

Cape May Court House, NJ
 October 16, 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. 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.)

Ed Dillio, CMCH, asked about item 5 and the plaque criteria.

Mayor Donohue explained memory lane is specific to memorializing a specific person. Further explained this amendment cleans up the ordinance to establish regulations of the program.

Ed Dillio, CMCH, explained he is looking for something to dedicate the unborn.

Wanda Matthews, Whitesboro, asked about item 13.

Kimberly Osmundsen explained the assignment of tax lien process.

Wanda Matthews, Whitesboro, about item 23.

Kimberly Osmundsen explained the best practice inventory and its purpose.

Dawn Robinson, Burleigh, further asked about item 13.

Kimberly Osmundsen explained lien reassignment.

2. RESOLUTION 442-23 – 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	616.50
Current Fund CY	3.01	134,856.64
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	10,258.94
General Capital	C.04	26,642.75
Sewer Capital	C.08	248,207.54
Grants	G.06	115,289.64
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	3.60
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	7,598.00
Zoning Escrow	T.19	756.25
Zoning Escrow	E.19	870.00
Unemployment Trust	T.20	-

C.O.A.H	T.27	-
Recreation Trust	T.28	7,496.42
TOTAL		552,596.28

3. RESOLUTION 443-23 – 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: 10/02/2023 Regular Meeting
4. REPORTS: Tax/Sewer Collector for month of September; Sterbeck Harbor for month of September; Clerk for month of September;
5. ORDINANCE 1684-23 – AN ORDINANCE AMENDING CHAPTER 188, PARKS AND RECREATION, ARTICLE IV, MEMORY LANE PROGRAM, OF THE CODE OF THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1684-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/20/2023 at 6:00 p.m.
WHEREAS, The Township of Middle established a memorial dedication program in order to allow members of the public to purchase memorial plaque, a municipal tree with a memorial plaque, and municipal brick with memorial engraving located at various locations within the Township of Middle in order to honor deceased loved ones; and
WHEREAS, the Township of Middle established an application process and guidelines and procedures governing said process; and
WHEREAS, it continues to be in the best interest of residents and visitors alike to continue and expand the program for the use of the general public; and
NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:
Section 1. Chapter 188, Article IV, Memory Lane Program, is hereby amended as follows:
Memorial Lane Dedication Program.
The Township of Middle shall permit the dedication of trees, bricks, benches, and installation of memorial plaques to remember deceased individuals and families on Township-owned property through a Memorial Lane Dedication Program.
Memorial Trees shall be dedicated and plaques installed in accordance with the following regulations:
 - A. The fee for a dedicated tree and memorial plaque shall be \$500 for a larger tree species or \$300 for a smaller tree species. The dedication of a tree will run for an indefinite period of time. The tree and memorial plaque will be purchased and engraved by the Township of Middle, if required, from the aforementioned fee, and said tree and plaque shall become the exclusive property and responsibility of the Township of Middle and as such, will be maintained, pruned and if necessary, removed by the Township of Middle. In case of the tree’s demise, the Township of Middle is not responsible for its replacement or for notifying the donor and/or honoree.
 - i. In the sole discretion of the Township Committee of the Township of Middle, this fee may be waived on a case-by-case basis by Resolution, upon a showing of exceptional circumstances.
 - B. Applications shall be obtained from and, after completion, returned to the Memory Lane Coordinator. Applications for specific locations shall be considered on a first-come, first-serve basis. The Middle Township Memory Lane Coordinator will inform the applicant of the plaque installation and dedication ceremony date.
 - C. Memorial Trees and Memorial Plaques shall be of a size, style, and material determined and approved by the Memory Lane Coordinator. Inscriptions set forth on said plaques shall be reviewed and approved at the sole discretion of the township.
 - D. Memorial Tree locations are subject to the final approval of the township.
 - E. No individual or organization may make improvements or install a memorial plaque on any tree or public space without the express approval of the Township of Middle
Memorial Bricks shall be dedicated and engraved in accordance with the following regulations:
 - F. The fee for a dedicated brick and engraving shall be \$200 for a 9x15 brick or \$175 for a 9x9 brick. The dedication of a brick will run for an indefinite period of time. The brick will be purchased and engraved by the Township of Middle, if required, from the aforementioned fee, and said brick shall become the exclusive property of the Township of Middle.
 - i. At the sole discretion of the Township Committee this fee may be waived on a case-by-case basis, by Resolution, upon a showing of exceptional circumstances.
 - G. Applications shall be obtained from and, after completion, returned to the Memory Lane Coordinator. Applications for specific locations shall be considered on a first-come, first-serve basis. The Memory Lane Coordinator will inform the Applicant of the date of the installation.
 - H. Bricks and Memorial Engraving shall be of a size, style, and material determined and approved by the Township. Inscriptions set forth on said plaques shall be reviewed and approved at the sole discretion of the Township.
 - I. Memorial Bricks locations are subject to the final approval of the Township.
 - J. No individual or organization may make improvements or install a memorial brick without the express approval of the Township of Middle.
 - K. The Township of Middle shall not be responsible for the replacement of bricks that have been damaged or destroyed due to vandalism or natural occurrences. Applicants shall be responsible for the replacement of damaged or destroyed bricks at their sole expense.

Memorial Benches shall be dedicated and plaques installed on benches in accordance with the following regulations:

- A. The fee for a dedicated bench and memorial plaque shall be \$1,000. No more than one (1) memorial plaque will be permitted on any given bench. The dedication of a bench and installation of a memorial plaque will run for an indefinite period of time. The bench will be purchased by the Township of Middle, if required, from the aforementioned fee and said bench shall become the exclusive property of the Township of Middle.
 - i. In the sole discretion of the Township Committee of the Township of Middle, this fee may be waived on a case-by-case basis, by Resolution, upon a showing of exceptional circumstances.
- B. Applications shall be obtained from and, after completion, returned to the Memory Lane Coordinator. Applications for specific locations shall be considered on a first-come, first-serve basis. The Middle Township Memory Lane Coordinator will inform the Applicant of the date of the installation.
- C. Benches and Memorial Plaques shall be of a size, style and material determined and approved by the Township. Inscriptions set forth on said plaques shall be reviewed and approved at the sole discretion of the Township.
- D. Memorial Benches locations are subject to the final approval of the Memory Lane Coordinator.
- E. No individual or organization may make improvements or install a memorial plaque on any bench or public space without the express approval of the Township of Middle.
- F. The Township of Middle shall not be responsible for the replacement of benches or memorial plaques that have been damaged or destroyed due to vandalism or natural occurrences such as fire or hurricane. Applicants shall be responsible for the replacement of damaged or destroyed benches and memorial plaques at their sole expense.

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 provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.

6. ORDINANCE 1685-23 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY ESTABLISHING AN ANNUAL BUSINESS REGISTRATION LICENSE REQUIREMENT AND FURTHER CREATING A PROCEDURE AND POLICY TO COMPLY WITH NJ P.L. 2022, C.92, ADOPTED BY THE STATE OF NEW JERSEY, ESTABLISHING INSURANCE CERTIFICATE REQUIREMENTS - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1685-23 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/20/2023 at 6:00 p.m. BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1: ESTABLISHMENT

This Chapter shall be known and may be cited as Business Registration Licensing Requirement in the Township of Middle.

SECTION 2: APPLICATION FOR LICENSE; CONTENTS

Application for a license to conduct a business, or operate a business within the confines of the Township of Middle, shall be made to the Township Clerk. Upon application and the payment of the fee prescribed herein, a license shall be issued, which license shall bear the name of the person to whom it is issued, the nature of the business licensed, and the location at which the business is to be carried on.

SECTION 3: TERM OF LICENSE

All licenses under this chapter shall be due and payable on January 1st of each year and shall terminate and become invalid on December 31st.

SECTION 4: - DEFINITIONS

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

BUSINESS

Includes all kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in the Township, as set forth in N.J.S.A. 40:52-1 and acts amendatory and supplemental thereto, inclusive of transient businesses and merchants. A transient business shall include types of businesses that provide services to residents and business owners within the Township, inclusive of landscapers, contractors, builders, and other similar entities.

Transient businesses may be seasonal in nature, operating only during certain times of the year when demand for their services is high. They may also be location-specific, working in a particular region or area for a limited time period. These businesses may also have principal offices outside the boundaries of Middle Township, however, provide professional services to commercial and residential businesses within the Township.

PERSON

Includes an individual, firm, corporation, or any other organization, entity, or association.

PREMISES

Includes all land, structures, places, and also equipment, and appurtenances connected or used therewith in any business and also any personal property which is either affixed to or is otherwise used in connection with, any such business conducted on such premises.

SECTION 5: INSURANCE POLICY REQUIREMENT

It shall be unlawful for any person, firm, corporation, or other business entity to commence or carry on any profession, trade, business, or rental unit (inclusive of the owner-occupied premise) without first having

procured a business registration license from the Township authorizing such operation within the Township of Middle.

P.L. 2022, c.92 also outlines that the requirement to register shall include all business owners, regardless of size or industry.

An applicant conducting an occupation at one or more locations shall be required to obtain a business registration license for each address, building, or building unit (unless connected by a common interior door and used for the same occupation), property, structure, or premises to conduct such occupation. Non-compliance with any and all of the provisions of this Ordinance, or any other Ordinance adopted by the Township being in full force and effect, shall constitute a separate and distinct violation for each and every day that such occupation continues to be conducted without procuring a registration.

Middle Township Code Officials, or any of their designated representatives, shall enforce the registration license requirement, and the codes and regulations adopted herein, in all buildings, structures, and premises within the established boundaries of Middle Township.

Business Owners, and owners of a rental unit or units, are required to maintain liability insurance policies of no less than \$500,000.00.

The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

The owner of a business, owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating compliance with section 1 [C.40A:10A-1] of this act with the municipality in which the business, rental units, or multi-family home is located.

SECTION 6: ANNUAL FEE

The annual registration fee of seventy-five (\$75.00) dollars shall be paid to the Office of the Township Clerk, or other designated department, on a form as outlined and provided by the township, with all other insurance requirements as outlined in the law.

Application for such registration must be filed by December 1, by the owner or permissive user.

EFFECTIVE DATE: All businesses shall be required to register within 60 days of the adoption of this chapter.

LATE FEE: After the effective date as indicated above, thereafter for each year, all annual fees for business registration licenses are to be paid on or before December 1.

Any business owner or operator who conducts any business governed by this chapter of the Middle Township Ordinances, who has not paid the required annual fee set forth herein by the January 1st registration effective date, will be subject to a late fee of \$75 in addition to that fee which is normally required.

SECTION 7: POSTING LICENSES

Licenses issued under this chapter shall be posted at the place of business shown on the license in a conspicuous place. The license shall remain posted for the duration of the licensing year when issued, and so long as the licensed business is carried on.

SECTION 8: LOCATION RESTRICTION

No business shall be permitted on the location licensed other than that for which the license is issued.

SECTION 9: COMPLIANCE WITH OTHER LAWS REQUIRED: REVOCATION OF LICENSE.

The issuance of a license under this chapter is in addition to, and not in derogation of, any law of the State of New Jersey or ordinance of the Township regulating the business so licensed. Failure to comply with the regulations set out in the laws or ordinances shall be cause for revocation of the license by the Township Committee by due notice and hearing.

SECTION 10: ENFORCEMENT BY POLICE DEPARTMENT

The proper enforcement of the provisions of this chapter and related ordinances dealing with the regulation of businesses shall be a proper concern of the Police Department of the Township.

SECTION 11: PAYMENT OF TAXES

No business registration license may be issued until all delinquent local real property taxes on business-owned real property have been paid, and any license issued by the Township may be revoked or suspended if real property taxes have remained unpaid for a term of three consecutive quarters.

SECTION 12: VIOLATIONS AND PENALTIES

Any person, firm, corporation or other entity violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not less than \$500.00 nor more than \$5,000.00, or imprisonment for any term not exceeding 90 days, or both, for each violation. For the purposes of this chapter, each day during which the violation occurs shall constitute a separate offense.

SECTION 13: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 14: 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 15: This Ordinance shall become effective immediately upon final passage and publication, according to law.

7. RESOLUTION 444-23 – 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	SALARY	EFF. DATE
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Emily Bluhm	Municipal Court	Finance	Account Clerk	\$35,000.00	10/16/2023
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8. RESOLUTION 445-23 – CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFF. DATE
Brian Schwartz	Public Works	Mechanic’s Helper F/T T/A	Laborer 1 P/T Permanent	10/02/2023

9. RESOLUTION 446-23 – 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
Cheryl Mason	Public Works	Laborer P/T Permanent	10/12/2023

10. RESOLUTION 447-23 – CANCELLATION OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, a cancellation of taxes are due to the below property owners, who qualify for 100% Disabled Veteran Status as of the date listed below:

Account	Block	Lot	Owner/location	Date of Status	2023 tax	2024 tax
11728	941	6	Williams, Ralph 107 W Wiley St.	09/11/2023	902.12	1489.88
16056	473	54	Dagney, Edward J & Christine N 16 Lomurno Lane	09/08/2023	2, 047.59	3,290.88
17139	165.01	40	Shaffer, Charles D & Ginnette 461 Dias Creek Rd.	08/24/2023	2,360.89	3,346.15

