

Cape May Court House, NJ
April 2, 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

1. 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.)
2. 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:*

Current Acct. \$2,943,519.87
3. RESOLUTION – APPROVING MINUTES FROM PREVIOUS MEETINGS – 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: 03/19/2018 regular and work session meetings.*
4. REPORTS: The following departments have submitted their reports for the months indicated: Municipal Clerk for the month of March;
5. ORDINANCE NO. 1564-18 - ADOPTING A REDEVELOPMENT PLAN FOR THE INDIAN TRAIL REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY – On motion by _____ seconded by _____ and passed on roll call, Ordinance No.1564-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/07/2018 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 Blocks 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, Block 210 and Block 211 (the “Indian Trail Redevelopment Area”) within the Township of Middle as a Condemnation “Area in Need of Redevelopment”; 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 Redevelopment Area, the Township of Middle 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 Indian Trail Redevelopment Area; and
WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Board did recommend to the Committee that the Redevelopment Plan, entitled “Redevelopment Plan For the Indian Trail Redevelopment Area, Township of Middle, Cape May County, New Jersey, 2018” on file with the Township Clerk’s office, be adopted as it provides for the planning, development, rehabilitation and redevelopment of the Indian Trail Redevelopment Area and is consistent with the Township’s Master Plan; and
WHEREAS, the Indian Trail Redevelopment Plan incorporates the underlying zoning currently in effect throughout the Indian Trail Redevelopment Area; and
WHEREAS, the Committee has determined that it is in the best interest of the Township to adopt the Indian Trail Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Township.
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 Indian Trail Redevelopment Plan to facilitate the redevelopment and rehabilitation of the Indian Trail Redevelopment Area.
Section 2. The Committee declares and determines that the Indian Trail Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the redevelopment of the Indian Trail Redevelopment Area 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 Indian Trail Redevelopment Plan.
Section 4. The Indian Trail Redevelopment Plan incorporates the underlying zoning currently in effect within the Indian Trail Redevelopment Area.
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.

6. 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 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 Leader	\$40,000.00	04/09/2018

(B) 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 person(s) be and is/are hereby appointed to the Middle Township Animal Advisory Board:

NAME	TERM EXPIRES
Jen Modica, Chair	12/31/2019
Crystal Blackburn, Member	12/31/2018
Tarin Mason, Member	12/31/2018
George Spadea, Alternate Member #1	12/31/2018*

*filling unexpired term

7. RESOLUTION – ACKNOWLEDGMENT 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
John Jefferson	Public Safety	Special Class II Officer	03/06/2018

8. RESOLUTION – RESOLUTION – ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Dario Columbo	Recreation	Recreation Aide PT/ TA	12/05/2017

9. RESOLUTION – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Beth Colquhoun	Public Safety	Telecommunications Operator P/T T/A	Telecommunications Operator P/T Permanent	\$15.00 per hour	09/20/2017

10. RESOLUTION – REJECT BIDS – MUNICIPAL ROOF REPLACEMENT - On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, following public advertisement, proposals for municipal roof replacement, were received by the Township of Middle on January 31, 2018 in the 2nd floor conference room in the Middle Township Municipal Building, and

WHEREAS, at the current time the Township has decided to not move forward with the project; NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids received on January 31, 2018 for proposals for municipal roof replacement are hereby rejected.

11. RESOLUTION – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY FOR THE PROJECT KNOWN AS “RIO GRANDE PANTHER PARK” – CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Township has submitted an application under the County’s 2017 Open Space Program for the Rio Grande Panther Park project; and

WHEREAS, it is desired for the County and the Township to enter into this Shared Services Agreement in order for the County to provide funding to the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to

sign said Shared Services Agreement with the County of Cape May for the term of March 13, 2018 through March 12, 2020.

12. RESOLUTION - AUTHORIZING APPLICATION – CAPE MAY COUNTY OPEN SPACE PROGRAM – 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 improvements to the Avalon Fishing Pier.
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 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.

