

Cape May Court House, NJ  
 November 6, 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, & Municipal Solicitor Matt Rooney

1. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE MATTERS AWARD – JAMAR MACK
2. PRESENTATION BY MAYOR AND COMMITTEE – MICHAEL CLARK – WALL OF MAYORS
3. 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, requested the audit report be put out for the public.*

*Kimberly Osmundsen explained the document she provided to him was a synopsis of the audit which is advertised in the Cape May County Herald and on the Township website. She further explained what is included in the audit synopsis.*

4. RESOLUTION 462-23 – 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	-
Current Fund CY	3.01	6,157,741.65
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	47,725.83
General Capital	C.04	75,774.65
Sewer Capital	C.08	35,640.00
Grants	G.06	26,206.90
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	32.74
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	8,585.14
Zoning Escrow	E.19	18,301.00
Unemployment Trust	T.20	1,348.21
C.O.A.H	T.27	2,412.75
Recreation Trust	T.28	5,656.92
TOTAL		6,379,425.79

5. RESOLUTION 463-23 – 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: 10/16/2023 Regular Meeting and Work Session

6. REPORTS: Zoning Report for the month of October; Tax/Sewer Collector for month of October; Sterback Harbor for month of October; Clerk for month of October

7. ORDINANCE 1683-23 - 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 965 LOT 7 IN THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1683-23 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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 965, Lot 7 (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 Harold Austin, the owner of a property contiguous to the Subject Property; and

WHEREAS, there are, in total, two (2) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 965 Lot 6 -	Harold Austin P.O. Box 3162 Jamaica Plain, MA 02130-3162
Block 968 Lot 8 -	Sharon Bretti 411 Smith Road Yorktown Heights, NY 10598-2014

WHEREAS, the two (2) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the two (2) 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 965 Lot 7 is \$1,900.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$1,900.00, 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; and

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 965, Lot 7 to the highest bidder of an open (private) auction to be held on November 29, 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 two (2) owners of property contiguous to that portion of Block 965, Lot 7 which is offered for sale shall participate; and

2. The minimum bid shall be \$1,900.00; 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.

*NO COMMENT*

8. RESOLUTION 464-23 – 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
Abigail Jenner	Municipal Court	Clerk 1 F/T Permanent	\$30,000.00	10/30/2023
Ryan Hanahan	Municipal Court	Clerk 1 P/T	\$15.00 per hr	11/13/2023

9. RESOLUTION 465-23 – 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
Cynthia VanTrieste	Public Works	Clerk 2	10/28/2023
Ryan Gallagher	Recreation	Recreation Aide P/T	10/01/2023
Luke Smearman	Public Works	Laborer 1 F/T T/A (6 months)	10/27/2023

10. RESOLUTION 466-23 – ACCEPTING CORRECTIVE ACTION PLAN – AUDIT 2022 – 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 resolution is hereby accepted as the Corrective Action Plan for the 2022 Audit for the Township of Middle and be it further resolved that a copy of the Corrective Action Plan be electronically forwarded to the Department of Community Affairs, Division of Local Government Services as well as a copy of this Resolution be forwarded to Ford Scott & Associates, LLC, Registered Municipal Accountants:

Audit Findings:

- Finding 2022-1: All Township bank accounts were not being reconciled to the General Ledger promptly and accurately on a monthly basis.
  - Recommendation: All Township Bank Accounts be reconciled to the General Ledger promptly and accurately on a monthly basis and that any and all differences be investigated and properly recorded and that interfund items be liquidated timely by the end of the subsequent month.
  - Explanation and Corrective Action: The Township has retained a new CFO who is aware of the requirements regarding bank reconciliations.
  - Implementation Date: Corrective Action is already being implemented.
- Finding 2022-2: The General Ledger was not accurately being maintained and many entries were incomplete or incorrect.
  - Recommendation: The General Ledger be maintained in an accurate and timely manner.
  - Explanation and Corrective Action: The Township has retained a new CFO who is aware of the requirements regarding the maintenance of the General Ledger.
  - Implementation Date: Corrective Action is already being implemented.

Unresolved Prior Year Audit Findings:

1. The 2021 Audit contained findings that were similar to Finding 2022-1 and 2022-2. As noted above, corrective action is already being implemented.

FURTHER BE IT RESOLVED, that a copy of this Resolution will be electronically forwarded to the Department of Community Affairs Division of Local Government Services.

11. RESOLUTION 467-23 – LOCAL FINANCE BOARD – ANNUAL AUDIT OF BOOKS, ACCOUNTS & TRANSACTIONS – CERTIFYING REVIEW OF ANNUAL AUDIT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40A:5-4 requires that governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and WHEREAS, the Annual Report of Audit for the year ending December 31, 2022 has been filed by a Registered Municipal Accountant with the Township Committee and also Kimberly Osmundsen, Township Clerk, as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and WHEREAS, The Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

Findings and Questioned Costs or  
Findings and Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

Findings and Questioned Costs or  
Findings and Recommendations

As evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no further than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed o the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject he members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer of member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said board to show evidence of said compliance.

12. RESOLUTION 468-23 THROUGH 469-23 – CANCELLATION OF TAXES (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 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
5714	348.01	36	Crossland, Adam & Figueroa, Raymond, 565 Shunpike	09/27/2023	70.67	3,371.23
6237	397	20	Stoltzfus, Richard A & Vida 13 N 11 <sup>th</sup> St.	10/16/2023	830.01	2,019.02

(B) WHEREAS, a cancellation of taxes is due to the below property owners, who qualify for 100% Disabled Veteran Status as of 9/5/2023

Account	Block	Lot	Owner/location	2024 tax
15176	163.01	18	Neill, William & Amanda Property location: 16 West Woodland Ave	\$5,439.15

13. RESOLUTION 470-23 THROUGH 471-23 – REFUND OF TAXES (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 refund is due to the below property owner due to a lien investor paying on a property that recently file chapter 13 bankruptcy.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023 TAX	2023 SEWER
6675	428	3	Sherwood, Maria E Property location: 7 Lafayette Ave	\$848.90	\$160.00

Please make check in the amount of \$1,008.90 payable to:

Fig 20 LLC FBO SEC PTY  
P O Box 12225  
Newark, NJ 07101-3411

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 and 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 refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
5714	348.01	36	Crossland, Adam & Figueroa, Raymond	70.67

Please make check payable and mail to owner:

Adam Crossland  
565 Shunpike  
Cape May Court House, NJ 08210-2613

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.

14. RESOLUTION 472-23 THROUGH 473-23 – ASSIGNMENT OF TAX TITLE LIEN (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2020-0244 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 6<sup>th</sup> day of November, 2023 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2020-0244 in the amount of \$939.00 plus the cost of advertisement to:

GKA HOMES  
5 ERNEST WINFIELD DR.  
CAPE MAY, NJ 08204

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 execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

(B) WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2021-0202 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 6<sup>th</sup> day of November, 2023 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2021-0202 in the amount of \$333.57 plus the cost of advertisement to:

GKA HOMES  
5 ERNEST WINFIELD DR.  
CAPE MAY, NJ 08204

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 execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

15. RESOLUTION 474-23 – 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 #2017-9095 was mailed to the assessed owner, for block 933 lot 2 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 November 1, 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

16. RESOLUTION 475-23 – 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.

17. RESOLUTION 476-23 – AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND – MAVIS SOUTHEAST LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Mavis Southeast LLC has received certain approvals for the property located at 3158 Route 9 South to include landscaping 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 \$50,000.00, is hereby accepted.

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

18. RESOLUTION 477-23 THROUGH 478-23 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

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

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2023 in the sum of:

MLK Center HVAC Improvements, County of Cape May CV Community Development Block Grant  
\$124,880.00

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

MLK Center HVAC Improvements, County of Cape May CV Community Development Block Grant  
\$124,880.00

(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:

Senior Center HVAC Improvements, County of Cape May CV Community Development Block Grant  
\$76,639.00

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

Senior Center HVAC Improvements, County of Cape May CV Community Development Block Grant  
\$76,639.00

19. RESOLUTION 479-23 – EMERGENCY PURCHASE – PUMP STATION – 470 ROUTE 9 NORTH – 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 470 RT 9 North, Cape May Court House, NJ 08210; 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 repair at 470 RT 9 North, Cape May Court House, NJ 08210, 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 repair shall be awarded to GE MECHANICAL, INC. of Vineland, NJ 08360 in the amount of \$5,220.00

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

20. RESOLUTION 480-23 – APPROVE CHANGE ORDER NO 5 – NORBURY LANDING PARK IMPROVEMENTS – WALTER’S MARINE CONSTRUCTION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a Contract was awarded, on November 7, 2022 via Resolution No. 468-22 to Walter’s Marine Construction for the Norbury Landing Park Improvements.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #5 for the project awarded to Walter’s Marine Construction for the Norbury Landing Park Improvements project is hereby approved, and that the change order results in an increase of \$31,100.00 for an amended contract amount of \$532,825.00.

21. RESOLUTION 481-23 – ESTABLISHING: 1 FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS AND 3. POSITIONS FOR WHICH PROPOSALS SHALL BE SOLICITED – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 19:44A-20.4 et. seq. requires that contracts with a value exceeding \$17,500 be awarded pursuant to a “fair and open” or “non-fair and open” process; and WHEREAS, the Township Committee feel the best interests of the residents of Middle Township would be best served by the Township requesting proposals and qualifications, and considering and awarding contracts by use of a Fair and Open process; and WHEREAS, the Township Committee desires to establish the Fair and Open Process; and WHEREAS, the Township Committee desires to establish the criteria for the consideration of proposals and qualifications, and the award of contracts submitted in accordance with the Fair and Open Process; and WHEREAS, the Township Committee desires to establish the positions which for the year 2024 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that:

1. THE FAIR AND OPEN PROCESS

A. The Township Committee of the Township of Middle has determined that the following procedure constitutes a fair and open process and shall be the manner in which requests for proposals and qualifications are sought, accepted, and awarded:

1. A request for proposals and qualifications shall be publicly advertised on the Township of Middle’s internet website beginning on November 8, 2023 and continuing on the website through December 13, 2023 Said request will also be advertised in the Cape May County Herald Newspaper on November 15, 2023
2. The Township shall accept proposals until 10:00 am on December 13, 2023
3. Proposals shall be in a sealed envelope addressed to:  
 Kimberly D. Osmundsen  
 Township Clerk - Township of Middle  
 33 Mechanic Street  
 Cape May Court House, NJ 08210

**The envelope shall also state the name of the person or entity submitting the proposal and the position for which the proposal is submitted.**

4. The envelope shall contain one original and one copy of the proposal.
5. The proposal shall include (**this is mandatory**) at a minimum, a statement of the following:
  - A. Qualifications and Experience of person or entity specifically with regard to the position sought
  - B. Scope of Services proposed to be provided
  - C. Contact Information, including name, address, phone number, email address
  - D. Fee Proposal including a “**Not To Exceed**” Amount,
  - E. Office Staffing Plan and Resources
  - F. Location of Office from which services shall be provided
  - G. References
  - H. Potential Conflicts
  - I. The Applicant should provide a proposal which includes a statement of licensing, others in his/her office who will provide services, a fee schedule which lists names, titles and fees for each person and for each of these services, and any other information deemed of importance by the Applicant.
6. On December 13, 2023 at 10:00am, the Township Clerk or representative shall open each of the proposals and shall announce the proposals received by name, and a short summary of the proposal and qualifications.
7. The proposals shall be submitted to Township Committee for consideration at its reorganization meeting, at which time Township Committee may award a contract by approving a resolution, or, it may choose to award at the next regularly scheduled Township Committee meeting. If a majority votes to seek interviews, interviews may be held between Township Committee and the person or entity that submitted proposals. Township Committee may send proposals to Township Board’s or Agency’s for consideration and approval as is appropriate.