11. RESOLUTION 448-23 – 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 is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
11728	941	6	Williams, Ralph 107 W Wiley St.	134.42
16056	473	54	Dagney, Edward j 7 Christine N 16 Lomurno Lane	352.43
17139	165.01	40	Shaffer, Charles D 461 Dias Creek Rd.	639.81

Please make checks payable and mail to owners:

Williams, Ralph
P O Box 28
Whitesboro, NJ 08252-0028
Dagney, Edward J & Christine N
16 Lomurno Lane
Cape May Court House, NJ 08210-2537
Shaffer, Charles D & Ginnette
461 Dias Creek Rd.
Cape May Court House, NJ 08210-2072

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 a check in the above noted amount 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 449-23 THROUGH 450-23 – REFUND OF SEWER (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, a tax payment for the 4th Quarter was made via ACH for the below referenced property; and

WHEREAS, said property has since been sold resulting in a need to refund the former owner.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
18918	264	60.01 C0010	SOENS, JACKLIN & CRAIG 202 OSPREY DRIVE	160.00

Please make check payable and mail to:

CHRISTINE GIARDINI
522 DOWNING COURT
EXTON, PA 19341

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 a check in the above noted amount payable to the above-mentioned party, as a refund of 2023 sewer

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

(B) WHEREAS, a tax payment was made via ACH for the below referenced property; and WHEREAS, said property has since been sold resulting in a need to refund the former owner.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
17885	95.06	12	BYRNE, CASEY & KATIE 21 SAND CASTLE DRIVE, CMCH	\$160.00

Please make check payable and mail to:

DANIEL SPEIGEL
128 W GLENWOOD AVE.
WILDWOOD, NJ 08260

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 a check in the above noted amount payable to the above-mentioned party, as a refund of 2023 sewer

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

13. RESOLUTION 451-23 – ASSIGNMENT OF TAX TITLE LIEN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2017-9095 acquired under N.J.S.A. 54:5-34; and,

WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and

WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and

WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Cape May County Herald, within five days prior to the action as required by law.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Middle, County of Cape May, State of New Jersey on this 16th day of October 2023 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2017-9095 in the amount of \$1,959.36 plus the cost of advertisement to:

Cama Plan FBO Ksenia Augsberger IRA and Camp Plan FBO Edward Augsberger IRA
416 Dock St.
Wildwood, NJ 08260

For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under N.J.S.A. 54:5-113,

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized to execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

14. RESOLUTION 452-23 – AFFIDAVIT OF ASSIGNMENT POSTING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. State of New Jersey

Ss

County of Cape May

I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

1. I am the Tax Collector of The Township of Middle, County of Cape May, and State of New Jersey.
2. A notice of assignment for tax title lien #2014-7559 was mailed to the assessed owner, Hailey, William E for Block 920 Lot 1 by certified and regular mail pre-postage paid.
3. Notice of assignment was published in the Cape May County Herald, Rio Grande, New Jersey on October 11, 2023.
4. A Copy of the Notice of Sale was set up in three of the public places in the Municipality, namely:
 1. Middle Township Municipal Hall
33 Mechanic St
Cape May Court House, NJ 08210
 2. Rio Grande Post Office
1087 Rte 47 S
Rio Grande, NJ 08242
 3. Cape May Court House Post Office
615 Rte 9 S
Cape May Court House, NJ 08210

15. RESOLUTION 453-23 – 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
Lee, Joanne B & Oddaely, Tyrell L	419 Route 47 North	1 // 23	\$256.60
Lee, Joanne B & Oddaely, Tyrell L	419 Route 47 North	1 // 23	\$731.12

16. RESOLUTION 454-23 – TABULATION COMMITTEE – DEL HAVEN ROAD RECONSTRUCTION PROJECT – 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 November 6, 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:

DEL HAVEN ROAD RECONSTRUCTION PROJECT

17. RESOLUTION 455-23 – INSERTION OF A SPECIAL ITEM OF REVENUE – FY2023 BULLETPROOF VEST PARTNERSHIP – 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:

FY2023 Bulletproof Vest Partnership (BVP) \$8,671.50

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

FY2023 Bulletproof Vest Partnership (BVP) \$8,671.50

18. RESOLUTION 456-23 – RATIFY PROMISE OF DEFENSE AND INDEMNIFICATION AGREEMENT WITH CAPE MAY COUNTY FOR USE OF COUNTY PARKING LOT & CLOSURE OF MECHANIC STREET – HARVEST FESTIVAL – 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 Promise of Defense and Indemnification Agreement between the County of Cape and the Township of Middle for the use of the County Parking Lot on October 28, 2023 (rain date October 29, 2023) and for the closure of Mechanic Street from 5pm Friday, October 27, 2023 to 10pm Sunday October 29, 2023 for the Harvest Festival, be and is hereby ratified.

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

19. RESOLUTION 457-23 – AWARD OF BID – CONTRACT #2023-14 – MIDDLE TOWNSHIP DEL HAVEN WATER LATERAL CONNECTION ASSISTANCE PROJECT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-14, and

WHEREAS, bids were received on October 4, 2023, and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the Del Haven Water Lateral Connection Assistance Program be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2023-14	Ben's Pro Serv	\$2,885.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

20. RESOLUTION 458-23 – RESCINDING RESOLUTION 313-22 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – GOVPILOT – GOVERNMENT MANAGEMENT SOFTWARE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, Resolution No. 313-22 is hereby rescinded.

21. RESOLUTION 459-23 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – GOVPILOT – GOVERNMENT MANAGEMENT SOFTWARE – 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 Agreement between GovPilot and the Township of Middle for government management software, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

GovPilot
Term 10/16/2023 through 06/30/2025
Not to Exceed \$29,000.00 Annually

22. RESOLUTION 460-23 – AMENDING RESOLUTION 434-23 – TRICK OR TREAT 2023 – On motion by Committeeman Gandy 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, County of Cape May, State of New Jersey, that Resolution 434-23 shall hereby be amended and correct to reflect the day, Tuesday, October 31, 2023.

23. RESOLUTION 461-23 – APPROVE NJ DCA REQUIRED CY 2023 / SFY 2024 BEST PRACTICE INVENTORY PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the State’s Fiscal Year 2024 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services (“Division”) to determine how much of each municipality’s final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory (“Inventory”) to be completed by each municipality, and

WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability and transparency, and

WHEREAS, one requirement of said Act is that the governing body consider the Inventory at a public meeting, a copy of which has been attached to and is made part of this resolution, and

WHEREAS, all members of the governing body have received and have familiarized themselves with said Inventory.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that:

1. The appropriate parties are hereby authorized to sign the “Best Practices” Worksheet and Certification Form, certifying as to the accuracy of the information provided in the CY 2023 / SFY 2024 Best Practices Inventory.
2. That the Township Clerk certifies that the Best Practices Checklist for the Township of Middle was approved by the governing body at the Township Meeting held on October 16, 2023.

24. ENGINEER’S REPORT:

EDA ENGINEERING DESIGN ASSOCIATES, P.A.
ENGINEERS ENVIRONMENTAL PLANNERS LANDSCAPE ARCHITECTS

Township of Middle
Project Status Report
October 16, 2023
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

Norbury Landma Project

- Park Opened.
- Landscaping – Week of September 18, 2023.
- Storm Damage Repair – Week of October 16, 2023
- Completion by November 1, 2023.

3rd Ave & Walsh Reconstruction & Construction of New Roadway

- Bids received 12/21/22.
- Contract Awarded to CTX Construction.
- Construction 85% complete.
- Paving 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.

Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building

- 100% 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.

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

Project Status Report
October 16, 2023 Page 2 of 2

- Oakie Widening Park**
- Construction started August 21st.
 - Light poles and fixtures on back order.
- Avalon Fishing Pier**
- Waiting for Certificate of Authorization from sales representatives.
- Rio Grande Re-Development**
- Report to be completed by August 11, 2023.
 - Reviewed report with attorney during site visit.
 - Report currently being revised.
- Middle Township Public Works Parking Lot**
- Survey to be completed.
 - Working on Plans and Specifications (Completion December 1, 2023)
- Clarence Davies Sports Complex**
- Completing plans for ADA playground and snack stand playground.
 - Estimated bid date – November 2023.
- Del Haven Road Paving**
- Plans and Specifications Completed.
 - Tabulation Committee on October 16, 2023 Agenda.

Kimberly Osmundsen asked if Norbury Landing was closed.

Vince Orlando explained only the section effected by the erosion.

Mayor Donohue asked about scope of Del Haven Road project.

Vince Orlando discussed bid spec.

Kimberly Osmundsen explained they believe they can get a majority of the roads completed as long as they come in as priced.

25. PUBLIC COMMENT:

David Robinson, Cape Issues, commended Committee for their efforts to clean up homeless issues in Rio Grande. Explained issue of not having housing options for homeless to go. Reference article he wrote on housing issues. Continued to discuss housing regulations from the State and his issues with those regulation. Further discussed personal issues with the State in relation to his own rental premise and his inability to collect rent or receive grant funding through the state. Asked Committee to review his housing plan and help to push it up to Trenton. Began to discuss his situation with the Zoning Board and conforming his house to regulations. Asked the Township to minimize zoning regulations to create a faster process for property owners.

Mayor Donohue stated he has read Mr. Robinson's letter and article. Explained most of the zoning laws and housing laws are out of their hands but he would speak with the state legislative representatives. Further explained how regulations implemented by the state has affected the Township.

Arlene Robinson, Whitesboro, asked about property tax inquiry reports. Discussed delinquency information being made available to the public.

Kimberly Osmundsen explained the only time they keep track of who physically pays on a property is typically if a lien is on the property otherwise, they have no mechanism to track who pays the tax on a property.

Arlene Robinson, Whitesboro, asked what happened if there is a discrepancy on the tax reports for what taxes are owed.

Kimberly Osmundsen explained lien redemption process and the effect interest has on that requested information.

Arlene Robinson, Whitesboro, continued to ask about the reporting on a property tax inquiry report.

Kimberly Osmundsen continued to review process.

Dawn Robinson, Burleigh, further questioned why would there be a different between amounts.

Kimberly Osmundsen further explained the sheet provided is a lien redemption request report is asked for and the amounts shown.

Bobby Harrison, Whitesboro, discussed homeless individuals and placement of the homeless. Discussed personal experience with being homeless. Provided ideas for establishing a place for homeless.

Cheryl Cisrow, Whitesboro, discussed her drive down an unpaved road a mile off of Pennsylvania Ave where there is one house and another being built. Asked why a house is being permitted to be built with the road being paved.

Kimberly Osmundsen asked about the location of the houses. Explained there is one house in that area that was grandfathered in but she will look into the other house that is being built. Explained the original house was built prior to the road paving requirement.

Dawn Robinson, Burleigh, asked when the requirement went into place.

Kimberly Osmundsen stated 1988.

Arlene Robinson, Whitesboro, asked if there are plans for paper streets to be paved in the future.

Mayor Donohue explained it depends of the definition of a paper street.

Kimberly Osmundsen explained there are hundred upon hundreds of paper streets in Middle Township which would then have to be maintain, brought to grade and have drainage placed. Arlene Robinson, Whitesboro, explained issues with massive holes on her streets.

Kimberly Osmundsen asked what road she was referring to.

Arlene Robinson, Burleigh, stated Bates and Dunbar.

Dave Robinson, Cape Issues, advised he was informed that any Planning or Zoning Board regulation changes must be presented to Township Committee. Explained time was of the essence.

Bobby Harrison, Whitesboro, spoke of area of Ferguson and Reeves Street, 13 curves and the smooth finish of the streets. Stated he believes money should be spent on his speech as well.

Mayor Donohue explained the precedent that is set once one paper street is paved by the Township. Explained they work hard to be fair when paving street throughout the Township.

Wanda Matthews, Whitesboro, asked how a street becomes a paper street,

Vince Orlando gave background on paper streets. Continued to give background on the paving of 13 curves.

Kimberly Osmundsen further explained the spurs off of 13 curves were paved by homeowners that wanted to build in those areas.

Vince Orlando continued to discuss various paper streets throughout the Township.

Dawn Robinson, Burleigh, discussed property which is 200 ft off her property and how far she would have to go to pave.

Vince Orlando explained the pavement would have to be the ___ length of the property frontage while would be about 75 feet for her property. Further explained ordinance requirement.

Bobby Harrison, Whitesboro, discussed understanding of street paving that once he built the road the Township would assume responsibility.

Vince Orlando explained road paving process by a property owner and street acceptance.

Cheryl Cisrow, Whitesboro, asked if as a community they can apply for a grant to pave paper streets in Whitesboro.

Vince Orlando advised he was not aware of any grant available.

COMMITTEE COMMENTS:

Committeeman Norris:

- *The next Wednesday would be the Halloween Parade.*
- *The following night would be the Halloween House decorating contest judging.*
- *First disc golf tournament would be the upcoming Saturday at Ockie Wisting at 9am.*
- *Harvest Festival would be the next Saturday the 28th.*

Mayor Donohue:

- *Reiterated that the Harvest Festival was the next Saturday, October 28th.*

Motion to adjourn meeting – 7:11 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk

Minutes prepared by: E. Bartleson