

Cape May Court House, NJ
 June 5, 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 MAYOR AND COMMITTEE – 19th ANNUAL MIDDLE TOWNSHIP DRUM FISH TOURNAMENT AWARDS
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 item 19

Kimberly Osmundsen, clarified this item is for a TWA and the projects are about 2 to 3 years out

Vince Orlando, further clarified it is a rehab of the current infrastructure

Stan Doniger, Rio Grande, asked about port-o-potty costs on the bill list

Kimberly Osmundsen, explained the locations where the port-o-pottys are located and purpose for them

3. RESOLUTION 243-23 – 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	36,728.65
Current Fund CY	3.01	3,376,065.28
Alarm Billing	3.03	524.69
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	612,556.07
General Capital	C.04	94,995.19
Sewer Capital	C.08	105,971.72
Grants	G.06	13,866.34
M.A.C.	M.24	750.00
Emergency Housing	R.23	-
Dog Trust	T.12	22.80
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	8,402.03
Zoning Escrow	E.19	-
Unemployment Trust	T.20	-
C.O.A.H	T.27	337.50
Recreation Trust	T.28	24,114.08
TOTAL		4,274,334.35

4. RESOLUTION 244-23 – 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: 05/15/2023 Regular Meeting, Work Session and Closed Session

5. REPORTS: None

6. RESOLUTION 245-23 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Michael Smith	Public Safety – Police	Police Officer	05/15/2023
Michah Dempsey	Recreation	Recreational Aide P/T	05/23/2023
Raymond Brown	Recreation	Recreational Aide F/t	05/27/2023
Gerald Greer	Public Works	Mechanics Helper P/T	05/31/2023

7. RESOLUTION 246-23 – DEPARTMENT CHANGE – 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 department changes listed below are hereby acknowledged:

NAME	PREV. DEPT.	NEW DEPT.	TITLE	EFF. DATE
John McCann	Public Works	Sewer	Laborer 1	05/31/2023

8. RESOLUTION 247-23 – APPROVAL FOR PAYMENT TERMINAL LEAVE – CHRISTOPHER LEUSNER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Christopher Leusner retired with an effective date of June 1, 2023; and
 WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and
 WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Christopher Leusner
 Sick Hours*: 1,165.25
 Vacation Hours: 340
 Personal Hours: 34
 Comp: 0
\$45,311.90

*Max Payout \$12,000.00

9. RESOLUTION 248-23 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and

WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and

WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance;” and

WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and

WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and

WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.

FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Tobin, John F IV/ J Tobin	53 Honeysuckle Lane	168 // 28	\$547.67
Tobin, John F IV/ J Tobin	53 Honeysuckle Lane	168 // 28	\$598.24
Prendergast, Marcella E	201 Millman Boulevard	421 // 2	\$522.34
Craig, Patricia H	5 Colgate Street	392 // 6	\$486.94
103 Railroad LLC	103 S Railroad Avenue	1432 // 9.01	\$814.20
Friel, Norma A	1459 Burleigh Avenue	1410.01 // 55	\$461.64
Jordan, Angelena	30 Old N. Wildwood Boulevard W	1182 // 10	\$564.12

10. RESOLUTION 249-23 – AUTHORIZING THE DONATION OF SURPLUS VEHICLES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to donate the following vehicle to the Middle Township School District, and

WHEREAS, N.J.S.A 40A:12-21 permits the Township of Middle to donate the vehicle to the Middle Township School District for \$1.00.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the donation of the following vehicle to the Middle Township School District be and is hereby approved.

2004 Ford Crown Vic

VIN # 2FAFP71W77X146219

11. RESOLUTION 250-23 THROUGH 251-23 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH K) – 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 2019 in the sum of:

CAPE MAY COUNTY MUNICIPAL CODE BLUE WARMING CENTER \$25,000.00

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

CAPE MAY COUNTY MUNICIPAL CODE BLUE WARMING CENTER \$25,000.00

(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 2023 in the sum of:

Del Haven Infrastructure Improvements, County of Cape May ARPA Infrastructure Grant \$400,000.00

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

Del Haven Infrastructure Improvements, County of Cape May ARPA Infrastructure Grant \$400,000.00

(C) 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:

FY2023 Clean Communities Grant \$64,502.65

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

FY2023 Clean Communities Grant \$64,502.65

(D) 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:

Local Grant – Middle Township School Security – Dr. Tzorfas \$3,000.00

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

Local Grant – Middle Township School Security – Dr. Tzorfas \$3,000.00

(E) 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:

NJ Department of Law and Public Safety – 2023 Safe and Secure Communities Grant Program
\$32,400.00

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

NJ Department of Law and Public Safety – 2023 Safe and Secure Communities Grant Program
\$32,400.00

(F) 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:

NJ Department of Law and Public Safety – 2023 Summer Expansion Programs
\$7,067.20

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

NJ Department of Law and Public Safety – 2023 Summer Expansion Programs
\$7,067.20

(G) 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:

NJ Division of Highway and Traffic Safety – 2023 Click it or Ticket
\$7,000.00

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

NJ Division of Highway and Traffic Safety – 2023 Click it or Ticket
\$7,000.00

(H) 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:

NJ Division of Highway and Traffic Safety – 2023 U Drive U Text U Pay
\$5,250.00

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

NJ Division of Highway and Traffic Safety – 2023 U Drive U Text U Pay
\$5,250.00

(I) 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:

NJDCA – Small Cities CDBG – Clarence Davies Recreation Complex Playground Improvements
\$400,000.00

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

NJDCA – Small Cities CDBG – Clarence Davies Recreation Complex Playground Improvements
\$400,000.00

(J) 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:

NJDCA – Small Cities CDBG – Del Haven Water Connections \$395,551.00

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

NJDCA – Small Cities CDBG – Del Haven Water Connections \$395,551.00

(K) 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:

NJDCA - Local Recreational Improvement Grant – Playground Improvements \$78,000.00

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

NJDCA - Local Recreational Improvement Grant – Playground Improvements \$78,000.00

12. RESOLUTION 261-23 – 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
1031	11, 12	14 E Wiley Street	\$ 99,000	Doreen Nassuna, Fausta Kawesi
968	3, 4, 5	Washington Street	\$ 17,500	KW Dreams Properties, LLC

13. RESOLUTION 262-23 – 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.

14. RESOLUTION 263-23 – 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 due to the mortgage company for payment on property that they do not escrow for.

ACCT	BLOCK	LOT	OWNER/LOCATION	2022 -2023
15830	441	10	Pinkston, Walter J & Cass M Nahm	\$1,003.91
Property location: 107 Sunray Beach Rd				

Please make check payable to:

Corelogic Refunds Dept.
3001 Hackberry Rd
Irving, TX 75063

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 and 2023 taxes

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

15. RESOLUTION 264-23 – AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND – MAVIS DISCOUNT TIRE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Mavis Discount Tire has received certain approvals for the property located at 3158 Route 9 South to include landscape improvements, and
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond in the amount of \$85,435.00, is hereby accepted.
FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
16. RESOLUTION 265-23 – AUTHORIZATION TO CLOSE SEAGULL LANE FOR A NEIGHBORHOOD BLOCK PARTY – 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 authorization is hereby given to close Seagull Lane on Saturday, June 24, 2023, starting 10:00am-10:00pm, for a neighborhood block party.
BE IT FURTHER RESOLVED, that the request for an extension on the Middle Township Noise Ordinance is hereby granted until 10:00 pm.
BE IT FURTHER RESOLVED, that this approval is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Municipal Joint Insurance Fund.
17. RESOLUTION 266-23 – ACKNOWLEDGING ROAD CLOSURE – RIDE TO DEFEAT ALS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, ALS Association, Greater Philadelphia Chapter is orchestrating an event on June 10, 2023, and
WHEREAS, said applicant has requested use of portions of Indian Trail Road, Shunpike Road, Dias Creek Road, Sound Drive, Honeysuckle Lane, Hand Avenue, Wildwood Boulevard, Railroad Avenue and Goshen Road along the shoulders of the roadway, and
WHEREAS, the applicant has submitted approval from Atlantic City Electric for use of a portion of the Middle Township Bike Path, and
WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.
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 Ride to Defeat ALS sponsored by Cape May Running, LLC.
BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the use contingent upon all proper traffic controls as required and discussed with the applicant.
FURTHER RESOLVED, that the application is hereby conditionally approved provided that all final approvals are received from all other government entities as required.
18. RESOLUTION 267-23 – REJECT BIDS AND RE-ESTABLISH TABULATION COMMITTEE – SOUTH DENNIS ROAD PUMP STATION 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 South Dennis Road Pump Station Improvements, were received by the Township of Middle on April 27, 2023 at the Township Hall; and
WHEREAS, it appears to be in the best interest of the Township to reject the bids and rebid the project.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all proposals received on April 27, 2023 for South Dennis Road Pump Station Improvements are hereby rejected; and
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 July 26, 2023 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
SOUTH DENNIS ROAD PUMP STATION IMPROVEMENTS
19. RESOLUTION 268-23 – AUTHORIZING SIGNATURE – NJ DEP OWNERS CERTIFICATION FORM – SOUTH JERSEY GAS MAIN EXTENSION PROJECT(S) – On motion by seconded by 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 appropriate township officials are hereby authorized to sign the NJ DEP Owners Certification Form, in connection with the South Jersey Gas Main Extension Project(s).
20. RESOLUTION 269-23 – AUTHORIZING APPLICATION SUBMISSION – FY 2022 STATE AND LOCAL CYBERSECURITY GRANT PROGRAM (SLCGP) – CYBERSECURITY RESOURCES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle desires to participate in and consent to the State of New Jersey’s State Administrative Agency (SAA), namely the New Jersey Office of Homeland Security & Preparedness (NJOHSP), undertaking the following acts in accordance with the State and Local Cybersecurity Grant Program (SLCGP) for Federal Fiscal Year 2022, funding opportunity DHS-22-137-000-01, as authorized by section 2220A of the Homeland Security Act of 2022, as amended (Pub L. No 107-296) (6 U.S.S.

665G):

WHEREAS, the Township of Middle understands that it will be receiving cybersecurity hardware, software, and/or services in lieu of funds from the SLCGP.

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

1) that the Township of Middle does hereby authorize the application for such a grant, and,
2) recognizes and accepts that the NJOHSP may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the NJOHSP, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the NJOHSP, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Homeland Security & Preparedness.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith

21. RESOLUTION 270-23 – AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING – NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT – 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 the New Jersey Office of Emergency Management. 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.

22. RESOLUTION 271-23 – EMERGENCY PURCHASE – BROKEN SEWER PIPE – 70 BENNY’S LANDING & 1045 STONE HARBOR BOULEVARD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, an emergency had arisen with respect to the condition of the sewer line at 70 Benny’s Landing and 1045 Stone Harbor Blvd, Cape May Court House, NJ 08210; and WHEREAS, it was deemed an imminent hazard by the Superintendent of Public Works; and WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service. WHEREAS, there is the need for emergency sewer line repair at 70 Benny’s Landing and 1045 Stone Harbor Blvd, Cape May Court House, NJ 08210, as stated by the Superintendent of Public Works. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and WHEREAS, the emergency sewer line repair shall be awarded to Jonathon Hand Excavating, of Cape May Court House, NJ 08210 in the amount of \$5,330.00.
Jonathon Hand Excavating
PO Box 196
Cape May Court House, NJ 08210

23. RESOLUTION 272-23 – RENEWAL OF ALCOHOLIC BEVERAGE LICENSES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, certain licensees have filed for renewal of their Alcoholic Beverage License for one (1) year; beginning July 1, 2023; and WHEREAS, the said applications are in due and proper form with the fee of \$720.00 for each Plenary Retail Consumption License and Retail Distribution License; \$188.00 for each Club License and with no objection filed with all \$200.00 State Filing Fees received; and, 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, issue a Plenary Retail Consumption License to:
- | | |
|---|-----------------|
| TSP Rio, LLC | 0506-33-001-009 |
| Avalon Development & Golf, Inc. | 0506-33-005-008 |
| Cape Hospitality Group LC dba Bellevue Tavern | 0506-33-002-006 |
| 9 South Bar & Restaurant, LLC | 0506-33-009-008 |
| Salty Hands, Inc. | 0506-33-014-001 |
| Menz Restaurant Inc. | 0506-33-012-002 |
- BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Distribution License to:
- | | |
|--|-----------------|
| Mattera’s Liquor trading as Joe Canals Discount Liquor | 0506-44-003-007 |
| Acme Markets, Inc. T/A Acme | 0506-44-013-006 |
- BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Club License to:
- | | |
|---|-----------------|
| Cape May County Chapter 44 Disabled American Veterans | 0506-31-010-002 |
| Royal Oaks Club Inc. | 0506-31-011-001 |
| Wildwood Golf & Country Club | 0506-31-006-004 |
| Jersey Devil Country Club T/A The Links Club | 0506-31-008-002 |

BE IT FURTHER RESOLVED, that these licenses be signed, sealed and delivered by the Clerk of the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.

24. RESOLUTION 273-23 – CLOSED SESSION– PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC VS. ZONING BOARD OF ADJUSTMENT TOWNSHIP OF MIDDLE) (PACIFIC OUTDOOR ADVERTISING V. MIDDLE TOWNSHIP) (VANCE V. MIDDLE TOWNSHIP) – 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 (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE)
(PACIFIC OUTDOOR ADVERTISING V. MIDDLE TOWNSHIP) (VANCE V. MIDDLE TOWNSHIP)

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


PENDING LITIGATION (GARDEN STATE OUTDOOR, LLC VS. TOWNSHIP OF MIDDLE)
(PACIFIC OUTDOOR ADVERTISING V. MIDDLE TOWNSHIP) (VANCE V. MIDDLE TOWNSHIP)

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. ENGINEERING REPORT:

 <p>ENGINEERING DESIGN ASSOCIATES, P.A. ENGINEERS ENVIRONMENTAL PLANNERS LANDSCAPE ARCHITECTS</p> <p>Township of Middle Project Status Report June 5, 2023 Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.</p> <p>2021 Drainage Projects</p> <ul style="list-style-type: none">Construction started on 12/6/21All work completed with exception of the following.<ul style="list-style-type: none">Panola Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave.<ul style="list-style-type: none">Met with contractor on-site. Contractor will remove existing asphalt for free and re-construct using porous asphalt for \$6,500.00Waiting for a warm day to begin construction <p>Norbury Landing Project</p> <ul style="list-style-type: none">Preconstruction Meeting held on 1/25/23Construction started on March 22, 2023 (moving along nicely). <p>3rd Ave & Walsh- Reconstruction & Construction of New Roadway</p> <ul style="list-style-type: none">Bids received 12/21/22Contract Awarded to CTX ConstructionPreconstruction Meeting held on March 22, 2023Construction underway. <p>Hand Avenue Sidewalk (Phase II) North Side between Hamman Avenue and Boyd Street</p> <ul style="list-style-type: none">Bids received 2/1/23Recommendation to award contract to Hackney Construction, Inc. 2/9/23Contract awarded at 3/6/23 meetingConstruction 80% completed. <p>Magnolia Avenue</p> <ul style="list-style-type: none">NJDOT Grant received 04/25/2022 for \$300,000.00Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping CenterConstruction drawing and specifications completed.NJDOT ApprovedCounty Engineering division will bid and inspect site. EDA will provide administrative services for the Grant. <p>Cambridge Professional Offices 5 Cambridge Drive, Ocean View, New Jersey 08230 PHONE: (609) 390-0332 • FAX: (609) 390-9204</p>	<p>Project Status Report June 5, 2023 Page 2 of 2</p> <p>Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building</p> <ul style="list-style-type: none">Recommendation to reject bidsContract to be awarded to MJJ Construction at April 3, 2023 meeting.Pre-construction meeting held on April 26, 2023Construction to begin after exhaust fans are fixed. <p>2022 Road Improvement Project</p> <ul style="list-style-type: none">Concrete driveways completedShoulder restoration completed.Line stripping week of May 15, 2023 to be completed. <p>Goshen Basketball Courts</p> <ul style="list-style-type: none">Construction started the week of May 22, 2023.Met with contractor on-site regarding overlay.Change in contract recommended. <p>Church Street</p> <ul style="list-style-type: none">Grant received for fiscal year 2023 in the amount of \$221,075.00Schedule<ul style="list-style-type: none">Survey – CompletedProject currently under design.NJDOT Approval – June 1, 2023Construction – August 1, 2023 <p>Oekie Wisting Park</p> <ul style="list-style-type: none">Material ordered by contractor (waiting on shipment date).Pre-construction meeting held on May 24, 2023 at 10:00 a.m.Waiting on construction start date. <p>Avalon Fishing Pier</p> <ul style="list-style-type: none">Developing sign details as required by Cape May CountyMet with Rob Flynn.Started construction on the week of May 29, 2023. <p>FINAL/MIDDLE/GENERAL/PROJSTATUS/2023/6-5-23</p>
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Mayor Donohue explained the County approved a resolution to replace the Grassy Sounds Fishing pier. They will be upgrading the pier and access to the pier will be free

26. PUBLIC COMMENT:

Dawn Robinson, Burleigh, discussed fiend selling items on lot along Route 9 she owns. Explained police were called on the individual selling the items and she was unaware that selling the items was not allowable. Further discussed a lot down the street where a food truck is selling food.

Kimberly Osmundsen, gave back ground on discussions with the Zoning Official, Rachel Shepherd.

Dawn Robinson, Burleigh, continued to discuss yard sales and food truck sales on properties.

Kimberly Osmundsen,

Mayor Donohue,

Mayor Donohue, explained research currently be done on food truck licensing and allowances that other municipalities have adopted. He further explained enforcement action is in progress but the process takes time.

Vince Orlando explained options have been provided to the food truck owner to rectify the situation.

Dr. Terry Marks, South Paw, began to discuss concerns with the Township's sign ordinance. Explained violation notice she received regarding her banner flag outside her business. Stated she understood the purpose of the regulation for many businesses however this ban is negatively impacting the businesses. Explained is it causing them to lose business. Further spoke of many businesses still flying banners,

Mayor Donohue, explained purpose behind this ordinance is to protect the astatic and traffic safety surrounding these businesses.

Vince Orlando explained certain permits are issued for special events allowing certain banners for special events. Further explained the purpose behind the ordinance was enacted due to the over abundance of flags and banners.

Dr. Terry Marks, South Paw, suggesting changing the ordinance to allow minimal flags and banners.

Mayor Donohue stated he would be open to a discussion with business owners regarding the regulations. Explained all ordinances and regulations have a purpose behind them.

Committeeman Gandy stated the only allowable flag at the moment and one that only states "Open". Explained there are ongoing discussions within the zoning offices regarding there allowances.

Kimberly Osmundsen asked if her concerns are strictly with the eye-catching flags or does she have any concerns about any other part of the sign ordinance.

Dr. Terry Marks, South Paw, clarified her main concern is the section speaking to flags and banners.

Kimberly Osmundsen said she could pull that specific section and provide it to the governing body their review. They can then send it to the Planning Board for review if they choose.

Mayor Donohue stated they would review the current language to confirm the specific allowances.

Tonya Baster, Ritas Water Ice, explained the banner flag flown outside her business helped customers know that they were open. Since she has removed the banner, her business has been impacted as people do not know they are open.

Brian McDowell, Mister Softee, explained he himself looks for the open flag for certain businesses.

Brian McDowell, Mister Softee, requested a cross walk outside his business at the intersection of Hand Avenue and Route 9.

Stan Doniger, Rio Grande, discussed recent interaction with Middle Township Ambulance Corp. (MTAC). Explained he received a donation request from them and asked why they were not able to bill him.

Mayor Donohue explained MTAC has an agreement with Inspira as a back up and received payments from Inspira.

Kimberly Osmundsen further explained stipends MTAC receive from Inspira.

Stan Doniger, Rio Grande, raised his concerns about MTAC funding.

Mayor Donohue gave background between MTAC and Inspira's Mutual Aid Agreement.

Jim Chew, Rio Grande, suggested putting a moratorium on the banner flag restrictions until the ordinance is reviewed; discussed various funds spent on Township events and services instead of on the homeless. Read prepared speech regarding the homeless and proposed resolution 1671-23.

Mayor Donohue explained the proposed ordinance is a necessary tool needed to assist with the homeless population in Middle. Further explained the various services utilized to help assist the homeless. Discussed photos of the homeless encampments made in the woods that are in terrible condition. Explained the complaints the Township has been receiving from adjacent property owners regarding these areas. Stated what Mr. Chew proposes is currently what is ongoing in larger cities causing public health crises. The Township is doing what's best for the overall population of the town and has in addition made requests to the State to assist and provide funds for services and shelters for homeless individuals in the area.

Jim Chew, Rio Grande, explained his efforts made to teach the homeless to clean up after themselves and be good neighbors.

Kimberly Osmundsen discussed videos of him being the one cleaning up around the other individuals and many of the photos are from the areas where he assists the homeless.

Mayor Donohue reiterated the ordinance is a needed tool and will be on the next agenda with a public comment portion.

Dr. Terry Marks, South Par, asked where the sign ordinance stands for enforcement with the business owners.

Mayor Donohue explained his position is to look at what is possible under the current ordinance that would benefit the businesses at this time while the ordinance is being reviewed.

Dr. Terry Marks, South Paw, asked how business owners will know of any changes or clarifications.

Mayor Donohue stated efforts would be made to get the notice out to business owners.

COMMITTEE COMMENTS:

Committeeman Norris congratulated all the Drum Fish Tournament winners. Congratulated Jen Pooler on her promotion. Stated summer basketball signups are ongoing.

Committeeman Gandy discussed Drum Fish Tournament success. Congratulated staff that assisted with the tournament. Congratulated Chief Pooler.

Mayor Donohue congratulated Chief Pooler. Spoke of reassurance of seeing her in the audience. Discussed the over 1.4 million dollars received in grant funding for the Township. Expressed it was a great job done by all involved in applying for these funds.

Commented on incident of a gentlemen trying to lure a child from the Dorchester WAWA. Explained that Middle Township Detective Tom Flounders efforts taken assisted in identifying the vehicle and tracking down the perpetrator.

Recognized all that attended the Memorial Day parade. Invited everyone to come out for the primary elections the following day/

Motion to enter closed session – 7:23 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 7:42 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

27. RESOLUTION - AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

Motion to adjourn meeting – 7:44 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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