

Cape May Court House, NJ
 July 1, 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 Business Administrator Suzanne Schumann and Municipal Solicitor Matt Rooney

1. PRESENTATION BY MAYOR AND COMMITTEE – MISS NEW JERSEY ELIZABETH MENDEL
2. QUESTION/ANSWER PERIOD ON AGENDA (*This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)

Stan Doniger, Rio Grande – questioned the difference between the bill lists, the high total in line 4.01 and the clean communities grant received.

Kimberly Osmundsen – provided an explanation of the bill lists due to a voting conflict and review of charges in line 4.01

Wanda Shepherd, Whitesboro – asked about Ordinance 1701-24

Kimberly Osmundsen – provided explanation of private land sale to contiguous property owners of undersized lots

Michael Hubbard, Whitesboro – questioned funds available in the Recreation Trust Fund and whether they can be used for maintenance, expressed concerns with the maintenance of the gazebo at the MLK Center

Ed Dillio, Cape May Court House – asked about Unit 108 at Old Stagecoach Campground

Kimberly Osmundsen stated that it was a township foreclosure and is a leach field, transferring to the campground to be included in their common elements.

Wanda Shepherd, Whitesboro – asked about the eligibility to bid, referencing Ordinance 1702-24

Kimberly Osmundsen – similar to the other ordinance, must be a contiguous property owner

3. RESOLUTION 273-24 – BILL LIST A – 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	3,472.45
Current Fund CY	4.01	3,732,356.79
Alarm Billing	3.03	
Sewer Utility PY	3.07	
Sewer Utility CY	4.07	3,651.26
General Capital	C.04	13,658.90
Sewer Capital	C.08	
Grants	G.06	2,117.95
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	
Developer's Escrow	T.18	
Zoning Escrow	T.19	23,944.82
Zoning Escrow	E.19	29,062.00
Unemployment Trust	T.20	
Development Fee	T.27	
Recreation Trust	T.28	4,995.00
	TOTAL	3,813,259.17

4. RESOLUTION 274-24 – BILL LIST B – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. *Chief Leusner abstained

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:

Fund Description	Fund	Total
Current Fund PY	3.01	
Current Fund CY	4.01	4,407.00
Alarm Billing	3.03	-
Sewer Utility PY	3.07	
Sewer Utility CY	4.07	
General Capital	C.04	
Sewer Capital	C.08	
Grants	G.06	
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	-
Zoning Escrow	T.19	
Zoning Escrow	E.19	
Unemployment Trust	T.20	-
Development Fee	T.27	
Recreation Trust	T.28	
TOTAL		4,407.00

5. RESOLUTION 275-24 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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 – Following second reading, hearing, and consideration for adoption, Ordinance 1701-24 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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
19 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

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 – Following second reading, hearing, and consideration for adoption, Ordinance 1702-24 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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, 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.

9. ORDINANCE 1707-24 - AN ORDINANCE TO REPEAL ORDINANCE NO. 1620-01, WHICH AMENDED SECTION 218-73.1 OF CHAPTER 218, ARTICLE VIII OF THE CODE OF THE TOWNSHIP OF MIDDLE AND TO REPLACE THE SAME WITH AMENDMENTS TO STORMWATER BEST MANAGEMENT PRACTICES AND STORMWATER CONTROL - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1704-24 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/05/2024 at 6:00 p.m.
COMPLETE ORDINANCE ON FILE WITH THE CLERKS OFFICE
10. RESOLUTION 276-24 – TABULATION COMMITTEE – CHURCH ROAD RECONSTRUCTION – 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 Township Officials be and hereby are appointed to tabulate the bids to be taken on July 30, 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:

CHURCH ROAD RECONSTRUCTION
11. RESOLUTION 277-24 – AUTHORIZING THE TRANSFER OF UNIT 108 – OLD STAGECOACH CAMPGROUND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Old Stagecoach Campground Condominium Association, Inc., (hereinafter “Association”) is a nonprofit corporation of the State of New Jersey comprised of the owners of units in the Old Stagecoach Campground Condominium;
WHEREAS, the Master Deed for Old Stagecoach Campground, a Condominium, was originally filed in Deed Book 1803, p. 73 in the Cape May County Clerk’s Office;

WHEREAS, Unit 108, located at 206 Stagecoach Road, Cape May Court House, New Jersey 08210, otherwise known as Block 167.01 Lot 75, Qualifier C0290 as shown on the Middle Township Tax Map, is currently owned by the Township of Middle, Cape May County, New Jersey (hereinafter “Township”);

WHEREAS, Unit 108 is not a buildable lot;

WHEREAS, the Association desired that Unit 108 become a Common Element, and the above referenced Master Deed and Master Plan of Lots for Old Stagecoach Campground Condominium was amended by the Association to convert Unit 108 into Common Elements of the Association, the amendment having been recorded with the Cape May County Clerk’s office on June 5, 2024 in Deed Book 4171 Page 489;

WHEREAS, the Township has agreed to convey Unit 108 to the Association by Deed which will be recorded upon conveyance in the County of Cape May Deed Book;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, the Governing Body of the Township of Middle, that the transfer of said premises, upon the above said consideration, be and is hereby confirmed, and the Mayor and Clerk of the Township of Middle are hereby authorized and directed to convey said premises as directed to the Association, by Deed which will be recorded upon conveyance in the County of Cape May Deed Book, free and clear of all taxes up to and including the calendar quarter during which said transfer shall occur.

