

Cape May Court House, NJ
September 17, 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 _____ 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. \$410,018.83
3. 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: 09/05/2018 Work Session and Regular Meetings.
4. REPORTS: The following departments have submitted their reports for the months indicated: Sterback Harbor for the month of August; Tax Collector for the month of August; Sewer for the month of August; Finance for the month of August; Construction for the month of August; Municipal Clerk for the month August
5. ORDINANCE NO. 1572-18 - AN ORDINANCE VACATING A PORTION OF MARYLAND AVENUE ADJACENT TO BLOCK 985, LOT 1, AS SHOWN ON SHEET 17.05 OF THE TAX MAP OF MIDDLE TOWNSHIP - Following second reading, hearing, and consideration for adoption, Ordinance 1572-18 was adopted on motion 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 the State of New Jersey, as follows:
SECTION 1. The public right, title and interest in, along, upon and over the following described land is hereby vacated, surrendered and extinguished: All that certain tract of parcel of land, situate in the township of Middle and being further described and bounded as to the vacated portion of the street as set forth in the description prepared The Martinelli Group, LLC, dated August 3, 2018, attached as Exhibit A.
SECTION 2. The Township of Middle, for itself, its successors and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace and relocate such public utilities and cable television facilities, within the described premises, which it may, at any time hereafter, deem necessary for the public health, safety, convenience and welfare, and the Township of Middle further reserves unto itself the right to use, maintain, repair, replace and relocate all existing utilities and cable television facilities owned or controlled by it located in, adjacent to, upon or through said land, and further reserves unto itself an easement over, under, through and across the portion of the land described as may be necessary or expedient for the purpose of maintaining, replacing, relocating, installing, leveling, constructing and repairing its utilities, mains and appurtenances, if any, wherever there exists a pipeline and appurtenances thereto beneath the surface of the aforesaid described land. The Township of Middle further reserves for its benefit and the benefit of any utility or cable television company the right to maintain, repair, and replace utilities or facilities installed by them in, adjacent to, over or through the aforesaid land. All of the aforesaid rights shall be unaffected by this ordinance.
SECTION 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.
SECTION 4. Should any part of this ordinance be declared unconstitutional or invalid, the remaining portions of this ordinance shall not be affected thereby, but shall remain in full force and effect, and to this end the provisions of this ordinance are declared to be severable.
SECTION 5. This ordinance shall become effective immediately upon final passage and publication, according to law.
6. ORDINANCE NO. 1573-18 - AN ORDINANCE CANCELING CERTAIN FUNDED CAPITAL APPROPRIATION BALANCES, RE-APPROPRIATING EXCESS BOND PROCEEDS, AND APPROPRIATING TOWNSHIP FUNDS IN THE AGGREGATE AMOUNT OF \$275,300.09 TO FINANCE THE COST THEREOF - Following second reading, hearing, and consideration for adoption, Ordinance 1573-18 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, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented (“Local Bond Law”), as follows:

Section 1. In accordance with N.J.S.A. 40A:2-39, the following appropriations, consisting of remaining balances as set forth below of various bond ordinances heretofore adopted by the Township and no longer needed for their identified purposes, are hereby canceled:

Ordinance Number	Purpose	Purpose Amount	Ordinance Amount
1549-17	Municipal Roof Replacement	220,000.00	
	Vehicle - SUV and Related Equipment	1,912.00	221,912.00
1485-14	Public Works Equipment	46,812.42	
	Record Archival Birth/Death/Minutes-Clerk	861.00	47,673.42
1466-14	FEMA Benny's Landing Matching Funds	15,366.92	
	Small Cities ADA Gr2 Matching Funds	11,000.00	26,366.92
1409-12	Radio System Upgrades	26,189.09	
	Rio Grande Playground	8,571.67	34,760.76
1374-11	Rec HVAC Sys and Resurface Gym Floors	6,809.93	6,809.93
1532-16	Recreation-Vehicles and Related Equipment	1,132.58	1,132.58
1169-04	Fort Apache Recreation	25,544.30	25,544.30
Totals:			364,199.91

Section 2. Having determined that it is in the best interests of the Township, the aggregate sum of \$364,199.91 is hereby re-appropriated from the bond ordinances set forth above and an additional \$275,300.09 from the Capital Improvement Fund shall be used to undertake the capital projects set forth below:

A:	Acquisition of Various Equipment and	321,000.00
	Non-Passenger Vehicles for the Department of	
	Public Works Including, But Not Limited to:	

7. ORDINANCE NO. 1574-18 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING AN AMENDMENT TO THE INDIAN TRAIL REDEVELOPMENT PLAN WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, STATE OF NEW JERSEY - On motion by seconded by and passed on roll call, Ordinance No.1574-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/15/2018 at 6:00 p.m.
- WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution No. 167-2018 of the Township of Middle Committee (the “Township Committee”), adopted on April 2, 2018, designated 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 (the “Township”) as a Condemnation Redevelopment Area; and
- WHEREAS, on or about May 7, 2018, the Township Committee adopted Ordinance 1564-18, adopting a redevelopment plan (the “Indian Trail Redevelopment Plan” or “Redevelopment Plan”) for the Indian Trail Redevelopment Area; and
- WHEREAS, on or about May 23, 2018, certain property owners within the Study Area filed a Complaint in Lieu of Prerogative Writs, captioned Jewell Cheeks, et al. v. Middle Township, et al., Docket No. ATL-L-001446-18, in the Superior Court of New Jersey challenging the actions of the Township, Middle Township Planning Board (the “Planning Board”), and the Township Committee in designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area (the “Lawsuit”); and
- WHEREAS, the Township entered into a Settlement Agreement (the “Settlement Agreement”) resolving the Lawsuit. Pursuant to the Settlement Agreement, the Township agreed to amend a portion of the redevelopment designation by re-designating certain properties within the Indian Trail Redevelopment Area as a Non-Condemnation Redevelopment Area and amend the Redevelopment Plan to remove condemnation as an authorized power for the certain properties listed below; and
- WHEREAS, the Township Committee has determined an amendment to the Indian Trail Redevelopment Plan is necessary to effectuate the Settlement Agreement and redevelopment of the Indian Trail 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, pursuant to N.J.S.A. 40A:12A-7, the Planning Board has reviewed the proposed amendment to the Indian Trail Redevelopment Plan and made their determinations and recommendations; and
- WHEREAS, the Township Committee has reviewed the recommendation of the Planning Board and has determined that it is in the best interest of the Township to adopt the following amendment to the Indian Trail Redevelopment Plan.
- NOW THEREFORE BE IT ORDAINED by the Mayor and Committee of the Township of Middle as follows:
- Section 1. The Indian Trail Redevelopment Plan is hereby amended as follows:

I. Section II.A. of the Indian Trail Redevelopment Plan shall be amended and replaced with the following:

i. The following parcels are designated as a Condemnation Redevelopment Area:

Block 169, Lot(s) 2, 3, 4, 5, 6, 7, 8, and 9; Block 170, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 171, Lot(s) 1 and 2; Block 172, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 173, Lot(s) 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11; Block 175, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; Block 176, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Block 177, Lot 1; Block 178, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 179, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 180, Lot(s) 1 and 2; Block 181, Lot(s) 1, 2, 3, 4, 5, 6, and 7; Block 182, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 183, Lot(s) 1 and 2; Block 184, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 185, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 186, Lot(s) 1 and 2; Block 187, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Block 188, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; Block 189, Lot(s) 1 and 2; Block 190, Lot(s) 1 and 2; Block 191, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Block 192, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 193, Lot(s) 1, 2, and 3; Block 194, Lot(s) 1, 2, and 3; Block 195, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 196, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Block 197, Lot(s) 1, 2, 3, and 4; Block 198, Lot(s) 1, 2, and 3; Block 199, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 200, Lot(s) 1, 2, 3, 4, and 9; Block 201, Lot(s) 1 and 3; Block 202, Lot(s) 1, 2, 3, 4, and 5; Block 203, Lot(s) 1, 2, 3, 4, and 5; Block 204, Lot(s) 1, 2, 5, 9, 10, 11, 12, 13, and 14; Block 205, Lot(s) 2 and 8; Block 206, Lot(s) 1, 2, 3, and 6; Block 207, Lot 1; Block 208, Lot 12; Block 210, Lot(s) 5, 9, 10, and 11; Block 211, Lot 1.

ii. The following parcels are designated as a Non-Condemnation Redevelopment Area:

Block 173, Lot 5; Block 200, Lot(s) 5, 6, 7, 8, and 9; Block 201, Lot(s) 1 and 3; Block 204, Lot(s) 3, 4, 6, 7, and 8; Block 205, Lot(s) 1, 3, 4, 5, 6, 7, and 9; Block 206, Lot(s) 4, 5, and 7; Block 208, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, and 21; Block 210, Lot(s) 1, 2, 3, 4, 6, 7, and 8.

II. Section VIII. of the Indian Trail Redevelopment Plan shall be amended and replaced with the following:

To the extent property acquisition will be necessary, the parcels identified in Section II.A. of this Plan have been designated as a Condemnation Redevelopment Area and may be acquired by the Redevelopment Entity via eminent domain. The parcels identified in Section II.A. have been designated as a Non-Condemnation Redevelopment Area and are not subject to acquisition by the Redevelopment Entity via eminent domain.

Section 2. The Township Committee declares and determines that this amendment 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 in the designated area and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. The Indian Trail Redevelopment Plan, as amended, shall supersede any other local development regulation and the Township of Middle Zoning Map is hereby amended to conform with the provisions of the Indian Trail Redevelopment Plan.

8. RESOLUTION - ACKNOWLEDGEMENT OF DISCONTINUATION OF APPOINTMENT – 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 discontinuation of appointment listed below, is acknowledged.

NAME	POSITION / DEPARTMENT	EFFECTIVE
Ed Beamon	Crossing Guard / Public Safety	09/13/2018

9. RESOLUTION - APPOINTMENTS – CROSSING GUARDS – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, there are various terms of office that have expired; and
WHEREAS, the governing body of the Township of Middle would like to reappoint said positions; and
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 named persons be and hereby are appointed or reappointed to fill the following offices/terms:

NAME	POSITION / DEPARTMENT	TERM	TERM EFFECTIVE	SALARY
Vanessa Clark	Crossing Guard / Public Safety	1 year	09/13/2018	\$1.00

10. RESOLUTION – APPOINTMENT – MUNICIPAL COURT JUDGE – MARIAN RAGUSA – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, it is the desire of the governing body to appoint Marian Ragusa as Municipal Court Judge of the Township of Middle for a statutory term of three (3) years pursuant to *N.J.S.A.: 2A:8-5*; and
WHEREAS, the annual salary is \$40,000 with a stipend for the Borough of Woodbine Municipal Court service of \$7,000 for years 1 and 2; and
WHEREAS, the annual salary is \$40,800 with a stipend for the Borough of Woodbine Municipal Court service of \$7,000 for year 3.
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 Marian Ragusa is hereby Judge of the Municipal Court of the Township of Middle for a three-year term effective October 1, 2018.

11. RESOLUTION – APPROVE CHANGE ORDER NO. 5 – GRASSY SOUND 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 #5 for the project awarded to Crown Pipeline Construction Co. and is hereby approved, and that the change order results in an **increase** of \$14,856.96 for an amended contract amount of \$2,595,571.36.

12. RESOLUTION – RENEWAL – TOWING LICENSES – 2018 – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the towing license renewal application listed below has been found to be in proper form, and the fees paid accordingly.

NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2018:

License #	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
5	Gary's Automotive	1	XK805N	2007 Chevy 5500 Flatbed	\$450.00	\$50.00
5	Gary's Automotive	2	XF305W	1994 Chevy C3500 HD Flatbed		\$50.00

13. RESOLUTION – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and

WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and

WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle "Property Maintenance;" and

WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and

WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and

WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.

FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Pera, Justin	701 Poplar Ave.	1119//6	\$397.95
Berardi, Fausto	1207 Route 9 North	104//3	\$289.44
SMC Properties LLC	11 S 10 th Street	413//13	\$289.44
Grivas, Cosntantin & K Kovalevskaya	10 E Wiley Street	1031//14	\$261.61
Tangree, Kimberly R & Ivan	2203 Route 9 South	1056//3	\$565.11

14. RESOLUTION – AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the CMCMUA's System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, the Township of Middle has utilized and desires to continue to utilize the services of the CMCMUA's System; and

WHEREAS, there presently exists a contract between the Township of Middle and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste which will expire on December 31, 2018 entitled "Shared Services Agreement for Solid Waste Disposal" (the "Existing Agreement"); and,

WHEREAS, there also presently exists, as an integral component of the Existing Agreement, a supplemental contract between the Township of Middle and the Authority entitled "Shared Services Agreement for Source Separation and Recycling (the "Recycling Agreement") which also expires on December 31, 2018; and,

WHEREAS, the Township of Middle and the Authority desire to enter into a new agreement which has combined the Existing agreement and the Recycling Agreement into one agreement entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" and to fix the expiration date of said Agreement to occur on December 31, 2019; and

WHEREAS, the Authority has offered the "shared Services Agreement for Solid Waste Disposal and Recycling Services" to the Township of Middle in order to more efficiently provide and continue to offer

municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2018 through December 31, 2019; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all of Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2019; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorized a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Middle, County of Cape May and State of New Jersey, that the Township of Middle shall enter into a contract with the Authority entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2019, in the form to be maintained on file in the office of the Middle Township Clerk, and that the appropriate Middle Township officials are hereby authorized and directed to execute said agreement.

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

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

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

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

16. RESOLUTION – RELEASE PERFORMANCE BOND – ENCLAVE 1204, LLC – JKT PARTNERSHIP/THOMPSON HOMES – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, \$202,661.60 is being held as a Performance Guarantee for Enclave 1204, LLC for site improvements at Block 99.02, Lot 35.01, also known as Route 9 North & Parkway; and

WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond (JKT Partnership/Thompson Homes) under the name of Enclave 1204, LLC. be released and replaced with another performance bond (Performance Surety Bond) in the name of Enclave 1204, LLC; and

WHEREAS, the Tri-Party Allocation Category Agreement with The Bancorp Bank is being traded for performance bond (Performance Surety Bond) for Enclave 1204, LLC. in the amount of \$202,661.60; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond as indicated above has been replaced with a performance bond (Performance Surety Bond) for Enclave 1204, LLC., in the amount of \$202,661.60.

17. RESOLUTION - RESOLUTION REFERRING TO THE TOWNSHIP OF MIDDLE PLANNING BOARD (1) AN ORDINANCE AMENDING INDIAN TRAILS REDEVELOPMENT PLAN AND (2) A RESOLUTION RE-DESIGNATING CERTAIN PROPERTIES WITHIN THE INDIAN TRAIL REDEVELOPMENT AREA AS A NON-CONDEMNATION REDEVELOPMENT AREA – 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. 167-2018 of the Township of Middle Committee (the "Township Committee"), adopted on April 2, 2018, designated 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" or "Redevelopment Area") within the Township of Middle (the "Township") as a Condemnation Redevelopment Area; and

WHEREAS, on or about May 7, 2018, the Township Committee adopted Ordinance 1564-18, adopting a redevelopment plan (the "Indian Trail Redevelopment Plan" or "Redevelopment Plan") for the Indian Trail Redevelopment Area; and

WHEREAS, on or about May 23, 2018, certain property owners within the Redevelopment Area filed a Complaint in Lieu of Prerogative Writs, captioned Jewell Cheeks, et al. v. Middle Township, et al., Docket No. ATL-L-001446-18, in the Superior Court of New Jersey challenging the actions of the Township, Middle Township Planning Board (the "Planning Board"), and the Township Committee in designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area (the "Lawsuit"); and

WHEREAS, the Township entered into a Settlement Agreement (the "Settlement Agreement") resolving the Lawsuit. Pursuant to the Settlement Agreement, the Township agreed to amend a portion of the redevelopment designation by re-designating certain properties within the Indian Trail Redevelopment Area as a Non-Condemnation Redevelopment Area and amending the Redevelopment Plan to remove condemnation as an authorized power for the certain properties; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Township Committee hereby refers the proposed Resolution, attached hereto as Exhibit A and entitled "Resolution Re-Designating Certain Properties Within the Indian Trail Redevelopment Area as a Non-Condemnation Redevelopment Area," to the Planning Board for review and recommendation;

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Township Committee has introduced Ordinance No. 1574-18 and entitled "Ordinance of the Township of Middle Adopting an Amendment to the Indian Trail Redevelopment Plan Within the Township of Middle, Cape May County, State of New Jersey," to the Planning Board for review and recommendation;

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

1. The proposed Resolution attached hereto as Exhibit A and entitled "RESOLUTION RE-DESIGNATING CERTAIN PROPERTIES WITHIN THE INDIAN TRAIL REDEVELOPMENT AREA AS A NON-CONDEMNATION REDEVELOPMENT AREA" is hereby referred to the Township of Middle Planning Board for its statutory review pursuant to N.J.S.A. 40A:12A-6.

2. *The proposed Ordinance attached hereto as Exhibit B and entitled "ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING AN AMENDMENT TO THE INDIAN TRAIL REDEVELOPMENT PLAN WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, STATE OF NEW JERSEY" is hereby referred to the Township of Middle Planning Board for its statutory review pursuant to N.J.S.A. 40A:12A-7.*
3. *The Township of Middle Planning Board shall provide its report and recommendations to the Township Committee within forty-five (45) days hereof.*
4. *This Resolution shall take effect immediately.*

18. RESOLUTION - CLOSED SESSION – POTENTIAL LITIGATION – 2018 ROAD IMPROVEMENT PROGRAM PHASE II – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

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

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

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

- 1.) *The public shall be excluded from the discussion of an action upon the hereinafter specified matter:
POTENTIAL LITIGATION – 2018 ROAD IMPROVEMENT PROGRAM PHASE II*
- 2.) *The general nature of the subject matter to be discussed is as follows:
POTENTIAL LITIGATION – 2018 ROAD IMPROVEMENT PROGRAM PHASE II*
- 3.) *It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED*
- 4.) *This Resolution shall take effect immediately.*

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

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

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

19. PUBLIC COMMENT:

Motion to adjourn meeting –
1st: _____ 2nd: _____
Pass on Roll Call: