

Cape May Court House, NJ  
 January 18, 2023  
 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 Matt Rooney

1. PRESENTATION BY COMMITTEE – RECOGNITION OF RETIREMENT – DEBBIE BECKER – VERA KALISH – MARK HIGGINBOTTOM
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.)

NONE

3. RESOLUTION 56-23 – 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:

FUND DESCRIPTION	FUND	TOTAL
<b>CURRENT FUND</b>	2.01	150,331.82
	2.03	1,291.04
	3.01	3,282,947.77
<b>SEWER UTILITY</b>	2.07	8,677.48
	3.07	75,320.07
<b>GRANTS</b>	G.06	1,770.00
<b>OTHER TRUST</b>	T.17	28,400.00
<b>ZONING ESCROW</b>	T.19	16,922.23
	T.28	11,577.71
	<b>TOTAL</b>	<b>3,577,238.12</b>

4. RESOLUTION 57-23 – 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: 01/04/2023 Reorganization Meeting
5. REPORTS: Zoning for the month of December, Tax/Sewer Collector for the month of December, Sterbeck Harbor for the month of December, Clerk for month of December

6. **\*TABLED\*** ORDINANCE 1667-23 - AN ORDINANCE AMENDING CHAPTER 250 OF THE TOWNSHIP CODE TO PERMIT ACCESSORY APARTMENTS AS A CONDITIONAL USE IN ALL RESIDENTIAL ZONES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, Ordinance No. 1667-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 02/22/2023 at 6:00 p.m.

WHEREAS, the Township of Middle recently concluded its Master Plan Re- Examination and, in conjunction with same the Middle Township Planning Board provided various recommendations for the improvement of Zoning Districts within the Township; and  
 WHEREAS, the Middle Township Zoning Board has heard numerous variance applications requesting approvals for rental apartments as an accessory to a principal residential use; and  
 WHEREAS, a demographic analysis reveals that the number of younger residents and the elderly residents has increased, thus creating a greater need for additional housing within the Township; and  
 WHEREAS, the Middle Township Planning Board has recommended that the existing Zoning Ordinance be modified to permit accessory apartments as a conditional use in all residential zones.  
 NOW THEREFORE BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that CHAPTER 250 OF THE CODE OF THE TOWNSHIP OF MIDDLE be and is hereby amended as follows:

**SECTION 1.** Accessory Apartments, as defined in this section, shall be, and are hereby, permitted as a conditional use in all residential zones within the geographical boundaries of the Township of Middle, to wit:  
**R. RESIDENTIAL**  
**RB. RESIDENTIAL BUSINESS**  
**RC. RURAL CONSERVATION**  
**SR. SUBURBAN RESIDENTIAL**  
**TR. TOWN RESIDENTIAL**  
**VR. VILLAGE RESIDENTIAL**

The following conditions shall apply in all zones:

- a. The size of the unit shall be limited to 30% of the principal structure, with a 900 square feet maximum unit size.
- b. Adequate on-site parking shall be provided (as determined by the Zoning Officer).
- c. A Maximum of two bedrooms shall be permitted in the unit.
- d. A construction permit and filed Landlord Registration Act Certificate shall be required.
- e. NO occupancy shall occur before the issuance of a Certificate of Occupancy.
- f. The registration fee will be determined periodically by the Township Committee and enacted by resolution of the Governing body.
- g. No tenancy, of the accessory apartment, shall be less than six months in duration.
- h. The owner shall provide satisfactory proof to the Zoning Officer that the principal residence on site is owner occupied.
- i. A separate electric meter shall be provided for the apartment.
- j. The accessory use authorized herein shall be subject to periodic inspection at the discretion of the Township Zoning office.

**SECTION 2.** If all of the above conditions are satisfied, then the Zoning Officer may issue the permit for the accessory use; however, if the any of the above conditions are not satisfied and the permit application is denied, then the owner may apply for relief to the Zoning Board which may in its discretion, grant relief or deny same.

**SECTION 3.** Any violation of this Ordinance shall result in an immediate order from the Zoning Office to cease the unauthorized use and / or a fine of \$250 per day until the unauthorized use is abated.

**SECTION 4.** Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 5.** 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 6.** This Ordinance shall become effective immediately upon final passage and publication, according to law.

7. RESOLUTION 58-23 THROUGH 59-23 – APPOINTMENTS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) 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
Jason Breakell Sr.	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	01/09/2023
Nathaniel Conley	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	01/11/2023

(B) 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 person is hereby appointed to the position opposite their name:

NAME	POSITION	BOARD	TERM EXP.
Paul Crowding	Alternate #1 – Class IV	Planning Board	12/31/2024

8. RESOLUTION 60-23 – TITLE CHANGE – 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 appointed to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Dan Shustack	Finance	Deputy Chief Financial Officer	01/01/2023

\*In House Title

9. RESOLUTION 61-23 – 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
Nathaniel Conley	Public Works	Laborer 1 F/T T/A (6months)	01/13/2023

10. RESOLUTION 62-23 – RESCINDING RESOLUTION 35-23 – 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.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, Resolution No. 35-23 is hereby rescinded.

11. RESOLUTION 63-23 – 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
Joseph Clark	Public Works	Laborer 1 F/T T/A	Laborer 1 P/T	\$15.00 per hour	01/12/2023
Timothy Kincade	Public Works	Laborer 1 F/T T/A	Laborer 1 P/T	\$15.00 per hour	01/12/2023

12. RESOLUTION 64-23 – APPROVAL FOR PAYMENT TERMINAL LEAVE – MARK HIGGINBOTTOM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Mark Higginbottom retired with an effective date of January 1, 2023; and  
WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and  
WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Mark Higginbottom  
Sick Hours\*: 355  
Vacation Hours: 440  
Personal Hours: 48  
Comp: 354.25  
\$66,548.92

\*Max Payout \$12,000.00

13. RESOLUTION 65-23 – 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
Maureen Hagan	Law Enforcement Community Engagement Committee	Middle Township Resident Member	01/01/2023

14. RESOLUTION 66-23 – REFUND OF SEWER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Sewer Payment was made via ACH for the below referenced properties; and  
WHEREAS, said property has since been sold resulting in a need to refund the former owner;

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
5193	313	68	Ferry, Kathleen 741 Stone Harbor Blvd.	160.00
14173	1431.02	14	Applegate, Jesse T Sr 208 Holly Drive	160.00

For the address of 741 Stone Harbor Blvd, please make checks payable and mail to:  
NOEL REALTY HOLDINGS, LLC  
12015 KEMPS MILL RD  
WILLIAMSPORT, MD 21795

For the address of 208 Holly Drive, please make check payable and mail to:  
JOSEPH SPIRITO  
10 PEACH TREE RD  
RIO GRANDE, NJ 08242-1722

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 checks in the above noted amounts payable to the above-mentioned parties, as a refund of 2023 sewer

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

15. RESOLUTION 67-23 – 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 2023 taxes are due to the below property owner, who qualify for 100% Disabled Veteran Status as of January 1, 2023

Account	Block	Lot	Owner/location	2023 1 <sup>st</sup> 1/2
17591	1414.01	21	Dicicco, Dolores M  Property Location: 3123 Shunpike	\$2,373.07

16. RESOLUTION 68-23 – 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.

17. RESOLUTION 69-23 – RESOLUTION PROVIDING FOR TRANSFER OF CERTAIN 2022 BUDGET APPROPRIATION RESERVES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, various 2022 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2022 Budget Appropriation Transfers in the last two months of 2022; and

WHEREAS, N.J.S.A.:40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year; and NOW, THEREFORE, BE IS 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 appropriation reserves be made in the budget of Middle Township for the year 2022:

Budget Line Description	Budget Account Number	From	To
Emergency Medical Services - Salaries & Wages	2-01-25-262-262-100	37,000.00	
Emergency Medical Services - Other Expenses	2-01-25-262-262-200	20,000.00	
Public Buildings and Grounds - Other Expenses	2-01-23-310-310-200	30,000.00	
General Administration - Other Expenses	2-01-20-100-100-228		500.00
Financial Administration - Other Expenses	2-01-20-130-130-228		1,000.00
Utility Expenses - Natural Gas	2-01-31-446-446-475		5,000.00
Utility Expenses - Internet	2-01-31-450-450-475		2,500.00
Utility Expenses - Electricity	2-01-31-430-430-475		38,000.00
Gasoline	2-01-31-460-460-475		40,000.00
Totals		\$87,000.00	\$87,000.00

18. RESOLUTION 70-23 THROUGH 71-23 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT (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 Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and

WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 494-22 dated November 7, 2022, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and

WHEREAS, the Planning Board has formally passed Resolution #ENG2023, appointing Mr. Orlando.

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 submission shall be awarded as follows:

Vincent C. Orlando – Planning Board Engineer

All fees related shall be charged to the appropriate escrow accounts as necessary.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2023.

(B) WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;

WHEREAS, the Planning Board has formally passed Resolution #ATTY23, appointing David A. Stefankiewicz, Esquire, of Stefankiewicz and Belasco, LLC, as Planning Board Solicitor for 2023.

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 submission shall be awarded as follows:

David A. Stefankiewicz – Planning Board Solicitor – Not to Exceed \$33,000.00

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2023.

19. RESOLUTION 72-23 THROUGH 73-23 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A)NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Mott MacDonald and the Township of Middle for Sewer Engineer 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.

Mott MacDonald – Sewer Engineer – Not to Exceed \$17,500.00





## 28. ENGINEERING REPORT:

Township of Middle  
Project Status Report  
January 18, 2023  
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.
    - Met with contractor on-site. Contractor will remove existing asphalt for free and re construct using porous asphalt for \$6,500.00
    - Waiting for a warm day to begin construction

### Norbury Landing Project

- Preconstruction Meeting scheduled for January 25, 2023 at 10:00 AM

### 3<sup>rd</sup> Ave & Walsh- Reconstruction & Construction of New Roadway

- Bids received 12/21/22
- Contract Awarded to CTX Construction
- Contracts out for signature 1/12/23
- Estimate start date 2/15/23
- 

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

- Bid Date 2/1/23

### 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.
- Submitted to NJDOT for Approval.

### Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- Recommendation to reject bids
- Re-bid date 2/10/23

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

Project Status Report  
January 18, 2023

Page 2 of 2

### 2022 Road Improvement Project

- Concrete driveways completed
- Shoulder restoration to begin in early Spring

### Goshen Basketball Courts

- Construction to begin in early Spring.

### Church Street

- Grant received for fiscal year 2023 in the amount of \$221,075.00
- Schedule
  - Survey – January 2023
  - Design – April 1, 2023
  - NJDOT Approval – June 1, 2023
  - Construction – August 1, 2023

### Ockie Wisting Park

- Bid date 2/13/23
- Receive bids 3/1/23
- Construction start April 2023

### Avalon Fishing Pier

- Working with Public Works to install Cape May County placemaking items
- Developing sign details as required by Cape May County

FINAL/MIDDLE/GENERAL/PROJSTATUS 1-18-23

## 29. PUBLIC COMMENT:

*John Lauricello, Cape May Court House, spoke about the accelerated tax sale and some of the lower dollar amounts which people owed, questioned whether a process for calls/texts could go out to taxpayers before their property goes to tax sale.*

*Kimberly Osmundsen stated that up to four notices go to the property owner, via regular mail, before the property is on the tax sale list.*

*Stan Doniger, Rio Grande, spoke about the history of his development (Legacy) and the concerns of issues holding the bond release and the property being transferred to the Homeowners Association. Mr. Doniger specifically is concerned with monuments not being placed, or the unknown whereabouts of the monuments. Mr. Doniger questioned whether monuments were one of the outstanding bond items and asked for the location of the monuments.*

*Vince Orlando stated that the checklist items show ten monuments should have been installed, not monuments at every property. Mr. Orlando indicated that the Legacy HOA has accepted the improvements and the Township has not accepted improvements to release the bond.*

*Kimberly Osmundsen asked Mr. Doniger and Mr. Orlando to set up a meeting to further discuss the concerns and the status of the development.*

*Ed Dillio, Cape May Court House, asked about the number of homeless in the community, including the number of homeless veterans and homeless single mothers with children. Mr. Dillio suggested establishing a committee to research the homeless within the township and the possibility of providing a building for the homeless to stay in to provide minimal shelter.*

*Chief Leusner indicated that the Police Department has encountered between 20-35 homeless individuals within the community, mentioned the Rio Grande Community Partnership group with Committeeman Norris is overseeing. Chief Leusner spoke of a new partnership with Volunteers of America to assist with providing services to the homeless, should they be willing to accept services offered.*

*Committeeman Norris highlighted the Rio Grande Community Partnership's efforts in working with residents, business owners and non-profit organizations to address concerns in the Rio Grande area.*

*Jim Chew, Rio Grande, expressed being an advocate for the homeless and has been assisting the homeless with finding jobs and offers tents and places in woods for them to stay. Mr. Chew stated that he regularly visits The Branches and communicates with the homeless. Mr. Chew also stated that he heard a "rumor" that the Bridgeton homeless facility has drug use problems.*

*Stan Doniger, Rio Grande, mentioned the lack of mental health facilities which play a role in the increased number of homeless. Mr. Doniger questioned whether sidewalks or drainage will be included in the Church Road reconstruction and mentioned the ongoing ponding at the end of Church Road/Railroad Avenue after rain events.*

*Kimberly Osmundsen stated that the project was reconstruction only, no sidewalks or drainage.*

*Dan Lockwood, Cape May Court House, commended the diligent work being done towards homeless issues.*

#### COMMITTEE REPORTS:

*Committeeman Norris congratulated retirees and mentioned the great things which Mark Higginbottom has done for the youth in Middle Township. Committeeman Norris spoke of the upcoming upgrades to the Goshen Recreation Complex and the K-2 Basketball Clinics. Committeeman Norris also mentioned the donation of a surplus ambulance to MTAC.*

*Committeeman Gandy echoed the sentiments of Mark Higginbottom and thanked the retirees for their service and employment.*

Motion to adjourn meeting – 7:05pm

1<sup>st</sup>: Committeeman Norris      2<sup>nd</sup>: Committeeman Gandy

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

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Kimberly D. Osmundsen, Township Clerk

Minutes prepared by: S. Schumann