12. RESOLUTION 278-24 - AUTHORIZING ACCEPTANCE OF PERFORMANCE BOND – SYCAMORE DEVELOPMENT, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Sycamore Development, LLC has received certain approvals for the property located at 1435 Route 9 North to include a major subdivision of Sycamore Development, 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 \$190,016.76, is hereby accepted.

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

13. RESOLUTION 279-24 – 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
DG Strategic II, LLC	6 Indian Trail	355.02 // 1.02	\$696.52
Craig, Patricia H.	5 Colgate Street	392 // 6	\$711.72
Jordan, Angelena	300 Old N Wildwood Blvd W	1182 // 10	\$398.52

14. RESOLUTION 280-24 – SALARY ADJUSTMENT – 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 employee salary is hereby amended:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
William Adams	Public Safety – Police	Records Support Technician 1 P/T	\$30.00 per hr*	07/01/2024

*Salary increase – Accreditation Assistance, MTPD

15. RESOLUTION 281-24 - INSERTION OF A SPECIAL ITEM OF REVENUE – NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION – 2024 CLEAN COMMUNITIES PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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 Environmental Protection – FY 2024 Clean Communities Program

\$73,263.23

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

NJ Department of Environmental Protection – FY 2024 Clean Communities Program

\$73,263.23

16. RESOLUTION 282-24 THROUGH 283-24 – DEDICATION BY RIDER (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, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Unemployment Compensation Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, County of Cape May, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Unemployment Compensation Trust Fund.
2. The Chief Financial Officer of the Township of Middle, County of Cape May is hereby directed to electronically forward a copy of this resolution to the Director of the Division of Local Government Services.

(B) WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Local Finance Notice 2000-14 provides for receipt of Off Duty Police funds from contractors or vendors by the municipality to provide for the operating costs to administer this act; and WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Off Duty Police Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, County of Cape May, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Off Duty Police Trust Fund.
2. The Chief Financial Officer of the Township of Middle, County of Cape May is hereby directed to electronically forward a copy of this resolution to the Director of the Division of Local Government Services.

17. RESOLUTION 284-24 – AUTHORIZING PURCHASE UNDER COOPERATIVE PURCHASING AGREEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to procure services to replace the Shunpike Pump Station; and

WHEREAS, through the New Jersey Wastewater Cooperative Purchasing System, Contract #B369-4, this service is available; and

WHEREAS, the total amount of the purchase for the service is (\$120,620.00), 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 procure the pump station replacement service as indicated above.

FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:

Municipal Maintenance Co
Cinnaminson, NJ 08077

18. RESOLUTION 285-24 – ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Mark Rybicki	Sewer	Laborer 1	06/28/2024

19. RESOLUTION 286-24 – 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
“Steve” Fongang Fontem	Sewer	Laborer 1 F/T T/A (6 months)	Laborer 1 F/T Permanent	\$35,000.00	07/01/2024

20. PUBLIC COMMENT:

*Wanda Shepherd, Whitesboro – asked about fixing the wooden walkway by Garden Lake
Kimberly Osmundsen – believes this repair project is underway*

Lillian Wing, Whitesboro – mentioned safety concerns along the bike path in the area of Main Street and Indian Trail, children on electric bikes

Mayor Leusner – stated that occasionally the MTPD Special Services Unit will patrol the bike path, mentioned the potential of a future discussion regarding e-bikes on the bike path

*Michael Hubbard, Whitesboro – questioned funds available in the Recreation Trust Fund and whether they can be used for maintenance, expressed concerns with the maintenance of the gazebo at the MLK Center
Mayor Leusner stated that we were unaware of any maintenance concerns at the MLK Center and will look into repair options for the gazebo.*

*Vince Conte, Cape May Court House – mentioned the recent Supreme Court/Oregon case regarding the homeless, asked Committee for comment relative to same
Solicitor Rooney mentioned that he reviewed the case but has not comment in how it will impact Middle Township*

Erin Fehrle, Rio Grande – asked about the status of issuing a second cannabis license, owns a storefront in Rio Grande

Mayor Leusner – waiting to evaluate the community impact of the first license before deciding on issuing a second license

Erin Fehrle – asked if previous applicants would need to reapply for review

Kimberly Osmundsen – would need to reapply, provide updated application information and pay fee again

21. COMMITTEE REPORTS:

*Committeeman Gandy: -Congratulations to Miss New Jersey
-Congratulations Chief Super
-Congratulations Chief Pooler on retirement
-Upcoming 4th of July festivities*

*Committeeman Norris: -Congratulations Chief Super and retired Chief Pooler
-Congratulations Miss New Jersey
-4th of July at Goshen Complex – vendors, activities, live music
-Summer Concert Series – 7/9 40 North
-Seeking letters of interest for anyone looking to volunteer on the Recreation Advisory Board*

*Mayor Leusner: -Recognized Chief Super on his swearing in earlier this afternoon
-Congratulated Chief Pooler on her retirement
-Attendance at the Veteran Cemetery opening, phase one of their beautification project
-Cooper University Hospital Cape Regional*

Motion to adjourn meeting – 6:46pm

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk