

Cape May Court House, NJ
May 20, 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 – “WHAT DOES MEMORIAL DAY MEAN TO ME” ESSAY CONTEST
2. PRESENTATION BY MAYOR AND COMMITTEE – LOUIS BAY 2ND FUTURE MUNICIPAL LEADERS SCHOLARSHIP
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. \$178,146,01

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: 5/6/2019 Regular and Closed Session Meeting
6. REPORTS: The following departments have submitted their reports for the months indicated: Finance for the month of April; Zoning for month of April
7. RESOLUTION – A RESOLUTION REQUESTING THE SALE OF WATER BY LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY IN AND TO THE TOWNSHIP OF MIDDLE – On motion by seconded by _____ and passed on roll call, the following resolution was adopted.
WHEREAS, properties in the Township of Middle (the “Township”) identified on Exhibit A (the “Properties”) currently receive water service through private potable wells; and
WHEREAS, the Township has determined that the private potable water wells serving the Properties are failing, and that in order to protect the health, safety and general welfare of current and future residents such Properties need be connected to a public water supply system; and
WHEREAS, the Lower Township Municipal Utilities Authority (the “LTMUA”) is a municipal utility organized and established pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the “MUA Law”);
WHEREAS, the Township has entered into an agreement with the LTMUA for the construction of a public water supply system that includes the construction of service connections to the Properties; and
WHEREAS, N.J.S.A. 40:14B-20(6) sets forth the powers of municipal utilities authorities which include the ability to “produce, develop, purchase, accumulate, distribute and sell water and water services, facilities and products within or without the district” provided that such municipality adopt a resolution requesting that the municipal utilities authority sell water at retail within the municipality.
NOW, THEREFORE, BE IT RESOLVED 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 aforementioned recitals are incorporated herein as though fully set forth at length.
Section 2. The Township hereby requests that the LTMUA sell the p water at retail to the Properties within the Township.
Section 3. A copy of this resolution shall be sent to the Township of Lower and the LTMUA by the Township Clerk.
Section 4. This resolution shall take effect in accordance with applicable law.
8. ORDINANCE 1587-19 - AN ORDINANCE AUTHORIZING THE EXECUTION OF A WATER SUPPLY AND DISTRIBUTION AGREEMENT FOR THE DEL HAVEN SECTION OF THE TOWNSHIP BY AND BETWEEN THE TOWNSHIP AND LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY - On motion by seconded by _____ and passed on roll call, Ordinance No. 1587-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/17/2019 at 6:00 p.m.

WHEREAS, certain properties as set for in Exhibit A attached hereto (the "Project Area") in the Township of Middle, in the County of Cape May, New Jersey (the "Township") currently receive water service through private potable wells; and

WHEREAS, the Township has determined that such private potable water wells are failing, and that in order to protect the health, safety and general welfare of current and future residents, such residents in the Project Area need be connected to a public water supply system; and

WHEREAS, in order to provide a public water supply to these residents, the Township initiated discussions with the Lower Township Municipal Utilities Authority (the "LTMUA") regarding construction of a water system to serve the Project Area (the "Project Area Water System"); and

WHEREAS, the Township has negotiated a water supply and distribution agreement with the LTMUA (the "Agreement") in order to provide for the construction, operation and maintenance of the Project Area Water System.

NOW, THEREFORE, 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 aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor is hereby authorized to execute, and the Township Clerk is authorized to attest to the signature of the Agreement in substantially the same form as that on file with the Township Clerk, with such additional modifications or revisions, as deemed necessary and appropriate after consultation with counsel.

Section 3. The Mayor is hereby authorized to execute, and the Township Clerk is authorized to attest to all documents necessary to effectuate the Agreement.

Section 4. The Township Clerk is hereby directed to publish this ordinance as required by applicable law.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. This ordinance shall take effect in accordance with applicable law.

9. ORDINANCE NO. 1588-19 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 188, ARTICLE II, SECTION 9, ENTITLED PARKS AND RECREATION AREAS, FEES, FEE SCHEDULE – On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1588-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/17/2019 at 6:00 p.m.

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

SECTION 1. Chapter 188, Article II, Section 9 of the Code of the Township of Middle is hereby amended to include the fee schedule as follows:

Organization or Use:	Fee:
Disc Golf Course Rental (Tournament/ Entire Course)	\$125.00/day
Rental of Snack Stand	\$200.00/day
Outside Tennis Courts (Tournament/ Entire Court)	\$75.00/ day
Pickleball Courts Inside/Outside (Tournament/ Entire Court)	\$75.00 / day
Volleyball Courts (Tournament/ Entire Court)	\$125.00/day

SECTION 3. Sub-Sections A through C of Chapter 188, Article II, Section 9 shall remain in their entirety.

SECTION 4. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 5. Should any section, paragraph, sentence, clause or phase 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 6. This Ordinance shall become effective immediately upon final passage and publication, according to law.

10. ORDINANCE 1589-19 - BOND ORDINANCE PROVIDING FOR VARIOUS 2019 GENERAL CAPITAL IMPROVEMENTS, IN AND BY THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$2,190,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,080,500.00 BOND OR NOTES TO FINANCE PART OF THE COST THEREOF - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1589-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/17/2019 at 6:00 p.m.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the "Township") as general capital improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$2,190,000, including the sum of \$109,500 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). The \$109,500 aggregate amount of down payments is now available therefor from the capital improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$2,190,000 appropriation not provided for by application hereunder of said down payments,

negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,080,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,080,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Police Department</u> - Acquisition And Installation, As Applicable, Of Various Equipment For The Police Department Including, But Not Limited To, Weapons And Tactical Vests, A Fingerprint Machine And An Alcotest Machine;	\$95,000	\$90,250	\$4,750	5 years
(ii) <u>Heating, Ventilation and Air-Conditioning ("HVAC") Improvements</u> –HVAC Improvements At Various Locations Throughout the Township Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Units And Associated Equipment;	\$85,000	\$80,750	\$4,250	10 years
(iii) <u>Recreation Department</u> – Various Improvements For The Recreation Department Including, But Not Limited To, Fencing Improvements, And Acquisition And Installation, As Applicable, Of A Wrestling Mat Sling;	\$50,000	\$47,500	\$2,500	5 years
(iv) <u>Information Technology Improvements</u> – Information Technology Improvements At Various Locations Throughout The Township Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Central Servers, An Electronic Sign Board And Back-Up Storage Software For The Department Of Public Works;	\$60,000	\$57,000	\$3,000	7 years
(v) <u>Roadway and Drainage Improvements</u> – Roadway And Drainage Improvements Associated With The 2019 Roads And Drainage Program, To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Or Improvements To Curbs, Sidewalks And Driveway Aprons, Installation Of Curb Ramps, Resetting Utility Castings, Drainage Work, Roadway Painting, Landscaping, Street Lighting Improvements And Aesthetic Improvements; And	\$1,500,000	\$1,425,000	\$75,000	15 years
(vi) <u>Park Improvements</u> – Various Park And Facility Improvements Throughout The Township Including, But Not Limited To, Improvements To Avalon Manor Fishing Pier, Rio Grande Park And Bike Path North.	\$400,000	\$380,000	\$20,000	15 years
TOTALS	<u>\$2,190,000</u>	<u>\$2,080,500</u>	<u>\$109,500</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,080,500.

(d) The aggregate estimated cost of said improvements or purposes is \$2,190,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the down payments available for said purposes in the aggregate amount of \$109,500.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May, and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or

a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 13.92 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,080,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$438,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

11. ORDINANCE 1590-19 - BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE COMPLETION OF VARIOUS SEWER IMPROVEMENTS AND PUMP STATION UPGRADES IN THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$2,500,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND NOTES OF THE TOWNSHIP AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING - On motion by seconded by and

passed on roll call, Ordinance No. 1590-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/17/2019 at 6:00 p.m.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the "Township") as a general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,500,000 from the Sewer Utility of the Township, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Sewer Utility of the Township is self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$2,500,000 appropriation, negotiable bonds of the Sewer Utility of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$2,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,500,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are various sewer utility improvements including, but not limited to, video sewer evaluation and associated improvements, and pump station improvements including, but not limited to, mechanical improvements and acquisition and installation, as applicable, of flow tracking software and associated components.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,500,000.

(c) The aggregate estimated cost of said improvements or purposes is \$2,500,000.

(d) The above improvements and purposes set forth in Section 3(a) are more particularly described in documents on file in the Office of the Township Clerk and shall also include, but are not limited to, the following, as applicable, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May and/or a private entity make a contribution or grant in aid, as applicable, to the Township for the improvements or purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted, as applicable, by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Sewer Utility of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Sewer Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the

authorization of the bonds or notes provided for in this bond ordinance by \$2,500,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

12. ORDINANCE 1591-19- AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 125, ARTICLE II, SECTION 6, ENTITLED RECREATIONAL DRUG FREE ZONES - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1591-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/17/2019 at 6:00 p.m.

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

SECTION 1. Section 125-6 (I) of the Code of the Township of Middle is hereby amended and supplemented by the addition of the following:

I. Middle Township Board-of-Education-owned properties, including baseball fields located at 220 South Boyd Street, Cape May Court House (rear of Boyd and School Lane); Memorial Field located at 101 West Pacific Avenue, Cape May Court House; Shunpike Road Sports Facility, located at 412 Shunpike, Cape May Court House.

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 phase 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.

13. RESOLUTION – APPROVE DONATION OF TIME FOR FELLOW EMPLOYEE – 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, that the request from the following Middle Township employees, to relinquish the following amount of time to Paul Mahan, be and hereby is approved:

EMPLOYEE NAME	TYPE OF DAY	TIME DONATED
Mariah Fishman	Sick	70 hours
Vera T. Kalish	Sick	7 hours
Nancy McDevitt	Sick	35 hours
Dawn Stimmel	Sick	35 hours
William Adams	Sick	16 hours
Matthew Martino	Sick	24 hours
Tracy Super	Sick	16 hours

NOW THEREFORE, BE IT FURTHER RESOLVED, that the total amount of contributed time be credited to Paul Mahan, as Sick Time.

14. RESOLUTION – ACKNOWLEDGEMENT OF RETIREMENT – 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 retirement listed below is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Francis Fiore	Public Safety	Police Sergeant	10/1/2019
Allan McClure	Public Safety	Detective 1 st Class	03/01/2020

15. 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
Brandon Anderson	Public Safety	Telecommunications Operator P/T Trainee	\$10.46 per hour*	05/16/2019

**Increase to \$15.00 per hour upon completion of training*

16. RESOLUTION – ESTABLISHING RATE OF PAY FOR VARIOUS PART-TIME EMPLOYEES – RATES TO BE EFFECTIVE AS OF JULY 1, 2019– On motion by seconded by and passed on roll call, the following resolution was adopted

WHEREAS, a part-time employee is one that works 34 hours or less per week per Civil Service Commission Title 4A:6-2.2, New Jersey Administrative Title Code Book, and
WHEREAS, it is necessary to establish the rate of pay for various part-time employees within the Township of Middle and to be outlined within the Personnel Policy Handbook as adopted by the Township Committee of the Township of Middle, and
WHEREAS, the following schedule shall be utilized when establishing rate of pay for the following part-time employees for payroll purposes and be effective as of July 1, 2019:

- *All new part-time recreation employees shall start at \$11.00 per hour and \$11.00 per hour will be minimum hourly rate for existing part time employees.*
- *All new part-time public works employees shall start at \$11.00 per hour and \$11.00 per hour will be minimum hourly rate for existing part time employees.*
- *All new part-time Emergency Medical Service employees shall start at \$12.60 per hour and \$12.60 per hour will be minimum hourly rate for existing part time employees.*
- *All new part-time public safety telecommunications operators – trainees shall start at \$10.46 per hour. After successful completion of the 911 Certification and 60/90-day probationary period the rate increases to \$15.00 per hour. If the part-time employee has the 911 certification and currently works as a telecommunications operator at another municipality, the starting rate will be \$15.00.*

**Notification of qualification(s) for rate changes must be submitted by appointing department to Human Resources and Finance.*

- *All new part-time clerical employees shall start at \$10.25 per hour and \$10.25 per hour will be minimum hourly rate for existing part time employees.*
- *Any other part time employees not so specified will be paid the minimum hourly rate as designated by, and in compliance with, any and all applicable State or Federal legislation unless a greater than hourly rate is so authorized via majority vote of the Governing Body of the Township of Middle.*

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above referenced schedule shall be adopted and utilized for those part-time employees as established above.

BE IT FURTHER RESOLVED, that authorization is hereby given to the appropriate officials to execute and make said changes as necessary to the personnel policy handbook.

17. RESOLUTION – REFUND OF TAXES – On motion by seconded by and passed on roll call, the following resolution was adopted.

WHEREAS, A refund due to a mortgage company sent an automatic payment on properties that have municipal liens against them.

ACCT	BLOCK	LOT	OWNER/LOCATION	2019
15832	442	11	Pacific Union Financial LLC Property location: 2 Rutledge Rd	\$963.60
21	1	22	Edwards, Florence & Scarlete, E V Property location: 421 Rte 47 N	\$700.47
5553	335.01	32	Tanghare, Patricia A Property location: 316 3 rd Ave	\$779.55

Please send refund and make payable to:

*Lereta
 1123 E Park View Drive
 Covina, CA 91724*

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above mentioned party, as a refund of 2019 taxes

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

18. 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
Peter, Scott	681 Dias Creek Road	164.02 // 19	\$363.12
Tobin, John F IV/ J Tobin	53 Honeysuckle Lane	168 // 28	\$627.82
Shropshire, A&J / Lattimore	207 Reading Avenue	929 // 4	\$544.32
Kostek, June I	7 Cresse Street	1442 // 3	\$3789.27
Moore, Marleen A	14 S 4 th Avenue	1129 // 4	\$764.32

19. RESOLUTION – AUTHORIZING PURCHASE UNDER STATE CONTRACT – POLICE VEHICLES –
 On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, there is a need to purchase two (2) police vehicles; and
 WHEREAS, through the State Contract Purchasing System, Contract #T-2776/A88728, these vehicles are available; and
 WHEREAS, the total amount for two (2) vehicles is \$65,914.00, and funds are available as evidenced by the Chief Financial Officer’s Certification of Funds; and,
 WHEREAS, the vehicles being purchased by authorization of this resolution are 2020 Ford Utility Interceptors; and
 NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the Police Department is hereby authorized to purchase two (2) of the aforementioned vehicles at a cost of \$32,957.00 per vehicle for a total of \$65,914.00.
 BE IT FURTHER RESOLVED, that the Finance Office is hereby authorized and directed to approve and forward a Purchase Order to:

Winner Ford
 250 Haddonfield-Berlin Road
 Cherry Hill, NJ 08034

20. RESOLUTION – AUTHORIZING THE PUBLIC SALE OF ONE (1) PLENARY RETAIL CONSUMPTION LICENSE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A 33:1-12.14 authorizes the issuance of a plenary retail consumption license for the sale of alcoholic beverages for every three thousand persons found to be residing within a municipality; and
 WHEREAS, the population of Middle Township has increased to the point where, pursuant to the state Alcoholic Beverage Law, the Township is entitled to issue an additional plenary retail consumption alcoholic beverage license.
 WHEREAS, Chapter 84 Section 3 of the code of the Township of Middle allows for the issuance of six (6) plenary retail consumption licenses pursuant to the population figures set forth above.
 WHEREAS, there are currently five (5) plenary retail consumption licenses issued and in use within the Township of Middle; and
 WHEREAS, the Township Committee has determined to offer by public bidding, as authorized by N.J.S.A. 33:1-19.3, one (1) Plenary Retail Consumption License with qualifications in accordance with this Resolution.
 NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, as follows:

1. The appropriate Township Officials are hereby authorized to issue a new plenary retail consumption license for the sale of alcoholic beverages in accordance with the procedures set forth in N.J.S.A. 33:119.3 et seq.
2. The new license shall be sold using the public sale option pursuant to N.J.S.A. 33:1-1 et seq.
3. The Township of Middle will accept sealed bids for acquisition of said license from any interested party. The deadline for submission of a sealed bid is July 31, 2019 at 10:00am at the office of the Township Clerk, 33 Mechanic Street, Cape May Court House, New Jersey 08210.
4. The Township Clerk shall publish notice of the proposed issuance of the alcoholic beverage license indicating that the applications therefore will be accepted by the Township Committee at the date, time, and place as specified above, after which no further applications will be accepted.

5. *Said notice shall be published in a newspaper circulating generally in the municipality at least two (2) times, at least one week apart, the second of which shall be at least thirty (30) days prior to the date of the sale.*
6. *A minimum bid of \$600,000.00 shall be required. Any bid below that figure will be discarded.*
7. *Each bidder shall be qualified to have an interest in a retail alcoholic license under the standards set forth by the New Jersey Alcoholic Beverage Control Act, the Rules and Regulations promulgated thereunder, and any applicable Township Ordinance.*
8. *Each bidder shall submit with his bid a deposit representing ten (10%) percent of the purchase price. The deposit of each unsuccessful bidder shall be returned within 30 days of the opening of the bids. The deposit of the successful bidder shall be retained by the Township in the event of default by the successful bidder.*
9. *The successful bidder shall provide the balance of the purchase price within 21 days of the opening of the bids. Failure to submit the required monies within the designated timeframe shall result in disqualification of the bid.*
10. *The Township shall award the license to the person who is the highest qualified bidder. A determination of where the license will actually be sited will be determined through the standard license application process.*
11. *The Township of Middle reserves the right to reject all bids if the highest bid is not accepted*

21. RESOLUTION – TABULATION COMMITTEE – THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW SERVICES FOR BUILDING, ELECTRICAL, PLUMBING AND FIRE SUB-CODE – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

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 June 19, 2019 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

*THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW
SERVICES FOR BUILDING, ELECTRICAL, PLUMBING AND FIRE SUB-CODE*

22. RESOLUTION – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – SCHAEFER PYROTECHNICS, INC. – FIREWORKS DISPLAY – 4TH OF JULY CELEBRATION – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Schaefer Pyrotechnics, Inc. and the Township of Middle for the fireworks display at the July 4, 2019, Middle Township Fourth of July Celebration, with a rain date of July 5, 2019, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.

*Schaefer Pyrotechnics, Inc.
4th of July Celebration
\$7,844.00*

23. 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.

24. RESOLUTION – RELEASE OF PERFORMANCE BOND – POSTING OF MAINTENANCE BOND – MIDDLE TOWNSHIP HOUSING AUTHORITY – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.

WHEREAS, the improvements located at Block 56.01 Lot 46, otherwise known as Conifer Village constructed by Conifer-Lechase Construction is complete, and

WHEREAS, the Engineer for the Township of Middle has conducted his inspection and certified that all improvements have been completed, and

WHEREAS, the Engineer has recommended that the performance bond, in the amount of \$1,837,237.20 be released, and

WHEREAS, the applicant has also submitted a maintenance bond in the amount of \$275,585.58 for a two-year period effective May 20, 2019.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the release of the performance bond and acceptance of the maintenance bond and guarantee are hereby authorized.

25. RESOLUTION – ACKNOWLEDGING ROAD CLOSURE (ITEMS A THROUGH B)– On motion by _____ and passed on roll call, the following resolution was adopted.
- (A) *WHEREAS, Cape May Running, LLC. is orchestrating an event on June 9, 2019, and WHEREAS, said applicant has requested that a portion of Reading Avenue, Church Street and Goshen Road be temporarily closed along the shoulders of the roadway, and WHEREAS, the applicant has submitted approval from Atlantic City Electric for use of a portion of the Middle Township Bike Path, and WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the Bucket Brigade Blaze 5K sponsored by Cape May Running, LLC. BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure contingent upon all proper traffic controls as required and discussed with the applicant.*
- (B) *WHEREAS, ALS Association, Greater Philadelphia Chapter is orchestrating an event on June 15, 2019, and WHEREAS, said applicant has requested use of portions of West Boulevard, Sound Drive, Honeysuckle Lane, Hand Avenue, Haman Avenue, Wildwood Boulevard and Goshen Road along the shoulders of the roadway, and WHEREAS, the applicant has submitted approval from Atlantic City Electric for use of a portion of the Middle Township Bike Path, and WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event. NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the Ride to Defeat ALS sponsored by Cape May Running, LLC. BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the use contingent upon all proper traffic controls as required and discussed with the applicant. FURTHER RESOLVED, that the application is hereby conditionally approved provided that all final approvals are received from all other government entities as required.*
26. RESOLUTION – AUTHORIZATION TO CLOSE A PORTION OF MEADOW VALLEY ROAD FOR NEIGHBORHOOD BLOCK PARTY – 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 authorization is hereby given to close a portion of Meadow Valley Road on Saturday, June 29, 2018, starting 3:00-9:00pm, for a neighborhood block party. BE IT FURTHER RESOLVED, that the request for an extension on the Middle Township Noise Ordinance is hereby granted until 9:00 pm.*
27. RESOLUTION – A RESOLUTION CONSENTING TO THE PROPOSED CAPE MAY COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT – On motion by _____ seconded by _____ and passed on roll call, the following resolution was adopted.
- WHEREAS, the Township Committee desires to provide for the orderly development of wastewater facilities within the Township of Middle; and WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules as N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on May 20, 2019 for the Cape Regional Amendment has been prepared by Cape Regional Medical Center. NOW, THEREFORE, BE IT RESOLVED on this 20th day of May, 2019 by the Governing Body of the Township of Middle that:*
- 1. The Township Committee hereby consents to the Cape Regional Amendment and publicly noticed on May 20, 2019, prepared by Cape Regional Medical Center, for the purpose of its incorporation into the applicable WQM plan(s).*
 - 2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.*
28. RESOLUTION - CLOSED SESSION – CONTRACT NEGOTIATION (POTENTIAL NEGOTIATION REGARDING AREA IN NEED OF REHABILITATION) – 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: CONTRACT NEGOTIATION (POTENTIAL NEGOTIATION REGARDING AREA IN NEED OF REHABILITATION)*

2.) *The general nature of the subject matter to be discussed is as follows: CONTRACT NEGOTIATION (POTENTIAL NEGOTIATION REGARDING AREA IN NEED OF REHABILITATION)*

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.

29. PUBLIC COMMENT:

Motion to adjourn meeting—

1st:

2nd:

Pass on Roll Call: