

Cape May Court House, NJ
December 19, 2022
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Donohue, Deputy Mayor Gandy, Committeemember Norris, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY COMMITTEE – MIDDLE MATTERS CIVIC RECOGNITION AWARD – HERMAN CRUSE
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.*)
3. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved: Current Acct. \$1,138,481.57*
4. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 12/05/2022 Regular Meeting*
5. REPORTS: Clerk for month of November
6. ORDINANCE 1664-22 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 215, ARTICLE III ENTITLED STREET EXCAVATIONS – Following second reading, hearing, and consideration for adoption, Ordinance 1664-22 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office. *WHEREAS, the current Ordinance pertaining to street excavation permits references a road opening moratorium for a period of five years after the paving of a roadway. BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey that the following Ordinance sections shall be amended as follows:*
§ 215-15. Issuance of permit.
D.
No permit shall be issued for any road which has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except in an emergency situation.
E.
No permit shall be issued for any road which has been overlaid with bituminous concrete for a period of three years after the completion of said overlay except in an emergency situation.
F.
*In the case of emergency or hardship, the Township Committee may, by resolution, waive the five-year and three-year restrictions mentioned previously. When the case presents, the restoration requirement is to restore the road to the original pre-opening condition, but at a minimum, the restoration is to consist of 2” milling and paving of the full lane and/or full shoulder width for a distance of 50lf in both directions beyond the length of the opening.
All trench backfill is to consist of compacted DGA.
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 phase 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.*

7. RESOLUTION – APPOINTMENTS – NEW HIRES – On motion by seconded by and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Emily Bluhm	Municipal Court	Clerk 1	\$30,000.00	01/03/2023
Meghan Stanley	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hr	12/20/2022
David Tomkinson	Public Safety – Police	Records Support Technician 1 P/T	\$28.00 per hr	01/01/2023
William Adams	Public Safety – Police	Records Support Technician 1 P/T	\$28.00 per hr	01/01/2023

8. RESOLUTION – TITLE CHANGE (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.

(A) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby appointed to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Gerald Greer	Public Works	Mechanics Helper P/T	12/12/2022

(B) PROMOTIONAL TITLE CHANGE – BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Jennifer Graham	Public Safety – Police Records	Clerk 3	01/01/2023

9. RESOLUTION – ACKNOWLEDGEMENT OF RETIREMENT – On motion by seconded by and passed on roll call, the following resolution was adopted.

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

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Joseph Hess	Public Works	Laborer 1	03/01/2023

10. RESOLUTION – CONFIRMATION OF LAND SALE – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee, the Governing Body of the Township of Middle, by proper resolution, directed that a public sale be held at the meeting room, 33 Mechanic Street, Cape May Court House, N.J., and that certain lands and premises owned by, and situated within, the Township of Middle, County of Cape May, State of New Jersey, be sold, as follows:

Resolution No.: 310-22 Adopted: July 6, 2022 Sale Date: September 14, 2022 at 10:00am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as set forth on the attached list of properties, purchasers and sale amounts.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above consideration, be and is hereby confirmed, and the Mayor and Clerk of the Township of Middle are hereby authorized and directed to convey said premises as directed to said highest bidders, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held

Block	Lot	Property	Bid Price	Bidder
886	1.01 & 1.02	302 & 308 Gibbs Street	\$ 35,100	Khaaron Watkins

11. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by seconded by 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.

12. RESOLUTION – AUTHORIZING ACCEPTANCE OF CASH BOND – 673 SHUNPIKE LLC – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, 673 Shunpike LLC has received certain approvals for the property located at 673 Shunpike to include construction of related amenities (Site Work), 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 \$60,000.00, is hereby accepted.

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

13. RESOLUTION – CANCEL SEWER – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

*WHEREAS, the below property location was billed for sewer in error and therefore is cancelled.
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 the cancellation of sewer below is hereby acknowledged.*

Account	Block	Lot	Owner/location	2022
14261	1432	9.01	103 Railroad LLC	\$160.00
Property location: 103 S Railroad Ave				

14. RESOLUTION – AFFIDAVIT OF TAX SALE POSTING – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

State of New Jersey

Ss

County of Cape May

I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

1. *I am the Tax Collector of the Township of Middle, County of Cape May, State of New Jersey.*
2. *A tax sale in-lieu of notice was mailed to each parcel listed in the tax sale pre postage paid. The first was mailed on November 16, 2022 and the second was mailed on November 23, 2022*
3. *Notice of The Tax Sale that was held on December 14, 2022 was published in the Herald-Times, Rio Grande, New Jersey, on November 30, 2022 and December 7, 2022*
4. *A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:*
 1. *Middle Township Municipal Hall*
 2. *Green Creek Post Office*
 3. *Cape May Court House Post Office*
 4. *Whitesboro Recreation Center*
 5. *Rio Grande Post Office*
5. *A Notice of Tax Sale was mailed to the owner of record, whose name appears in the List at the last known address, postage prepaid.*

15. RESOLUTION – TRANSFER OF FUNDS – On motion by _____ seconded by _____ 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:

Account Number	Name	From	To
Current Fund			
2-01-20-100-101-299	Public Affairs - Other Expenses	8,000.00	
2-01-22-195-198-231	Demolition Other Expenses	8,000.00	
2-01-23-210-211-411	General Liability Insurance	60,000.00	
2-01-23-221-221-411	Health Care Waiver	2,230.00	
2-01-23-215-215-411	Workers Compensation	175,000.00	
2-01-25-240-240-111	Police S/W	135,000.00	
2-01-25-262-262-115	EMS - S/W	50,000.00	
2-01-20-105-105-111	Human Resources - S/W		1,000.00
2-01-20-110-110-111	Mayor and Committee - S/W		30.00
2-01-20-130-130-111	Financial Admin S/W		500.00
2-01-20-155-156-249	Legal OE		16,000.00
2-01-25-240-240-220	Police OE		345,000.00
2-01-26-290-291-111	Public Works S/W		50,000.00
2-01-27-340-340-111	Animal Control S/W		1,000.00
2-01-28-370-370-115	Recreation S/W		8,500.00
2-01-31-430-430-475	Electricity OE		5,000.00
2-01-31-460-460-475	Gasoline Costs OE		10,000.00
2-01-45-920-920-715	Green Trust Loan - Prin and Interest		1,200.00
Sewer Utility			
2-07-55-502-502-258	Sewer - Other Expenses	7,300.00	
2-07-55-522-522-021	Sewer - Interest on Bonds		7,300.00
		445,530.00	445,530.00

16. RESOLUTION – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY – OCKIE WISTING COMPLEX CREATIVE PLACE MAKING IMPLEMENTATION – CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement with the County of Cape May relevant to Creative Place Making Implementation for the Ockie Wisting Complex, for the term of January 24, 2023 through January 23, 2024.

17. RESOLUTION – AMENDING FAIR AND OPEN CONTRACT (ITEMS A THROUGH C) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) WHEREAS, on January 4, 2022 Township Committee awarded Marcus Karavan a one-year term as Township Solicitor, and said contract was certified for 2022 as Resolution No. 02-22, and WHEREAS, said contract shall require an amendment due to various charges in connection with professional services rendered.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

Marcus Karavan

Not to Exceed an Additional \$16,000.00

(Total Contract Amount \$191,000.00)

(B) WHEREAS, on February 23, 2022 Township Committee awarded David A. Stefankiewicz of Stefankiewicz and Belasco, LLC as the Planning Board Solicitor, and said contract was certified for 2022 as Resolution No. 123-22, and

WHEREAS, said contract shall require an amendment due to pending unanticipated litigation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

David Stefankiewicz

Not to Exceed an Additional \$2,500.00

(Total Contract Amount - \$35,500.00)

(C) WHEREAS, on January 4, 2022 Township Committee awarded Carluccio, Leone, Dimon, Doyle and Sacks as Special Counsel for Affordable Housing, and said contract was certified for 2022 as Resolution No. 08-22, and

WHEREAS, said contract shall require an amendment due to various charges in connection with professional services rendered.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

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

Carluccio, Leone, Dimon Doyle and Sacks

Not to Exceed an Additional \$3,000.00

(Total Contract Amount - \$20,500.00)

18. RESOLUTION – AUTHORIZING THE CANCELLATION OF THE BALANCE ON EMERGENCY APPROPRIATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, on July 6th, 2022 the Township authorized an Emergency Appropriation in the amount of \$345,000.00 in accordance with N.J.S.A. 40A:4-48, and

WHEREAS, the Township has decided to fully fund this Emergency Appropriation, and

WHEREAS, the unexpended Emergency Reserve Balance of \$345,000.00 and remains on the Current Fund Balance Sheet, an

WHEREAS, it is necessary to formally cancel the Emergency Reserve Balance and the offsetting Deferred Charge from the Balance Sheet.

NOW, THEREFORE, BE IT RESOLVED, that the Emergency Reserve and Deferred Charges for the above-named Emergency Appropriation, in the amount of \$345,000.00 be cancelled.

19. RESOLUTION – TABULATION COMMITTEE – 2023 POLICE UNIFORM SERVICES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

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 January 11, 2023 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:

2023 POLICE UNIFORM SERVICES

20. RESOLUTION – CLOSED SESSION – CONTRACT NEGOTIATIONS (EMS) /POTENTIAL LITIGATION (LAND USE CONCERNS) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

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

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

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

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

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

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

- 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:
CONTRACT NEGOTIATIONS (EMS) /POTENTIAL LITIGATION (LAND USE CONCERN)*
- 2.) The general nature of the subject matter to be discussed is as follows:
CONTRACT NEGOTIATIONS(EMS) /POTENTIAL LITIGATION (LAND USE CONCERN)*
- 3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED*
- 4.) This Resolution shall take effect immediately.*

21. ENGINEERING REPORT:

22. PUBLIC COMMENT:

Motion to enter closed session –

1st: 2nd:

Pass on Roll Call:

Motion to re-enter open session –

1st: 2nd:

Pass on Roll Call:

Motion to adjourn meeting –

1st: 2nd:

Pass on Roll Call: