

Cape May Court House, NJ
 February 6, 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, & Municipal Solicitor Matt Rooney

1. PRESENTATION BY COMMITTEE – FEBRUARY EMPLOYEE OF THE MONTH – TIM JOHNSON
2. *TABLED* SWEARING IN OF PROMOTED POLICE OFFICER – KENZEE DELGADO
3. RESOLUTION – 82-23 THROUGH 83-23 PROMOTIONAL TITLE CHANGE (ITEMS A THROUGH B) On motion by Committeeman Gandy seconded by Committeeman Norris 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 promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Stacy-Ann McPherson	Municipal Court	Municipal Court Administrator*	\$52,000.00	02/01/2023
		Woodbine Municipal Court Administrator**	Stipend - \$5,000.00	

*Provisional Appointment – Not to Exceed 90 days

**Shared Service

(B) 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
Steven Mills	Sewer	Sewer Repairer Supervisor	01/01/2023

4. SWEARING IN OF MUNICIPAL COURT ADMINISTRATOR – STACY-ANN MCPHERSON
5. 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.*)

Dawn Robinson, Burleigh, asked about item 6 on the agenda.

Kimberly Osmundsen clarified the cost.

6. RESOLUTION 84-23 – 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
Current Fund	2.01	66,195.17
	3.01	3,034,470.52
Sewer Utility	2.07	18,044.60
	3.07	15,379.89
Capital	C-04	9,118.61
	C-08	49,060.06
Grants	G.06	46,837.66
Emergency Housing	R-23	26,450.00
Zoning Escrow	T.19	75,172.32
	T.28	6,898.48
TOTAL		3,347,627.31

7. RESOLUTION 85-23 – 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: 01/18/2023 Work Session and Regular Meeting

8. REPORTS: Tax/Sewer Collection for the month of January; Sterbeck Harbor for the month of January; Zoning for month of January

9. ORDINANCE 1666-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188, ENTITLED CODE OF CONDUCT REVIEW COMMITTEE - Following second reading, hearing, and consideration for adoption, Ordinance 1666-23 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following chapter and section of the local code is hereby revised as follows
SECTION 1:

188-11 - Convening of Committee.

The Code of Conduct Review Committee may be convened when a case is brought to the Recreation Director and will meet on a case-by-case basis. When a case is brought forward, the members on the Code of Conduct Review Committee will consist of the Recreation Director, Business Administrator (or Deputy), Police Department Representative and Mayor.

~~§ 188-12 Appointment and qualifications of members.~~

~~A. The members of the Code of Conduct Review Committee shall be appointed by the Township Committee of the Township of Middle.~~

~~B. The members of the Code of Conduct Review Committee shall be chosen by virtue of their known and consistent reputation for integrity.~~

§ 188-13 Term of office.

Members shall serve a one-year term

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.

Mayor Donohue explained changes made to the ordinance and committee.

10. RE-INTRODUCTION – ORDINANCE 1665-23 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1665-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/06/2023 at 6:00 p.m.

Amendment of positions and ranges:

Chief Financial Officer	Minimum Wage	\$ 135,000.00
Clerk 1	Minimum Wage	\$ 135,000.00
Manager of Public Property PT	Minimum Wage	\$ 28.00
Personnel Director	\$ 66,500.00	\$ 90,000.00
Records Support Technician 1	Minimum Wage	\$28.00 p/h
Senior Account Clerk	Minimum Wage	\$ 85,000.00
Sewer Repair Supervisor	Minimum Wage	\$ 90,000.00
Superintendent of Public Works	\$ 65,000.00	\$ 95,000.00

11. ORDINANCE 1668-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112 THEREOF ENTITLED CONSTRUCTION CODES – CONSTRUCTION SURVEYS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1668-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/06/2023 at 6:00 p.m.

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

Section 1. Chapter 112 of the Code of the Township of Middle is hereby amended and supplemented to add a new article entitled Construction Surveys to read as follows:

ARTICLE IV – CONSTRUCTION SURVEYS

112-10 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

CONSTRUCTION

Interpreted to include the construction of any new structure, the renovation of any existing structure and the alteration of any existing structure.

HEIGHT

Building height as that term is defined in those ordinances that have been codified in the Code of the Township of Middle.

STRUCTURE

Structure as that term is defined in those ordinances that have been codified in the Code of the Township of Middle and includes both principle structures and accessory structures.

12-11 Surveys Required at Certain Intervals

During all construction the property owner shall cause to be submitted to the Township of Middle Zoning Official for approval surveys which have been prepared by a New Jersey licensed professional land surveyor at the following intervals:

- A. Upon completion of any new, renovated or altered structure foundation. This survey shall depict the exact location of all structure foundations upon the property, the top of foundation elevations and all setbacks. This survey shall certify that those locations, elevations and setbacks conform with the zoning requirements for the zoning district in which the subject property is located and any approvals that have been granted by the Middle Township Zoning Board of Adjustment or by the Middle Township Planning Board. No framing shall commence until this survey has been submitted and approved. No inspections shall be scheduled through the Construction Office until this survey has been submitted and approved.
- B. Upon completion of roof framing and sheathing. This survey shall certify that the height of all structures located upon the property and their setbacks conform to the zoning requirements for the zoning district in which the subject property is located and any approvals that have been granted by the Middle Township Zoning Board of Adjustment or by the Middle Township Planning Board. No rough inspections shall be performed by Construction Office Officials until this survey has been submitted and approved.
- C. Before an application for a certificate of occupancy, either temporary or permanent, is completed. This survey shall certify that the height and location of all structures upon the property, as well as all setbacks and the location and dimensions of all sidewalks, driveways, driveway aprons and curb cuts upon the property, conform to the zoning requirements for the zoning district in which the subject property is located and any approvals that have been granted by the Middle Township Zoning Board of Adjustments or by the Middle Township Planning Board. No certificate of occupancy, either temporary or permanent, shall be issued until this survey has been submitted and approved.

Section 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of the 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 filing with the Cape May County Planning Board and publication of notice of passage.

12. **RESOLUTION 86-23 – AUTHORIZING 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	EFFECTIVE DATE
Pamela Gaskill	Recreation	Recreation Aide P/T T/A	Recreation Aide P/T Permanent	01/18/2023
Iverson Linthicum	Recreation	Recreation Aide P/T T/A	Recreation Aide P/T Permanent	01/18/2023
Abigail Garcia Torres	Recreation	Recreation Aide P/T T/A	Recreation Aide P/T Permanent	01/18/2023

13. **RESOLUTION 87-23 THROUGH 88-23 – APPROVAL FOR PAYMENT OF TERMINAL LEAVE (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, Deborah Becker retired with an effective date of February 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:

Deborah Becker

Sick Hours*: 842
 Vacation Hours: 125
 Personal Hours: 1.75
 Comp: \$16,675.65

*Max Payout \$12,000.00

(B) WHEREAS, Vera Kalish retired with an effective date of February 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

Vera Kalish
 Sick Hours*: 623
 Vacation Hours: 64
 Personal Hours: 1.75
 Comp: 7
\$14,601.71

*Max Payout \$12,000.00

14. RESOLUTION 89-23 – APPOINTMENT – COUNCIL ON THE ARTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following person is hereby appointed to the position opposite their name:

NAME	POSITION	BOARD	TERM EXP.
Matt Wetzel	Member*	Council on the Arts	12/31/2025
Olivia Greene	Secretary**	Council on the Arts	12/31/2023

*Filling unexpired term
 **Stipend

15. RESOLUTION 90-23 – 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
Joseph Clark	Public Works	Laborer 1 P/T Permanent	01/28/2023

16. RESOLUTION 91-23 – AUTHORIZING FORECLOSURE GROUP #201 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #201, be foreclosed, pursuant to N.J.S.A. 54:5-104, 29-75 as amended, known as the In-Rem Foreclosure Act. NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of certificates to Attorney Keith Bonchi to proceed to Foreclose In-Rem, the lands and premises covered by said certificates.

17. RESOLUTION 92-23 – FAILURE TO SURRENDER CERTIFICATE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 54:5-57.1 section 13 requires that if the owner of a tax lien fails to surrender a tax sale certificate within five years of being notified of redemption, the unclaimed redemption monies will escheat to the municipality. 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 after the due diligence of the tax collector’s office to notify the owner (s) of the tax lien certificate(s), the following redemption monies from same shall now be turned over to the Chief Financial Officer in accordance with the above:

Account	Block/Lot	Certificate #	Date of Redemption	Amount
13365	1247/16	3501-1973	11/16/2017	76.89

BE IT FURTHER RESOLVED, that a check in the amount of \$76.89 be accepted by the Chief Financial Officer from the Collector’s lien redemption account FURTHER RESOLVED, that a certified copy of this resolution be given to the Chief Financial Officer of the Township of Middle upon adoption.

18. RESOLUTION 93-23 – 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.

19. RESOLUTION 94-23 – 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	2-01-25-262-262-111	22,750.00	
Statutory Expenditures - Social Security	2-01-36-471-471-453	18,000.00	
Workers Compensation Insurance	2-01-23-215-215-400	15,000.00	
Sanitary Landfill - Contractual	2-01-32-465-465-373		17,000.00
General Admin - Other Expenses	2-01-20-100-100-228		6,000.00
Garbage and Trash Removal - Contractual	2-01-26-305-306-373		9,500.00
Recycling - Contractual	2-01-26-305-308-373		9,500.00
Utility Services - Water	2-01-31-445-445-475		250.00
Utility Services - Natural Gas	2-01-31-446-446-475		12,500.00
Liquidation of Tax Title Liens - Other Expenses	2-01-20-155-155-249		1,000.00
Totals		\$55,750.00	\$55,750.00

20. RESOLUTION 95-23 – RELEASE OF MAINTENANCE BOND – LANDBERG CONSTRUCTION –

LINDEN LANE ROAD RECONSTRUCTION PHASE I & II – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a \$66,899.25 Maintenance Bond is being held as a one-year Maintenance Guarantee for Landberg Construction for the Linden Lane Road Reconstruction, Phases I & II;

WHEREAS, said Maintenance Bond expired on September 1, 2022;

WHEREAS, the Township Engineer has recommended that the Bond in the amount of \$66,899.25 be released.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond in the amount of \$66,899.25, plus any interest accrued, be and is hereby released.

21. RESOLUTION 96-23 – DENY APPLICATION FOR STREET VACATION – VICK STREET – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Carl Arenberg has requested, by application, a street vacation of Vick Street as described on Block 934 Lot 15, and

WHEREAS, after review by Township officials said vacation has been deemed unfeasible for reasons set forth that if pursued would impact future development and future road network within the Township.

NOW THEREFORE BE IT RESOLVED, that the request for street vacation for Vick Street by Carl Arenberg has hereby been denied.

22. RESOLUTION 97-23 – APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL – SAFE AND SECURE COMMUNITIES GRANT 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 wishes to apply for funding of approximately \$32,400.00 with a match of \$332,433.44 for an approximate project total cost of \$364,833.44 for a project under the State of New Jersey Safe & Secure Communities Grant Program; and

WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety, Office of the Attorney General and the Township of Middle for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:

1. As a matter of public policy, the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Office of the Attorney General;
2. The Attorney General of New Jersey will receive funds on behalf of the applicant;

3. The Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds; and
4. The Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to the applicant as authorized by law.

BE IT FURTHER RESOLVED, that the subaward number for said project is 23-0506 for a subaward period of 09/02/2022 through 09/01/2023.

23. RESOLUTION 98-23 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PUBLIC INFORMATION OFFICER – LAURA BISHOP COMMUNICATIONS, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has a need to enter into an agreement with Laura Bishop Communications, LLC to provide services relevant to Public Information Officer as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and

WHEREAS, the Township of Middle will be entering into an agreement with Laura Bishop Communications, LLC where the total amount is \$35,000.00, which exceeds the non-fair and open limitation of \$17,500.00; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor for a term beginning on the date of this Resolution until December 31, 2023, and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

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

24. RESOLUTION 99-23 – AWARD OF BID – POLICE UNIFORMS – UNITED UNIFORMS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on December 28th 2022, the Township of Middle advertised for bids to ‘Furnish and Deliver Police Uniforms for Middle Township Police Department; and

WHEREAS, on January 11th 2023, the Township received and opened two (2) bids; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for POLICE UNIFORMS be and hereby is awarded to:

UNITED UNIFORMS, LLC
RIO GRANDE, NJ

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, as follows:

1. The term of the contract for police uniforms shall be for one (1) year commencing on February 7, 2023 through February 6, 2024.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with United Uniforms.

Said award of contract shall be contingent upon the availability of funds for 2023.

FURTHER BE IT RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey that no amount of this contract shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order. Upon adoption of the 2023 budget, it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek certification of the availability of funds from the Township Treasurer.

25. RESOLUTION 100-23 THROUGH 101-23 – AUTHORIZE MAYOR EXECUTE DISCHARGE OF MORTGAGE (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 and State of New Jersey that the mortgage loan for Sandra Tripoli for the property located at 311 Hand Avenue, Cape May Court House, New Jersey in the amount of \$6,650.00 is hereby authorized to be discharged.

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

(B)NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the mortgage loan for Sandra Tripoli for the property located at 311 Hand Avenue, Cape May Court House, New Jersey in the amount of \$1,200.00 is hereby authorized to be discharged.

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

26. RESOLUTION 102-23 THROUGH 103-23 – RATIFY LEASE AGREEMENT (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris 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 agreement between the Marine Corps League and the Township of Middle for usage of the Middle Township Senior Citizen Center from January 1, 2023 through December 31, 2023, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

BE IT FURTHER RESOLVED, that said agreement is contingent upon the review and approval of any and all insurance documents required by the Township of Middle's insurance carrier.

(B) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the South Jersey War Gamers and the Township of Middle for usage of the Middle Township Senior Citizen Center from January 1, 2023 through December 31, 2023, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

BE IT FURTHER RESOLVED, that said agreement is contingent upon the review and approval of any and all insurance documents required by the Township of Middle's insurance carrier.

27. RESOLUTION 104-23 – AUTHORIZING REQUEST FOR PROPOSALS – PROVISION OF FURNISHING, INSTALLING, AND SERVICING OF VENDING MACHINES AND SUPPLYING FOOD/BEVERAGE PRODUCTS AT VARIOUS LOCATIONS – 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 Chief Finance Officer Neil Young and Business Administrator/Township Clerk Kimberly Osmundsen are hereby appointed to receive proposals, on March 8, 2023 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

PROVISION OF FURNISHING, INSTALLING, AND SERVICING OF VENDING MACHINES AND SUPPLYING FOOD/BEVERAGE PRODUCTS AT VARIOUS LOCATIONS

28. RESOLUTION 105-23 – TABULATION COMMITTEE – OCKIE WISTING SITE IMPROVEMENTS – 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 March 1, 2023 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

OCKIE WISTING SITE IMPROVEMENTS

29. RESOLUTION 106-23 – REJECT BIDS AND RE-ESTABLISH TABULATION COMMITTEE – RENOVATIONS TO MIDDLE TOWNSHIP MUNICIPAL BUILDING RESTROOM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, following public advertisement, proposals for Renovations to Middle Township Municipal Building Restrooms, Middle Township home rehabilitation project, were received by the Township of Middle on December 21, 2022 at the Township Hall; and

WHEREAS, it appears to be in the best interest of the Township to reject the bids and rebid the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all proposals received on December 21, 2022 for Renovations to Middle Township Municipal Building Restrooms are hereby rejected; and

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 March 8, 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:

RENOVATIONS TO MIDDLE TOWNSHIP MUNICIPAL BUILDING RESTROOM

30. RESOLUTION 107-23 – AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE EASTERN ATLANTIC STATES REGIONAL COUNCIL OF CARPENTER'S UNION ON AN AS NEEDED, TEMPORARY BASIS TO SUPPLEMENT THE TOWNSHIP OF MIDDLE'S EXISTING WORKFORCE – 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 in need of supplemental labor on a temporary basis to supplement the Township's existing work force; and

WHEREAS, the Eastern Atlantic States Regional Council of Carpenters have in their ranks numerous individuals who are qualified to perform such temporary services; and

WHEREAS, the Township desires to temporarily employ various members of the Eastern Atlantic States Regional Council of Carpenters on an as needed, temporary basis to supplement its existing workforce; and

WHEREAS, the Township and Eastern Atlantic States Regional Council of Carpenters have negotiated a Memorandum of Understanding between them which embodies all of the mutual terms, understandings and conditions under which the Township will retain temporary laborers to render services to the Township which is attached hereto as Exhibit "A".

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

1. That the above recital paragraphs are incorporated herein as if set forth as length.

2. The Memorandum of Understanding between the Township of Middle and the Eastern Atlantic States Regional Council of Carpenters in substantially the form attached hereto as Exhibit "A" for a period not to exceed one year is hereby approved.
 3. The Mayor and Township Clerk are hereby authorized and empowered to execute the Memorandum of Understanding on behalf of the Township of Middle, in substantially the same format attached hereto as Exhibit "A" and to take any and all other action necessary to effectuate the terms thereof.
 4. This Resolution shall take effect as provided by law and a copy of this Resolution and the Memorandum of Understanding shall be placed on file and available for public inspection in the office of the Township of Middle.
31. RESOLUTION 108-23 – OPIOID SETTLEMENT AGREEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, multidistrict litigation is currently pending against two (2) pharmaceutical manufacturers of opioid medication, to wit: Teva and Allergan (referred to herein collectively as the "manufacturers") and three (3) pharmacies, to wit: CVS, Walgreens, and Walmart (referred to herein collectively as the "pharmacies"); and
WHEREAS, proposed nationwide settlement agreements have been reached, and the State of New Jersey has elected to participate in the settlements, resulting in a negotiation and subsequent agreement between attorneys representing counties and municipalities in New Jersey and the New Jersey Attorney General's office detailing the allocation of funds; and
WHEREAS, the Township of Middle has a population base in excess of 10,000, and its participation is critical to the settlement and to maximizing recovery under the same; and
WHEREAS, the Township of Middle has received formal notice of settlement in the form of documents containing the seal of New Jersey Attorney General's office; and
WHEREAS, the Township Committee, the governing body of the Township of Middle, deems it to be in the best interest of the citizens of Middle Township for the Township to "OPT IN" and to participate in the settlement agreement;
NOW, THEREFORE, BE RESOLVED by the Township Committee, the governing body of the Township of Middle as follows:
1. The averments above are incorporated herein is a set forth at length.
 2. The Mayor, Business Administrator / Clerk, all applicable Township employees, professional services contractors, and personnel are hereby authorized and directed to forthwith undertake any and all appropriate actions as may be necessary to enable the Township of Middle to timely "OPT IN" to the proposed Settlement Agreement, to complete the preliminary registration form, and to complete all other documents and to undertake all additional actions necessary if any to accomplish same.
32. RESOLUTION 109-23 – SUPPORTING S-3388 – REDIRECTING \$300 MILLION IN CERTAIN FEDERAL FUNDS UNDER FY2023 APPROPRIATIONS ACT TO CREATE COMPETITIVE CAPITAL PROJECT GRANT PROGRAM IN OFFICE OF SECRETARY OF HIGHER EDUCATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Senator Michael L. Testa, Jr. introduced S-3388, urging Governor Murphy to redirect \$300 million in certain federal funds under FY 2023 appropriations act to create a competitive capital project grant program in the Office of Secretary of Higher Education; and
WHEREAS, the fiscal year 2023 appropriations act includes an overabundance of special appropriations that benefit specifically named public and private organizations and groups; and
WHEREAS, these special, direct appropriations are included in the appropriations act without providing similar organizations and groups across the State the opportunity to earn these public dollars; and
WHEREAS, the fiscal year 2023 appropriations act inappropriately authorizes \$300 million in federal funds to be allocated to Rutgers University for undisclosed capital needs while other institutions of higher education and postsecondary schools throughout the State have legitimate infrastructure needs that have been ignored; and
WHEREAS, these federal funds can be more fairly and efficiently allocated if the State makes them available to all institutions of higher education and other postsecondary schools on a competitive basis, which recognizes the needs of all of these educational entities and seeks regional balance in the distribution of monies; and
WHEREAS, It is altogether fitting and proper that the State redirect the \$300 million currently available only to Rutgers University for its capital needs, to create a competitive grant program that can make monies available to all institutions of higher education in the State.
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, strongly supports Senate Bill 3388 and is hopeful that the Governor will consider reallocating these funds to a competitive, merit-based process that is open to the broader education community
BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of S-3388 Senator Michael L. Testa, Jr., the Office of the Governor, the New Jersey State League of Municipalities, and all Cape May County Municipalities.
33. RESOLUTION 110-23 – SUPPORTING A646 & S-2079 – URGING THE PASSAGE OF TOURISM TAX FAIR SHARE BILL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS New Jersey law dictates that the Director of the Division of Taxation shall collect and administer fees imposed pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1), and said fees shall be deposited to the State General Fund and allocated towards Arts, Historical Heritage, and Tourism; and

WHEREAS, the bills (A646/S2079) would increase the allocation of revenues from the hotel and motel occupancy fee towards arts, historical heritage, and tourism purposes from 40 percent to 100 percent; and WHEREAS, the change in allocation would assure that counties like Cape May, Ocean, Monmouth, and Atlantic would retain more of their contributed tourism dollars, and in essence, could be used to improve infrastructure critical to attract more patrons and tourists along the Jersey Shore; and WHEREAS, in Cape May County, for example, hotel and occupancy taxes raised nearly \$16.3 million in 2021 but the county only received \$1.05 million back in Fiscal Year 2022 Arts and History Grants. By comparison, Essex County only generated about \$4.2 million in the same taxes but received \$8 million in grants funding according to figures from the state Department of Treasury. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, of the Township of Middle, County of Cape May, and State of New Jersey, strongly supports Senate Bill 2079 and Assembly Bill 2079 and requests the Governor's passage of the same. BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of each bill, the Office of the Governor, the New Jersey State League of Municipalities, and all Cape May County Municipalities.

34. RESOLUTION 111-23 – CLOSED SESSION – PENDING LITIGATION (VANCE V. MIDDLE TOWNSHIP ET AL) (PACIFIC OUTDOOR ADVERTISING LLC V. MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT AND MIDDLE TOWNSHIP) (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE) AND CONTRACT NEGOTIATION (PILOT SHARE AGREEMENT)– On motion by Committeeman Gandy seconded by Committeeman Norris 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:

PENDING LITIGATION (VANCE V. MIDDLE TOWNSHIP ET AL) (PACIFIC OUTDOOR ADVERTISING LLC V. MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT AND MIDDLE TOWNSHIP) (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE) AND CONTRACT NEGOTIATION (PILOT SHARE AGREEMENT)

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

PENDING LITIGATION (VANCE V. MIDDLE TOWNSHIP ET AL) (PACIFIC OUTDOOR ADVERTISING LLC V. MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT AND MIDDLE TOWNSHIP) (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE) AND CONTRACT NEGOTIATION (PILOT SHARE AGREEMENT)

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.

35. PUBLIC COMMENT:

Jim Chew read prepared speech regarding the homeless

Mayor Donohue discussed ongoing efforts and discussions regarding homeless within the County

Michael Hubbard expressed concerns of house being built by the recreation center in Whitesboro

Kimberly Osmundsen clarified the property Mr. Hubbard was referring to was a private property

Stan Doniger, Rio Grande, asked about billing of ambulances for Middle Township Ambulance Corporation (MTAC).

Kimberly Osmundsen and Mayor Donohue clarified the billing process agreement between inspira and MTAC

Mayor Donohue further explained agreement made with Green Creek Fire Department to allow Inspira to park an ambulance at the fire hall.

Clara Holman explained ongoing road issues by her home on Route 9

Susan Morris, Green Creek, asked about section of Green Creek on Route 47 not receiving utilities. Discussed large costs associated with her septic system.

Mayor Donohue gave background on the establishment of water services areas in the Del Haven and Green Creek area.

Susan Morris, Green Creek, raised concerns with marijuana usage and negative interactions with her neighbors of her Day Care.

Mayor Donohue suggested Ms. Morris meet with Chief Leusner regarding her concerns.

Cheryl Spaulding, discussed upcoming event being held the upcoming Wednesday at the PAC Center for the "safe Space" establishment program. Explained the purpose of the program and event.

COMMITTEE COMMENTS:

Committeeman Norris congratulated Tim Johnson on being named employee of the month. Stated spring registrations had begun for recreation sports

Committeeman Gandy reiterated Committeeman Norris's congratulations for Tim Johnson. Discussed the ownership of water rights by private companies and not Middle Township. Congratulated the employees who work to put together each meeting.

Mayor Donohue discussed upcoming rabies clinic to be held at the Public Works building. Advised that the State of the Township Address would be at the Bellevue Tavern on March 1st and held by the Middle Township Chamber of Commerce. Explained work had begun on Dias Creek Road and would be followed by work beginning on Goshen Road after that. Advised that Burke Motor Group would be hosting a Cops with Coffee event on February 15th. Recognized Matt Wentzell who joined the Arts Council.

Motion to enter closed session – 6:53 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 7:37 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 7:37 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