2. CRITERIA BY WHICH REQUESTS FOR PROPOSALS AND QUALIFICATIONS SHALL BE EVALUATED

A. The Township of Middle hereby discloses in writing that all of the submissions in response to the Request for Proposals and Qualifications submitted through the fair and open process described above, will be evaluated by the Township Committee of the Township of Middle and awarded or rejected on the basis of the following criteria. Proposals will be evaluated by the Township Committee of the Township of Middle on

the basis of the most advantageous, price and other factors considered. The evaluation will consider:

1. Experience and reputation in the field
2. Knowledge of the Township of Middle and the subject matter to be addressed under the contract
3. Availability to accommodate any required meetings of the agency
4. Compensation proposal
5. Other factors if demonstrated to be in the best interest of the Township of Middle

B. The following criteria, found under the competitive contracting rules at N.J.A.C. 5:34-4.2, if determined to be of assistance, may also be considered by Township Committee. These criteria are not intended to be limiting or all-inclusive, and they may be adapted or supplemented in order to meet the Township Committee's needs. No criteria will unfairly or illegally discriminate or exclude otherwise capable vendors.

I. Technical criteria:

a. Proposed methodology:

- i. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?
- ii. Is the vendor's proposal complete and responsive to the specific RFP requirements?
- iii. Has the past performance of the vendor's proposed methodology been documented?
- iv. Does the vendor's proposal use innovative technology and techniques?
- v. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?

II. Management criteria:

a. Project management:

- i. How well does the proposed scheduling timeline meet the agency's needs?
- ii. Is there a project management plan?

b. History and experience in performing the work:

- i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
- ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
- iii. Does the vendor document industry or program experience?
- iv. Does the vendor have a record of moral integrity?

c. Availability of personnel, facilities, equipment and other resources:

- i. To what extent does the vendor rely on in-house resources vs. contracted resources?
- ii. Are the availability of in-house and contract resources documented?

d. Qualification and experience of personnel:

- i. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
- ii. Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
- iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?

III. Cost criteria:

a. Cost of goods to be provided or services to be performed:

- i. Relative cost: How does the cost compare to other similar proposals?
- ii. Full explanation: Is the price and its component charges, fees, etc., adequately explained or documented?

b. Assurances of performance:

- i. If required, are suitable bonds, warranties, or guarantees provided?
- ii. Does the proposal include quality control and assurance programs?

c. Vendor's financial stability and strength:

- i. Does the vendor have sufficient financial resources to meet its obligations?

3. REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS

- A. Municipal Solicitor - Legal Advisor to the Township Committee and Administrative Staff. Includes all litigation, draft and review ordinances, resolutions, and any and all other matters regarding the Township's legal issues. Also, solicitor to Cable Television Advisory Board, Economic Development Council, Rent Leveling, Ethics Board, and Sewer and Water Department. Township Committee meets twice a month in the evening; there are frequent daytime meetings. Cable Advisory Board meets quarterly. The Solicitor is required to be in Township Hall at least one day a week to meet with department heads and employees. The Solicitor is expected to be immediately available to Township Committee members and the Administrator; at least one full time staff member is to be assigned to do Township work. Minimum qualifications are at least five years' experience in some governmental capacity.
- B. Municipal Engineer - The Municipal Engineer must be a Professional Engineer in the State of New Jersey, and have experience in Municipal Engineering. It is preferable that the Municipal



Engineer also be a Professional Planner. Other skills and licenses are also considered. The Municipal Engineer is to be the Principal Engineer for the Township. He is to advise Township Committee on all Engineering matters. He is to provide services on specific projects as the Principal Engineer, Project Engineer, Professional Planner, Project Technician, Environmental Specialist, Drafts Person, AutoCadd Technician, Administrative Assistant, Clerical (other than overhead functions), Inspector (Level One), Inspector (Level Two), and other engineering services as is necessary. The Municipal Engineer is also to be available to all Township Staff under the direction of the Municipal Administrator, and to make himself or herself regularly available in Township Hall. The Applicant should provide a proposal which includes a statement of licensing, others in his or her office who will provide services, a fee schedule which lists names and fees for each person and for each of these services, and any other information deemed of importance by the Applicant.

The engineering firms responding shall provide qualifications for the following minimum threshold criteria as follows:

1. A multi-disciplinary Engineering Firm licensed to provide engineering services in the State of New Jersey for a minimum of ten (10) years;
2. The Engineering Firm shall demonstrate experience with the design and or construction management of sanitary sewer projects within the Township of Middle in the past five (5) years.
3. The Engineering Firm shall demonstrate experience with governmental entities and particularly, NJDEP Divisions and Bureaus pertaining to wastewater facilities, land use regulation and water supply.
4. The Engineering Firm shall demonstrate that they have maintained a functioning office and staff within Cape May County for over ten (10) years and their office location in relationship to the Township of Middle will allow an ability to respond to construction field issues as well as to accommodate any required meetings of the Township.
5. The engineer shall submit resumes of the anticipated support staff to be utilized to conduct the proposed activities, with the minimum requirement of construction administration utilizing a NJ-licensed engineer.
6. The engineering firm shall have the ability to mobilize the required field staff within one week of contract award and authorization to proceed.

- C. Labor Solicitor - Legal Advisor to the Township Committee and Administrative Staff on labor law issues, including civil service issues, disciplinary matters, hiring and firing of employees, and negotiating contracts.
- D. Municipal Auditor - The auditor performs annual audit of Township Finances, assists with preparation of annual budget, and is always immediately available to discuss compliance with the Township Administrator and CFO.
- E. Municipal Prosecutor - Prosecutes in the Township's municipal Court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
- F. Municipal Public Defender - Represents defendants who qualify for public defender in municipal court. Court meets every Thursday and any special session as set forth by the Municipal Court Administrator.
- G. Zoning Board of Adjustment Solicitor - Attorney representing the Zoning Board of Adjustment. The Zoning Board meets one evening a month.
- H. Planning Board Solicitor - Attorney representing the Planning Board. The Planning Board meets two evenings a month.
- I. Grants Consultant - completes applications and makes efforts to obtain grants in a variety of areas, including but not limited to energy; housing rehabilitation; infrastructure; resilience and Community Rating System; recreation, parks and open space. Consultant is not expected to have expertise in all areas listed, and should indicate in the proposal their respective specialty.
- J. Bond Counsel - Legal Advisor to the Township Committee and Administrative Staff on issues regarding bond financing. Includes compliance with any and all necessary laws, state and federal, in the marketing and selling of the Township's bonds of any sort, including bond anticipation notes. Minimum qualifications are at least five years' experience in the municipal bonding field, and that the person have the demonstrated experience and capacity for marketing and selling municipal bonds.
- K. Planning Board Engineer - Engineer to the Planning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding planning issues. Planning Board meets twice a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
- L. Zoning Board Engineer - Engineer to the Zoning Board. Required to have planner certification as well as P.E. May be required to spend at least one day a week in Township Hall meeting with residents regarding zoning issues. Zoning Board meets once a month, during the evening hours. The Engineer is expected to be immediately available to the Board Attorneys, Zoning Board Officer, Board Members and Zoning and Planning Office. Minimum qualifications are at least five years' experience in some governmental capacity. Required to have sufficient staff to meet Township's demands.
- M. Risk Management Consultant - The consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume, or transfer the

risk loss. Shall assist the Municipality in understanding and selecting the various coverage's available from the Atlantic County Municipal Joint Insurance Fund, review with the Municipality any additional coverage's that the Consultant feels should be carried but are not available from the Fund and subject to the Municipality's authorization place such coverage outside the fund. Shall further assist in the preparation of applications, statements of values and similar documents requested by the Fund, review the municipalities' assessment as prepared by the Fund and assist the municipalities' preparation of its annual insurance budget. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Assist where needed in the settlement of claims, with the understanding that the scope of the Consultant's involvement does not include the work normally done by a public adjuster. And any other services as required

The Township of Middle may select, at its sole discretion, individuals or firms for these positions, so long as those individuals or firms meet or exceed the minimum requirements set forth in this resolution; however, the Township is under no obligation to select any firm even if qualified and will make any selection based on an overall evaluation of qualifications in the best interest of the Township. Once an appointment is made, no substitution of personnel may be made without the express written consent of the Township of Middle, which consent may be withheld in the township's sole discretion. The Township of Middle reserves the right to appoint other professionals to perform services as the need may arise.

22. RESOLUTION 482-23 THROUGH 483-23 – TABULATION COMMITTEE (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on November 29, 2023 at 11:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

**TOWNSHIP WIDE JANITORIAL SERVICES**

(B) WHEREAS, following public advertisement, proposals were received by the Township of Middle on October 18, 2023 at the Township Hall; and

WHEREAS, according to NJSA 40a:11-13.2(d) The contracting unit wants to substantially revise the specifications for the goods or services; and

WHEREAS, it appears to be in the best interest of the Township to reject the proposals and re-advertise the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all proposals received on October 18, 2023 for Alarm Billing Services 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 December 13, 2023 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

**REQUEST FOR PROPOSALS FOR BURGLAR & FIRE ALARM ADMINISTRATIVE SERVICES FOR TOWNSHIP OF MIDDLE**

23. RESOLUTION 484-23 THROUGH 486-23 – AWARD OF BID (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-15, and

WHEREAS, bids were received on October 20, 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
2023-15	Cape Coastal Home Improvements, LLC	\$2,450.00

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

(B) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-16, and

WHEREAS, bids were received on October 30, 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
2023-16	Majewski Plumbing & Heating, LLC	\$2,665.63

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

(C) WHEREAS, on October 11<sup>th</sup> 2023, the Township of Middle advertised for bids for 'One (1) New F-600 Super Duty 4x4 Truck with Dump Body; and

WHEREAS, on October 25<sup>th</sup> 2023, the Township received and opened two (2) bids; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, delivery within a 30-day period, which complies with specifications; and NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for ONE (1) NEW F-600 SUPER DUTY 4X4 TRUCK WITH DUMP BODY be and hereby is awarded to:

GENTILINI FORD, INC.  
WOODBINE, NJ  
AMOUNT: \$94,187.55

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

1. The term of the contract for F-600 Super Duty 4x4 Truck shall be for one (1) year commencing on November 7, 2023, or until delivery.
  2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with Gentilini Ford, Inc.
  3. Said award of contract shall be contingent upon the availability of funds for 2023.
24. RESOLUTION 487-23– AWARD OF RFP – BANKING SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, on August 15<sup>th</sup> 2023, the Township of Middle advertised for proposals for ‘Provision of Banking Services for Township of Middle; and WHEREAS, on September 13<sup>th</sup> 2023, the Township received and opened four (4) proposal; and WHEREAS, it appears that the following proposal submitted represents the best interest of the Township, and complies with specifications; and NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for BANKING SERVICES be and hereby is awarded to:

STURDY SAVINGS BANK  
CAPE MAY COURT HOUSE, NJ

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

1. The term of the contract for BANKING SERVICES shall be for three (3) years commencing on January 1, 2024.
  2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with Sturdy Savings Bank.
25. RESOLUTION 488-23 – AMENDING 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. WHEREAS, Resolution 363-23 approved on August 21, 2023 approved the appointment of various new employees including Jill Boethig; and WHEREAS, Jill Boethig never began her employment with the Township as outlined in said Resolution. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Resolution No. 363-23 shall hereby be amended to remove the hiring of Jill Boethig.

26. RESOLUTION 489-23 – 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 Ordinance, directed that a private auction to be held amongst contiguous owners of Block 894 Lot 3, at the meeting room, 33 Mechanic Street, Cape May Court House, N.J., and that certain lands and premises owned by, and situated within, the Township of Middle, County of Cape May, State of New Jersey, be sold, as follows:

Ordinance No.: 1661-23                      Adopted: September 18, 2023                      Sale Date: October 10, 2023  
9:00am

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

Block 894 Lot 3 – Grant Street

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows:  
Khaaron Watkins – Grant Street, Cape May Court House, New Jersey 08210

27. RESOLUTION 490-23 – 2023-2024 HOTEL/MOTEL LICENSE APPROVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle has established a Hotel/Motel License in connection with Ordinance No. 1157-04; and WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee; and WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1<sup>st</sup> of July in each calendar year; and WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property and sewer tax. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent; and

WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00; and

WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle; and

WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities; and

NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2023-2024:

LIC. #	APPLICANT	TRADENAME	LOCATION	SITES
24	2 N Main Street LLC	The Peninsula	2 N. Main Street	10

28. RESOLUTION 491-23 – APPROVING PUBLIC FACILITIES GRANT MANAGEMENT PLAN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle will apply for up to \$400,000 in Fiscal Year 2024 CDBG fund for a Public Facilities project to be implemented in 2024 to undertake continued ADA Compliance Improvements at the Township Municipal Building;

WHEREAS, the NJ Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities;

WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Grant Management Plan;

WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2024 Public Facilities project;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2024 Public Facilities project.