13. RESOLUTION - AUTHORIZING GREEN CREEK VOLUNTEER FIRE COMPANY TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, Ordinance 1009-98 permits application to be made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and
WHEREAS, Green Creek Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and
WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Green Creek Volunteer Fire Company and attached to this Resolution; and
WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Green Creek Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and
WHEREAS, the County of County Cape May, via Resolution 225-18, has endorsed Greek Creek Fire Company's application to solicit contributions along the roadway of Bayshore Road, CR603; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Green Creek Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.

14. RESOLUTION – SOCIAL AFFAIRS/FESTIVAL PERMIT – FWS FOUNDATION – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the FWS Foundation has applied for approval to sell alcoholic beverages at an event to be held at Avalon Golf Club, 1510 Route 9, Cape May Court House, New Jersey 08210, on April 27, 2018 from 5:30pm until 9:30pm; and
WHEREAS, they have provided proper documentation to the Township of Middle; and
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs/Festival Permit.

15. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – SCHAEFER PYROTECHNICS, INC. –FIREWORKS DISPLAY – 4TH OF JULY CELEBRATION – On motion by seconded by and passed on roll call, the following resolution was adopted.
NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Schaefer Pyrotechnics, Inc. and the Township of Middle for the fireworks display at the July 4, 2018, Middle Township Fourth of July Celebration, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.

Schaefer Pyrotechnics, Inc.
4th of July Celebration (07/04/2018)
\$7,400.00

16. RESOLUTION – DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$2,201,000 GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE (THE “USDA”) PURSUANT TO THE USDA RURAL DEVELOPMENT LOAN PROGRAM – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle (the "Township"), in the County of Cape May, State of New Jersey, has determined that there exists a need within the Township to finance the cost of connecting the Grassy Sound neighborhood to the public sewer system by installing a sewer main from the west side of the Grassy Sound Bridge to an existing sanitary sewer manhole west of the Garden State Parkway and related constructions costs, and all necessary and incidental miscellaneous equipment, apparatus, appliances, structures and appurtenances (the "Project"); and

WHEREAS, the Township has determined to finance the Project with the proceeds of loan(s) (the "Loan") to be made to the Township by the United States Department of Agriculture (the "USDA") in connection with the Rural Development Loan Program (the "Program"); and

WHEREAS, to evidence the Loan, the USDA requires the Township to authorize, execute, attest and deliver the Township's not to exceed \$2,201,000 General Obligation Bonds (the "Bonds") in accordance with the provisions hereof and pursuant to the terms of the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law") and other applicable law; and

WHEREAS, section 27(a)(2) of the Local Bond Law allows for the sale of the Bonds to the USDA without any public offering, all under the terms and conditions set forth herein.

NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, as follows:

Section 1. In accordance with the provisions of N.J.S.A. 40A:2-27(a)(2), the Township hereby sells and awards the Township's not to exceed \$2,201,000 General Obligation Bonds (the "Bonds") to the USDA in accordance with the provisions hereof. The Bonds have been authorized pursuant to various bond ordinances finally adopted at a meeting of the Township Committee duly called and held on August 20, 2012, and as amended and supplemented on June 5, 2017, and published as required by law, at which meetings a quorum was present and acting throughout, all pursuant to terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Township (the "Chief Financial Officer") is hereby authorized and directed to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the USDA and the terms and conditions hereof, the following items with respect to the Bonds:

(a) The aggregate principal amount of the Bonds to be issued, provided that the total amount of Bonds issued shall not exceed the aggregate principal amount of \$2,201,000;

(b) The maturity and principal installments of the Bonds, which maturity shall not exceed 40 years;

(c) The date of the Bonds;

(d) The interest rates of the Bonds;

(e) The purchase price of the Bonds; and

(f) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 4(c) hereof

Section 4. The Township Committee hereby determines that certain terms of the Bonds shall be as follows:

(a) The Bonds shall be issued in a single denomination and shall be numbered GO-1;

(b) The Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Bonds shall be executed by the manual or facsimile signatures of the Mayor of the Township (the "Mayor") and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Township (the "Township Clerk").

Section 5. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Township to comply with the requirements of the Program, upon the advice of Bond Counsel to the Township (as hereinafter defined);

Section 6. The law firm of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the Township ("Bond Counsel"), the Township Engineer, the Township Attorney and the Township Auditor are each hereby authorized and directed to perform all actions necessary to consummate the issuance of the Bonds and the Project for which the Bonds are issued, including but not limited to, drafting and arranging for the printing and execution of the Bonds and all applicable documentation necessary to memorialize and consummate the issuance of the Bonds and the undertaking of the Project, preparing all necessary financial information, all engineering and design work, preparation of plans and specifications and conducting all necessary studies, searches and analysis in connection with the issuance of the Bonds and the undertaking of the Project. The Mayor, the Chief Financial Officer and the Township Clerk are each hereby authorized and directed to execute and deliver any certificates necessary or desirable in connection with the financial and other information.

Section 7. The Mayor, Chief Financial Officer, the Township Clerk and any other Township representative, are each hereby authorized and directed to (i) execute any certificates or documents necessary or desirable in connection with the sale of the Bonds or the undertaking of the Project and each are hereby further authorized and directed to deliver same to the USDA upon delivery of the Bonds and the receipt of payment therefor or in accordance with the Program and (ii) perform such other actions as they deem necessary, desirable or convenient, in consultation with Bond Counsel, in relation to the execution and delivery thereof.

Section 8. Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution to John M. Cantalupo, Esq., Bond Counsel to the Township.

Section 9. This resolution shall take effect immediately.

17. RESOLUTION - AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(e) AND CERTAIN OTHER MATTERS IN CONNECTION WITH ISSUANCE OF NOT EXCEEDING \$2,201,000 GENERAL OBLIGATION BONDS TO THE USDA RURAL DEVELOPMENT LOAN PROGRAM – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle (the "Township"), in the County of Cape May, State of New Jersey desires to connect the Grassy Sound neighborhood to the public sewer system by installing a sewer main from the west side of the Grassy Sound Bridge to an existing sanitary sewer manhole west of the Garden State Parkway and related constructions costs, and all necessary and incidental miscellaneous equipment, apparatus, appliances, structures and appurtenances (the "Project"); and

WHEREAS, the Township believes that it is necessary to permanently finance the Project through the issuance of bonds due to the current interest rate environment and the Township's source for the permanent financing of the Project is the Township's issuance of General Obligation Bonds in an aggregate principal amount not to exceed \$2,201,000 (the "Bonds") through the United States Department of Agriculture (the "USDA") Rural Development Loan Program (the "USDA Program"); and

WHEREAS, the Township now desires to authorize the issuance of the Bonds through the USDA Program; and

WHEREAS, the Township's ability to issue such Bonds through the USDA Program requires the authorization of certain matters and certain actions to be undertaken by Township officials, officers and professionals, including but not limited to, the preparation and submission of an application to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (the "Local Finance Board") and the completion and submission of certain closing documentation to the USDA Program; and

WHEREAS, the Township desires to conduct the private sale of its Bonds in an aggregate principal amount not to exceed \$2,201,000 to provide funds to finance the Project, and certain additional financing costs, and desires to make application to the Local Finance Board to seek the approval pursuant to N.J.S.A. 40A:2-26(e) for a non-conforming principal maturity schedule; and

WHEREAS, the Township believes:

(a) it was in the public interest to accomplish the Project;

(b) the Project is for the health, welfare, convenience or betterment of the inhabitants of the Township;

(c) the amounts expended for the Project are not unreasonable or exorbitant; and

(d) the Project is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and the Project will not cause any undue financial burden to be placed upon the inhabitants of the Township;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, as follows:

SECTION 1. The Township's Bond Counsel, Archer & Greiner P.C. (the "Bond Counsel") and such other officials, officers and professionals of the Township, including but not limited to, the Mayor, the Administrator, the Chief Financial Officer, the Clerk, the Auditor and the Township's Solicitor are each hereby authorized and directed to prepare and submit an application to the Local Finance Board (the "Application") in connection with the financing of the Project and to represent the Township in matters pertaining thereto.

SECTION 2. The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, consents, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

SECTION 3. The Township Clerk is hereby directed to file a certified copy of this resolution with the Local Finance Board and to forward a certified copy of this resolution to Bond Counsel to supplement the Application therewith.

SECTION 4. Bond Counsel is each hereby authorized to prepare, along with the other officials, officers and professionals of the Township, the USDA Program's closing documents in consultation with the Township's Mayor, Administrator and/or Chief Financial Officer and the Township Solicitor and to submit same to the USDA Program.

SECTION 5. The Township's Mayor, Administrator or Chief Financial Officer are each hereby authorized and directed to determine all matters in connection with the Project not determined by this or a subsequent resolution, all in consultation with Bond Counsel, the Auditor or the Township's Solicitor, and the manual or facsimile signature of the Township's Mayor, Administrator or Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Township's Mayor, Administrator, Chief Financial Officer, Clerk and any other Township Representative, including but not limited to, Bond Counsel, the Auditor and the Township's Solicitor, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to consummate the transaction contemplated by the Township's undertaking of the Project, and any and all such actions or inactions taken by the aforesaid Township Representatives heretofore are hereby ratified and confirmed, nunc pro tunc.

SECTION 6. This resolution shall take effect immediately.

18. RESOLUTION - APPROVING THE RECOMMENDATION OF THE PLANNING BOARD OF THE TOWNSHIP OF MIDDLE RECOMMENDING DESIGNATION OF BLOCKS 169 THROUGH 173, BLOCKS 175 THROUGH 208, BLOCK 210 AND BLOCK 211 AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT – On motion by [redacted] seconded by [redacted] 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 a municipality is a redevelopment area; and

WHEREAS, on February 21, 2018, Middle Township Committee pursuant to the LRHL, adopted Resolution No. 102-18 authorizing the Middle Township Planning Board ("Planning Board") to conduct a preliminary investigation to determine whether Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 ("Study Area") should be designated as a 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 condemnation area in need of redevelopment and considered the Determination of Need Report for the Study Area prepared by Vincent C. Orlando, PE, PP, LLA dated March 9, 2018 ("Study Area Report"); and

WHEREAS, the Planning Board conducted a public hearing on March 22, 2018 concerning the potential designation of the Study Area as a 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, dated March 9, 2018, and the testimony of Vincent C. Orlando, PE, PP, LLA, specifically finding that the following conditions exist, the Study Area qualifies as a Condemnation Area in Need of Redevelopment pursuant to criteria "c" and "e" 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 No. 102-18, adopted on February 21, 2018, 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 Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 ("Study Area") should be designated as a condemnation area in need of redevelopment and considered the Determination of Need Report for the Study Area prepared by Vincent C. Orlando, PE, PP, LLA dated March 9, 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 No. 180102 that the Study Area, Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 satisfies criteria "c" and "e" 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, PE, PP, LLA, specifically finding that the following conditions exist:

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.

Middle Township presently owns 91 (30 percent) of the undeveloped parcels, and an additional 31 lots are eligible for foreclosure; therefore, 39 percent of the vacant lots will be owned by the Township. As discussed herein, favorable zoning has been in place for over twenty years encouraging a high density of mixed residential and multifamily uses. Moreover, the Burleigh section of the Township beyond the study area is comprised of a mix of retail, office and commercial uses and residential subdivisions are located to the north and south of the subject site making the Study Area especially favorable for residential development. However, due to topography or wetlands status of the soils and the lack of developed roadway access to the existing vacant land, the land has remained undeveloped since the 1970s. Due to these unfavorable conditions, the properties have not been developed and are not likely to be developed through the instrumentality of private capital.

N.J.S.A. 40A:12A-5.e – A growing lack or total lack of proper utilization of areas by the condition of title, diverse ownership of the real property therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

The Township has envisioned, through its Master Plan and Zoning Ordinances, the development of the Study Area with residential uses for over twenty years. As demonstrated herein, the diverse ownership of the properties, with lot sizes that are varied and many being unbuildable lots in the Study Area impede land assemblage for proper development and have discouraged the undertaking of roadway improvements. The majority of the vacant land is suitable for development without environmental constraints, but it has not been properly utilized because of the large number of varied lot sizes owned by multiple entities. The circumstances related to the Study Area have resulted in stagnant and unproductive condition of land potentially useful and valuable to serving the public welfare of the Township and has a detrimental effect on the welfare of the surrounding community and the Township in general.

N.J.S.A. 40A:12A-3 permits a redevelopment area to include land, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part. The inclusion of all parcels within the Study Area is necessary for the effective redevelopment of the Study Area and the furtherance of the Township's goals and objectives.

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 Condemnation Area in Need of Redevelopment.

5. This Resolution shall take effect immediately.

19. RESOLUTION - AUTHORIZING THE TOWNSHIP OF MIDDLE PLANNING BOARD TO REVIEW A PROPOSED REDEVELOPMENT PLAN FOR THE INDIAN TRAIL 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, 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 a municipality is a redevelopment area; and

WHEREAS, on February 21, 2018, Middle Township Committee pursuant to the LRHL, adopted Resolution No. 102-18 authorizing the Middle Township Planning Board (“Planning Board”) to conduct a preliminary investigation to determine whether Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 (“Study Area”) should be designated as a 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 condemnation area in need of redevelopment and considered the Determination of Need Report for the Study Area prepared by Vincent C. Orlando, PE, PP, LLA dated March 9, 2018 (“Study Area Report”); and

WHEREAS, the Planning Board conducted a public hearing on March 22, 2018 concerning the potential designation of the Study Area as a 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, dated March 9, 2018, and the testimony of Vincent C. Orlando, PE, PP, LLA, specifically finding that the following conditions exist, the Study Area qualifies as a Condemnation Area in Need of Redevelopment pursuant to criteria “c” and “e” 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 No. 102-18, adopted on February 21, 2018, 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 Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 (“Study Area”) should be designated as a condemnation area in need of redevelopment and considered the Determination of Need Report for the Study Area prepared by Vincent C. Orlando, PE, PP, LLA dated March 9, 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 No. 180102 that the Study Area, Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 satisfies criteria “c” and “e” 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, PE, PP, LLA, specifically finding that the following conditions exist:

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.

Middle Township presently owns 91 (30 percent) of the undeveloped parcels, and an additional 31 lots are eligible for foreclosure; therefore, 39 percent of the vacant lots will be owned by the Township. As discussed herein, favorable zoning has been in place for over twenty years encouraging a high density of mixed residential and multifamily uses. Moreover, the Burleigh section of the Township beyond the study area is comprised of a mix of retail, office and commercial uses and residential subdivisions are located to the north and south of the subject site making the Study Area especially favorable for residential development. However, due to topography or wetlands status of the soils and the lack of developed roadway access to the existing vacant land, the land has remained undeveloped since the 1970s. Due to these unfavorable conditions, the properties have not been developed and are not likely to be developed through the instrumentality of private capital.

N.J.S.A. 40A:12A-5.e – A growing lack or total lack of proper utilization of areas by the condition of title, diverse ownership of the real property therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

The Township has envisioned, through its Master Plan and Zoning Ordinances, the development of the Study Area with residential uses for over twenty years.

As demonstrated herein, the diverse ownership of the properties, with lot sizes that are

varied and many being unbuildable lots in the Study Area impede land assemblage for proper development and have discouraged the undertaking of roadway improvements. The majority of the vacant land is suitable for development without environmental constraints, but it has not been properly utilized because of the large number of varied lot sizes owned by multiple entities. The circumstances related to the Study Area have resulted in stagnant and unproductive condition of land potentially useful and valuable to serving the public welfare of the Township and has a detrimental effect on the welfare of the surrounding community and the Township in general.

N.J.S.A. 40A:12A-3 permits a redevelopment area to include land, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

The inclusion of all parcels within the Study Area is necessary for the effective redevelopment of the Study Area and the furtherance of the Township's goals and objectives.

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

5. This Resolution shall take effect immediately.

20. PUBLIC COMMENT:

Motion to adjourn meeting –
1st

2nd

Pass on Roll Call: