

Cape May Court House, NJ
 February 22, 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. SWEARING IN OF PROMOTED POLICE OFFICER – KENZEE DELGADO
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.)*

Jim Chew, Rio Grande, questioned whether notice will be given to residents when the Gypsy Moth spraying will take place.

Mayor Donohue stated that notices will be mailed to residents in affected areas, mentioned that no area in Rio Grande is being sprayed,

3. RESOLUTION 112-23 – 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	163,814.69
	3.01	2,598,273.19
Sewer Utility	2.07	7,271.09
	3.07	3,124.54
Capital	C.04	-
	C.08	164,472.26
Grants	G.06	-
Emergency Housing	R.23	900.00
Zoning Escrow	T.19	30,246.87
	T.27	340.00
	T.28	5,032.23
	TOTAL	2,973,474.87

4. RESOLUTION 113-23 – 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: 02/06/2023 Regular Meeting and Closed Session

5. REPORTS: Clerk for the month of January

6. RESOLUTION 114-23 – NEW HIRES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Ryan Harrison	Public Works	Mechanics Helper F/T T/A (6 months)	\$15.00 per hour	02/27/2023

7. RESOLUTION 115-23 – 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
Kellie Wood	Recreation	Recreation Aide P/T	02/07/2023
Tyler Maikisch	Sewer	Laborer 1 F/T	02/28/2023

8. RESOLUTION 116-23 – REFUND OF SEWER – 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 mortgage company, as a result of payment for a property they do not escrow for; and

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
16967	56.01	67	Beasley, Sandra B Property location: 418 Hand Ave	\$345.49

Please make check payable to:

Lereta LLC

Attn: Central Refunds

901 Corporate Center Drive

Pomona, CA 91768

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 2023 taxes.

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

9. RESOLUTION 117-23 – RELEASE OF PERFORMANCE BOND – STREET OPENING – MUSMUL LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, \$5,000.00 is being held as a performance guarantee for Musmul, LLC for a street opening located at 9 Bucknell Avenue, 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.

10. RESOLUTION 118-23 – 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.

11. RESOLUTION 119-23 – DECLARING THE GYPSY MOTH A PUBLIC NUISANCE AND AUTHORIZING PARTICIPATION IN THE STATE SPRAYING PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Middle; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Middle has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

NOW THEREFORE BE IT HEREBY RESOLVED by the Township Committee of the Township of Middle that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

I, Kimberly D. Osmundsen, Clerk of the Township of Middle, County of Cape May, State of New Jersey, do hereby certify that this Resolution was adopted by the municipal governmental body at an open public meeting which was duly advertised to the citizens of the municipality in accordance with the law, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.

I also certify that this municipality has, or will, comply with the notice provisions required by N.J.S.A. 4:7-39.

12. RESOLUTION 120-23 – AUTHORIZING APPLICATION SUBMISSION – FY2023 CAPE MAY COUNTY AMERICAN RESCUE PLAN ACT (ARPA) INFRASTRUCTURE GRANT – DEL HAVEN INFRASTRUCTURE IMPROVEMENTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle desires to apply for and obtain a FY 2023 grant from the County of Cape May for up to \$400,000.00 to carry out a Del Haven Water Infrastructure Project to repair Township owned roads effected by the installation of city water.
 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 County of Cape May, may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the County of Cape May, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the County of Cape May, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the County of Cape May.
 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:
13. RESOLUTION 121-23 – AUTHORIZING THE TOWNSHIP OF MIDDLE TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-0506 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and
 WHEREAS, the Township of Middle will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and
 WHEREAS, the award period is from July 1, 2022 to June 30, 2023; and
 WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and
 WHEREAS, the Township of Middle Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.
 NOW, THEREFORE, BE IT RESOLVED by the Township of Middle, in the County of Cape May, State of New Jersey:
1. That the Committee accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
 2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
 3. That copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Township Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.
14. RESOLUTION 122-23 – APPROVED TRANSIENT MERCHANT VENDOR LICENSE – A&T ICE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, A&T Ice has applied for a Vendor’s License to operate an ice cream truck in Middle Township,
 WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.
 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 vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from February 22, 2023 through December 31, 2023.
15. RESOLUTION 123-23 – RENEWAL – TOWING LICENSES – 2023 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid accordingly.
 NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2023:

License #	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
1	Kindle Towing	1	XGLJ86	2018 Ford F650 Flatbed	\$450.00	\$50.00
1	Kindle Towing	2	XKFD73	2019 Ford F650 Flatbed		\$50.00

1	Kindle Towing	3	XLPY65	2021 Ram 5500 Wheel Lift Off Road		\$50.00
5	Gary's Automotive	1	XJZW53	2007 Chevy 5500 Flatbed	\$450.00	\$50.00
10	D.A.D.'S Towing Service	1	XJHA56	2010 International 430 Flatbed	\$450.00	\$50.00
10	D.A.D.'S Towing Service	2	XKUW41	2016 Ford F550 Flatbed		\$50.00
10	D.A.D.'S Towing Service	3	XJZX35	2013 Ford F550 Flatbed		\$50.00

16. RESOLUTION 124-23 THROUGH 125-23 – SOCIAL AFFAIRS PERMIT – THE MID-ATLANTIC CENTER FOR THE ARTS AND HUMANITIES (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 Mid-Atlantic Center for the Arts and Humanities has applied for approval to sell alcoholic beverages at events to be held at 1 Route 47 N, Cape May Court House, New Jersey, on April 29th, May 6th, September 22nd, October 6th; and

WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the above referenced Social Affairs Permits.

(B) WHEREAS, the Mid-Atlantic Center for the Arts and Humanities has applied for approval to sell alcoholic beverages at events to be held at 221 Route 47 N, Cape May Court House, New Jersey, on April 29th, May 6th, September 22nd, October 6th; and

WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the above referenced Social Affairs Permits.

17. RESOLUTION 126-23 – AUTHORIZING STREET OPENING PERMIT WAIVER – FIORE – SAND DOLLAR DRIVE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Middle Township Code § 215-15D does not allow for any road opening permit for any road that has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except by resolution of the governing body, and

WHEREAS, the owner of Block 385, Lot 1.11, otherwise known as 25 Sand Dollar Drive, has requested a waiver to said moratorium and is claiming a hardship in connection therewith; and

WHEREAS, the Township Committee, the governing body of the Township of Middle, has considered the specific facts and circumstances regarding this request and concluded that the request should be granted as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, hereby finds:

1. That an exception to the 5-year moratorium is appropriate in this circumstance and same is hereby granted subject to the conditions herein.
2. That the Public Works Superintendent is hereby directed to issue a road opening permit for Block 385, Lot 1.11 for the purpose of installing natural gas service, pending the submission of a completed application, the appropriate fees, including those bonding and inspection fees associated therewith.
3. This waiver is contingent upon the following stipulations during and after construction:
 - a. The road opening and initial restoration shall be performed by the Permit Holder in accordance with the specifications set forth in Middle Township Code § 215-22
 - b. Initial Restoration shall commence immediately after completion of the construction.
 - c. Final restoration shall also be performed by the Permit Holder. Final Restoration shall restore the road to the original pre-opening condition; to wit: the restoration is to consist of 2" milling and paving of the full lane width (approx. 12.5 ft) and 50 feet in both directions beyond the length of the opening. All trench backfill is to consist of compacted DGA.
 - d. Final Restoration shall commence no sooner than 180 calendar days subsequent to installation, but shall be completed within 365 calendar days subsequent to installation.
 - e. All work shall be performed to the satisfaction of the municipal engineer, who shall be consulted prior to the commencement of final restoration and shall review and approve the restoration process and final work product.
 - f. A performance bond in the amount \$5,000.00 shall be provided by property owner to the Department of Public Works to be held in escrow until the completion of the project, together with an escrow in the amount of \$1,000.00 to cover inspection fees. These sums shall be posted prior to the issuance of the permit.
 - g. All fees as outlined in Section 215-17 shall be charged by the Department of Public Works

18. RESOLUTION 127-23 – CLOSED SESSION – PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE) – 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: PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE)
- 2.) The general nature of the subject matter to be discussed is as follows: PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE)
- 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

19. ENGINEERING REPORT:



Township of Middle
Project Status Report
February 22, 2023
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

2021 Drainage Projects

- Construction started on 12/6/21
- 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 held on 1/25/23
- Construction to commence on 3/1/23

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

- Bids received 12/21/22
- Contract Awarded to CTX Construction
- Contracts out for signature 1/12/23
- Preconstruction Meeting to be scheduled for March 2023
- Approximate construction start date April 15, 2023

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

- Bids received 2/1/23
- Recommendation to award contract to Hackney Construction, Inc. 2/9/23
- Contract to be awarded at 3/6/23 meeting

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.

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

Project Status Report
February 22, 2023

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Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- Recommendation to reject bids
- Re-bid to be received 3/1/23
-

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 – Completed
 - Design – April 1, 2023
 - NJDOT Approval – June 1, 2023
 - Construction – August 1, 2023

Ockie Wisting Park

- Re-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

20. PUBLIC COMMENT:

Jim Chew, Rio Grande, read a prepared statement into the record in support of the homeless and Jesus.

Stan Doniger, Rio Grande, discussed a recent sewer main break in his development between the sewer main and the sidewalk; questioned who is responsible, as the residents believe the developer should be responsible for the repair. Questioned the terms of the letter of credit and the performance bond for the development.

Vince Orlando stated that the infrastructure is 18+ years old and that sewer infrastructure was not an outstanding item on the performance bond.

Mayor Donohue stated that the Township has been earnest in efforts to assist with the outstanding items of this development.

21. COMMITTEE REPORTS:

Committeeman Norris:

- *Congratulated Kenzee Delgado*
- *New scoreboard at MLK Center*
- *Special Events/Recreation Fundraiser – Middle Township Night at Restaurants*
- *Congratulations to Middle Township High School athletics with recent achievements*

Committeeman Gandy:

- *Congratulations/Thanks to Kenzee Delgado*
- *Police Awards Dinner*
- *Hiring for Public Works Department*

Mayor Donohue:

- *Item #12 - \$400k grant received from County from surplus COVID monies, distributed between 16 municipalities; Township will utilize funds for Del Haven Water Project road restoration. Recognized County for their efforts to distribute the money amongst the municipalities.*
- *State of the Township on March 1st, Middle Township Chamber of Commerce Event*
- *Police Awards Dinner – Thanked Vince Orlando and Tony Anzelone for their contributions*
- *Volunteer Board Appreciation Dinner on March 31st, recognizing volunteers from 2020-2022 and Volunteers of the Year 202-2022.*

Motion to enter closed session – 6:33 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 6:52 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 6:52 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Minutes prepared by: S. Schumann

Kimberly D. Osmundsen, Township Clerk