29. RESOLUTION 492-23 – APPROVING HOUSING REHABILITATION GRANT MANAGEMENT PLAN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle will apply for a Housing Rehabilitation project to be implemented in 2024 throughout the Township;

WHEREAS, the NJ Department of Community Affairs requires Middle Township to prepare a Grant Management Plan to define project staffing and project activities;

WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Grant Management Plan;

WHEREAS, the Township has prepared a Grant Management Plan for its Fiscal Year 2024 Housing Rehabilitation program;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Grant Management Plan for the Fiscal Year 2024 Housing Rehabilitation program.

30. RESOLUTION 493-23 THROUGH 494-23 – AUTHORIZING APPLICATION SUBMISSION (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the Township of Middle desires to apply for and obtain a FY 2024 grant from the New Jersey Department of Community Affairs for approximately \$200,000 to carry out a housing rehabilitation program to assist low- and moderate-income homeowners.

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 Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, 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 Community Affairs.

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:

(B) WHEREAS, the Township of Middle desires to apply for and obtain a FY 2024 grant from the New Jersey Department of Community Affairs for up to \$400,000 to carry out a Public Facilities project to undertake continued ADA Compliance Improvements at the Township Municipal Building.

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 Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, 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 Community Affairs.

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:

31. RESOLUTION 495-23 – ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM – 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 an applicant for Department of Community Affairs Fiscal Year 2024 funds for (1) up to \$400,000 from the NJ DCA Small Cities Program to undertake continued ADA Compliance Improvements at the Township Municipal Building and (2) up to \$200,000 from the NJ DCA Small Cities Program to rehabilitate owner occupied homes throughout Middle Township; and  
WHEREAS, the Township will enter into grant agreement(s) for said grant(s) if approved; and  
WHEREAS, that grant agreement(s) will require the Township of Middle to comply with all federal regulations with respect to citizen participation; and  
WHEREAS, the Township of Middle has reviewed the State Model Citizen Participation Plan prepared for Small Cities CDBG grantees;  
NOW, THEREFORE BE IT RESOLVED that the Mayor and the Township Committee of the Township of Middle, County of Cape May and State of New Jersey, that;
- The State Model Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG is adopted by the Township of Middle; and
  - The Township of Middle will follow all regulations set forth in that document throughout the term of the grant agreement cited above.
32. RESOLUTION 496-23 – ADOPTING HOUSING REHABILITATION POLICIES AND PROCEDURES MANUAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle will apply for \$200,000 for a Housing Rehabilitation project to be implemented in 2024 within the Township;  
WHEREAS, the Housing Rehabilitation project will be governed by a Policies and Procedures Manual;  
WHEREAS, the NJ Department of Community Affairs requires Middle Township to officially adopt its Policies and Procedures Manual;  
WHEREAS, the Township has prepared a Policies and Procedures Manual for its Fiscal Year 2022 Housing Rehabilitation program;  
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle adopts the Policies and Procedures Manual for the Fiscal Year 2024 Housing Rehabilitation program.
33. RESOLUTION 497-23 – IDENTIFYING SMALL CITIES FAIR HOUSING AND EQUAL OPPORTUNITY OFFICER – 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 applying for Fiscal Year 2024 Small Cities Community Development Block Grant applications for (1) up to \$400,000 from the NJ DCA Small Cities Program to undertake continued ADA Compliance Improvements at the Township Municipal Building and (2) up to \$200,000 from the NJ DCA Small Cities Program to rehabilitate owner occupied homes throughout Middle Township; and  
WHEREAS, the Township of Middle must make efforts to affirmatively further fair housing; and  
WHEREAS, the Township of Middle has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and  
WHEREAS, the Township of Middle has made assurances in the grant agreement that;
1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
  2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
  3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
  4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.
- NOW, THEREFORE, BE IT RESOLVED, that the Township Treasurer shall be designated as the Small Cities Program Fair Housing Officer for the Township of Middle; and  
BE IT FURTHER RESOLVED, that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and  
BE IT FURTHER RESOLVED, that the Fair Housing Officer shall provide fair housing and equal opportunity advisory services and assistance and referral advice to persons requesting such assistance from the Township of Middle; and  
BE IT FURTHER RESOLVED, that the Township of Middle will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.
34. RESOLUTION 498-23 – AUTHORIZING THE TRANSFER OF UNIT 502 – OLD STAGECOACH CAMPGROUND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Old Stagecoach Campground Condominium Association, Inc., (hereinafter “Association”) is a nonprofit corporation of the State of New Jersey comprised of the owners of units in the Old Stagecoach Campground Condominium;  
WHEREAS, the Master Deed for Old Stagecoach Campground, a Condominium, was originally filed in Deed Book 1803, p. 73 in the Cape May County Clerk’s Office;  
WHEREAS, Unit 502, located at 206 Stagecoach Road, Cape May Court House, New Jersey 08210, otherwise known as Block 167.01 Lot 75, Qualifier C0096 as shown on the Middle Township Tax Map, is currently owned by the Township of Middle, Cape May County, New Jersey (hereinafter “Township”);

