

Cape May Court House, NJ
 December 18, 2023
 REGULAR MEETING
 FLAG SALUTE
 THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM at the Middle Township Municipal Building. Members present were Mayor Donohue, Deputy Mayor Gandy, Committeemember Norris, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Matt Rooney

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

John Lauricella, Cape May Court House, asked about item 11 and the allowance of spending.

Mayor Donohue explained the grant.

John Lauricella, Cape May Court House, asked about electric bills and suggested solar panels.

John Lauricella, Cape May Court House asked about purchase of F250. Discussed gas costs and suggested moving to electric police cars.

James Pennington, Grande Woods North, asked about item 5 on the agenda. Discussed concerns of tenant member allowance on the proposed board. Read prepared speech regarding the proposed ordinance reorganizing the Rent Leveling Board membership.

Mayor Donohue explained intent of rewriting the ordinance is to simplify the membership requirements to more easily create a forum.

Kathy Pennington, Grande Woods North, read prepared speech regarding the proposed ordinance and rent increases requested by park owners.

Beech Fox, Edgewood Park owner, stated he was not supportive of the new proposed ordinance. Discussed rent increases and economy inflation that effect the park owners as well. Continued to discuss opposition to the ordinance.

2. RESOLUTION 538-23 – 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	10,936.00
Current Fund CY	3.01	318,178.80
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	12,975.25
General Capital	C.04	454,687.53
Sewer Capital	C.08	10,734.57
Grants	G.06	128,910.15
M.A.C.	M.24	863.60
Emergency Housing	R.23	-
Dog Trust	T.12	19.80
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	16,861.40

Zoning Escrow	T.19	3,032.50
Zoning Escrow	E.19	675.00
Unemployment Trust	T.20	2,929.68
C.O.A.H	T.27	-
Recreation Trust	T.28	10,228.71
TOTAL		971,032.99

3. RESOLUTION 539-23 – 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: 12/04/2023 Regular Meeting.

4. REPORTS: Clerk for month of November; Zoning for month of November

5. ORDINANCE 1686-23 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AMENDING CHAPTER 175 MOBILE AND MANUFACTURED HOMES, ARTICLE II RENT CONTROL, SECTION § 175-23 RENT LEVELING BOARD – Following second reading, hearing, and consideration for adoption, Ordinance 1686-23 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.

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: § 175-23 Rent Leveling Board.

A. Board created.

(1) The Rent Leveling Board of the Township of Middle (hereinafter the "Board") shall consist of seven members, of which, to the extent possible, at least one may be a landlord and at least one may be a tenant. The members of the Board shall be appointed by the Township Committee and their terms of office shall be for a period of three years, which terms shall be staggered. All members shall serve without compensation. At the first meeting of each year, by majority vote, the Board shall choose one of its members as Chairman, and another as Vice Chairman to act in the absence or unavailability of the Chairman, the term of each which shall run through December 31 of such year.

(2) Vacancies shall be filled for the balance of the terms. Members shall not hold any other elective office or elective position in the Township. The Board shall have available to it such clerical assistance, legal assistance and auditors' services as are budgeted annually by the Township Committee. No member shall vote upon or enter into discussions as to any matter in which he has a direct or indirect interest, financial or otherwise.

B. Powers and duties.

(1) The Rent Leveling Board is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this section, including but not limited to the following:

(a) To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this chapter, which rules and regulations shall have the force of law until revised, repealed or amended from time to time by the Board in the exercise of its discretion, providing that the rules and regulations and any amendments thereto are approved by resolution of the Township Committee and filed with the Clerk.

(b) To supply information and assistance to landlords and tenants to help them comply with the provisions of this section.

(c) To hold hearings and adjudicate applications from landlords for additional rental income or charges as hereinafter provided.

(d) To hold hearings and adjudicate applications from tenants for reduced rental income or charges as herein provided.

(e) To utilize the services of an attorney appointed by the Township Committee to advice and counsel the Board in the proper exercise of its functional discretion. It shall not be the function of the attorney to advise any landlord or tenant, whether or not that person is a participant in any proceedings before the Board, but only to advise the Board and its members as aforesaid.

(f) To utilize the services of a secretary to be appointed by the Township Committee.

(2) Said Board shall give both the landlord and tenant reasonable opportunity to be heard before making any determination and shall base its determination on the reasonable, credible evidence before it, although the strict rules of evidence shall not apply. The Board shall render an oral decision within 30 days after the close of hearings. The Board shall maintain minutes of its hearings and/or meetings.

(3) The Board shall keep and maintain minutes of its hearings and meetings. The Board shall provide for the stenographic or electronic recording of its hearings. The Board shall be required to specify those facts and reasons upon which it bases any decision.

(4) No application for a rental increase of any type shall be considered by the Board unless such application and all necessary supplementary material is filed at least 10 days prior to a regularly scheduled meeting of the Board.

SECTION 2: Any 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 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 4: This Ordinance shall become effective immediately upon final passage and publication, according to law.

NO COMMENT

6. ORDINANCE 1687-23– AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO ESTABLISH REGULATIONS REGARDING MOBILE FOOD TRUCKS AND MOBILE FOOD VENDORS – Following second reading, hearing, and consideration for adoption, Ordinance 1687-23 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.

BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey as follows:

SECTION 1: PURPOSE

The Township of Middle shall hereby create regulations regarding the operation of mobile food trucks and mobile food vendors within the Township of Middle

SECTION 2: DEFINITIONS

As used in this Article, the following terms shall have the meanings respectively ascribed to them in this section:

MOBILE FOOD TRUCK

Any automobile, truck or motor-powered vehicle engaged in the business of selling cooked or prepared food to persons.

MOBILE RESTAURANT LICENSE

Any license issued under this chapter for either a mobile food truck or a vehicular vehicle.

MOBILE FOOD VENDORS

A mobile food vendor is anyone who sells food, beverages or wares from a vehicle such as a truck, van, or pushcart, whether such food or beverages are prepared on-site or prepared elsewhere and transported to the site of the sale. Includes any movable restaurant or retail food establishment in or on which food or beverages are transported, stored, or prepared for retail sale or given away at temporary locations. Note: This term does not apply to mobile caterers who are engaged in the business of transporting, in motor vehicles, food and beverages to residential, business, and industrial establishments pursuant to prearranged schedules and dispensing from the vehicles the items to and for the convenience of the personnel or occupants of such establishments.

SECTION 3: LICENSE REQUIRED

No mobile food truck or other vehicle engaged in the business of selling cooked or prepared foods in the township shall operate within the township without first having obtained a license to do so. Such license shall be issued by the Township Clerk as of January 1 of each year and expire on December 31 of the year in which issued.

No person shall conduct, operate or maintain a transient merchant vehicle or mobile food vendor vehicle without first obtaining a certificate to do so from the Cape May County Department of Health and shall provide a copy to the Clerk’s Office during the application process.

The annual fee for a mobile restaurant license issued or renewed shall be \$75.00 for each year or portion thereof, and such licenses shall be under the charge and control of the applicant applying therefor, and the applicant shall be responsible for the operation of the vehicle so licensed to the applicant.

SECTION 4: DISPLAY OF LICENSE

Each vehicle licensed under the terms of this chapter shall have displayed in a conspicuous place fully visible to the public the license issued.

SECTION 5: OPERATION REQUIREMENT FOR MOBILE FOOD VENDORS

A. When stationary, mobile food vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within twenty-five (25) feet before leaving their site. Collected trash must not be deposited in public trash receptacles.

B. No mobile food vendors shall occupy the street and the sidewalk at the same time, i.e. park a motorized vehicle in the street and dispense food from the sidewalk or set up a pushcart on the sidewalk and dispense food in the street.

C. New or replacement mobile food vendor trucks, vans or other vehicles trucks shall be inspected before operating. No changes shall be made to approved mobile food vendor trucks, vans, pushcarts or vehicles without re-inspection by the Department of Health and any other applicable agency as required by law.

D. All mobile food vendors that prepare food using fuel-fired appliances or a free-standing generator shall be required to obtain a Fire Safety Permit from the applicable Bureau of Fire Safety as per the Uniform Fire Code and shall provide a copy of said approval during the application process.

E. No mobile food vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.

F. No mobile food vendors shall occupy street space blocking the passage of traffic.

G. Mobile food vendor vehicles and pushcarts shall be self-contained; no coolers are to be placed on streets or sidewalks.

H. No mobile food vendor shall provide in-truck dining services or sidewalk tables and chairs.

I. Mobile food vendors must have a portable water tank/sink for hand washing attached to their vehicle as per N.J.A.C. 8:24-5.3.

J. All motorized vehicles must abide by all existing traffic, parking, and zoning regulations.

K. No mobile food truck shall be placed on any public property without prior approval by the appropriate governing body.

L. No mobile food truck shall operate within the Township of Middle without meeting the following conditions:

- Mobile retail food establishments that operate within the Township must have obtained the required license as listed in this chapter and must maintain all other licenses and approvals necessary to lawfully operate as a mobile retail food establishment within the Township.
- Mobile retail food establishments shall not operate at any one location for more than twelve hours in one twenty-four-hour period.
- The mobile retail food establishment shall avoid creating conflicts with pedestrian or motor vehicle traffic or creating other public safety problems.

RESIDENTIAL PROPERTIES

- Mobile retail food establishments shall obtain and have on file available for review, a lease agreement or contract between a private residential property owner and the mobile food vendor.
- At a private function on residential property vendors may only serve food to invited guests at the private event and may not sell to any other members of the public.

COMMERCIAL PROPERTIES:

- Mobile retail food establishments shall obtain and have on file available for review, a lease agreement or contract between a commercial business owner and the mobile food vendor.
- All mobile retail food establishment services shall only be issued under the following conditions:
 - The period of operation on the same property shall not exceed a maximum of 5 consecutive days, and there shall be at least 7 days between events at the same location.
 - The mobile retail food establishment unit may not remain at the location for longer than the duration indicated above, without the property owner obtaining site plan approval from the Middle Township Zoning Department.

SECTION 6. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 7. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

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

NO COMMENT

- ORDINANCE 1688-23 – ORDINANCE REPEALING ORDINANCE 1675-23 – AN ORDINANCE AMENDING CHAPTER 231 OF THE CODE OF THE TOWNSHIP OF MIDDLE REGARDING TRANSIENT RETAIL MERCHANTS – Following second reading, hearing, and consideration for adoption, Ordinance 1688-23 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, Township Committee had reviewed Chapter 231, entitled Transient Retail Merchants; and WHEREAS, Township Committee on September 6, 2023 adopted Ordinance 1675-23, amending the chapter to include mobile food vendors requirements;
 WHEREAS, it has been determined that these requirements shall be reviewed and established under their own chapter.
 BE IT ORDAINED, by the Township Committee, the governing body of the Township of Middle that Ordinance 1675-23 shall be and is hereby repealed and revisited under a separate chapter of the Township Code.
 BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon final passage and publication, according to law.

NO COMMENT

- RESOLUTION 540-23 – APPOINTMENT – NEW HIRE – 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
Rebecca Sundstrom	Public Works	Clerk 1 F/T Permanent	\$30,000.00	12/04/2023
Santo Natoli	Public Works	Mechanic’s Helper F/T	\$35,000.00	10/16/2023

- RESOLUTION 541-23 – CANCELLATION OF TAXES – 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 cancellation 2024 1st and 2nd quarter taxes is due to property tax exemption:

ACCT	BLOCK	LOT	OWNER/LOCATION	2024
2191	99.02	139	Nikmehr Properties, LLC 108 CH SO Dennis Rd.	\$4,484.14
14499	1450	1	Cape May County 1115 Rte 47 S	\$2,876.87
18296	389	16.02	Cape May County 38 N 10 th St.	\$486.90
19349	348.02	3.18	Roberts, Steven J & Gabriele E	\$1,187.35

			2 Seaview Crossings	
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10. RESOLUTION 542-23 – 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 #2009-5714 was mailed to the assessed owner, Unknown Owner, for block 877 lot 9 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 December 13th, 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

11. RESOLUTION 543-23 – AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT - GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE, FISCAL GRANT YEAR JULY 1, 2024 THROUGH JUNE 30, 2025 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May; and

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Middle Township Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$13,511.00
Cash Match	\$3,377.75
In-Kind	\$10,133.25
2. The Township Committee acknowledges the term and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

12. RESOLUTION 544-23 – ACCEPTANCE OF GRANT AWARD – FY 2024 CAPE MAY COUNTY DIVISION OF CULTURE & HERITAGE RE-GRANTING PROGRAM – SUMMER CONCERT SERIES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Middle Township been awarded funding through the County of Cape May Division and Cultural Heritage Commission an award from the NJ State Council on the Art’s by way of their Re-Granting Program. Cape May County’s award number is: G-400-23360-2024-5299-000.

WHEREAS, the re-grant, consisting of a total of \$7,240.00, awarded on 12/05/2023, is to provide financial programming assistance to the Summer Concert Series.

WHEREAS, the Governing Body of the Township of Middle is hereby authorizing the acceptance of such award; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

CAPE MAY COUNTY DIVISION OF CULTURAL & HERITAGE COMMISSION VIA THE NJ STATE COUNCIL ON THE ARTS RE-GRANTING PROGRAM AWARD: \$ 7,240.00

13. RESOLUTION 545-23 THROUGH 546-23 – EMERGENCY PURCHASE (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, an emergency had arisen with respect to the condition of the sewer line at 29 Benny’s Landing, Cape May Court House, NJ 08210; and

WHEREAS, it was deemed an imminent hazard by the Superintendent of Public Works; and

WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, there is the need for emergency sewer line repair at 29 Benny's Landing, Cape May Court House, NJ 08210, as stated by the Superintendent of Public Works. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

WHEREAS, the emergency sewer line repair shall be awarded to Jonathon Hand Excavating, of Cape May Court House, NJ 08210 in the amount of \$4,462.00.

Jonathon Hand Excavating
PO Box 196

Cape May Court House, NJ 08210

(B) WHEREAS, an emergency had arisen with respect to the condition of the sewer line at 33 Mechanic Street, Cape May Court House, NJ 08210; and

WHEREAS, it was deemed an imminent hazard by the Superintendent of Public Works; and

WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the service.

WHEREAS, there is the need for emergency sewer line hydro jet at 33 Mechanic Street, Cape May Court House, NJ 08210, as stated by the Superintendent of Public Works. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

WHEREAS, the emergency hydro jet shall be awarded to GE Mechanical, of Vineland, NJ 08360 in the amount of \$3,504.98.

GE Mechanical
2316 S. Main Road
Vineland, NJ 08360

14. RESOLUTION 547-23 – AMENDING NON-FAIR AND CONTRACT – MOTT MACDONALD – PUMP STATION IMPROVEMENTS PHASE II – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle on July 19, 2021 entered into an agreement with Mott MacDonald via Resolution 300-21, for a total contract amount of \$154,000.00, which exceeds the non-fair and open limitation of \$17,500.00; and

WHEREAS, due to difficulties securing materials vital to complete the project one time, the professional services relative to phase II of pump station improvements has gone beyond the original scope of work; and WHEREAS, said contract needs to be further amended to include additional services.

WHEREAS, there is a need for continued professional service relative to phase II of pump station improvements, therefore an increase of \$20,000.00 to the original contracted amount is needed; and WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Mott MacDonald from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Mott MacDonald
Pump Station Improvements Phase II
Not to Exceed an additional - \$20,000.00
(Total Contract Amount - \$174,000.00)

15. RESOLUTION 548-23 – ACCEPTANCE OF ASSIGNMENT OF MUNICIPAL SOLICITOR CONTRACT – BLANEY, DONOHUE & WEINBERG, P.C. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township Committee awarded contracts to various professionals on January 4, 2023 by way of Resolution 02-23, the adoption of which followed a Fair and Open Process pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, Resolution 02-23 included the appointment of DeMichele & DeMichele P.C. as Municipal Solicitor for a contract not to exceed \$175,000 and DeMichele & DeMichele P.C.; and

WHEREAS, the contract executed by DeMichele & DeMichele P.C. and the Township pursuant to Resolution 02-23 explicitly provides that the contract may be assigned with the written consent of the Mayor of the Township and the Committee of the Township; and

WHEREAS, Matthew Thomas Rooney, Esquire, who primarily performed solicitor duties on behalf of DeMichele & DeMichele P.C. for the Township under the current contract, resigned from DeMichele & DeMichele P.C. effective November 6, 2023 and thereafter come into the employ of Blaney, Donohue & Weinberg, P.C.; and

WHEREAS, DeMichele & DeMichele P.C. has indicated its intention to assign its contract awarded pursuant to Resolution 02-23, and all duties, rights, titles, interests and obligations set forth therein, to Blaney, Donohue & Weinberg, P.C., and has executed multiple substitutions of attorney accordingly for the Township's active litigation matters; and

WHEREAS, the Township desires to maintain continuity of legal representation and counsel through the final days of the current contract and corresponding calendar year;

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 assignment of contract is hereby accepted and ratified by the Mayor of the Township and the Committee of the Township for the remainder of the term lasting from January 1, 2023 through December 31, 2023:

Municipal Solicitor – Blaney, Donohue & Weinberg, P.C. – Matthew Thomas Rooney

BE IT FURTHER RESOLVED, that this assignment is accepted retroactive to the effective date of November 6, 2023; and

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement, and the appropriate certification of funds by the Chief Financial Officer shall be attached hereto as necessary.

16. RESOLUTION 549-23 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – TOWNSHIP SOLICITOR – BLANEY, DONOHUE & WEINBERG, P.C. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Blaney, Donohue & Weinberg, P.C. and the Township of Middle, 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.

Blaney, Donohue & Weinberg, P.C.

Township Solicitor

Not to exceed \$17,500.00

November 1, 2023 through December 31, 2023

17. RESOLUTION 550-23 THROUGH 551-523 – APPROVE CHANGE ORDER (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 Contract was awarded, on November 1, 2021, via Resolution No. 461-21 to CTX Infrastructure, LLC for the 2021 Drainage Project.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #25 for the project awarded to CTX Infrastructure, LLC for the 2021 Drainage Project is hereby approved, and that the change order results in an increase of \$13,300.00 for an amended contract amount of \$217,755.00.

(B) WHEREAS, a Contract was awarded, on January 4, 2023 via Resolution No. 37-23 to CTX Infrastructure for the Walsh Avenue and South Third Street Roadway Improvements project.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #2 for the project awarded to CTX Infrastructure for the Walsh Avenue and South Third Street Roadway Improvements project is hereby approved, and that the change order results in an increase of \$3,222.31 for an amended contract amount of \$315,046.81.

18. RESOLUTION 552-23 – TRANSFER OF FUNDS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it is legal and lawful to make budget transfers on and after the first day of November in any budget year; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriations be made in the budget of Middle Township for the year 2023:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
<u>Current Fund</u>			
3-01-23-210-211-400	General Liability Insurance	68,500.00	
3-01-31-460-460-475	Gasoline	30,000.00	
3-01-36-471-471-453	Social Security System (FICA/Med)	30,000.00	
3-01-26-290-291-100	Public Works - Salaries and Wages		70,000.00
3-01-20-150-150-100	Assessment of Taxes - Salaries and Wages		1,000.00
3-01-20-150-150-200	Assessment of Taxes - Other Expenses		19,000.00
3-01-20-130-131-200	Grants Administration-Other Expenses		4,000.00
3-01-22-195-196-100	Uniform Construction Code - S&W		500.00
3-01-27-340-340-100	Animal Control - Salaries and Wages		4,500.00
3-01-28-370-371-100	Senior Center - Salaries and Wages		1,500.00
3-01-31-445-445-475	Utilities - Water		2,000.00
3-01-44-901-901-600	Capital Improvement Fund		26,000.00
		128,500.00	128,500.00

19. RESOLUTION 553-23 – CANCELING RESERVE FOR DEVELOPER DEFAULT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, there exists a reserve for developer default of \$128,050.00 on the Current Fund balance sheet as of December 31, 2022; and

WHEREAS, the reserve has been investigated and it has been determined that this reserve should be canceled; NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Middle Township, in the County of Cape May, State of New Jersey, that the reserve for developer default of \$128,050.00 is canceled to fund balance.

BE IT FURTHER RESOLVED that a copy of the Resolution be filed with the Chief Financial Officer and Township Administrator.

20. PRESENTATION BY FORMER MAYOR DAN LOCKWOOD: MAYOR DONOHUE'S FINAL MEETING

21. PUBLIC COMMENT:

John Lauricella, Cape May Court House, discussed complaints about Court House South Dennis Road and conversations with the county regarding the road. Urged Township Committee to pressure the county to fix the road.

Beech Fox, Edgewood Park owner, advised he is happy to have a conversation with any tenants to discuss their concerns and views of the owners.

Paige Saracola, asked if Township Committee can let the renters be notified when the rent cap is completed.

Mayor Donohue explained the first step in the process is to reconstitute the board. Advised then a meeting would then be held by the Rent Leveling Board which tenants would be invited to. Further reiterated that no changes to the COLA increases have been done.

Ed Lanagen spoke of voters in the audience.

Bill Jennings, Grande Woods North, asked why the change to the board now and permissible increases.

Mayor Donohue explained need for the change and permissible increases allowed under the current ordinance.

Bill Jennings, Grande Woods North, continued to discuss concerns with rent increases throughout the year.

Marleen Greave, asked how often owners can raise or increase rent.

Mayor Donohue advised increases can be done once a year. Further explained that Middle Township is one of the only municipalities with a rent control board.

Marleen Greave, discussed concerns between rent increase and social security increases and the consideration taken regarding these matters.

Mayor Donohue explained this is the reason Middle Township has a rent control board.

Marleen Greave asked how the CAP is established.

Mayor Donohue advised the Cap is set by ordinance.

Paige Saracola explained the renters do not want the CAP to be dropped.

Bernice St German, Grande Woods North, explained understanding that the Rent Control Board was disabled and that was her main concern.

Bill Jennings, Grande Woods North, asked if there is a qualification regarding a tenant's income to be a member of the board.

Mayor Donohue explained it does not.

COMMITTEE COMMENTS:

Committeeman Norris discussed his personal relationship with Mayor Donohue. Explained Mayor Donohue has been a mentor to him throughout his time on Committee. Discussed his friendship with Mayor Donohue and all the major life events Tim has been there with him through. Thanked Mayor Donohue

Committeeman Gandy explained Mayor Donohue's impact on him to get involved in politics. Stated it has been an honor to serve, learn and make a difference in the community with Mayor Donohue.

Mayor Donohue thanked Dan Lockwood for inviting everyone to the meeting. Thanked all that came to support him and all the work they have done to support the Township. Thanked the people of middle Township that elected him to office. Thanked all those he has served with on the Committee throughout his years. Welcomed Chris Leusner to Committee. Discussed his years working with Chris in his capacity as Chief of Police. Stated he is proud to relinquish his seat on Committee to Chirs. Thanked all State and Local officials he has worked with. Recognized his brother Michael Donohue, Chair of CapeGOP, who helps keep them focused on the important matters. Thanked all those who come regularly to the Township Committee Meetings. Thanked Middle Township staff and professionals. Discussed the family environment that is Middle Township. Explained reason he ran was the make a change and that he put the most effort he could into his job. Lastly, he thanked his wife, Carol, for all her support throughout his career. Stated he knows the good work will continue.

Motion to adjourn meeting – 7:04 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