

Cape May Court House, NJ  
 November 21, 2022  
 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, Committee member Norris, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan  
**Absent – Deputy Township Clerk Emily Bartleson**

1. PRESENTATION BY COMMITTEE – EMPLOYEE OF THE MONTH OF NOVEMBER – CHAD MURNAGHAN
2. RESOLUTION 496-22 – PROMOTIONS – POLICE DEPARTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employees in the Middle Township Police Department are hereby promoted to the titles opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
Kenneth Martin	Public Safety – Police	Police Lieutenant	\$134,712.67	11/21/2022
Kurt Saettler	Public Safety – Police	Police Sergeant	\$122,695.96	11/21/2022
Michael Pastore	Public Safety – Police	Police Sergeant	\$122,695.96	11/21/2022

*Mayor Donohue:*

- *Discussed ongoing changes within the Police Department*

3. SWEARING IN OF PROMOTED POLICE OFFICERS

*Chief Leusner:*

- *Congratulated all three officers; discussed the hard work put in by all officers to get themselves to this point*

4. QUESTION/ANSWER PERIOD ON AGENDA (*This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)

NONE

5. RESOLUTION 497-22 – 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:  
 Current Acct. \$300,682.45

6. RESOLUTION 498-22 – 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: 11/07/2022 Regular Meeting

7. REPORTS: Clerk for month of October

8. ORDINANCE 1663-22 – AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 218, SECTION 47 ENTITLED APPLICATION FOR DEVELOPMENT FEES – Following second reading, hearing, and consideration for adoption, Ordinance 1663-22 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, the governing body of the Township of Middle that the following fees listed under Chapter 218, Article VI, Section 47 of the CODE OF THE TOWNSHIP OF MIDDLE be and is hereby amended as follows:  
 Section 218-47 Development Fees shall be amended as follows (amendments in [brackets]; additions underlined:

Category	Application Fee	Escrow Fee
21 <u>Review of grading and drainage</u>	[\$100.00]	

Category	Application Fee	Escrow Fee
22	Grading and Drainage Site Inspection	[\$400.00]

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable. This ordinance shall become effective upon final passage and publication, according to law.

*Vince Orlando:*

- Reviewed change to the ordinance

9. ORDINANCE 1664-22 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 215, ARTICLE III ENTITLED STREET EXCAVATIONS – On motion by Committeeman Gandy seconded By Committeeman Norris and passed on roll call, Ordinance No. 1664-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 12/19/2022 at 6:00 p.m.

WHEREAS, the current Ordinance pertaining to street excavation permits references a road opening moratorium for a period of five years after the paving of a roadway.

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey that the following Ordinance sections shall be amended as follows:

§ 215-15. Issuance of permit.

**D.**

No permit shall be issued for any road which has been constructed or reconstructed for a period of five years after the completion of said construction or reconstruction except in an emergency situation.

**E.**

No permit shall be issued for any road which has been overlaid with bituminous concrete for a period of three years after the completion of said overlay except in an emergency situation.

**F.**

In the case of emergency or hardship, the Township Committee may, by resolution, waive the five-year and three-year restrictions mentioned previously. When the case presents, the restoration requirement is to restore the road to the original pre-opening condition, but at a minimum, the restoration is to consist of 2” milling and paving of the full lane and/or full shoulder width for a distance of 50lf in both directions beyond the length of the opening.

All trench backfill is to consist of compacted DGA.

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.

10. RESOLUTION 499-22 – 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
Jeffrey Smith	Sewer	Laborer F/T T/A (6 months)	\$15.00 per hour	11/28/2022

11. RESOLUTION 500-22 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following discontinuation of appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Christian Rafter	Recreation	Recreation Aide P/T T/A (6months)	10/01/2022
Nick Montalbano	Recreation	Recreation Aide P/T T/A (6 months)	10/01/2022

12. RESOLUTION 501-22 – 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
Greyson Bramble	Public Works	Mechanic Helper F/T T/A	11/07/2022

13. RESOLUTION 502-22 – APPROVAL FOR PAYMENT OF CASH OUT SICK LEAVE – VARIOUS EMPLOYEES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township allows the cash out of accumulated sick time by employees who meet the guidelines set forth in the personnel policy manual; and

WHEREAS, the personnel office has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time;

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 payment be issued to the employees in the amount referenced on the attached.

EMPLOYEE	RATE	HOURS	COST
Bakley, Mark	31.113	60	\$ 1,866.78
Bradley, Raymond	35.4501	60	\$ 2,127.01
Castellano, Eugene	51.5529	60	\$ 3,093.17
Cermanski, Lisa	14.9039	40	\$ 596.16
D'Alonzo, James	51.5529	60	\$ 3,093.17
Dececco, Gregory	28.9419	60	\$ 1,736.51
Flounders, Thomas	31.113	60	\$ 1,866.78
Flynn, Robert	42.3078	40	\$ 1,692.31
Geiger, Daniel	48.3345	60	\$ 2,900.07
Graham, Jennifer	35.3021	35	\$ 1,235.57
Johnson, Phillip	51.5529	60	\$ 3,093.17
Jones, Armondo	21.0339	60	\$ 1,262.03
Larkin, Leonard	56.1795	60	\$ 3,370.77
Lindholm, Martin	48.3345	60	\$ 2,900.07
MacCormack, Trevor	28.9419	24	\$ 694.61
Martino, Matthew	51.5529	60	\$ 3,093.17
McClintock, Betzy	19.7803	35	\$ 692.31
McInnis, Jonas	31.1113	60	\$ 1,866.68
Miller, Marilyn	21.1539	40	\$ 846.16
Norton, John	21.1539	60	\$ 1,269.23
Osmundsen, Kimberly	76.9231	16.75	\$ 1,288.46
Pastore, Michael	35.4501	60	\$ 2,127.01
Reardon, Michael	31.1113	60	\$ 1,866.68
Ritterhoff, Thomas	31.1113	60	\$ 1,866.68
Rocca, Shawn	28.9419	24	\$ 694.61
Ruiz, Julio	51.5529	60	\$ 3,093.17
Runyon, Thomas	28.9419	60	\$ 1,736.51
Saettler, Kurt	51.5529	60	\$ 3,093.17
Stiefel, Benjamin	31.1113	60	\$ 1,866.68
Trombetta, Joseph	21.0339	60	\$ 1,262.03
TOTAL			\$ 58,190.75

14. RESOLUTION 503-22 – REFUND OF TAXES – 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 below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
14120	1428	1	Mc Glinsey, Sean & Barbara 3 Peach Tree Rd Rio Grande, NJ 08242  Property location: 3 Peach Tree Rd	\$1,037.28
12910	1094	1.02	Miller, Ian C 90 Garden Ave Rio Grande, NJ 08242  Property location: 90 Garden Ave	\$1,249.54

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 2022 taxes.

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

15. RESOLUTION 504-22 THROUGH 505-22 – INSERTION OF SPECIAL ITEM OF REVENUE (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, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2022 in the sum of:

COUNTY OF CAPE MAY OPEN SPACES – NORBURY LANDING GRANT \$230,256.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

COUNTY OF CAPE MAY OPEN SPACES – NORBURY LANDING GRANT \$230,256.00

(B)WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2022 in the sum of:

STATE OF NJ – DEPT OF LAW AND PUBLIC SAFETY – SAFE AND SECURE 22 \$32,400.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

STATE OF NJ – DEPT OF LAW AND PUBLIC SAFETY – SAFE AND SECURE 22 \$32,400.00

16. RESOLUTION 506-22 – TRANSFER OF FUNDS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget 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 appropriations be made in the budget of Middle Township for the year 2022:

Account Number	Name	From	To
<b>Current Fund</b>			
2-01-20-150-150-228	Assessor OE	6,000.00	
2-01-25-262-263-299	Contribution OE	40,000.00	
2-01-36-471-471-453	Social Security OE	60,000.00	
2-01-20-100-100-111	Admin and Exec S/W		12,000.00
2-01-20-100-100-258	Admin and Exec OE		3,000.00
2-01-20-150-150-111	Assessor of Taxes S/W		6,000.00
2-01-26-290-921-111	Public Works S/W		50,000.00
2-01-31-446-446-475	Natural Gas OE		10,000.00
2-01-31-450-450-475	Internet OE		2,500.00
2-01-31-460-460-475	Gasoline OE		22,500.00
<b>Sewer Utility</b>			
2-07-55-502-503-311	Group Insurance OE	13,000.00	
2-07-55-502-503-313	Other Insurance	38,000.00	
2-07-55-501-501-111	Sewer/Water S/W		43,000.00
2-07-36-471-471-453	Sewer Social Security OE		3,000.00
2-07-55-502-502-430	Other Expenses - Electricity		5,000.00
		<b>157,000.00</b>	<b>157,000.00</b>

17. RESOLUTION 507-22 – RELEASE OF PERFORMANCE BOND – STREET OPENING – THE BRANCHES OUTREACH – 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 The Branches Outreach for a street opening located at 201 Hirst Trail, 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.

18. RESOLUTION 508-22 – 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 509-22 – AUTHORIZING ACCEPTANCE OF CASH BOND – CLERMONT HOMES LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Clermont Homes LLC has received certain approvals for the property located at 113 Hand Avenue to include construction of related amenities, and

WHEREAS, the developer is about to or has commenced development of the project together with the related improvement and has chosen to post a cash bond for the same.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the cash bond in the amount of \$5,000.00, is hereby accepted.

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

20. RESOLUTION 510-22 THROUGH 511-22 – TABULATION COMMITTEE (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, 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 December 21, 2022 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

RENOVATIONS TO MIDDLE TOWNSHIP MUNICIPAL BUILDING RESTROOM

(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 December 21, 2022 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

WALSH AVENUE AND SOUTH THIRD STREET ROADWAY

21. RESOLUTION 512-22 – AMENDING RESOLUTION 89-22 – APPROVING AND AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT FOR CONSTRUCTION OFFICIAL BETWEEN THE CITY OF NORTH WILDWOOD AND THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 76-22 authorized a Shared Services agreement with The City of North Wildwood relative to the services of a Construction Official; and

WHEREAS, Resolution No 89-22 amended said Resolution and agreement to reflect the terms of said agreement to conform with UCC regulations.

WHEREAS, said resolution and agreement must be amended to specify the annual payments by Middle Township to the City of North Wildwood during the four-year term of office of the Construction Official; and

WHEREAS, said resolution must be further amended to specify the termination date of said Agreement, which shall be amended to December 31, 2025.

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

1. All of the statements of the preamble hereto are repeated and incorporated herein by the reference thereto as though the same were set forth at length
2. Parage 5 of the Shared Service Agreement is hereby amended so as to read: “During the term of this Agreement, Middle Township agrees to pay the City of North Wildwood the following amounts, in equal monthly payments, for the services of Dan Speigel as the Construction Official in Middle Township:
  - a. 2022 - \$55,000
  - b. 2023 - \$68,250
  - c. 2024 - \$71,663
  - d. 2025 - \$75, 256
3. This resolution shall be annexed to and made part of said Shared Services Agreement
4. The Township Clerk shall forward a certified copy of this Resolution, together with the amended Shared Services Agreement, to the City Clerk of North Wildwood

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

*Mayor Donohue:*

*- Recognized Dan Speigel on the great work he has done*

22. RESOLUTION 513-22 THROUGH 514-22 – CONFIRMATION OF LAND SALE (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, 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.: 310-22                      Adopted: July 6, 2022                      Sale Date: September 14, 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.

(B)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.

WHEREAS, the Township Committee, the Governing Body of the Township of Middle, by proper Ordinance, directed that a private auction to be held amongst contiguous owners of Block 276 Lot 5, 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:

Ordinance No.: 1660-22                      Adopted: October 03, 2022                      Sale Date: October 26, 2022  
9:00am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as follows:

Block 276 Lot 5 – Steel Road

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows:

Michael Dewald – 801 Steel Road, Cape May Court House, New Jersey 08210

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 by said highest bidder, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

23. RESOLUTION 515-22 – URGING GOVERNOR MURPHY TO USE COVID RELIEF FUNDS TO OFFSET THE INCREASED PREMIUM COSTS OF THE NEW JERSEY STATE HEALTH BENEFITS PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the New Jersey State Health Benefits Program (the “SHBP”), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified state and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded, with all benefits being paid directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, in 2023, due to decisions by the New Jersey Division of Pensions and Benefits and the State Health Benefits Commission, the cost of the SHBP premiums will increase by 21.6% for active employees, 13% for early retirees, and 0.7% for Medicare retirees, which will result in a combined cost increase of 22.8%; and

WHEREAS, the current and retired employees of Middle Township currently receive health insurance benefits through SHBP; and

WHEREAS, the increased costs of the SHBP will result in significant additional cost to both the Township and its employees; and

WHEREAS, the additional cost of premiums for the SHBP will result in a significant increase in the property taxes for the residents of Middle Township; and

WHEREAS, the Governor and the State of New Jersey have entered into an agreement with state employees to use New Jersey Covid relief funds to offset the increased premiums to limit the increase to 3% for state employees; and

WHEREAS, it would be fair and equitable for the State of New Jersey to use its Covid relief funds to provide the same or similar benefit to municipal employees that the State will be providing to state employees; and

WHEREAS, limiting the SHBP premium increase to 3% for participating municipal employees in the same manner as for state employees would contribute to the State’s goal to build a stronger and fairer economy for New Jersey that supports the middle class and lifts families and communities.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that;

1. The allegations of the preamble are incorporated herein by this reference
2. The Township of Middle hereby urges the Governor and State of New Jersey to expend state Covid relief funds to offset the increased premiums of the SHBP for municipal employees in the same manner that the state has agreed to do for state employees in order to limit the premium increase to 3%
3. The Township Clerk shall forward copies of this resolution to the Governor, State Health Benefits Commission, New Jersey Division of Pensions and Benefits, Cape May County Commissioners, and each municipality in Cape May County.

24. RESOLUTION 516-22 – CLOSED SESSION – POTENTIAL LITIGATIONS – 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:

POTENTIAL LITIGATION

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

POTENTIAL LITIGATION

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.

25. RESOLUTION 517-22 - AUTHORIZING STREET OPENING PERMIT WAIVER – KERR – JADEN ROAD – 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 13.02, Lot 79, otherwise known as 17 Jaden Road, 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 13.02, Lot 79 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.*

## 26. ENGINEERING REPORT:



Township of Middle  
Project Status Report  
November 21, 2022  
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

### 2021 Drainage Projects

- Construction started on December 6, 2021
- All work completed with exception of the following.
  - Pamela Rd. -- Re-construct asphalt gutter line to improve drainage of gutter at Second Ave.
    - Met with contractor on-site. Contractor to provide estimate for porous asphalt construction.

### Norbury Landing Project

- Bids received. Contract to be awarded to Walters Marine Construction.

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

- NJDOT grant received October 2021
- Survey work completed by DeBlasio Associates
- Construction plans and specifications (100% Complete)
- Bid Date December 21, 2022

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

- NJDOT grant received for \$150,000
- Survey work order completed
- Construction plans and specifications (100% completed)
- NJDOT Approval pending

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

- Grant received for \$144,000.00
- Contracted with William McLees, RA to complete drawings
- Current schedule:
  - Construction drawings and specifications
  - Submitted to DCA for Approval

### 2022 Road Improvement Project

- Goshen Landing & Goshen Creek Work Completed
- English Way Work Completed
- Jackson, Fulton, Cherry, Savannah & Randolf. Paving Tuesday & Wednesday
- Main Street Starting Construction November 22, 2022

### Goshen Basketball Courts

- Contract to be awarded November 7, 2022 to Ricky Slade Construction.
- Construction date depends on weather.
- Probably starting construction in early Spring.

## 27. PUBLIC COMMENT:

*Ed Dillio:*

- *Provided positive feedback regarding the Middle Township Police Department*

*Mayor Donohue:*

- *Discussed great work done by Chief Leusner*

*Gilda Montero, Reeves Street:*

- *Raised concern regarding speeding on Reeves Street*

*Mayor Donohue:*

- *Stated they would look into the issue*

*Tara, Whitesboro:*

- *Asked about paving of Main Street*

*Mayor Donohue:*

- *Clarified entire portion is being paved*

*Vince Orlando:*

- *Discussed construction process*

*Dave Novasack, Green Creek:*

- *Discussed issue with Del Haven Water project construction company using his property without permission*

*Mayor Donohue:*

- *Stated he would discuss this with the Lower Township MUA as it is their project*

*Kimberly Osmundsen:*

- *Reiterated they would reach out to the Lower Township MUA*

*Dave Novasack, Green Creek:*

- *Continued to discuss issues*

*Kimberly Osmundsen:*

- *Asked for his information before he left*

*Mayor Donohue:*

- *Advised he can file a complaint with the police department as well*

*Dave Novasack, Green Creek:*

- *Explained discussions with the Police Departments*

*Chief Leusner:*

- *Advised Mr. Novasack of his right to file a complaint*

*Kimberly Osmundsen:*

- *Asked Mr. Novasack to forward any pictures of the damage he has to her as well.*

*Gilda Montero, Reeves Street:*

- *Spoke of personal discussions with Police Officers*

*Chief Leusner:*



- Explained rights to stay confidential; further provided various scenarios with citizens who wish to remain confidential;

*Gilda Montera, Reeves Street:*

- Continued to discuss past experience with reporting an issue

*Chief Leusner:*

- Further discussed the handling of calls and speeding in her area

*Tara, Whitesboro*

- Asked about where paving of Main Street will begin

*Kimberly Osmundsen:*

- Clarified the paving will start where previous paving left off at

*Eda Floyd, 303 S Gibson:*

- Further clarified where Main Street paving will continue; discussed issues with the street currently
- Asked about having more street lights put in on Gibbs Street

*Dave Novasack, Green Creek:*

- Discussed water issues at his business property due to lack of drainage

*Mayor Donohue:*

- Asked who he spoke with at the State

*Dave Novasack, Green Creek:*

- Stated he was unsure; further explained discuss with the State

*Mayor Donohue:*

- Stated they would reach out with the state regarding the issues

*Denise South, Rio Grande:*

- Asked if Township will educate regarding the legalization of marijuana and use of it in public

*Mayor Donohue:*

- Clarified ordinance banning the smoking of marijuana on Middle Township Public Facilities; referred to Chief Leusner on allowance

*Chief Leusner:*

- Explained the smoking of marijuana is treated the same as the smoking of cigarettes

*Denise South, Rio Grande:*

- Further discussed understanding that marijuana smoking is illegal publicly

*Mayor Donohue/Kimberly Osmundsen:*

- Clarified that was not what chief was explaining

*Denise South, Rio Grande:*

- Continued to ask for more education on the matter

*Mayor Donohue:*

- Explained difficulty to enforce

Motion to enter closed session – 6:45 pm

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

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

Motion to re-enter open session – 7:30 pm

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

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

Motion to adjourn meeting – 7:30 pm

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

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

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Kimberly D. Osmundsen, Township Clerk