

Cape May Court House, NJ
 May 20, 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, Committeeman 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.)*

John Lauricella, Cape May Court House, commented on electric bills and discussed incentives from the State for solar panels.

Kimberly Osmundsen explained the electric bills he is referring to are pump stations and street light costs.

Stan Doniger, Rio Grande asked about discharge of mortgage resolution.

Kimberly Osmundsen explained it is a housing rehabilitation loan and that the resident is paying off the lien.

Stan Doniger, Rio Grande asked how a successor is chosen for Police Chief.

Mayor Leusner explained process of choosing a Police Chief as well as other ranked positions within the department.

2. RESOLUTION 207-24 – 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	12,716.45
Current Fund CY	4.01	331,272.58
Alarm Billing	3.03	
Sewer Utility PY	3.07	-
Sewer Utility CY	4.07	7,729.19
General Capital	C.04	52,010.00
Sewer Capital	C.08	
Grants	G.06	73,321.94
M.A.C.	M.24	1,305.62
Emergency Housing	R.23	
Dog Trust	T.12	
Forfeited Monies	T.13	
Sewer Escrow	T.16	
Trust Other	T.17	
Developer's Escrow	T.18	15,852.48
Zoning Escrow	T.19	3,653.59
Zoning Escrow	E.19	620.00
Unemployment Trust	T.20	-
Development Fee	T.27	-
Recreation Trust	T.28	4,643.56
TOTAL		503,125.41

3. RESOLUTION 208-24 – 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: 05/06/2024 Regular Meeting
4. REPORTS: Clerk for month of April; Zoning for month of April; Tax/Sewer Collector for month of April; Sterbeck Harbor for month of April
5. ORDINANCE 1698-24 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY AMENDING CHAPTER 66 OF THE TOWNSHIP CODE, CREATING THE MIDDLE TOWNSHIP GARDEN CLUB – Following second reading, hearing, and consideration for adoption, Ordinance 1698-24 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:
WHEREAS, the Township Committee of the Township of Middle does hereby wish to establish the Middle Township Garden Club (hereinafter referred to as the “MTGC”) for the purposes of developing ideas, researching costs, and implementing approved plans for beautification projects and events.
WHEREAS, the Township Committee desires to formalize the nature of the Garden Club to enable it to more efficiently fulfill its mission.
THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:
SECTION 1: Chapter 66 of the Municipal Code of the Township of Middle is hereby amended and supplemented as follows:
§ 66-13 Garden Club.
 - A. ESTABLISHMENT AND PURPOSE
 - 1) This hereby creates the “Middle Township Garden Club” which is dedicated to supporting recreational community gardening. The MTGC fosters community pride and promotes community partnership towards the beautification of municipally and privately-owned properties within the municipal borders.
 - B. ESTABLISHMENT OF MEMBERSHIP
 - 1) This Club shall consist of unlimited members of the Township of Middle who desire to get involved in the various established events of the Garden Club.
 - C. OFFICERS; TERMS AND ORGANIZATION
 - 1) The Middle Township Garden Club shall meet immediately after January 1 of each year for the purpose of reorganization. The agenda at this meeting should include the establishment of dates and places of meetings and such other business as may properly come before the Club at the annual reorganization meeting. The Club shall meet as often as determined by the Club, as the need for said meetings is presented.
 - 2) The Governing Body shall name and select a Chairperson and a Vice Chairperson of the MTGC Committee for a term of service of one (1) year. In the absence of the Chairperson, the powers and duties of the Chairperson shall be performed and exercised by the Vice Chairperson.
 - 3) Three (3) additional MTGC Committee members shall be appointed for a term of one (1) year.
 - 4) The MTGC Committee members may serve for successive years if reappointed by the Township Committee. In the event of a vacancy occurring on the MTGC Committee other than by expiration of a term, such vacancy shall be filled by the Township Committee for the unexpired term.
 - 5) On behalf of the Club, the Township shall appoint a staff member as secretary to the club and provide legal counsel from the municipal solicitor if needed.
 - D. COMPENSATION
 - 1) The members of the Committee shall serve without compensation.
 - E. POWERS AND DUTIES
 - 1) With the advice and consent of the Township Committee, the Middle Township Garden Club may be granted the following powers and duties in discharging its intent and purpose:
 - a) The Middle Township Garden Club may be empowered to advertise, prepare, print and distribute pamphlets, brochures, maps, books or other reading material which are necessary for the promotion of any programs, projects or activities under its authority.
 - b) The Middle Township Garden Club shall have the power to appoint subcommittees of the general citizenry in specific areas and for specific beautification projects.
 - c) The Middle Township Garden Club shall keep records of its meetings and activities and shall file an annual report of its activities and budgetary expenditures with the Township Committee on or before December 31 of every calendar year.
 - d) In cooperation with the Township Administration, the Middle Township Garden Club may apply for any state, federal and private grants for the purpose of beautification projects within the Township.
 - F. FUNDING, DEPOSITING, AND EXPENDITURE OF FUNDS.
 - 1) The Township Committee may appropriate such sum in each year's current fund budget as may be determined by the governing body to be necessary for the purpose of the Middle Township Garden Club.
 - 2) Should the MTGC receive any gifts, donations or bequests, such funds shall be deposited in a trust fund account established by the Township’s Finance Department and shall not be utilized for any horticulture or landscaping projects without the prior approval of the Township Committee. Dedicated funds shall be spent for the purpose for which the funds were received, in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq. The MTGC shall require any individual or entity donating services and/or capital improvements to the Township to supply to the Township an

indemnification and hold harmless agreement prior to the commencement of any such donative efforts as may be required by the municipal joint insurance fund.

SECTION 2: Any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

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

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

John Lauricella, Cape May Court House, asked how the club processes recommendations and are funded.

Mayor Leusner explained the Township regulates the club's recommendations and they raise their own funds which are put into a trust fund for the club.

6. ORDINANCE 1699-24 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 54 ENTITLED RECREATION ADVISORY COUNCIL – Following second reading, hearing, and consideration for adoption, Ordinance 1699-24 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, County of Cape May, State of New Jersey, that the following chapter and section of the local code is hereby revised as follows:

SECTION 1.

54-3 Membership.

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

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

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

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

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

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

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

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

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

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

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

Committeeman Norris gave an overview on the need for the council's membership update.

7. ORDINANCE 1700-24 – 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 879 LOT 11 IN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1700-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/19/2024 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 879, Lot 11 (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, three (3) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:
- | | |
|--------------------|---|
| Block 879 Lot 9 - | Knights, Karen
PO Box 481
Rio Grande, NJ 08242-0481 |
| Block 879 Lot 10 - | Stephens, Michele ETALS
13 Gibbs Street |

Block 879 Lot 12 -

Cape May Court House, NJ 08210-3216
Baker, Roberts
10371 Maywind Court
Columbia, MD 21044-2565

WHEREAS, the three (3) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the three (3) 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 879 Lot 11 is \$5,100.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$5,100.00, 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 879, Lot 11 to the highest bidder of an open (private) auction to be held on July 10, 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 three (3) owners of property contiguous to that portion of Block 879, Lot 11 which is offered for sale shall participate; and

2. The minimum bid shall be \$5,100.00; 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.

8. RESOLUTION 209-24 – APPOINTMENT OF CHIEF OF POLICE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, current Chief of Police Jennifer Pooler has submitted her letter of intent to retire effective July 1, 2024, and WHEREAS, it has been deemed necessary to replace said chief upon retirement, and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon the retirement of current Chief Jennifer Pooler, it is the decision of this governing body to appoint Captain Tracey Super as Chief of Police of the Middle Township Police Department.

9. RESOLUTION 210-24 – APPOINTMENT – RENT LEVELING BOARD – 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 individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
David Smith	Member	Rent Leveling Board	12/31/2024*

*Filling unexpired term.

10. RESOLUTION 211-24 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Tom Grayson	Rent Leveling Board	Member	05/20/2024
Paul Shulte	Rent Leveling Board	Member	05/20/2024

11. RESOLUTION 212-24 THROUGH 213-24 – RATIFY AGREEMENT (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) BE IT RESOLVED by the Township Committee of the Township of Middle the governing body thereof, that the Agreement between AtlantiCare Behavioral Health, Inc. and the Township of Middle for the Employee Assistance Program shall for a term of twenty (20) months.

BE IT FURTHER RESOLVED that each annual agreement is for a total cost of \$4,160.70, to be certified annually, pending availability of funds.

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

(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 the agreement between Tracey Super, Chief of the Middle Township Police Department and the Township of Middle, as attached, effective July 1, 2024, is hereby ratified.

BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.

12. RESOLUTION 214-24 – 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 an exempt property that was granted 100% veteran exemption.

ACCT	BLOCK	LOT	OWNER/LOCATION	2023
14656	1472	25	Burdsall, Henry N & Veronica M 206 E Maryland Ave	\$995.22

Please make check payable and mail to:

Burdsall, Henry N & Veronica M
206 E Maryland Ave
Rio Grande, NJ 08242-1312

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 2023 taxes.

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

13. RESOLUTION 215-24 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and

WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and

WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance;” and

WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and

WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and

WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.

FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Weiss, Dalton	300 Hand Avenue	235 // 24	\$512.60
Prendergast, Marcella E	201 Millman Boulevard	421 // 2	\$449.12
American Buildpro Inc	5 Mimosa Drive	1427 // 34	\$405.92

14. RESOLUTION 216-24 – APPROVE CHANGE ORDER NO. 2 – 2022 ROAD PROJECT – SOUTH STATE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a Contract was awarded, on September 7, 2022 via Resolution No. 393-22 to South state for the 2022 Road Project.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #3 for the project awarded to South State for the 2022 Road Project is hereby approved, and that the change order results in a increase of \$5,428.80 for an amended contract amount of \$640,812.74.

15. RESOLUTION 217-24 – APPROVAL OF MOBILE FOOD VENDOR LICENSE – 2024 – On motion by Committeeman Gandy seconded by Committeeman Norris 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 14-24	01-24	Robert C. Kelleher	Poppin Bob Popcorn	\$75.00
MFV 15-24	01-24	Dean F. DeRitis	Cheezy D’s Gourmet Grilled Cheese	\$75.00
MFV 16-24	01-24	William R. Umba, Jr.	Casey’s Cause	\$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 31st day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

16. RESOLUTION 218-24 – AMENDING RESOLUTION 71-24 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN CONTRACT – BOCCHI LAW, LLC – TOWNSHIP CONFLICT ATTORNEY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 71-24 authorized an agreement with Bocchi Law, LLC, for redevelopment counsel services, as a non-fair and open contract pursuant to the Pay to Play regulations in an amount not to exceed \$17,500.00; and

WHEREAS, said contract needs to be amended due to pending litigation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

Bocchi Law LLC

Not to Exceed an additional - \$45,000.00

(Total Contract Amount \$62,500.00)

17. RESOLUTION 219-24 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – 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 and State of New Jersey that the mortgage loan for Frederick Sharp for the property located at 6 Linda Lane, Green Creek, New Jersey in the amount of \$2,395.00 is hereby authorized to be discharged.
FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
18. RESOLUTION 220-24 – AWARD OF BID – GOSHEN SPORTS COMPLEX – HOCKEY RINK RESURFACING – 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 Goshen Sports Complex Hockey Rink Resurfacing;
WHEREAS, sealed bids were received on May 15, 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 Goshen Sports Complex Hockey Rink Resurfacing be awarded to Ricky Slade Construction, Inc.
Ricky Slade Construction, Inc
Goshen Sports Complex
Hockey Rink Resurfacing
Not to Exceed \$116,625.00
BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
19. RESOLUTION 221-24 THROUGH 222-24 – LIMITED BREWERY OFF-PREMISE EVENT PERMIT (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, 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 June 08, 2024 from 11:00pm until 7:00pm with a rain date of June 9, 2024; 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.
(B) WHEREAS, Two Brews 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 June 01, 2024 from 12:00pm until 6:00pm with a rain date of June 2, 2024; 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.
20. RESOLUTION 223-24 – AUTHORIZING SUPPORT OF REVOCATION OF BLUE LIGHT PERMIT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, a blue light permit was issued to Dominic Ferrugi in July of 2022 as a member of Green Creek Fire Company; and
WHEREAS, Mr. Ferrugi has been terminated as a member of the Green Creek Fire Company; and
WHEREAS, Green Creek Fire Company is requesting the revocation of Mr. Ferrugi’s blue light permit due to his termination.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, support Green Creek Fire Company’s request to New Jersey Motor Vehicle Commission for the revocation of Dominic Ferrugi’s blue light permit.
21. RESOLUTION 224-24 – AUTHORIZING THE EXECUTION OF ENCROACHMENT AGREEMENT – BLOCK 1019 LOTS 26 & 40 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the Encroachment agreement for Block 1019, Lots 26 & 40 between the County of Cape May and the Township of Middle.
22. RESOLUTION 225-24 – CLOSED SESSION – PENDING LITIGATION (MAG564 VS. MIDDLE TOWNSHIP) AND 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 – PENDING LITIGATION (MAG564 VS. MIDDLE TOWNSHIP) AND POTENTIAL LITIGATION (BREACH OF CONTRACT)
- 2.) The general nature of the subject matter to be discussed is as follows: CLOSED SESSION – PENDING LITIGATION (MAG564 VS. MIDDLE TOWNSHIP) AND 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.

23. ENGINEER'S REPORT:



Township of Middle
Project Status Report
May 20, 2024
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

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

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

Church Street

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

Clarence Davies Sports Complex – ADA Playground

- Contract awarded to Landbert Construction.
- Waiting on contractor for construction schedule.
- Contractor indicated that project will be completed by September 1, 2024.

Del Haven Road Paving

- Plans and Specifications Completed.
- Contract to be awarded to South State, Inc.
- Construction start date week of May 20, 2024.
- Estimated completion week of June 24, 2024.

Middle Township Public Works Parking Lot

- Survey completed.
- Working on Plans and Specifications.

Oekje Wisting Park

- Received revised light plans from manufacturer.
- Contractor submitted pricing.
- Revised pricing to be reviewed by Cape May County for approval.

Cambridge Professional Offices
5 Cambridge Drive, Ocean View, New Jersey 08230
PHONE: (609) 390-0332 • FAX: (609) 390-9204

Project Status Report
May 20, 2024

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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.

Goshen Hockey Rink

- Bid Tabulation.
 - Approval by committee to bid.
 - Notice to Bidders – May 1, 2024.
 - Accept Bids – May 15, 2024.
 - Award Contract – May 20, 2024.

FINAL/MIDDLE/GENERAL/PROJSTATUS/2024/5-20-24

Vince Orlando provided update on grant received for ADA compliance. Advised they will be utilizing the grant funds to upgrade the front doors of Town Hall for ADA compliance.

24. PUBLIC COMMENT:

Mary Ann Alulis, Cape May Court House, discussed recent visit to Norbury Landing and expressed how nice the park is. Then asked about laws regarding pools and requirements for them to be fenced in.

Kimberly Osmundsen explained there is a zoning code and Township code she can forward to her regarding the requirements for pools.

Lillian Wing, Whitesboro, asked about motorized bikes and electric bikes on the bike path.

Mayor Leusner spoke of discussions regarding electric bike allowances on the bike path. Explained at this time they are permitted on the bike path but motorized bikes such as dirt bikes are not permitted.

Jim Pennington, Rio Grande, stated electric bikes have motors also.

Mayor Leusner explained the difference from electric bikes versus motorized bikes such as dirt bikes. Stated he has not received any complaints regarding electric bikes on the bike path.

John Lauricella, Cape May Court House, expressed that he believes Tracey Super will do a great job as Chief of Police and spoke of his personal interactions with him during the Police Youth Camp.

Stan Doniger, Rio Grande commented on the flooding on Railroad Avenue and development.

Vince Orlando explained process of the development to tie into the drainage. Further discussed bonding requirement through the County.

COMMITTEE COMMENTS:

Committeeman Gandy congratulated the new garden club and discussed the great work they are already doing. He discussed the Drum Fish Tournament that took place the previous weekend and the success of the event. He thanked everyone that helped put together the event. He then congratulated Tracey Super on his promotion.

Committeeman Norris seconded Committeeman Gandy's comments on the Drum Fish Tournament and explained that over \$9,500.00 was raised for the recreation department through the tournament. He thanked all that came out to participate. He then discussed the basketball U-12 team's win on their most recent tournament in West Deptford. Then he discussed the great work being done by the garden club at the American Legion. He recognized that the week was public works week and thanked all of the Public Works Department on all their hard work for Middle Township. He went on to congratulate Tracey Super on his promotion and thanked Chief Pooler on all her hard work over the years for the Middle Township Police Department. Lastly, he discussed the approval of the bid for the Goshen hockey rink resurfacing.

Mayor Leusner thanked the garden club on their work at the American Legion and the updates they are making to Downtown Court House. He then commented on the health fair held at the senior center and thanked all those involved in the event. Then he discussed the Middle Township Chamber of Commerce membership he attended. He went on to discuss the Middle Township retiree luncheon that had not been held since 2018. He congratulated Tracey Super on his promotion and thanked Chief Pooler on her leadership as Chief of Police over the last year. He then discussed the police unity tour. Lastly, he recognized Public Works week and thanked the department for all the great work they do.

Motion to enter closed session – 6:33 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 7:18 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 7:18 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk

Minutes prepared by: E. Bartleson