

Cape May Court House, NJ
 June 19, 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, Township Engineer, Vince Orlando & Municipal Solicitor Matt Rooney

1. PRESENTATION BY MAYOR AND COMMITTEE – JUNE EMPLOYEE OF THE MONTH – LISA CERMANSKI
2. SWEARING IN OF NEW OFFICERS
3. 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.)*
4. RESOLUTION – APPOINTMENT – TEMPORARY ACTING DEPUTY TOWNSHIP CLERK - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby temporarily appointed (for a period of 120 days) to the in-house title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Suzanne M. Schumann	Administration	Temporary Acting Deputy Township Clerk	06/10/2024

**In-House title of Temporary Acting Deputy Township Clerk due to extended leave of absence of Emily Bartleson, Deputy Township Clerk.*

5. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
6. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 06/03/2024 Regular Meeting
7. ORDINANCE NO. 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 AMONGST CONTIGUOUS OWNERS OF BLOCK 879 LOT 11 IN THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1700-24 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
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
Cape May Court House, NJ 08210-3216

Block 879 Lot 12 - 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. ORDINANCE NO. 1704-24 - AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE - On motion by seconded by and passed on roll call, Ordinance No. 1704-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/15/2024 at 6:00 p.m.
COMPLETE ORDINANCE ON FILE IN CLERK'S OFFICE

9. ORDINANCE NO. 1705-24 - CAPITAL ORDINANCE PROVIDING FOR VARIOUS SEWER CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$335,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF - On motion by seconded by and passed on roll call, Ordinance No. 1705-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/15/2024 at 6:00 p.m.
WHEREAS, the Township of Middle, in the County of Cape May, State of New Jersey (the "Township"), wishes to undertake various sewer capital improvements in and throughout the Township including, but not limited to, various sewer system improvements (as deemed necessary by the Township) and acquisition of vehicles and equipment including, but not limited to, an F-350 crane truck (4x4) with plow and an F-250 pickup truck (4x4) with plow; and
WHEREAS, the cost of said improvements or purposes is estimated to be \$335,000; and
WHEREAS, the Township desires to authorize the appropriation and expenditure of \$335,000 from the Capital Improvement Fund to undertake various sewer capital improvements; and.
BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), AS FOLLOWS:
SECTION 1. The capital improvements or purposes described below are hereby authorized as general capital improvements to be undertaken by the Township. For said improvements or purposes, there is hereby appropriated the amount of \$335,000 from the Capital Improvement Fund to undertake various sewer capital improvements in and throughout the Township including, but not limited to, various sewer system improvements (as deemed necessary by the Township) and acquisition of vehicles and equipment including, but not limited to, an F-350 crane truck (4x4) with plow and an F-250 pickup truck (4x4) with plow; and
SECTION 2. The expenditure of the \$335,000 consisting of an appropriation of \$335,000 from the Capital Improvement Fund for the improvements or purposes set forth in Section 1 hereof is hereby authorized and approved. The Mayor, the Clerk, the Chief Financial Officer and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement to undertake the improvement or purpose set forth herein and to effectuate the transaction contemplated hereby.
SECTION 3. The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file in the Office of the Clerk and is available for public inspection.
SECTION 4. This ordinance shall take effect immediately after final adoption.

10. ORDINANCE NO. 1706-24 - BOND ORDINANCE PROVIDING FOR VARIOUS 2024 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$1,452,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,382,855 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF - On motion by seconded by and passed on roll call, Ordinance No. 1706-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/15/2024 at 6:00 p.m.
BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:
SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the "Township") as general capital improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$1,452,000, including the sum of \$69,145 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The \$69,145 aggregate amount of down payments is now available therefor from the capital

improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$1,452,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,382,855 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,382,855 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Buildings and Grounds</u> – Various Improvements To Township Buildings And Grounds Including, But Not Limited To, Goshen Recreation Complex Improvements Including, But Not Limited To, Sport Field Improvements; Various Other Township Building And/Or Facility Improvements As Deemed Necessary By The Township Including, But Not Limited To, Restroom Improvements At Town Hall In Compliance With ADA; And Acquisition And Installation, As Applicable, Of A Drop Down Curtain, Bollards, And Flooring For the Senior Center;	\$501,000	\$477,142	\$23,858	11.01 years
(ii) <u>Vehicles and Equipment</u> – Acquisition And Installation, As Applicable, Of Various Vehicles and Equipment For The Township Including, But Not Limited To, A 4x4 Vehicle With Plow And Spreader; A 4x4 Vehicle With Plow And Utility Body; A “Tow Behind” Leaf Vac; Two (2) Non-Passenger Sport Utility Vehicles For Administration; And Other Building Equipment Improvements Including, But Not Limited To HVAC Improvements;	\$465,000	\$442,857	\$22,143	5.55 years
(iii) <u>Roads</u> - Improvements To Various Roads (As Deemed Necessary By The Township) Including, But Not Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, Installation Of Or Improvements To Curbing And Driveway Aprons, Resetting Utility Castings, Drainage Improvements, Roadway Painting, Landscaping And Aesthetic Improvements;	\$200,000	\$190,476	\$9,524	15.0 years
(iv) <u>Public Safety</u> – Acquisition And Installation, As Applicable, Of Various Equipment And Vehicles For The Police Department To Include, But Not Be Limited To, Non-Passenger Vehicles And Related Equipment, Outer Vest Carriers And Red-Dot Sight Firearms; And	\$170,000	\$161,904	\$8,096	5.00 years
(v) <u>Information Technology and Office Equipment</u> – Various Information Technology Improvements Throughout the Township Including, But Not Limited To, Acquisition And Installation, As Applicable, Various Equipment Including, But Not limited To, Computer Hardware and Software; A Plotter Printer; Audio System Improvements For Court Room; And PA System Improvements At Goshen Gym.	\$116,000	\$110,476	\$5,524	8.10 years
TOTALS	<u>\$1,452,000</u>	<u>\$1,382,855</u>	<u>\$69,145</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,382,855.

(d) The aggregate estimated cost of said improvements or purposes is \$1,452,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the down payments available for said purposes in the aggregate amount of \$69,145.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May, and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes

authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 8.87 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,382,855 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$285,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

11. RESOLUTION – APPOINTMENT – TAX SEARCH OFFICER – On motion by seconded by
and passed on roll call, the following resolution was adopted.
*NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, pursuant to
NJSA 54:5-11, Joyce Lee is hereby appointed as Tax Search Officer, retroactive to 06/01/2024.*

12. RESOLUTION – APPROVAL FOR PAYMENT TERMINAL LEAVE (ITEMS A THROUGH B) – On
motion by seconded by and passed on roll call, the following resolution was adopted.
*(A) WHEREAS, Sandra Beasley retired with an effective date of June 1, 2024; and
WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated
vacation, compensation, sick and personal time; and
WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount
of time accumulated and the Finance Officer has certified that time; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the
Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in
the amount referenced below:*

<i>Sick Hours*:</i>	<i>193.13</i>
<i>Vacation Hours:</i>	<i>30.25</i>
<i>Personal Hours:</i>	<i>-1.75</i>
<i>Comp:</i>	<i>0</i>
	<u><i>\$13,851.61</i></u>

**Max Payout \$12,000.00*

*(B) WHEREAS, Merrill Fowle retired with an effective date of June 1, 2024; and
WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated
vacation, compensation, sick and personal time; and
WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount
of time accumulated and the Finance Officer has certified that time; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the
Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in
the amount referenced below:*

<i>Sick Hours*:</i>	<i>282.47</i>
<i>Vacation Hours:</i>	<i>216.60</i>
<i>Personal Hours:</i>	<i>-6.00</i>
<i>Comp:</i>	<i>0</i>
	<u><i>\$14,826.96</i></u>

**Max Payout \$12,000.00*

13. RESOLUTION – APPROVE CHANGE ORDER (ITEMS A THROUGH B)– On motion by seconded
by and passed on roll call, the following resolution was adopted.
*(A) WHEREAS, a Contract was awarded on May 2, 2022 via Resolution No. 234-22 to B&H Contracting
Inc. for the Pump Station Improvements, Phase II (contract 2021-01).
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the
governing body thereof, that the attached Change Order #1, that reflects a decrease of \$114,000.00 with an
additional time extension of 301-days (completion date 03/27/2024), for an amended contract amount of
\$2,006,000.00 is hereby approved.*

*(B) WHEREAS, a Contract was awarded, on January 4, 2023 via Resolution No. 37-23 to CTX
Infrastructure for the Walsh Avenue and South Third Street Roadway Improvements 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 CTX Infrastructure
for the Walsh Avenue and South Third Street Roadway Improvements project is hereby approved, and that
the change order results in an increase of \$14,000.00 for an amended contract amount of \$329,046.81.*

14. RESOLUTION - ADOPTING AMENDED TOWNSHIP OF MIDDLE PURCHASING MANUAL TO
ESTABLISH THE PURCHASING POLICY AND PROCEDURES FOR THE TOWNSHIP OF MIDDLE
– On motion by seconded by and passed on roll call, the following resolution was adopted.
*WHEREAS, the Qualified Purchasing Agent has developed a Purchasing Manual to establish the purchasing
policy and procedures for the Township of Middle, which was originally adopted via Resolution 488-15
November 2, 2015; and
WHEREAS, the adoption of such a Purchasing Manual will help to assure the Township’s purchasing policy
and procedures are in compliance with Local Public Contract Law (N.J.S.A. 40A:11 et. seq.); and
WHEREAS, there is a need to amend said manual to include various updates.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of
Cape May, State of New Jersey that the amended Purchasing Manual hereby be adopted.
FURTHER BE IT RESOLVED, that said manual be distributed to all Department Heads with a directive that
the policy and procedures contained therein are to be followed for all purchases of and/or for the Township
of Middle.*

15. RESOLUTION - AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by seconded
by 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*

BE IT FURTHER RESOLVED, that these licenses be signed, sealed and delivered by the Clerk of the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.

19. RESOLUTION – AUTHORIZING ACCELERATED TAX SALE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and
WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and
WHEREAS, the annual accelerated tax sale for the Township of Middle is scheduled to be held on December 18, 2024; and
WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and
WHEREAS, it is the desire of the Township of Middle to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with the said sale; and
WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; the first notice will be mailed November 20, 2024; the second notice will be mailed November 27, 2024; the first advertisement will be published in The Cape May County Herald on December 4, 2024, the second advertisement will be published in The Cape May County Herald on December 11, 2024; and
WHEREAS, ordinance number 1354.10 of the Township of Middle states the same, and
WHEREAS, N.J.S.A. 54-5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less than fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and all payments accepted will be by cashier's checks, certified checks or money orders and
WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;
NOW THEREFORE, BE IT RESOLVED, by the Municipal Governing Body of the Township of Middle in the County of Cape May the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for the calendar year 2024 and any prior year delinquencies.
BE IT FURTHER RESOLVED, by the Municipal Governing Body of the Township of Middle, that in accordance with N.J.S.A. 54:5-26 the Tax Collector's office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty-Five dollars (\$25.00) for each notice mailed; and
BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) dollars for each parcel.
20. RESOLUTION – CHANGE IN CUSTODIAN OF PETTY CASH FUND – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Division of Local Government Services, State of NJ has the Mayor, Pub Safety Director or Chief listed as the custodian of the Police – Investigations Petty Cash Fund, and
WHEREAS, in accordance with N.J.S.A. 40:5-21, the Township of Middle is changing custodians to be more specific and listing the custodian as Tracey Super; and
WHEREAS, Tracey Super is bonded in the amount of \$1,000,000 by virtue of a blanket bond with the Atlantic County Municipal Joint Insurance Fund.
NOW, THEREFORE, BE IT RESOLVED that the Township of Middle, County of Cape May hereby authorizes such action and a copy of this resolution will be electronically filed with the Division of Local Government Services, NJ Department of Community Affairs for approval.
21. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and
WHEREAS, the applicants are entitled to a refund of this money.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.
22. RESOLUTION - TABULATION COMMITTEE – PUBLIC WORKS PARKING LOT RECONSTRUCTION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on July 10, 2024 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

PUBLIC WORKS PARKING LOT RECONSTRUCTION

23. RESOLUTION - AUTHORIZATION TO PARTICIPATE IN THE SOUTH JERSEY POWER COOPERATIVE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and
 WHEREAS, the County of Camden (Lead Agency) on behalf of the South Jersey Power Cooperative (“SJPC”) publicly advertised bids for purpose of procuring electric energy services; and
 WHEREAS, on May 21, 2024, the County of Camden Division of Purchasing, received and opened two (2) bids; and
 WHEREAS, Constellation NewEnergy, Inc. is the lowest responsible bidder for electric generation service for Groups 3, 4, 5, 6 and 8 for a term of 24 months, effective July 1, 2024 through June 30, 2026, at the following rates:

Group 3: \$0.09496/kWh
 Group 4: \$0.10795/kWh
 Group 5: \$0.11095/kWh
 Group 6: \$0.07299/kWh
 Group 8: \$0.07599/kWh

WHEREAS, the Township of Middle desires to utilize the SJPC for Electric Generation Supply Service;
 NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to utilize the South Jersey Power Cooperative.

24. RESOLUTION – APPROVAL OF MOBILE FOOD VENDOR LICENSE – 2024 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, the following company has applied to the Township of Middle for a license to operate as a Mobile Food Vendor within the confines of the Township, under the Code of the Township of Middle, and
 WHEREAS, 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 17-24	01-24	Brian Jackson	Jersey Jax Pizza LLC Db a 3 Guys Rolling Pies	\$75.00
MFV 18-24	01-24	Luke Willams	Bayside UnderTow	\$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.

25. RESOLUTION - AUTHORIZATION TO CLOSE ROADWAY – SEABASS LANE - NEIGHBORHOOD BLOCK PARTY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby given to close a section of Seabass Lane on June 29, 2024, from 10am through 10pm, for a neighborhood block party.
 BE IT FURTHER RESOLVED, that the request for an extension on the Middle Township Noise Ordinance is hereby granted until 10:00 pm.

26. RESOLUTION – AUTHORIZING PURCHASE UNDER STATE CONTRACT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, there is a need to purchase vehicles for use by the Township of Middle; and
 WHEREAS, through State Contract 17-FLEET-00758-MEE, these items are available at a significant discount; and
 WHEREAS, the total amount of the purchase for the vehicles are (\$95,598.22), and funds are available as evidenced by the Chief Financial Officer's Certification; and
 NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase these vehicles as indicated above.
 FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:
 GENTILINI CHEVROLET – \$95,598.22

27. RESOLUTION - AUTHORIZING APPLICATION SUBMISSION – NJ DOT STATE AID GRANT – RECONSTRUCTION OF ROADWAY AND INSTALLATION OF SIDEWALKS -PACIFIC AVENUE (BAYBERRY TO MIDDLE TOWNSHIP MIDDLE SCHOOL) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle desires to apply for and obtain a grant from the State of New Jersey for the reconstruction of Pacific Avenue and installation of sidewalks along Middle Township Middle School.
 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:

28. RESOLUTION - 2024-2025 HOTEL/MOTEL LICENSE APPROVAL – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has established a Hotel/Motel License in connection with Ordinance No. 1157-04; and

WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee; and

WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year; and

WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property and sewer tax. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent; and

WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00; and

WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle; and

WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities; and

NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2023-2024:

LIC. #	APPLICANT	TRADE NAME	LOCATION	SITES
1	Kim Chambers	Catalina Motel	1200 Georgia Avenue	11, Mngr Apt.
3	Victor Patel	Flamingo Motel	1604 Rte 47 S.	28, Mngr Apt.
7	Trisha Rio Grande LLC.	Prime Inn	1031 Rte 47 S.	16, House
11	38 Mechanic St. LLC.	Hyland Motor Inn	38 E. Mechanic St.	34, Mngr Apt.
14	Robert & Ruth Worth T/A Marlee	Marlee Motel	1003 Rte 47 S.	13, House
15	Louis Altobelli	Meadowbrook Motel	605 N. Wildwood Blvd.	20, House (3)
16	Isha Hospitality, LLC	Red Roof Inn	1801 Rte 47 S.	51
17	Nelson Rossi & Jamie Cherego	SeaGull's Motel, LLC.	905 Rte 47 S.	11
19	Tarak Patel	Shelton Motel	1410 Rte 47 S	22
20	Louis Altobelli	Silver Birch Motel	1019 Rte 47 S	10, 1 Mngr Apt. , House (3)
22	525 Route 47 LLC	535 Route 47 LLC.	525 Rte 47 S.	33
25	Kim Chambers	Wildwood Park Motel	405 N. Wildwood Blvd.	13

29. ENGINEER'S REPORT:

30. PUBLIC COMMENT: