

Cape May Court House, NJ  
 March 4, 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. 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.*)

*No Comments*

2. RESOLUTION 118-24 – 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	8,227.77
Current Fund CY	4.01	2,641,016.19
Alarm Billing	3.03	-
Sewer Utility PY	3.07	-
Sewer Utility CY	4.07	4,079.24
General Capital	C.04	76,169.19
Sewer Capital	C.08	-
Grants	G.06	2,000.00
M.A.C.	M.24	-
Emergency Housing	R.23	52.00
Dog Trust	T.12	-
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	7,635.06
Zoning Escrow	E.19	5,077.25
Unemployment Trust	T.20	-
Development Fee	T.27	-
Recreation Trust	T.28	7,060.77
<b>TOTAL</b>		<b>2,751,317.47</b>

3. RESOLUTION 119-24 – APPROVING PAYMENT FOR BILLS – BILL LIST B –On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. Mayor Leusner abstained.  
 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	
Current Fund CY	4.01	1,706.25
Alarm Billing	3.03	-
Sewer Utility PY	3.07	
Sewer Utility CY	4.07	
General Capital	C.04	
Sewer Capital	C.08	
Grants	G.06	
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	
Zoning Escrow	E.19	
Unemployment Trust	T.20	-
Development Fee	T.27	
Recreation Trust	T.28	
TOTAL		1,706.25

4. RESOLUTION 120-24 – 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: 02/21/2024 Regular Meeting

5. REPORTS: None

6. ORDINANCE 1691-24 – AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF THE TOWNSHIP OF MIDDLE ENTITLED BUSINESS REGISTRATION – Following second reading, hearing, and consideration for adoption, Ordinance 1691-24 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris 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 103 of the Code of the Township of Middle is hereby amended to include the following section referenced by underline:

SECTION 6: ANNUAL FEE

The annual registration fee of seventy-five (\$75.00) dollars shall be paid to the Office of the Township Clerk, or other designated department, on a form as outlined and provided by the township, with all other insurance requirements as outlined in the law.

Application for such registration must be filed by December 1<sup>st</sup>, by the owner or permissive user.

EFFECTIVE DATE: All businesses shall be required to register within sixty (60) days of the adoption of this chapter.

LATE FEE: After the effective date as indicated above, thereafter for each year, all annual fees for business registrations are to be paid on or before December 1<sup>st</sup>.

Any business owner or operator who conducts any business governed by this chapter of the Middle Township Ordinances, who has not paid the required annual fee set forth herein by the January 1<sup>st</sup> registration effective date, will be subject to a late fee of \$75 in addition to that fee which is normally required.

ANNUAL FEE EXEMPTION: Any business entity or business activity which is conducted or operated exclusively for religious, charitable, educational, or other beneficial non-profit purposes, or any business entity or business activity which exists for the purpose of providing veteran services or is a veteran-owned organization are exempt from the annual registration fee. Exempt businesses are nevertheless still required to register with the Township Clerk’s Office as provided by this Chapter and provide the required Certificate of Insurance and proof of non-profit or veteran status.

SECTION 4. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 5. 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 6. This ordinance shall become effective immediately upon final passage and publication, according to law.

*No Comments*

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 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1694-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/8/2024 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. 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.

*Mayor Leusner explained purpose for the ordinance update.*

8. RESOLUTION 121-24 – 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
Zaydie Rivera	Municipal Court	Clerk 1	\$30,000.00	02/23/2024

9. RESOLUTION 122-24 – 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
Timothy O'Brien	Recreation	Recreation Aide P/T T/A (6 months)	Recreation Aide Permanent P/T	02/26/2024

10. RESOLUTION 123-24 – ASSIGNMENT OF TAX TITLE LIEN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2014-7589 acquired under N.J.S.A. 54:5-34; and, WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Cape May County Herald, within five days prior to the action as required by law. NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Middle, County of Cape May, State of New Jersey on this 4th day of March 2024 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2014-7589 in the amount of \$1,782.58 plus the cost of advertisement to:

VALENTIN LAZAR  
100 LAFAYETTE AVE  
DEL HAVEN, NJ 08251

For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under N.J.S.A. 54:5-113, BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

11. RESOLUTION 124-24– APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL – SAFE AND SECURE COMMUNITIES GRANT PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to apply for funding of approximately \$45,150.00 with a match of \$328,862.46 for an approximate project total cost of \$374,012.46 for a project under the State of New Jersey Safe & Secure Communities Grant Program; and

WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety, Office of the Attorney General and the Township of Middle for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Middle, is authorized to accept and does hereby accept the award of the Safe and Secure Communities Grant in the amount of \$45,150.00

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:

1. As a matter of public policy, the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Office of the Attorney General;
2. The Attorney General of New Jersey will receive funds on behalf of the applicant;

3. The Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds; and
4. The Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to the applicant as authorized by law.

BE IT FURTHER RESOLVED, that the subaward number for said project is 24-0506 for a subaward period of 09/02/2023 through 09/01/2024.

12. RESOLUTION 125-24 THROUGH 126-24 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Consulting & Municipal Engineers and the Township of Middle provide affordable housing planning services as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Consulting & Municipal Engineers (CME)  
Affordable Housing Planning Services  
Not to Exceed \$1,400.00  
March 4, 2024 – December 31, 2024

(B) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Madden & Madden, P,A, and the Township of Middle provide legal services as it pertains to Garden State Outdoor LLC vs. Zoning Board of Adjustment of Middle Township as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Madden & Madden P.A.  
Legal Services  
Not to Exceed \$200.00/hour

13. RESOLUTION 127-13- AWARD OF BID – CONTRACT #2023-23- MIDDLE TOWNSHIP DEL HAVEN WATER LATERAL CONNECTION ASSISTANCE PROJECT - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, it has been deemed necessary and desirable to solicit bids for the Del Haven Water Lateral Connection Assistance Program for Contract No 2023-23, and WHEREAS, bids were received on February 28, 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
2023-23	Al's Plumbing	\$3,495.00

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

14. RESOLUTION 128-24 – AUTHORIZING NEGOTIATION OF CONTRACT – NO BIDS RECEIVED – ALARM BILLING - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. Mayor Leusner abstained. 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 RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the Qualified Purchasing Agent is authorized to negotiate a contract for the performance of 'Burglar & Fire Alarm Administrative Services for Township of Middle'; and
15. RESOLUTION 129-24 – CLOSED SESSION – POTENTIAL LITIGATION (PUBLIC PROJECT DEFECTS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and NOW, THEREFORE, BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
- 1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: CLOSED SESSION – POTENTIAL LITIGATION (PUBLIC PROJECT DEFECTS)

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

CLOSED SESSION – POTENTIAL LITIGATION (PUBLIC PROJECT DEFECTS)

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

WHEN THE MATTER IS RESOLVED


4.) This Resolution shall take effect immediately.

**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.**

## 16. ENGINEERS REPORT:

 <p><b>ENGINEERING DESIGN ASSOCIATES, P.A.</b> ENGINEERS ENVIRONMENTAL PLANNERS LANDSCAPE ARCHITECTS</p> <p>Township of Middle Project Status Report March 4, 2024 Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.</p> <p><b>3<sup>rd</sup> Ave &amp; Walsh- Reconstruction &amp; Construction of New Roadway</b></p> <ul style="list-style-type: none"><li>Waiting on Change Order for concrete curb on 3<sup>rd</sup> Avenue.</li></ul> <p><b>Church Street</b></p> <ul style="list-style-type: none"><li>Grant received for fiscal year 2023 in the amount of \$221,075.00</li><li>Schedule:<ul style="list-style-type: none"><li>Waiting on final approval from NJDOT.</li></ul></li></ul> <p><b>Clarence Davies Sports Complex – ADA Playground</b></p> <ul style="list-style-type: none"><li>Plans and specifications completed.</li><li>Received bids 2/14/24. Bids rejected – over budget.</li><li>Project to be rebid February 28, 2024 with minor modifications.</li><li>Bids to be received March 20, 2024.</li></ul> <p><b>Del Haven Road Paving</b></p> <ul style="list-style-type: none"><li>Plans and Specifications Completed.</li><li>Contract to be awarded to South State, Inc.</li><li>Construction to begin April 15, 2024.</li></ul> <p><b>Middle Township Public Works Parking Lot</b></p> <ul style="list-style-type: none"><li>Survey completed.</li><li>Working on Plans and Specifications.</li></ul> <p><b>Ockie Wisting Park</b></p> <ul style="list-style-type: none"><li>Received revised light plans from manufacturer.</li><li>Met with contractor on March 1, 2024 to discuss pricing options.</li></ul> <p><b>Avalon Fishing Pier</b></p> <ul style="list-style-type: none"><li>Signage delivered to Public Works for installation.</li><li>Public Works has all material to install.</li></ul> <p>Cambridge Professional Offices 5 Cambridge Drive, Ocean View, New Jersey 08220 PHONE: (609) 390-0332 • FAX: (609) 390-9204</p>	<p>Project Status Report March 4, 2024 <span style="float: right;">Page 2 of 2</span></p> <p><b>Magnolia Avenue</b></p> <ul style="list-style-type: none"><li>NJDOT Grant received 04/25/2022 for \$300,000.00.</li><li>Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping Center.</li><li>Construction drawing and specifications completed.</li><li>NJDOT Approved.</li><li>County Engineering division will bid and inspect site. EDA will provide administrative services for the Grant.</li></ul> <p><b>Linden Lane (Phase III)</b></p> <ul style="list-style-type: none"><li>Survey work completed.</li><li>Design and construction specifications to be completed April 2024.</li><li>Anticipated construction - July 2024.</li></ul>
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## 17. PUBLIC COMMENT:

*Ed Dillio, Cape May Court House, asked about item 6 on the agenda and asked if the registration applies to festivals.*

*Mayor Leusner explained the registration is for businesses specifically. Explained new insurance registration required by the state.*

*Kimberly Osmundsen further reiterated this has nothing to do with Harvest Festival and strictly to go with business' registering with the municipality.*

*Stan Doniger, Rio Grande, asked if the limits required by the State for business licensing are the same limits being required for this registration.*

*Kimberly Osmundsen stated yes, the limits required in the State statute are referenced in the code.*

## COMMITTEE COMMENTS

*Committeeman Gandy thanked everyone for the hard work they do in the Township. He then discussed a special meeting held by the Planning Board and thanked all the volunteers. He then welcomed the new hire in the Court and wished her good luck.*

*Committeeman Norris reminded everyone that March 23<sup>rd</sup> would be the Easter Scramble at the Goshen Complex. Then discussed the State of the Township event held at the Bellevue. Thanked the Middle Township Chamber and the Bellevue. Thanked all that helped put the event together.*

*Mayor Leusner stated the State of the Township was a great event and well attended. Explained he had the pleasure of providing an overview on the work he, Committeeman Gandy and Committeeman Norris do together as a team along with Administration, Township Engineer and*

*Township Solicitor. Congratulated the Middle Township High School Girls Basketball team on winning the Group II South Jersey Championship. He congratulated the boys on a great season as well. He recognized the Lady Warriors of Wildwood that won the Group I South Jersey Championship. He then advised that the upcoming Saturday No Limits Academy would be holding an event called Hoops and Cops. Stated they were working hard on the budget and hoped to introduced at the first meeting in April.*

Motion to enter closed session – 6:15 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 – 6:45 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 – 6:45 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