WHEREAS, Unit 502 contains a portion of the Association's septic leach field and is therefore not a buildable lot;  
WHEREAS, the Association desired that Unit 502 become a Common Element, and the above referenced Master Deed and Master Plan of Lots for Old Stagecoach Campground Condominium was amended by the Association to convert Unit 502 into Common Elements of the Association, the amendment having been recorded with the Cape May County Clerk's office on September 12, 2023 in Deed Book 4132 Page 636;  
WHEREAS, the Township has agreed to convey Unit 502 to the Association by Deed which will be recorded upon conveyance in the County of Cape May Deed Book;  
NOW, THEREFORE, BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, that the transfer of said premises, upon the above said 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 the Association, by Deed which will be recorded upon conveyance in the County of Cape May Deed Book, free and clear of all taxes up to and including the calendar quarter during which said transfer shall occur;

35. PUBLIC COMMENT:

*Mary Ann Alulis, Cape May Court House, asked about updates to the Bike Path by Lena Avenue.*

*Vince Orlando stated he hoped work to be completed that week or early the following week,*

*Lillian Wing, Whitesboro, commented on the traffic pattern leaving the Walmart/Lowes parking lots and drivers making illegal left-hand turns.*

*Kimberly Osmundsen stated they would look into the situation with the Police Department and Traffic Committee.*

*Margarite Pain, Sun Avalon Campground, began to discuss concerns with her campground.*

*Kimberly Osmundsen explained she spoke with the Clerk's Office staff and is aware of her concerns.*

*Margarite Pain, Sun Avalon Campground, continued to discuss concerns with the new septic system in the campground and its effect on herself and her campsite.*

*Kimberly Osmundsen advise that they could send an email to the County Board of Health however this is not a situation the Township Committee would oversee.*

*Mayor Donohue stated that they would take her materials and would reach out to the County Board of Health and try to advocate on her behalf.*

COMMITTEE COMMENTS

*Committeeman Norris:*

- *Recognized the passing of Billy Dieffenderfer*
- *Urged everyone to go out to vote the next day.*

*Committeeman Gandy:*

- *Congratulated Jamar Mack.*
- *He then discussed the success of the Harvest Festival the previous week. Also urged everyone to go out to vote.*

*Mayor Donohue:*

- *Recognized the family of Billy Dieffenderfer and his passing.*
- *Further recognized the two grants received to upgrade the MLK Center and Senior Center.*
- *Commented on the success of Harvest Festival.*
- *Congratulated Michael Clark on his recognition and thanked him for his years of service and time on Committee.*
- *Commented on the election the following day.*

Motion to adjourn meeting – 6:47 PM

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

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

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Kimberly D. Osmundsen, Township Clerk