

Cape May Court House, NJ  
 December 4, 2023  
 REGULAR MEETING  
 FLAG SALUTE

THIS MEETING IS BEING RECORDED:

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

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

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

*Stan Doniger, Rio Grande, asked about transfer of funds.*

*Mayor Donohue explained it is to make a payment. Discussed estimating allocation of funds.*

*Kimberly Osmundsen further explained the dependency on how the previous CFO certified the funds.*

2. RESOLUTION 514-23 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by if 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	4,777.89
Current Fund CY	3.01	4,253,117.45
Alarm Billing	3.03	-
Sewer Utility PY	2.07	-
Sewer Utility CY	3.07	10,010.45
General Capital	C.04	8,650.00
Sewer Capital	C.08	-
Grants	G.06	7,752.11
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	-
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	110.00
Zoning Escrow	E.19	165.00
Unemployment Trust	T.20	-
C.O.A.H	T.27	294.00
Recreation Trust	T.28	163.69
TOTAL		4,285,040.59

3. RESOLUTION 515-23 – 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: 11/20/2023 Work Session & Regular Meeting.

4. REPORTS: Sewer/Tax Collector for month of November; Sterbeck Harbor for month of November

5. RESOLUTION 516-23 – APPOINTMENTS – 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
Mark Rybicki	Sewer	Laborer 1 F/T T/A (6 months)	\$15.00 per hr	11/20/2023

6. RESOLUTION 517-23 – 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
Zachary Hodges	Public Works	Clerk 1 F/T Permanent	11/26/2023

7. RESOLUTION 518-23 – ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Abigail Jenner	Municipal Court	Clerk 1 F/T Permanent	11/28/2023
Tashie Anderson-Bryant	Public Safety – Police Records	Clerk 1 F/T	11/15/2023
William Dieffenderfer	Public Work	Laborer 1 F/T	11/02/2023

8. RESOLUTION 519-23 – ADOPTING UPDATED PERSONNEL POLICY MANUAL AND HANDBOOK – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, it has been deemed necessary to amend and update several sections personnel policy manual, as previously adopted; and WHEREAS, it has further been deemed necessary to adopt an employee handbook. NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the updates to Personnel Policy Manual as well as the employee Handbook are hereby adopted.

BE IT FURTHER RESOLVED, that a copy of said updated manual and handbook shall be distributed to each Township Committeemember, Township Administrator, Township Solicitor, and Head of each Department and further shall be utilized by the Human Resources & Training Department accordingly. FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of said manual and handbook be declared unconstitutional or invalid for any reason, the remaining portions of said manual and handbook shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual and handbook are hereby declared to be severable.

9. RESOLUTION 520-23 – CANCELLATION OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, a cancellation of taxes is due to the below property owners, who qualify for 100% Disabled Veteran Status as of 10/11/2023

Account	Block	Lot	Owner/location	2023	2024
16066	473	64	Sippel, Melodie & Thomas Property location: 23 Lomurno Lane	\$986.68	\$2,095.27

10. RESOLUTION 521-23 THROUGH 523-23 – REFUND OF TAXES (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, 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 Property location: 565 Shunpike	\$1,735.77

PLEASE MAKE CHECK PAYABLE TO:

CORELOGIC  
REFUND DEPT  
3001 HACKBERRY RD  
IRVING, TX 75063

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 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.

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

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
15139	1450	6 C0002	SEMC PROPERTY HOLDINGS LLC 1127 RTE 47 S #2	487.70

Please make check payable and mail to owner:

PATRICIA NELSON  
25 E SECLUDED LANE  
RIO GRANDE, NJ 08242-1547

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.

(C) WHEREAS, A refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
16066	473	64	Sippel, Melodie & Thomas 23 Lomurno Lane Cape May Court House, NJ 08210  Property location: 23 Lomurno Lane	\$986.68

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2023 taxes

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

11. RESOLUTION 524-23 THROUGH 525-23 – AFFIDAVIT OF ASSIGNMENT POSTING (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) 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 #2020-0244 was mailed to the assessed owner, Tarrent, Otis & Corine for block 1083 lot 4 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 15<sup>th</sup>, 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

(B) 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 #2021-0202 was mailed to the assessed owner, Thomas, Hattie for block 954 lot 7 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 15<sup>th</sup>, 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

12. RESOLUTION 526-23 – 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.

13. RESOLUTION 527-23 THROUGH 528-23 – REDUCTION OF PERFORMANCE BOND (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, \$6,753,228.00 is being held as a performance guarantee for SHM Development, LLC, for Block 99.02, Lot 17; and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$2,686,392.42.00 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$4,066,835.58 and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to \$4,066,835.58.

(B) WHEREAS, \$473,711.38 is being held as a performance guarantee for CKJR, LLC, for Block 348.02, Lot 3; and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$179,191.06 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$294,520.32; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to \$294,520.32.

14. RESOLUTION 529-23 – RELEASE OF PERFORMANCE BOND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, \$15,405.00, is being held as a performance guarantee for Vision Property Group for landscape improvements, Block 983 Lot 1 otherwise known as 7 North Wildwood Blvd; and

WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$15,405.00 is hereby released.

15. RESOLUTION 530-23 THROUGH 532-23 – 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.

WHEREAS, on October 25<sup>th</sup>, 2023, the Township of Middle advertised bids for ‘2023 Road Improvements – The Hamlet of Del Haven’; and

WHEREAS, on November 9<sup>th</sup>, 2023, the Township received and opened four (4) bids; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, 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 2023 Road Improvements – The Hamlet of Del Haven, IN THE AMOUNT OF \$645,903.95, be and hereby is awarded to:

SOUTH STATE, INC.  
BRIDGETON, NJ 08302

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

1. The term of the contract for 2023 Road Improvements – The Hamlet of Del Haven shall be for one (1) year commencing on December 5<sup>th</sup>, 2023, or until project completion.

