

Cape May Court House, NJ
 January 17, 2024
 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 Leusner, Deputy Mayor Gandy, Committeemember Norris, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Matt Rooney

1. SWEARING IN OF POLICE OFFICERS – CHRISTOPHER RUDY & JAYDEN MATTHEWS
2. QUESTION/ANSWER PERIOD ON AGENDA *(This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)*

NONE

3. RESOLUTION 45-24 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion b 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	3.01	186,815.47
Current Fund CY	4.01	63,365.74
Alarm Billing	3.03	-
Sewer Utility PY	3.07	5,654.36
Sewer Utility CY	4.07	75,284.00
General Capital	C.04	11,196.04
Sewer Capital	C.08	193,840.08
Grants	G.06	5,550.63
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	2.40
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	10,303.00
Zoning Escrow	T.19	4,826.75
Zoning Escrow	E.19	-
Unemployment Trust	T.20	-
C.O.A.H	T.27	100.00
Recreation Trust	T.28	735.93
TOTAL		557,674.40

4. RESOLUTION 46-24 – 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: 01/03/2024 Reorganization Meeting
5. REPORTS: Zoning Report for month of December; Tax/Sewer Collector for month of December; Sterbeck Harbor for month of December; Clerk for month of December
6. ORDINANCE 1690-24 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE AMENDING AND REPLACING SECTION 106-4(D) TO PROHIBIT LICENSED CANNABIS ESTABLISHMENTS FROM OPERATING WITHIN 1,000 FEET OF SCHOOLS, CHILDCARE CENTERS, PLACES OF WORSHIP, AND ADDICTION RECOVERY FACILITIES AS MEASURED FROM DOOR-TO-DOOR AND AMENDING AND REPLACING SECTION 106-5(E)(2) TO PROVIDE FURTHER CLARIFICATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1690-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 02/21/2024 at 6:00 p.m.

WHEREAS, on November 3, 2020, more than two-thirds of the registered voters in New Jersey voted to approve Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults 21 years of age and older; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, N.J.S.A. 24:6I-31, et seq. (the “Act”), which legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act establishes a comprehensive regulatory and licensing scheme for commercial, recreational (adult use) cannabis operations, use, and possession; and

WHEREAS, on October 18, 2021, pursuant to the provisions of N.J.S.A. 24:6I-45, the Mayor and Township Committee (“Township Committee”) of the Township of Middle (“Township”) adopted Ordinance No. 1635-21 authorizing certain marketplace classes of licensed cannabis businesses within the Township of Middle, subject to the applicant’s receipt of all applicable planning, zoning, and other local and state regulatory permits and approvals; and

WHEREAS, the Township Committee is empowered to adopt an ordinance to regulate buildings and structures, and their use and occupancy, and to prevent and abate conditions detrimental to the health safety, and welfare of the general public pursuant to N.J.S.A. 40:48-2.12a and N.J.S.A. 40:48-2.12f; and

WHEREAS, the Township Committee is empowered to adopt an ordinance to provide for the inspection of buildings to assure the health, safety, and public welfare of the municipality and its residents pursuant to N.J.S.A. 40:48-2.12a1; and

WHEREAS, on September 6, 2023, by way of Ordinance No. 1676-23, the Township amended Chapter 106, “Cannabis”, of the Township Code to provide for local licensure of permitted cannabis facilities; and

WHEREAS, Section 106-4(D) of the Township Code prohibited licensed cannabis establishments from operating within 1,000 feet of any public or private school, including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility as measured from the boundary of each parcel; and

WHEREAS, the Township Committee finds that the measurement of 1,000 feet from each parcel’s boundaries is overly burdensome and desires to restructure the measurement to be from main front entrance door to main front entrance door; and

WHEREAS, Section 106-5(E)(2) of the Township Code requires an applicant for a local letter to support to obtain a state license within one (1) year from the date of issuance of the Resolution of Local Support; and

WHEREAS, the Township Committee finds that Section 106-5(E)(2) requires clarification such that an applicant is required to obtain its annual state license to avoid forfeiture of its Resolution of Local Support; and

WHEREAS, the Township Committee finds that it is in the best interest of the Township to make the above-referenced revisions to Chapter 106 that result in a more practical application of its terms.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Middle, County of Cape May, State of New Jersey:

Section 1. That the aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Section 106-4(D) of the Township of Middle Municipal Code shall be deleted and replaced, in its entirety, with the following:

§106-4

D. No authorized and approved License Class(es) establishment shall be located within a distance of one thousand feet (1,000 ft.) as measured from the main front door entrance to the main front door entrance of any building on which the following land uses are located: a public or private school, including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility. In the event the Licensed Class establishment contains more than one (1) building on its property, the distance shall be measured from the building closest to the land use(s) cited herein.

Section 3. Section 106-5(E) of the Township of Middle Municipal Code shall be deleted and replaced, in its entirety, with the following:

§106-5

E. Expiration of Resolution of Local Support. All Resolutions of Local Support shall expire one (1) year from the date of issuance unless:

1. The Township has, by resolution, extended the expiration date of the Resolution of Local Support; or
2. The applicant has received an annual state license.

Section 4. All other Chapters of the Township Code not amended by this Ordinance shall remain valid and in full force and effect and are not amended by this Ordinance.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Should any section, clause, sentence, phrase, or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 7. This Ordinance shall take effect after final passage, approval, and publication, as provided by law.

James Maley, Cannabis Attorney, explained the ordinance is to clarify the measure of distances from the front door to the front door of businesses verses boundary lines.

7. RESOLUTION 47-24 THROUGH 48-24 – APPOINTMENTS (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 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
Zachary Linz	Public Safety – Police	Special Class II Police Officer	\$20.00 per hr	01/22/2024
Owen Bryan	Public Safety – Police	Special Class II Police Officer	\$20.00 Per hr	01/22/2024

(B) 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 individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Denise South	Social Services / Cape Hope	Rio Grande Community Partnership	12/31/2024
Jon Bolte	Social Services / The Branches	Rio Grande Community Partnership	12/31/2024
MTPD Representative	Advisor	Rio Grande Community Partnership	12/31/2024
Township Committee Representative	Advisor	Rio Grande Community Partnership	12/31/2024
County of Cape May Representative	Advisor	Rio Grande Community Partnership	12/31/2024
Matt Rooney	Solicitor	Rio Grande Community Partnership	12/31/2024
Nikki Hober	Secretary	Rio Grande Community Partnership	12/31/2024

8. RESOLUTION 49-24 – PROMOTIONAL TITLE CHANGE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Michael Bailey	Public Safety – Police	Police Officer T/A*	\$44,651.56	01/22/2024
Ty Pettit	Public Safety – Police	Police Officer T/A*	\$44,651.56	01/22/2024
Wilson Laracuate	Public Safety – Police	Police Officer T/A*	\$44,651.56	01/22/2024
Daniel Wright	Public Safety – Police	Police Officer T/A*	\$44,651.56	01/22/2024
Joshua Moyer	Public Safety – Police	Police Officer T/A*	\$44,651.56	01/22/2024

*Hired through Alternate Route Program

9. RESOLUTION 50-24 THROUGH 51-24 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS (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 of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE
Christian Quaranta	Public Safety – Police	Police Officer T/A	Police Officer Permanent*	06/08/2023

*Hired Through Alternate Route Program

(B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE
Christopher Rudy	Public Safety – Police	Police Officer T/A	Police Officer Permanent*	\$48,263.21	01/12/2024
Jayden Matthews	Public Safety – Police	Police Officer T/A	Police Officer Permanent*	\$48,263.21	01/12/2024

*Hired through Alternate Route Program

10. RESOLUTION 52-24 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – 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 discontinuation of appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Tyrel Kelley	Public Works	Laborer F/T T/A (6 months)	01/04/2024

11. RESOLUTION 53-24 – 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
Pamela Gittle	Public Safety – Police	Police Officer	01/05/2024

12. RESOLUTION 54-24 – ACKNOWLEDGEMENT OF RETIREMENT – 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Sandra Beasley	Tax Collection	Tax Collector	06/01/2024
Merrill J Fowle	Public Works	Senior Mechanic	06/01/2024
Gino Castellano	Public Safety – Police	Police Officer	08/01/2024
Julio A. Ruiz	Public Safety – Police	Police Officer	08/01/2024

13. RESOLUTION 55-24 – AMENDING APPOINTMENT – 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, the following appointment is hereby amended and acknowledged:

POSITION	NAME	EFFECTIVE
Transitional Duty Coordinator	Varvara Keun	01/17/2024

14. RESOLUTION 56-24 – ACKNOWLEDGING INTERGOVERNMENTAL TRANSFER – APPOINTMENT NEW HIRE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Intergovernmental Transfer Program through New Jersey Civil Service Commission provides the opportunity for eligible New Jersey state and local government employees with permanent civil service status to transfer between local-to-local employment jurisdictions while maintaining their permanent status, and WHEREAS, this program promotes more efficient public service by allowing civil service jurisdictions to share talented and experienced individuals with other governmental sectors, and WHEREAS, all parties involved in the transfer (the transferring employee, the sending jurisdiction, the receiving jurisdiction, and the New Jersey Civil Service Commission) must agree to the transfer for it to be completed. A transfer is not valid until approved by the Civil Service Commission. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Governing Body of the Township of Middle does hereby acknowledge and approve the preparation of an Intergovernmental Transfer for Cole Pettit, Police Officer effective February 1, 2024 at a salary of \$48,263.61. BE IT FURTHER RESOLVED, that Human Resources, and/or any other required official of the Township of Middle, is hereby authorized to process all “receiving agency” forms in connection with said transfer.

15. RESOLUTION 57-24 – AFFIDAVIT OF TAX SALE 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, State of New Jersey.
2. A tax sale in-lieu of notice was mailed to each parcel listed in the tax sale pre postage paid. The first was mailed on November 22, 2023 and the second was mailed on November 29, 2023
3. Notice of The Tax Sale that was held on December 20, 2023 was published in Herald Newspaper on December 6, 2023 and December 13, 2023
4. A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:
 1. Middle Township Municipal Hall
 2. Green Creek Post Office
 3. Cape May Court House Post Office
 4. Martin Luther King Recreation Center
 5. Rio Grande Post Office
5. A Notice of Tax Sale was mailed to the owner of record, whose name appears in the List at the last known address, postage prepaid.

16. RESOLUTION 58-24 THROUGH 59-24 – 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 is due to the below property owners, who qualify for 100% Disabled Veteran Status as of 11/17/2023.

Account	Block	Lot	Owner/location	2023	2024
16126	322.01	37	Wuerker, Kenneth E & Mary E Reed Property location: 15 E Secluded Hollow Rd	\$747.11	\$3,056.25

(B)WHEREAS, a cancellation of taxes is due to the below property owners as the property owners are tax exempt for 2024.

ACCT	BLOCK	LOT	OWNER/LOCATION	2024
15095	12.01	91	Appiott, Lawrence J & Frances T G 10 Brook Ridge Rd.	\$4,144.90

17. RESOLUTION 60-24 THROUGH 61-24 – 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 owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
17591	1414.01	21	Di Cicco, Dolores M Property location: 3123 Shunpike	\$1,186.54

Please make check payable to:

Corelogic attn.: Tax 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 refund is due to the below property owners due to payment made on exempt properties.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
16126	322.01	37	Wuerker, Kenneth E & Mary E Reed 15 Secluded Hollow Rd Cape May Court House, NJ 08210 Property location: 15 Secluded Lane Tax exempt as of 11/17/2023 County tax board	\$747.11

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.

18. RESOLUTION 62-24 – REFUND OF SEWER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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	2024
6836	466.01	44	FULLING MILL, LLC 979 RTE 47 S	160.00

Please make check payable and mail to:

JOHN MENZ
203 COUNTY RD
CAPE MAY COURT HOUSE, NJ 08210

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 2024 sewer

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

19. RESOLUTION 63-24 – EMERGENCY PURCHASE – BROKEN SEWER PIPE – 307 DELAWARE AVENUE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, an emergency had arisen with respect to the condition of the sewer line at 307 Delaware Ave, Del Haven, NJ 08251; 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 307 Delaware Ave, Del Haven NJ 08251, 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 \$5,775.00.

Jonathon Hand Excavating
PO Box 196
Cape May Court House, NJ 08210

20. RESOLUTION 64-24 – RELEASE OF PERFORMANCE BOND – GRANDE VILLAGE LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, \$48,928.97, is being held as a performance guarantee for Grande Village LLC, for landscape improvements, Block 1436.05 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 \$48,928.97 is hereby released.

21. RESOLUTION 65-24 THROUGH 67-24 – TABULATION COMMITTEE (ITEMS A THROUGH C) – 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 February 14, 2024 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CLARENCE DAVIS PLAYGROUND

(B)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 February 7, 2024 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

FURNISH & DELIVER POLICE UNIFORMS FOR MIDDLE TOWNSHIP POLICE DEPARTMENT

(C)WHEREAS, on November 6, 2024, Township Committee re-established a Tabulation Committee to accept bids for the alarm billing services, on December 13, 2023; and

WHEREAS, no bids were received for said project.

NOW THEREFORE BE IT FURTHER 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 bids to be taken on February 21, 2024 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

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

22. RESOLUTION 68-24 THROUGH 69-24 – AWARD OF BID (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, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-18, and

WHEREAS, bids were received on January 4, 2024 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
2023-18	Al's Plumbing	\$2,195.00

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 2023-19, and

WHEREAS, bids were received on January 9, 2024 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
2023-19	Budd's Plumbing LLC	\$2,695.35

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

23. RESOLUTION 70-24 – REJECT BIDS – TOWNSHIP CONFLICT ATTORNEY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, following public advertisement, proposals for Township Conflict Attorney, were received by the Township of Middle on December 13, 2023 in the 2nd floor conference room in the Middle Township Municipal Building, and

WHEREAS, it appears to be in the best interest of the Township to reject all bids received.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids received on December 13, 2023 for proposals for Township Conflict Attorney are hereby rejected.

24. RESOLUTION 71-24 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – BOCCHI LAW LLC – TOWNSHIP CONFLICT ATTORNEY – 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 Bocchi Law LLA and the Township of Middle for Township Conflict Attorney Services 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 in the amount of \$175.00/hr. not to exceed \$17,500.00. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

25. RESOLUTION 72-24 – 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 resolution, directed that a public sale be held 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:

Resolution No.: 472-21 Adopted: November 15, 2021 Sale Date: January 19, 2022 at 10:00am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as set forth on the attached list of properties, purchasers and sale amounts.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above 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 said highest bidders, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

Block	Lot	Property	Bid Price	Bidder
167	75	206 Stagecoach Road #512	\$ 9,000	Anthony & Jessica Forlenza

26. RESOLUTION 73-24 – CLOSED SESSION – POTENTIAL LITIGATION (PUBLIC PROJECT DEFECTS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

CLOSED SESSION – POTENTIAL LITIGATION (PUBLIC PROJECT DEFECTS)

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

CLOSED SESSION – POTENTIAL LITIGATION (PUBLIC PROJECT DEFECTS)

3.) It is anticipated at this time the above subject matter will be made public as follows:

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

27. ENGINEERS REPORT:

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

Township of Middle
Project Status Report
January 17, 2024
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

Norbury Landing Project

- Project Completed.

3rd Ave & Walsh - Reconstruction & Construction of New Roadway

- Waiting on Change Order for concrete curb on 3rd Avenue.

Church Street

- Grant received for fiscal year 2023 in the amount of \$221,075.00
- Schedule:
 - Waiting on final approval from NJDOT.

Clarence Davis Sports Complex – ADA Playground

- Plans and specifications completed.
- Advertise for bid – January 24, 2024.
- Accepting Bids – February 14, 2024.

Del Haven Road Paving

- Plans and Specifications Completed.
- Contract to be awarded to South State, Inc.
- Construction to begin Spring 2024.

Middle Township Public Works Parking Lot

- Survey to be completed.
- Working on Plans and Specifications.

Oakie Wisting Park

- Working on a re-design due to light pole changes.

Avalon Fishing Pier

- Signage delivered to Public Works for installation.
- Public Works waiting on trim package prior to installation.

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Project Status Report
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Rio Grande Re-Development

- Report under review by attorney.

Leva Bike Path

- Paving and striping completed.

Magnolia Avenue

- NJDOT Grant received 04/25/2022 for \$300,000.00.
- Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping Center.
- Construction drawing and specifications completed.
- NJDOT Approval.
- County Engineering division will bid and inspect site. EDA will provide administrative services for the Grant.

FINAL/MDCL/GENERAL/PROJSTATUS/2024/17-24

28. COMMITTEE COMMENTS:

Committeeman Gandy stated he was honored to be with Mayor Leusner through his first meeting.

Committeeman Norris stated that phoenix basketball signups were online. He discussed the pickleball program on Saturdays. He then spoke of MTAC's installation dinner he attended. Finally, he acknowledged the retirement of Sandra Beasley.

Mayor Leusner acknowledged the upcoming retirement of Sandra Beasley. Advised that there would be a rabies clinic on February 3rd at Public Works. He then gave an update on Volunteers of America (VOA) program with the Police Department and increased interactions that have allowed the VOA to assist individuals.

29. PUBLIC COMMENT:

Laura Lyons, 78 Millman Blvd, discussed the berm she built in the front of her home to protect her son from traffic on her street and the research she completed prior to building it. Further discussed the code violations she received regarding the berm. She explained she is working with Code Enforcement and the Zoning Department regarding the berm.

Mayor Leusner explained he has a brief over view of her situation. Stated he understood that her deadline had been pushed back to correct the situation.

Laura Lyons, 78 Millman Blvd, explained the notice she received from Zoning that the berm does not fall into the allowable requirements for fencing. Further explained the benefits she has seen while having the berm. She expressed the frustration she feels being notified of the violations after the berm has been there for a long period of time.

Mayor Leusner asked if prior to building the berm if she reached out to Zoning.

Laura Lyons, 78 Millman Blvd, advised she had not and then further discussed her own research she did within the Township code.

Vince Orlando explained that he spoke with Zoning Officer, Rachel Shepherd regarding the situation and advised that the only way to move forward would be for Ms. Lyons to go to the Zoning Board for interpretation and request a variance.

Laura Lyons, 78 Millman Blvd, further spoke of her discussions with Rachel Shepherd.

Vince Orlando concurs with understanding the language that the berm does not fall under the allowance of a fence. Reiterated that the only way forward is to go in front of the Zoning Board.

Mayor Leusner agreed the best advise is to go through the Zoning Board for interpretation or a variance.

Laura Lyons, 79 Millman Blvd, advised she plans to make the berm look nice.

Mayor Leusner explained they can also increase police patrol in the area as well.

Shane Meier, Cape May, advised he was at the meeting to support Laura. He discussed his interpretation of the Township Code as it pertains to the berm and the dangers on her road from the drivers. Urged Committee to grant relief to this situation.

Motion to enter closed session – 6:20PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 6:56 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 6:56 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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