

Cape May Court House, NJ  
 February 21, 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 FEBRUARY – TOM FLOUNDERS
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 97-24 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Fund Description	Fund	Total
Current Fund PY	3.01	33,898.55
Current Fund CY	4.01	2,565,757.41
Alarm Billing	3.03	-
Sewer Utility PY	3.07	196.09
Sewer Utility CY	4.07	11,961.85
General Capital	C.04	20,536.50
Sewer Capital	C.08	94,170.29
Grants	G.06	46,886.00
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	-
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	19,081.24
Zoning Escrow	E.19	17,940.15
Unemployment Trust	T.20	4,302.70
Development Fee	T.27	-
Recreation Trust	T.28	3,562.96
<b>TOTAL</b>		<b>2,818,293.74</b>

4. RESOLUTION 98-24 – 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: 02/05/2024 Regular Meeting
5. REPORTS: Tax/Sewer Collector for month of January; Sterback Harbor for month of January; clerk for month of January; Zoning for month of January
6. \*TABLED\* 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1690-24 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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.

*Kimberly Osmundsen advised that cannabis attorney, James Maley, was in attendance for ordinance review.*

*Mayor Leusner invited Mr. Maley to discuss the ordinance changes.*

*James Maley, Township's Cannabis Attorney, explained there was unclarity in the ordinance regarding distance requirements and this amendment clarified that the 1,000 ft requirement is specific to door to door.*

*Mayor Leusner explained that there has been inquiries regarding a second license and clarified that the Township is currently on pause with issuing any additional license at this time while INSA is established and beginning operations and the Township has time to assess how this new business affects the Township.*

*Nancy Wheeler Driscoll, Swainton, discussed her work with children and the efforts put in to emphasize the impact of drugs to them. She further discussed normalizing the gateway drug that is marijuana and presented Committee with various statistic reports she pulled regarding marijuana use in Cape May County. She continued to discuss her concerns with changing the language to door-to-door in relation to the proximity this could allow these businesses to have to a school and suggested changing the language instead to a radius of 1,000 ft. She then continued to discuss her concerns with the legalization of marijuana.*

*Mayor Leusner explained the governing body had begun to discuss this topic in 2018 in regards to medical marijuana. He explained when he was Chief of Police he was against the legalization; however it was passed by over 70% of voters in New Jersey. The Township has had many public discussions on this topic. He further explained that there are already a number of dispensaries surrounding the Township that other municipalities have approved and that the Governing Body's thought process through the entire process has been that if they are going to have these types of businesses impacting this community than they want to be sure to have as much oversight as possible. He is confident in this company coming to Swainton and that they will not have a negative impact on the community.*

*Mayor Leusner continued to discuss the various factors effecting these decisions by the Township. He expressed that it is important to proceed cautiously with this process, which is why the Township is on a hold for the second license.*

*Mayor Leusner asked James Maley about the concerns with the door-to-door clarification.*

*James Maley, Cannabis Attorney, clarified that it is 1,000 ft from entrance to entrance.*

*Kimberly Osmundsen asked Mr. Maley to explained how the application process affects licensing.*

*James Maley, Cannabis Attorney, explained that the Township has control through their licensing process which reviews components such as location. He advised that all applications must go through this review process before they can be licensed in the Township and also have to go through a site plan process as well.*

*Mayor Leusner further explained that there are numerous steps before a company can be opened .*

*David Lerman, 301 N. Main LLC, advised he is the owner of the property located on the corner of Route 9 and Court House South Dennis Road. He explained that he was approached by a cannabis company to purchase his property but they company was confused by the 1,000 ft requirement. He further explained that his property is within distance to the child care center at the hospital which would prohibit the company from opening at his location. He requested that the Township further clarify the language for the distance to be measured from walking or driving distance versus as the crow flies or that the Township consider reducing the distance to 900 ft.. He submitted a memo to Township Committee with suggested language for the ordinance to include these changes.*

*Kelly Cunningham, 6 Beaver Damn Rd, expressed concern with having a cannabis business close to her home. She continued to discuss concerns with a cannabis business being allowed within a 1,000 ft radius to a school.*

7. ORDINANCE 1692-24 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 30 SCHEDULE II (236-30), THEREOF, ENTITLED ONE-WAY STREETS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1692-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/18/2024 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:

SECTION 1. Section 236-30 (and furthermore schedule VII (236-30) of the Code of the Township of Middle is hereby supplemented by the removal of the following street:

NAME OF STREET	DIRECTION OF TRAVEL	LOCATION
6 <sup>th</sup> Street	North	From Old Rio Grande Boulevard (CR 634) to Hirst Avenue

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 1693-24 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 42 SCHEDULE XIV (236-42), THEREOF, ENTITLED NO STOPPING OR STANDING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1693-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/18/2024 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:

SECTION 1. Section 236-42 (and furthermore schedule VII (236-42) of the Code of the Township of Middle is hereby supplemented by the addition of the following street:

NAME OF STREET	SIDE	LOCATION
Sand Dollar Drive	Both	From Curbline of Route 9 through entirety of cul-de-sac

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.

9. RESOLUTION 99-24 – APPOINTMENT – NEW HIRE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Fongang “Steve” Mbah Fontem	Sewer	Laborer 1 F/T T/A	\$15.13 per hr	02/21/2024

10. RESOLUTION 100-24 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE
James Logan	Public Works	Laborer 1 F/T T/A (6 months)	Laborer 1 P/T Permanent	02/05/2024

11. RESOLUTION 101-24 – 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
Tyrone Davis	Sewer	Laborer F/T T/A (6 months)	02/03/2024

12. RESOLUTION 102-24 – APPROVE LEAVE OF ABSENCE – 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 Leave of Absence without pay for Nancy McDevitt, from February 27, 2024 through March 12, 2024 is hereby approved.

13. RESOLUTION 103-24 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

ACCT	BLOCK	LOT	OWNER/LOCATION	2024
18660	1432	6 C0100	Collins, James T Jr & Patricia A 208 Tidewater Ave	\$1,216.41
3130	163.07	3	Pastore, Michael A Jr & Leslie A Property location: 8 Domi Drive	\$1,587.96

Please make check payable and mail to:

208 Tidewater Ave:  
James T Collins Jr  
208 Tidewater Ave  
Rio Grande, NJ 08242-2802  
8 Domi Drive:  
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 a check in the above noted amount payable to the above-mentioned party, as a refund of 2024 taxes.

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

14. RESOLUTION –104-24 CANCELLATION OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a cancellation of taxes is due to the below property owners, who qualify for 100% Disabled Veteran Status as of 1/01/2024.

Account	Block	Lot	Owner/location	2024
18660	1432	6 C0100	COLLINS, JAMES T JR & PATRICIA A 208 TIDEWATER AVE	\$2,432.82

15. RESOLUTION 105-24 – PROVIDING FOR TRANSFER OF CERTAIN 2023 BUDGET APPROPRIATION RESERVES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, various 2023 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2023 Budget Appropriation Transfers in the last two months of 2023; and

WHEREAS, N.J.S.A.40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

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

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
<b>Current Fund</b>			
3-01-23-215-215-411	Workers Compensation	4,000.00	
3-01-20-100-100-228	General Admin - Other Expenses		1,500.00
3-01-20-120-120-220	Municipal Clerk - Other Expenses		1,000.00
3-01-20-130-131-228	Grants Administration-OE		1,500.00
		4,000.00	4,000.00

16. RESOLUTION 106-24 – APPROVE SECONDHAND MERCHANT AND DEALER OF PRECIOUS METALS LICENSES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the following applicants applied for a Secondhand Merchant & Dealer of Precious Metals License to operate in the Township of Middle;

WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey, reviewed by the Middle Township Police Department, and the proper fees have been paid; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the below Secondhand Merchant and Dealer of Precious Metals applicants are hereby licensed by the Township of Middle to operate within the Township of Middle from January 1, 2024 through December 31, 2024.

BE IT FURTHER RESOLVED, that said agreement is contingent upon the review and approval of all documents required per the Code of the Township of Middle by the Township’s Solicitor and Insurance Carrier.

License #	Applicant	Location	Fee
1	AU Gold Buyers, LLC	1127 Route 47 South, Suite 10, Rio Grande	\$500.00

17. RESOLUTION 107-24 – APPROVE TRANSIENT MERCHANT VENDOR LICENSE – A&T ICE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, A&T Ice has applied for a Vendor’s License to operate an ice cream truck in Middle Township,

WHEREAS, proper applications have been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from February 21, 2024 through December 31, 2024.

18. RESOLUTION 108-24 – AUTHORIZING ACCEPTANCE OF CASH BOND – JUBREALE LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Jubreale LLC has received certain approvals for the property located at 1 Route 47 South to include construction of related amenities (Site Work), and

WHEREAS, the developer is about to or has commenced development of the project together with the related improvement and has chosen to post a cash bond for the same.  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the cash bond in the amount of \$5,000.00, is hereby accepted.  
 FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

19. RESOLUTION 109-24 THROUGH 110-24 – 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 2023-22, and  
 WHEREAS, bids were received on February 15, 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
2023-22	Al's Plumbing	\$2,395.00

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

(B) WHEREAS, on January 24<sup>th</sup> 2024, the Township of Middle advertised for bids for 'Furnish & Deliver Police Uniforms for Middle Township Police Department'; and  
 WHEREAS, on February 7<sup>th</sup> 2024, the Township received and opened one (1) bid; and  
 WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, which complies with specifications; and  
 NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for POLICE UNIFORMS be and hereby is awarded to:

UNITED UNIFORMS, LLC  
 RIO GRANDE, NJ  
 (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 Police Uniforms shall be for one (1) year commencing on February 22<sup>nd</sup>, 2024 until December 31<sup>st</sup> 2024, with an additional one (1) year option.
  2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with United Uniforms, LLC.
  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 111-24 THROUGH 114-24 – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT (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, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and  
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 481-23 dated November 6, 2023, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and  
 WHEREAS, the Planning Board has formally passed Resolution #PBENG2024, appointing Mr. Orlando.  
 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 submission shall be awarded as follows:

Vincent C. Orlando – Planning Board Engineer

All fees related shall be charged to the appropriate escrow accounts as necessary.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2024.

(B) WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and  
 WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and  
 WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 481-24 dated November 6, 2023, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and  
 WHEREAS, the Zoning Board has formally passed Resolution #ZBENG2024, appointing Mr. Orlando.

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 submission shall be awarded as follows:

Vincent C. Orlando – Zoning Board Engineer

All fees related shall be charged to the appropriate escrow accounts as necessary.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto.

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2024.

(C) WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;

WHEREAS, the Zoning Board has formally passed Resolution #ZBATTY2024, appointing Robert T. Belasco, Esquire, of Stefankiewicz and Belasco, LLC, as Zoning Board Solicitor for 2024.

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 submission shall be awarded as follows:

Robert T. Belasco – Zoning Board Solicitor – Not to Exceed \$20,000.00

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2024.

(D) WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and

WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;

WHEREAS, the Planning Board has formally passed Resolution #PBATTY24, appointing David A. Stefankiewicz, Esquire, of Stefankiewicz and Belasco, LLC, as Planning Board Solicitor for 2024.

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 submission shall be awarded as follows:

David A. Stefankiewicz – Planning Board Solicitor – Not to Exceed \$33,000.00

BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2024.

21. RESOLUTION 115-24 – REJECT BIDS AND RE-ESTABLISH TABULATION COMMITTEE –

CLARENCE DAVIES PLAYGROUND – 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 Clarence Davies Playground, were received by the Township of Middle on February 14, 2024 at the Township Hall; and

WHEREAS, it appears to be in the best interest of the Township to reject the bids and rebid the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that all proposals received on February 14, 2024 for Clarence Davies Playground are hereby rejected; and

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 March 20, 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:

CLARENCE DAVIES PLAYGROUND

22. RESOLUTION 116-24 – AUTHORIZING APPLICATION SUBMISSION – FY 2024 NJ DCA GRANT –

LOCAL RECREATION IMPROVEMENT – CONCESSION STAND PARK PHASE II – CLARENCE DAVIES RECREATION COMPLEX – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle desires to apply for and obtain a FY 2024 grant from the New Jersey Department of Community Affairs for up to \$100,000.00 to carry out a Local Recreation Improvement Grant Project to undertake Concession Stand Park Improvements Phase II at the Clarence Davies Recreation Complex.

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

1) that the Township of Middle does hereby authorize the application for such a grant, and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement to sign the agreement, and any other documents necessary in connection therewith:

23. RESOLUTION 117-24 – CLOSED SESSION – POTENTIAL LAND PURCHASE/POTENTIAL

LITIGATION (BREACH OF CONTRACT) – 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 LAND PURCHASE/POTENTIAL LITIGATION (BREACH OF CONTRACT)

2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – POTENTIAL LAND PURCHASE/POTENTIAL LITIGATION (BREACH OF CONTRACT)

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.

#### 24. ENGINEERS REPORT:



Township of Middle  
Project Status Report  
February 21, 2024  
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

##### 3<sup>rd</sup> Ave & Walsh- Reconstruction & Construction of New Roadway

- Waiting on Change Order for concrete curb on 3<sup>rd</sup> Avenue.

##### Church Street

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

##### Clarence Davies Sports Complex – ADA Playground

- Plans and specifications completed.
- Received bids 2/14/24. Bids rejected – over budget.
- Project to be rebid February 28, 2024 with minor modifications.

##### 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 completed.
- Working on Plans and Specifications.

##### Ockie Wisting Park

- Received revised light plans from manufacturer.
- Contractor to submit revised quotes on options.

##### Avalon Fishing Pier

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

Cambridge Professional Offices  
5 Cambridge Drive, Ocean View, New Jersey 08230  
PHONE: (609) 390-0332 • FAX: (609) 390-0204

Project Status Report  
February 21, 2024

Page 2 of 2

##### 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 Approved.
- County Engineering division will bid and inspect site. EDA will provide administrative services for the Grant.

##### Linden Lane (Phase III)

- Survey work completed.
- Design and construction specifications to be completed April 2024.
- Anticipated construction - July 2024.

#### 25. PUBLIC COMMENT:

*Nancy, 361 Grande Blvd, asked if there is anyway to find out the actual number of yes votes for the cannabis legalization question.*

*Committeeman Norris suggested she go to the Cape May County Votes page or the Board of Elections.*

*Matt Rooney stated that the New Jersey Secretary of State may have the answer as well.*

#### COMMITTEE COMMENTS:

*Committeeman Norris thanked Nancy Burke at Burke Motor group for hosting the Cops and Coffee event. He congratulated all those elected at the fire elections and thanked all voters that turned out for the elections.*

*Committeeman Gandy thanked Tom Flounders. He then discussed the fire elections.*

*Mayor Leusner recognized Tom Flounders and the great work he has done. He then recognized the volunteer fire fighters and the election the previous week. He stated he is grateful for all that they do. He then began to discuss his visit to the conifer apartment complex with Commissioners*



*Leonard DeSiderio and Bobby Barr. He explained this visit is a step towards creating more ways for affordable and accessible housing.*

Motion to enter closed session – 6:38 pm

1<sup>st</sup>: Committeeman Gandy 2<sup>nd</sup>: Committeeman Norris

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

Motion to re-enter open session – 7:30 pm

1<sup>st</sup>: Committeeman Gandy 2<sup>nd</sup>: Committeeman Norris

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

Motion to adjourn meeting – 7:30 pm

1<sup>st</sup>: Committeeman Gandy 2<sup>nd</sup>: Committeeman Norris

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

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Kimberly D. Osmundsen, Township Clerk

Minutes prepared by: E. Bartleson