

Cape May Court House, NJ
 June 3, 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 – MAY EMPLOYEE OF THE MONTH – RACHEL SHEPHERD
2. PRESENTATION BY MAYOR AND COMMITTEE – RECOGNITION OF RETIREMENT – MERRILL FOWLE
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.)*

Stanley Doniger, Rio Grande – questioned status of EMS services and billing procedures for Township residents, questioned availability of funds/certification for new contract and asked about Lower Township’s role in the award

Mayor Leusner discussed the new contract with AtlantiCare, going into a contract individually as Middle Township and the \$60,000 cost for the first year with AtlantiCare with yearly increases until the end of the contract

4. RESOLUTION 226-24 – 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	3,958.80
Current Fund CY	4.01	3,218,629.16
Alarm Billing	3.03	
Sewer Utility PY	3.07	-
Sewer Utility CY	4.07	5,004.27
General Capital	C.04	12,469.00
Sewer Capital	C.08	
Grants	G.06	2,695.00
M.A.C.	M.24	-
Emergency Housing	R.23	
Dog Trust	T.12	
Forfeited Monies	T.13	
Sewer Escrow	T.16	
Trust Other	T.17	425.00
Developer's Escrow	T.18	-
Zoning Escrow	T.19	-
Zoning Escrow	E.19	2,415.00
Unemployment Trust	T.20	19,195.02
Development Fee	T.27	-
Recreation Trust	T.28	3,827.36
TOTAL		3,268,618.61

5. RESOLUTION 227-24 – 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: 05/20/2024 Work Session, Regular Meeting and Closed Session

6. REPORTS: None

7. ORDINANCE 1701-24 – AN ORDINANCE RESCINDING AND REPLACING ORDINANCE 1695-24 WHICH AUTHORIZED THE SALE OF TOWNSHIP-OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 931 LOT 10 IN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1701-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/01/2024 at 6:00 p.m.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 931, Lot 10 (the “Subject Property”) in the Cape May Court House section of the Township that qualifies for such a land sale; and

WHEREAS, the Township has received a “Request Sheet for Sale of Township Owned Real Estate” submitted by Derrick Samuels, the owner of a property contiguous to the Subject Property; and

WHEREAS, there are, in total, four (4) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 931 Lot 6 - Leon Henry
109 N. George Street
Cape May Court House, NJ 08210

Block 931 Lot 8 - Jones, Robert & Norma
105 N. George Street
Cape May Court House, NJ 08210

Block 931 Lot 9 - Wingfield, Mildred P & Page, Antoinette
2955 Ocean Parkway #1F
Brooklyn, NY 11235-8045

Block 931 Lot 11 - Derrick Samuels
2618 Morgan Ann Avenue
Mansfield, TX 76063

WHEREAS, the four (4) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the four (4) of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of Block 931 Lot 10 is \$4,100.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$4,100.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs sworn affidavits verifying the publications of advertisements for the Ordinance; and

WHEREAS, Township Committee, on May 6, 2024, adopted Ordinance 1695-24, which authorized the private sale of Township own land among contiguous owners of Block 931 Lot 10; and

WHEREAS, it has been determined that the contiguous owner list requires updating and re-advertisement; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee, the governing body of the Township of Middle that Ordinance 1695-23 shall be and is hereby rescinded and replaced as follows:

SECTION 1.

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 931, Lot 10 to the highest bidder of an open (private) auction to be held on July 24, 2024 at 9:00am in the court room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those four (4) owners of property contiguous to that portion of Block 931, Lot 10 which is offered for sale shall participate; and

2. The minimum bid shall be \$4,100.00; and

3. The auction shall be conducted by the Township’s interim Chief Financial Officer, Neil Young; and

4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit “A” and the terms of which are incorporated herein in full; and

5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit “B”; and

6. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser’s attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Township of Middle to any real estate agent or broker or other representative in connection with any sale; and

7. That the Clerk or the Clerk’s representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

8. The Mayor, Clerk, and any and all other Township Officials are hereby authorized to sign those documents necessary to effectuate this transaction; and

9. A deposit of ten percent (10%) of the minimum price for real property must be paid in cash, certified check, bank check or money order made payable to the Township of Middle by the successful bidder at the time of the public sale; said time and place set forth herein. This deposit shall be made subject to return in the event of rejection of said bid. The balance, together with the costs of sale and legal expenses must be deposited in full by either cash or certified bank check within twenty (20) days after the date of sale or acceptance of bid whichever is later at the office of the Township Clerk; and

10. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder; and

11. In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Township any and all monies deposited with the Township; and

12. All bids shall be referred to the Township Committee for review and final approval pursuant to N.J.S.A. 40A: 12- 13, and the Township reserves the right to accept the highest bid or to reject any and all bids for any property. The Township reserves the right to reject all bids in each instance where the highest bid is not accepted and it is, in its discretion, to re- advertise the property for sale. The Township further reserves the right to waive any and all defects, informalities and irregularities in any bid. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned; and

13. The Township makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known 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 1702-24 – 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 1134 LOT 6 IN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1702-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/01/2024 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 1134, Lot 6 (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, two (2) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 1134 Lot 4 - Christopher Bair
900 Edgewood Ave
Rio Grande, NJ 08242-1218

Block 1134 Lot 7 -

Daryl D & Gertrud Ogden
906 Edgewood Ave
Rio Grande, NJ 08242-1218

WHEREAS, the two (2) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the two (2) 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 1134 Lot 6 is \$500.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$500.00, 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 1134, Lot 6 to the highest bidder of an open (private) auction to be held on July 24, 2024 at 10:00am in the court room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those two (2) owners of property contiguous to that portion of Block 1134, Lot 6 which is offered for sale shall participate; and

2. The minimum bid shall be \$500.00; 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, known or unknown, regarding said lands and the successful bidder agrees to fully release and indemnify the Township with respect thereto. The bidder shall be fully responsible for the exercise of due diligence in determining all aspects of the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of land. The Township sells the property "AS IS" in which the bidder releases the Township of all liability and responsibility of any said contamination, if found, on the site; and

14. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws, regulations and ordinances of the State of New Jersey and the Township of Middle; and

15. The Township does not warrant or certify title to the property and in no event shall the Township be liable for any damages to the successful bidder if title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages against the Township, the sole remedy being the right to receive a refund of the deposit paid prior to closing in the event title is found defective or unmarketable. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Township shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and condition contained herein; and

16. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Township of Middle, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, inlets, waterways and easements, if any,

on the land and a continued right of maintenance and flow thereof. The Township shall be without obligation to provide access, public or private, or to provide any improvements.

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

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

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

9. RESOLUTION 228-24 – 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
Malcom Talton	Recreation	Recreation Aide P/T T/A (6 months)	\$15.13 per hr	05/24/2024

10. RESOLUTION 229-24 – 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	SALARY	EFFECTIVE
Mark Rybicki	Sewer	Laborer 1 F/T T/A (6 months)	Laborer 1 F/T Permanent	\$35,000.00	06/01/2024
James Logan	Public Works	Laborer 1 P/T T/A (6 months)	Laborer F/T Permanent	\$35,000.00	06/01/2024

11. RESOLUTION 230-24 – 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
John Stevens	Public Safety – Police	Class II SLEO Officer	06/07/2024
Jacob Fleck	Public Works	Laborer P/T Permanent	05/30/2024
Curt Kuemmerle	Public Works	Laborer P/T Permanent	06/11/2024

12. RESOLUTION 231-24 THROUGH 236-24 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH F) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2024 in the sum of:

Local Grant – South Jersey Gas – 2024 Game On Grant Program – Recreation Equipment
\$1,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Local Grant – South Jersey Gas – 2024 Game On Grant Program – Recreation Equipment
\$1,000.00

(B) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2024 in the sum of:

Local Grant – Nationwide Opioids Settlement Fund
\$42,258.48

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Local Grant – Nationwide Opioids Settlement Fund

\$42,258.48

- (C) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2024 in the sum of:

NJ Department of Law and Public Safety – 2024 Summer Expansion Programs – Youth Camp

\$9,161.43

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

NJ Department of Law and Public Safety – 2024 Summer Expansion Programs – Youth Camp

\$9,161.43

- (D) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2024 in the sum of:

NJ Division of Highway and Traffic Safety – 2024 Click it or Ticket

\$7,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

NJ Division of Highway and Traffic Safety – 2024 Click it or Ticket

\$7,000.00

- (E) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2024 in the sum of:

NJDCA – Small Cities CDBG – ADA Improvements at Town Hall – Phase II

\$240,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

NJDCA – Small Cities CDBG – ADA Improvements at Town Hall – Phase II

\$240,000.00

- (F) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2024 in the sum of:

NJDCA – Small Cities CDBG – Housing Rehabilitation and Lead-Based Paint Remediation & Abatement Funds

\$400,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

NJDCA – Small Cities CDBG – Housing Rehabilitation and Lead-Based Paint Remediation & Abatement Funds

\$400,000.00

13. RESOLUTION 237-24 THROUGH 239-24 – CATERING PERMIT (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

- (A) WHEREAS, BS Liquor LLC has applied for approval to sell alcoholic beverages at Big Little 9 Golf Course located at 600 Bayberry Drive, Cape May Court House, on June 15, 2024 from 12:00am to 6:00pm with a rain date of June 16, 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 Catering Permit.

- (B) WHEREAS, BS Liquor LLC has applied for approval to sell alcoholic beverages at Big Little 9 Golf Course located at 600 Bayberry Drive, Cape May Court House, on July 6, 2024 from 12:00am to 6:00pm with a rain date of July 7, 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 Catering Permit.
- (C) WHEREAS, BS Liquor LLC has applied for approval to sell alcoholic beverages at Big Little 9 Golf Course located at 600 Bayberry Drive, Cape May Court House, on August 31, 2024 from 12:00am to 6:00pm with a rain date of September 1, 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 Catering Permit.

14. RESOLUTION 240-24 – LIMITED BREWERY OFF-PREMISE EVENT PERMIT – BUCKET BRIGADE BREWERY LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, Bucket Brigade Brewery 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 29, 2024 from 12:00pm until 6:00pm; and
 WHEREAS, they have provided proper documentation to the Township of Middle.
 NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Limited Brewery Off-Premise Event Permit.

15. RESOLUTION 241-24 – RELEASE OF MAINTENANCE BOND – ENCLAVE 1204 LLC – EGRET TRAIL/ENCLAVE AT STONE HARBOR MAJOR SUBDIVISION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, a \$20,000.00 Maintenance Bond is being held as a two-year Maintenance Guarantee for Enclave 1204 LLC for the Egret Trail/Enclave at Stone Harbor Major Subdivision;
 WHEREAS, said Maintenance Bond expired on January 19, 2024;
 WHEREAS, the Township Engineer has recommended that the Bond in the amount of \$20,000.00 be released.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Maintenance Bond in the amount of \$20,000.00, plus any interest accrued, be and is hereby released.

16. RESOLUTION 242-24 – AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND – MITCHELL NICHOLS ENTERPRISES, INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, Mitchell Nichols Enterprise Inc. has received certain approvals for the property located at 3110-3112 Route 9 South to include landscape improvements, and
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond in the amount of \$31,125.00, is hereby accepted.
 FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

17. RESOLUTION 243-24 – AUTHORIZING REQUEST FOR PROPOSALS – LANDSCAPING SERVICES AT VARIOUS TOWNSHIP LOCATION – 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, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Deputy CFO / Purchasing Agent Dan Shustack, and Business Administrator/Township Clerk Kimberly Osmundsen are hereby appointed to receive proposals, on July 24, 2024 at 11:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:
 LANDSCAPING SERVICES AT VARIOUS TOWNSHIP LOCATIONS

18. RESOLUTION 244-24 – AWARD OF BID – CONTRACT #2023-25- 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 2023-25, and
 WHEREAS, bids were received on May 23, 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
2023-25	Budd's Plumbing	\$2,574.86

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

19. RESOLUTION 245-24 THROUGH 246-24 – AWARD OF CONTRACT (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, on April 17th 2024, the Township of Middle advertised for proposals for ‘Emergency Medical Services’; and

WHEREAS, on May 8th 2024, the Township received and opened six (6) proposals; and

WHEREAS, it appears that the following proposal submitted represents one which complies with specifications; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for ‘Emergency Medical Services’ be and hereby is awarded to:

ATLANTICARE REGIONAL MEDICAL CENTER
ATLANTIC CITY, NJ

(See Attached Proposal Page)

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

1. The term of the contract for Emergency Medical Services shall be for three (3) years commencing on September 4th, 2024 until September 3rd 2027, with two (2) additional one (1) year options.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute an Agreement and MOA with AtlantiCare Regional Medical Center.
3. Said award of contract shall be contingent upon the availability of funds for 2024.

FURTHER BE IT RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey that no amount of this contract shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order. Upon adoption of the 2024 budget, it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek certification of the availability of funds from the Township Treasurer.

(B) WHEREAS, on April 17th 2024, the Township of Middle advertised for proposals for ‘Certified On-Site Lead Based Paint Inspector; and

WHEREAS, on May 8th 2024, the Township received and opened three (3) proposals; and

WHEREAS, it appears that the following proposal submitted represents one which complies with specifications; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for ‘Lead Paint Inspector’ be and hereby is awarded to:

LEW ENVIRONMENTAL, LLC
MAY HILL, NJ

(See Attached Proposal Page)

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

1. The term of the contract for Lead Paint Inspector shall be for one (1) year commencing on June 4th, 2024 until December 31st 2024, with two (2) additional one (1) year options.
2. The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with LEW Environmental, LLC.
3. Said award of contract shall be contingent upon the availability of funds for 2024.

FURTHER BE IT RESOLVED, pursuant to the rules of the Local Finance Board of the State of New Jersey that no amount of this contract shall be chargeable or certified until such time as services are ordered or otherwise called for prior to placing the order. Upon adoption of the 2024 budget, it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek certification of the availability of funds from the Township Treasurer.

20. RESOLUTION 247-24 – 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
Jones, Dorothy A	38 Johnstown Lane	349 // 12	\$337.90

Friel, Norma	1459 Burleigh Avenue	1410.01 // 55	\$484.52
Mennella, Daniel	22 E. Wiley Street	1031 // 8	\$231.30
NPI Partners LLC	462 Route 47 N	5 // 20	\$628.92

21. RESOLUTION 248-24 – AUTHORIZING MEMBERSHIP STATE COOPERATIVE PRICING SYSTEM NJWCPS – On motion by Committeeman Gandy seconded by Committeeman Norris 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 Passaic Valley Sewerage Commission (PVSC) serves as the lead agency of the North Jersey Wastewater Cooperative Pricing System (NJWCPS), hereinafter referred to as the "Lead Agency " has offered voluntary participation in North Jersey Wastewater Cooperative Pricing System 88-NJWCPS for the purchase of goods and services; and

WHEREAS, on June 3, 2024, the governing body of the Township of Middle, County of Cape May, New Jersey 08210, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

WHEREAS, the Township of Middle desires to become a member of the North Jersey Wastewater Cooperative Pricing System (NJWCPS), effective immediately and, that such membership shall be for the period ending November 24, 2024, and each renewal, thereafter of the system, unless the Township of Middle elects to formally withdraw from the system;

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 become a member of the NJWCPS as indicated above and execute the attached agreement.

22. RESOLUTION 249-24 – RENEWAL OF GRAVEL PIT PERMITS – 2023 & 2024 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the gravel pit permit renewal applications listed below have been found to be in proper form, and the fee paid in each case, and

WHEREAS, the Township Committee finds and concludes that the excavation and soil removal work originally authorized has been in continuous operation during the period of the permit and has been performed in accordance with the conditions under which the original permit was granted, and

WHEREAS, the Township Engineer undertook an inspection of the subject premises and has stated in his letter that recertification is currently recommended, and

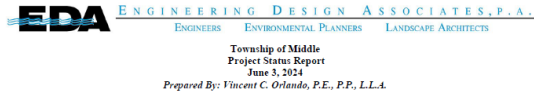
WHEREAS, said applicants listed below have also received all necessary site plan review and are conditionally approved for their operations as set forth in Chapter 132 of the Township code.

NOW, THEREFORE, BE IT RESOLVED, that each of the following permits be and are hereby renewed and retroactive for the calendar years 2023 and 2024, and this permit is subject to the rules and regulations as set forth in the code of the Township of Middle known as Chapter 132, including but not limited to all parameters set forth by the Middle Township Planning Board as expressed in their approving resolutions:

NO.	NAME OF LICENSE	BLOCK/LOT	ACREAGE	FEE
4	Cape Mining & Recycling LLC	98/2	35.37	\$600.00
6	Cape Mining & Recycling LLC	94/19.02	57.1	\$600.00
7	Cape Mining & Recycling LLC	94/19.01 & 20	72	\$600.00
8	Court House Sand & Gravel, LLC	472/93	75.94	\$600.00
9	Indian Trail Sand and Gravel, LLC	472/32	7.9	\$200.00
11	H4 Enterprises, LLC	95.03/21	42.1	\$600.00
12	Diamond Materials, LLC	168/2	42.5	\$600.00
24	TK Sand & Gravel, Inc.	96.01/17	8.08	\$200.00

FURTHER BE IT RESOLVED, that the above licenses be issued upon any and all conditions set forth by the Township Engineer and Middle Township Planning Board in the letters and resolutions attached to each license.

23. ENGINEER'S REPORT:



3rd Ave & Walsh Reconstruction & Construction of New Roadway

- Change order submitted by contractor. Will be processed for June 19, 2024 meeting.

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 underway.
- Estimated completion week of June 17, 204.

Middle Township Public Works Parking Lot

- Survey completed.
- Working on Plans and Specifications.

Orkie Witting Park

- Received revised light plans from manufacturer.
- Contractor submitted pricing.
- Lighting approved by county.
- Contractor has ordered light fixtures.

Project Status Report

June 3, 2024

Page 2 of 2

Magnolia Avenue

- NJDOT Grant received 04/25/2022 for \$300,000.00.
- Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping Center.
- Construction drawing and specifications completed.
- NJDOT Approved.
- County Engineering division will bid and inspect site. EDA will provide administrative services for the Grant.

Linden Lane (Phase III)

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

Goshen Hockey Rink

- Construction started May 30, 2024.
- Paving to be completed by June 5, 2024.
- Seal Coat and Striping to be completed sometime in July.

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

24. PUBLIC COMMENT:

John Lauricello, Cape May Court House – questioned land sale properties

Kim Osmundsen – undersized, undeveloped land, rarely over \$20,000, minimum bid is the assessed value

John Lauricello, Cape May Court House – asked about the idea of a uniform curfew after events that happened in other local areas recently

Mayor Leusner spoke of police communication between departments, luckily Middle Township does not experience same juvenile issues which the island towns do, different challenges in Middle Township

Deb Rue, Del Haven – asked about the Del Haven road paving, explained that her road has not been paved and discussed issues with the road

Vince Orlando – advised that some roads were being paved, but not the road that she lives on; stated that there may be a second phase to the project

Mary Ann Alulis, Cape May Court House – asked about Magnolia Road paving length

Vince Orlando – South Dennisville Road to the Court House Fire House

Mary Ann Alulis, Cape May Court House – questioned the pool fence issue which she previously inquired about

Mayor Leusner – mentioned that the property owner has permits and the project is ongoing

Kim Osmundsen – clarified that once the Certificate of occupancy is finalized, they will have to have the fencing complete

Nancy Batalise, Rio Grande – asked about 6th Street

Kim Osmundsen – stated that it is being discussed with traffic committee

25. COMMITTEE REPORTS:

- Committeeman Gandy: -Apologized for missing the Memorial Day Parade
-Recognized Rachel Shepherd and the great work she does
-Congratulated Merrill on his retirement
- Committeeman Norris: -Congratulates Rachel and Merrill
-Phoenix 12U for the win in their Hoop Island Tournament
-Memorial Day Parade, thanked all the staff that helped put the parade together
-Thanked Don Thomas, Matt Wetzel and Garden Club on the great work they did to the American Legion building, thanked all that volunteered and donated their time and supplies on the refurbishment
- Mayor Leusner: -Memorial Day Parade
-Police Youth Camp – registration open until June 7
-Police Academy graduation on Friday with 7 officers graduating
-Primary Election Day, encouraged everyone to vote

Motion to adjourn meeting – 6:31 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: S. Schumann