

Cape May Court House, NJ  
October 15, 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. \$837,930.69*
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: 10/01/2018 Work Session and Regular Meetings.*
4. REPORTS: The following departments have submitted their reports for the months indicated: Finance for the month of September; Municipal Clerk for the month of September; Construction for the month of September; Sterback Harbor for the month of September; Sewer for the month of September; Tax Collector for the month of September
5. 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 - *Following second reading, hearing, and consideration for adoption, Ordinance 1574-18 was adopted on motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call. Complete Ordinance is on file in the Clerk's Office.*

*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*

*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.

Section 5. This Ordinance shall take effect after final adoption and publication according to law.

6. ORDINANCE NO. 1575-18 – 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 - On motion by seconded by and passed on roll call, Ordinance No.1575-18 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/19/2018 at 6:00 p.m.

*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. 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:*

<b>Ordinance Number</b>	<b>Purpose</b>	<b>Purpose Amount</b>	<b>Ordinance Amount</b>
1549-17	Vehicle - SUV and Related Equipment	1,912.00	1,912.00
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:			144,199.91

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:

<b>A:</b>	<i>Acquisition of Various Equipment and Non-Passenger Vehicles for the Department of Public Works Including, But Not Limited to:</i>	<i>101,000.00</i>
	<i>Backhoe, Leaf Vacuum, Plow Truck, Vehicle Lift, Tire mount/dismount machine, Part Washer, Mig Welder, and any related equipment</i>	
<b>B:</b>	<i>Acquisition of Various Equipment for the Department of Emergency Medical Services Including, But Not Limited to:</i>	<i>20,000.00</i>
	<i>Replacement Mobile Radios and related equipment.</i>	
<b>C:</b>	<i>Various Improvements, Acquisition and Installation of Equipment or Furnishings, As Applicable, for the Recreation Department, Including, But Not Limited to:</i>	<i>35,015.00</i>
	<i>Replacement stage and related equipment, Roof Repairs at various locations, Hoop Power Adjusters, Additional lighting for gymnasium, equipment trailer, replacement flooring.</i>	
<b>D:</b>	<i>Grant Related Expenses Required to be financed by the Township of Middle in relation to:</i>	<i>223,485.00</i>
	<i>Including but not limited to: Matching Funds/Section 20 Costs:</i>	
	<i>Avalon Fishing Pier</i>	
	<i>MLK Tennis Courts</i>	
	<i>Rio Grande Park</i>	

E:	Acquisition of Various Equipment for the	40,000.00
	Police and IT Department for Replacement	
	Video System(s) and Various Servers and Switches	
		419,500.00

Section 3. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

7. RESOLUTION – DEPARTMENT CHANGE – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following department changes listed below are hereby acknowledged:

NAME	PREV. DEPT.	NEW DEPT.	TITLE	EFF. DATE
Alexis Kern	Recreation	Police Secretaries	Keyboarding Clerk 1	10/08/2018

8. RESOLUTION – APPOINTMENTS – NEW HIRES – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
John Mihal	Public Safety	Special Class II Police Officer	\$13.00/hr	10/23/2018
Eric Kelly	Sewer	Sewer Repairer 1 T/A	\$11.00/hr	10/15/2018

9. RESOLUTION – ADOPTING UPDATED PERSONNEL POLICY MANUAL/HANDBOOK – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary to amend and update several sections personnel policy manual/handbook, as previously adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Personnel Policy Manual/Handbook is hereby adopted.

BE IT FURTHER RESOLVED, that a copy of said updated manual/handbook shall be distributed to each Township Committeemember, Township Administrator, Township Solicitor, and Head of each Department and further shall be utilized by the Human Resources & Training Department accordingly.

FURTHER RESOLVED, that should any section, paragraph, sentence, clause or phrase of this manual be declared unconstitutional or invalid for any reason, the remaining portions of said manual shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of mentioned manual are hereby declared to be severable.

10. 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.



*BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:*

*FY2018 Bulletproof Vest Partnership (BVP) \$4,680.00*

15. RESOLUTION – AUTHORIZING LEASE UNDER SOURCEWELL (FORMERLY NJPA) CONTRACT FOR POSTAGE METERS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, there is a need to lease a copy machine / printer and copier maintenance for the Township of Middle, in the County of Cape May, State of New Jersey; and  
WHEREAS, machines will be leased for the Township of Middle and Township of Middle Police Department:*

*WHEREAS, this can be leased through Sourcewell Contract #041917-NPI, and*

*WHEREAS, public bids are not required when the purchase is under Cooperative Contract in accordance with 40A:11-12 of the Local Public Contracts Law.*

*NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:*

*MAILFINANCE  
478 Wheelers Farms Rd  
Milford, CT 06461*

*For the lease/purchase of postage meters and maintenance for 60 months in the amount of \$256.29 per month.*

16. RESOLUTION – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (ITEMS A THROUGH C) – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*(A) NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle formally approved the grant application for the above stated project.*

*BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2019-Hand Avenue Sidewalk Extension-00056 to the New Jersey Department of Transportation on behalf of the Township of Middle.*

*BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreements on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.*

*(B) NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle formally approved the grant application for the above stated project.*

*BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-South Fourth Street Reconstruction-00631 to the New Jersey Department of Transportation on behalf of the Township of Middle.*

*BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreements on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.*

*(C) NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle formally approved the grant application for the above stated project.*

*BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Bike Path- Phase One-00708 to the New Jersey Department of Transportation on behalf of the Township of Middle.*

*BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreements on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.*

17. 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, on or about February 21, 2018, the Middle Township Committee (the “Township Committee”) adopted Resolution No. 102-18 directing the Middle Township Planning Board (the “Planning Board”) to undertake a preliminary investigation as to whether Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 and all qualifiers therein, as identified and delineated on the Official Tax Map of the Township of Middle (the “Indian Trail Redevelopment Area” or “Redevelopment Area”), qualified as a Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“LRHL”); and  
WHEREAS, the Planning Board conducted an investigation to determine whether the Indian Trail Redevelopment Area should be designated as a Condemnation Redevelopment Area and considered the Determination of Need Report prepared by Vincent C. Orlando, PE, PP, LLA dated March 9, 2018 (the “Preliminary Investigation Report”); and*

*WHEREAS, on March 22, 2018, the Planning Board conducted a public hearing regarding the Preliminary Investigation Report whereby all affected property owners had an opportunity to address questions and comments to the Planning Board and its professionals. Pursuant to N.J.S.A. 40A:12A-6, due notice of the public hearing was provided to the property owners and was posted and published in accordance with the aforementioned statute; and*

*WHEREAS, at the conclusion of the public hearing, the Planning Board adopted Resolution 180102 recommending the Middle Township Committee (the “Township Committee”) designate the Redevelopment Area as a Condemnation Redevelopment Area; and*

*WHEREAS, on or about April 2, 2018, the Township Committee adopted Resolution 167-18 designating the Redevelopment Area 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 "Redevelopment Plan") for the Study Area; and  
WHEREAS, on or about May 23, 2018, certain property owners within the Indian Trail 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, 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 the attached list of properties, identified as "Exhibit A," as a Non-Condemnation Redevelopment Area and amend the Redevelopment Plan to reflect the new designation.

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. On or about April 2, 2018, the Township Committee adopted Resolution 167-18 designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area.
2. On or about May 23, 2018, certain property owners within the Indian Trail 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, Planning Board, and the Township Committee in designating the Indian Trail Redevelopment Area as a Condemnation Redevelopment Area (the "Lawsuit").
3. 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 the attached list of properties, identified as Exhibit A, as a Non-Condemnation Redevelopment Area and amend the Redevelopment Plan to remove condemnation as an authorized power for the properties listed in Exhibit A.
4. Pursuant to N.J.S.A. 40A:12A-6 and to effectuate the Settlement Agreement, the Township Committee referred this proposed Resolution to the Planning Board for review and recommendation. The Planning Board favorably reported and recommended redesignation of the properties listed in Exhibit A as a Non-Condemnation Redevelopment Area.
5. Pursuant to the Settlement Agreement, the designation of the attached list of properties identified as Exhibit A shall hereby be amended and re-designated as a Non-Condemnation Redevelopment Area.
6. This Resolution shall take effect immediately.

18. RESOLUTION - CLOSED SESSION – CONTRACT NEGOTIATIONS (COLLECTIVE BARGAINING UNITS AND HEALTH INSURANCE) – On motion by       seconded by       and passed on roll call, the following resolution was adopted.

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

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

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

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

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

WHEREAS, said Closed Session shall be held directly after this open session.

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: CONTRACT NEGOTIATIONS (COLLECTIVE BARGAINING UNITS AND HEALTH INSURANCE)
- 2.) The general nature of the subject matter to be discussed is as follows:  
CONTRACT NEGOTIATIONS (COLLECTIVE BARGAINING UNITS AND HEALTH INSURANCE)
- 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.

19. RESOLUTION – CREATING AN ADVISORY COMMITTEE TO STUDY THE FORM OF GOVERNMENT IN MIDDLE TOWNSHIP – On motion by       seconded by       and passed on roll call, the following resolution was adopted.

WHEREAS, Middle Township is currently organized and operates under the "Township Committee" form of government, now codified at N.J.S.A. 40A:63-1 *et seq.*, with a three-member governing body, elected at large; and

WHEREAS, the Middle Township Committee has previously determined that it would be in the best interest of the Township to form an advisory committee to study and review the current form of its government to make non-binding recommendations to the Committee regarding both the size of the governing body and the form of government of the municipality; and

WHEREAS, the Committee has solicited township residents to serve as members of the advisory committee and a number of residents have volunteered to serve; and

WHEREAS, having reviewed those submissions, the Township Committee has determined to create the Advisory Committee and to appoint its membership,

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

1. The averments of the preamble are incorporated.

2. *There is hereby established the Advisory Committee to Study the Form and Structure of Municipal Government in Middle Township,*
3. *The Advisory Committee shall serve in an advisory capacity only, and it shall make its non-binding recommendations to the Township Committee at the conclusion of its work.*
4. *The Advisory Committee shall review the current form and structure of Middle Township municipal government, and shall, at its discretion, consider various alternatives to the current form of government, including but not limited to increasing the size of the Township Committee and altering the form of township government to one of the other forms permitted under New Jersey law. It shall also review and consider the various methods under New Jersey law for altering the size or structure of municipal government and, if it deems it appropriate, include its recommendation on that subject in its report to the Township Committee.*
5. *The following individuals are hereby appointed to the Advisory Committee:*

*Mark W. Logan, VMD  
38 Colonial Ave.  
CMCH, NJ 08210*

*Robert Matthews  
805 Poplar Ave.  
Rio Grande, NJ 08242*

*Josh McCarty  
25 School House Lane  
CMCH, NJ 08210*

*William Schenck  
18 Solar Way  
CMCH, NJ 08210*

*Florence O'Donnell  
226 Hand Ave.  
CMCH, NJ 08210*

*Michelle Salfi  
133 Holly Dr.  
Rio Grande, NJ 08242*

*John Lauricella  
111 Court House South Dennis Rd.  
CMCH, NJ 08210*

*Michael Butterfield  
33 Fishing Creek Rd.  
CMCH, NJ 08210*

*Chris Collett  
502 Bayberry Dr.  
CMCH, NJ 08210*

*Ed Taylor  
63 Wyndemere Ct.  
CMCH, NJ 08210*

*Sandy Novick  
17 Avalon Woods Court  
CMCH, NJ 08210*

*Robert Springer  
327 Rt 47 N  
CMCH, NJ 08210*

*Sue Copson  
5 Kimbles Beach Rd.  
CMCH, NJ 08210*

*Shannon Feltwell  
17 Sand Dollar Dr.  
CMCH, NJ 08210*

*Lisa Mericle  
604 Hand Ave.  
CMCH, NJ 08210*

*Anthony Donofrio  
49 Springers Mill Rd.  
CMCH, NJ 08210*

*Barbara Cresse Fulford  
706 Dias Creek Rd.  
CMCH, NJ 08210*



Robert Fineberg, Esq.  
208 N. Main Street  
Cape May Court House, NJ 08210

6. Michael Butterfield shall serve as Chair of the Advisory Committee.

7. The Advisory Committee shall meet on a regular basis, on a schedule that it shall determine, and shall report periodically to the Township Committee on the status of its review.

a. 8. The Advisory Committee shall complete its work and render its final report and recommendations to the Township Committee no later than \_\_\_\_\_, 2019. The Township Committee shall have the discretion to extend that date, if so requested by the Advisory Committee.

9. This resolution shall take effect immediately upon passage, according to law.

20. RESOLUTION – AUTHORIZING AN EMERGENCY CONTRACT FOR THE REPAIR OF THE TOWNSHIP HALL ROOF – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

*WHEREAS, the flat roof of the Township Hall building at 33 Mechanic Street has been suffering from a persistent and extensive leaking problem; and*

*WHEREAS, in January 2018 the Township advertised for bids to repair the roof but rejected those bids in the hope that a temporary “patch” repair of the roof would alleviate the problem while the Township evaluated plans for rehabilitating or relocating the overall municipal complex; and*

*WHEREAS, that temporary repair, made approximately sixth months ago, failed to solve the problem, in that the roof began leaking almost immediately after the repair and in those six months the leak has progressively become substantially worse; and*

*WHEREAS, Remington & Vernick, acting as the Township Engineers, recently inspected the flat roof and determined that the roof has passed its expected life; that the temporary solutions have not, and will not cure the leaking problems; and that the leaks have now become so persistent and extensive as to create an emergency situation that threatens the public health, safety and welfare; and*

*WHEREAS, pursuant to N.J.S.A.40A:11-6 a contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and*

*WHEREAS, based on said emergency, the Township Committee believes immediate action is required for the repair of the flat roof to further avoid damage to the Township Hall property and further disruption of municipal government operations; and*

*WHEREAS, the Chief Financial Officer has indicated that that sufficient funding exists for this purpose.*

*NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle,*

*Cape May County, State of New Jersey, as follows:*

- 1. The averments of the preamble are incorporated.*
- 2. Based on the determinations by Remington & Vernick, the Township Committee hereby finds that the condition of the flat roof on Township Hall, and the leaking problem caused thereby, constitutes an emergency affecting the public health, safety and welfare, and that it is accordingly appropriate that contracts be, and hereby are, authorized under NJSA 40A:11-6 for the roof repair.*
- 3. Remington & Vernick is hereby authorized to seek proposals for the roof repair from qualified contractors, pursuant to N.J.S.A. 40A:11-6, and to review them and forward them to the Township with a recommendation to award the emergency contract under the statute.*
- 4. This Resolution shall take effect immediately, according to law.*

21. RESOLUTION - AUTHORIZING ISSUANCE OF REQUEST FOR QUALIFICATIONS FOR DEVELOPMENT OF BLOCKS 169 THROUGH 173, BLOCKS 175 THROUGH 208, BLOCK 210 AND BLOCK 211 WITHIN THE TOWNSHIP - 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 is a need within the Township to redevelop various parcels within the Township; and*

*WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (“LRHL”), specifically N.J.S.A. 40A:12-8, authorizes the governing body of any municipality to enter into agreements with redevelopers to carry out and effectuate the terms of a redevelopment plan; and*

*WHEREAS, on April 2, 2018, the Mayor and Council of the Township of Middle, pursuant to the LRHL, adopted Resolution No. 167-18 designating Blocks 169 through 173, Blocks 175 through 208, Block 210 and Block 211 (“Indian Trail Parcels”) as a condemnation area in need of redevelopment; and*

*WHEREAS, on May 7, 2018, the Township, pursuant to Ordinance 1564-18, adopted the Indian Trail Redevelopment Plan (the “Redevelopment Plan”), which included the Indian Trail Parcels; and*

*WHEREAS, on October 15, 2018, the Township, pursuant to Ordinance 1574-18, amended the Redevelopment Plan, designating the following parcels 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; and*

*WHEREAS, in order to stimulate continued redevelopment, the Township has determined that it is in the best interest of the Township to solicit qualifications from experienced development firms interested in becoming the Redeveloper in connection with the planning, development and construction of a Project pursuant to the Redevelopment Plan on the designated parcels.*

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

- 1. That the governing body does hereby authorize the issuance of a Request for Qualifications, from individuals and/or experienced development firms interested in becoming the Redeveloper in connection with the planning, development and construction of a Project on the Indian Trail Parcels in accordance with the Redevelopment Plan.*

*BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.*

22. PUBLIC COMMENT:

Motion to enter closed session –

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

Pass on Roll Call:

Motion to reenter open session –

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

Pass on Roll Call:

Motion to adjourn meeting –

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

Pass on Roll Call: