

Cape May Court House, NJ  
 March 20, 2023  
 REGULAR MEETING  
 FLAG SALUTE  
 THIS MEETING IS BEING RECORDED:

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

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

1. PRESENTATION BY COMMITTEE – MIDDLE MATTERS – JOSH MERCADO
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.)

*Stan Doniger, Rio Grande – Asked about the Memorandum of Understanding with Cape Community Church.*

*Mayor Donohue – Agreement for Code Blue location, alternates between Lower Township and Middle Township, funded by the County.*

*Stan Doniger, Rio Grande – Expressed concerns with traffic during solicitation of funds by fire companies on holiday weekends.*

*Mayor Donohue – Fire Companies like to maximize their opportunities to raise funds, point is well taken, but a yearly tradition amongst the fire companies.*

*Captain Loftus – Stated that the companies solicit based on the flow of traffic lights in the area to reduce traffic concerns and congestion.*

3. RESOLUTION 144-23 – 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 PY	2.01	75,283.35
Current Fund CY	3.01	305,659.52
Sewer Utility PY	2.07	812.37
Sewer Utility CY	3.07	76,867.39
General Capital	C.04	24,143.35
Sewer Capital	C.08	81,146.50
Grants	G.06	-
M.A.C.	M.24	-
Emergency Housing	R.23	3,900.00
Dog Trust	T.12	168.00
Sewer Escrow	T.16	5,000.00
Zoning Escrow	T.19	36,874.47
Unemployment Trust	T.20	-
C.O.A.H	T.27	-
Recreation Trust	T.28	440.00
<b>TOTAL</b>		<b>610,294.95</b>

4. RESOLUTION 145-23 – 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: 03/06/2023 Regular Meeting, and Closed Session
5. REPORTS: Clerk Report for February

6. RESOLUTION 146-23 – APPOINTMENTS – 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
Christopher Hutson	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	03/15/2023
Brian Schwartz	Public Works	Mechanic's Helper F/T T/A (6 months)	\$15.00 per hour	03/20/2023

7. RESOLUTION 147-23 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by seconded by and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Abigail Garcia Torres	Recreation	Recreation Aide P/T	02/24/2023
Candice Paynter	Construction/Zoning	Clerk 1	03/25/2023

8. RESOLUTION 148-23 – RESCINDING RESOLUTION 114-23 – APPOINTMENTS – 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, Resolution No.114-23 is hereby rescinded.

9. RESOLUTION 149-23 – 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.

10. RESOLUTION 150-23 – AWARD OF RFP – VENDING SERVICES – K&R VENDING SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, on February 10<sup>th</sup> 2023, the Township of Middle advertised for proposals to ‘Furnishing, Installing, and Servicing of Vending Machines and Supplying Food/Beverage Products at Various Locations’; and WHEREAS, on March 08<sup>th</sup> 2023, the Township received and opened one (1) proposal; and WHEREAS, it appears that the following proposal submitted represents the best interest of the Township, and 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 VENDING SERVICES be and hereby is awarded to:

K & R VENDING SERVICES, INC.  
BRIDGETON, NJ

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

1. The term of the contract for vending services shall be for two (2) years commencing on March 21, 2023 through March 20, 2025.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with United Uniforms.

11. RESOLUTION 151-23 – AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING – CAPE COMMUNITY CHURCH/BIBLE FELLOWSHIP CHURCH – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Understanding with Cape Community Church/ Bible Fellowship Church. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign the final contract, inclusive of all final changes incorporated in the herein Memorandum of Understanding. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

12. RESOLUTION 152-23 – RATIFY SHARED SERVICES AGREEMENT – MIDDLE TOWNSHIP SCHOOL DISTRICT – SCHOOL RESOURCE OFFICER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Shared Services Agreement for a School Resource Officer with the Middle Township School District and the Township of Middle, be and is hereby ratified. BE IT FURTHER RESOLVED, that said agreement shall be valid from September 1, 2023 through June 30, 2025.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

13. RESOLUTION 153-23 – ACKNOWLEDGING ROAD CLOSURE – CAPE MAY TIME TRIAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Somerset Wheelman is orchestrating individual bicycle time trials on April 4, 2023, and  
WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.  
WHEREAS, said applicant has requested, which has been approved by the County of Cape May via Resolution 103-23, to utilize a portion of Court House South Dennis Road (CR657) to conduct said time trials.  
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the Cape May Time Trial sponsored by Somerset Wheelman and that the governing body does hereby understand and acknowledge the road closure as indicated above.  
BE IT FURTHER RESOLVED, that Somerset Wheelman has arranged traffic control for said event.  
FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.
  
14. RESOLUTION 154-23 THROUGH 155-23 – AUTHORIZING TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE (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, Ordinance 1009-98 permits application to be made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and  
WHEREAS, Green Creek Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and  
WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Green Creek Volunteer Fire Company and attached to this Resolution; and  
WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Green Creek Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and  
WHEREAS, the County of County Cape May, via Resolution 59-23, has endorsed Greek Creek Fire Company’s application to solicit contributions along the roadway of Bayshore Road, CR603; and  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Green Creek Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.  
(B) WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and  
WHEREAS, Rio Grande Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and  
WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Rio Grande Volunteer Fire Company and attached to this Resolution; and  
WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Rio Grande Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Rio Grande Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.  
FURTHER BE IT RESOLVED, this authorization by the Township Committee of the Township of Middle is contingent upon approval of the use of Route 47 and Route 9 by the New Jersey Department of Transportation.
  
15. RESOLUTION 156-23 – APPROVE TRANSIENT MERCHANT VENDOR LICENSE – JAMES R. BROWN DBA JIM’S MISTER SOFTEE OF CAPE MAY COUNTY, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, James R. Brown dba Jim’s Mister Softee of Cape May County, LLC has applied for a Vendor’s License to operate an ice cream truck in Middle Township, and  
WHEREAS, proper application has 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 March 20, 2023 through December 31, 2023.
  
16. RESOLUTION 157-23 – CONFIRMATION OF LAND SALE – On motion by Committeeman Gandy seconded by Committeeman Norris 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	Bid Price	Bidder
935	13, 14	114 W. Main Street	\$ 116,000	Doreen Nassuna, Fausta Kawesi
1085	2, 3	North Carolina Avenue	\$ 20,500	Louis M. Bocchicchio
1071	6, 5	Virginia Avenue	\$ 14,500	Louis M. Bocchicchio
1056	11	Gibson Avenue	\$ 12,600	Louis M. Bocchicchio
1086	1, 2, 3	Virginia Avenue	\$ 13,900	Francisco Damian, Luis Avila
702	6, 7, 8	1306 Fulton Street	\$ 38,000	Kamil Czekanski

17. RESOLUTION 158-23 – AMENDING VENDOR FEES – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it is in the best interest of the Township of Middle to establish a structured fee schedule for vendors for the annual Harvest Festival, and

WHEREAS, said fees should be established via resolution.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that it has been deemed necessary for the Township to charge the following amended fees for various vendor categories at the annual Harvest Festival:

Category	Prior Fee	Amended Fee
VENDORS – MECHANIC/BOYD STREETS	\$90.00	\$110.00
VENDORS – ALL OTHER AREAS	\$75.00	\$90.00

18. RESOLUTION 159-23 – AUTHORIZING AMENDMENT TO CONTRACT FOR SALE OF REAL ESTATE – On motion by Committeeman Gandy seconded by Committeeman Norris 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, an amendment to contract for sale of real estate for 613 Cedar Avenue is required.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the amendment to contract for real estate for 613 Cedar Avenue.

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign the agreement, inclusive of all final changes incorporated in the herein amendment.

19. RESOLUTION 160-23 – REJECT BIDS AND NEGOTIATE – OCKIE WISTING SITE IMPROVEMENTS – 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 Ockie Wisting Site Improvements were received by the Township of Middle on March 1, 2023 in the Middle Township Municipal Building, and

WHEREAS, upon review of the bids received it was determined that the bids exceeded the budgeted amount for said project; and

WHEREAS, this is the second time the Township of Middle has received proposals in excess of the budgeted amount for the project: and

WHEREAS, pursuant to N.J.S.A. 40a 11-5(3) Bids have been advertised pursuant to section 4 of P.L.1971, c198 (C.40A:11-4) on two occasions and the governing body has rejected the bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, it is in the best interest of the Township to reject all bids received and solicit competitive quotes from the vendors.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids received on March 20, 2023 for proposals for Ockie Wisting Site Improvements are hereby rejected and the Township Administrator and Engineer are authorized to negotiate with contractors for the project.

20. RESOLUTION 161-23 – 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 IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriation reserves be made in the budget of Middle Township for the year 2022:

Budget Line Description	Budget Account Number	From	To
Employee Group Health	2-01-23-220-220-411	2,500.00	
Financial Admin - Other Expenses	2-01-20-130-130-228		2,500.00
Totals		\$2,500.00	\$2,500.00

21. RESOLUTION 162-23 – TEMPORARY BUDGET AMENDMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Temporary Budget, as established by Resolution 13-23, is hereby amended as outlined below.

Operating Fund	Temporary Budget as approved on Resolution 13-23	As amended (Temporary Emergency)
Current Fund	\$6,131,357.51	\$11,000,000.00
Sewer Utility	\$1,034,734.89	2,000,000.00

22. RESOLUTION 163-23 - CLOSED SESSION – PENDING LITIGATION (VANCE VS TOWNSHIP OF MIDDLE) – 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 VS. TOWNSHIP OF MIDDLE)

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


PENDING LITIGATION (VANCE 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.

23. ENGINEERING REPORT:



Township of Middle  
Project Status Report  
March 20, 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 3/20/23

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

- Bids received 12/21/22
- Contract Awarded to CTX Construction
- Contracts out for signature 1/12/23
- Preconstruction Meeting to be scheduled for March 22, 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.
- NJDOT Approved
- County Engineering division will bid and inspect site. EDA will provide administrative services for the Grant.

Cambridge Professional Offices  
5 Cambridge Drive, Ocean View, New Jersey 08230  
PHONE: (609) 390-0332 • FAX: (609) 390-0204

Project Status Report  
March 6, 2023 Page 2 of 2

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

- Recommendation to reject bids
- Contract to be awarded to MJJ Construction

**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

**Oekie Wisting Park**

- Re-Bid date 2/13/23
- Recommendation to reject bid and negotiated

**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/2023/3.20.23

24. PUBLIC COMMENT:

*Jim Chew, Rio Grande –Read prepared poem about homeless.*

*Ed Dillio, Cape May Court House – Mentioned a recent adoption from Congress allowing a Veteran to salute an American Flag at any time and believes it is a great honor for Veteran's to be able to have this opportunity.*

Motion to enter closed session – 6:25pm

1st: Committeeman Gandy                      2nd: Committeeman Norris

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

Motion to re-enter open session – 6:57pm

1st: Committeeman Gandy                      2nd: Committeeman Norris

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

Motion to adjourn meeting – 6:58pm

1st: Committeeman Gandy                      2nd: Committeeman Norris

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