

Cape May Court House, NJ  
 February 3, 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, Committeeman Norris, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Administrator Suzanne Schumann, Deputy Clerk Emily Bartleson, & Municipal Solicitor Matt Rooney

1. RESOLUTION – APPOINTMENT – NEW HIRE – 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, 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
Adam Thompson	Public Safety – Police	Police Officer*	\$49,228.88	02/03/2025

\*Hired through Civil Service List

2. SWEARING IN OF POLICE OFFICER – ADAM THOMPSON
3. QUESTION/ANSWER PERIOD ON AGENDA *(This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)*
4. RESOLUTION – 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:*

Fund Description	Fund	Total
Current Fund PY	4.01	\$87,361.75
Current Fund CY	5.01	\$5,605,388.53
Sewer Utility PY	4.07	\$6,675.75
Sewer Utility CY	5.07	\$11,419.82
General Capital	C.04	\$39,733.51
Sewer Capital	C.08	-
Grants	G.06	-
M.A.C.	M.24	-
Emergency Housing	R.23	-
Dog Trust	T.12	\$129.60
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	\$28,637.50
Zoning Escrow	T.19	\$19,811.29
Zoning Escrow	E.19	\$45,972.75
Unemployment Trust	T.20	-
C.O.A.H	T.27	-
Recreation Trust	T.28	\$4,880.26
<b>TOTAL</b>		<b>\$5,850,010.76</b>

5. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST B (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:*

Fund Description	Fund	Total
Current Fund PY	4.01	\$1,472.25
Current Fund CY	5.01	-
Sewer Utility PY	4.07	-
Sewer Utility CY	5.07	-
General Capital	C.04	-
Sewer Capital	C.08	-
Grants	G.06	-

<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>	-
<b>TOTAL</b>		<b>\$1,472.25</b>

6. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETING – On motion 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: 01/22/2025 Work Session, Regular Meeting & Closed Session*
7. REPORTS:
8. ORDINANCE NO. 1715-25 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE – Following second reading, hearing, and consideration for adoption, Ordinance 1715-25 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
***Full list of salary ranges on file in Clerk’s Office***
9. ORDINANCE NO. 1716-25 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 227, SECTION 2 (227-2) THEREOF, ENTITLED TAX MAP AND GIS DATABASE – COSTS – Following second reading, hearing, and consideration for adoption, Ordinance 1716-25 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
*BE IT ORDAINED by the Township Committee, the governing body of the Township of Middle that Chapter 227 of the Code of the Township of Middle be and is hereby amended as follows*  
***SECTION 1. Chapter 227 Section 2 of the Code of the Township of Middle shall hereby be amended as follows (additions are underlined):***  
§ 227-2. Costs.  
A. *Once final submission and/or new lot approval has been received, the required fee must be submitted to Middle Township for the express purpose of maintaining the Tax Map/GIS database. No construction permit shall be issued until said costs are posted with Middle Township, as outlined below:*  
(1) *For minor or major subdivisions: \$200.00 per lot.*  
(2) *Per condominium site plan: \$200.00 per unit as shown on the filed master deed.*  
B. *For any and all Tax Map revisions due to deed discrepancies, lot line adjustments, easement detailing, ownership labeling, acreage calculation and labeling, street name changes, street vacations and other minor revisions including condominium master plan deeds: \$200.00 per lot or per change.*  
C. *In the event that any application for development is denied and the application is no longer pending before the respective board, then any portion of the aforementioned fee, which has not been expended by the Engineer responsible for maintaining the Tax Map/GIS database, shall be refunded to the applicant.*  
D. *In addition to the maintenance fees noted, each approved applicant must supply a map of the new subdivision or new lot in a scale suitable for inclusion on the Middle Township Tax Map/GIS database. Said map must be submitted in both electronic and hard copy formats, and must be compliant with current New Jersey Map Filing Law guidelines (N.J.S.A. 46-23.1).*  
***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.***
10. ORDINANCE NO 1717-25 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 218, ARTICLE VI, SECTION 47 (218-47) THEREOF, ENTITLED APPLICATION FOR DEVELOPMENT FEES – Following second reading, hearing, and consideration for adoption, Ordinance 1717-25 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
*BE IT ORDAINED by the Township Committee, the governing body of the Township of Middle that Chapter 218 of the Code of the Township of Middle be and is hereby amended as follows*

SECTION 1. Chapter 218, Article VI, Section 47 of the Code of the Township of Middle shall hereby be amended as follows (additions are underlined):  
 § 218-47. Application for development fees.

<b>Category</b>	<b>Application Fee</b>	<b>Escrow Fee</b>
1. Informal review	\$300	\$300
2. Subdivision, minor	\$500	\$1,000
3. Subdivision, major (sketch)	\$400	\$200
4. Subdivision, major preliminary	\$700	\$2,500
5. Subdivision, major final	\$400	\$1,000
6. Site plan, minor		
a. Under 1,000 square feet retail/commercial and under 5 parking spaces	\$500	\$1,500
b. Home occupation	\$100	\$250
7. Site plan, major preliminary nonresidential		
a. Under 5,000 square feet of building	\$500	\$2,000
b. From 5,001 to 10,000 square feet of building	\$700	\$2,500
c. From 10,001 to 50,000 square feet of building	\$900	\$3,000
d. From 50,001 to 100,000 square feet of building	\$1,100	\$3,500
e. 100,001 square feet of building or greater	\$1,900	\$4,000
f. Major site plan, gravel pits	\$500	\$2,000
8. Site plan, major preliminary residential		
a. Up to 25 units	\$500	\$3,000
b. 26 to 50 units	\$600	\$3,500
c. 51 to 100 units	\$800	\$4,000
d. 101 to 500 units	\$1,000	\$4,500
e. 501 units or more	\$1,200	\$5,000
9. Site plan, major (final)	\$500	\$1,000
10. Variances		
a. Appeals and interpretations (N.J.S.A. 40:55D-70a and b)	\$600	\$1,500
b. Hardship [N.J.S.A. 40:55D-70c(1)]	\$500	\$1,500
c. Balancing [N.J.S.A. 40:55D-70c(2)]	\$500	\$1,500
d. Use, residential (N.J.S.A. 40:55D-70d)	\$400 per unit	\$1,500
e. Use, nonresidential	\$1,000	\$1,500
f. If the application requires more than 1 type (a, b, c, d, e) variance as listed in Section 10 above, the applicant shall pay the fee required for each type variance requested.		
g. At the discretion of the Zoning Officer, the Chairman of the Planning Board or the Chairman of the Zoning Board of Adjustment, if professional opinions are required for any application, including attendance by the professionals at all meetings, the applicant shall pay all of the costs incurred through the applicant's escrow account.		
11. Submission of amendments/revisions to site plan or subdivision applications after Board approval of plans/plats	\$400	\$600
12. Request for extension of preliminary or final site plan or subdivision approvals	\$100	\$300
13. (Reserved)		
14. Requests to Planning Board for zone changes and Master Plan changes	\$400	\$500
15. Certified list of property owners	\$10 for 40 items or less, \$0.25 for each item over 40	None
16. Request for site plan waiver	\$400	\$1,000
17. Conditional use (N.J.S.A. 40:55D-67)	\$500	\$600
18. Submission of revised plan and/or application documents after initial submission and prior to hearing date	\$400	\$600

<i>Category</i>	<i>Application Fee</i>	<i>Escrow Fee</i>
19. <i>Lot does not abut a street (N.J.S.A. 40:55D-34)</i>	\$300	\$1,000
20. <i>Lot is in a street bed (N.J.S.A. 40:55D-36)</i>	\$300	\$1,000
21. <i>Review of grading and drainage</i>	\$100	
22. <i>Grading and drainage site inspection</i>	\$400	
23. <i>Zoning permit</i>	\$50	
a. <i>Revised zoning permit</i>	\$25	
24. <u><i>Tax Map changes</i></u>	<u><i>\$200 per lot for subdivisions and each easement; \$200 per condominium unit</i></u>	
25. <i>Zoning permit – sign permit</i>	\$50	
a. <i>Zoning permit – revised sign permit</i>	\$25	
26. <i>Zoning permit – change of use permit</i>	\$25	
27. <i>Zoning permit – fence permit</i>	\$25	

*Application fees required as part of development application for the purposes of covering technical, investigative and administrative expenses involved in processing the application and revision of Township tax maps and Township records:*

*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.*

11. ORDINANCE NO 1718-25 – AN ORDINANCE TO AMEND CHAPTER 158 OF THE CODE OF THE TOWNSHIP OF MIDDLE TITLED GARBAGE AND RECYCLING – Following second reading, hearing, and consideration for adoption, Ordinance 1718-25 was adopted on motion by                      seconded by                      and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

*BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:*

*SECTION 1: Chapter 158 of the Code of the Township of Middle is hereby amended to include the following section referenced by underline or strikeout:*

*§ 158-4 Obligations of occupant.*

*A. Each occupant of any residential premises or mobile home lot in this Township shall provide suitable containers for collection of garbage and trash. Said containers shall be made of either metal or plastic; they shall be watertight and have close-fitting covers; and each single-family residence may utilize up to four (4) cans of thirty-five (35) gallons each or three (3) cans of forty-eight (48) gallons each.*

*B. [DELETED]*

*C. Garbage shall be drained of all moisture ~~and completely wrapped in paper~~ before being placed in said containers.*

*D. Containers shall be placed at the curb or property line along a public highway in such a manner as to give the contractor ready access to the same. No collections will be made from any location which is not along the right-of-way of a public highway.*

*E. All single-use properties with businesses generating 200 or more pounds of garbage and trash weekly must provide for private pickup of such garbage and trash and provide proper disposal of same.*

*F. All properties with two or more businesses generating a combined total of 200 pounds of garbage and trash per week must provide for private pickup of garbage and trash. A common enclosure may be used to house garbage and trash, as well as designated recycling. However, garbage and trash must be in a separate container and designated recyclables in a designated container separate from garbage and trash.*

*SECTION 4. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.*

*SECTION 5. 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 6. This ordinance shall become effective immediately upon final passage and publication, according to law.*

12. ORDINANCE NO 1720-25 – 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 1153 LOT 4 IN THE TOWNSHIP OF MIDDLE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1720-25 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/03/2025 at 6:00 p.m.

*WHEREAS, the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq) allows for the sale of municipally owned land at a private sale, instead of at an auction, not needed for public use; and WHEREAS, New Jersey Statute 40A:12-13(b)(5) provides the procedure for the sale of Township owned land in certain circumstances, 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 1153, Lot 4 (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, the Township Committee of the Township of Middle is of the opinion that the sale of the Subject Property is in the best interest of the Township, and that the criteria set forth in N.J.S.A. 40A: 12-13(b)(5) are present including but not limited to the fact that the Subject Property is less than the minimum size required for development in the zone district where same is located and the Subject Property is without any capital improvements and not needed for public use; and*

*WHEREAS, moreover, there are in total one (1) owner of real estate who are contiguous to the Subject Property, specifically listed as follows:*

*Block 1153 Lot 3 -*

*William J. Peter Jr.*

*802 Edgewood Ave*

*Rio Grande, NJ 08242-1218*

*WHEREAS, the one (1) owner shall be noticed and given an opportunity to participate in an open (private) auction limited to just the one (1) 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 1153 Lot 4 is \$900.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$900.00, which the Township shall therefore makes the minimum bid; and*

*WHEREAS, the applicable 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 1153, Lot 4 to the highest bidder of an open (private) auction to be held on March 26, 2025 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 one (1) owner of property contiguous to that portion of Block 1153, Lot 4 which is offered for sale shall participate; and*

*2. The minimum bid shall be \$900.00; 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. 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 successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title by the Township Attorney, or for the Township Attorney’s review and approval of the documents, as well as the cost of recording the Deed with the Gloucester County Clerk. 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 Subject 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 Subject 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 Subject 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.

13. ORDINANCE NO 1721-25 – 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 964 LOT 8 IN THE TOWNSHIP OF MIDDLE – On motion by                   seconded by                   and passed on roll call, Ordinance No. 1721-25 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/03/2025 at 6:00 p.m.

WHEREAS, the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq) allows for the sale of municipally owned land at a private sale, instead of at an auction, not needed for public use; and WHEREAS, New Jersey Statute 40A:12-13(b)(5) provides the procedure for the sale of Township owned land in certain circumstances, 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 961, Lot 8 (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, the Township Committee of the Township of Middle is of the opinion that the sale of the Subject Property is in the best interest of the Township, and that the criteria set forth in N.J.S.A. 40A: 12-13(b)(5) are present including but not limited to the fact that the Subject Property is less than the minimum size required for development in the zone district where same is located and the Subject Property is without any capital improvements and not needed for public use; and

WHEREAS, moreover, there are in total five (5) owners of real estate who are contiguous to the Subject Property, specifically listed as follows:

Block 964 Lot 1 -	Shane Bellamy & Phillip Daino 319 Reeves Street Cape May Court House, NJ 08210-3213
Block 964 Lot 2 -	Carl Arenberg 27 3rd Ave Cape May Court House, NJ 08210-2340
Block 964 Lot 3 -	Katia G Rosas 311 Reeves Street

Block 964 Lot 4 - Cape May Court House, NJ 08210-3213  
Steven Akers  
407 W. Main Street  
Cape May Court House, NJ 08210-3109  
Block 964 Lot 10 - Addie Cook  
2407 18<sup>th</sup> St SE  
Washington D.C. 20020-6313

WHEREAS, the five (5) owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the five (5) 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 964 Lot 8 is \$3,800.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$3,800.00, which the Township shall therefore make the minimum bid; and

WHEREAS, the applicable 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 964, Lot 8 to the highest bidder of an open (private) auction to be held on March 26, 2025 at 10:30am in the court room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those five (5) owners of property contiguous to that portion of Block 964, Lot 8 which is offered for sale shall participate; and
2. The minimum bid shall be \$3,800.00; 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. 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 successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title by the Township Attorney, or for the Township Attorney's review and approval of the documents, as well as the cost of recording the Deed with the Gloucester County Clerk. 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 Subject 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 Subject 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 Subject 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.

14. RESOLUTION – ACKNOWLEDGEMENT OF RETIREMENT – 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
William Candell	Public Safety	Animal Control Officer	08/01/2025
Phil Johnson	Public Safety – Police	Police Officer	05/01/2025

15. RESOLUTION – AMENDING RESOLUTION 34-25 – APPOINTMENTS – NEW HIRE – 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, County of Cape May, State of New Jersey, that Resolution No. 34-25 shall hereby be amended and corrected to reflect the following employee effective date indicated below:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Avierre E. Crawley	Public Safety – Police	Class II SLEO Officer	\$20.00 per hr*	01/24/2025
Colin R. Gery	Public Safety – Police	Class II SLEO Officer	\$20.00 per hr*	01/24/2025
Emanuel Jimenez	Public Safety – Police	Class II SLEO Officer	\$20.00 per hr*	01/24/2025
Anthony M. Krieg	Public Safety – Police	Class II SLEO Officer	\$20.00 per hr*	01/24/2025
Andrew W. Stremme	Public Safety – Police	Class II SLEO Officer	\$20.00 per hr*	01/24/2025
Chad A. Taggart	Public Safety – Police	Class II SLEO Officer	\$20.00 per hr*	01/24/2025

\*Salary increase to \$23.00 upon completion of Academy

16. 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
Chad Taggart	Public Safety – Police	Class II SLEO Officer	1/27/2025
Andrew Stremme	Public Safety – Police	Class II SLEO Officer	1/28/2025

17. RESOLUTION – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – 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 that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE
Sarah Frazier	Public Safety – Police	Police Officer T/A	Police Officer Permanent*	\$49,228.88	01/10/2025

\*Hired Through Alternate Route Program

18. RESOLUTION – RATIFY LEASE AGREEMENT (ITEMS A THROUGH B) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

(A) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Marine Corps League and the Township of Middle for usage of the Middle Township Senior Citizen Center from January 1, 2025 through December 31, 2025, be and is hereby ratified.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

BE IT FURTHER RESOLVED, that said agreement is contingent upon the review and approval of any and all insurance documents required by the Township of Middle's insurance carrier.

(B) BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Concerned Citizens of Whitesboro and the Township of Middle for use of premises located at the Martin Luther King Center for office space from which to operate certain programs that benefit the community, January 1, 2025 until December 31, 2025, be and is hereby ratified.

BE IT FURTHER RESOLVED that the appropriate Township Officials are hereby authorized to execute any documents necessary to carry out the purpose and intent of this Resolution.



*BE IT FURTHER RESOLVED, that said agreement is contingent upon the review and approval of any and all insurance documents required by the Township of Middle's insurance carrier.*

19. RESOLUTION – RELEASE OF MAINTENANCE BOND – CANTERBURY WAY SUBDIVISION – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.

*WHEREAS, a \$85,607.38 maintenance bond is remaining as a two-year maintenance guarantee for Canterbury Way subdivision;*

*WHEREAS, said maintenance bond expired on July 11, 2024;*

*WHEREAS, the Township Engineer has recommended that the Bond in the amount of \$85,607.38 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 \$85,607.38, including any interest accrued, be and is hereby released.*

20. RESOLUTION – RELEASE OF TRUST ACCOUNTS – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.

*WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and*

*WHEREAS, the applicants are entitled to a refund of this money.*

*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.*

21. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – BEACH AVENUE & REEDS BEACH ROAD FEMA SCOPING APPLICATION – COLLIERS ENGINEERING & DESIGN – 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 Agreement between Colliers Engineering & Design and the Township of Middle for Beach Avenue and Reeds Beach Road FEMA Scoping application 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  
Beach Avenue & Reeds Beach Road FEMA Scoping Application  
Not to Exceed \$20,600.00*

22. RESOLUTION – CLOSED SESSION – CONTRACT NEGOTIATIONS – On motion by                      seconded by                      and passed on roll call, the following resolution was adopted.

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

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

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

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

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

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

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

***CLOSED SESSION – CONTRACT NEGOTIATIONS***

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

***CLOSED SESSION – CONTRACT NEGOTIATIONS***

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

***WHEN THE MATTER IS RESOLVED***

*4.) This Resolution shall take effect immediately.*

23. PUBLIC COMMENT:

Motion to enter closed session –

1<sup>st</sup>:                      2<sup>nd</sup>:

Pass on Roll Call:

Motion to re-enter open session –

1<sup>st</sup>:                      2<sup>nd</sup>:

Pass on Roll Call:

Motion to adjourn meeting –

1<sup>st</sup>:                      2<sup>nd</sup>:

Pass on Roll Call: