E. Bartleson