

Cape May Court House, NJ  
 August 21, 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, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Matt Rooney

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

NONE

2. RESOLUTION 361-23 – 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	303.00
Current Fund CY	3.01	3,413,008.31
Alarm Billing	3.03	977.83
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	610,472.90
General Capital	C.04	16,377.50
Sewer Capital	C.08	1,518.00
Grants	G.06	3,000.00
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	-
Forfeited Monies	T.13	4,629.43
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	-
Zoning Escrow	E.19	50.00
Unemployment Trust	T.20	-
C.O.A.H	T.27	200.00
Recreation Trust	T.28	11,264.06
<b>TOTAL</b>		<b>4,061,801.03</b>

3. RESOLUTION 362-23 – 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: 08/07/2023 Regular Meeting and Closed Session

4. REPORTS: Tax/Sewer Collector for month of July; Sterback Harbor for month of July

5. ORDINANCE 1680-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 129 THEREOF TITLED DUMPSTERS, REFUSE CONTAINERS, AND PORTABLE STORAGE CONTAINERS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1680-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/18/2023 at 6:00 p.m.

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 129 of the Revised General Ordinances of the Township of Middle be and is hereby amended as follows:

**SECTION 1: PURPOSE AND DEFINITIONS**

**§ 129-1. Purpose.**

A chapter requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semiliquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Middle and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 129-2. Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Middle, or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON**

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**REFUSE CONTAINER**

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

**STORMWATER**

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**WATERS OF THE STATE**

The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**PORTABLE STORAGE CONTAINER** — A self-storage container that is delivered to and retrieved from a property for long-term off-site or temporary on-site storage. Portable Storage On Demand or PODS® is a familiar trade name for such containers. Portable storage containers are containers placed on a property for the purpose of temporarily storing materials, including any container, storage unit, shed-like container or other portable structure used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements. Not included in this definition or governed by this Chapter are "nonresidential trailers" as defined and regulated by Chapter 250-11 of the Code of the Township of Middle.

**SECTION 2: GENERAL PROHIBITED CONDUCT**

**§ 129-3. Prohibited conduct.**

- A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Township of Middle.

**§ 129-4. Exceptions to prohibition.**

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

**SECTION 3: PORTABLE WASTE AND REFUSE CONTAINERS**

**§ 129-5. Permits required.**

- A. Consistent with N.J.S.A. 27:51-1, no person shall park or leave unattended any portable waste or refuse container commonly known as a "roll-off dumpster" or "roll-off container," on or along any street, highway or public property within the Township of Middle without first obtaining a dumpster permit from either Construction or Zoning offices. The Township of Middle may only issue permits for streets, highways, or public property which are under the jurisdiction of the Township.

- B. The application forms for a permit to place a roll-off dumpster or roll-off container upon a street, highway or public property within the Township of Middle shall be signed by the owner of the property adjacent to the street, highway or public property on which the roll-off dumpster or roll-off container is to be placed, and permits, when issued by the Zoning or Construction official, shall only be issued in the name of the property owner and shall be displayed prominently by the permittee upon the private property adjacent to the public property upon which the roll-off dumpster or roll-off container is placed. The Zoning or Construction official shall provide copies of any permits that are issued pursuant to this section to the Middle Township Police Department and Code Enforcement Officials.

§ 129-6. Permit time and fees.

- A. Consistent with N.J.S.A. 27:51-1, approval for placement of a roll-off dumpster or roll-off container upon a street, highway or public property shall remain in effect for a period of not more than thirty (30) days. Prior to expiration of an initial thirty (30)-day approval, a thirty (30)-day permit may be endorsed for a thirty (30)-day renewal period by the Zoning or Construction official one time only without charge to the applicant.
- B. Fees:
- 1) One-day permit: \$50.
  - 2) Seven-day permit: \$150.
  - 3) Thirty-day permit: \$250.
- C. Only those permits taken out for a thirty (30)-day period shall be eligible for the additional thirty (30)-day renewal period as outlined in Subsection A of this section. One-day permits and seven-day permits shall not be eligible for any period of renewal.

Dumpsters on a residential property that is not under construction do not require a permit; however, the dumpster shall not be present for longer than forty-five (45) days from the date of the placement of the dumpster on the property.

§ 129-7. Location.

The property owner shall make every effort to place the roll-off dumpsters or roll-off containers on private property rather than on streets, highways or public property. In such cases where the only practical location of a roll-off dumpster or a roll-off container is on a street, highway or public property, the property owner shall submit with the permit application a plan that shows where the roll-off dumpster or roll-off container is to be located depicting driveways, intersections and property lines, and the roll-off dumpster or roll-off container shall have its wheels or skids, as the case may be, placed on timber material having minimum dimensions of not less than two inches thick by 12 inches wide by 48 inches long, so as to provide protection to the surface of the street, highway or public property upon which the roll-off dumpster or roll-off container is to be placed.

§ 129-8. General Maintenance and Reflective markers required.

- A. Except as otherwise provided in this Chapter and/or preempted by state or federal rules and regulations, maintenance of portable waste or refuse containers shall be governed by Chapter 129 of the Middle Township Code.
- B. Dumpsters and debris containers are required upon construction sites. All construction sites upon which construction or demolition activities thereon will generate any debris or solid waste shall be equipped with adequate and suitable receptacles, containers or dumpsters for the deposit of such debris or solid waste.
- C. Containers to be emptied periodically. Debris containers, receptacles or dumpsters located upon construction sites shall be emptied at periodic intervals so as to prevent overloading, the escape of materials contained therein and so as to prevent obnoxious odors or nuisances of any type escaping therefrom during the period when construction or demolition activities are taking place upon the construction site.
- D. Placement upon construction site. To the extent possible, debris containers, receptacles and dumpster shall be located completely on construction sites rather than on streets, highways or public property; however, to the extent that they cannot be so located, then their placement and the permits therefore shall be governed by the provisions of Chapter 129-7 of the Code of the Township of Middle.
- E. Consistent with N.J.S.A. 27:51-1, in all cases where a roll-off dumpster or roll-off container is to be placed upon a street, highway or public property, the roll-off dumpster or roll-off container shall be equipped with and display markers consisting of all-yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster or container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. These markers shall have a minimum mounting height of three feet from the bottom of the panels to the surface of the roadway. At the end of each workday or during any prolonged period of time when not in use, the roll-off dumpster or roll-off container shall be covered with a tarpaulin or other industry-acceptable material.

§ 129-9. Damage to street, highway and property prohibited.

No person shall purposely, knowingly, recklessly or negligently damage any street, highway or public property or allow damage to be caused to any street, highway or public property by the placement of a roll-off dumpster or roll-off container upon a street, highway or public property. It shall be no defense to a prosecution for an offense under this section that a permit for placement of a roll-off dumpster or roll-off container was obtained from the Zoning or Construction official or that timber material had been placed under the wheels or skids of the roll-off dumpster or roll-off container as required by this Chapter, it being the responsibility of the property owner to provide for further protective measures to the street, highway or public property if the timber material required by this Chapter proves to be insufficient to adequately protect the street, highway or public property from damage by reason of the weight of the roll-off dumpster or roll-off container or any other factor or cause.

§ 129-10. Temporary removal.

Notwithstanding the fact that a permit for placement of a roll-off dumpster or roll-off container may have been issued by the Zoning or Construction official, nothing contained in this Chapter shall be interpreted as or deemed as precluding the Middle Township Chief of Police, Middle Township Fire Chief, or Code Enforcement official from ordering the temporary removal of any roll-off dumpster or roll-off container that has been placed upon a street, highway or public property for reasons of traffic safety or public safety.

**SECTION 4: PORTABLE STORAGE CONTAINERS**

§ 129-11. Permitted temporary uses.

Portable storage containers may be utilized as a temporary storage structure within the Township of Middle when in compliance with the standards of this Chapter. It shall be the obligation of the owner and/or user of such temporary structure to secure it in a manner so as to not endanger the safety of persons or property in the vicinity of such temporary container. No such container shall be used within the Township of Middle contrary to the regulations of this Chapter.

§ 129-12. Permit required.

- A. Before a portable storage container is placed on any property, the owner, tenant or contractor working on said property must obtain a storage container permit by submitting an application to either the Construction or Zoning offices. Tenants or contractors shall also provide written permission from the owner of the property regarding the placement of said container.
- B. The cost of said zoning permit shall be \$40.

§ 129-13. Number of permitted containers.

No more than one portable storage container may be placed on any property at a time.

§ 129-14. Size of permitted containers.

A portable storage container may not exceed 10 feet in height, 10 feet in width or 30 feet in length.

§ 129-15. Duration of permit.

- A. A portable storage container may be used as temporary storage for a period not exceeding sixty (60) days from the time of delivery to the time of removal. A portable storage container may not be located on the same property more than two (2) times during any given one-year period.
- B. In the event of high winds or other dangerous conditions during which a portable storage container may present a physical danger to persons or property, the Zoning Officer, Construction Officer or Code Enforcement Officer may require the immediate removal of said container.
- C. In the event of fire, hurricane, other natural disaster causing substantial damage to a structure, or other extenuating circumstances, the property owner may apply to the Zoning Officer or Construction Officer for permission to extend the time that a portable storage container may be located as a temporary structure on a property. Said application shall be made in writing and shall give sufficient information to determine whether said extension should be granted. The Zoning Officer or Construction Officer shall determine whether or not said extension should be granted along with the length of said extension. In the event of an adverse decision by the Zoning Officer or Construction Officer, the applicant may appeal such decision to City Council, whose decision shall be final.

§ 129-16. Location.

- A. Portable storage containers are prohibited from being placed in streets and public rights-of-way. Placement may occur only upon driveways, side and rear yards if such locations meet the requirements of this section. All such locations must be off-street surfaces at the farthest accessible point from the street. Placement of a container must comply with the side yard accessory structure setback requirements in the zone in which placement is to occur. If a property does not have a driveway or cannot meet the standards described herein, the Zoning Officer or Construction Officer may approve placement of a container in the front yard; however, if such placement does occur, said container must be placed at the farthest accessible point from the street and the surrounding area must be kept in weed-free condition.
- B. Wherever a portable storage container is placed, it shall be subject to all property maintenance standards applicable to accessory structures. No portable storage container shall remain in a state of disassembly or disrepair.

**SECTION 5: ENFORCEMENT**

§ 129-17. Violations and penalties.

- A. This Chapter shall be enforced by the Township of Middle.
- B. Consistent with N.J.S.A. 27:51-1, a person who is convicted of a violation of this Chapter shall be subject to a fine of \$1,000 for each violation, and each day said violation is continued shall constitute a separate offense. In default of the payment of a fine, imprisonment in the county jail for a period of not more than ninety (90) days may be imposed. In addition to a fine, a person who has been convicted of a violation of this Chapter may be sentenced to make restitution in the event that a street, highway or any public property has been damaged by reason of placement of a roll-off dumpster or roll-off container thereon.

**SECTION 6:** Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 7:** Should any section, paragraph, sentence or 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.

**SECTION 8:** This Ordinance shall become effective immediately upon final passage and publication, according to law.

6. ORDINANCE 1681-23 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP-OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 894 LOT 3 IN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1681-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/18/2023 at 6:00 p.m.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 894, Lot 3 (the “Subject Property”) in the Cape May Court House section of the Township that qualifies for such a land sale; and

WHEREAS, the Township has received a “Request Sheet for Sale of Township Owned Real Estate” submitted by Khaaron Watkins, the owner of a property contiguous to the Subject Property

WHEREAS, there are, in total, five (5) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 894 Lot 1 -	Dylan W. Roberts 234 Gullane Road Charleston, SC 29414-6835
Block 894 Lot 2 -	KW Dreams Properties, LLC PO Box 437 Whitesboro, NJ 08252-0437
Block 894 Lot 4 -	Johnnie & Cynthia Chapman 1946 Bonitz Street Philadelphia, PA 19140-1704
Block 894 Lot 8 -	Felicia L. Legions 2613 Sorento Road Philadelphia, PA 19131-2710
Block 894 Lot 9 -	Monica Farrow 413 Scott Street Cape May Court House, NJ 08210-3305

WHEREAS, the five (5) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the five (5) of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of Block 894 Lot 3 is \$3,800.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$3,800.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township may conduct a private auction to sell the Subject Property owned by the Township to contiguous owners of the same.

#### SECTION 1.

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 894, Lot 3 to the highest bidder of an open (private) auction to be held on October 10, 2023 at 9:00am in the court room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those five (5) owners of property contiguous to that portion of Block 894, Lot 3 which is offered for sale shall participate; and
2. The minimum bid shall be \$3,800.00; and
3. The auction shall be conducted by the Township’s interim Chief Financial Officer, Neil Young; and
4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit “A” and the terms of which are incorporated herein in full; and
5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit “B”; and
6. That the Clerk or the Clerk’s representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of 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.

7. RESOLUTION 363-23 – APPOINTMENT – 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
Tyrone Davis	Sewer	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	08/08/2023
Timothy O’Brien	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	08/21/2023
Jill Boethig	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	09/11/2023

8. RESOLUTION 364-23 – PROMOTIONAL TITLE CHANGE – 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 employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Christopher Rudy	Public Safety – Police	Police Officer*	\$43,562.50	08/22/2023
Jayden Matthews	Public Safety – Police	Police Officer*	\$43,562.50	08/22/2023

\*Hired through Alternate Route Program

9. RESOLUTION 365-23 – 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
Eve Ulbrich	Police Records	Clerk 1 F/T	08/18/2023
Iverson Linthicum	Recreation	Recreation Aide P/T	08/10/2023

10. RESOLUTION 366-23 – 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
Jordan, Angelena	30 Old N. Wildwood Blvd W.	1182 // 10	\$484.50
Friel, Norma A	1459 Burleigh Ave	1410.01 // 55	\$478.12
Prendergast, Marcella E	201 Millman Blvd	421 // 2	\$590.84
103 Railroad LLC	103 S Railroad	1432 // 9.01	\$882.40

11. RESOLUTION 367-23 – 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 of 2023 taxes are due to the below property owner, who qualify for 100% Disabled Veteran Status.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
4440	226.01	10	Mills, Thomas M & Edith H 22 N Main St #C Cape May Court House, NJ 08210  Property location: 22 N Main St	\$250.00

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 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.

12. RESOLUTION 368-23 – EMERGENCY PURCHASE – PUMP STATION – 97 HOLLY AVENUE – 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 pump station located at 97 Holly Ave, Rio Grande, NJ 08242; and

WHEREAS, it was deemed an imminent hazard by the Superintendent of Sewer Department; 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 pump replacement at 97 Holly Ave, Rio Grande, NJ 08242, as stated by the Superintendent of Sewer Department. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

WHEREAS, the emergency sewer pump replacement shall be awarded to GE MECHANICAL, INC. of Vineland, NJ 08360 in the amount of \$35,640.00

GE Mechanical, Inc.  
2316 South Main Road  
Vineland, NJ 08360

13. RESOLUTION 369-23 – MIDDLE TOWNSHIP ANNUAL FREE YARD SALE – 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 Township Committee of the Township of Middle, County of Cape May, does hereby authorize the annual free yard sale to be held September 15, 16 and 17, 2023 in the Township of Middle.

14. RESOLUTION 370-23 – CLOSED SESSION – PENDING LITIGATION (CMC HERALD 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 (CMC HERALD V. MIDDLE TOWNSHIP)

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

PENDING LITIGATION (CMC HERALD 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.

## 15. ENGINEERING REPORT:



Township of Middle  
Project Status Report  
August 21, 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
    - Contractor to commence repair week of August 28th

### Norbury Landing Project

- Park Opened.
- Gazebo and furniture to be installed week of September 4, 2023.
- Landscaping - Week of September 18, 2023.
- Completion by October 1, 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
- Construction 75% complete.

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

- Construction 100% completed.

### 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

Project Status Report  
August 21, 2023

Page 2 of 2

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

- Exhaust fans should be installed in the next 2 weeks.
- Contractor started construction week of August 14<sup>th</sup>.

### Goshen Basketball Courts

- Construction completed.

### Church Street

- Grant received for fiscal year 2023 in the amount of \$221,075.00
- Schedule
  - Survey – Completed
  - Project currently under design.
  - NJDOT Approval (waiting on approval).
  - NJ Transit requesting full crossing specifications, including signals.
  - Project submitted to NJDOT without improvements to railroad right-of-way.

### Ockie Wisting Park

- Material ordered by contractor (waiting on shipment date).
- Pre-construction meeting held on May 24, 2023 at 10:00 a.m.
- Construction started August 21<sup>st</sup>.

### Avalon Fishing Pier

- Requesting quotes for sign package.

### Rio Grande Re-Development

- Report to be completed by August 11, 2023.
- To be reviewed by Attorney and Clerk.
- Tentative date for Planning Board Meeting, October 10, 2023.

### Middle Township Public Works Parking Lot

- Survey to be completed September 8<sup>th</sup>.

### Clarence Davies Sports Complex

- Completing plans for ADA playground and snack stand playground.
- Estimated bid date – October 2023.

FINAL/MIDDLE/GENERAL/PROJSTATUS/2023/8-21-23

## 16. PUBLIC COMMENT:

*Lillian Wing, Whitesboro, raised concern about obstructed views on Indian Trail towards Route 9 from cars property at property on Indian Trail.*

*Vince Orlando stated he could send a message over to Robert Church to notify him as it is a county road.*

*Chief Pooler advised she would send an officer out to evaluate the obstruction of view.*

Motion to enter closed session – 6:11pm

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 – 6:26 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 – 6:27 pm

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

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

Kimberly D. Osmundsen, Township Clerk

Minutes Prepared By: E.Bartleson