

Cape May Court House, NJ
April 1, 2019
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 Donohue, Deputy Mayor Gandy, Committeemember Clark, Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY MAYOR AND COMMITTEE – APRIL EMPLOYEE OF THE MONTH – ERIC KELLY
2. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE TOWNSHIP BOYS TRAVEL BASKETBALL TEAM – 7TH/8TH GRADE
3. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)
4. RESOLUTION – APPROVING PAYMENT FOR BILLS – BILL LIST A (General Bills) – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted. *NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:*

Current Acct. \$2,558,043.42

5. 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: 3/18/2019 Work Session, Regular and Closed Session Meetings.*
6. REPORTS: The following departments have submitted their reports for the months indicated:
7. ORDINANCE 1584-19 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 99.02, LOT 6 - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1584-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/06/2019 at 6:00 p.m. *BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.*

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 99.02, Lot 6 in the Swainton Section of the Township; and

WHEREAS, the subject parcel is land locked and cannot be developed without access; and WHEREAS, there are five owners who are contiguous to this said portion of the lot, specifically listed as follows:

*Block 99.02, Lot 3 - Gwendolyn D. Williams
61 Siegtown Road
Cape May Court House, NJ 08210*

*Block 99.02, Lot 5 - Craig Cunningham
1573 Rte 9 N
Cape May Court House, NJ 08210*

*Block 99.02 Lot 10 - James R. Dodd, Jr.
5 Antina Lane
Cape May Court House, NJ 08210*

Block 99.02 Lot 11 Kurt & Colleen Himstedt
7 Antina Lane
Cape May Court House, NJ 08210

Block 99.02 Lot 12 Robin Cramer
11 Antina Lane
Cape May Court House, NJ 08210

Block 99.02 Lot 13 Robin Cramer
11 Antina Lane
Cape May Court House, NJ 08210

WHEREAS, the five owners shall be noticed and given an opportunity to participate in an open (public) auction limited to just the five of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of the parcel is \$11,000.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$11,000.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance;

NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 99.02, Lot 6 to the highest bidder of an open (public) auction to be held on May 29, 2019 at 10:00 a.m. in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those five owners of property contiguous to that portion of Block 99.02, Lot 6 which is offered for sale shall participate; and

2. The minimum bid shall be \$11,00.00; and

3. The auction shall be conducted by the Township Chief Financial Officer, Susan Quinones; and

4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and

5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit B; and

6. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and

8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

8. ORDINANCE 1585-19 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 401, LOT 18 - On motion by seconded by and passed on roll call, Ordinance No. 1585-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/06/2019 at 6:00 p.m.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 401, Lot 18 in the Del Haven Section of the Township; and

WHEREAS, the parcel to be sold contains a substantial encroachment from a neighboring parcel and is to be sold in "AS IS /WHERE IS" condition, with Buyer assuming all responsibility and liability for removal of the encroachment; and

WHEREAS, there are three owners who are contiguous to this said portion of the lot, specifically listed as follows:

Block 401 Lot 2 - Christopher & Shannon Hagan
4 N. 15th Street
Del Haven, NJ 08251

Block 401, Lot 17 - William Hanna
590 24th Street
Avalon, NJ 08202

Block 401, Lot 19 - Barry F II & Jennifer Spaulding
200 Millman Blvd.
Del Haven, NJ 08251

WHEREAS, the three owners shall be noticed and given an opportunity to participate in an open (public) auction limited to just the three of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of the entire Lot 18 is \$22,500.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$22,500.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance;

NOW, THEREFORE, BE IT ORDAINED,

1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 401, Lot 18 to the highest bidder of an open (public) auction to be held on May 29, 2019 at 10:00 a.m. in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those five owners of property contiguous to that portion of Block 401, Lot 18 which is offered for sale shall participate; and

2. Existing Encroachments. The property being sold herein is being sold "As Is / Where Is". There is a substantial, pre-existing encroachment on the property consisting of a portion of a single-family home, from a neighbor's property which abuts the subject lot.

3. It shall be the Buyer's sole responsibility to address all issues relative to said encroachment. By signing the agreement Buyer shall agree to be solely responsible for all costs and legal responsibilities incurred with regard to addressing said encroachment. Buyer shall affirmatively release Seller of any obligation with regard to same. Additionally, the successful Buyer must file a deed of consolidation.

4. Transfer of title from Township to Buyer will be by Quit Claim deed.

5. The minimum bid shall be \$22,500.00; and

6. The auction shall be conducted by the Township Chief Financial Officer, Susan Quinones; and

7. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and

8. The winning bidder shall be provided a deed in the form attached hereto as Exhibit B; and

9. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and

10. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and

11. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.

9. RESOLUTION – ACKNOWLEDGEMENT OF RESIGNATION/DISCONTINUATION OF UA 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 resignations listed below, are acknowledged.

NAME	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Joseph Powderly	Public Safety	Special Class II Police Officer	04/13/2019

10. RESOLUTION – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY 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 temporary appointment listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Marcus Stotts	Recreation	Recreation Aide P/T T/A	03/26/2019

11. RESOLUTION – APPOINTMENT – VOLUNTEER BOARD – 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 individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Dennis Flynn	Member	Veteran’s Advisory Board	12/31/2019*

**filling unexpired term.*

12. RESOLUTION - PROMOTIONAL TITLE CHANGE – On motion by seconded by and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Amber Oliver	Municipal Court	Keyboarding Clerk 2	04/01/2019

13. RESOLUTION - APPROVING EMPLOYEE SALARY ADJUSTMENTS – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle has determined that a salary adjustment to non-union and non-contractual full-time salaried personnel is appropriate; and WHEREAS, the Township Committee has approved a 2% salary increase on base salary for all non-union, non-contractual full-time salaried employees employed by Middle Township as of December 31, 2018; and

WHEREAS, the Township Committee has further approved various merit increases, in addition to the 2% increase, as per the attached schedule; and,

BE IT FURTHER RESOLVED, that the new minimum full-time starting salary will be \$24,500.00 and will supersede any and all contracts and/or collective bargaining agreements; and,

WHEREAS, all increases will be effective as of January 1, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, does hereby approve the salary adjustments for non-union and non-contractual full-time salaried personnel of the Township of Middle.

**Complete Resolution available in Clerk’s Office*

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

WHEREAS, after further research it has been concluded that there are 2 units on Block 1041 Lot 12 located at 1910 Route 9 South.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the sewer bill for 2019 has been reduced from 3 units to 2 units and the sewer bill reduced by \$560.00.

15. RESOLUTION – TABULATION COMMITTEE (ITEMS A THROUGH B)– On motion by seconded by and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on April 25, 2019 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

*CONTRACTS #2018-4 AND #2019-1 THROUGH 2019-5
MIDDLE TOWNSHIP HOME REHABILITATION PROJECT*

(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on May 1, 2019 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

AVALON MANOR FISHING PIER

16. RESOLUTION – RATIFY AGREEMENT – EMPLOYEE CARE (EAP/EMPLOYEE ASSISTANCE PROGRAM) – On motion by seconded by and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle the governing body thereof, that the Agreement between Employee Care and the Township of Middle for the Employee Assistance Program shall for a term of three (3) years.

BE IT FURTHER RESOLVED that each annual agreement is for a total cost of \$3,800, to be certified annually, pending availability of funds.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

17. RESOLUTION – AMENDING RESOLUTION 141-19 –SUMMER CONCERT SERIES
WHEREAS, the Governing Body of the Township of Middle approved a contact with Ultra Artists LLC for performances by the Sensational Soul Cruisers and B Street Band for the Summer Concert Series via Resolution 141-19; and
WHEREAS, due to scheduling conflict The Sensational Soul Cruisers will be unable to perform. NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the agreement and approving resolution as indicated above be amended to reflect the removal of The Sensational Soul Cruisers.
18. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (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, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between The Fuzzy Bunny Slippers and Animal House and the Township of Middle for their Performances for the Summer Concert Series, 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.
- Fuzzy Bunny Slippers – Summer Concert Series
Not to exceed \$3,000.00
Animal House – Summer Concert Series
Not to exceed \$2,500.00*
- (B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Alan Gould and the Township of Middle for Hearing Officer Services, 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.
- Alan Gould
Hearing Officer Services
Not to exceed \$5,000.00*
- (C) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Hankin Sandman Palladino Weintrob & Bell, Counsellors at Law and the Township of Middle for Hearing Officer Services, 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.
- Hankin Sandman Palladino Weintrob & Bell, Counsellors at Law
Special Counsel for Tax Appeal
Not to exceed \$17,500.00*
19. RESOLUTION – ADOPTING AMENDED TOWNSHIP OF MIDDLE PURCHASING MANUAL TO ESTABLISH THE PURCHASING POLICY AND PROCEDURES FOR THE TOWNSHIP OF MIDDLE – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, the Qualified Purchasing Agent has developed a Purchasing Manual to establish the purchasing policy and procedures for the Township of Middle, which was originally adopted via Resolution 488-15 November 2, 2015; and
WHEREAS, the adoption of such a Purchasing Manual will help to assure the Township’s purchasing policy and procedures are in compliance with Local Public Contract Law (N.J.S.A. 40A:11 et. seq.); and
WHEREAS, there is a need to amend said manual to include various updates.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the amended Purchasing Manual hereby be adopted.
FURTHER BE IT RESOLVED, that said manual be distributed to all Department Heads with a directive that the policy and procedures contained therein are to be followed for all purchases of and/or for the Township of Middle.
20. RESOLUTION – ACKNOWLEDGING FIREWORKS DISPLAY – PYROTECNICO FIREWORKS, INC. – On motion by seconded by and passed on roll call, the following resolution was adopted.
WHEREAS, Pyrotecnico Fireworks, Inc., has requested permission to load and unload fireworks onto and off of a barge to in order to conduct an outdoor firework display for the Borough of Avalon and City of Sea Isle City on July 4, 2019 with a rain date of July 5, 2019; and
WHEREAS, as part of the approval Pyrotecnico Fireworks Inc. must comply with all conditions as set forth in Chapter 142-8 Subsections C, D, and E of the code of the Township of Middle as well as apply for and receive the appropriate permits in connections with the regulations of the Bureau of Fire Prevention, Fire District No 1; and
WHEREAS, Pyrotecnico Fireworks, Inc. has provided the Township of Middle with the following, which have been reviewed and approved by the ACJIF, as required:
- *COI with NJ workman’s insurance certificate*
 - *NJ Hold Harmless Agreement*

WHEREAS, the NJ workman’s insurance certificate provided has an expiration date of June 7, 2019; and

WHEREAS, Pyrotecnico Fireworks Inc., will be required to submit an updated NJ workman’s insurance certificate upon renewal.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby acknowledge a fireworks display being conducted by Pyrotecnico Fireworks, Inc. on July 4, 2019 with a rain date of July 5, 2019.

- 21. RESOLUTION – APPROVE TRANSIENT MERCHANT VENDOR LICENSE (ITEMS A THROUGH B) – On motion by seconded by and passed on roll call, the following resolution was adopted.

(A) WHEREAS, James R. Brown dba Jim’s Mister Softee of Cape May County, LLC has applied for a Vendor’s License to operate an ice cream truck in Middle Township, and WHEREAS, proper application has been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from April 1, 2019 through December 31, 2019.

(B) WHEREAS, Montel Pitt, Mont’s on Wheels has applied for a Vendor’s License to operate a food truck in Middle Township, and

WHEREAS, proper application has been made to the Township of Middle, County of Cape May, State of New Jersey and the proper fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate a food truck in Middle Township from April 1, 2019 through December 31, 2019.

- 22. RESOLUTION – SOCIAL AFFAIRS PERMIT – THE MID-ATLANTIC CENTER FOR THE ARTS AND HUMANITIES – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Mid-Atlantic Center for the Arts and Humanities has applied for approval to sell alcoholic beverages at events to be held at 221 Rte 47 N, Cape May Court House, New Jersey, on April 27th, May 4th, September 13th, September 20th, October 5th and December 28th; and

WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the above referenced Social Affairs Permits.

- 23. RESOLUTION – PUBLIC SALE OF LAND – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, the Local Lands and Buildings Law (N.J.S.40A-12-1 et seq) authorizes the sale of any real property, capital improvements or interest herein, not needed for public use, and

WHEREAS, it appears to be in the best interest of the Township of Middle to dispose of certain real property which is not needed for public use, which property is more fully described as in Schedule "A" annexed hereto,

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

- 1. It is hereby determined that the parcels of real property set forth in Schedule "A" annexed hereto are not needed for public use. Minimum bids are contained on Schedule "A".
2. Said parcels of real property shall be sold pursuant to N.J.S.A. 40A:12-13(a) by open public sale at auction to the highest bidder, said open public sale at auction to be conducted by Susan Quinones, Chief Financial Officer, at the Middle Township Hall, Meeting Room, 33 Mechanic Street, Cape May Court House, New Jersey, or her designee, on April 30, 2019 at 10:00AM
3. A notice of said open public sale at auction shall be advertised by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to the open public sale at auction, which advertisement shall include the entire contents of this Resolution. Said advertisement shall be published in the Herald Times.
4. The Township reserves the right to reject all bids where the highest is not accepted.
5. The terms and conditions of the sale shall be as stated in the General Rules of Land Sales and the attached Contract for Sale of Real Estate, which documents and terms are attached hereto and incorporated herein.

SCHEDULE A

Table with 3 columns: Block/Lot, Street Name, Minimum Bid. Row 1: BLOCK 961 LOT 4, REEVES ST, MINIMUM BID \$3,300.00. Row 2: BLOCK 329.01 LOT 22, 16 3RD AVENUE, MINIMUM BID \$15,000.00

- 24. RESOLUTION – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION – 38 SOUTH BEACH AVENUE – On motion by seconded by and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approving Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 33 Lots 8, otherwise known as 38 South Beach Avenue.

BE IT FURTHER RESOLVED, that the Township of Middle will not be responsible for the maintenance of the holding tank.

25. RESOLUTION – APPOINTING CONDITIONAL REDEVELOPER AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING – 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., as amended and supplemented (“Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of rehabilitation or redevelopment; and*
- WHEREAS, in order to stimulate redevelopment, the Committee of the Township of Middle (the “Township Committee”) has designated certain parcels within the Township as an “Area in Need of Redevelopment” (the “Indian Trail Redevelopment Area” or “Redevelopment Area”) in accordance with N.J.S.A. 40A:12A-5; and*
- WHEREAS, in accordance with its plans for the revitalization of the Township of Middle, the Township Committee adopted a Redevelopment Plan entitled “Redevelopment Plan for the Indian Trail Redevelopment Area, Township of Middle, Cape May County, New Jersey 2018” (“Redevelopment Plan”), which sets forth, inter alia, the plans for the rehabilitation and redevelopment of the Indian Trail Redevelopment Area; and*
- WHEREAS, the Township has been in discussion with Atlantic-Cape Builders, LLC (“Redeveloper”) regarding redevelopment of the Indian Trail Redevelopment Area; and*
- WHEREAS, the Township and Redeveloper desire that the Redevelopment Area be rehabilitated and redeveloped in accordance with a Redevelopment Plan; and*
- WHEREAS, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented, provides for a process for redevelopment entities to enter agreements with redevelopers to carry out and effectuate the terms of a redevelopment plan; and*
- WHEREAS, the parties intend to commence exclusive negotiations toward a Purchase and Sale Agreement for Redeveloper’s acquisition of Township-owned parcels within the Indian Trail Redevelopment Area and the execution of a Redevelopment Agreement to develop the Redevelopment Area in accordance with the requirements of a Redevelopment Plan; and*
- WHEREAS, in such event, the Township desires to designate Atlantic-Cape Builders, LLC as Conditional Redeveloper in order to exclusively negotiate with Conditional Redeveloper for a period of one hundred eighty (180) days in an effort to agree upon a Purchase and Sale Agreement and a Redevelopment Agreement; and*
- WHEREAS, the Township and Conditional Redeveloper desire to memorialize, in writing, their agreement under a non-binding Memorandum of Understanding that evidences the Parties’ statement of intent.*
- NOW, THEREFORE, BE IT RESOLVED, that Atlantic-Cape Builders, LLC is hereby designated as “Conditional Redeveloper” for the Redevelopment Area and the Mayor and Township Clerk are hereby authorized to execute a Memorandum of Understanding between the Township and Redeveloper evidencing the parties’ agreement to conduct exclusive negotiations toward a Purchase and Sale Agreement for Redeveloper’s acquisition of the Township-owned parcels within the Redevelopment Area and the formulation of a Redevelopment Agreement for the Indian Trail Redevelopment Area.*
- BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.*
26. RESOLUTION – RELEASE OF PERFORMANCE BOND – STREET OPENING – LOU ALTOBELLI – On motion by seconded by and passed on roll call, the following resolution was adopted.
- WHEREAS, \$5,000.00 is being held as a performance guarantee for Lou Altobelli for a street opening located at 2707 Route 9 South, and*
- WHEREAS, the Public Works Department has conducted his inspection and determined that all improvements have been completed, and*
- WHEREAS, it has been recommended that the performance guarantee for the above stated project be released.*
- NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above referenced opening has been inspected and approved, and that the cash performance bond in the amount of \$5,000.00 be released.*
27. RESOLUTION – SUPPORTING APRIL 12TH AS “WEAR PURPLE DAY” IN RECOGNITION OF ALCOHOL AWARENESS MONTH – On motion by seconded by and passed on roll call, the following resolution was adopted.
- WHEREAS, Alcohol is the most commonly used addictive substance in the United States; and*
- WHEREAS, more than half of all adults have a family history of alcoholism or problem drinking; and*
- WHEREAS, Alcohol is responsible for about 88,000 deaths in the United States each year; and*
- WHEREAS, Teens who start drinking before the age of 15 are 5 times more likely to develop alcohol problems than those who start at 21; and*
- WHEREAS, the typical American will see 100,000 beer commercials before he or she turns 18; and*
- WHEREAS, the month of April has been recognized as Alcohol Awareness Month by NCADD (National Council on Alcoholism and Drug Dependence), the founder and sponsor of Alcohol Awareness Month; and*
- WHEREAS, the color that NCADD uses is in the purple/violet family – a color that is similar to the amethyst. Here is the reasoning behind the amethyst color: AMETHYST is the most beautiful and valuable form of Quartz. The word ‘amethyst’ stems from a Greek word meaning without drunkenness,” for in ancient times it was believed that anyone carrying or wearing this stone could not become intoxicated.” Anyone who displays the amethyst color announces that they know someone whose life has been improved through alcoholism treatment; and*
- WHEREAS, that The New Jersey Association of County Alliance Coordinators has declared that Friday April 10th is “Wear Purple Day” in recognition of Alcohol Awareness Month and*

encourages all of the members, partners, contributors, and participants of the nearly 400 Municipal Alliance Committees throughout the State of New Jersey to join in wearing purple. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle hereby supports "Wear Purple Day" on April 12th in recognition of Alcohol Awareness Month.

28. RESOLUTION – CLOSED SESSION – POTENTIAL LITIGATION (WATER/SEWER BILLING ISSUE) — 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
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 (WATER/SEWER BILLING ISSUE)*
2.) *The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION (WATER/SEWER BILLING ISSUE)*
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.*

29. RESOLUTION - SUPPORT COUNTY STUDY TO EVALUATE NO PASSING ZONE – COURT HOUSE SOUTH DENNIS ROAD – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, the County of Cape May Engineering Department has received a request from a resident along Court House South Dennis Road to investigate a proposed "no passing zone" along the roadway in the vicinity of Atlantic Cape Community College in Middle Township, to the border of Dennis Township; and
WHEREAS, the County of Cape May requires a resolution of support from the municipality in order to promulgate a traffic study.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support a traffic study along Court House South Dennis Road with regards to a "No Passing Zone."

30. PUBLIC COMMENT:

Motion to enter closed session –
1st: _____ 2nd: _____
Passed on Roll Call:

Motion to re-enter open session –
1st: _____ 2nd: _____
Passed on Roll Call:

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