

Cape May Court House, NJ
 November 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, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY COMMITTEE – MIDDLE MATTERS AWARD – STEPHEN BRADWAY

Mayor Donohue:

- Discussed good work Mr. Bradway had done on the Zoning Board

Vince Orlando:

- Discussed working relationship with Mr. Bradway on the board

Mark Saioni, Zoning Board Chairman:

- Spoke of working on the board with Mr. Bradway

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.)

John Lauricella, Cape May Court House:

- Asked about item on the bill list

Mayor Donohue:

- Discussed affordable housing expense

Stan Doniger, Rio Grande:

- Asked about item 20

Kimberly Osmundsen:

- Explained purpose of the resolution

3. RESOLUTION 458-22 – 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. \$8,127,447.01

4. RESOLUTION 459-22 – 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: 10/17/2022 Work Session and Regular Meeting

5. REPORTS: Tax/Sewer Collection for the month of October; Sterbeck Harbor for the month of October; Zoning for the month of October

6. RESOLUTION 460-22 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Michael Spiritoso	Public Works	Laborer 1 F/T T/A (6 months)	Laborer 1 F/T Permanent	\$35,000.00	11/01/2022
Zachary Gray	Public Works	Laborer 1 F/T T/A (6 months)	Laborer 1 F/T Permanent	\$35,000.00	11/01/2022

7. RESOLUTION 461-22 – 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
Charles Webber	Public Works	Laborer 1 P/T T/A (6 months)	10/28/2022
Jason Garrison	Public Works	Laborer 1 F/T T/A (6 months)	11/04/2022

8. RESOLUTION 462-22 – ACKNOWLEDGEMENT OF RESIGNATION – 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 resignations listed below, are acknowledged.

NAME	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Ashley Vitelli-Morgan	Municipal Court	Clerk 2	11/04/2022
Mark DeVico	Public Safety – Police	Evidence Clerk P/T	12/31/2022

9. RESOLUTION 463-22 – AMENDING RESOLUTION 378-22 – APPOINTMENTS – TEMPORARY ACTING CHIEF FINANCIAL OFFICER – 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 Resolution No. 378-22 shall hereby be amended and corrected to reflect the following employee title indicated below:

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

*Shared Service Appointment

10. RESOLUTION 464-22 – RENEWAL OF APPOINTMENT – KIMBERLY D. OSMUNDSEN – TOWNSHIP CLERK/BUSINESS ADMINISTRATOR – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40A:63-7, N.J.S.A. 40A:9-137 and Chapter 5 of the Township Code of the Township of Middle allows the Township Committee to appoint an Administrator by a majority vote; and WHEREAS, the qualifications of a Municipal Clerk are also regulated in 40A:9-133.2, 40A:9-133.3 and 40A:9-133.6; and WHEREAS, Kimberly D. Osmundsen currently serves as the tenured Municipal Clerk for the Township of Middle, and has served as the Business Administrator for the last four years; and WHEREAS, the position of Township Clerk/ Business Administrator currently appears on the salary ordinance of the Township; and WHEREAS, the necessities of modern government require executive decision-making during the workday; and WHEREAS, the interests of the Township will be better served, economically and logistically, by Kimberly D. Osmundsen assuming the additional duties of Business Administrator for a modified salary. 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 the agreement between Kimberly D. Osmundsen and the Township of Middle, as attached, for an additional term of four (4) years, effective January 1, 2023, is hereby ratified and that the appropriate officials are hereby authorized to sign said agreement in connection therewith.

Mayor Donohue:

- *Discussed reappointment of Kimberly Osmundsen*

11. RESOLUTION 465-22 – AWARD CONTRACT UNDER STATE CONTRACT – WIRELESS DEVICES AND SERVICES – VERIZON WIRELESS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, Resolution No. 11-22 authorized the Township of Middle to purchase with vendors with State contracts for CY 2022, and WHEREAS, the Township of Middle currently utilizes Verizon Wireless for wireless devices and services, and WHEREAS, said services are available under State Contract No. M4006 through NSAPO. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between Verizon Wireless and the Township of Middle for wireless devices and services be and is hereby ratified, and said contract is hereby awarded under State Contract No. 22-TELE-05441 BE IT FURTHER RESOLVED, that the contract is for a coverage period from 11/07/2022 through 11/07/2024, with funds certified yearly by the Chief Financial Officer or designee. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
12. RESOLUTION 466-22 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – TELECOMMUNICATIONS EQUIPMENT & SERVICES – VOIP NETWORKS – 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 Agreement between VOIP Networks and the Township of Middle for Telecommunications Equipment and Services, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

BE IT FURTHER RESOLVED, that the contract is for a coverage period from 01/01/2023 through 12/30/2024, with funds certified yearly by the Chief Financial Officer or designee.

VOIP NETWORKS

Telecommunications Equipment & Services

VOIP Networks – Township of Middle Public Works Bldg \$5,008.00 annual contract

VOIP Networks – Township of Middle / All Others \$10,258.00 annual contract

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

13. RESOLUTION 467-22 THROUGH 468-22 – AWARD OF BID (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, following public advertisement, received bids for the Basketball Court Conversion 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:

Ricky Slade Construction
Basketball Court Conversion
Not to Exceed \$61,8400.00

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

(B)WHEREAS, the Township of Middle, following public advertisement, received bids for the Norbury Landing Park improvements; 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:

Walter's Marine Construction
Norbury Landing Park Improvements
Not to Exceed \$444,600.00

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

14. RESOLUTION 469-22 – AUTHORIZING ENTRY INTO A COOPERATIVE PRICING AGREEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, OMNIA Partners, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the governing body of the Township of Middle has duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

NOW, THEREFORE BE IT RESOLVED as follows:

1) TITLE – This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Middle.

2) AUTHORITY – Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

3) CONTRACTING UNIT – The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

4) EFFECTIVE DATE – This resolution shall take effect immediately upon passage.

15. RESOLUTION 470-22 – TABULATION COMMITTEE – SNOW AND DEBRIS REMOVAL – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on December 1, 2022 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

SNOW AND DEBRIS REMOVAL

16. RESOLUTION 471-22 – RENEWAL OF GRAVEL PIT PERMITS – 2022 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and

WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter that recertification is currently recommended, and WHEREAS, said applicants listed below have also received all necessary site plan review and are conditionally approved for their operations as set forth in Chapter 132 of the Township code. NOW, THEREFORE, BE IT RESOLVED, that each of the following permits be and are hereby renewed for the calendar year 2022, and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132, including but not limited to all parameters set forth by the Middle Township Planning Board as expressed in their approving resolutions:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
4	Cape Mining & Recycling LLC	98/2	35.37	\$600.00
6	Cape Mining & Recycling LLC	94/19.02	57.1	\$600.00
7	Cape Mining & Recycling LLC	94/19.01 & 20	72	\$600.00
8	Court House Sand & Gravel, LLC	472/93	75.94	\$600.00
9	Indian Trail Sand and Gravel, LLC	472/32	7.9	\$200.00
11	H4 Enterprises, LLC	95.03/21	42.1	\$600.00
12	Diamond Materials, LLC	168/2	42.5	\$600.00
24	TK Sand & Gravel, Inc.	96.01/17	8.08	\$200.00

FURTHER BE IT RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer and Middle Township Planning Board in the letters and resolutions attached to each license.

17. RESOLUTION 472-22 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and WHEREAS, the applicants are entitled to a refund of this money. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

18. RESOLUTION 473-22 THROUGH 475-22 – RELEASE OF PERFORMANCE BOND (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 - (A) WHEREAS, \$87,780.00, is being held as a performance guarantee for Bowman Walker Construction. for a subdivision at Caramar Drive, Block 98 Lot 15; 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 \$87,780.00 is hereby released.
 - (B) WHEREAS, \$5,000.00 is being held as a performance guarantee for Nathaniel Eldon for a street opening located on Egret Trail, and WHEREAS, the Public Works Department has conducted his inspection and determined that all improvements have been completed, and WHEREAS, it has been recommended that the performance guarantee for the above stated project be released. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above referenced opening has been inspected and approved, and that the cash performance bond in the amount of \$5,000.00 be released.
 - (C) WHEREAS, \$5,000.00, is being held as a performance guarantee for The Branches Outreach for landscape improvements, Block 1503 Lot 1 otherwise known as 201 Hirst Avenue; 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 \$5,000.00 is hereby released.

19. RESOLUTION 476-22 – AUTHORIZING THE RELEASE AND REFUND OF PERMIT FEES – JOSEPH BISIRRI – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Construction Official of the Township of Middle has certified to the Township Committee that Joseph Bisirri at 21 Leonard Lane, submitted and paid \$243.00 for permit fees. WHEREAS, the Construction Official of the Township of Middle has certified to the Township Committee that Joseph Bisirri, is entitled to have \$243.00 refunded to them.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the appropriate Officials are authorized to refund the permit fees to Joseph Bisirri in the amount referenced above.

20. RESOLUTION 477-22 – CANCELLATION OF TAX TITLE LIENS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Middle Township Tax Collector has received final judgement for Foreclosure Group 200, and WHEREAS, it is hereby deemed necessary to cancel tax title liens and also the current taxes for said foreclosure group. NOW THEREFORE BE IT RESOLVED, that the following tax title liens and property taxes as listed below are hereby cancelled:

Certificate #	Account #	Block	Lot	Former owner	Property location	Lien amount to cancel	2023
2018-0218	9652	720	1	Collins, Olivia	Jackson St.	3,410.08	181.74
2015-8361	9653	720	2	Brown, Alphonso E	Jackson St.	5,723.55	204.85
2008-5340	9655	720	4	Oliver, Laura L	Jackson St.	9,979.96	183.84
2019-0149	9737	730	2	Colebrook, Bernard	Jackson St.	1,333.52	21.01
2014-7533	10412	815	4	Trovarelli, Michael	606 Newark Ave.	3,378.47	92.37
2009-5690	10438	818	1	Chazray Builders Inc.	Newark Ave.	7,872.46	133.98
2010-6096	10454	819	1	Babb, Kenneth	Newark Ave.	2,491.72	32.48
2009-5691	10455	819	2	Chazray Builders Inc.	Newark Ave.	7,812.46	133.98
2013-7148	10465	819	5	Dean, William	Newark Ave.	2,741.40	30.45
2011-6441	10456	819	7	Williams, Estelle G	Trenton Ave.	2,748.98	39.59
2019-0161	10496	822	1	Hall, Dorothy	Gibbs St.	1,552.58	42.63
2019-0165	10983	874	4	Hughes, Mary	W Lena St.	1,513.46	41.62
2015-8381	10982	874	11	Falby, William & Catherine Etal	W Dunbar St.	1,579.45	20.30
2016-8683	11017	876	6	Nelson, Percy H	503 W Dunbar St.	1,531.48	20.30
2015-8382	11013	876	11	Mc Eachern, Neal A & Irene Z	W Main St.	2,018.12	41.62
2008-5379	11007	876	14	Canty, Henry C	W Main St.	4,184.52	61.92
2014-7548	11116	883	2	Jackson, Leola E	W Wiley St.	2,439.93	49.74
2017-9078	11121	883	5	Saunders, Frank	W Wiley St.	1,276.21	10.15
2018-0236	11127	883	9	Chatman, Ophelia D	Pennsylvania Ave.	1,237.91	10.15
2009-5717	11130	883	11	Bright, Curtis	Pennsylvania Ave.	1,541.86	10.15
2008-5391	11334	906	7	Bacon, Martha N & Woods, Gladys M	Pennsylvania Ave.	2,917.01	40.60
2014-7555	11337	907	5	Jones, Otis J	Garnet St.	4,778.61	140.07
2014-7556	11342	907	6	Jones, O J Realty Inc.	Bates St Code violation	8,174.17 4,495.16	81.20
2015-8394	11352	908	2	Gardner, Mary L & Betty J	Langston St.	1,619.68	19.29
2009-5747	11892	961	5	Fitzpatrick, Deborah	601 Vick Ave.	41,267.38	361.34
2016-8732	11888	961	8	Aiken, Albert	Reeves St.	1,967.15	38.57
2019-0209	12361	1030	5	Reminger, Bruce	Reading Ave.	1,513.46	41.62
2019-0210	12358	1030	6	Reminger, Bruce H	6 W Wiley St.	1,853.08	84.25
2013-7229	12757	1070	1	Hainsworth, Fred & Evelyn	Wildwood Ave.	4,305.88	99.47
2008-5429	12755	1070	6	De Cousins, Clair	Wildwood Ave.	5,986.45	99.47
2014-7598	12756	1070	7	Kiejdan, Pinchus Est-Marital Tr B	Wildwood Ave.	5,119.37	137.03
2017-9132	12825	1079	8	Roberts, Esther	Florida Ave.	3,061.90	41.62

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle.

21. RESOLUTION 478-22– 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
12910	1094	1.02	Miller, Ian C	\$1,249.54	\$2,498.93

			Property location: 90 Garden Ave Tax exempt as of 10/13/2022		
14120	1428	1	Mc Glinsey, Sean P & Barbara Property location: 3 Peach Tree Rd Tax exempt as of 10/3/2022	\$1,038.64	\$2,023.76

22. RESOLUTION 479-22 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, A refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
14120	1428	1	Mc Glinsey, Sean P & Barbara 3 Peach Tree Rd Rio Grande, NJ 08242 Property location: 3 Peach Tree Rd	\$1.36

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.

23. RESOLUTION 480-22 – TRANSFER OF FUNDS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2022:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
2-01-20-165-165-249	Engineering OE	50,000.00	
2-01-20-155-156-249	Legal OE	10,000.00	
2-01-25-250-250--115	Communications S/W	49,700.00	
2-01-20-130-131-111	Grant S/W		3,000.00
2-01-20-132-133-299	Telecom System Contract		8,700.00
2-01-20-155-155-249	Liq of TTLS OE		5,000.00
2-01-22-195-196-111	Construction Code Official S/W		3,000.00
2-01-31-446-446-475	Natrual Gas OE		20,000.00
2-01-31-450-450-475	Internet OE		10,000.00
2-01-31-460-460-475	Gasoline OE		60,000.00
		109,700.00	109,700.00

24. RESOLUTION 481-22 – 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
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Tobin, John F I/V J Tobin	53 Honeysuckle Lane	168 // 28	\$532.44
Q & M Developments LLC	401 Hand Avenue	163.01 // 183.01	\$920.89

25. RESOLUTION 482-22 – AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and
 WHEREAS, the CMCMUA's System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and
 WHEREAS, the Township of Middle has utilized and desires to continue to utilize the services of the CMCMUA's System; and
 WHEREAS, there presently exists a contract between the Township of Middle and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste which will expire on December 31, 2022 entitled "Shared Services Agreement for Solid Waste Disposal" ("Agreement"); and,
 WHEREAS, the Township of Middle and the Authority desire to enter into a new agreement and to fix the expiration date of said agreement to occur on December 31, 2023; and
 WHEREAS, the Authority has offered the "shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Township of Middle in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2023 through December 31, 2023; and
 WHEREAS, the Authority has submitted the same proposed form of Agreement to all of Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2023; and
 WHEREAS, N.J.S.A. 40A:65-1 et seq. authorized a municipality to enter into a contract with any other local unit for the sharing of governmental services.
 NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Middle, County of Cape May and State of New Jersey, that the Township of Middle shall enter into a contract with the Authority entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2022, in the form to be maintained on file in the office of the Middle Township Clerk, and that the appropriate Middle Township officials are hereby authorized and directed to execute said agreement.
26. RESOLUTION 483-22 THROUGH 484-22 – APPROVE CHANGE ORDER (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 Contract was awarded, on November 1, 2021, via Resolution No. 460-21 to South State, Inc. for Secluded Lane Roadway Improvements.
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #2 for the project awarded to South State, Inc. for Secluded Lane Roadway Improvements is hereby approved, and that the change order results in a decrease of \$10,735.09 to the original contract amount of \$429,177.00 for a final contract amount of \$418,442.51.
 (B) WHEREAS, a Contract was awarded, on July 19, 2021, via Resolution No. 299-21 to Landberg Construction, LLC for the Bike Path North Extension; and
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #3 for the project awarded to Landberg Construction, LLC for the Bike Path North Extension is hereby approved, and that the change order results in a decrease of \$628.57 for a final amended contract amount of \$2,041,786.17.
27. RESOLUTION 485-22 – APPROVING PUBLIC FACILITIES GRANT MANAGEMENT PLAN – CLARENCE DAVIES RECREATION COMPLEX – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle will apply for up to \$400,000 in Fiscal Year CDBG fund for a Public Facilities project to be implemented in 2023 to undertake ADA Compliance Improvements at the Clarence Davies Recreation Complex;
 WHEREAS, the NJ Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities;
 WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Grant Management Plan;
 WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2023 Public Facilities project;
 NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2023 Public Facilities project.
28. RESOLUTION 486-22 – APPROVING HOUSING REHABILITATION GRANT MANAGEMENT PLAN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle will apply for a Housing Rehabilitation project to be implemented in 2023 to assist income qualified homeowners to connect to the new Del Haven Public Water System;
 WHEREAS, the NJ Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities;
 WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its

Grant Management Plan;

WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2023 Housing Rehabilitation program;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2023 Housing Rehabilitation program.

29. RESOLUTION 487-22 THROUGH 488-22 – AUTHORIZING APPLICATION SUBMISSION (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 desires to apply for and obtain a FY 2023 grant from the New Jersey Department of Community Affairs for up to \$400,000 to carry out a Public Facilities project to undertake ADA Compliance Improvements at the Clarence Davies Recreation Complex.

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

1) that the Township of Middle does hereby authorize the application for such a grant, and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith:

(B) WHEREAS, the Township of Middle desires to apply for and obtain a FY 2023 grant from the New Jersey Department of Community Affairs for approximately \$400,000 to carry out a housing rehabilitation program to assist low- and moderate-income homeowners connect to the new water system in the area of Del Haven.

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

1) that the Township of Middle does hereby authorize the application for such a grant, and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith:

30. RESOLUTION 489-22 – ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

Whereas, the Township of Middle is an applicant for Department of Community Affairs Fiscal Year 2022 funds for (1) up to \$400,000 from the NJ DCA Small Cities Program to undertake ADA Compliance Improvements at the Clarence Davies Recreation Complex, (2) up to \$400,000 from the NJ DCA Small Cities Program to assist income qualified homeowners to connect to the new Del Haven Public Water System; and

Whereas the Township will enter into grant agreement(s) for said grant(s) if approved; and

Whereas, that grant agreement(s) will require the Township of Middle to comply with all federal regulations with respect to citizen participation; and

Whereas, the Township of Middle has reviewed the State Model Citizen Participation Plan prepared for Small Cities CDBG grantees;

Now, Therefore Be It Resolved that the Mayor and the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, that;

The State Model Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG is adopted by the Township of Middle; and

The Township of Middle will follow all regulations set forth in that document throughout the term of the grant agreement cited above.

31. RESOLUTION 490-22 – ADOPTING HOUSING REHABILITATION POLICIES AND PROCEDURES MANUAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle will apply for \$400,000 for a Housing Rehabilitation project to be implemented in 2023 to assist income qualified homeowners to connect to the new Del Haven Public Water System;

WHEREAS, the Housing Rehabilitation project will be governed by a Policies and Procedures Manual;

WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Policies and Procedures Manual;

WHEREAS, the Township has prepared a Policies and Procedures Manual for its Fiscal Year 2023 Housing Rehabilitation program;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Policies and Procedures Manual for the Fiscal Year 2023 Housing Rehabilitation program.

32. RESOLUTION 491-22 – IDENTIFYING SMALL CITIES FAIR HOUSING AND EQUAL OPPORTUNITY OFFICER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is applying for Fiscal Year 2023 Small Cities Community Development Block Grant applications for (1) up to \$400,000 from the NJ DCA Small Cities Program to undertake ADA Compliance Improvements at the Clarence Davies Recreation Complex, (2) up to \$400,000 from the NJ DCA Small Cities Program to assist income qualified homeowners to connect to the new Del Haven Public Water System; and
WHEREAS, the Township of Middle must make efforts to affirmatively further fair housing; and
WHEREAS, the Township of Middle has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and
WHEREAS, the Township of Middle has made assurances in the grant agreement that;
1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
 2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
 3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
 4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.
- NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer shall be designated as the Small Cities Program Fair Housing Officer for the Township of Middle; and
BE IT FURTHER RESOLVED, that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and
BE IT FURTHER RESOLVED, that the Fair Housing Officer shall provide fair housing and equal opportunity advisory services and assistance and referral advice to persons requesting such assistance from the Township of Middle; and
BE IT FURTHER RESOLVED, that the Township of Middle will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.
33. RESOLUTION 492-22 – APPROVE NJ DCA REQUIRED CY 2022 / SFY 2023 BEST PRACTICE INVENTORY PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the State’s Fiscal Year 2023 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (“Division”) to determine how much of each municipality’s final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory (“Inventory”) to be completed by each municipality, and
WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability and transparency, and
WHEREAS, one requirement of said Act is that the governing body consider the Inventory at a public meeting, a copy of which has been attached to and is made part of this resolution, and
WHEREAS, all members of the governing body have received and have familiarized themselves with said Inventory.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that:
1. The appropriate parties are hereby authorized to sign the “Best Practices” Worksheet and Certification Form, certifying as to the accuracy of the information provided in the CY 2022 / SFY 2023 Best Practices Inventory.
 2. That the Township Clerk certifies that the Best Practices Checklist for the Township of Middle was approved by the governing body at the Township Meeting held on November 7, 2022.
34. RESOLUTION 493-22 – AUTHORIZING ACCEPTANCE OF CASH BOND – RIO GRANDE STORAGE LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Rio Grande Storage. has received certain approvals for the property located at 3115 Route 9 South to include construction of related amenities, and
WHEREAS, the developer is about to or has commenced development of the project together with the related improvement and has chosen to post a cash bond for the same.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the cash bond in the amount of \$25,000.00, is hereby accepted.
FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
35. RESOLUTION 494-22 – ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 19:44A-20.4 et. seq. requires that contracts with a value exceeding \$17,500 be awarded pursuant to a “fair and open” or “non-fair and open” process; and
WHEREAS, the Township Committee feel the best interests of the residents of Middle Township would be best served by the Township requesting proposals and qualifications, and considering and awarding contracts by use of a Fair and Open process; and

WHEREAS, the Township Committee desires to establish the Fair and Open Process; and
WHEREAS, the Township Committee desires to establish the criteria for the consideration of proposals and qualifications, and the award of contracts submitted in accordance with the Fair and Open Process; and
WHEREAS, the Township Committee desires to establish the positions which for the year 2023 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position;
and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that:

1. THE FAIR AND OPEN PROCESS

A. The Township Committee of the Township of Middle has determined that the following procedure constitutes a fair and open process and shall be the manner in which requests for proposals and qualifications are sought, accepted, and awarded:

1. A request for proposals and qualifications shall be publicly advertised on the Township of Middle's internet website beginning on November 9, 2022 and continuing on the website through December 13, 2022 Said request will also be advertised in the Cape May County Herald Newspaper on November 16, 2022
2. The Township shall accept proposals until 10:00 am on December 13, 2022
3. Proposals shall be in a sealed envelope addressed to:
Kimberly D. Osmundsen
Township Clerk - Township of Middle
33 Mechanic Street
Cape May Court House, NJ 08210
The envelope shall also state the name of the person or entity submitting the proposal and the position for which the proposal is submitted.
4. The envelope shall contain one original and one copy of the proposal.
5. The proposal shall include (**this is mandatory**) at a minimum, a statement of the following:
 - A. Qualifications and Experience of person or entity specifically with regard to the position sought
 - B. Scope of Services proposed to be provided
 - C. Contact Information, including name, address, phone number, email address
 - D. Fee Proposal including a "**Not To Exceed**" Amount,
 - E. Office Staffing Plan and Resources
 - F. Location of Office from which services shall be provided
 - G. References
 - H. Potential Conflicts
 - I. The Applicant should provide a proposal which includes a statement of licensing, others in his/her office who will provide services, a fee schedule which lists names, titles and fees for each person and for each of these services, and any other information deemed of importance by the Applicant.
6. On December 13, 2022 at 10:00am, the Township Clerk or representative shall open each of the proposals and shall announce the proposals received by name, and a short summary of the proposal and qualifications.
7. The proposals shall be submitted to Township Committee for consideration at its reorganization meeting, at which time Township Committee may award a contract by approving a resolution, or, it may choose to award at the next regularly scheduled Township Committee meeting. If a majority votes to seek interviews, interviews may be held between Township Committee and the person or entity that submitted proposals. Township Committee may send proposals to Township Board's or Agency's for consideration and approval as is appropriate.

2. CRITERIA BY WHICH REQUESTS FOR PROPOSALS AND QUALIFICATIONS SHALL BE EVALUATED

- A. The Township of Middle hereby discloses in writing that all of the submissions in response to the Request for Proposals and Qualifications submitted through the fair and open process described above, will be evaluated by the Township Committee of the Township of Middle and awarded or rejected on the basis of the following criteria. Proposals will be evaluated by the Township Committee of the Township of Middle on the basis of the most advantageous, price and other factors considered. The evaluation will consider:
1. Experience and reputation in the field
 2. Knowledge of the Township of Middle and the subject matter to be addressed under the contract

3. Availability to accommodate any required meetings of the agency
 4. Compensation proposal
 5. Other factors if demonstrated to be in the best interest of the Township of Middle
- B. The following criteria, found under the competitive contracting rules at N.J.A.C. 5:34-4.2, if determined to be of assistance, may also be considered by Township Committee. These criteria are not intended to be limiting or all-inclusive, and they may be adapted or supplemented in order to meet the Township Committee's needs. No criteria will unfairly or illegally discriminate or exclude otherwise capable vendors.
- I. Technical criteria:
- a. Proposed methodology:
 - i. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?
 - ii. Is the vendor's proposal complete and responsive to the specific RFP requirements?
 - iii. Has the past performance of the vendor's proposed methodology been documented?
 - iv. Does the vendor's proposal use innovative technology and techniques?
 - v. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?
- II. Management criteria:
- a. Project management:
 - i. How well does the proposed scheduling timeline meet the agency's needs?
 - ii. Is there a project management plan?
 - b. History and experience in performing the work:
 - i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
 - ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
 - iii. Does the vendor document industry or program experience?
 - iv. Does the vendor have a record of moral integrity?
 - c. Availability of personnel, facilities, equipment and other resources:
 - i. To what extent does the vendor rely on in-house resources vs. contracted resources?
 - ii. Are the availability of in-house and contract resources documented?
 - d. Qualification and experience of personnel:
 - i. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
 - ii. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
 - iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?
- III. Cost criteria:
- a. Cost of goods to be provided or services to be performed:
 - i. Relative cost: How does the cost compare to other similar proposals?
 - ii. Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?
 - b. Assurances of performance:
 - i. If required, are suitable bonds, warranties, or guarantees provided?
 - ii. Does the proposal include quality control and assurance programs?
 - c. Vendor's financial stability and strength:
 - i. Does the vendor have sufficient financial resources to meet its obligations?

3. REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS

- A. Municipal Solicitor - Legal Advisor to the Township Committee and Administrative Staff. Includes all litigation, draft and review ordinances, resolutions, and any and all other matters regarding the Township's legal issues. Also, solicitor to Cable Television Advisory Board, Economic Development Council, Rent Leveling, Ethics Board, and Sewer and Water Department. Township Committee meets twice a month in the evening; there are frequent daytime meetings. Cable Advisory Board meets quarterly. The Solicitor is required to be in Township Hall at least one day a week to meet with department heads and employees. The Solicitor is expected to be immediately available to Township Committee members and the Administrator; at least one full time staff member is to be assigned to do Township work. Minimum qualifications are at least five years' experience in some governmental capacity.

- B. Labor Solicitor - Legal Advisor to the Township Committee and Administrative Staff on labor law issues, including civil service issues, disciplinary matters, hiring and firing of employees, and negotiating contracts.
- C. Municipal Auditor - The auditor performs annual audit of Township Finances, assists with preparation of annual budget, and is always immediately available to discuss compliance with the Township Administrator and CFO.
- D. Municipal Prosecutor - Prosecutes in the Township's municipal Court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
- E. Municipal Public Defender - Represents defendants who qualify for public defender in municipal court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
- F. Zoning Board of Adjustment Solicitor - Attorney representing the Zoning Board of Adjustment. The Zoning Board meets one evening a month.
- G. Planning Board Solicitor - Attorney representing the Planning Board. The Planning Board meets two evenings a month.
- H. Grants Consultant - completes applications and makes efforts to obtain grants in a variety of areas, including but not limited to energy; housing rehabilitation; infrastructure; resilience and Community Rating System; recreation, parks and open space. Consultant is not expected to have expertise in all areas listed, and should indicate in the proposal their respective specialty.
- I. Bond Counsel - Legal Advisor to the Township Committee and Administrative Staff on issues regarding bond financing. Includes compliance with any and all necessary laws, state and federal, in the marketing and selling of the Township's bonds of any sort, including bond anticipation notes. Minimum qualifications are at least five years' experience in the municipal bonding field, and that the person have the demonstrated experience and capacity for marketing and selling municipal bonds.
- J. Planning Board Engineer - Engineer to the Planning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding planning issues. Planning Board meets twice a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
- K. Zoning Board Engineer - Engineer to the Zoning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding zoning issues. Zoning Board meets once a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
- L. Risk Management Consultant - The consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume, or transfer the risk loss. Shall assist the Municipality in understanding and selecting the various coverage's available from the Atlantic County Municipal Joint Insurance Fund, review with the Municipality any additional coverage's that the Consultant feels should be carried but are not available from the Fund and subject to the Municipality's authorization place such coverage outside the fund. Shall further assist in the preparation of applications, statements of values and similar documents requested by the Fund, review the municipalities' assessment as prepared by the Fund and assist the municipalities' preparation of its annual insurance budget. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Assist where needed in the settlement of claims, with the understanding that the scope of the Consultant's involvement does not include the work normally done by a public adjuster. And any other services as required

The Township of Middle may select, at its sole discretion, individuals or firms for these positions, so long as those individuals or firms meet or exceed the minimum requirements set forth in this resolution; however, the Township is under no obligation to select any firm even if qualified and will make any selection based on an overall evaluation of qualifications in the best interest of the Township. Once an appointment is made, no substitution of personnel may be made without the express written consent of the Township of Middle, which consent may be withheld in the township's sole discretion. The Township of Middle reserves the right to appoint other professionals to perform services as the need may arise.

36. RESOLUTION 495-22 – DENYING LOCAL SUPPORT FOR THE CLASS 5 CANNABIS RETAILER LICENSE APPLICATION OF C3 MIDDLE TOWNSHIP, LLC TO THE NEW JERSEY CANNABIS REGULATORY COMMISSION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on November 3, 2020, more than two-thirds of the registered voters in New Jersey voted to approve Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults 21 years of age and older; and
 WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, N.J.S.A. 24:6I-31, et seq. (the “Act”), which legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act establishes a comprehensive regulatory and licensing scheme for commercial, recreational (adult use) cannabis operations, use, and possession; and

WHEREAS, an applicant that seeks to own and operate a proposed cannabis business is required to demonstrate local support from a municipality as to the suitability and appropriateness of its business location pursuant to N.J.A.C. 17:30-5.1(g) and/or N.J.S.A. 24:6I-36; and

WHEREAS, on October 18, 2021, pursuant to the provisions of N.J.S.A. 24:6I-45, the Mayor and Township Committee (“Township Committee”) of the Township of Middle (“Township”) adopted Ordinance No. 1635-21, which, amongst other things established a process for obtaining local support for cannabis businesses from the Township and requires the Township Committee to adopt a resolution to either approve or deny the request for local support; and

WHEREAS, on July 6, 2022, by way of Resolution No. 309-22, the Township appointed members to a Redevelopment Committee of the Township (the “Redevelopment Committee”) for the purpose of reviewing applications for cannabis businesses made to the Township and issuing recommendations to the Township Committee regarding said applications; and

WHEREAS, in accordance with the Act and N.J.A.C. 17:30-5.1, a municipality may enact ordinances or regulations governing the number of cannabis establishments and set a maximum number of each class of license permitted to operate within the municipality; and

WHEREAS, on June 22, 2022, by way of Ordinance No. 1653-22, the Township restricted the number of Class 5 Cannabis Retailer Licenses to only allow for one (1) license of this class; and

WHEREAS, C3 Middle Township, LLC, (the “Applicant”), applied for proof of local support from the Township as required by the Act for its application for a Class 5 adult use Cannabis Retailer License with the Cannabis Regulatory Commission (“the CRC”); and

WHEREAS, the Township received multiple applications for proof of local support for a Class 5 Cannabis Retailer License; and

WHEREAS, the Legislature specifically authorizes a municipality, pursuant to N.J.S.A. 24:6i-36(b)(1)(c)(i) and N.J.S.A. 24:6i-36(b)(1)(d)(i), to give its preferences for whom a license should be issued when the municipality has set a limit on the number of licenses that are to be issued; and

WHEREAS, the Redevelopment Committee reviewed the applications, including the application of the Applicant, evaluating the submitted Business Plan and Experience, the Environmental Impact and Safety and Security Plan and the County Impact, Social Responsibility and Job Creation Plan, for each applicant and made recommendations to the Township Committee regarding said applications; and

WHEREAS, the Township Committee has reviewed the recommendations of the Redevelopment Committee and the Applicant’s submitted materials; and

WHEREAS, the Township Committee, on October 5, 2022, adopted Resolution 440-22, which determined that it is in the best interest of the Township to issue local support for a Class 5 Cannabis Retailer License to Insa Middle Township pursuant to Ordinance No. 1653-22; and

WHEREAS, selection of Insa Middle Township allows the potential for easier regulation of a single entity in the various aspects of the cannabis production and sale because on October 4, 2021, the Township adopted Resolution 421-21, which authorized a Letter of Support for Insa II, LLC, an affiliate of Insa Middle Township, LLC, to operate a Cannabis Cultivation and/or Manufacturing Facility within Middle Township and it has plans to locate an integrated cultivation and manufacturing facility for recreational cannabis on Indian Trail Road in Middle Township; and

WHEREAS, because Ordinance No. 1653-22 only permits one (1) Class 5 Cannabis Retailer License to operate within the Township, and because the Township has already authorized issuance of local support for another license, issuing a letter of support to C3 Middle Township, LLC would exceed the number of available licenses under Township Ordinance; and

WHEREAS, the Township Committee has determined that pursuant to the limitations set forth in Ordinance No. 163-22, and the authority granted to it pursuant to N.J.S.A. 24:6i-36(b)(1)(c)(i) and N.J.S.A. 24:6i-36(b)(1)(d)(i), the Township will not provide local support for a Class 5 Cannabis Retailer License to C3 Middle Township, LLC.

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

1. That the aforementioned recitals are incorporated herein as though fully set forth at length.
2. That the Mayor and Township Committee for the Township of Middle hereby denies local support for the application of C3 Middle Township, LLC, to the CRC for an annual Class 5 Cannabis Retailer License to operate within the Township of Middle.
3. This Resolution shall take effect immediately.

Mayor Donohue:

- *Briefly discussed purpose of the resolution*

37. ENGINEERING REPORT:

2021 Drainage Projects

- Construction started on December 6, 2021
- All work completed with exception of the following.
 - Panola Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave.
 - Met with contractor on-site. Contractor to provide estimate for porous asphalt construction.

Norbury Landing Project

- Bids received. Contract to be awarded to Walters Marine Construction.

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

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

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 completed.
- Submission to NJDOT by November 15, 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 completed by November 15, 2022

2022 Road Improvement Project

- Survey work completed
- Construction drawings and specifications completed
- Contract to be awarded September 7, 2022
- Pre-construction meeting October 5, 2022
- Construction to begin November 10, 2022

Goshen Basketball Courts

- Contract to be awarded November 7, 2022 to Ricky Slade Construction.
- Construction date depends on weather.

38. PUBLIC COMMENT:

Clare Herm, Rio Grande:

- *Asked about cannabis resolution and status of cannabis license approvals*

Mayor Donohue:

- *Discussed history of cannabis business approvals through the years; further explained where process currently stands*

Clare Herm, Rio Grande:

- *Asked about proposed spot by applicant*

Mayor Donohue:

- *Explained applicants must go in front of the Zoning and Planning Boards for approvals*

Sharon DeNault, Rio Grande:

- *Asked about opposing the business location*

Mayor Donohue

- *Discussed business establishment process*

Sharon DeNault, Rio Grande:

- *Asked about traffic studies*

Mayor Donohue:

- *Further explained process*

Sharon DeNault, Rio Grande:

- *Continued to ask how to opposed business if state license is approved*

Ann Laprisky, Rio Grande:

- *Asked about how to follow the process*

Mayor Donohue:

- *Discussed cannabis licensing approval process with the state*

Kimberly Osmundsen:

- *Explained the NJ Cannabis Regulatory Commission approve the licenses*

Ann Laprisky, Rio Grande:

- *Explained unease with the proposed location due to traffic*

Clare Herm, Rio Grande:

- *Discussed disapproval of cannabis business*

Mayor Donohue:

- *Further discussed cannabis business and the Rio Grande Area*

Rita Maraldo, Rio Grande:

- *Asked about license given to INSA and asked if they were the same company as the cultivation business*

Mayor Donohue:

- Clarified the license was not given; stated it was same company

Rita Maraldo, Rio Grande:

- Asked about INSA's location choice for the recreation business

Mayor Donohue:

- Discussed business proposal from INSA

Debbie Rue, Del Haven:

- Asked about Del Haven water project status and the paving of the streets

Mayor Donohue:

- Explained obligation to restore streets once project complete; further explained Township plans to gradually restore streets

Kimberly Osmundsen:

- Spoke of letters sent from Lower Township MUA throughout the project; discussed project timeline; explained Township is applying for grants to help assist residents

Debbie Rue, Del Haven:

- Discussed residents concern about connections

Michael Hubbard:

- Asked about item 20 on the agenda

Kimberly Osmundsen:

- Explained purpose of the resolution

Dawn Robinson, Burleigh:

- Asked about properties on item 20 on the agenda

Kimberly Osmundsen:

- Further explained process once properties go into in-rem-foreclosure

Clare Herm, Rio Grande:

- Asked about Aberdeen Way

Vince Orlando:

- Gave updated

Trudy Trapler, Rio Grande:

- Asked about Delco Development detour signs

Vince Orlando:

- Stated he would discuss with the contractor

Clare Herm, Rio Grande:

- Discussed strip going into development

Vince Orlando:

- Discussed irrigation and landscape responsibility

Mayor Donohue:

- Further discussed area in question

Lillian Wing, Whitesboro:

- Asked about determination regarding water
- Asked about street signage in Rio Grande

Mayor Donohue:

- Explained the Township does not own its own water rights; discussed effect this matter has had on expanding water in the Township; continued to discuss current water project in Del Haven
- Discussed safety in Rio Grande

Debbie Rue, Del Haven:

- Asked to clarify that the water bills will be through Lower Township but sewer would be through Middle Township

Mayor Donohue:

- Stated correct

COMMITTEE COMMENTS:

Committeeman Norris:

- Thanked all involved in the Halloween Parade
- Thanked Deb Rue for her Del Haven water questions
- Discussed the General Election the following day; urged residents to get out and vote

Committeeman Gandy:

- Discussed Halloween parade
- Thanked Mr. Bradway for his service on the Zoning Board; discussed growth throughout Middle Township throughout the years
- Urged residents to get out and vote

Mayor Donohue:

- Discussed Election Day

Motion to adjourn meeting – 6:57 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