

Cape May Court House, NJ  
 April 8, 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 – MIDDLE TOWNSHIP HIGH SCHOOL GIRLS BASKETBALL TEAM – SOUTH JERSEY GROUP II CHAMPIONS
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>	3.01	11,986.55
<i>Current Fund CY</i>	4.01	3,672,929.91
<i>Alarm Billing</i>	3.03	-
<i>Sewer Utility PY</i>	3.07	1,398.75
<i>Sewer Utility CY</i>	4.07	26,097.86
<i>General Capital</i>	C.04	7,009.70
<i>Sewer Capital</i>	C.08	-
<i>Grants</i>	G.06	7,826.61
<i>M.A.C.</i>	M.24	-
<i>Emergency Housing</i>	R.23	-
<i>Dog Trust</i>	T.12	-
<i>Forfeited Monies</i>	T.13	-
<i>Sewer Escrow</i>	T.16	-
<i>Trust Other</i>	T.17	11,750.00
<i>Zoning Escrow</i>	T.19	8,102.05
<i>Zoning Escrow</i>	E.19	15,392.50
<i>Unemployment Trust</i>	T.20	12,431.95
<i>Development Fee</i>	T.27	-
<i>Recreation Trust</i>	T.28	11,402.46
<b>TOTAL</b>		<b>3,786,328.34</b>

4. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST B – 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>	3.01	
<i>Current Fund CY</i>	4.01	1,560.00
<i>Alarm Billing</i>	3.03	-
<i>Sewer Utility PY</i>	3.07	
<i>Sewer Utility CY</i>	4.07	
<i>General Capital</i>	C.04	
<i>Sewer Capital</i>	C.08	
<i>Grants</i>	G.06	
<i>M.A.C.</i>	M.24	-
<i>Emergency Housing</i>	R.23	-
<i>Dog Trust</i>	T.12	
<i>Forfeited Monies</i>	T.13	-
<i>Sewer Escrow</i>	T.16	-
<i>Trust Other</i>	T.17	-
<i>Zoning Escrow</i>	T.19	
<i>Zoning Escrow</i>	E.19	
<i>Unemployment Trust</i>	T.20	-

<i>Development Fee</i>	<i>T.27</i>	
<i>Recreation Trust</i>	<i>T.28</i>	
<i>TOTAL</i>		<i>1,560.00</i>

5. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – On motion 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: 03/18/2024 Regular Meeting and Closed Session.*
6. REPORTS: Tax/Sewer Collector for month of March; Sterback Harbor for month of March; Zoning for month of March; Clerk for month of March
7. ORDINANCE 1694-24 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 204, ARTICLE II, ENTITLED SEWER RATES AND CONNECTION CHARGES– Following second reading, hearing, and consideration for adoption, Ordinance 1694-24 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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. Chapter 204, Article II of the Code of the Township of Middle is hereby amended to include the following:*  
*204-15 (D). Application, review, inspection and connection fees.*  
*The fee for new or increased sewer service connections shall be in accordance with the present-day evaluation of debt service, which has been presently calculated to be \$2,200 per edu which is specifically based upon a flow contribution of 225-gallons per day. Actual total cost for new or increased sewer connection(s) shall be in accordance with the matrix provided and based upon the number of edu’s the connection is calculated to contribute based upon the guidance provided by NJAC 7:14A-23.3 – Projected flow criteria.*  
*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. ORDINANCE 1695-24 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY TO SELL TOWNSHIP-OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 931 LOT 10 IN THE TOWNSHIP OF MIDDLE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1695-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/06/2024 at 6:00 p.m.  
*WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and*  
*WHEREAS, the Township owns a parcel of land identified as Block 931, Lot 10 (the “Subject Property”) in the Cape May Court House section of the Township that qualifies for such a land sale; and*  
*WHEREAS, the Township has received a “Request Sheet for Sale of Township Owned Real Estate” submitted by Derrick Samuels, the owner of a property contiguous to the Subject Property; and*  
*WHEREAS, there are, in total, four (4) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:*  
*Block 931 Lot 5, 10 - Township of Middle*  
*33 Mechanic Street*  
*Cape May Court House, NJ 08210*  
*Block 931 Lot 6 - Leon Henry*  
*19 N. George Street*  
*Cape May Court House, NJ 08210*  
*Block 931 Lot 12 - Avril Jonassaint-Cathie*  
*PO Box 85*  
*Whitesboro, NJ 08252*  
*Block 931 Lot 11 - Derrick Samuels*  
*2618 Morgan Ann Avenue*  
*Mansfield, TX 76063*  
*WHEREAS, the four (4) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the four (4) of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and*  
*WHEREAS, the assessment of Block 931 Lot 10 is \$4,100.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$4,100.00, which the Township therefore makes the minimum bid; and*  
*WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publications of advertisements for the Ordinance; and*

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Township may conduct a private auction to sell the Subject Property owned by the Township to contiguous owners of the same.

**SECTION 1.**

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 931, Lot 10 to the highest bidder of an open (private) auction to be held on June 5, 2024 at 9:00am in the court room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those four (4) owners of property contiguous to that portion of Block 931, Lot 10 which is offered for sale shall participate; and
2. The minimum bid shall be \$4,100.00; and
3. The auction shall be conducted by the Township's interim Chief Financial Officer, Neil Young; and
4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit "A" and the terms of which are incorporated herein in full; and
5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit "B"; and
6. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Township of Middle to any real estate agent or broker or other representative in connection with any sale; and
7. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
8. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
9. A deposit of ten percent (10%) of the minimum price for real property must be paid in cash, certified check, bank check or money order made payable to the Township of Middle by the successful bidder at the time of the public sale; said time and place set forth herein. This deposit shall be made subject to return in the event of rejection of said bid. The balance, together with the costs of sale and legal expenses must be deposited in full by either cash or certified bank check within twenty (20) days after the date of sale or acceptance of bid whichever is later at the office of the Township Clerk; and
10. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder; and
11. In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Township any and all monies deposited with the Township; and
12. All bids shall be referred to the Township Committee for review and final approval pursuant to N.J.S.A. 40A: 12- 13, and the Township reserves the right to accept the highest bid or to reject any and all bids for any property. The Township reserves the right to reject all bids in each instance where the highest bid is not accepted and it is, in its discretion, to re- advertise the property for sale. The Township further reserves the right to waive any and all defects, informalities and irregularities in any bid. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned; and
13. The Township makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, know or unknown, regarding said lands and the successful bidder agrees to fully release and indemnify the Township with respect thereto. The bidder shall be fully responsible for the exercise of due diligence in determining all aspects of the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of land. The Township sells the property" AS IS" in which the bidder releases the Township of all liability and responsibility of any said contamination, if found, on the site; and
14. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws, regulations and ordinances of the State of New Jersey and the Township of Middle; and
15. The Township does not warrant or certify title to the property and in no event shall the Township be liable for any damages to the successful bidder if title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages against the Township, the sole remedy being the right to receive a refund of the deposit paid prior to closing in the event title is found defective or unmarketable. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Township shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and condition contained herein; and
16. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Township of Middle, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, inlets, waterways and easements, if any, on the land and a continued right of maintenance and flow thereof. The Township shall be without obligation to provide access, public or private, or to provide any improvements.

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

**SECTION 3.** Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

**SECTION 4.** This ordinance shall become effective immediately upon final passage and publication, according to law.

9. **ORDINANCE 1696-24 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** – On motion by [redacted] seconded by [redacted] and passed on roll call, Ordinance No. 1696-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/06/2024 at 6:00 p.m. WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by

ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$228,366.69 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$799,283.42 and that the CY 2024 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

10. ORDINANCE 1697-24 – AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 112, CONSTRUCTION CODE, UNIFORM, OF THE CODE OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, Ordinance No. 1697-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/06/2024 at 6:00 p.m. BE IT ORDAINED by the Governing Body of the Township of Middle, in the County of Cape May and State of New Jersey as follows:

Section One. Chapter 112 of the Code of the Township of Middle is hereby amended and supplemented by the addition of a new section, which be codified as ARTICLE V, which shall read as follows:

#### ARTICLE V

##### Lead-Based Paint Inspections

###### 112-12. Requirement

Pursuant to P.L. 2021, c.182, all municipalities are now required to inspect every single-family, two-family, and multiple rental dwellings located within the municipality at tenant turnover of lead-based paint hazards; and

The Governing Body is hereby further required by P.L. 2021, c.182 to supplement and amend the Code of the Township of Middle to provide for regulation and inspection of certain single-family, two-family, and multiple rental dwellings located within the Township for lead-based paint hazards.

###### 112-13 Inspection and Fees.

The owner, and/or its agent, of every single-family, two-family, and multiple dwellings shall be required to obtain an inspection upon tenant turnover or within two years of the effective date of this article. Thereafter, all such dwelling units shall be inspected for lead-based paint hazards every three years or upon tenant turnover, whichever is earlier, except that an inspection shall not be required at tenant turnover, if the dwelling unit owner has a valid lead-safe certification for the dwelling unit. In all scenarios, the next periodic lead-based paint inspection shall be counted from the most recent periodic lead-based paint inspection which resulted in a valid lead-safe certification, or as outlined by State Statute.

A lead evaluation contractor retained by the Township shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq., as maybe amended from time to time.

Lead-Based Paint Inspections shall be carried out pursuant to N.J.S.A 52:27D-437.1 through 437.20 and N.J.A.C. 5:28A-1.1 through 4.1. Fees shall be charged by the Township's authorized lead evaluation contractor under a contract awarded by the Township.

If an owner or landlord exercises his or her right to directly hire a lead evaluation contractor, certified by the New Jersey Department of Community Affairs, to perform lead paint inspection services, the fees charged shall be identical to the fees charged by the Township's authorized lead evaluation contractor in accordance with N.J.S.A. 52:27D-437.1 et seq., as may be amended from time to time.

A copy of the lead-safe certification shall be provided to the owner of the dwelling. If a lead evaluation contractor issues the lead-safe certification, a copy shall also be provided to the municipality at the time it is issued.

If a lead evaluation contractor or permanent local agency finds that a lead-based paint hazard exists in a dwelling unit, they shall notify the Department of Community Affairs for review of the findings, in accordance with the Lead Hazard Control Assistance Act.

The owner and/or agent of the owner of the dwelling unit shall be responsible for remediation of the lead-based paint hazard. Remediation must be conducted consistent with the requirements at N.J.A.C. 5:28A-2.5 as may be amended from time to time.

###### 112-14 Applicability and exemptions.

This article applies to all rental single-family, two-family, and multiple dwelling units with the exception of those set forth in the law.

Section Two. If any portion of this Ordinance is determined to be invalid by a court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section Three. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

Section Four. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

11. 2024 BUDGET PRESENTATION – LEON COSTELLO, FORD SCOTT & ASSOCIATES AND NEIL YOUNG, CFO

12. RESOLUTION – CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964” – On motion by [ ] seconded by [ ] and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Middle, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

13. RESOLUTION – INTRODUCTION OF BUDGET BY TITLE ONLY – 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 2024 Budget for the Township of Middle be introduced, approved and given first reading by title only.

14. RESOLUTION – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by [ ] seconded by [ ] 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
William Hewitt	Public Works	Laborer 1 F/T T/A (6 months)	03/23/2024

15. RESOLUTION – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE
Jason Neely	Public Works	Laborer 1 P/T T/A (6 months)	Laborer 1 P/T Permanent	04/01/2024

16. RESOLUTION – CANCEL SEWER (ITEMS A THROUGH B)– On motion by [ ] seconded by [ ] and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the below property location had a billing error due to an inaccurate meter read requiring a cancellation

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.

Account	Block	Lot	Owner/location	2023
13924	1414.01	35	BEAVER SUPPLY INC 16 DIAMOND RD	\$5,672.08

(B)WHEREAS, the below property location was billed for sewer in error due to the building being previously demolished and therefore is cancelled.

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.

Account	Block/lot	Owner/location	2024
2569	128/23	Cape Regional Medical Center	\$640.00

17. RESOLUTION – AFFIDAVIT OF ASSIGNMENT POSTING – On motion by [ ] seconded by [ ] 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 #2014-7589 was mailed to the assessed owner, Demkovich, John J for block 1034 lot 2 by certified and regular mail pre postage paid.
3. Notice of assignment was published in the Cape May County Herald, Rio Grande, New Jersey on April 3, 2024.
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

18. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ 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.

19. RESOLUTION – AWARD OF CONTRACT – ALARM BILLING – PM AM CORPORATION – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, following public advertisement, proposals were received by the Township of Middle on February 21, 2024 at the Township Hall; and  
 WHEREAS, no bids were received by 10:00am prevailing time; and  
 WHEREAS, this was the 3<sup>rd</sup> time Request for Proposals for Burglar & Fire Alarm Administrative Services had been out for bid; and  
 WHEREAS, according to N.J.S.A. 40A:11-5 (3)(c) bid have been advertised on two (2) occasions and bids were rejected on one occasion and no bids were received on two (2) occasions; and  
 WHEREAS, a contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body; and  
 NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for ALARM BILLING be and hereby is awarded to:  
 PM AM CORPORATION  
 DALLAS, TX  
 (See Attached Proposal Page)

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

1. The term of the contract for Alarm Billing shall be for one (1) year commencing on April 9<sup>th</sup>, 2024 until December 31<sup>st</sup> 2024, with two (2) additional one (1) year options.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with PM AM Corporation.
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.

20. RESOLUTION – AWARD OF BID – CLARENCE DAVIES PLAYGROUND – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 WHEREAS, it has been deemed necessary and desirable to solicit bids for the Clarence Davies Playground;  
 WHEREAS, sealed bids were received on March 20, 2024; and  
 WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete 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 Clarence Davies Playground be awarded to Landberg Construction, LLC.

Landberg Construction, LLC  
 Clarence Davies Playground  
 Not to Exceed \$392,448.07

BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

21. RESOLUTION – AUTHORIZING CONTRACT EXTENSION (ITEMS A THROUGH B) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.  
 (A) WHEREAS, on April 4, 2023, the Township of Middle and Anzelone Electric entered into a contract for Electric Services via Resolution 184-23 and;  
 WHEREAS, the Township and Anzelone Electric wish to further extend the contract for services for an additional year, effective April 4, 2024, through April 3, 2025.  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the contract between Anzelone Electric and the Township of Middle is hereby extended with a final expiration date of April 3, 2025.  
 BE IT FURTHER RESOLVED, that this contract extension is also conditioned upon certification of funds.

*FURTHER RESOLVED, that the amount certified shall not exceed the amount set aside in the municipal budget for said services.*

*Anzelone Electric – See attached tally sheet for hourly rates*

*(B) WHEREAS, on May 1, 2023, the Township of Middle and Kisby Lees Mechanical, LLC entered into a contract for HVAC Services via Resolution 224-23 and;*

*WHEREAS, the Township and Anzelone Electric wish to further extend the contract for services for an additional year, effective May 1, 2024, through April 30, 2025.*

*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the contract between Kisby Lees Mechanical, LLC and the Township of Middle is hereby extended with a final expiration date of April 30, 2025.*

*BE IT FURTHER RESOLVED, that this contract extension is also conditioned upon certification of funds.*

*FURTHER RESOLVED, that the amount certified shall not exceed the amount set aside in the municipal budget for said services.*

*Kisby Lees Mechanical, LLC – See attached tally sheet for hourly rates*

22. RESOLUTION – AUTHORIZING REQUEST FOR PROPOSALS (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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Deputy CFO / Purchasing Agent Dan Shustack, and Business Administrator/Township Clerk Kimberly Osmundsen are hereby appointed to receive proposals, on May 8, 2024 at 10:00 am in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:*

**EMERGENCY MEDICAL SERVICES**

*(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 Deputy CFO / Purchasing Agent Dan Shustack, and Business Administrator/Township Clerk Kimberly Osmundsen are hereby appointed to receive proposals, on May 8<sup>th</sup>, 2024 at 10:00am in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:*

**CERTIFIED ON-SITE LEAD BASED PAINT INSPECTOR**

23. RESOLUTION – AUTHORIZING THE TOWNSHIP OF MIDDLE TO ENTER INTO A JOINT PURCHASING AGREEMENT – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS N.J.S.A. 40A:11-11(10) authorizes contracting units to establish a Joint Purchasing System and to enter into a Joint Purchasing Agreement for its administration; and*

*WHEREAS the Township of Lower, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Joint Purchasing System for the provision and performance of goods and services; and*

*WHEREAS, on April 8, 2024 the governing body of the Township of Middle, County of Cape May, State of New Jersey duly considered participation in a Joint Purchasing System for the provision and performance of goods and services,*

*NOW, THEREFORE BE IT RESOLVED as follows:*

**TITLE**

*This Resolution shall be known and may be cited as the Joint Purchasing Resolution of the Township of Middle*

**AUTHORITY**

*Pursuant to the provisions of N.J.S.A. 40A:11-10 the Mayor is hereby authorized to enter into a Joint Purchasing Agreement with the Lead Agency.*

**CONTRACTING UNIT**

*The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.*

*FURTHER, BE IT RESOLVED, this resolution shall take effect immediately upon passage.*

24. RESOLUTION – SUPPORTING THE DESIGNATION OF BUS STOP – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the Township of Middle has received a letter from the State of New Jersey, Department of Transportation, recommending the placement of a NJ Transit Bus Stop; and*

*WHEREAS, the Township Committee of the Township of Middle, along with the Middle Township Traffic Committee, has reviewed the request and agrees with the establishment of the bus stop as indicated above; and*

*NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that pursuant to N.J.S.A. 39-4-8(e) the following described locations are hereby requested as a designated bus stop:*

1. *Along Route US 9, northbound, on the easterly side thereof at:*

- a. *Between East Lena Street and Route NJ 147 (North Wildwood Road) (Mid-Block) (NJ Transit ID # 33287)*

*Beginning at a point 620 feet north of the northerly curb line of East Lena Street and extending 135 Feet northerly therefrom.*

*BE IT FURTHER RESOLVED, that per the “Repealer Clause”, the Township of Middle concurs that any approved bus stop locations or traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.*

*BE IT FURTHER RESOLVED, that if authorized by NJ Transit and NJ Department of Transportation, the Township Committee of the Township of Middle will enforce the Traffic Regulation Order governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.*

25. RESOLUTION – RENEWAL – TOWING LICENSES – 2024 – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid accordingly.*

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

License #	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
1	Kindle Towing	1	XLPY65	2021 Ram 5500 Wheel Lift Off Road	\$450.00	\$50.00
1	Kindle Towing	2	XGLJ86	2018 Ford F650 Flatbed (Rollback)		\$50.00
1	Kindle Towing	3	XKFD73	2019 Ford F650 Flatbed (Rollback)		\$50.00
4	Blakeslee Towing & Recovery LLC dba Court House Towing	1	XHWS99	2022 Peterbuilt 337 Flatbed	\$450.00	\$50.00
4	Blakeslee Towing & Recovery LLC dba Court House Towing	2	XHWS98	2021 Ford F550		\$50.00
5	Gary's Automotive	1	XJZW53	2007 Chevy 5500 Flatbed	\$450.00	\$50.00
9	South Jersey Towing & Recovery LLC	1	XFZZ71	2017 Hino 371 Flatbed W/L	\$450.00	\$50.00
9	South Jersey Towing & Recovery LLC	2	XFFN48	2017 Ford F550 Wrecker		\$50.00
10	D.A.D. 'S Towing Service	1	XJ2Y76	2010 International Flatbed	\$450.00	\$50.00
10	D.A.D. 'S Towing Service	2	XJZY75	2016 Ford F550 Flatbed		\$50.00
10	D.A.D. 'S Towing Service	3	XJZX35	2013 Ford F550 Flatbed		\$50.00
11	ANA Towing and Recovery	1	XGAB29	2019 Hino 258 Flatbed	\$450.00	\$50.00
11	ANA Towing and Recovery	2	XJAW33	2021 Ford F650 Wrecker		\$50.00

26. 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:

License#	Vehicle/Trailer #	Owner	Tradeame	Fee
MFV 05-24	01-24	Daniel Auld	S&H Cuisine dba Serene	\$75.00
MFV 06-24	01-24	Daniel Auld	S&H Cuisine dba Little Danni	\$75.00
MFV 07-24	01-24	Daniel Auld	S&H Cuisine dba The Beast	\$75.00
MFV 08-24	01-24	Erin R. Bailey	Chillin Out Ice Cream LLC	\$75.00
MFV 09-24	01-24	Lisa M Gage Keller	Kells Concessions LLC	\$75.00
MFV 10-24	01-24	Montel Pitt	Mont's on Wheels	\$75.00

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 31<sup>st</sup> day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

27. RESOLUTION – APPROVAL OF LIMOUSINE/TAXI CAB LICENSE – DAY SIPPER TOURS LLC – 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 a Limousine within the confines of the Township, under Chapter 226 of 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:

License#	Vehicle #	Tradename	VIN Number	Taxi Make/ Model	Fee
L01-24	1-24	Day Sipper Tours LLC	1FBSS3BL2EDA47658	2014 Ford Econoline E350 SD Wagon	License Fee \$50.00 Vehicle Fee: \$10.00

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 31<sup>st</sup> day of December of the year in which is issued unless sooner surrendered, suspended or revoked.



28. RESOLUTION – SOCIAL AFFAIRS PERMIT (ITEMS A THROUGH B) – On motion by      seconded by      and passed on roll call, the following resolution was adopted.

(A) WHEREAS, Cape May County Education Foundation has applied for approval to sell alcoholic beverages at an event to be held at the Avalon Golf Club, 1510 Route 9, Cape May Court House, New Jersey 08210 on June 25, 2024 from 11:00am until 8:00pm; and

WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

(B) WHEREAS, The Church of Our Lady of the Angels has applied for approval to sell alcoholic beverages at an event to be held at the Wildwood Golf & Country Club Inc. dba The Shore Club, 1170 Golf Club Road, Cape May Court House, New Jersey 08210 on May 21, 2024 from 1:00pm until 6:00pm; and WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

29. RESOLUTION - LIMITED BREWERY OFF-PREMISE EVENT PERMIT – GUSTO BREWING COMPANY LLC – On motion by      seconded by      and passed on roll call, the following resolution was adopted.

WHEREAS, Gusto Brewing Company LLC has applied for approval to sell alcoholic beverages at an event to be held at the Big Little 9 Golf Course, 600 Bayberry Drive, Cape May Court House, New Jersey 08210 on May 4, 2024 from 5:00am until 9:00pm; and

WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Limited Brewery Off-Premise Event Permit.

30. RESOLUTION – AMENDING VENDOR FEES – 4<sup>TH</sup> OF JULY FESTIVAL – On motion by      seconded by      and passed on roll call, the following resolution was adopted.

WHEREAS, it is in the best interest of the Township of Middle to establish a structured fee schedule for vendors for the annual 4<sup>th</sup> of July Festival, and

WHEREAS, said fees should be established via resolution.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that it has been deemed necessary for the Township to charge the following amended fees for various vendor categories at the annual 4<sup>th</sup> of July Festival:

Category	Prior Fee	Amended Fee
CRAFT VENDORS	\$35.00	\$50.00
FOOD VENDORS	\$75.00	\$100.00

31. RESOLUTION – ACKNOWLEDGING ROAD CLOSURE – ALS UNITED MID-ATLANTIC – On motion by      seconded by      and passed on roll call, the following resolution was adopted.

WHEREAS, ALS United Mid-Atlantic is orchestrating an event on June 15, 2024, and

WHEREAS, said applicant has requested use of portions of Indian Trail Road, Shunpike Road, Dias Creek Road, and Goshen Road along the shoulders of the roadway, and

WHEREAS, the applicant has submitted approval from Atlantic City Electric for use of a portion of the Middle Township Bike Path, and

WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the Ride to Defeat ALS sponsored by Cape May Running, LLC.

BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the use contingent upon all proper traffic controls as required and discussed with the applicant.

FURTHER RESOLVED, that the application is hereby conditionally approved provided that all final approvals are received from all other government entities as required.

32. RESOLUTION – AUTHORIZING MAYOR TO SIGN NJDEP PROPERTY OWNER CERTIFICATION – ROUTE 47 SOUTH AND RAILROAD AVENUE RESIDENTIAL DEVELOPMENT – 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 Mayor is hereby authorized to sign the NJDEP Property Owner Certification form relative to a CAFRA permit for Route 47 South and Railroad Avenue Residential Development.

33. RESOLUTION – CONFIRMATION OF LAND SALE – On motion by      seconded by      and passed on roll call, the following resolution was adopted.

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

Ordinance No.: 1683-23      Adopted: November 6, 2023      Sale Date: November 29, 2023  
9:00am

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

Block 965 Lot 7 – S. George Street

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows:

Harold Austin – PO Box 303162, Jamaica Plain, MA 02130

NOW THEREFORE BE IS 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 by said highest bidder, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.*

34. RESOLUTION – AUTHORIZING THE EXECUTION OF AMENDED AGREEMENT – CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.

*WHEREAS, the Middle Township Governing Body adopted Resolution 347-23 on August 7, 2023 which ratified an agreement between the Township of Middle and the Cape May County Municipal Utilities Authority for economic benefit towards the solid waste transfer station located in Middle Township; and WHEREAS, said agreement must now be amended to increase the cost per ton for services over 160,000.00 tons to be retro 'ed to January 1, 2024.*

*NOW THEREFORE BE IT RESOLVED, that the appropriate officials are hereby authorized to sign said amended agreement in connection therewith.*

35. ENGINEERS REPORT:

36. PUBLIC COMMENT:

Motion to adjourn meeting –

1<sup>st</sup>:                      2<sup>nd</sup>:

Pass on Roll Call: