

Cape May Court House, NJ
 April 22, 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, 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. PRESENTATION BY MAYOR AND COMMITTEE – EMPLOYEE OF THE MONTH OF APRIL – KATRINA BORN
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.)
3. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

<i>Fund Description</i>	<i>Fund</i>	<i>Total</i>
<i>Current Fund PY</i>	<i>3.01</i>	<i>19,497.29</i>
<i>Current Fund CY</i>	<i>4.01</i>	<i>509,404.41</i>
<i>Alarm Billing</i>	<i>3.03</i>	
<i>Sewer Utility PY</i>	<i>3.07</i>	
<i>Sewer Utility CY</i>	<i>4.07</i>	<i>2,138.27</i>
<i>General Capital</i>	<i>C.04</i>	<i>86,462.16</i>
<i>Sewer Capital</i>	<i>C.08</i>	
<i>Grants</i>	<i>G.06</i>	<i>1,896.40</i>
<i>M.A.C.</i>	<i>M.24</i>	
<i>Emergency Housing</i>	<i>R.23</i>	
<i>Dog Trust</i>	<i>T.12</i>	
<i>Forfeited Monies</i>	<i>T.13</i>	
<i>Sewer Escrow</i>	<i>T.16</i>	
<i>Trust Other</i>	<i>T.17</i>	
<i>Developer's Escrow</i>	<i>T.18</i>	<i>45,470.04</i>
<i>Zoning Escrow</i>	<i>T.19</i>	<i>3,998.64</i>
<i>Zoning Escrow</i>	<i>E.19</i>	<i>3,116.75</i>
<i>Unemployment Trust</i>	<i>T.20</i>	
<i>Development Fee</i>	<i>T.27</i>	<i>522.00</i>
<i>Recreation Trust</i>	<i>T.28</i>	<i>6,532.82</i>
	<i>TOTAL</i>	<i>679,038.78</i>

4. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 04/08/2024 Regular Meeting
5. REPORTS: None
6. ORDINANCE 1698-24 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AMENDING CHAPTER 66 OF THE TOWNSHIP CODE, CREATING THE MIDDLE TOWNSHIP GARDEN CLUB – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1698-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/20/2024 at 6:00 p.m.
BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:
WHEREAS, the Township Committee of the Township of Middle does hereby wish to establish the Middle Township Garden Club (hereinafter referred to as the “MTGC”) for the purposes of developing ideas, researching costs, and implementing approved plans for beautification projects and events.

WHEREAS, the Township Committee desires to formalize the nature of the Garden Club to enable it to more efficiently fulfill its mission.

THEREFORE, 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: Chapter 66 of the Municipal Code of the Township of Middle is hereby amended and supplemented as follows:

§ 66-13 Garden Club.

A. ESTABLISHMENT AND PURPOSE

- 1) This hereby creates the "Middle Township Garden Club" which is dedicated to supporting recreational community gardening. The MTGC fosters community pride and promotes community partnership towards the beautification of municipally and privately-owned properties within the municipal borders.

B. ESTABLISHMENT OF MEMBERSHIP

- 1) This Club shall consist of unlimited members of the Township of Middle who desire to get involved in the various established events of the Garden Club.

C. OFFICERS; TERMS AND ORGANIZATION

- 1) The Middle Township Garden Club shall meet immediately after January 1 of each year for the purpose of reorganization. The agenda at this meeting should include the establishment of dates and places of meetings and such other business as may properly come before the Club at the annual reorganization meeting. The Club shall meet as often as determined by the Club, as the need for said meetings is presented.
- 2) The Governing Body shall name and select a Chairperson and a Vice Chairperson of the MTGC Committee for a term of service of one (1) year. In the absence of the Chairperson, the powers and duties of the Chairperson shall be performed and exercised by the Vice Chairperson.
- 3) Three (3) additional MTGC Committee members shall be appointed for a term of one (1) year.
- 4) The MTGC Committee members may serve for successive years if reappointed by the Township Committee. In the event of a vacancy occurring on the MTGC Committee other than by expiration of a term, such vacancy shall be filled by the Township Committee for the unexpired term.
- 5) On behalf of the Club, the Township shall appoint a staff member as secretary to the club and provide legal counsel from the municipal solicitor if needed.

D. COMPENSATION

- 1) The members of the Committee shall serve without compensation.

E. POWERS AND DUTIES

- 1) With the advice and consent of the Township Committee, the Middle Township Garden Club may be granted the following powers and duties in discharging its intent and purpose:
 - a) The Middle Township Garden Club may be empowered to advertise, prepare, print and distribute pamphlets, brochures, maps, books or other reading material which are necessary for the promotion of any programs, projects or activities under its authority.
 - b) The Middle Township Garden Club shall have the power to appoint subcommittees of the general citizenry in specific areas and for specific beautification projects.
 - c) The Middle Township Garden Club shall keep records of its meetings and activities and shall file an annual report of its activities and budgetary expenditures with the Township Committee on or before December 31 of every calendar year.
 - d) In cooperation with the Township Administration, the Middle Township Garden Club may apply for any state, federal and private grants for the purpose of beautification projects within the Township.

F. FUNDING, DEPOSITING, AND EXPENDITURE OF FUNDS.

- 1) The Township Committee may appropriate such sum in each year's current fund budget as may be determined by the governing body to be necessary for the purpose of the Middle Township Garden Club.
- 2) Should the MTGC receive any gifts, donations or bequests, such funds shall be deposited in a trust fund account established by the Township's Finance Department and shall not be utilized for any horticulture or landscaping projects without the prior approval of the Township Committee. Dedicated funds shall be spent for the purpose for which the funds were received, in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq. The MTGC shall require any individual or entity donating services and/or capital improvements to the Township to supply to the Township an indemnification and hold harmless agreement prior to the commencement of any such donative efforts as may be required by the municipal joint insurance fund.

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.

7. ORDINANCE 1699-24 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 54 ENTITLED RECREATION ADVISORY COUNCIL – On motion by seconded by and passed on roll call, Ordinance No. 1699-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/20/2024 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following chapter and section of the local code is hereby revised as follows:

SECTION 1.

54-3 Membership.

A. The Recreation Advisory Council membership shall consist as follows:

- (1) Seven (7) members at large.
- (2) One (1) member of the recreation department
- (3) One (1) Township Committee liaison

The initial appointees to the board shall serve terms as follows:

- (1) Three members: three-year term.
- (2) Three members: two-year term.
- (3) One member: one-year term.

Thereafter, all subsequent or reappointed members shall serve a term of three years commencing January 1.

B. The Council shall retain the services of a secretary appointed by the governing body, who shall keep the minutes of the meetings and provide such clerical services as may be required by the Council.

C. The members of the Council shall serve without compensation.

D. The Council will meet at least every quarter, or on such other more frequent meeting dates as the agenda established by the Committee shall provide.

SECTION 2. *All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.*

SECTION 3. *Should any section, paragraph, sentence, clause or phase 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.*

8. RESOLUTION – PROMOTIONS – POLICE DEPARTMENT – On motion by seconded by 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 employees in the Middle Township Police Department are hereby promoted to the titles opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
Kenneth Martin	Public Safety – Police	Police Captain	\$155,391.51	05/01/2024
Ronald Miller	Public Safety – Police	Police Lieutenant	\$141,532.50	05/01/2024
Jason Sweitzer	Public Safety – Police	Police Lieutenant	\$141,532.50	05/01/2024
Leonard Larkin	Public Safety – Police	Police Lieutenant	\$141,532.50	05/01/2024
Thomas Ritterhoff	Public Safety – Police	Police Sergeant	\$128,907.45	05/01/2024
Jonas McInnis	Public Safety – Police	Police Sergeant	\$128,907.45	05/01/2024
Armondo Jones	Public Safety – Police	Police Sergeant	\$128,907.45	05/01/2024

9. RESOLUTION – APPOINTMENTS (ITEMS A THROUGH B) – On motion by seconded by 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
Braeden Gosner	Public Safety – Police	Class II SLEO Officer	\$20.00 per hr*	04/27/2024

*increase to \$23.00 upon academy completion

(B) WHEREAS, the Middle Township Committee adopted Ordinance No. 1698-24 which establishes a committee of unlimited members of the Township of Middle who desire to get involved in the purposes of developing ideas, researching costs, and implementing approved plans for beautification projects and events; and

WHEREAS, it has been determined by Township Committee of the Township of Middle that it is in the best interest of the Township to establish the Middle Township Garden Club as outlined in said Ordinance.

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 individuals are hereby appointed to the Middle Township Garden Club

NAME	TERM	TERM EXPIRES
Matt Wetzel, Chairperson	1 yr	12/31/2024
Don Thomas, Vice Chairperson	1 yr	12/31/2024
Karen Camagna	1 yr	12/31/2024
Karin Parker	1 yr	12/31/2024
Trish Cosby	1 yr	12/31/2024
Alicia Woodrow, Secretary*	1 yr	12/31/2024

*Stipend Position

10. RESOLUTION – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by [blank] seconded by [blank] and passed on roll call, the following resolution was adopted.

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

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE
Derek Dorsey	Public Works	Laborer 1 P/T T/A (6 months)	Laborer 1 P/T Permanent	04/05/2024
Javier Avila	Public Works	Laborer 1 P/T T/A (6 months)	Laborer 1 P/T Permanent	04/05/2024

11. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – On motion by [blank] seconded by [blank] 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
John Bolte	Rio Grande Community Partnership	Member - Social Services/The Branches	04/16/2023

12. RESOLUTION – CANCEL SEWER – On motion by [blank] seconded by [blank] and passed on roll call, the following resolution was adopted.

WHEREAS, a cancellation required to the below property location due to a water leak in 2023; and WHEREAS, said leak created a substantial increase in the consumption reported to Middle Township from NJ American Water; and WHEREAS, the adjustment is a reflection of the certification by the owner’s contractor confirming the leak. 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 the cancellation of sewer below is hereby acknowledged.

ACCT	BLOCK	LOT	OWNER/LOCATION	2024
4574	234	12	FIRST UNITED METHODIST CHURCH, 17 N MAIN ST	\$710.00

13. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by [blank] seconded by [blank] 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.

14. RESOLUTION – TABULATION COMMITTEE (ITEMS A THROUGH B) – On motion by [blank] seconded by [blank] 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 May 15, 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:

**GOSHEN SPORTS COMPLEX
HOCKEY RINK RESURFACING**

(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 July 17, 2024 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

SOLID WASTE, REFUSE AND RECYCLES- COLLECTION, HAULING AND DISPOSAL

15. RESOLUTION – AWARD OF BID – CONTRACT #2023-24 – MIDDLE TOWNSHIP DEL HAVEN WATER LATERAL CONNECTION ASSISTANCE PROJECT – On motion by [blank] seconded by [blank] and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-24, and

WHEREAS, bids were received on April 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
2023-24	Al’s Plumbing	\$2,900.00

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

16. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – SPECIAL COUNSEL FOR AFFORDABLE HOUSING – SCARINCI HOLLENBECK – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Scarinci Hollenbeck and the Township of Middle for Special Counsel for Affordable Housing, 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.

*Scarinci Hollenbeck
Special Counsel for Affordable Housing
Not to Exceed \$17,500.00*

17. RESOLUTION – RATIFY LEASE AGREEMENT – CONCERNED CITIZENS OF WHITESBORO – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the agreement between the Concerned Citizens of Whitesboro and the Township of Middle for usage of Block 1024 Lot(s) 9, 11, 14, 18 & 19, otherwise known as the “Whitesboro School” for a five-year term effective May 1, 2024 through April 30, 2029, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

18. RESOLUTION – APPROVAL OF MOBILE FOOD VENDOR LICENSE – 2024 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the following company has applied to the Township of Middle for a license to operate as a Mobile Food Vendor within the confines of the Township, under the Code of the Township of Middle, and WHEREAS, after review by the Township Solicitor and other appropriate Township Officials, the following application has been found to be in proper order and the fee paid in connection with the licensing process, and

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

<i>License#</i>	<i>Vehicle/Trailer #</i>	<i>Owner</i>	<i>Tradeame</i>	<i>Fee</i>
<i>MFV 11-24</i>	<i>01-24</i>	<i>Arthur J. Andre</i>	<i>Patriot Concessions</i>	<i>\$75.00</i>
<i>MFV 12-24</i>	<i>01-24</i>	<i>Kyle A. Mattera</i>	<i>Mattera Food Group LLC dba Dockside Daves</i>	<i>\$75.00</i>

FURTHER RESOLVED, that any license issued pursuant to the terms in accordance with the Code of the Township of Middle shall expire midnight of the 31st day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

19. RESOLUTION – AUTHORIZING THE EXECUTION OF AGREEMENT – MEDICAL ESSENTIAL DIAGNOSTICS, LLC – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the License agreement for Use of Municipal Building between Medical Essential Diagnostics, LLC and the Township of Middle.

20. RESOLUTION – AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF MIDDLE TO CONDUCT A PRELIMINARY INVESTIGATION TO ESTABLISH A CONDEMNATION REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:12A-6, authorizes the governing body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is an “Area in Need of Redevelopment” pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and WHEREAS, the Mayor and Township Committee of the Township of Middle (“Township”) consider it to be in the best interest of the Township to have the Township’s Planning Board (“Planning Board”) conduct such an investigation regarding the parcels set forth in Exhibit A as delineated on the official Tax Map of the Township (the “Study Area”); and

WHEREAS, a condemnation redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area including the use of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

WHEREAS, the land located within the Study Area appears to be in a state of dilapidation, appears to be vacant, obsolete and/or underutilized and/or otherwise appears to be in need of redevelopment; and

WHEREAS, the present conditions at the Study Area may be detrimental to the safety and welfare of the community thereby requiring redevelopment to better serve the Township; and

WHEREAS, prior Resolution 203-23 adopted on April 17, 2023 by the Mayor and Township Committee authorizing the Planning Board to conduct a preliminary investigation to establish a condemnation redevelopment area for a similar Study Area is hereby rescinded in its entirety.

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

- 1. The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the Study Area, or any part thereof, if applicable, is a Condemnation Redevelopment Area according to the criteria set forth in N.J.S.A. 40A:12A-5.*

2. *The Planning Board is hereby directed to prepare a report of its findings and once completed, the Planning Board is directed to transmit the report to the Township Committee of the Township of Middle for their review and approval in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.*
3. *Resolution 203-23 adopted on April 17, 2023 is hereby rescinded in its entirety.*
4. *This Resolution shall take effect immediately.*

Exhibit A

Block	Lot(s)
1434	1-4, 6-15, 17
1436.01	2, 4.03, 5.01, 5.02, 6
1438.01	3, 4
1441	1-5
1447	1
1450	1, 3-9, 11-13
1464.01	1, 2, 9, 10
1468	3-5
1480	1-7
1484	1
1485	1, 2, 8
1490	1-3
1491	1, 2, 3, 4, 6, 7
1503	1-3
1507	1-3
1508	1-4
1509	1-3
1510	1-4
1511	1
1512	1-3
1513	1-4
1523	5, 6, 9

21. ENGINEERS REPORT:

22. PUBLIC COMMENT:

Motion to adjourn meeting –

1st: 2nd:

Pass on Roll Call: