

Cape May Court House, NJ  
October 07, 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 – EMPLOYEE OF THE MONTH FOR SEPTEMBER – JESSICA GIBSON

*Mayor Donohue*

- *Spoke of Jess's hard work; explained Jess stepping up to help with Construction and Zoning when short staffed; read nomination; commended Jessica on her work and leadership skills.*

2. RESOLUTION 397-19 – PROMOTIONAL TITLE CHANGE – On motion by Committeeman Clark seconded by Committeeman Gandy 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           | SALARY       | EFFECTIVE  |
|-----------------|---------------|-----------------|--------------|------------|
| Brian<br>Murphy | Public Safety | Police Sergeant | \$115,630.00 | 10/07/2019 |

*Mayor Donohue*

- *Big shoes to fill; privileged to be part of the hiring committee, there were 3 great candidates; congratulated Sgt Murphy.*

3. SWEARING IN OF SERGEANT – BRIAN MURPHY

4. PRESENTATION BY MAYOR AND COMMITTEE – RECOGNITION OF RETIREMENT – SERGEANT FRAN FIORE

*Mayor Donohue*

- *Recognized Sgt Fiore; he will be remembered for all the hard work and organization he did on handing out turkey's and toys as much as he will be remembered for serving Middle Township. Going to be greatly missed; wished him a long, happy and health retirement.*

*Mayor then presented plaque to Sgt. Fiore from Township Committee*

*Chief Leusner*

- *Very sad to see him leave. Spoke of the many things Sgt. Fiore has done for the Committee and his impact on other people outside of Township Hall. Further discussed the hours he put into wrapping and giving toys to the children of Middle Township who may not have any a Christmas if not for him; pleasure, privilege and honor to serve with him and be his chief; presented him with a plaque recognizing his years of service.*

*Sgt. Fiore*

- *Thanked everyone and to all those that came.,*

5. 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.)

*John Lauricella*

- *Questioned bill items regarding In-Rem Foreclosures;*

*Kim Krauss*

- *Explained reason for the billed items-for Tax Title Liens*

*John Lauricella*

- *Asked about Zoning Fees payable on the bill list*

*Kim Krauss*

- *Explained those were escrow fees*

*Mayor Donohue*

*- Engineer is being paid from the Escrow Account*

6. RESOLUTION 398-19 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Clark seconded by Committeeman Gandy 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. \$3,505,458.33
7. RESOLUTION 399-19 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Clark seconded by Committeeman Gandy 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: 9/16/2019 Regular and Work Session Meetings.
8. REPORTS: The following departments have submitted their reports for the months indicated: Sewer for the month of September; Sterback Harbor for the month of September; Tax Collector for the month of September
9. ORDINANCE 1600-19 – AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, STATE OF NEW JERSEY ESTABLISHING “RESPONSIBLE BIDDER” REQUIREMENTS WITH REGARDS TO PUBLIC CONSTRUCTION PROJECTS AWARDED THROUGH THE MUNICIPALITY - On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, Ordinance No.1600-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/04/2019/2018 at 6:00 p.m.  
WHEREAS, to protect its financial investments and its substantial proprietary interests as a market participant Township of Middle has a compelling interest in ensuring that all its contracts for Public Construction Projects that it undertakes for which it provides Financial Assistance are performed promptly, at reasonable costs and with the highest degree of quality by qualified reputable contractors and properly trained and skilled workers and for these reasons shall implement this Ordinance; and  
WHEREAS, the requirements of this Ordinance are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., other contracting provisions as outlined herein or other legislative obligations; and  
WHEREAS, Township of Middle in order to fulfill its obligations as outlined under N.J.S.A. 40A:11-1 and to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud, corruption, and for the purpose of securing the best project work results possible at the lowest cost practicable; and  
WHEREAS, Township of Middle pursuant to N.J.S.A. 40A:11-2 (32) possesses certain discretion in determining the “lowest responsible bidder” and is entitled to specify the terms of the contract when it solicits bids along with the criteria that bidders must meet in order to be considered a “responsible” bidder pursuant to N.J.S.A. 40A:11-25 and in the exercise of its proprietary duties and responsibilities so as to ensure that bidders are qualified responsible firms that understand the unique challenges affecting construction project delivery including but not limited to selecting subcontractors who have developed a satisfactory record of past performance and adequate expertise, including a highly trained workforce and an established record of successfully performing work projects in a safe, timely, cost effective and professional manner; and  
WHEREAS, Township of Middle solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each procurement decision, and therefore must take into account the reasonable benefits arising from each bid and in the exercise of and in order to protect its proprietary interests due to the substantial taxpayer investments involved in the public construction project(s); and  
WHEREAS, in order to protect its substantial proprietary interests Township of Middle has the inherent right to adopt procurement licensing and economic development regulations/Ordinance s and so as to ensure and pursuant to N.J.S.A. 40A:11-4 that the bidder has not had a prior negative experience and so as to impose bid specifications designed to ensure the performance capabilities of prospective bidders pursuant to N.J.S.A. 40A:11-25; and  
WHEREAS, due to the magnitude of the bid threshold herein and in order to ensure the intended purpose of each of its work projects and that financial responsibility is an important factor in determining the lowest responsible bidder for public construction projects for which it provides Financial Assistance, Township of Middle through its contracting authority, shall require that every contractor and sub-contractor that bids on a public construction project contract produce satisfactory evidence that the contractor/sub-contractor is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses, complies with, and maintains such compliance with all valid licenses, registrations, ordinances and certificates required by the federal, state, and county laws, as well as complying with any general business license requirements of Township of Middle both prior to the award and during the term of the contract; and  
WHEREAS, Township of Middle in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee(s) can reasonably be expected to complete and perform under the contract specifications, and Township of Middle pursuant to N.J.S.A. 40A:11-20 thru 22 et seq. may require the successful bidder to post a bid performance and/or material bond(s) as well as the submission of documentation to verify that the successful bidder has secured any insurance requirements as required by applicable law and in conformance with said law, including general

liability insurance, workers' compensation insurance and unemployment compensation insurance; and shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and other procurement documents; and shall, through the submission of documents from the bidder(s) and pursuant to N.J.S.A. 40A:11-20 through 11-22 determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise required to satisfactorily meet that entity's contractual responsibilities and obligations; and

