

Cape May Court House, NJ
March 19, 2018
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 Clark, Deputy Mayor DeVico, Committeemember Donohue, Township Clerk Kimberly Krauss, Business Administrator Elizabeth Terenik, Municipal Solicitor Frank Corrado and Municipal Engineer Vincent Orlando.

1. PRESENTATION BY MAYOR AND COMMITTEE – MARCH EMPLOYEE OF THE MONTH
2. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)
3. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – 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 payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$739,830.33*
4. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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: 03/05/2018 regular, work session and closed session meetings.
5. REPORTS: The following departments have submitted their reports for the months indicated: Finance for the Month of February;
6. ORDINANCE NO. 1556-18 – AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 84, ARTICLE 1, ENTITLED ALCOHOLIC BEVERAGES, LICENSES – Following second reading, hearing, and consideration for adoption, Ordinance 1556-18 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
*WHEREAS, the population of Middle Township has increased to the point where, pursuant to the state Alcoholic Beverage Law, the Township is entitled to issue an additional plenary retail consumption alcoholic beverage license.
NOW, THEREFORE, BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 84, Article I of the CODE OF THE TOWNSHIP OF MIDDLE be amended as follows (additions underlined; deletions [in brackets]):
Section 1.
§84-3 Number and type of licenses.
There shall not be issued and outstanding in this Township at any time alcoholic beverage licenses in excess of the following number:
A. Six [Five] plenary retail consumption licenses.
B. Two plenary retail distribution licenses.
C. Four club licenses.
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.
This Ordinance shall become effective immediately upon final passage and publication, according to law.*
7. ORDINANCE NO. 1557-18 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) - Following second reading, hearing, and consideration for adoption, Ordinance 1557-18 was adopted on motion by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and, WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and, WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$190,057.34 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and, WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$665,200.69, and that the CY 2018 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

8. ORDINANCE NO. 1558-18 - AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 204, ARTICLE II, REGARDING SEWER RATES AND CONNECTION CHARGES – Following second reading, hearing, and consideration for adoption, Ordinance 1558-18 was adopted on motion by seconded by and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

WHEREAS, Chapter 204 of the Middle Township Municipal Code establishes a township sewer system; and

WHEREAS, Article II of Chapter 204 establishes rates and connection charges for that system; and

WHEREAS, those rates must account for the township's share of charges imposed by the Cape May County Municipal Utilities Authority; and

WHEREAS, it is necessary from time to time to adjust the schedule of rates and charges to account for increased costs, increased sewerage flow, and an increased percentage of flow from the Township relative to other municipalities in Cape May County; and

WHEREAS, the Middle Township Committee believes it necessary to adjust those rates and charges to reflect changes in the factors listed above,

NOW THEREFORE, be it ORDAINED by the Township Committee of the Township of Middle that Chapter 204, Article II of the Middle Township Code is hereby amended as follows:

Section 1. Schedule A of Section 204-7 of the Middle Township Code is hereby repealed in its entirety and replaced with the following schedule of rates:

SEWERS
TOWNSHIP OF MIDDLE
SCHEDULE A

Type of User	Cost
Single-family dwelling	\$560
Multiple-family dwelling	\$560 per unit
Commercial establishments	Metered: \$640 per unit plus \$0.01 per gallon over 40,000 gallons Unmetered: \$640 per unit
Hotels and Motels	Metered: \$320 per unit plus \$0.01 per gallon over 20,000 gallons Unmetered: \$640 per unit

Section 2. Section 204-16.1 of the Middle Township Code is hereby amended as follows (additions underlined):

Access to Meters. All commercial properties not serviced by a water utility or company shall install a flow meter to measure the water drawn from the property's well. Water meters shall be located on the exterior of the building and remain clear of all debris and obstacles allowing easy, unrestricted access by Township employees reading said meter. Property owners are prohibited from placing water meters in the interior of a building, in a confined space or placing locks or other restrictive instruments on water meters.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Section 4. 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 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.

9. ORDINANCE NO. 1559-18 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY REGARDING EXCESSIVE USE OF MUNICIPAL SERVICES - Following second reading, hearing, and consideration for adoption, Ordinance 1559-18 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. Excessive use: findings and purpose.

A. The Township Committee finds and declares that there are properties located within the Township where nuisances exist and other activities occur which have resulted in the excessive consumption of municipal services.

B. The Township Committee finds and declares that the cost of the excessive consumption of municipal services relating directly to these nuisance properties should be paid by the property owner and, if applicable, the responsible tenant or occupant, and not by the public at large through taxes.

C. It is the purpose and intent of these regulations to identify these nuisance properties and provide for the timely payment of the cost of the excessive consumption of municipal services through summary proceedings pursuant to the due process requirements set forth in this article.

SECTION 2. Definitions.

As used in this article, the following terms shall have the following meanings unless the context clearly indicates a different meaning is intended. Those terms not defined herein shall have the meaning attributed to them in other provisions in the municipal code:

EXCESSIVE MUNICIPAL SERVICES — Any qualifying calls made about qualifying incidents occurring on a property when those calls exceed the number of calls shown on the schedule in Section 5 of this Ordinance.

HEARING OFFICER — The person selected by the Township to conduct the hearings required by this ordinance. The hearing officer shall be a neutral and impartial adjudicator.

NUISANCE PROPERTY — Properties on which qualifying incidents occur that result in qualifying calls for municipal services during any sixty-day period in excess of the number of such calls shown on the schedule in Section 5 shall be considered nuisance properties and shall be subject to the penalties and procedures as described in this article.

QUALIFYING CALLS — Calls for police services resulting from qualifying incidents occurring on the property. Multiple calls for police services resulting from the same qualifying incident shall be deemed to be a single qualifying call.

QUALIFYING INCIDENT — As determined by the chief of police and township business administrator, reported violations of law pertaining to: (1) distributing, dispensing or possessing controlled dangerous substances; (2) aggravated assault; (3) criminal homicide; (4) disorderly conduct or noise; prostitution; (5) indecent exposure, including public urination or defecation.; and (6) code violations, pertaining to the condition of a particular property, including property maintenance, zoning and health code violations.

SECTION 3. Designation of public officer.

The Township Business Administrator, or his designee, shall serve as the public officer authorized to follow the procedures as set forth in this article.

SECTION 4. Reporting of municipal services use.

A. The Middle Township Police Department is responsible for keeping and maintaining records detailing information regarding the services provided, including the following information:

- (1) The exact location of the subject property;
- (2) The name and address of the property owners and tenants, if known and applicable;
- (3) The date and the nature of the call and services;
- (4) The nature of the violation or violations;
- (5) The name of each public employee providing the municipal services.

B. The Middle Township Police Department shall coordinate its responsibilities under this article with the public officer responsible for enforcing these regulations.

SECTION 5. Criteria for determination of excessive use of municipal services.

Properties on which qualifying incidents occur that result in qualifying calls for municipal services during any sixty-day period that exceed the number indicated on the schedule below shall be considered nuisance properties and shall be subject to the penalties and procedures as described in this article:

- A. Residential properties consisting of a one through four dwelling units: five qualifying calls.
- B. All other property types including, but not limited to, multifamily dwellings in excess of 4 units, hotel/motels, commercial/retail uses, restaurants and bars: 10 qualifying calls.

SECTION 6. Notice requirements; complaint procedure.

A. Whenever the public officer, in consultation with the municipal chief of police or his designee, shall determine that any property has become a nuisance property by its consumption of excessive municipal services, the public officer shall prepare a complaint and notice of hearing setting forth the location of the property and the allegation as to the excessive use of municipal services, and a notice of hearing setting forth the date, time and place of the hearing which shall not be scheduled earlier than thirty (30) days from the date of service of the notice. The complaint shall also provide notice:

- (1) Specifying the types and dates of qualifying calls made to the subject property; and
- (2) Of the Township's demand for the abatement of the activities resulting in the qualifying calls.

B. The complaint and notice of hearing shall be served upon the property owner and, if a requisite number of qualifying calls involve the same tenant or occupant on the property, also the tenant or occupant.

Service shall be made personally or by regular and certified mail, return receipt requested, by mailing the complaint and notice of hearing to the last known address of such person.

C. If the whereabouts of the property owner or the tenant/occupant are unknown and cannot be ascertained in the exercise of reasonable diligence, then service of the pleadings on such person shall be made as follows:

- (1) By publishing the complaint and notice of hearing once in the official newspaper of the Township; and
- (2) By posting the complaint and notice of hearing in a conspicuous place on the building affected by the complaint.

D. Whenever an individual dwelling unit within a multifamily dwelling has received five qualifying calls within a sixty-day period, the public officer shall notify the property owner and tenant/occupant, in the same manner as provided in Subsection B and C above, of the fact so that the property owner can take appropriate action to abate the nuisance. This notification shall be made even if the multifamily dwelling has not received the required number of qualifying calls within a sixty-day period which would trigger a notice of violation.

E. The public officer may also, but is not required to, notify the owner, tenant or occupant of any property at any time that the number of qualifying calls to that property is in excess of 50% of the number specified in the schedule in §5.

SECTION 7. Hearing procedure; costs to be assessed; violations and penalties.

A. The public officer shall present evidence and testify at the hearing and may produce witnesses in support of the allegations contained in the complaint. The property owner and any party of interest shall have the right to appear at the hearing and cross-examine the public officer, cross-examine any witnesses produced by the public officer, testify, produce witnesses, and be represented by an attorney. At least fifteen (15) days in advance of the hearing, the public officer shall provide the property owner with all available records pertaining to the qualifying calls, all documents and other evidence which the public officer intends to introduce at the hearing and the names and addresses of any witnesses. The New Jersey Rules of Evidence shall apply to the hearing.

B. The hearing officer shall determine at the hearing whether the subject property received qualifying calls during the subject sixty-day period in excess of that as indicated in §5 for the type of property being considered. If so, the hearing officer shall adjudge the property to be a nuisance property and shall, in his reasonable discretion, assess a fine in an amount that conforms to the monetary penalty provisions of Section 1-15 of the Middle Township Municipal Code, the "General Penalty" provision; provided, however, that the fine shall be calculated on the basis of the adjudication constituting a single violation. Any such fine shall be entirely assessed against the property owner unless a requisite number of qualifying calls involve the same tenant or occupant on the property, in which case the fee shall be divided and assessed, in equal parts, against the owner and each involved tenant/occupant.

C. The hearing officer may also, in his reasonable discretion, require the property owner to take specific steps to alleviate or eliminate the nuisance condition, including the 1) the installation of security lighting; and/or 2) the installation of security cameras or 3) the hiring of security personnel.

D. A copy of the order shall be served on the property owner and, if applicable, tenant and occupant, personally or by regular and certified mail, return receipt requested, by mailing the order to their last known address.

E. If the whereabouts of the property owner, tenant or occupant cannot be ascertained in the exercise of reasonable diligence, then service of the order shall be made on such person as follows:

- (1) By publishing the order once in the official newspaper of the Township;
- (2) By posting the order in a conspicuous place on the building affected by the order; and
- (3) By recording the order in the Cape May County Clerk's office.

F. Within 45 days of the date of the hearing officer's order, the property owner or interested party may file a de novo appeal to the Superior Court of New Jersey styled as an action in lieu of prerogative writ.

G. Upon conclusion of the hearing and the hearing officer's determination, the property shall be considered to have no qualifying calls and a new sixty-day qualifying call cycle shall begin. In the event that a property again is deemed, after notice and hearing as set forth above, to be a nuisance property, the hearing officer shall have the discretion to impose a fine in an amount that conforms to the monetary penalty provisions of Section 1-15 of the Middle Township Municipal Code.

SECTION 8. Assessment of lien.

Upon the failure to comply with the terms of the order for the payment of money owed to the Township by any owner of property against which costs, fee or penalties was assessed in accordance with the provisions of this article, the total cost established shall be assessed as a lien against the subject property. The assessment shall be collected and the lien may be enforced in the same manner as real estate tax amounts and liens are assessed, collected and enforced. Such enforcement of unpaid moneys due under this article shall include the right by the Township to revoke, suspend or not issue or renew municipal licenses or permits related to the subject property in accordance with N.J.S.A. 40:52-1.2.

SECTION 9. Remedies; aggrieved persons.

Any person aggrieved by an order issued under this article may file an appeal with the New Jersey Superior Court, Law Division, within 45 days from the date of the adoption of the resolution in accordance with Rule 4:69 of the New Jersey Rules of Court.

10. ORDINANCE NO. 1560-18 - AN ORDINANCE OF THE CODE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY REGARDING ABANDONED PROPERTY - Following second reading, hearing, and consideration for adoption, Ordinance 1560-18 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. DEFINITIONS

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

ABANDONED PROPERTY

Any property, except as provided in N.J.S.A. 55:19-83, that has not been legally occupied for a period of six months and which meets any one of the following additional criteria, as determined by the Public Officer:

- A. The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period;*
- B. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Officer pursuant to this section; and*
- C. At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the Public Officer pursuant to this section; or*
- D. The property has been determined to be a nuisance by the Public Officer in accordance with N.J.S.A. 55:19-82.*

ABATEMENT OF NUISANCE PROPERTY

The repair or elimination of the conditions on a property that create the nuisance, including the demolition of any or all structures thereon.

BUILDING

Any building, structure or part thereof, whether used for human habitation or otherwise.

DAYS

Consecutive calendar days.

FORECLOSING

The process by which property, placed as security for real estate or other loans, is prepared for sale to satisfy the debt if the borrower is in default under the terms of the loan.

INITIATION OF THE FORECLOSURE PROCESS

Any of the following actions taken by a lienholder or mortgage holder or mortgagee.

- A. Taking possession of the property.*
- B. Delivering a creditor's or mortgagee's notice of intention to foreclose to the borrower.*
- C. Commencing a foreclosure action or filing a lis pendens in the Superior Court of New Jersey.*

LIENHOLDER or MORTGAGE HOLDER or MORTGAGEE

The creditor, including, but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under a mortgage agreement, collectively herein referred to as "creditor."

MUNICIPALITY

The Township of Middle, and shall include a qualified rehabilitation entity that may be designated by the Township pursuant to N.J.S.A. 55:19-90 to act as its agent to exercise any of the Township's rights pursuant thereto.

NUISANCE PROPERTY

Any property, except as provided in N.J.S.A. 55:19-83, which meets any one of the following criteria:

- A. The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3.*
- B. The condition and vacancy of the property materially increases the risk of fire to the property and/or adjacent properties.*
- C. The property is subject to unauthorized entry, leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Township of Middle had secured the property to prevent such hazards after the owner has failed to do so.*
- D. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards, and the owner has failed to take reasonable and necessary measures to remove the hazards.*
- E. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owners have failed to take reasonable and necessary measures to remedy the conditions.*

OWNER

Every person, entity, service company, property manager or real estate agency, who, alone or severally with others:

- A. Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise; or*
- B. Has care, charge or control of any dwelling, dwelling unit or parcel of land, vacant or otherwise, in any capacity, including but not limited to agency, executor, executrix, administrator, administratrix, trustee or guardian, of the estate of the holder of legal title; or*
- C. Is a mortgagee in possession of any such property; or*
- D. Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or*
- E. Is an officer or trustee of the association of unit owners of the condominium. Each such person is bound to comply as if he were the owner; or*
- F. Every person who operates a rooming house; or*

G. Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

PARTIES IN INTEREST

All individuals, associations and corporations who have interests of record in a property and any who are in actual possession thereof.

PROPERTY

Any real estate, residential property, or portion thereof, located in the Township of Middle, including buildings or structures situated on the property. For the purpose of this section only, "property" does not include property owned or subject to the control of the Township or any of its governmental bodies or agencies.

PUBLIC OFFICER

The person designated by the Township of Middle pursuant to N.J.S.A. 40:48-2.5.

QUALIFIED REHABILITATION ENTITY

An entity organized or authorized to do business under the New Jersey Statutes, which shall have as one of its purposes the construction or rehabilitation of residential or nonresidential buildings; the provision of affordable housing; the restoration of abandoned property; the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in N.J.S.A. 55:19-78 to carry out the rehabilitation of vacant buildings in urban areas.

RESIDENTIAL PROPERTY

Any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

SECURING

Taking measures that assist in making the property inaccessible to unauthorized persons.

VACANT PROPERTY

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation; provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental should not be deemed vacant. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purpose of this chapter.

Section 2. ESTABLISHMENT OF ABANDONED PROPERTIES LIST.

A. The Public Officer shall establish and maintain a list of abandoned properties to be known as the "abandoned properties list." The Public Officer may add properties to the list at any time when he finds that a property meets the definition of an abandoned property and the Public Officer may delete properties from the list at any time when he finds that a property no longer meets the definition of an abandoned property. The abandoned property list shall apply to the Township of Middle as a whole.

B. The published list of notices shall identify the abandoned property, setting forth the name of the owner or owners of record, if known, tax lot and block numbers and the street address for the lot.

C. An interested party may request that a property be included on the abandoned properties list, provided he follows procedures set forth in N.J.S.A. 55:19-105.

D. A property shall not be included on the abandoned properties list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Township of Middle has purchased or taken assignment from the Township of a tax sale certificate which has been placed on the abandoned properties list may be removed in accordance with the provisions of N.J.S.A. 55:19-103.

Section 3. NOTICE OF INCLUSION ON THE LIST.

A. The Public Officer, within 10 days of the establishment of the abandoned properties list, or any additions thereto, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list and shall cause the list to be published in the official newspaper of the Township of Middle, which publication shall constitute public notice. The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned property, as that term is defined herein and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding.

B. The published and mailed notices shall identify the property determined to be abandoned by the Public Officer, setting forth the owner of record, if known, the tax lot and block number and street address.

C. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be made by posting a copy of the notice in a conspicuous place on the building affected by the notice pursuant to N.J.S.A. 40:48-2.7.

D. The Public Officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization or property tax processing organization that receives a duplicate copy of the tax bill pursuant to subsection "d" of N.J.S.A. 54:4-64.

E. In all cases, a copy of the mailed or posted notice shall also be filed by the Public Officer in the office of the Cape May County Clerk. This filing shall have the same force and effect as a lis pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property owner as the defendant and the name of the Township of Middle as plaintiff as though an action had been commenced by the Township of Middle against the owner.

F. The abandoned property list shall become effective, and the Township of Middle shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions herein, upon the expiration of the period for appeal with respect to the property or upon the denial of any appeal brought by the property owner.

Section 4. RIGHT TO APPEAL DETERMINATION OF PUBLIC OFFICER

A. An owner or lienholder may challenge the inclusion of the property on the abandoned properties list determined by the Public Officer, provided said appeal is received by the Township of Middle within 30 days of the owner's receipt of the certified notice or within 40 days from the date upon which the notice was sent. An owner whose identity was not known to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned properties list. Upon good cause shown, the Public Officer shall accept a late filing of an appeal.

B. Within 30 days of the request for an appeal of the findings contained in the notice, the Public Officer shall schedule a hearing for redetermination of the matter.

C. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner indicating that the property is not abandoned and setting forth therein the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole issue to be determined by the Public Officer is whether the property is deemed to be abandoned as that term is defined herein.

D. The Public Officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested and regular mail, notify the property owner of the decision and the reasons therefor.

E. The property owner may challenge an adverse determination of an appeal with the Public Officer pursuant to Subsection D of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court of New Jersey, Law Division, Cape May County. Such action shall be instituted within 20 days of the date the notice of decision was mailed by the Public Officer pursuant to Subsection D of this section. The sole issue to be presented to the Superior Court of New Jersey is whether the property in question is an abandoned property as that term is defined herein.

Section 5. DESIGNATION OF QUALIFIED REHABILITATION ENTITY.

The Township of Middle may exercise its rights under the Abandoned Properties Rehabilitation Act directly or the Township of Middle may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising its rights under state law where the designation will further the rehabilitation and reuse of the property consistent with municipal plans and objectives. This designation shall be made by resolution of the Township Committee of the Township of Middle.

Section 6. NOTIFICATION TO TOWNSHIP COMMITTEE.

The Public Officer shall provide a written report to the Township Committee of the Township of Middle every six months which outlines the status of abandoned properties within the Township of Middle, said report shall include but is not limited to the following information:

A. Copy of the current abandoned properties list;

B. Status report on the property removed from the list since the date of the last report and the reasons for the removal;

C. Status report on any legal proceedings pending in connection with any properties appearing on the abandoned properties list;

D. Status report of any actions taken by any designated qualified rehabilitation entity in connection with any properties appearing on the list; and

E. Status report of any tax sale certificates purchased by or assigned to any entity for vacant property.

Section 7. ACTION TO TRANSFER PROPERTY TO TOWNSHIP.

A. The Township Committee may adopt an ordinance authorizing the transfer of possession and control of abandoned property in need of rehabilitation to the Township of Middle. Said action shall be in accordance with N.J.S.A. 55:19-78 et seq.

B. Should the owner of the property fail to successfully defend against a complaint filed pursuant to N.J.S.A. 55:19-84, any party in interest may seek to be designated in possession of the property pursuant to N.J.S.A. 55:19-98 and 55:19-99.

Section 8. MUNICIPAL LIEN AND TAX SALE.

A. With regards to any lien placed against any real property pursuant to the provisions of N.J.S.A. 40:48-2.3 or 40:48-2.5 the Township of Middle shall have recourse with respect to the lien against any asset of the owner of the property, if an individual; against any asset of any partner, if a partnership; and against any asset of any owner of a ten-percent or greater interest, if a corporation.

B. The Township of Middle may hold a special tax sale with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on an abandoned properties list established by the Township of Middle pursuant to this ordinance. Special tax sale shall be held in accordance with N.J.S.A. 55:19-101.

C. Any person holding a tax sale certificate on a property that meets the definition of abandoned property as set forth herein either at the time of the tax sale or thereafter may enter upon the property at any time after written notice to the owner by certified mail, return receipt requested, in order to make repairs or abate, remove or correct any condition which exists as the reason or reasons it is on the abandoned property list. Any sums incurred or advanced for such purpose may be added to the unpaid balance due the holder of the tax sale certificate at the statutory interest rate for subsequent liens.

D. When the Township of Middle is the purchaser of a tax sale certificate of any property on the abandoned properties list, it may foreclose the right of redemption in accordance with N.J.S.A. 54:5-86.

Section 9. NUISANCE PROPERTIES.

The Public Officer shall determine if a property is a nuisance property as defined herein. He shall further evaluate the input the nuisance property has on the welfare of the surrounding community including economic welfare, the extent to which the condition of the property may increase crime, drug activity or the extent to which its condition may decrease property values. Should the Township of Middle abate the nuisance property, such action shall not be considered in determining whether the property is a nuisance property.

A. Complaint and notice of hearing.

(1) Where the Public Officer or his designee determines that a property meets the criteria of a nuisance property as is herein defined, he shall file a report with the Solicitor of the Township of Middle which identifies the property, its condition and its impact on the neighboring community. Upon receipt of the report, the Township Solicitor shall prepare a complaint setting forth the location and condition of the property and the remedy sought. He shall also prepare a notice of hearing setting forth the date, time and place of the hearing.

(2) The complaint and notice of hearing shall be served upon the property owner and all parties in interest in accordance with the notification procedures set forth in N.J.S.A. 40:48-2.3. Service shall be made personally or by regular and certified mail, return receipt requested, by mailing the complaint and notice of hearing to the last known address of such persons. When the owner of record or party in interest cannot be ascertained by the exercise of reasonable diligence, then service of the notice of complaint shall be made in the following manner:

(a) By publishing the complaint and notice of hearing once in the official newspaper of the Township of Middle;

(b) By posting the complaint and notice of hearing in a conspicuous place on the property which is the subject of the complaint; and

(c) By recording the complaint and notice of hearing in the Clerk's Office of Cape May County.

(3) The hearing shall be scheduled before the Township Committee of the Township of Middle at a place and time designated in the notice of hearing, which time shall be fixed not less than seven days or more than 30 days from the date of service of the notice of hearing and complaint.

B. Hearing and determination.

(1) The Public Officer shall provide testimony and other evidence in connection with the complaint. The property owners and any party in interest shall have the right to appear and question any witness, testify on their own behalf and produce witnesses. Said parties may be represented by an attorney, at their discretion.

(2) After the hearing, the Township Committee shall determine if the property is a nuisance property as defined herein and in so doing shall adopt a resolution stating its findings.

(3) If the property is determined to be a nuisance property, the resolution shall state the remedy required, including:

(a) The immediate abatement or removal of the condition causing the property to be a nuisance property.

(b) The abatement or removal of the condition causing the property to be a nuisance property within a reasonable time, as set forth in the resolution, provided evidence has been presented that substantial work is required to abate or remove the condition and that reasonable steps have been taken towards this goal.

(c) The demolition of any building or structure creating the condition causing the property to be a nuisance property, provided evidence has been presented that it is not economically feasible to abate or remove the condition.

(4) A copy of the resolution shall be served upon the property owner and all parties in interest, in a manner as is set forth for the service of the notice of hearing and complaint herein above.

C. Failure to comply with resolution. In the event that the property owner and/or all parties in interest fail to comply with the resolution of the Township Committee, the Public Officer may proceed without further notice to enforce the provisions of the resolution by such measures as are necessary to carry out the purpose and intent of the resolution, including but not limited to the abatement and removal of the condition which caused the property to be a nuisance property. The cost of abating or removing the condition shall constitute a municipal lien against the property.

D. Cost as municipal liens.

(1) Any and all costs incurred by the Township in the course of any proceeding wherein it was determined that the property constitutes a nuisance property, as well as any costs associated with abating said condition, shall constitute a municipal lien against the property. Said costs shall include but not be limited to legal fees, expert witness fees, search fees and advertising expenses.

(2) The Public Officer shall prepare a detailed statement of said costs and shall file it with the Township Clerk. Thereafter, the Township Committee of the Township of Middle shall consider a resolution certifying the amount due to be a municipal lien. The resolution shall be filed with the Tax Assessor and Collector, and a copy shall be forthwith mailed to the property owner by regular and certified mail, return receipt requested. The property owner or any party in interest may, within 30 days of the filing date of the municipal lien certificate, institute a summary proceeding in the Superior Court, Law Division, Cape May County, contesting the accuracy or reasonableness of the cost set forth in the municipal lien certificate.

E. Transfer of property prohibited. Except as provided herein, upon the service of a complaint and notice of hearing on the property owners in accordance herewith, the property owner shall be prohibited from transferring any interest in the property until the final disposition of the legal proceedings and compliance with any resolution issued by the Township Committee. The filing of a copy of the complaint and notice of hearing or resolution with the Cape May County Clerk shall have the same force and effect as a notice of *lis pendens*.

F. Other laws not affected. Nothing in this ordinance shall be interpreted to impair or limit in any way the powers afforded the Township of Middle by the Abandoned Properties Rehabilitation Act nor is anything in this ordinance intended to limit the authority of the enforcing agency or Construction Official under the State Uniform Construction Code Act or any rules or regulations adopted thereunder.

11. ORDINANCE NO. 1561-18 – AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250, SECTION 610, REGULATING THE KEEPING OF DOMESTIC FARM ANIMALS - On motion by _____ seconded by _____ and passed on roll call, Ordinance No.1561-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/16/2018 at 6:00 p.m.
- WHEREAS, Section 250-610 Middle Township Municipal Code, a part of the Township zoning ordinance, regulates the keeping of domestic farm animals; and*
- WHEREAS, having reviewed that article, the Middle Township Committee believes that it should be amended to clarify what is permitted and what is not.*
- NOW THEREFORE, be it ORDAINED by the Township Committee of the Township of Middle as follows:*
- Section 1. Chapter 250, Section 610 of the Middle Township Code is hereby amended as follows (additions underlined; deletions [in brackets]):*
- § 250-610 Keeping of domestic farm animals.*
- A. Purpose. In order to support and encourage the rural and agricultural character of the community and to expand local food production and access to food, the keeping of domestic farm animals as pets and for food supply is permitted in accordance with the regulations below.*
- B. Small domestic farm animals. The keeping of the small domestic farm animals for recreational purposes, or used for eggs or meat or other food, is permitted in all residential districts [in accordance with the following provisions:]. For purposes of this section, “small domestic farm animals” means only beekeeping and the keeping of fowl, such as chickens, ducks and geese.*
- [~~1~~] Includes chickens and ducks only.]*
- [~~1~~] [~~2~~] Such animals must be completely contained on site.*
- [~~2~~][~~3~~] The animals shall not be bred to be sold or used to generate income in any way, except in conjunction with a farm stand[, as defined herein].*
- [~~3~~][~~4~~] The minimum lot area is 10,000 square feet.*
- [~~4~~][~~5~~] For parcels 10,000 to 35,000 square feet, a maximum of five small domestic farm animals is permitted.*
- [~~5~~][~~6~~] For parcels 35,001 square feet to two acres, a maximum of 10 small domestic farm animals is permitted.*
- [~~7~~] These regulations apply to the keeping of bees.]*
- C. The keeping of horses and ponies and other large farm animals for recreational purposes shall be permitted as an accessory use in the RC and SR Zoning Districts, provided that no more than two such animals are kept on any single lot or parcel and that any such animals are kept in a completely fenced area no less than 1/2 acre in size on a parcel of not less than five acres in size.*
- Section 2. Upon introduction, and before second reading and final adoption, this Ordinance shall be referred to the Middle Township Planning Board for review pursuant to N.J.S.A. 40:55D-26 and -64.*
- Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.*
- Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions or 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 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.*
12. ORDINANCE NO. 1562-18 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING A REDEVELOPMENT PLAN FOR THE REHABILITATION AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY – On motion by _____ seconded by _____ and passed on roll call, Ordinance No.1562-18 _____ passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/16/2018 at 6:00 p.m.
- WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution ___-2018 of the Township Committee of the Township of Middle (“Committee”), declared the Study Area detailed on Exhibit A attached hereto and made a part hereof, as an “Area in Need of Rehabilitation”; and*
- WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and*
- WHEREAS, in order to facilitate the redevelopment of the Township of Middle (the “Township”), the Middle Township Planning Board (“Board”), pursuant to N.J.S.A. 40A:12A-7, and Committee Resolution ___-2018, reviewed a Redevelopment Plan for the Township which will support and promote the adaptive reuse and redevelopment of the Rehabilitation Area within the Township; and*
- WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Board did adopt Resolution ___-2018 as its official report and recommendation to Committee that the Redevelopment Plan, entitled “Redevelopment Plan For the Township of Middle, Cape May County, NJ, 2018” and on file with the Township Clerk’s office, be adopted as it provides for the planning, development, redevelopment and rehabilitation of the Township; and*
- WHEREAS, the Committee has determined that it is in the best interest of the Township to adopt the Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Township; and*
- NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey, as follows:*
- Section 1. The Township hereby adopts the “Redevelopment Plan For the Township of Middle, Cape May County, NJ, 2018” to facilitate the rehabilitation and redevelopment of the Township of Middle.*
- Section 2. The Committee declares and determines that said Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Township and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.*

Section 3. The Committee shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

Section 4. The Redevelopment Plan shall be an overlay to other local development regulations and the Township Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

13. ORDINANCE NO. 1563-18 – ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING A REDEVELOPMENT PLAN FOR THE RIO GRANDE REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY- On motion by seconded by and passed on roll call, Ordinance No.1563-18 passed first reading. Second reading, public hearing and consideration will be held on 04/16/2018 at 6:00 p.m.

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution ___-2018 of the Township Committee of the Township of Middle (“Committee”), declared Block 1434, Lots 2, 3, 4, 8 and 9, as an “Area in Need of Redevelopment” (“Rio Grande Redevelopment Area”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, in order to facilitate the redevelopment of the Township of Middle (the “Township”), the Middle Township Planning Board (“Board”), pursuant to N.J.S.A. 40A:12A-7, and Committee Resolution ___-2018, reviewed a Redevelopment Plan for the Township which will support and promote the adaptive reuse and redevelopment of the Rio Grande Redevelopment Area within the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Board did adopt Resolution ___-2018 as its official report and recommendation to Committee that the Redevelopment Plan, entitled “Redevelopment Plan For the Rio Grande Redevelopment Area, Township of Middle, Cape May County, NJ, 2018” and on file with the Township Clerk’s office, be adopted as it provides for the planning, development, redevelopment and rehabilitation of the Rio Grande Redevelopment Area within the Township; and

WHEREAS, the Committee has determined that it is in the best interest of the Township to adopt the Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Township; and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey, as follows:

Section 1. The Township hereby adopts the “Redevelopment Plan For the Rio Grande Redevelopment Area, Township of Middle, Cape May County, NJ, 2018” to facilitate the rehabilitation and redevelopment of the Rio Grande Redevelopment Area within the Township of Middle.

Section 2. The Committee declares and determines that said Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Rio Grande Redevelopment Area within the Township and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Committee shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

Section 4. The Redevelopment Plan shall be an overlay to other local development regulations and the Township Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

14. RESOLUTION – APPOINTMENTS (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	BOARD/DEPARTMENT	POSITION	TERM EFFECTIVE
Edward Iocca	Senior Citizen Advisory Council	Member	12/31/2020

(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 name:

NAME	DEPARTMENT	TITLE	SALARY/RATE	EFFECTIVE
Dustin Sturm	Recreation	Assistant Superintendent of Recreation/Recreation Aide	\$40,000.00	03/20/2018

15. 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	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Don Foley	Senior Citizen Advisory Council	Member	03/19/2018
Sam Bakley	Public Safety	Special Class II Police Officer	12/21/2017

16. RESOLUTION - AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION – 906 AND 908 BAYSHORE ROAD – 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 431 Lots 4.01 & 4.02, otherwise known as 906 and 908 Bayshore Road.

17. RESOLUTION – SEWER ADJUSTMENT – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, this resolution serves to correct an inadvertent error in billing:

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the sewer adjustment below is hereby acknowledged:

ACCT	BLOCK	LOT	OWNER/LOCATION	AMOUNT ADJUSTED 2018
14313	1464.02	36	Chiappelli, Lawrence M & Hilda J Property Location: 3101 Route 9 South	\$560.00

18. RESOLUTION - TAX SALE CERTIFICATE PREMIUM – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, N.S.A. 54:5-33 13 requires that premiums for liens that are not redeemed in five years will escheat to the Municipality, or if the lien is foreclosed it becomes part of the cost of the foreclosure and will escheat to the Municipality to become part of the general municipal revenue for that year as miscellaneous revenue not anticipate and;

WHEREAS, the certificate listed below was foreclosed by the lienholder and now the premium will become part of the general fund; and

ACCOUNT	BLOCK/LOT	CERTIFICATE #	DATE OF TAX SALE	AMOUNT
16691	428/2	2014-7481	03/05/2014	\$4,000.00

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that a check in the amount of \$4,000.00 be accepted by the Chief Financial Officer from the Collector's lien redemption account

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

19. RESOLUTION - AUTHORIZATION TO SIGN RENEWAL AGREEMENT FOR THE RESALE OF GASOLINE AND DIESEL FUEL AS PART OF A COMMODITY RESALE SYSTEM WITH COUNTY OF CAPE MAY- On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to renew an agreement with the County of Cape May for the resale of gasoline and diesel fuel as part of a commodity resale system, and

WHEREAS, the County of Cape May owns and operates fuel storage and dispensing facilities for its own needs that are maintained by the County Road Department, and

WHEREAS, as a matter of comity and in the interest of sparing taxpayers from a needless duplication of expensive fuel storage and dispensing facilities which are already in being at the County of Cape May level, the County is willing to grant the request subject to certain terms and conditions addressed in the Agreement attached hereto and made part hereof.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township Middle, County of Cape May, and State of New Jersey, the authorization is hereby granted to renew said Agreement with the County of Cape May for the resale of gasoline and diesel fuel as part of a commodity resale system.

20. RESOLUTION – RATIFY LEASE AGREEMENT (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, County of Cape May, State of New Jersey that the agreement between Cape Express Soccer and the Township of Middle, for usage of the Georgianna and Clarence Sports Complex for a term effective January 1, 2018 through December 31, 2018, 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.

(B) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between Weight Watchers North America, Inc. and the Township of Middle for usage of the Middle Township Senior Center from January 1, 2018 through December 31, 2018, 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.

21. RESOLUTION - PROVIDING FOR TRANSFER OF CERTAIN 2017 BUDGET APPROPRIATION RESERVES – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, various 2017 bills have been present for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2017 Budget Appropriation Transfers in the last two months of 2017; 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 2017:

		From	To
7-01-31-460-460-475	Gasoline	9,900.00	
7-01-31-446-446-475	Natural Gas	8,900.00	
7-01-31-435-435-475	Street Lighting Costs	1,000.00	
7-01-32-465-465-373	Sanitary Landfill Fees		19,800.00
		19,800.00	19,800.00

22. RESOLUTION - TEMPORARY BUDGET AMENDMENT – On motion by seconded by and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IS RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Temporary Budget, as established during Reorganization 2018 via Resolution 16-18 is hereby amended as outlined on the attached.

Account Number	Account Description	2018 Temp Budget	Emergency Temporary Budget - 40%
8-01-20-100-100-100	ADMIN & EXEC	42,000.00	54,000.00
8-01-20-100-100-200		20,000.00	30,000.00
8-01-20-100-101-200	PUBLIC AFFAIRS	200.00	200.00
8-01-20-101-101-100	BOARD STIPENDS	3,500.00	3,500.00
8-01-20-105-105-100	HUMAN RESOURCES	36,500.00	45,000.00
8-01-20-105-105-200		16,150.00	20,000.00
8-01-20-110-110-100	MAYOR & COMMITTEE	13,781.25	16,500.00
8-01-20-110-110-200		1,488.38	2,200.00
8-01-20-120-120-100	MUNICIPAL CLERK	35,954.63	41,000.00
8-01-20-120-120-200		9,833.25	15,000.00
8-01-20-130-130-100	CODIFICATION	2,257.50	3,400.00
8-01-20-130-130-200	FINANCIAL ADMINISTRATION	42,252.50	48,000.00
8-01-20-130-130-300		14,988.75	20,000.00
8-01-20-130-131-100	GRANTS ADMINISTRATION	8,750.00	12,000.00
8-01-20-130-131-200		7,000.00	10,400.00
8-01-20-132-132-100	INFORMATION TECHNOLOGY	17,000.00	21,000.00
8-01-20-132-132-200		1,968.75	3,000.00
8-01-20-135-135-200	AUDIT SERVICES	12,000.00	25,000.00
8-01-20-145-145-100	COLLECTION OF TAXES	45,000.00	51,000.00
8-01-20-145-145-200		9,791.25	15,000.00
8-01-20-150-150-100	ASSESSMENT OF TAXES	34,000.00	42,000.00
8-01-20-150-150-200		11,812.50	18,000.00
8-01-20-155-155-200	LIQUIDATION OF TTLS	4,000.00	5,000.00
8-01-20-155-156-200	LEGAL SERVICES	81,375.00	125,000.00
8-01-20-165-165-200	ENGINEERING SERVICES	25,000.00	36,000.00
8-01-21-180-180-100	SMART GROWTH	1,312.50	2,000.00
8-01-21-185-185-100	ZONING BOARD	24,675.00	30,000.00
8-01-21-185-185-200		10,500.00	16,000.00
8-01-22-195-195-100	CODE ENFORCEMENT	12,206.25	15,000.00
8-01-22-195-195-200		1,312.50	2,000.00
8-01-22-195-196-100	CONSTRUCTION CODE	25,000.00	30,000.00
8-01-22-195-196-200		3,661.88	6,000.00
8-01-22-195-198-200	DEMOLITION OF SUBSTANDARD BLDG	2,625.00	4,000.00
8-01-23-210-211-400	OTHER INSURANCE	47,643.75	50,000.00
8-01-23-215-215-400	WORKERS COMPENSATION INSURANCE	144,309.38	150,000.00
8-01-23-220-220-400	GROUP INSURANCE PLAN FOR EMP	978,502.88	1,500,000.00
8-01-23-221-221-400	HEALTH CARE WAIVER	32,550.00	35,000.00
8-01-23-225-225-400	UNEMPLOYMENT COMPENSATION	2,625.00	2,625.00
8-01-23-310-310-100	PUBLIC BUILDING AND GROUNDS	0.00	0.00
8-01-23-310-310-200		26,250.00	78,000.00
8-01-25-240-240-100	POLICE	1,245,004.43	1,600,000.00
8-01-25-240-240-200		93,825.38	143,000.00
8-01-25-250-250-100	COMMUNICATIONS	118,125.00	140,000.00
8-01-25-250-250-200		1,837.50	2,800.00
8-01-25-252-252-200	EMERGENCY MANAGEMENT SERVICE	262.50	500.00
8-01-25-262-262-100	EMERGENCY MEDICAL SERVICES	120,750.00	150,000.00
8-01-25-262-262-200		10,762.50	16,400.00
8-01-25-262-263-200	CONTRIBUTION-1ST AID SQUAD	18,375.00	40,000.00
8-01-25-265-265-200	FIRE PROTECTION	1,312.50	1,500.00
8-01-25-275-275-100	PROSECUTOR	8,925.00	13,000.00
8-01-26-290-291-100	PUBLIC WORKS	238,875.00	290,000.00
8-01-26-290-291-200		40,346.25	65,000.00
8-01-26-295-295-200	SNOW REMOVAL	0.00	0.00
8-01-26-300-301-200	SHADE TREE COMMISSION	198.88	200.00
8-01-26-305-306-373	CONTRACTUAL WASTE SERVICES	87,517.50	140,000.00
8-01-26-305-308-373	RECYCLING	87,675.00	140,000.00
8-01-26-315-315-200	MOTOR POOL	55,256.25	85,000.00
8-01-27-330-330-100	BOARD OF HEALTH	223.13	300.00
8-01-27-330-330-200		223.13	300.00
8-01-27-340-340-100	ANIMAL CONTROL	16,800.00	23,000.00
8-01-27-340-340-200		2,100.00	3,200.00
8-01-27-340-340-300	ANIMAL SHELTER CONTRACT	50,000.00	76,000.00
8-01-28-370-370-100	RECREATION	55,734.00	70,000.00
8-01-28-370-370-200		13,728.75	22,000.00
8-01-28-370-371-100	SENIOR CENTER	15,750.00	17,000.00
8-01-28-370-371-200		6,418.13	10,000.00
8-01-30-415-415-100	TERMINAL LEAVE	10,000.00	10,000.00
8-01-31-430-430-475	UTILITIES	99,750.00	152,000.00
8-01-31-435-435-475	UTILITIES	2,000.00	2,000.00
8-01-31-436-436-299	UTILITIES	0.00	0.00
8-01-31-440-440-475	UTILITIES	22,312.50	35,000.00
8-01-31-445-445-475	UTILITIES	4,887.50	7,600.00
8-01-31-446-446-475	UTILITIES	11,812.50	50,000.00
8-01-31-447-447-475	UTILITIES	0.00	0.00
8-01-31-450-450-475	UTILITIES	5,775.00	8,800.00
8-01-31-460-460-475	UTILITIES	57,750.00	88,000.00
8-01-32-465-465-373	CONTRACTUAL	112,875.00	180,000.00
8-01-36-471-471-451	STATUTORY EXPENDITURES	99,791.74	300,000.00
8-01-36-471-471-453	STATUTORY EXPENDITURES	160,125.00	210,000.00
8-01-36-471-471-455	STATUTORY EXPENDITURES	287,159.64	650,000.00
8-01-36-471-471-457	STATUTORY EXPENDITURES	5,000.00	6,000.00
8-01-42-101-101-100	INTER-LOCAL AGREEMENTS	19,499.55	30,000.00
8-01-42-101-101-111	INTER-LOCAL AGREEMENTS	9,880.55	10,000.00
8-01-42-101-101-111	INTER-LOCAL AGREEMENTS	7,432.16	8,000.00
8-01-43-490-490-100	MUNICIPAL COURT	52,500.00	60,000.00
8-01-43-490-490-200		9,914.63	16,000.00
8-01-43-495-495-100	PUBLIC DEFENDER	4,593.75	6,000.00
	TOTAL CURRENT FUND TEMP BUDGET	\$ 5,062,951.19	7,462,025.00
SEWER UTILITY TEMPORARY BUDGET			
8-07-00-000-000-000	**SEWER OPERATING FUND APPROPRIATIONS		
8-07-36-471-471-000	**STATUTORY EXPENDITURES	3,937.50	6,000.00
8-07-36-471-471-451	PERS	4,200.00	4,500.00
8-07-36-471-471-453	SOCIAL SECURITY	52,500.00	80,000.00
8-07-55-501-501-100	**SALARIES & WAGES	179,866.25	200,000.00
8-07-55-502-502-200	OTHER EXPENSES	42,000.00	15,000.00
8-07-55-502-503-300	UTILITY INSURANCE	388,946.25	732,900.00
8-07-55-502-504-351	CMCKMUR USER CHARGE	0.00	0.00
8-07-55-511-511-000	**CAPITAL IMPROVEMENT FUND	0.00	0.00
8-07-55-511-511-000	CAPITAL IMPROVEMENT BUDGET	0.00	0.00
	TOTAL SEWER UTILITY TEMP BUDGET	\$ 681,450.00	1,038,400.00

23. RESOLUTION - GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964" – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and
 WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.
 NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Middle, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

24. RESOLUTION - INTRODUCTION OF BUDGET BY TITLE ONLY – On motion by [redacted] seconded by [redacted] 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 2017 Budget for the Township of Middle be introduced, approved and given first reading by title only.

25. RESOLUTION - APPROVAL OF LIMOUSINE/TAXI CAB LICENSE – DAY SIPPER TOURS LLC – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, the following company has applied to the Township of Middle for a license to operate a Limousine within the confines of the Township, under Chapter 226 of the Code of the Township of Middle, and
 WHEREAS, after review by the Township Solicitor and other appropriate Township Officials, the following application has been found to be in proper order and the fee paid in connection with the licensing process, and
 NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be, and are hereby authorized, for the calendar year of 2018:

License#	Vehicle #	Tradename	VIN Number	Taxi Make/ Model	Fee
L01-18	1-18	Day Sipper Tours LLC	22920585245	1979 Volkswagen Transporter	License Fee \$50.00 Vehicle Fee: \$10.00

FURTHER RESOLVED, that any license issued pursuant to the terms in accordance with the Code of the Township of Middle shall expire midnight of the 31st day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

26. RESOLUTION – AWARD OF BID – 2018 ROAD PROGRAM – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, it has been deemed necessary and desirable to solicit bids for the 2018 Road Program; and
 WHEREAS, sealed bids were received on March 13, 2018; and
 WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete bid received, which complies with specifications.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the 2018 Road Program, be and hereby is awarded to:
 Landberg Construction, LLC - \$861,987.80 (Base Bid + Alt. #1)
 FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

27. RESOLUTION – AUTHORIZING FORECLOSURE GROUP #196 – On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #195, be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended, known as the In-Rem Foreclosure Act.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of certificates to Attorney Keith Bonchi to proceed to Foreclose In-Rem, the lands and premises covered by said certificates.
(attachment available in the Clerk's Office for review)

28. RESOLUTION - AUTHORIZING APPLICATION – 2018 ANJEC OPEN SPACE STEWARDSHIP GRANT FOR ENVIRONMENTAL COMMISSIONS - On motion by [redacted] seconded by [redacted] and passed on roll call, the following resolution was adopted.
 WHEREAS, the Township of Middle desires to apply for and obtain a grant from ANJEC for approximately \$1,500.00 to procure a Pollinator Garden with signage.
 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 ANJEC.

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.

29. RESOLUTION - SOCIAL AFFAIRS PERMIT – MIDDLE TOWNSHIP BASEBALL/SOFTBALL ASSOCIATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the Middle Township Baseball/Softball Association has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9 North, Cape May Court House, New Jersey 08210 on April 20, 2018 from 10:00am until 6:00pm, and
WHEREAS, they have provided proper documentation to the Township of Middle,
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.
30. RESOLUTION – RELEASE OF PERFORMANCE BOND – RIO GRANDE 9 LLC – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, \$770,532.00 is being held as a performance guarantee for Cape Regional Holdings, LLC. for site improvements at Block 216, Lot 2, otherwise known as 225 N. Main Street; and
WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$770,532.00 is hereby released.
31. RESOLUTION – APPROVE CHANGE ORDER NO. 3 – GRASSY SOUNDS SEWER FORCE MAIN PHASE IIIA - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, Grassy Sound Sewer Force Main Phase IIIA Project was awarded May 1, 2017 via Resolution No. 225-17 to Crown Pipeline Construction Co.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the attached Change Order #3 for the project awarded to Crown Pipeline Construction Co. and is hereby approved, and that the change order results in an increase of \$36,626.40 for an amended contract amount of \$2,559,714.40.
32. RESOLUTION - AMENDING FAIR AND OPEN CONTRACT – GRANT CONSULTANT – BLAUER ASSOCIATES - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, on January 1, 2018 Township Committee passed a resolution under the Fair and Open process for various professionals, otherwise known as Resolution 5-18; and
WHEREAS, the Township of Middle appointed Blauer Associates to serve as Grant Consultant during this meeting; and
WHEREAS, Blauer Associates will be performing grant application services necessary in connection with the FY 2018 CDBG Project (Avalon Manor Recreation Pier ADA Improvements & Housing Rehabilitation Loan Program) and application process.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Blauer Associates shall provide the additional grant application services mentioned above and said contract shall be amended as follows:
Blauer Associates – Grant Consultant –
Housing Rehabilitation Loan Program – Not to exceed \$14,000.00
Avalon Manor Recreation Pier ADA Improvements – Not to exceed \$20,000.00
33. RESOLUTION - APPROVE TRANSIENT MERCHANT VENDOR LICENSE – JAMES R. BROWN DBA JIM'S MISTER SOFTEE OF CAPE MAY COUNTY, LLC – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, James R. Brown dba Jim's Mister Softee of Cape May County, LLC has applied for a Vendor's License to operate an ice cream truck in Middle Township, and
WHEREAS, proper application has been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.
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 vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from March 19, 2018 through December 31, 2018.
34. RESOLUTION - APPROVING THE RECOMMENDATION OF THE PLANNING BOARD OF THE TOWNSHIP OF MIDDLE RECOMMENDING DESIGNATION OF BLOCK 1434, LOTS 2, 3, 4, 8 AND 9 WITHIN THE TOWNSHIP OF MIDDLE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (“LRHL”), specifically N.J.S.A. 40A:12-6, authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area; and

WHEREAS, on December 4, 2017, the Middle Township Committee pursuant to the LRHL, adopted Resolution # 512-17 authorizing the Middle Township Planning Board (“Planning Board”) to conduct a preliminary investigation to determine whether Block 1434, Lots 2, 3, 4, 8 and 9 (“Study Area”) should be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board conducted an investigation to determine whether the Study Area should be designated as a non-condemnation area in need of redevelopment and considered the Determination of Need Report for the Study Area as prepared by Vincent C. Orlando, P.E., P.P., LLA dated March 2018 (“Study Area Report”); and

WHEREAS, the Planning Board conducted a public hearing on March 13, 2018 concerning the potential designation of the Study Area as a non-condemnation redevelopment area and the meeting was open to the public and all members of the public, as well as all affected property owners, had an opportunity to address questions and comments to the Planning Board and its professionals; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, due notice of the public hearing was provided to the property owners as mandated by the aforesaid statute and notice was posted and published in accordance with the law; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Planning Board prepared a map showing the boundaries of the Study Area and the location of the various parcels of property included therein.

Appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, the Planning Board determined that, based upon the Study Area Report and the testimony of Vincent C. Orlando, P.E., P.P., LLA dated March 2018, specifically finding that the following conditions exist, the Study Area qualifies as a Non-Condemnation Area in Need of Redevelopment pursuant to criteria “b”, “c”, “d” and/or “h” as set forth in N.J.S.A. 40A:12A-5, or otherwise satisfies N.J.S.A. 40A:12-3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Middle, County of Cape May, State of New Jersey, as follows:

1. Pursuant to Resolution # 512-17, adopted on December 4, 2017, by the Mayor and Committee of the Township of Middle, the Planning Board of the Township of Middle (“Planning Board”) conducted an investigation to determine whether Block 1434, Lots 2, 3, 4, 8 and 9 (“Study Area”) should be designated as a non-condemnation area in need of redevelopment and considered the Determination of Need Report for the Study Area as prepared by Vincent C. Orlando, P.E., P.P., LLA dated March 2018 (“Study Area Report”).

2. The Study Area Report conducted by the Planning Board, has been submitted to the Mayor and Committee for review and approval in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq.

3. Mayor and Committee hereby accept and approve the findings and recommendations of the Planning Board, set forth in Planning Board Resolution 2018 RE DEV, that the Study Area, Block 1434, Lots 2, 3, 4, 8 and 9, satisfies criteria “b”, “c”, “d” and/or “h” set forth in N.J.S.A. 40A:12A-5, or otherwise satisfies N.J.S.A. 40A:12-3, as set forth in the Study Area Report and the testimony of Vincent C. Orlando, P.E., P.P., LLA, specifically finding that the following conditions exist:

N.J.S.A. 40A:12A-5.b The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.

The previous concrete facility has been abandoned and the site has been in a state of deterioration for over twenty years. Proper development of the Study area will help reverse these conditions.

N.J.S.A. 40A:12A-5.c Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

The site exists as vacant, unimproved land with potential environmental issues resulting from the past use of the properties. The declaration of the Study Area as an area in need of redevelopment will encourage the proper development of the site which will be beneficial to the existing commercial and residential uses in the Rio Grande Town Center.

N.J.S.A. 40A:12A-5.d Areas with buildings or improvements which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

In its present state, the Study Area is underutilized and is unsafe with undesirable site conditions including piles of debris and deteriorated concrete and asphalt surfaces. The redevelopment of the properties will promote the health, safety and welfare of the community through the elimination of the existing hazardous conditions.

N.J.S.A. 40A:12A-5.h The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The Study Area is located in the Rio Grande-Whitesboro-Burleigh Regional Center, a Designated Center as per the New Jersey State Development and Redevelopment Plan.

4. The Study Area as recommended by the Planning Board and approved by Mayor and Committee of the Township of Middle shall hereby be and is designated as a Non-Condemnation Area in Need of Redevelopment.

5. This Resolution shall take effect immediately.

35. RESOLUTION –DESIGNATING AN AREA IN NEED OF REHABILITATION WITHIN THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, *N.J.S.A. 40A:12A-14*, authorizes the governing body of any municipality, by Resolution, to determine whether, pursuant to the criteria set forth therein, an area within the municipality is in need of rehabilitation, and that a program of rehabilitation, as defined in *N.J.S.A. 40A:12A-3*, may be expected to prevent further deterioration and promote overall development of the community; and WHEREAS, pursuant to *N.J.S.A. 40A:12A-14(a)*, the Middle Township Committee has referred this Resolution to the Planning Board and has received the Board's favorable recommendation to declare the Study Area as set forth in Exhibit A attached hereto and made a part hereof, within the Township of Middle as an area in need of rehabilitation.

NOW, THEREFORE, BE IT RESOLVED by the Middle Township Committee, Township of Middle, County of Cape May that:

1. The Study Area, as set forth in Exhibit A attached hereto and made a part hereof, within the Township of Middle, County of Cape May, meets one or more of the requirements of *N.J.S.A. 40A:12A-14* to be deemed an Area in Need of Rehabilitation as set-forth in a report prepared by the Township Planner, Vincent C. Orlando, PE, PP, LLA. with Engineering Design Associates, dated February 20, 2018; and

2. A program of rehabilitation, as defined in *N.J.S.A. 40A:12A-3*, may be expected to prevent further deterioration and promote overall development of the community; and

3. The Township Planning Board has provided a favorable recommendation to Mayor and Committee for designation of the Study Area within the Township of Middle as an area in need of rehabilitation; and

4. The Study Area within of the Township of Middle is hereby designated as an area in need of rehabilitation per the criteria of *N.J.S.A. 40A:12A-14*.

36. RESOLUTION - AUTHORIZING THE TOWNSHIP OF MIDDLE PLANNING BOARD TO REVIEW A PROPOSED REDEVELOPMENT PLAN FOR THE REHABILITATION AREA WITHIN THE TOWNSHIP OF MIDDLE IN THE COUNTY OF CAPE MAY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, pursuant to *N.J.S.A. 40A:12-1 et seq.*, Resolution No. ____-2018 of the Township of Middle Committee (“Committee”), adopted on March 19, 2018, declared the Study Area detailed on Exhibit A attached hereto and made a part hereof within the Township of Middle as an “Area in Need of Rehabilitation”; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7*, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, in order to facilitate the overall development, redevelopment and rehabilitation of the Township of Middle (the “Township”), the Committee has determined it is in the Township’s best interest to adopt a redevelopment plan for the Rehabilitation Area within the Township entitled “The Redevelopment Plan for the Township of Middle, Cape May County, NJ 2018”, (“Redevelopment Plan”) which will support and promote the overall development, redevelopment and rehabilitation of the Township; and

WHEREAS, the Redevelopment Plan provides a more specific plan for the planning, development, redevelopment and rehabilitation of the Rehabilitation Area within the Township for purposes of improving conditions within the Township; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7*, the governing body hereby refers the “The Redevelopment Plan for the Township of Middle, Cape May County, NJ 2018” to the Township of Middle Planning Board for review and approval.

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

1. That, pursuant to *N.J.S.A. 40A:12A-7*, the Governing Body does hereby authorize the Planning Board to review “The Redevelopment Plan for the Township of Middle, Cape May County, NJ 2018” and to report its findings to the Governing Body within forty-five (45) days hereof.

2. This Resolution shall take effect immediately.

37. RESOLUTION –AUTHORIZING THE TOWNSHIP OF MIDDLE PLANNING BOARD TO REVIEW A PROPOSED REDEVELOPMENT PLAN FOR THE RIO GRANDE REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF MIDDLE IN THE COUNTY OF CAPE MAY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution No. ___-2018 of the Township of Middle Committee (“Committee”), adopted on March 19, 2018, declared Block 1434, Lots 2, 3, 4, 8 and 9, as an “Area in Need of Redevelopment” (“Rio Grande Redevelopment Area”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, in order to facilitate the overall development, redevelopment and rehabilitation of the Rio Grande Redevelopment Area, the Committee has determined it is in the Township’s best interest to adopt a redevelopment plan for the Rio Grande Redevelopment Area entitled “The Redevelopment Plan for the Rio Grande Redevelopment Area, Township of Middle, 2018”, (“Redevelopment Plan”) which will support and promote the overall development, redevelopment and rehabilitation of the Rio Grande Redevelopment Area within the Township; and

WHEREAS, the Redevelopment Plan provides a more specific plan for the planning, development, redevelopment and rehabilitation of the Township for purposes of improving conditions within the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the governing body hereby refers “The Redevelopment Plan for the Rio Grande Redevelopment Area, Township of Middle, 2018” to the Township of Middle Planning Board for review and approval.

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

1. That, pursuant to N.J.S.A. 40A:12A-7, the Governing Body does hereby authorize the Planning Board to review “The Redevelopment Plan for the Rio Grande Redevelopment Area, Township of Middle, 2018”, and to report its findings to the Governing Body within forty-five (45) days hereof.

2. This Resolution shall take effect immediately.

38. PUBLIC COMMENT:

Motion to adjourn meeting –

1st

2nd

Pass on Roll Call: