Cape May Court House, NJ March 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 Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Matt Rooney

1. 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.)

Ed Dillio, Cape May Court House – asked about the demolition of 119 W. Anna Street and asked if the property on Johnstown Lane would qualify for demolition as well.

Mayor Donohue responded that the "Jones property" has been a thorn in his side and the property owners have been in court multiple times for property maintenance. Mayor Donohue stated that the Anna Street property caught on fire, which makes it more of a priority due to its unsafe conditions.

Stan Doniger, Rio Grande – raised a question regarding Ordinance 1668-23 and whether it covered current buildings or only new buildings. Mr. Doniger further questioned whether the Construction Official would inspect property monuments.

Dan Speigel, Construction Official, provided the cause for this Ordinance and stated that it is a missing requirement in the Township's current Construction Code, relates only to new construction, and the Construction Department is not responsible for inspecting monuments.

- 2. RESOLUTION 128-23 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.
- 3. RESOLUTION 129-23 APPROVING MINUTES FROM PREVIOUS MEETING On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- 4. REPORTS: Clerk for the month of January; Tax Collector / Sewer Collector for the month of January; Sterback Harbor Special Assessment Tax Report
- 5. ORDINANCE 1665-23 AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE Following second reading, hearing, and consideration for adoption, Ordinance 1665-22 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.

Amendment of positions and ranges:

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

6. ORDINANCE 1668-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 112 THEREFORE ENTITLED CONSTRUCTION CODES – CONSTRUCTION SURVEYS – Following second reading, hearing, and consideration for adoption, Ordinance 1668-22 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 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 commerce 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.
- 7. RESOLUTION 130-23 THROUGH 132-23 TABULATION COMMITTEE (ITEMS A THROUGH C) 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, 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 29, 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:

ELECTRICAL SERVICE AND REPAIR

(B) 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 29, 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:

HEATING, VENTILATION AND AIR CONDITIONING PREVENTATIVE MAINTENANCE SERVICE & REPAIR

(C) 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 29, 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:

GOSHEN SPORTS COMPLEX METAL ROOF CLEANING, REFINISHING & WATERPROOFING

- 8. RESOLUTION 133-23 THROUGH 134-23 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 Zoning 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 – Zoning 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 Zoning Board has formally passed Resolution #ATTY2023, appointing Robert T. Belasco, Esquire, of Stefankiewicz and Belasco, LLC, as Zoning 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: Robert T. Belasco – Zoning Board Solicitor – Not to Exceed \$20,000.00

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

9. RESOLUTION 135-23 – AWARD OF BID – HAND AVENUE SIDEWALK EXTENSION – PHASE II – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the Hand Avenue Sidewalk Extension Phase II project;

WHEREAS, sealed bids were received on February 1, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Hand Avenue Sidewalk Extension Phase II be awarded to Hackney Concrete, Inc.

Hackney Concrete, Inc Hand Avenue Side Walk Extension Phase II Not to Exceed \$89,150.90

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

10. RESOLUTION 136-23 – RATIFY LEASE AGREEMENT – RIO GRANDE SUBSTATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between County of Cape May and the Township of Middle, for usage of 3801 Route 9 South, Unit 7A, Rio Grande, be and is hereby ratified.

BE IT FURTHER RESOLVED, that the term of said lease is for five years beginning March 1, 2023 with the option to renew said lease for three terms of five years each.

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.

11. RESOLUTION 137-23 – SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY CHAMBER OF COMMERCE EDUCATION FOUNDATION INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, Cape May County Chamber of Commerce Education Foundation, Inc. has applied for approval to sell alcoholic beverages at an event to be held at the Avalon Golf Club, 1510 Route 9, Cape May Court House, New Jersey 08210 on June 6, 2023 from 10:00am until 9:00pm; 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 Social Affairs Permit.

12. RESOLUTION 138-23 – RELEASE OF PERFORMANCE BOND – STREET OPENING – SAND CASTLE EXCAVATIONS, 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 Sand Castle Excavation, LLC for a street opening located at 13 4th 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.

13. RESOLUTION 139-23 – CONFIRMATION OF LAND SALE – On motion by seconded by and passed on roll call, the following resolution was adopted.

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

Resolution No.: 437-22 Adopted: October 5, 2022 Sale Date: November 30, 2022 at

10:00am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as set forth on the attached list of properties, purchasers and sale amounts. NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above consideration, be and is hereby confirmed, and the Mayor and Clerk of the Township of Middle are hereby authorized and directed to convey said premises as directed to said highest bidders, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

Block	Lot	Property	Bi	id Price	Bidder
		202 E. Atlantic			
264	1	Avenue	\$	41,100	Philip Pfaffman & Hollie Ingham Pfaffman

14. RESOLUTION 140-23 - ORDERING THE DEMOLITION AND REMOVAL OF STRUCTURES LOCATED AT 119 W. ANNA STREET AND ORDERING THAT PREMISE BE BROUGHT INTO COMPLIANCE WITH THE LAW, ALL PURSUANT UNDER THE AUTHORITY OF THE "UNSAFE STRUCTURES" CHAPTER OF THE CODE OF THE TOWNSHIP OF MIDDLE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it is hereby found and determined that there exists in the Township of Middle a building or buildings which are unfit for human habitation, as outlined in Chapter 100 of the Township Code, and that a public necessity exists for the repair, closing or demolition of such building, and

WHEREAS, pursuant to N.J.S.A. 40:48-2.3 et seq., the Construction Official of the Township of Middle has hereby been designated and appointed as the public officer to exercise the powers prescribed by this chapter, and

WHEREAS, if, after notice and hearing, said public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring the repair, alteration or improvement of said building to be made by the owner within a reasonable time, which time shall be set forth in the order, or, at the option of the owner, to vacate or have said building vacated and closed with the time set forth in the order, and

WHEREAS, if the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve said building within the time specified in the order, then the owner shall be required to remove or demolish said building within the reasonable time specified in the order of removal.

WHEREAS, said need exist for the demolition of a building located at Block 944 Lot 1, otherwise known as 119 W. Anna Street, Cape May Court House, and

WHEREAS, the public officer, or other official designated under this chapter, may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including but not limited to the following powers, in addition to the others herein granted.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey does hereby acknowledge that the above referenced procedures, as outlined in Chapter 100 of the Township Code, have been followed, and further directs the public officer to proceed with the repair, alteration, improvement, removal or demolition of 119 W. Anna Street, Cape May Court House, NJ.

15. RESOLUTION 141-23 - EMERGENCY PURCHASE - SEWER LINE REPLACEMENT - 9 MECHANIC STREET - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, an emergency had arisen with respect to the condition of the sewer line at 9 Mechanic Street, Cape May Court House, NJ 08210; and

WHEREAS, it was deemed an imminent hazard by the Superintendent of Public Works; and

WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, there is the need for emergency sewer line repair at 9 Mechanic Street, Cape May Court House, NJ 08210, as stated by the Superintendent of Public Works. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

WHEREAS, the Superintendent of Public Works has received pricing from two contractors, and the recommendation for award is to Perna Finnigan, of Vineland, NJ 08361 in the amount of \$10,712.98.

Perna Finnigan 1921 E. Sherman Ave Vineland, NJ 08361

16. RESOLUTION 142-23 – ACKNOWLEDGEMENT OF RETIREMENT – On motion by Mayor Donohue 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Christopher Leusner	Public Safety – Police	Chief of Police	06/01/2023

17. RESOLUTION 143-23 - CLOSED SESSION - POTENTIAL LITIGATION (REQUEST FOR

ORDINANCE CHANGE) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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: POTENTIAL LITIGATION (REQUEST FOR ORDINANCE CHANGE)
- 2.) The general nature of the subject matter to be discussed is as follows:

POTENTIAL LITIGATION (REQUEST FOR ORDINANCE CHANGE)

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

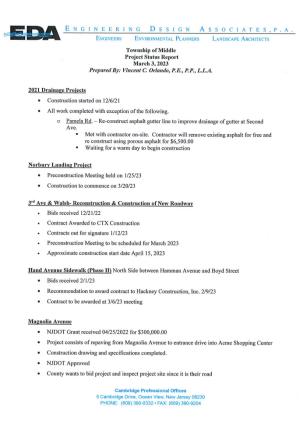
4.) This Resolution shall take effect immediately.

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.

18. ENGINEERING REPORT:



Project Status Report March 6, 2023 Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building Re-bid to be received 3/8/23 2022 Road Improvement Project 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 o Survey - Completed o Design - April 1, 2023 o NJDOT Approval - June 1, 2023 o Construction - August 1, 2023 Ockie Wisting Park Receive bids 3/1/23 **Avalon Fishing Pier** Working with Public Works to install Cape May County placemaking items Developing sign details as required by Cape May County

19. PUBLIC COMMENT:

Dawn Robinson, Whitesboro, mentioned her interested in assisting the affordable housing liaison with her housing experience with another organization, asked about the affordable housing components on Oyster Road.

Mayor Donohue sated that the Township's Housing Officer is a statutory requirement and works with a qualified company for affordable housing. Mayor Donohue stated that the developer will be complying with the two affordable housing obligations on Oyster Road.

20. COMMITTEE REPORTS:

Committeeman Norris:

- Recreation updates
- Wishes Chief Leusner a happy and great retirement, thanked him for his great work.

Committeeman Gandy:

• Reiterated Committeeman Norris's sentiments to Chief Leusner, mentioned the tough road ahead to fill the position.

Mayor Donohue:

- Thanked the County for their donation of property at the County Commons for the Township's use of the new Police Substation. Thanked the Ferraco family for the use of the current property which the Substation is at.
- Hand Avenue Sidewalk Project moving forward
- State of the Township on March 1st, thanked Middle Township Chamber of Commerce for hosting the event.
- Recognized Chief Leusner's retirement, Chief Leusner has become a friend more than anything else and the Police Department will continue to succeed with a smooth transition process.

Motion to enter closed session – 6:27pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 7:21pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting - 7:22pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk

Minutes prepared by: S. Schumann