

Cape May Court House, NJ
 January 22, 2025
 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 Administrator Suzanne Schumann, Deputy Clerk Emily Bartleson, Township Engineer, Vince Orlando & Municipal Solicitor Matt Rooney

1. PRESENTATION BY MAYOR AND COMMITTEE – JANUARY EMPLOYEE OF THE MONTH – ALICIA WOODROW
2. PRESENTATION BY MAYOR AND COMMITTEE – FEBRUARY EMPLOYEE OF THE MONTH – CHRISTOPHER RUDY
3. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE MATTERS AWARD – KRISTEN DAVIS – GIANNA WELLS – ERICA HARTMAN – TRACY CAIN – VICTORIA BETHAM – GABE DALBOW – DUSTIN KELLY
4. PRESENTATION BY MAYOR AND COMMITTEE - RECOGNITION OF RETIREMENT – JAMES D’ALONZO
5. SWEARING IN OF POLICE OFFICER – SARAH FRAZIER
6. 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.*)
7. 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:*

<i>Fund Description</i>	<i>Fund</i>	<i>Total</i>
<i>Current Fund PY</i>	<i>4.01</i>	<i>\$299,705.83</i>
<i>Current Fund CY</i>	<i>5.01</i>	<i>\$255,858.75</i>
<i>Sewer Utility PY</i>	<i>4.07</i>	<i>\$8,823.21</i>
<i>Sewer Utility CY</i>	<i>5.07</i>	<i>\$77,865.80</i>
<i>General Capital</i>	<i>C.04</i>	<i>\$35,969.19</i>
<i>Sewer Capital</i>	<i>C.08</i>	<i>-</i>
<i>Grants</i>	<i>G.06</i>	<i>\$211,140.00</i>
<i>M.A.C.</i>	<i>M.24</i>	<i>-</i>
<i>Emergency Housing</i>	<i>R.23</i>	<i>-</i>
<i>Dog Trust</i>	<i>T.12</i>	<i>-</i>
<i>Forfeited Monies</i>	<i>T.13</i>	<i>-</i>
<i>Sewer Escrow</i>	<i>T.16</i>	<i>-</i>
<i>Trust Other</i>	<i>T.17</i>	<i>-</i>
<i>Zoning Escrow</i>	<i>T.19</i>	<i>\$20,615.19</i>
<i>Zoning Escrow</i>	<i>E.19</i>	<i>\$2,065.78</i>
<i>Unemployment Trust</i>	<i>T.20</i>	<i>\$2,187.92</i>
<i>C.O.A.H</i>	<i>T.27</i>	<i>-</i>
<i>Recreation Trust</i>	<i>T.28</i>	<i>\$2,384.84</i>
<i>TOTAL</i>		<i>\$916,616.51</i>

8. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST B (GENERAL BILL) – 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:*

<i>Fund Description</i>	<i>Fund</i>	<i>Total</i>
<i>Current Fund PY</i>	<i>4.01</i>	<i>\$1,228.50</i>
<i>Current Fund CY</i>	<i>5.01</i>	<i>-</i>
<i>Sewer Utility PY</i>	<i>4.07</i>	<i>-</i>

<i>Sewer Utility CY</i>	<i>5.07</i>	-
<i>General Capital</i>	<i>C.04</i>	-
<i>Sewer Capital</i>	<i>C.08</i>	-
<i>Grants</i>	<i>G.06</i>	-
<i>M.A.C.</i>	<i>M.24</i>	-
<i>Emergency Housing</i>	<i>R.23</i>	-
<i>Dog Trust</i>	<i>T.12</i>	-
<i>Forfeited Monies</i>	<i>T.13</i>	-
<i>Sewer Escrow</i>	<i>T.16</i>	-
<i>Trust Other</i>	<i>T.17</i>	-
<i>Zoning Escrow</i>	<i>T.19</i>	-
<i>Zoning Escrow</i>	<i>E.19</i>	-
<i>Unemployment Trust</i>	<i>T.20</i>	-
<i>Development Fee</i>	<i>T.27</i>	-
<i>Recreation Trust</i>	<i>T.28</i>	-
TOTAL		\$1,228.50

9. 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: 01/07/2027 Reorganization Meeting.
10. REPORTS: Tax/Sewer Collector for month of December 2024; Sterbeck Harbor for month of December 2024; Clerk for month of December 2024
11. ORDINANCE 1719-25 - AN ORDINANCE AMENDING CHAPTER 114A OF THE TOWNSHIP CODE, ENTITLED CRUSHING OPERATIONS – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1719-25 passed first reading. Second reading, public hearing and consideration for adoption will be held on 02/19/2025 at 6:00 p.m.
WHEREAS, N.J.A.C. 7:26A-1.4 (a) 20 outlines State requirements towards construction companies’ or contractor reuse of concrete, asphalt, brick, and block recycling, specifically for entities that are not licensed or permitted through the New Jersey Department of Environmental Protection (NJDEP), by way of a Class B recycling license or other State assigned permit; and
WHEREAS, to crush or recycle concrete in the State of New Jersey without a Class B Recycling License, applicants must comply with local ordinances, environmental regulations, and obtain an Air Permit for the processing equipment, amongst other things; and
WHEREAS, Middle Township passed an ordinance in 2022 that outlined the application process to crush material on-site, within the confines of the Township of Middle; and
WHEREAS, since the adoption of the aforementioned 2022 ordinance, new State laws and regulations have also been adopted outlining different types of recycling facilities and exemptions to New Jersey recycling permits which, in turn, has compelled the Township to review its own local regulations to confirm compliance; and
WHEREAS, New Jersey has established a variety of rules and regulations within their recycling programs to maintain oversight and proper waste management within the state; and
WHEREAS, they have, however, established recycling exemptions that allow the processing of certain materials without the same requirements of permits and approvals; and
WHEREAS, these exemptions exist for a wide variety of materials but require a set of qualifiers, one such example of recycling exemptions being the reuse of concrete, asphalt, brick and block, and
WHEREAS, exceptions can be provided to the law (storage, processing, and transfer of materials), as long as:
- i. The applicant is the sole generator of the material*
 - ii. The material is stored safely, confirming that no runoff, leakage or seepage from the storage area into or onto the ground is created (in accordance with N.J.A.C. 7:26A-1.4(a)7i, ii, iii(1) and (4) and all applicable county or municipal laws or regulations.*
 - a. No longer than a specified 60-day period that commences from the start date indicated in the notification to the Department, and such temporary storage shall not occur more than twice within the same calendar year or in succession, or*
 - b. In roll-off or other similar containers, and*
 - iii. The applicant is the sole user of the end product. No resale of any processed material is authorized under this exemption.*
 - iv. A schedule for completion of processing shall be provided to the State of New Jersey Department of Environmental Protection Agency along with the written notification required pursuant to N.J.A.C. 7:26A-1.4(b)5.*
 - v. The processed material can be stored on-site for only one-year.*

WHEREAS, it also being the Township’s desire and intention to engender greater equity and uniformity in its regulation of crushing activities inside the Township;
BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:
SECTION 1. *Section 114A of the Code of the Township of Middle is hereby supplemented by the addition of the following items as underlined:*

114A-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MATERIAL

Source separate, non-rotting, waste concrete, asphalt, brick and block.

114A-2 Application required.

No person, firm or corporation shall engage in the crushing of material on-site within the confines of the Township of Middle without first filing the appropriate application and being approved by the Township Committee of the Township of Middle.

114A-3 Application procedure.

A. Application for such activity shall be made by the owner or permissive user to the Township of Middle on an application form supplied by the Township Clerk. Said application shall include satisfactory proof of ownership or permissive use.

B. Application shall include a site plan prepared by a professional engineer or licensed land surveyor licensed in the State of New Jersey and consisting of the following information:

(1) Tax Map block and lot number.

(2) The size of the proposed equipment and area to be utilized for the crushing operation.

(3) Complete perimeter of the lot.

(4) The distance from the property line to the area to be utilized for crushing operations shall be 50 feet.

(5) Hours of operation shall be from 8:00 a.m. to 4:00 p.m.

(6) Traffic circulation patterns shall be indicated on the plan.

(7) Method of protecting debris from being tracked off-site.

114A-4 Noise.

Crushing operation shall adhere to the noise restrictions as outlined in Section 179 of the Code of the Township of Middle.

114A-5 Location restrictions.

There shall be no crushing operations within any residential district or within 400 feet of any residential district as depicted on the official Zoning Map of the Township of Middle.

114A-6 No preemption.

Nothing contained in this chapter shall be construed to permit any crushing activities which do not comply with all federal, state and county statutes and regulations applying thereto. This includes, but is not limited to N.J.A.C. 7:26A, recycling regulations, or criteria for inclusion of Class B recycling centers into the Cape May County recycling plan.

114A-7 Bonding & Escrow.

Each application shall be accompanied by a bond in an amount equal to \$100 per projected ton of crushed material as determined by the Township Engineer.

Said application shall also be accompanied by escrow in the amount of \$2,000 for site inspections.

114A-8 Permitting Fee

A. For each ton of material accepted for crushing on the site, or if the material is already located on site, the total amount of outbound tonnage is subject to a permitting fee of fifty cents (\$.50) per ton to be paid to the Township of Middle.

B. At any location where crushing operations are approved, in the event of incoming material, a truck scale certified by the State of New Jersey Weights and Measures must be present. If the material is located on-site prior to making application to crush under this Chapter, then the material is to be weighed and recorded before being removed outbound from the site for the purposes of determining the appropriate permitting fee.

C. Payments to the Township are to be made to the Township by the 15th day after the close of the previous calendar quarter of the given year pursuant to the following schedule: January 15th, April 15th, July 15th and October 15th.

114A-9. STATE AND LOCAL APPROVALS / EXEMPTION PERMITTING THROUGH STATE

A. All operators/owners must comply with all federal, state, and local laws and regulations and any other applicable environmental regulations, including but not limited to obtaining an Air Permit for the operation of the processing equipment. If a third-party entity is utilized and/or hired to crush the concrete, the applicant must confirm that said third party has a valid Air Permit to operate the equipment consistent with federal, state, and local laws and regulations and provide proof of same to the Township.

B. After the operator/owner of the crushing operation applies to the State of New Jersey Department of Environmental Protection Agency (NJDEP) and the County of Cape May for the necessary crushing approvals before commencing activity as required by law, copies of all issued and/or required approval(s) from the above agencies must be submitted to the Township of Middle as a prerequisite for approving an application under this Chapter.

C. Entities operating under an exemption must submit a tonnage report reflecting the amount and type of material processed on a daily basis by February 1st of each calendar year to the Township. Records reflecting the amount and type of material processed on a daily basis shall also be kept on-site and be made available to the Township upon request.

114A-10 PENALTIES

A. Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, by imprisonment for a term not to exceed ninety (90) days, or by community service of not more than ninety (90) days, or any combination of fine, imprisonment and community service, as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense.

B. Nothing contained herein shall be construed to restrict the right of the Township of Middle to take action in any court of competent jurisdiction with regard to any violation of this Chapter.

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

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

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

12. RESOLUTION – APPOINTMENT (ITEMS A THROUGH B)– On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) *NOW THEREFORE BE IT RESOLVED*, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following persons be and are hereby appointed to the positions for the term of office opposite their names:

NAME	OFFICE/BOARD	POSITION	EFFECTIVE
Joanne Ciccotelli	Clerk / Administration	Deputy Registrar of Vital Statistics	01/01/2025
Emily Bartleson	Clerk / Administration	Alt. Deputy Registrar of Vital Statistics	01/01/2025
Lisa Cermanski	Memory Lane	Memory Lane Coordinator	01/01/2025

(B) *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
Richard Laughlin	Sewer	*Sewer Repairer 2/ **Deputy Sewer Administrator* F/T	\$65,000.00	02-03-2025

* Pending Open Competitive Certification

**In-house title

13. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION – On motion by _____ seconded by _____ 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
Wilson Laracuente	Public Safety – Police	Police Officer	01/06/2025

14. RESOLUTION – REFUND OF TAXES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, A refund is due to due to the mortgage companies paying taxes on the below exempt properties. Refunds to be issued to the homeowner.

ACCT	BLOCK	LOT	OWNER/LOCATION	2025
12601	1057	5	Richards, Joshua F & Samantha 12 Cochran St.	\$902.30
4591	235	9	Mohr, Lauren P & Thomas Jr 319 Mechanic St.	\$1,349.25
7009	472	94	Bradley, Raymond S 265 Indian Trail	\$1,003.32

Please make checks payable and mail to:

Richards, Joshua F & Samantha
12 Cochran St.
Cape May Court House, NJ 08210-3616

Mohr, Lauren P & Thomas Jr.
319 Mechanic St.
Cape May Court House, NJ 08210-1827

Bradley, Raymond S
265 Indian Trail
Cape May Court House, NJ 08210-2541

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw a check in the above noted amount payable to the above-mentioned party, as a refund of 2025 taxes.

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

15. RESOLUTION – PROVIDING FOR TRANSFER OF CERTAIN 2024 BUDGET APPROPRIATION RESERVES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, various 2024 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2024 Budget Appropriation Transfers in the last two months of 2024; and

WHEREAS, N.J.S.A.40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year; NOW, THEREFORE, BE IS RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and the State of New Jersey, that the following transfers of budget appropriation reserves be made in the budget of Middle Township for the year 2024:

Account Number	Name	From	To
Current Fund			
4-01-25-262-262-220	Emergency Medical Services-OE	11,000.00	
4-01-20-155-156-249	Legal Services - OE		5,000.00
4-01-31-430-430-475	Utilities - Electric		5,000.00
4-01-31-435-435-475	Utilities - Street Lighting Costs		1,000.00
		11,000.00	11,000.00

16. RESOLUTION – AMENDING RESOLUTION (ITEMS A THROUGH C) – On motion by seconded by and passed on roll call, the following resolution was adopted.
 (A) *BE IT RESOLVED*, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May State of New Jersey, that the first and third Monday of each month be and hereby are designated as Meeting Nights for the Township of Middle; and
BE IT FURTHER RESOLVED, that the regular meetings of the Middle Township Committee for the year 2025 will be held in the Meeting Room of the Middle Township Municipal Building, 33 Mechanic Street, Cape May Court House, New Jersey 08210.
BE IT FURTHER RESOLVED, that there will be no meeting held on January 20, February 17, or September 1, 2025. There will be a meeting held on Wednesday, January 22, 2025, Wednesday, February 19, 2025, and Wednesday, September 3, 2025 to make up for meetings adjusted.

Monday, January 7, 2025 - Reorganization

Wednesday, January 22, 2025

Monday, February 3, 2025

Wednesday, February 19, 2025

Monday, March 3, 2025

Monday, March 17, 2025

Monday, April 7, 2025

Monday, April 21, 2025

Monday, May 5, 2025

Monday, May 19, 2025

Monday, June 2, 2025

Monday, June 16, 2025

Monday, July 7, 2025

Monday, July 21, 2025

Monday, August 4, 2025

Monday, August 18, 2025

Wednesday, September 3, 2025

Monday, September 15, 2025

Monday, October 6, 2025

Monday, October 20, 2025

Monday, November 3, 2025

Monday, November 17, 2025

Monday, December 1, 2025

Monday, December 15, 2025

FURTHER RESOLVED, that all Township Committee Meetings will be held at 6:00pm on said designated nights unless otherwise designated.

(B) *BE IT RESOLVED* by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that the following dates shall be designated as Work Session Meeting Nights for the Township of Middle; and

FURTHER RESOLVED, that the Work Sessions will be held at 4:00pm on said designated nights.

BE IT FURTHER RESOLVED, that there will be no meeting held on January 20, 2025, or February 17, 2025 due to the observation of holidays. There will be a meeting held on Wednesday, January 22, 2025, Wednesday, and February 19, 2025 to make up for meetings missed due to the holiday schedule.

Wednesday, January 22, 2025

Wednesday, February 19, 2025

Monday, March 17, 2025

Monday, April 21, 2025

Monday, May 19, 2025

Monday, June 16, 2025

Monday, July 21, 2025

Monday, August 18, 2025

Monday, September 15, 2025

Monday, October 20, 2025

Monday, November 17, 2025

Monday, December 15, 2025

(C) *BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May State of New Jersey, that the Board of Health shall meet quarterly per the below schedule.*

BE IT FURTHER RESOLVED, that the Board of Health meetings of the Middle Township Committee for the year 2025 will be held in the Meeting Room of the Middle Township Municipal Building, 33 Mechanic Street, Cape May Court House, New Jersey 08210 at 6:00pm.

Monday, March 17, 2025

Monday, June 16, 2025

Monday, September 15, 2025

Monday, December 15, 2025

17. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH B)– On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between James A. Rutala Associates, LLC and the Township of Middle for grant preparation and submission of the FEMA Hazard Mitigation Assistance Grant be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

James A. Rutala Associates, LLC

Grant Preparation & Submission

Not to Exceed \$7,500.00

(B) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Colliers Engineers & Design and the Township of Middle for climate change related hazard vulnerability assessment be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Colliers Engineering & Design

Climate Change Related Hazard Vulnerability Assessment

Not to Exceed \$52,500.00

18. RESOLUTION – AWARD OF CONTRACT – OFF-DUTY MANAGEMENT – EXTRA DUTY SOLUTIONS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, on November 27th 2024, the Township of Middle advertised for proposals for ‘Off-Duty Police Administrative Services’; and

WHEREAS, on December 18th 2024, the Township received and opened two (2) 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 ‘Off-Duty Police Administrative Services’ be and hereby is awarded to:

EXTRA DUTY SOLUTIONS

SHELTON, CT

(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 Off-Duty Police Administrative Services shall be for one (1) year commencing on January 1st, 2025 until December 31st 2025, 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 Extra Duty Solutions.*
- 3. Said award of contract shall be contingent upon the availability of funds for 2025.*

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 2025 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.

19. RESOLUTION – SOCIAL AFFAIRS PERMIT (ITEM A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the Mid-Atlantic Center for the Arts and Humanities has applied for approval to sell alcoholic beverages at events to be held at Jessie Creek Winery located at 1 Route 47 N, Cape May Court House, New Jersey, on February 16th, October 10th and December 27th; 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 above referenced Social Affairs Permits.

(B) WHEREAS, the Mid-Atlantic Center for the Arts and Humanities has applied for approval to sell alcoholic beverages at events to be held at Natali Vineyards location at 221 Route 47 N, Cape May Court House, New Jersey, on February 16th, October 10th and December 27th; 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 above referenced Social Affairs Permits.

20. RESOLUTION – AUTHORIZING APPLICATION - FY2024 FLOOD MITIGATION ASSISTANCE (FMA) PROGRAM GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle qualifies for the Flood Mitigation Assistance (FMA) Programs administered by the Federal Emergency Management Agency (FEMA); and WHEREAS, the Flood Mitigation Assistance (FMA) program provided funding to assist in efforts to reduce or eliminate the risks of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program (NFIP); and WHEREAS, eligible activities for the FMA Programs includes structure elevation, dry floodproofing, green infrastructure, and hazard mitigation planning as well as other activities; and WHEREAS, the Township of Middle strives to save tax dollars; assist homeowners to recover from Superstorm Sandy; assure clean land, air, and water; and improve working and living environments; and WHEREAS, the Township of Middle wishes to apply for funding through the FEMA FMA Program; and NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Middle, State of New Jersey, hereby supports and authorizes the Flood Mitigation Assistance Programs application. BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the Federal Emergency Management Agency of the US Department of Homeland Security. BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

21. RESOLUTION – BINDING RESOLUTION OF THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY ACCEPTING THE ROUND 4 PRESENT AND PROSPECTIVE NEED OBLIGATIONS AS CALCULATED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted. WHEREAS, on March 20, 2024, Governor Murphy signed into law substantial amendments to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329 (“FHA”), setting forth the procedures, deadlines, and substantive statutory provisions to be applied by New Jersey municipalities for the period between July of 2025 and July of 2035, commonly referenced as “Round 4;” and WHEREAS, pursuant to the FHA, the New Jersey Department of Community Affairs (“DCA”) on October 20, 2024 published its statewide calculations of the present and prospective affordable housing obligations for every New Jersey municipality; and WHEREAS, per DCA’s calculations, the TOWNSHIP of MIDDLE’s Round 4 affordable housing obligations are:

- | | |
|---|----|
| 1. Present (Rehabilitation) Need: | 51 |
| 2. Prospective (New Construction) Need: | 81 |

WHEREAS, on December 13, 2024, the New Jersey Administrative Office of the Courts issued Directive #14-24 which, among other things, directed municipalities to file a Declaratory Judgment Complaint and Case Information Statement in the New Jersey Superior Court, Law Division, within 48 hours of the adoption of this Binding Resolution; and WHEREAS, notwithstanding the fact that the TOWNSHIP lacks sufficient vacant and suitable land to fully address a 51-unit Prospective Need, it intends to accept the DCA’s calculations and will likely seek a “vacant land adjustment” as a component of its Round 4 Housing Element and Fair Share Plan; and WHEREAS, the TOWNSHIP also intends to accept the DCA’s 81-unit Present Need and will take measures to satisfy said obligation as a part of its ongoing Affordable Housing Rehabilitation Program for the period between 2025 and 2035.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the TOWNSHIP of MIDDLE, County of Cape May, State of New Jersey, as follows:

1. The TOWNSHIP of MIDDLE hereby accepts and adopts the DCA’s “fair share” obligations thereby establishing the TOWNSHIP’s Present Need obligation of 51 and its Prospective Need obligation of 81; and
2. Within 48 hours of the adoption of this Binding Resolution, the TOWNSHIP’s Special Mount Laurel Counsel is directed to file the mandatory Declaratory Judgment Complaint and Case Information Statement in the New Jersey Superior Court, Law Division, and to take any associated ancillary actions as required by law; and
3. A certified copy of this Binding Resolution shall be immediately forwarded to (a) the New Jersey Department of Community Affairs; (b) the TOWNSHIP’s Special Mount Laurel Counsel and Planner, and (c) Fair Share Housing Center; and
4. A true copy of this Binding Resolution shall be posted on the TOWNSHIP’s official website and shall be published in the TOWNSHIP’s legal newspapers within 48 hours of adoption.

22. RESOLUTION – **TABULATION COMMITTEE (ITEMS A THROUGH B)** – On motion by [redacted] seconded by [redacted] 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 February 19, 2025 at 10:00am in the Middle Township

Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

INSTALLATION OF EQUIPMENT FOR PLAYGROUND #2 (SNACK STAND) AT CLARENCE DAVIES SPORTS COMPLEX

(B) WHEREAS, on December 16, 2024, Township Committee established a Tabulation Committee to accept bids for the Snow and Debris Removal, on Wednesday, January 8, 2025; and WHEREAS, no bids were received for said project.

NOW THEREFORE BE IT FURTHER 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 bids to be taken on February 12, 2025 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

SNOW AND DEBRIS REMOVAL

23. RESOLUTION – CONFIRMATION OF LAND SALE – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee, the Governing Body of the Township of Middle, by proper resolution, directed that a public sale be held at the meeting room, 33 Mechanic Street, Cape May Court House, N.J., and that certain lands and premises owned by, and situated within, the Township of Middle, County of Cape May, State of New Jersey, be sold, as follows:

Resolution No.: 349-24 Adopted: August 19, 2024 Sale Date: October 2, 2024 at 10:00am

WHEREAS, said public sale was held at the above time and place, and said premises were sold to the highest bidder, as follows:

Block 998 Lot 11 613 Cedar Avenue

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows:
Michael Mackey, 129 W. Magnolia Avenue, Wildwood, New Jersey, 08260

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, that the sale of said premises, upon the above 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 said highest bidders, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

24. RESOLUTION – EMERGENCY PURCHASE – SNOW REMOVAL – H4 ENTERPRISES, LLC. – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has experienced a snowstorm which resulted in significant snowfall and hazardous conditions on municipal roads, parking lots, and public walkways; and

WHEREAS, the immediate removal of snow is essential to ensure public safety and maintain access to critical municipal facilities, emergency services, and public transportation; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, municipalities are authorized to make emergency purchases and enter into contracts without the need for public bidding in the event of an emergency that threatens public health, safety, or welfare; and

WHEREAS, the Township of Middle has determined that the prompt removal of snow and ice requires the engagement of a qualified snow removal contractor to prevent further disruption and ensure public safety; and

WHEREAS, the Township of Middle has identified H4 Enterprises, LLC as a qualified contractor, who has the capacity to provide the necessary snow removal services in a timely and efficient manner; and

WHEREAS, the governing body has reviewed the situation and determined that an emergency purchase and contract for snow removal is necessary.

WHEREAS, the emergency snow removal shall be awarded to H4 Enterprises, LLC, of Cape May Court House, NJ 08210 in the amount of \$27,887.50

H4 Enterprises, LLC

PO Box 638

Cape May Court House, NJ 08210

25. RESOLUTION – AUTHORIZING APPLICATION SUBMISSION – FY 2025 NJ DCA GRANT – LOCAL RECREATION IMPROVEMENT – CLARENCE DAVIES RECREATION COMPLEX – 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 FY 2025 grant from the New Jersey Department of Community Affairs for up to \$100,000 to carry out a Local Recreation Improvement Grant Project to undertake improvements to the Information and Concession Kiosk at the Clarence Davies Recreation Complex.

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:

26. RESOLUTION – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION – 509 RIO GRANDE AVENUE – 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 Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 1523 Lots 9.

27. RESOLUTION – CLOSED SESSION – POTENTIAL LITIGATION (PROPERTY TRANSFER) – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and

NOW, THEREFORE, BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:

CLOSED SESSION – POTENTIAL LITIGATION (PROPERTY TRANSFER)

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

CLOSED SESSION – POTENTIAL LITIGATION (PROPERTY TRANSFER)

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

WHEN THE MATTER IS RESOLVED

4.) This Resolution shall take effect immediately.

Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topic in closed session.

This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.

The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.

28. ENGINEERS REPORT:

29. PUBLIC COMMENT:

Motion to adjourn meeting –

1st: 2nd:

Pass on Roll Call: