

Cape May Court House, NJ
 February 19, 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, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Administrator Suzanne Schumann, Deputy Clerk Emily Bartleson, Township Engineer, Vince Orlando & 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
Kyle Matthews	Public Safety – Police	Police Officer*	\$49,228.88	02/19/2025

*Hired through Civil Service List - OL241384

2. SWEARING IN OF POLICE OFFICER – KYLE MATTHEWS
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	\$32,662.23
Current Fund CY	5.01	\$262,521.30
Sewer Utility PY	4.07	-
Sewer Utility CY	5.07	\$16,849.38
General Capital	C.04	\$13,115.31
Sewer Capital	C.08	-
Grants	G.06	\$210,205.08
M.A.C.	M.24	\$606.65
Emergency Housing	R.23	-
Dog Trust	T.12	\$1,038.00
Forfeited Monies	T.13	-
Sewer Escrow	T.16	-
Trust Other	T.17	\$9,484.00
Zoning Escrow	T.19	\$93,826.39
Zoning Escrow	E.19	\$5,731.81
Unemployment Trust	T.20	\$8,348.74
C.O.A.H	T.27	-
Recreation Trust	T.28	\$8,947.70
TOTAL		\$663,336.59

5. 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: 02/03/2025 Regular Meeting & Closed Session*
6. REPORTS: Tax/Sewer Collector for month of January; Sterbeck Harbor for month of January; Clerk for month of January

7. ORDINANCE 1719-25 – AN ORDINANCE AMENDING CHAPTER 114A OF THE TOWNSHIP CODE, ENTITLED CRUSHING OPERATIONS – Following second reading, hearing, and consideration for adoption, Ordinance 1719-25 was adopted on motion by seconded by and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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 oversite 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.

8. 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
Natacha Alcala	Municipal Court	Clerk 1	02/08/2025
Zaydie Rivera	Municipal Court	Clerk 1	02/08/2025

9. RESOLUTION – APPOINTMENT – TEMPORARY ACTING DEPUTY TOWNSHIP CLERK – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby temporarily appointed (for a period of 15 days) to the in-house title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Suzanne M. Schumann	Administration	Temporary Acting Deputy Township Clerk	02/24/2025

**In-House title of Temporary Acting Deputy Township Clerk due absence of Kimberly Osmundsen, Township Clerk and Emily Bartleson, Deputy Township Clerk.*

10. RESOLUTION – CANCELLATION OF TAXES – 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 cancellation is due to 15c property tax exemption:

Account	Block	Lot	Owner/Location	2024 Tax	2025 Tax
16159	115.02	2	Cape May County - 4 Moore Road	\$220,308.25	\$110,154.13

11. RESOLUTION – REFUND OF TAXES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, a refund is due, due to the mortgage companies paying taxes on the below exempt properties. Refund to be issued to the homeowner.

ACCT	BLOCK	LOT	OWNER/LOCATION	2025
19433	99.04	75 C0001	Simon, Joyce & Russell N 8 Waterford Lane	\$5,330.48

Please make check payable and mail to:

Corelogic
 C/O Chase Corelogic
 3001 Hackberry Rd
 Irving, TX 75063-0156

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.

12. RESOLUTION – DECLARING THE GYPSY MOTH A PUBLIC NUISANCE AND AUTHORIZING PARTICIPATION IN THE STATE SPRAYING PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Middle; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Committee of the Township of Middle has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

NOW THEREFORE BE IT HEREBY RESOLVED by the Township Committee of the Township of Middle that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

I, Kimberly D. Osmundsen, Clerk of the Township of Middle, County of Cape May, State of New Jersey, do hereby certify that this Resolution was adopted by the municipal governmental body at an open public meeting which was duly advertised to the citizens of the municipality in accordance with the law, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.

I also certify that this municipality has, or will, comply with the notice provisions required by N.J.S.A. 4:7-39.

13. RESOLUTION – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – 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 and State of New Jersey that the mortgage loan for Crystal D. Harper (nee) Matthews for the property located at 116 Davis Road, Rio Grande, New Jersey in the amount of \$24,475.00 is hereby authorized to be discharged.

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

14. 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 Ordinance, directed that a private auction to be held amongst contiguous owners of Block 1134 Lot 6, 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:

Ordinance No.: 1711-25 Adopted: November 4, 2024 Sale Date: December 4, 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 1134, Lot 6 – 10th Avenue

WHEREAS, said highest bidder has requested that said lands and premises be conveyed as follows:

Daryl Ogden – 906 Edgewater Avenue, Rio Grande, New Jersey 08242

NOW THEREFORE BE IS 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 by said highest bidder, by Bargain and Sale Deed, free and clear of all taxes up to and including the calendar quarter during which said sale was held.

15. RESOLUTION – APPROVE CHANGE ORDER NO. 1 – CHURCH ROAD RECONSTRUCTION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, a Contract was awarded on August 5, 2024 via Resolution No. 329-24 to South State Inc. for the Church Road Reconstruction. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1, that reflects a decrease of \$6,029.46 for an amended contract amount of \$197,527.68 is hereby approved.

16. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire 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
Khan, Abdul L	207 Vermont Ave	1493 // 4	\$408.80
211 S&S Investment LLC	211 Vermont Ave	1493 // 6	\$408.80
Benaouicha, Abdelkrim & Bougaci S	206 Vermont Ave	1486 // 8	\$408.80

17. RESOLUTION – AMENDING RESOLUTION 498-24 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – REDEVELOPMENT COUNSEL SERVICES – MALEY GIVENS, COUNSELLORS AT LAW – AREA IN NEED OF REDEVELOPMENT REVIEW – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, Resolution No. 08-24 authorized an agreement with Maley Givens, Counselors at Law for redevelopment counsel services, as a non-fair and open contract pursuant to the Pay to Play regulations in an amount not to exceed \$50,000.00; and WHEREAS, Resolution No. 498-24 was awarded on December 16, 2024 authorizing an amendment to the not to exceed amount for an additional \$10,000.00, for a total contract amount of \$60,000.00. WHEREAS, said contract needs to be further amended due to pending litigation. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

Maley Givens, Counsellors at Law
Not to Exceed an additional - \$2,000.00
(Total Contract Amount \$62,000.00)

18. RESOLUTION – AUTHORIZING EXECUTION OF FAIR AND OPEN CONTRACT (ITEMS A THROUGH B) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. (A) WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et.seq., and WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and WHEREAS, the Township Committee had solicited proposals and placed the position on the township website as outlined in Resolution 446-24 dated November 18, 2024, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria, and WHEREAS, the Planning Board has formally passed Resolution #2025ENG, appointing Mr. Orlando. 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 submission shall be awarded as follows:

Vincent C. Orlando – Planning Board Engineer
Not to exceed \$20,000.00

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute contracts with each of the above-mentioned individuals as necessary, to be followed with a resolution of award and certification as attached hereto. BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2025.

*(B) WHEREAS, the Township Committee has previously instituted a Fair and Open Process for the award of contract pursuant to N.J.S.A. 19:44A-20.4 et. seq.; and
WHEREAS, the Township Committee has followed the procedures that it has previously set forth for the award of specific contracts; and
WHEREAS, the Township Committee has solicited proposals, and has publicly opened each proposal submitted, and has considered each proposal in light of criteria previously established by the Township, and has made a decision on each proposal submitted in light of those criteria;
WHEREAS, the Planning Board has formally passed Resolution #2025ATTY, appointing Robert T. Belasco, Esquire, of The Belasco Law Firm, LLC as Planning Board Solicitor for 2025.
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 submission shall be awarded as follows:
Robert T. Belasco – Planning Board Solicitor – Not to Exceed \$20,000.00
BE IT FURTHER RESOLVED, that this contract shall be effective until December 31, 2025.*

19. RESOLUTION – EXTENSION OF DUE DATE – BUSINESS REGISTRATIONS – 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 grace period for completing 2025 Business Registrations, without late fee penalty, be extended to April 30, 2025.

20. RESOLUTION – OPPOSING THE PROPOSED 17% ELECTRICITY RATE INCREASE BY ATLANTIC CITY ELECTRIC – On motion by seconded by and passed on roll call, the following resolution was adopted.
*WHEREAS, Atlantic City Electric has proposed a 17% increase in electricity rates to take effect in June 2025; and
WHEREAS, the residents of Middle Township are already struggling with rising costs of living, including increased prices for gas, groceries, and other necessities, making an additional financial burden unsustainable; and
WHEREAS, for months, residents have endured inflated and unjustifiable electricity prices, with Atlantic City Electric attributing these increases to summer heat—claims that have been contradicted by data showing reduced energy consumption; and
WHEREAS, delivery fees charged by Atlantic City Electric are disproportionately high, often equaling or exceeding the cost of electricity usage itself, further exacerbating the financial strain on ratepayers; and
WHEREAS, many residents, including those who have invested in sustainable energy solutions such as solar panels, continue to face exorbitant electric bills despite their efforts to reduce reliance on traditional energy sources; and
WHEREAS, the Middle Township Committee believes that this proposed rate increase is not only financially harmful but also morally unacceptable, prioritizing corporate profits over the well-being of New Jersey residents; and
WHEREAS, an internal audit conducted by Atlantic City Electric is insufficient to address these issues, and an independent investigation into the justification for these price hikes is necessary to ensure transparency and accountability;
NOW, THEREFORE, BE IT RESOLVED by the Middle Township Committee as follows:
1. *Opposition to Rate Increase: The Middle Township Committee strongly opposes the proposed 17% increase in electricity rates by Atlantic City Electric.*
2. *Demand for Transparency: The Committee calls for an independent investigation into Atlantic City Electric’s pricing practices and demands greater transparency in the justification for any future rate adjustments.*
3. *Advocacy for Residents: The Committee urges the New Jersey Board of Public Utilities (NJBPUB) to reject this proposed rate increase and prioritize the needs of residents over corporate profits.*
4. *Call to Action: The Committee encourages other municipalities across New Jersey to join in opposing this rate increase and advocating for fair electricity pricing.*
5. *Distribution of Resolution: A copy of this resolution shall be sent to Governor Phil Murphy, State Senator Michael Testa Jr., Assemblymen Antwan McClellan and Erik Simonsen, the New Jersey Board of Public Utilities (NJBPUB), and Atlantic City Electric.*
*BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.
Adopted this 19th day of February 2025 by the Middle Township Committee.**

21. RESOLUTION – AWARD OF BID – SNOW & DEBRIS REMOVAL – H4 ENTERPRISES, LLC – On motion by seconded by and passed on roll call, the following resolution was adopted.
*WHEREAS, on January 29th 2025, the Township of Middle advertised for bids for ‘Supplemental Snow & Debris Removal for Township of Middle; and
WHEREAS, on February 12th 2025, the Township received and opened one (1) bid; and
WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, 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 Snow & Debris Removal be and hereby is awarded to:*

*H4 ENTERPRISES, LLC
CAPE MAY COURT HOUSE, NJ
(See Attached Proposal Page)*

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

- 1. The term of the contract for Snow and Debris Removal shall be for one (1) year commencing on January 1st, 2025 until December 31st 2025, with an additional one (1) year option.*

2. *The appropriate officials be and are hereby authorized and directed to enter into and execute a contract with H4 Enterprises, LLC.*
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.

22. **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 IT 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:

<u>Account Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>
<u>Current Fund</u>			
4-01-25-262-262-220	Emergency Medical Services-OE	15,000.00	
4-01-20-155-156-249	Legal Services - OE		5,000.00
4-01-31-430-430-475	Utilities - Electric		5,000.00
4-01-23-310-310-200	Public Buildings and Grounds-OE		5,000.00
		15,000.00	15,000.00

23. **RESOLUTION – REDUCTION OF PERFORMANCE BOND NO. 2 – SHL DEVELOPMENT LLC** – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, \$4,066,835.58 is being held as a performance guarantee for SHL Development, LLC, for Block 99.02, Lot 17; and

WHEREAS, the Engineer has conducted his inspection and determined that improvements having a value of \$924,202.50 have been completed; and

WHEREAS, it has been further recommended that the performance guarantee for the above stated project be reduced to \$3,142,633.08 and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance guarantee as listed above be and is hereby reduced to \$3,142,633.08.

24. **RESOLUTION – AUTHORIZING REQUEST FOR PROPOSALS – ANIMAL CONTROL SERVICES** – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

*NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to receive proposals on March 26, 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:
ANIMAL CONTROL SERVICES*

25. **RESOLUTION – AUTHORIZING APPLICATION TO THE CAPE MAY COUNTY OPEN SPACE PROGRAM APPLICATION TYPE: 2A: MUNICIPAL DESIGN ONLY (DECLINING USE OF CREATIVE PLACEMAKING PLAN) TO ENHANCE THE RECREATION FACILITIES LOCATED AT THE CLARENCE AND GEORGIANA DAVIES COMPLEX (AKA GOSHEN 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 grant from CAPE MAY COUNTY OPEN SPACE PROGRAM for the enhancement of recreation facilities at the Clarence and Georgiana Davies Complex (aka Goshen Complex).

WHEREAS, Middle Township is the owner of and controls the project site and hereby acknowledges our commitment to the long-term maintenance of the project site.

NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the application for such a grant, and

BE IT FURTHER RESOLVED, that the Township of Middle hereby recognizes and accepts that the organization may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from said organization, does further authorize the execution of any such grant agreement; and also, further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and CAPE MAY COUNTY OPEN SPACE PROGRAM.

BE IT FURTHER RESOLVED that the Township is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedure Manual for the Program.

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 and any other documents necessary on connection therewith:

26. ENGINEER REPORT:

27. PUBLIC COMMENT:

Motion to adjourn meeting –

1st: 2nd:

Pass on Roll Call: