

Cape May Court House, NJ  
 May 15, 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. CAPE MAY COUNTY ARPA GRANT AWARD – COMMISSIONER DIRECTOR DESIDERIO
2. PRESENTATION BY COMMITTEE – MIDDLE MATTERS CIVIC RECOGNITION AWARD– CHAD MURNAGHAN
3. PRESENTATION BY COMMITTEE – EMPLOYEE OF THE MONTH FOR MAY – NIKKI HOBER
4. RESOLUTION 225-23 – PROMOTION – 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
Tracey Super	Public Safety – Police	Police Captain*	\$151,601.48	06/01/2023

\*Provisional Title

5. SWEARING IN OF PROMOTED POLICE OFFICER
6. 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 asked about item 11 and expressed his concerns it could have on the homeless.*

*Mayor Donohue explained the ordinance is a tool that the Police Department and Code Enforcement need.*

*Dawn Robinson asked about item 11 and if someone is removed from a property where are they taken.*

*Mayor Donohue explained it is up to the person to decide but the Township does provide services from entities such as Volunteers of America to assist those that want help. Explained the need of this ordinance is to assist home owners that have unwanted persons living on their properties.*

7. RESOLUTION 226-23 – 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	55,673.13
Current Fund CY	3.01	2,280,457.44
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	4,375.07
General Capital	C.04	57,040.93
Sewer Capital	C.08	426,884.21
Grants	G.06	6,432.00
M.A.C.	M.24	363.88
Emergency Housing	R.23	-
Dog Trust	T.12	43.80

Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	14,227.78
Zoning Escrow	E.19	8,511.50
Unemployment Trust	T.20	-
C.O.A.H	T.27	-
Recreation Trust	T.28	6,631.64
TOTAL		2,860,641.38

8. RESOLUTION 227-23 – 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: 05/01/2023 Regular Meeting
9. REPORTS: Tax/Sewer Collection for the month of April; Zoning for the month of April; Sterbeck Harbor for the Month of April; Clerk for month of April
10. ORDINANCE 1670-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE: BREACH OF THE PEACE – Following second reading, hearing, and consideration for adoption, Ordinance 1670-23 was adopted on motion by Committeeman Norris seconded by Mayor Donohue and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
**\*Complete ordinance available for review in the Clerk’s Office**

*Mayor Donohue explained revision to ordinance to assist the police with enforcement.*

*Chief Leusner further explained it gives officers additional confidence and allows them to remove a person from a situation if the situation warrants it.*

11. ORDINANCE 1671-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE: TEMPORARY STRUCTURES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1671-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/19/2023 at 6:00 p.m.  
BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and the State of New Jersey as follows:

**SECTION 1.**

“Part II, General Legislation” of the Township Code is hereby revised as follows:

**Chapter 93: Temporary Structures**

**§ 93-1 Purpose.**

The purpose of this chapter is to ensure the health and safety and reasonable enjoyment of one's property for all residents of the Township of Middle by providing requirements and time limits for temporary structures erected on commercial or residential property.

This Chapter is not intended to regulate licensed campgrounds pursuant to Chapter 104 of the Code of the Township of Middle.

**§ 93-2 Definitions.**

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

**ATTRACTIVE NUISANCE**

A public or private condition that would constitute a nuisance according to the laws of the state and/or Town ordinance, and specifically including, but not limited to, the following:

- 1) Any open, unsecured or unsupervised temporary structure found to be an attraction to trespassers shall be deemed to be an attractive nuisance.
- 2) Any temporary structure that has defective or unsanitary plumbing facilities or defective electrical equipment.
- 3) Any temporary structure considered to be a fire hazard or is otherwise unsafe or unsecured so as to endanger life, limb or property.
- 4) Any temporary structure that is in need of repair or is in a state of dilapidation, decay, faulty construction, vacant or abandoned, damaged by fire, in danger of collapse or failure, or otherwise dangerous to anyone on or near the premises.

**TEMPORARY STRUCTURE**

Structures utilized on a short-term, seasonal or intermittent basis, such as tents, canopies, membrane structures or similar structures without a permanent foundation and not classified as a premanufactured garden-type utility shed in accordance with the New Jersey Uniform Construction Code. Children's play tents and equipment or other leisure seasonal canopies not used for storage or habitation are excluded from the requirements of this chapter.

**TENT.**

A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, with sidewalls or drops on more than twenty-five (25) percent of the perimeter.

**CANOPY.**

A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

#### MEMBRANE STRUCTURE.

An air-inflated, air-supported, cable or frame-covered structure not otherwise defined as a tent or canopy.

#### § 93-3 Setbacks; structural requirements.

All temporary structures including but not limited to tents, canopies, and membrane structures erected or located in any zone adjacent to or on any commercial or residential properties shall be subject to the following requirements:

##### A. Setbacks and general requirements.

- 1) No temporary structure shall be erected on any property, in any zone, where there is not already an existing principal structure for which a certificate of occupancy has been issued.
- 2) Temporary structure(s) in any zone shall not be permitted within a front yard and only within a side yard or rear yard that does not abut a public right-of-way with the exception of an alley.
- 3) Temporary structures in any zone may not be sited within six (6) feet of any side or rear property line except on waterfront lots where they may be sited up to the bay front, lagoon front, or ocean scarp line. All measurements shall be taken from the furthest projection or overhang.

- 4) Temporary structures in the rear yard which abut an alley and are used as a garage with its access from the roadway shall be set back fifteen (15) feet from the rear or side property line which abuts the roadway. All measurements shall be taken from the furthest projection or overhang.

##### B. Additional structural requirements and dimensions.

- 1) All temporary structures including but not limited to tents, tension membrane and formed or rolled extruded aluminum or steel structures shall be adequately anchored to the ground in accordance with the New Jersey Uniform Construction Code where applicable. Temporary structures shall not exceed fifteen (15) feet in height if detached from the main structure.
- 2) Temporary structures including but not limited to tents, canopies, and membrane structures may be erected for use only as a temporary building. They may not be utilized for habitation.
- 3) All tents, canopies, and temporary structures generally must be constructed of approved fire-retardant fabric or material and so marked.
- 4) Gasoline, gas, charcoal or other cooking devices or any other unapproved open flame shall not be permitted inside or located within twenty (20) feet of any temporary structure.
- 5) Any temporary structure in excess of nine hundred (900) square feet or with a side dimension greater than thirty (30) lineal feet shall not be permitted.
- 6) Temporary structures will not be permitted if the structure(s) create an attractive nuisance or pose any other threat to the health, safety and/or well-being of the community.

#### § 93-4 Time limitations and removal.

No temporary structure shall remain for longer than seven (7) days in a one-hundred-eighty (180) day period before being removed. All such temporary structures shall be removed from the property no later than the expiration of the seven (7)-day time period.

#### § 93-5 Violations and penalties.

Violations of this chapter shall be punished by a fine not exceeding \$2,000 or by imprisonment in the county jail not exceeding ninety (90) days or by ninety (90) days of community service, or any combination thereof. Each day that any violation shall continue shall constitute a separate offense. Whenever any such fine shall be imposed upon any corporation, such fine and costs and charges incident thereto may be collected by an action of debt or in such other manner as may be provided by law.

#### SECTION 2.

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

#### SECTION 3.

If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance which shall remain in full force and effect.

#### SECTION 4.

This Ordinance shall take effect in the time and manner prescribed by law.

## 12. PUBLIC HEARING ON INTRODUCED BUDGET

*Mayor Donohue explained they are looking at a tax increase. Explained the various items that are affecting the budget and tax increase.*

*Dawn Collins commented on tax increase each year and not seeing improvements.*

*Mayor Donohue explained the current governing body only increase the budget \_\_ times in the previous 5 years. Further explained that the Township budget is only a small portion of residents taxes. Discussed the various entities that control resident taxes. Asked Ms. Collins what improvements she believes are needed?*

*Dawn Collins continued to express concerns of the tax increases and people's inability to meet those costs.*

*Mayor Donohue reiterated that the he believes the current Governing Body have done a great job of controlling spending but the seriousness they take of their fiscal responsibilities.*

13. RESOLUTION 228-23 – SELF-EXAMINATION OF BUDGET – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year. NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:
1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
    - a. Payment of interest and debt redemption charges
    - b. Deferred charges and statutory expenditures
    - c. Cash deficit of preceding year
    - d. Reserve for uncollected taxes
    - e. Other reserves and non-disbursement items
    - f. Any inclusions of amounts required for school purposes
  2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
  3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
  4. That pursuant to the Local Budget Law:
    - a. All estimates of revenue are reasonable, accurate and correctly stated
    - b. Items of appropriation are properly set forth
    - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
  5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
  6. That all other applicable statutory requirements have been fulfilled.
- BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services, through the FAST portal, upon adoption.

14. RESOLUTION 229-23 – ADOPT 2023 MUNICIPAL BUDGET – 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2023 was introduced and approved at a regular meeting of the Township Committee held on April 3, 2023 and was thereafter advertised in the Atlantic City Press in its issue on April 11, 2023, which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing; and BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2023 was hereby read by title only, and also had public hearing on May 15, 2023; and FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2023; and FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2023 is hereby adopted.

15. RESOLUTION 230-23 THROUGH 231-23 – APPOINTMENT (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. (A) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Tracey Super	Coordinator*	Emergency Management – Civil Defense	12/31/2023
Brian Murphy	Deputy Coordinator*	Emergency Management – Civil Defense	12/31/2025

\*Filling unexpired term

(B) 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
Natacha Alcala	Municipal Court	Clerk 1 F/T Permanent	\$30,000.00	05/15/2023

Tashie Anderson-Bryant	Municipal Court	Clerk 1 P/T	\$15.00 per hour	05/15/2023
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16. RESOLUTION 232-23 – 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
Jonathon Spriggs	Public Safety – Police	Class II SLEO Officer	05/01/2023
Joshua Musick	Public Safety – Police	Police Officer	05/14/2023
Irene Garramone	Municipal Court	Clerk 1 P/T	04/27/2023

17. RESOLUTION 233-23 – AUTHORIZING MANDATORY DIRECT DEPOSIT OF NET PAY FOR TOWNSHIP EMPLOYEES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
 WHEREAS, P.L. 2013 c.38 permits municipalities to establish mandatory direct deposit of net pay for employees in specific banking institutions based on information provided by such employees; and  
 WHEREAS, P.L. 2013, c. 38 also permits municipalities to grant exemptions as deemed necessary, such as for seasonal and temporary employees, for which direct deposit may be impractical; and  
 WHEREAS, P.L. 2013, c. 38 authorizes municipalities to institute such mandatory direct deposit on or after June 1, 2023: and  
 WHEREAS, the Chief Financial Officer has recommended that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey adopt such a mandatory direct deposit for employees as authorized by P.L. 2013, c 38; and  
 WHEREAS, such mandatory direct deposit is intended to cut costs associated with paper checks and would make direct deposit a non-negotiable issue under the New Jersey Employer Employee Relations Act.  
 WHEREAS, to this end, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey desire to make direct deposit mandatory as authorized by P.L. 2013, c. 38.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that:

1. Mandatory direct deposit of the net pay is hereby established for all Township of Middle employees in specific banking institutions based on information provided by such employees, except for those temporary employees as stated herein.
2. “Net Pay” shall include bi-weekly pay and other forms of payment, including, but not limited to, retroactive wages, clothing, and uniform allowances, health benefit buyouts, compensatory time buyouts and final payments to employees separating employment, etc.
3. The Township may exempt certain temporary employees from the requirements of this resolution due to the impracticality of direct deposit for such temporary work.
4. Any resolution or provision thereof inconsistent with the provisions of this resolution is hereby repealed to the extent of such inconsistencies.
5. This resolution shall take effect after final approval and publication is required by law, but in no event shall this resolution take effect prior to June 1, 2023

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Township of Middle’s Chief Financial Officer.

18. RESOLUTION 234-23 – RATIFY LEASE AGREEMENT WITH CONCERNED CITIZENS OF WHITESBORO –USAGE OF THE MARTIN LUTHER KING CENTER – 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 agreement between the Concerned Citizens of Whitesboro and the Township of Middle for use of premises located at the Martin Luther King Center for office space from which to operate certain programs that benefit the community, January 1, 2023 until December 31, 2023, be and is hereby ratified.  
 BE IT FURTHER RESOLVED that the appropriate Township Officials are hereby authorized to execute any documents necessary to carry out the purpose and intent of this Resolution.  
 BE IT FURTHER RESOLVED, that said agreement is contingent upon the review and approval of any and all insurance documents required by the Township of Middle’s insurance carrier.

19. RESOLUTION 235-23 – INSERTION OF SPECIAL ITEM OF REVENUE – COUNTY OF CAPE MAY OPEN SPACES – OCKIE WISTING CREATIVE PLACEMAKING IMPLEMENTATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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 2023 in the sum of:

Ockie Wisting Creative Placemaking Implementation, County of Cape May Open Space \$215,835.00

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

Ockie Wisting Creative Placemaking Implementation, County of Cape May Open Space \$215,835.00

20. RESOLUTION 236-23 – CATERING PERMIT – QUAHOGS RESTAURANT INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Quahogs Restaurant Inc. has applied for approval to sell alcoholic beverages at Peninsula Boutique Hotel located at 2 N. Main Street, Cape May Court House, on June 24, 2023 from 11:00am to 11:00pm, with a rain date of June 25, 2023 from 11:00am to 11:00pm, 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 Catering Permit.
21. RESOLUTION 237-23 – SOCIAL AFFAIRS PERMIT – TJ HUNT MEMORIAL FOUNDATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, TJ Hunt Memorial Foundation. has applied for approval to sell alcoholic beverages at an event to be held at The Shore Club, 1170 Golf Club Road, Cape May Court House, New Jersey 08210 on June 12, 2023 from 11:00am until 10:00pm; 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.
22. RESOLUTION 238-23 – TABULATION COMMITTEE – THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW SERVICES FOR BUILDING, ELECTRICAL, PLUMBING AND FIRE SUB-CODE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on June 28, 2023 at 9:00am in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
- THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW  
SERVICES FOR BUILDING, ELECTRICAL, PLUMBING AND FIRE SUB-CODE
23. RESOLUTION 239-23 – RATIFYING AND AFFIRMING A MEMORANDUM OF UNDERSTANDING BETWEEN THE MIDDLE TOWNSHIP POLICE DEPARTMENT AND ACENDA, INC. IN CONNECTION WITH THE ARRIVE TOGETHER PROGRAM ENHANCING AND SUPPORTING LAW ENFORCEMENT RESPONSES TO CERTAIN BEHAVIORAL HEALTH CRISIS CALLS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, pursuant to N.J.S.A. 30:4-27.1 et seq. (“Screening Law”) and N.J.A.C. 10:31-1.1 et seq. (“Screening Regulations”), it is the policy of the State of New Jersey to provide for a public mental health system that delivers treatment consistent with a person’s clinical condition, and that screening services be developed as the public mental health system’s entry point in order to provide accessible crisis intervention, evaluation and referral services to persons with mental illness, to offer persons with mental illness clinically appropriate alternatives to inpatient care, and, when necessary, to provide a means for involuntary commitment to treatment; and  
WHEREAS, the Middle Township Police Department and Acenda, Inc., a mental health service provider operating in the State of New Jersey, are seeking to jointly participate in the ARRIVE Together program enacted by the State of New Jersey in an effort to enhance and support law enforcement and responses to certain behavioral health crisis calls in an effort to advance the goals, directives, and objectives of the Screening Law; and  
WHEREAS, the Parties recognize the importance of ensuring the safety of every person involved in civilian-law enforcement interactions, and that many of the negative outcomes that have resulted from such interactions may stem from law enforcement officers responding to situations involving individuals experiencing behavioral health crises; and  
WHEREAS, Acenda, Inc. has been designated by the New Jersey Department of Human Services (“DHS”) to provide screening services in accordance with the Screening Law and Regulations within the County of Cape May; and  
WHEREAS, DHS contracts annually with Acenda, Inc. for the provision of screening services, pursuant to N.J.A.C. 10:31:10.1(c), and DHS Contracting Policy; and  
WHEREAS, the Screening Law provides officers and mental health specialists with the legal authority to transport or authorize transport of individuals who are experiencing a behavioral health crisis to an emergency department for a full assessment where appropriate; and  
WHEREAS, law enforcement officers may request the assistance of mental health specialists when responding to emergency service calls that relate to behavioral health crises and mental health personnel may request assistance from officers when responding to requests for emergency screening; and  
WHEREAS, in an effort to improve the outcomes in law enforcement’s response to emergency behavioral health crisis calls, to divert individuals in crisis from unnecessary entry into the criminal justice system, and to more efficiently employ the resources of both the Lower Township Police Department and Acenda, Inc. as they respond to calls for service together, the Parties seek to establish a Pilot Program; and  
WHEREAS, the parties have negotiated the terms of a Memorandum of Understanding which is intended to memorialize the relationship and delineate the responsibilities of the Parties in this cooperative joint effort, and same was executed by the parties in April of 2023; and  
WHEREAS, the Township Committee of the Township of Middle recognizes the importance of the Screening Law and the Arrive Together Program and fully supports the goals and objectives of same and seeks to affirm

and ratify the relationship between the parties and the responsibilities and obligations set forth within the Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that Middle Township Committee hereby ratifies and affirms the Memorandum of Understanding entered into between the Middle Township Police Department and Acenda, Inc. to enhance and support law enforcement and responses to certain behavioral health crisis calls in an effort to advance the goals, directives, and objectives of the Screening Law.

24. RESOLUTION 240-23 – AUTHORIZE ACCEPTANCE – FY 2023 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 Cape May County Board of County Commissioners is offering municipalities a reimbursement of up to \$400,000 for certain infrastructure projects and/or improvements through the Cape May County American Rescue Plan Act Infrastructure Grant; and

WHEREAS, Middle Township submitted a Cape May County Infrastructure Grant Application requesting funding in the amount of \$400,000 for a project set forth in the attached Schedule A (“Project”), the contents of which are incorporated into the Agreement by this reference; and

WHEREAS, the Board of County Commissioners finds that the Project, as set forth in Schedule A, meets the program requirements and authorizes the requested funding for actual expenditures incurred by the Municipality (“Project Funds”), subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the promises, covenants and agreements herein set forth and agreed to, the County and Municipality do mutually covenant, promise, and agree to the terms and conditions as outlined in the attached agreement.

25. RESOLUTION 241-23 – CLOSED SESSION– PENDING LITIGATION (CAPE MAY HERALD VS. MIDDLE TOWNSHIP) – POTENTIAL LITIGATION (CONTRACTUAL SERVICES) – 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 (CAPE MAY HERALD VS. MIDDLE TOWNSHIP) – POTENTIAL LITIGATION (CONTRACTUAL SERVICE BIDS)

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

PENDING LITIGATION (CAPE MAY HERALD VS. MIDDLE TOWNSHIP) – POTENTIAL LITIGATION (CONTRACTUAL SERVICE BIDS)

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.

26. RESOLUTION – AUTHORIZING THE EXECUTION OF TREATMENT WORKS APPROVAL (TWA) APPLICATION – STONE HARBOR ESTATES – On motion by Mayor Donohue 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 and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to sign the Treatment Works Approval (TWA) Permit Application Form prepared by the applicant, SHL Development LLC, contingent upon the execution of an Amended Developer’s Agreement between the Township of Middle, NVR Inc., and SHL Development LLC.

*Kimberly Osmundsen explained reason for the resolution. Discussed the need for pump station improvements in coordination with the Stone Harbor Estates Development which will be at the cost of the property owners. Explained the need for the TWA to permit a pump and haul program in the interim.*

## 27. ENGINEERING REPORT:



Township of Middle  
Project Status Report  
May 15, 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 started on March 22, 2023

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

- Bids received 12/21/22
- Contract Awarded to CTX Construction
- Preconstruction Meeting held on March 22, 2023
- Survey layout May 17, 2023
- Approximate construction start date week of May 18, 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
- Construction to begin week of May 15, 2023

### 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) 390-9204



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## 28. PUBLIC COMMENT:

*Dawn Robinson, Burleigh, asked about purchase of Township owned land.*

*Kimberly Osmundsen explained land sale process depending on whether the lot is buildable or non-buildable. Non-buildable lots can be chosen to be sold at public auction instead of private.*

*Mayor Donohue further explained purpose for contiguous land sales.*

*Kimberly Osmundsen continued to explain sale of land and the lien/foreclosure process. This process can take over a year to be complete.*

*Stan Doniger, Rio Grande, asked about conifer housing pilot program and confirmations going forward that the developer is able to provide affordable housing. Asked if they get tax abatements.*

*Mayor Donohue explained developers do not ask anything from the Township. They are required to provide a percentage of low-income housing but those funds do not come from the Township.*

*Stan Doniger, Rio Grande, advised he would like written agreement from the Governing Body to not allow developers to received funds from the Township to assist with the affordable housing such as tax abatements.*

*Mayor Donohue spoke of the benefits to the tax payers with facilitating/incentivizing new developments. Explained the need to be open to discuss if it benefits the Township as a whole.*

*Tracy Cardwell asked who will be regulating the new dispensary.*

*Mayor Donohue advised that no license has been awarded to date. Explained the industry is regulated by the State but the Township will have the same oversight as they would any retail business within the community.*

*Dianne Carrick expressed concern for the Hand Avenue sidewalk project and setback of the sidewalks.*

*Vince Orlando explained he would meet her at the location after the meeting to discuss her concerns.*

*Dawn Collins asked if Vince would be able to change anything with the project.*



*Vince Orlando advised he could review the area and make tweaks.*

*Mayor Donohue explained the project has been ongoing but they want to work with the residents.*

*Dianne Carrick stated her concern is the large portion of property being taken for the sidewalk.*

*Dawn Collins reiterated the same concern for loss of front yard.*

*Vince Orlando further reiterated he could come to the location to discuss the project and their concerns.*

*Clara Holman expressed concerns of holes outside her home on the street.*

*Mayor Donohue explained he has contacted the State and would reach out again.*

*Jim Chew read prepared speech regarding the homeless.*

*Mayor Donohue asked where his suggested methods have been successful. Discussed areas where his method of tent cities have been ongoing and that the method has brought more homeless to those areas.*

*Jim Chew discussed his ongoing relationships with various homeless individuals with the community.*

*Mayor Donohue explained the Township is trying to assist with the homeless in the Township.*

#### COMMITTEE COMMENTS:

*Committeeman Norris discussed the upcoming Drum Fish Tournament. Explained the Captains dinner at Menz would be Thursday night with weigh-ins on Sunday. Thanked the County with their cooperation on various ongoing projects throughout the Township. Congratulated Chad Murnaghan on his award. Appreciates his assistance with the Police Officer. Congratulated Nikki Hober on her award as employee of the month.*

*Committeeman Gandy thanked the county for their partnership. Congratulated Chad on his award. Explained actions speak loudly about a person. Congratulated Nikki Hober on her award. Discussed the up coming Drum Fish Tournament. Stated they are selling shirts for the tournament and all proceeds go towards the Recreation Department.*

*Mayor Donohue thanked the CFO and Auditor for all their work on the budget. Thanked Kimberly Osmundsen for her assistance on the budget as well. Recognized the renewal lease with the CCW. Recognized Chief Leusner on his final meeting as chief and thanked him for his commitment to the community.*

Motion to enter closed session – 7:20 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 – 7:44 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 – 7:45 pm

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

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