2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with South State, Inc.

3. Said award of contract shall be contingent upon the availability of funds for 2023.

FURTHER BE IT RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey that no amount of this contract shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order. Upon adoption of the 2023 budget, it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek certification of the availability of funds from the Township Treasurer.

(B) WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-17, and

WHEREAS, bids were received on November 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
2023-17	Celtic Air	\$2,726.00

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

(C) WHEREAS, on November 15, 2023, the Township of Middle advertised for bids for ‘Janitorial Services for Township of Middle; and

WHEREAS, on November 29, 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, 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 JANITORIAL SERVICES be and hereby is awarded to:

CNS CLEANING COMPANY  
BRISTOL, PA

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

1. The term of the contract for JANITORIAL SERVICES shall be for one (1) year commencing on January 1, 2024, with one (1) additional option year.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with CNS Cleaning Company.
3. Said award of contract shall be contingent upon the availability of funds for 2024.

FURTHER BE IT RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey that no amount of this contract shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order. Upon adoption of the 2024 budget, it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek certification of the availability of funds from the Township Treasurer.

16. RESOLUTION 533-23 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – JIM BIRCHMEIER – CONFLICT ATTORNEY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Jim Birchmeier and the Township of Middle for conflict attorney services, for a specific case matter, 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.

Jim Birchmeier – Conflict Attorney Services – Not to Exceed \$10,000.00

17. RESOLUTION 534-23 THROUGH 535-23– 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:

Local Grant – Cascade Corporation – Senior Center Operations	\$16,700.00
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BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Local Grant – Cascade Corporation – Senior Center Operations	\$16,700.00
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(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:

NJ Division of Highway and Traffic Safety – Holiday Drive Sober or Get Pulled Over	\$3,920.00
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BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

NJ Division of Highway and Traffic Safety – Holiday Drive Sober or Get Pulled Over	\$3,920.00
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18. RESOLUTION 536-23 – 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>
<b>Current Fund</b>			
3-01-23-210-211-400	General Liability Insurance	94,500.00	
3-01-25-250-251-200	Police Radio & Communications-Dispatch		70,000.00
3-01-20-100-100-200	General Admin - Other Expenses		15,000.00
3-01-20-130-131-200	Grants Administration-Other Expenses		9,000.00
3-01-22-195-196-200	Uniform Construction Code - Other Expenses		500.00
<b>Sewer Utility</b>			
3-07-55-502-502-258	Sewer - Insurance	25,000.00	
3-07-55-502-504-351	MUA User Charges	15,000.00	
3-07-55-523--523-000	Sewer - Interest on Notes		40,000.00
		134,500.00	134,500.00

19. RESOLUTION 537-23 – AMENDING RESOLUTION 508-23 - ACKNOWLEDGING THE SUBMISSION OF COMPENSATION FOR THE BOARD OF FIRE COMMISSIONERS FOR DISTRICTS 1-4, AS OUTLINED AND ESTABLISHED BY LOCAL FINANCE NOTICE 2021-16 AND N.J.S.A. 40A:14-88 – 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 Resolution 508-23 shall hereby be amended and correct to reflect the following compensations:

FIRE DISTRICT 2 (Resolution 2023-12)

Secretary - \$600.00 per meeting

Treasurer - \$600.00 per meeting

Commissioner - \$450.00 per meeting

20. PUBLIC COMMENT:

*Ed Beddow, Garden Lake, asked about mention of NJ Transit vs NJ Department of Transportation. Continued to as about requested bus stop in front of Garden Lake Mobile Home.*

*Kimberly Osmundsen explained to the Mayor that an email was sent from NJ Transit regarding the requested stop and it was sent to the Police Department and Traffic Advisory for review.*

*Ed Beddow, Garden Lake, asked if NJ Transit was pressuring the Township to force them to permit the stop at Garden Lke.*

*Mayor Donohue reiterated the email that was received by NJ Transit. Explained the bus stop cannot be forced.*

*Stan Doniger, Rio Grande, discussed appreciation for the Townships efforts to reallocate extra funds to assist reduce interest.*

COMMITTEE COMMENTS:

*Committeeman Norris:*

- *Advised that wresting registrations were ongoing.*
- *Stated the registrations for Recreation's new program, Christmas Crafts, was also open. Explained it would be a one-day event.*
- *Advised that the Christmas Parade would be the upcoming Friday and encourage all to attend.*
- *Registrations were open and ongoing for the Christmas House Decorating contest.*
- *Thanked all that put together the staff Christmas Party.*

*Committeeman Gandy:*

- *Recognized and congratulated Sandy Beasley on her years of service award and being named Employee of the Year.*
- *Commented on the next meeting being Mayor Donohue's final meeting.*

*Mayor Donohue:*

- *Recognized Betsy and Varvara from HR on their hard work put into the Staff Christmas Party.*
- *Discussed employee of the year award given to Tax Collector, Sandy Beasley.*
- *Commented on the award of the Del Haven Road Project.*
- *Recognized Marilyn Miller on receiving 2 additional grants for the senior center.*
- *Advised the Christmas Parade would be Friday December 8<sup>th</sup> at 6pm.*

Motion to adjourn meeting – 6:15 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

Minutes prepared by: E. Bartleson