WHEREAS, in its determination of whether a bidder is "responsible," and to avoid any risks to projects caused by unqualified firms or firms held to be considered unsafe, Township of Middle shall consider a bidder's record of conformity with environmental, labor and health and safety laws and regulations, including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration ("OSHA") and the New Jersey Department of Labor and Workforce Development. In order to ensure that its workforce is compliant with safe working procedures in order to protect the public, as well as, to ensure to the greatest extent possible that work site accidents, injuries, etc. are minimized shall affirm that any employee which will be assigned to the work project at a minimum has completed at least the 10 Hour Training Course for safety standards established by OSHA; and

WHEREAS, current challenges in the construction labor market relating to the supply of skilled craft personnel exacerbate normal construction industry challenges including those impacting project cost, quality of work, safety and scheduling parameters, which has been well documented by numerous industry sources both nationally and locally for over a decade, including *Confronting the Skilled Workforce Shortage*, Construction Users Roundtable (June 2004); *The Perfect Storm: Factors Come Together Creating a Storm in the Construction Workforce*, The Construction Executive (June 2004); *America's Construction Industry: Identifying and Addressing Workforce Challenges*, ETA/Business Relations Group Report (Dec. 2004); *Craft Labor Supply Outlook: 2005-2015*, Construction Labor Research Council (2004); 2013 U.S. Markets Construction Overview, FMI Corporation (2012); 2013 Dodge Construction Outlook, McGraw-Hill Construction Research & Analytics Group (Oct. 2012); *Construction Users Roundtable, Skilled Labor Shortage Risk Mitigation*; WP-1101, January 2015; Pam Hunter, *Firms Anticipate More Worker Shortages Ahead*, Engineering News Record, p. 13, February 9, 2015; and

WHEREAS, in addition to a growing demand and shrinking supply, one of the key factors driving and further compounding construction industry skill supply challenges has been the continuous decline in skill training in this industry generally over the past several decades, a fact documented by the U.S. Commerce Department; L. Huang, Robert E. Chapman, and David T. Butry, *Metrics and Tools for Measuring Construction Productivity; Technical and Empirical Considerations*, U.S. Department of Commerce, National Institute of Standards and Technology, Office of Applied Economics, p. 23 (Sept. 2009); and

WHEREAS, the growing need of meeting skilled labor demands and the general decline of a pool of trained workers produces conditions that increase the likelihood of contractors and subcontractors deploying unskilled, untrained workers to construction jobsites, including persons who receive little or no adequate safety training and, consequently, due to the inherent dangers that exist within the construction industry pose serious risks of injury to themselves, their coworkers and the general public, while also undermining important cost factors, as well as, the scheduling goals of capital projects; and

WHEREAS, leading organizations in the construction industry, including trade associations representing project owners such as the Construction Users Roundtable, have repeatedly issued strong recommendations to parties purchasing construction services for large capital projects that, due to persistent, acute labor supply challenges, contractors and subcontractors should be pre-qualified on the basis of craft labor training to protect the project owner's financial and proprietary interests by ensuring that such firms have an adequate supply of trained, skilled craft personnel to perform the project; *Confronting the Skilled Workforce Shortage*, Construction Users Roundtable (June 2004); *Construction Users Roundtable, Skilled Labor Shortage Risk Mitigation*, WP-1101, January 2015; and

WHEREAS, in seeking to address and remediate issues of construction skill shortages and the problems they cause for the industry including safety risks, the United States Congress passed the Fitzgerald Act, Pub. L. No. 75-308, 560 Stat. 664, H.R. REP> No. 75-945 (the National Apprenticeship Act), which created a system in which workers could be properly trained in construction skills and safety procedures through registered, formal apprenticeship training programs that meet established qualification, safety and performance standards and that such programs registered and approved by the United States Department of Labor ("US DOL"), stresses the need to expand industry apprenticeship programs as a means of building the pool of skilled labor, especially in the construction industry, U.S. Dept's of Labor, Commerce, Educations, and Health and Human Resources, *What Works in Job Training: A Synthesis of the Evidence* 8 (July 22, 2014); and

WHEREAS, the courts have recognized that states, counties and local jurisdictions acting to protect substantial proprietary interests, have the right to stop procurement, licensing and economic development legislation and/or to impose contract bid specifications designed to ensure the performance capabilities of all prospective bidders and their employees, including apprenticeship training requirements and other craft labor qualifications; see *Bldg. & Const. Trades Council of the Metro. Dist. V. Assoc. Builders & Contractors of Mass./R.I., Inc.*, 407 U.S. 218 (1993); *Associates Builders & Contractors v. Mich. Dep't of Labor & Econ. Growth*, 543 F.3d 275 (6<sup>th</sup> Cir. 2008); *Hotel Employees & Restaurant Emps. Union, Local 57 v. Sage Hospitality Res., LLC*, 390 F2d 206 (3<sup>rd</sup> Cir. 2004); *Associated Builders & Contractors, Inc., New Castle County – F. Supp. 3d*, 2015 WL 7257916 (D. Del. Nov. 17, 2015); and

WHEREAS, due to the critical impact that skilled construction craft labor has on public construction projects due to the limited availability of skilled construction craft labor, as well as, potential imminent skill shortages, and most significantly due to the magnitude of the threshold amount herein and so as to insure that the work project will be completed in a timely and safe manner in order to protect its proprietary interests and the interest of the taxpayer funding of such projects, it is necessary to require contractors and subcontractors to participate in established, formal apprenticeship training programs for the purpose of promoting successful, cost effective project delivery; and

WHEREAS, the most efficient means that bidders and their subcontractors' have in order to ensure a highly trained, safety conscious and skilled workforce, as well as, to provide for a safe project delivery is to require that bidders utilize an apprenticeship training program, registered with and approved by the US DOL, or any state agency having equal or higher requirements as the US DOL, for each separate apprenticeable occupation for which it employs employees in compliance with the performance standards of enrollment and graduation under 29 C.F.R. Part 29, 29.5 and 29.6. The bidder shall be further required to demonstrate and affirm in its Contractor Certification Form that it is in compliance with 29 C.F.R. 29 et al., as well as, the provisions of N.J.S.A. 34:20-1 et seq. the "Construction Industry Independent Contractor Act.;" and

WHEREAS, as a condition of performing work on a public construction project and/or construction projects subject to this Ordinance all bidders pursuant to N.J.S.A. 40A:11-26 shall submit a completed Contractor Responsibility Certification provided by Township of Middle at the time the bidder submits its bid pursuant to N.J.S.A. 40:11-20 thru 27 et seq. Moreover, and pursuant to N.J.S.A. 40:11-27, all bidders must respond to the Contractor Responsibility Certification under oath. In addition, all bidders shall further simultaneously submit with its Contractor Responsibility Certification and pursuant to N.J.S.A. 40:11-16(a) and (b) and N.J.S.A. 40:11-23-2(d) a Subcontractor List containing the names of any proposed contractors required to be listed in the bid including the subcontractor's address and a description of their work expertise; and

WHEREAS, should it be established, after awarding a contract that any of the information required by this Ordinance and provided by the bidding entity to Township of Middle was falsified or inaccurate, the Bidder will be subject to the penalties as outlined under N.J.S.A. 40:11-27 thru 34 et al., and the contract shall be voided; and

WHEREAS, the following definitions shall govern within this Ordinance:

"Public Construction Contract" shall mean any public construction project for the construction, reconstruction, demolition, alteration or renovation of buildings at the public expense, required to be bid under the Local Public Contracts Law, and which requires that workers be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the applicable statutory language. "Financial Assistance" shall mean something of economic value provided by Township of Middle to a private entity, expressly articulated or identified in writing by Township of Middle, including, but not limited to real property, loans, loan guarantees, grants, tax exemptions, tax abatements, tax incentive financing, and rent subsidies or reductions approved, funded, authorized, administered or provided by the local government entity or any of its instruments in connection with construction.

#### Section 1. Purpose

Due to the magnitude of the threshold amount as stated herein, Township of Middle recognizes that there is a need to ensure that work on public works projects, maintenance work and contracts for public works are performed by responsible, qualified firms that maintain the capacity, expertise, personnel, equipment and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner.

To effectuate the purpose of selecting responsible contractors for public contracts and to protect the substantial taxpayer investments in such contracts, prospective contractors and subcontractors shall be required to meet pre-established, clearly defined, minimum standards relating to contractor responsibility, competency, experience, and the adequacy of resources.

Further, due to the critical impact that skilled construction craft labor has on public works projects, and due to the limited availability of skilled construction craft labor, it is necessary to require contractors and subcontractors to participate in bona fide apprenticeship training programs in the trades and classifications in which they employ construction craft personnel.

Therefore, Township of Middle shall require compliance with the provisions of this Ordinance by business entities seeking to provide services to Township of Middle as specified herein. The requirements of this Ordinance are intended to supplement, not replace existing contract qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this Ordinance conflicts with any law, public policy or contracting documents, or is held to be invalid and unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

#### Section 2. Responsible Contractor Requirements

(a) All contractors and subcontractors of any tier that perform work on projects valued at or above \$250,000.00, including any public works project, N.J.S.A. 40A:11-2(34), maintenance work, or contracts for public works, shall meet the requirements of this Ordinance.

(b) All firms engaged in contracts covered by this Ordinance shall be qualified, responsible contractors and subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are engaged and will continue to have sufficient capability for the duration of the contract in question, including the necessary experience, equipment, technical skills and qualifications, as well as, the adequate organizational, financial and personnel resources necessary to perform the contract. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, business integrity and business ethics.

#### Section 3. Contractor Responsibility Certification Requirements

(A) As a condition of performing work on a contract subject to this Ordinance, a general contractor, construction manager or contractor seeking the award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for the contract work. The failure to submit the Contractor Responsibility Certification shall disqualify a contractor from performing the contract work.

(B) The Contractor Responsibility Certification shall be completed on a form provided by the contracting unit, as defined at N.J.S.A. 40A:11-2(1), governing body, as defined at N.J.S.A. 40A:11-2(2), or other procurement entity or agency, and shall reference the project for which a bid is being submitted by name and contract or project number.

(C) In the Contractor Responsibility Certification Form the construction manager, general contractor or

contractor shall confirm and verify its past performance and work history and its current qualifications and performance capabilities.

(D) In the Contractor Responsibility Certification Form the construction manager, general contractor or contractor will, pursuant to the obligation and criteria as set forth in N.J.S.A. 40A:11-16 and 40A:11-23.2(d) provide a list of its subcontractors.

(E) Notwithstanding, N.J.S.A. 40A:11-16 in the Contractor Responsibility Certification, the firm shall further provide Subcontractor Responsibility Certifications for all identified subcontractors within ten (10) days of receiving the Notice of Intent to Award Contract or within ten (10) days of being awarded a contract.

(F) In the Contractor Responsibility Certification Form, the firm shall attest to the following:

(a) The firm has not been disbarred or suspended by any federal, state or local government agency or authority in the past three years or has not defaulted on any project in the past three years.

(b) The firm has not had any type of business, contracting or trade license, registration and other certification revoked or suspended in the past three years.

(c) The firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court of law or government body in the past seven years.

(d) The firm has not within the past three years been found in violation of any law applicable to its contracting business, including, but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws with others, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of \$3,000.00.

(e) The firm will utilize skilled workers who have successfully participated in and completed an apprenticeship program or other training program certified by the US DOL and in compliance with 29 C.F.R. 29. A questionnaire attached to the Contractor Certification Form will provide for the attestation of compliance.

(f) The firm shall notify the contracting unit, governing body, or other procurement entity or agency within seven days of any material changes to all matters attested to in this certification.

(g) The firm understands that the Contractor Responsibility Certification requirements shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

(h) The Contractor and Subcontractor Responsibility Certification Forms attached hereto shall be used to verify that all bidders meet the requirements of this Ordinance,

(i) After a Notice of Intent to Award Contract has been issued, Township of Middle shall undertake a review process for a period of at least 14 days to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this Ordinance and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract.

(j) If Township of Middle determines that a Contractor or Subcontractor Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth the bidder shall be subject to the penalties as outlined under N.J.S.A. 40A:11-34.

(k) All Certification Forms will be available for public inspection through a publicly accessible website or other comparable means within thirty (30) days after a Notice of Intent to Award Contract has been issued.

(l) Township of Middle may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a Public Construction Project Contract. In conducting such inquiries, Township of Middle may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.

(m) If at the conclusion of its internal review, Township of Middle determines that all responsibility certifications have been properly completed and executed and concludes that the qualifications, background and responsibility of the prospective awardee and the firms on its subcontractor list are satisfactory, it shall issue a written Contractor Responsibility Determination verifying that the prospective awardee is a qualified, responsible contractor. In the event a firm is determined to be non-responsible, Township of Middle shall advise the firm of its finding in writing and proceed to conduct a responsibility review of the next lowest, responsive bidder or, if necessary, rebid the project.

NOW, THEREFORE, BE IT ORDAINED By The Middle Township Committee The Governing Body Of The Township Of Middle As Follows:

The Mayor and Municipal Clerk are hereby authorized to execute the Responsible Bidder Ordinance, and incorporated herein to effectuate the purpose outline above.

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

This Ordinance shall become effective immediately upon final passage and publication according to law.

10. ORDINANCE NO 1601-19 - AN ORDINANCE VACATING THE PORTION OF FLORIDA AVENUE TO BE VACATED IS LOCATED BETWEEN BLOCK 1299.01, LOT 1 AND BLOCK 1298, LOT 3, BETWEEN NEW JERSEY STATE HIGHWAY 147 AND CEDAR AVENUE, AS SHOWN ON SHEET NO. 13.07 OF THE TAX MAP OF THE TOWNSHIP OF MIDDLE – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, Ordinance No. 1601-19 passed first reading. Second reading, public hearing and consideration for adoption will be held on 11/04/2019 at 6:00 p.m. BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Cape May and the State of New Jersey as follows:

SECTION 1. The public right, title and interest in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

All that certain tract or parcel of land, situate in the Township of Middle, County of Cape May, State of New Jersey and being further described and bounded as follows:

BEING the area of Florida Avenue to be vacated is located between Block 1299.01, Lot 1 and Block 1298, Lot 3, between New Jersey State Highway 147 and Cedar Avenue, as shown on the attached Exhibit "A".

SECTION 2. The Township of Middle, for itself, its successors and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace and relocate such public utilities and cable television facilities, within the described premises, which it may, at any time hereafter, deem necessary for the public health, safety, convenience and welfare, and the Township of Middle further reserves unto itself the right to use, maintain, repair, replace and relocate all existing utilities and cable television facilities owned or controlled by it located in, adjacent to, upon or through said land, and further reserves unto itself an easement over, under, through and across the portion of the land described as may be necessary or expedient for the purpose of maintaining, replacing, relocating, installing, leveling, constructing and repairing its utilities, mains and appurtenances, if any, wherever there exists a pipeline and appurtenances thereto beneath the surface of the aforesaid described land. The Township of Middle further reserves for its benefit and the benefit of any utility or cable television company the right to maintain, repair, and replace utilities or facilities installed by them in, adjacent to, over or through the aforesaid land. All of the aforesaid rights shall be unaffected by this ordinance

SECTION 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. 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 5. This ordinance shall become effective immediately upon final passage and publication, according to law.

11. RESOLUTION 400-19 – APPOINTMENTS – NEW HIRES – On motion by Committeeman Clark seconded by Committeeman Gandy 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  |
|-------------|--------------|---------------|------------------|------------|
| Jacob Fleck | Public Works | Laborer 1 P/T | \$11.00 per hour | 11/11/2019 |

12. RESOLUTION 401-19 THROUGH 402-19 – AMENDING RESOLUTION (ITEMS A THROUGH B) – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

(A) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Resolution No. 379-19 shall hereby be amended and corrected to reflect the following employee effective date indicated below:

| NAME           | DEPARTMENT | TITLE  | SALARY/RATE | EFFECTIVE  |
|----------------|------------|--|-------------|------------|
| Donna Lombard  | Recreation | Recreation Leader F/T                                      | \$24,500.00 | 10/02/2019 |
| Kyle Morinelli | Recreation | Recreation Program Coordinator **<br>Recreation Leader F/T | \$40,000.00 | 10/10/2019 |

\*\*In-house title

(B) WHEREAS, Resolution No. 437-18 authorized an agreement with Laurant Construction for repair of the Township Hall Roof as an emergency contract pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, said resolution needs to be amended to correct the contract amount due to an inadvertent typographical error and;

WHEREAS, the contract for services with Laurant Construction shall total \$151,244.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement with said contractor is hereby amended.

13. RESOLUTION 403-19 – APPROVAL FOR PAYMENT TERMINAL LEAVE – FRANCIS FIORE – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, Francis Fiore retired with an effective date of October 1, 2019; and

WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and

WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Francis Fiore

Sick Hours: 227.00

Total Hours: 227.00

\$12,918.00 (inclusive of payroll tax expense to the Township)

14. RESOLUTION 404-19 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Clark seconded by Committeeman Gandy 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  |
|-------------------|------------------|--|------------|
| Beth Colquhoun    | Public Safety    | PS<br>Telecommunications<br>Operator P/T | 09/19/2019 |
| Maria Campaniello | Public Safety    | PS<br>Telecommunications<br>Operator P/T | 09/25/2019 |
| Alfonso Toney     | Recreation       | Recreation Aide                          | 09/27/2019 |
| George Seabrook   | Sewer Department | Clerk 1                                  | 10/01/2019 |

15. RESOLUTION 405-19 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Clark seconded by Committeeman Gandy 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   |
|------------------|---------------------|--------------|----------|
| King Estates LLC | 462 Route 47 North  | 5 // 20      | \$550.32 |
| Tobin, John F IV | 53 Honeysuckle Lane | 168 // 28    | \$815.12 |

16. RESOLUTION 406-19 – RENEWAL – TOWING LICENSES – 2019 – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

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

NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby renewed for the calendar year of 2019:

| License # | Tradename                 | Truck # | License Plate Number | Truck Make/ Model            | Fee      | Sticker Fee Paid |
|-----------|---------------------------|---------|----------------------|------------------------------|----------|------------------|
| 11        | A.N.A Towing and Recovery | 1       | XFFM97               | 2017 Ford F-550 Flatbed      | \$450.00 | \$50.00          |
| 11        | A.N.A Towing and Recovery | 2       | XGGA18               | 2017 Ford F-650 Flatbed      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 3       | XGAE93               | 2019 Ford F-650 Flatbed      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 4       | XGFZ16               | 2019 Ford F-550 Wrecker      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 5       | XGFY19               | 2019 Ford F-550 Flatbed      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 6       | XGYA72               | 2019 Ford F-550 Wrecker      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 7       | XGAD83               | 2017 Ford F-550 Wrecker      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 8       | XGGA47               | 2019 Peterbilt Flatbed       |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 9       | XGAE92               | 2019 Ford F-750 Flatbed      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 10      | XGYC13               | 2019 Ford F-350 Wrecker      |          | \$50.00          |
| 11        | A.N.A Towing and Recovery | 11      | XGFZ17               | 2018 Freightliner M2 Flatbed |          | \$50.00          |

17. RESOLUTION 407-19 – CANCEL TAXES – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, the following cancellation of taxes is due based on 100% Disabled Veteran status:

| ACCT  | BLOCK | LOT      | OWNER/LOCATION        | 2019       | 2020       |
|-------|-------|----------|-----------------------|------------|------------|
| 16788 | 391   | 31 C0002 | Iacobacci, Vincent Jr | \$1,353.14 | \$1,765.06 |

|       |         |    |  |            |            |
|-------|---------|----|--|------------|------------|
|       |         |    | Property location: 1302 Millman Blvd #2<br>Exempt as of 8/6/2019                   |            |            |
| 5064  | 305     | 5  | Bailey, Richard E Sr<br>Property location: 404 S Main St<br>Exempt as of 8/28/2019 | \$1,313.54 | \$1,938.12 |
| 15955 | 51      | 19 | Carboni, David J<br>Property location: 9 Moore Terrace<br>Exempt as of 8/26/2019   | \$2,235.66 | \$3,245.30 |
| 17347 | 1425.01 | 14 | Boucher, David<br>Property location: 36 Kimble Ave<br>Exempt as of 7/8/2019        | \$2,633.14 | \$2,630.62 |

18. RESOLUTION 408-19 – REFUND OF TAXES – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, A Refund due from payment made on exempt property

| ACCT  | BLOCK   | LOT         | OWNER/LOCATION  | 2019       |
|-------|---------|-------------|---|------------|
| 16788 | 391     | 31<br>C0002 | Iacobacci, Vincent Jr<br>1302 Millman Blvd #2<br>Del Haven, NJ 08251<br><br>Property location: 1302 Millman Blvd #2 | \$458.90   |
| 5064  | 305     | 5           | Bailey, Richard E Sr<br>404 S Main St<br>Cape May Court House, NJ 08210<br><br>Property location: 404 S Main St     | \$329.38   |
| 17347 | 1425.01 | 14          | Boucher, David<br>36 Kimble Ave<br>Rio Grande, NJ 08242<br><br>Property location: 36 Kimble Ave                     | \$1,689.40 |

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.

19. RESOLUTION 409-19 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – On motion by Committeeman Clark seconded by Committeeman Gandy 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 and State of New Jersey that the mortgage loan for Keith A. Eaves for the property located at 1187 Rte 9 South, Cape May Court House in the amount of \$ 12,500.00 is hereby authorized to be discharged.

FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.

20. RESOLUTION 410-19 – SOCIAL AFFAIRS PERMIT – MIDDLE TOWNSHIP HIGH SCHOOL

SOCCER ALUMNI ASSOCIATION – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, the Middle Township High School Soccer Alumni Association has applied for approval to sell alcoholic beverages at an event to be held at Stone Harbor Golf Club, 905 Route 9, Cape May Court House, New Jersey 08210 on October 19, 2019 from 11:00am until 7:00pm; 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 Social Affairs Permit.

21. RESOLUTION 411-19 – RATIFY SHARED SERVICES AGREEMENT WITH THE COUNTY OF

CAPE MAY DEPARTMENT OF HEALTH – On motion by Committeeman Clark seconded by Committeeman Gandy 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 attached Shared Services Agreement between the Township of Middle and the County of Cape May Health Department, for public health services to the residents of Middle Township, be and is hereby ratified; and

BE IT FURTHER RESOLVED, that said agreement shall be renewed annually for a term of seven (7) years; and  
 FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documents in connection therewith.

22. RESOLUTION 412-19 – APPROVE CHANGE ORDER NO. 1 – REPAIR OF TOWNSHIP HALL ROOF – LAURANT CONSTRUCTION – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.  
 WHEREAS, an emergency contract was awarded November 5, 2018, via Resolution No. 437-18 to Laurant Construction; and  
 WHEREAS, said contract was amended on October 7, 2019 for a contract total of \$151,244.00.  
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Laurant Construction, and is hereby approved, and that the change order results in an decrease of \$4,317.68 to the original contract amount of \$151,244.00 for an amended contract amount of \$146,926.32.

23. RESOLUTION 413-19 – RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR JANITORIAL SERVICES IN THE TOWNSHIP OF MIDDLE – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Township of Middle wishes to contract for janitorial services for various buildings/locations throughout the Township; and  
 WHEREAS, pursuant to N.J.S.A. 40A:11-4.1 et seq., the Township may use competitive contracting in lieu of public bidding for procurement of specialized goods and services, the price of which exceeds the bid threshold; and  
 WHEREAS, the Township of Middle wishes to use the competitive contracting process to solicit proposals for these services and ultimately to award a contract therefore; and  
 WHEREAS, the N.J.S.A. 40A:11-4.3(a) requires the Township to adopt a resolution authorizing the use of competitive contracting in this instance.  
 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 averments of the preamble are hereby incorporated.  
 2. The Township Committee hereby authorizes the use of competitive contracting to solicit proposals for, and to procure, janitorial services for various buildings and locations.  
 3. The Township’s qualified purchasing agent shall administer and supervise the process, including the preparation of requests for proposal documents (RFPs). In developing those RFP’s, the purchasing agent shall consider, inter alia, cost, experience, availability, ADA compliance, environmental impact and any other factors he believes are relevant; and shall set forth the methodology the Township will use to evaluate and rank the proposals submitted.  
 4. This resolution shall take effect immediately, according to law.

24. RESOLUTION 414-19 THROUGH 416-19 – TABULATION COMMITTEE (ITEMS A THROUGH C) – On motion by Committeeman Clark seconded by Committeeman Gandy 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 October 29, 2019 at 10:00am in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

HAND AVENUE SIDEWALK EXTENSION

(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 October 29, 2019 at 10:30am in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

FOURTH STREET ROAD RECONSTRUCTION

(C) 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 October 29, 2019 at 11:00am in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

JADEN RUN – FINAL ROAD RESURFACING & DRAINAGE REPAIR

25. RESOLUTION 417-19 – AWARD OF BID – CONTRACTS #2019-1 – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.  
 WHEREAS, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contract No 2019-1, and  
 WHEREAS, bids were received on July 31, 2019, and  
 WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.  
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the following Home Rehabilitation Programs be and hereby is awarded as described:

| Contract No. | Awarded to: | Total Bid Amount |
|--------------|-------------|------------------|
|--------------|-------------|------------------|

|        |                         |             |
|--------|-------------------------|-------------|
| 2019-1 | Graber Contractors, LLC | \$24,303.00 |
|--------|-------------------------|-------------|

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

26. RESOLUTION 418-19 – INSERTION OF A SPECIAL ITEM OF REVENUE FY2019 BULLETPROOF VEST PARTNERSHIP (BVP) – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.  
 WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and  
 WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.  
 NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2019 in the sum of:
- |   |            |
|---|------------|
| FY2019 Bulletproof Vest Partnership (BVP) | \$4,062.18 |
|---|------------|
- BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
- |   |            |
|---|------------|
| FY2019 Bulletproof Vest Partnership (BVP) | \$4,062.18 |
|---|------------|
27. RESOLUTION 419-19 – AMENDING FAIR AND OPEN CONTRACT – ENGINEERING SERVICES – ENGINEERING DESIGN ASSOCIATES – MASTER PLAN RE-EXAMINATION REPORT – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.  
 WHEREAS, on January 17, 2018 Township Committee awarded Engineering Design Associates as Township Engineer and Planning Consultant, and said contracts were certified for 2018 as Resolution No. 66-18, and  
 WHEREAS, said contract shall be amended for an additional \$20,000.00 to perform the engineering services as necessary in connection with the Master Plan re-examination report; and  
 NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that Engineering Design Associates shall provide the additional engineering services mentioned above and said contract shall be amended as follows:  
 Engineering Design Associates - Engineering Services – Master Plan Re-Examination Report –  
 Not to Exceed an additional \$20,000.00
28. RESOLUTION 420-19 – AUTHORIZING APPLICATION – MUNICIPAL ALLIANCE GRANT – FY2021 – On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.  
 WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.  
 WHEREAS, The Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,  
 WHEREAS, the Township of Middle Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,  
 WHEREAS, the Township of Middle Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May;  
 NOW, THEREFORE, BE IT RESOLVED by the Township of Middle, County of Cape May, State of New Jersey hereby recognizes the following:
1. The Township of Middle Committee does hereby authorize submission of a strategic plan for the Middle Township Municipal Alliance grant for fiscal year 2021 (July 1, 2020 to June 30, 2021) in the amount of:
 

|            |          |
|------------|----------|
| DEDR       | \$15,336 |
| Cash Match | \$ 3,834 |
| In-Kind    | \$11,502 |
  2. The Township of Middle Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
29. RESOLUTION 421-19 – RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF NOT TO EXCEED \$2,750,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS (THE “REFUNDING BONDS”) OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE “TOWNSHIP”), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE DULY ADOPTED BY THE TOWNSHIP COMMITTEE ON SEPTEMBER 16, 2019, TO REFUND CERTAIN GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009 OF THE TOWNSHIP, AND PROVIDING FOR THE FORM AND CERTAIN MATTERS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS– On motion by Committeeman Clark seconded by Committeeman Gandy and passed on roll call, the following resolution was adopted.

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Township of Middle, in the County of Cape May, State of New Jersey (the "Township"), issued \$4,365,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2009 on February 19, 2009 (the "Original Bonds"); and

WHEREAS, \$2,605,000 outstanding Original Bonds maturing in the years 2020 through 2031 are currently subject to redemption, either in whole or in part, prior to their stated maturity (the "Refunded Bonds"); and

WHEREAS, the Township Committee desires to refund all or a portion of the aforesaid Refunded Bonds through the issuance of its General Obligation Refunding Bonds (or such other designation as shall be appropriate at the time of issuance for the Refunding Bonds) in an aggregate principal amount not to exceed \$2,750,000 (the "Refunding Bonds"), which may be issued in more than one series and on different dates; and

WHEREAS, the Township Committee has adopted a Refunding Bond Ordinance on September 16, 2019 (the "Refunding Bond Ordinance") authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding \$2,750,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds; and

WHEREAS, in its efforts to achieve debt service savings for the Township's taxpayers, the Township Committee now desires and finds it necessary to issue the Refunding Bonds pursuant to the Refunding Bond Ordinance, in the aggregate principal amount not to exceed \$2,750,000, and it is deemed advisable and in the best interests of the Township to provide for the form, sale, maturity dates and other matters in connection with such authorization, sale, issuance and delivery of the Refunding Bonds.

NOW THEREFORE, BE IT RESOLVED 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. Authority for Resolution. Pursuant to the provisions of the Local Bond Law, the Township Committee has heretofore adopted the Refunding Bond Ordinance that authorizes the issuance of the Refunding Bonds in the aggregate principal amount not to exceed \$2,750,000, and the Township Committee hereby determines to issue, pursuant to the Refunding Bond Ordinance, the Refunding Bonds of the Township in an aggregate principal amount not to exceed \$2,750,000 as described below in Section 2. SECTION 2. Authorization of the Refunding Bonds. In accordance with the Local Bond Law, and for the purpose of providing funds to (i) achieve debt service savings by refunding all or a portion of the Refunded Bonds, and (ii) pay the allocable portion of the costs of issuance relating to the Refunding Bonds, including printing, advertising, underwriting, accounting, fiduciary, financial and legal services and rating agency and credit enhancement fees, as applicable, and as more fully set forth in the Refunding Bond Ordinance, there shall be issued Refunding Bonds of the Township in an aggregate principal amount not to exceed \$2,750,000, which may be issued in more than one series, on different dates and consist of the General Obligation Refunding Bonds, pursuant to the Refunding Bond Ordinance. Said Refunding Bonds shall be designated "General Obligation Refunding Bonds" (or such other designation as shall be applicable at the time of issuance thereof).

SECTION 3. Details of the Refunding Bonds. The Refunding Bonds shall be payable with respect to principal and interest in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, shall be issued in fully registered book-entry only form, without coupons, payable to a Securities Depository (as defined herein) or its registered assigns, and in denominations of \$5,000 each or any integral multiple of \$1,000 in excess thereof and shall be issued substantially in the form provided in Section 8 of this Resolution, with such omissions, insertions and variations as are properly required. The Refunding Bonds shall be dated, shall mature in each of the years, shall bear interest from their date of issuance and shall contain such other terms, including but not limited to redemption provisions, as shall be determined by the Chief Financial Officer, in consultation with Bond Counsel (as defined herein) and the Municipal Advisor (as defined herein) to the Township. The Refunding Bonds shall be numbered consecutively from "GRB-1" upwards.

The Refunding Bonds shall mature in each of the years and shall bear interest at the respective rates of interest per annum from their date of issuance, until such Refunding Bonds shall be paid or discharged as shall be set forth in the Bond Purchase Contract to be dated the date of the sale and award of the Refunding Bonds by and between the Township and Stifel, Nicolaus & Company, Incorporated, Philadelphia, Pennsylvania, as the underwriter named therein (the "Bond Purchase Contract").

Interest on the Refunding Bonds shall be payable as shall be determined by the Chief Financial Officer, in consultation with Bond Counsel and the Municipal Advisor to the Township, and as shall be set forth in the Bond Purchase Contract (each an "Interest Payment Date") in each year until maturity or prior redemption, as applicable, by wire transfer of the Paying Agent (as defined herein) to the registered owners thereof whose names appear on the registration books of the Paying Agent fifteen (15) days preceding each Interest Payment Date (the "Record Date"), at their respective addresses as shown in the registration books of the Paying Agent.

SECTION 4. Redemption. The Bonds shall be subject to redemption prior to their stated maturities in accordance with the terms of the Bond Purchase Agreement.

SECTION 5. Payment of the Refunding Bonds. The principal of the Refunding Bonds, when due, shall be payable upon presentation and surrender thereof at the Township Offices, 33 Mechanic Street, Cape May Court House, New Jersey 08210 acting in the capacity of Paying Agent or the principal corporate trust office of any paying agent duly appointed by the Township (collectively, the "Paying Agent").

SECTION 6. Execution of the Refunding Bonds. The Refunding Bonds shall be executed in the name of the Township by the manual or facsimile signatures of the Mayor and/or acting Mayor and the Chief Financial Officer of the Township and the seal of the Township shall be affixed, imprinted or reproduced thereon and attested to by the manual signature of the Township Clerk. If any officer whose signature appears on the Refunding Bonds ceases to hold office before the delivery of the Refunding Bonds, his or her signature shall nevertheless be valid and sufficient for all purposes. In addition, any Refunding Bond may bear the signature of, or may be signed by, such persons as at the actual time of the signing of such Refunding Bond shall be the proper officers to sign such Refunding Bond although at the date of such Refunding Bond such persons may not have been officers.

SECTION 7. Registration of the Refunding Bonds. The Paying Agent shall also maintain and keep books for the registration and transfer of the Refunding Bonds. The Paying Agent shall also act as agent for the Township with respect to the transfer or exchange of any of the Refunding Bonds.

SECTION 8. Form of the Refunding Bonds. Subject to the provisions of this Resolution, the Refunding Bonds shall be in substantially the form set forth in Exhibit A attached hereto, with such additions, deletions, omissions, endorsements and variations as may be required or permitted by this Resolution or the Refunding Bond Ordinance or as may be consistent with this Resolution and the Refunding Bond Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto or as may be necessary for the Township to market the Refunding Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel and the Municipal Advisor to the Township.

SECTION 9. Book-Entry Only System. The Refunding Bonds shall be initially issued in book-entry only form in the form of one certificate for the aggregate principal amount of the Refunding Bonds maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"), which is hereby appointed as securities depository (the "Securities Depository") for the Refunding Bonds. All of the outstanding Refunding Bonds shall be registered in the name of and held by Cede & Co., as registered owner and nominee for DTC.

SECTION 10. Application of Proceeds of the Refunding Bonds. (a) From the proceeds of the sale of the Refunding Bonds, the following amounts, if stated herein, shall simultaneously with the issuance of such Refunding Bonds (or as soon as practicable thereafter) be paid by the Township as follows:

(i) To the payees designated by the Mayor and/or acting Mayor and/or Chief Financial Officer of the Township, amounts representing the costs of issuance for the Refunding Bonds, which shall be in an amount not to exceed \$75,000.00, including underwriter's discount;

(ii) To the Township, an amount representing accrued interest, if any, on the Refunding Bonds from the Issue Date to the date of delivery thereof and payment therefor, such amount to be used for the payment of interest on the Refunding Bonds as the same shall become due and payable on the first Interest Payment Date; and

(iii) To the Escrow Agent (as defined herein) appointed pursuant to Section 10(b) hereof, an amount to be held in trust to accomplish the redemption and/or payment at maturity of all or a portion of the Refunded Bonds.

(b) The Chief Financial Officer of the Township is hereby authorized and directed, in consultation with Bond Counsel, the Municipal Advisor and the Auditor (as defined herein), to negotiate and approve an Escrow Deposit Agreement by and between the Township and the Escrow Agent (the "Escrow Deposit Agreement") to be selected by the Chief Financial Officer, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, providing for the portion of the proceeds of the sale of the Refunding Bonds described in Section 10(a)(iii) hereof (the "Refunding Proceeds") to be deposited in an escrow fund to be held by the Escrow Agent in trust to, among other things, (i) currently refund all or a portion of the Refunded Bonds (as defined herein), (ii) pay interest on all or a portion of the Refunded Bonds until the dates fixed for redemption, (iii) pay the redemption premium, if any, on the principal amount of the Refunded Bonds on the dates fixed for redemption. The Mayor, acting Mayor and/or the Chief Financial Officer of the Township are each hereby authorized and directed to execute and deliver the Escrow Deposit Agreement on behalf of the Township. Any moneys in such fund may be invested as provided in the Local Bond Law and other applicable law and any moneys in excess of the amounts required for such purpose may be used for any lawful purpose of the Township.

(c) Pending disbursement for the purposes thereof, the portion of the proceeds of the sale of the Refunding Bonds not constituting Refunding Proceeds may be invested to the extent permitted by law.

SECTION 11. Award of Refunding Bonds. Stifel, Nicolaus & Company, Incorporated, Philadelphia, Pennsylvania, is hereby appointed underwriter (the "Underwriter") for the Refunding Bonds. The Mayor, acting Mayor and the Chief Financial Officer are each hereby authorized and directed, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, to negotiate and approve the terms of the Bond Purchase Contract with the Underwriter for the purchase of the Refunding Bonds, including the compensation to the Underwriter for the marketing and purchase of the Refunding Bonds, which fee shall be \$14,750.00, inclusive of Underwriter's counsel fee. The Refunding Bonds are hereby authorized to be sold to the Underwriter in accordance with the terms of the Bond Purchase Contract. The Mayor, acting Mayor and/or Chief Financial Officer of the Township are each hereby authorized and directed to execute and deliver the Bond Purchase Contract on behalf of the Township.

SECTION 12. Prior Action. All actions taken to date by the officers, employees, professionals and agents of the Township with respect to the authorization, sale and issuance of the Refunding Bonds, including, but not limited to, submissions and applications to rating agencies and the execution and delivery of subscription forms for the purchase of United States Time Deposit Securities – State and Local Government Series, be and the same hereby are approved, ratified, adopted and confirmed, nunc pro tunc, and the Mayor, acting Mayor and/or Chief Financial Officer are hereby authorized and directed to execute and deliver any such agreements, documents or submissions, and the Township Clerk is hereby authorized and directed to attest to the signatures of the Mayor, acting Mayor and the Chief Financial Officer, as applicable, and to affix the seal of the Township on such agreements, documents or submissions.

SECTION 13. Official Statement. All action taken to date by the officers, employees, professionals and agents of the Township with respect to the authorizations, sale and issuance of the Refunding Bonds, and all actions taken by Bond Counsel, the Municipal Advisor and the Auditor (as defined herein) on behalf of the Township with respect to the preparation of the Official Statement (the "Official Statement") and the preliminary form thereof (the "Preliminary Official Statement") to be used in connection with the marketing of the Refunding Bonds are hereby approved, ratified and confirmed, nunc pro tunc. The distribution by the Underwriter of such Preliminary Official Statement on behalf of the Township to be used in connection with the marketing of such Refunding Bonds by the Underwriter is hereby approved. The Mayor, acting Mayor and/or Chief Financial Officer of the Township are each hereby authorized and directed to execute and deliver a certificate that "deems final" the Official Statement in accordance with the Rule.

Upon the sale of the Refunding Bonds to the Underwriter, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel and the Municipal Advisor, to reflect the effect of the Bond Purchase Contract and any other revisions not inconsistent with the substance thereof deemed necessary or advisable by Bond Counsel and the Municipal Advisor, and said Preliminary Official Statement ("deemed

final” by the Township in accordance with the Rule) as so modified shall constitute the final Official Statement. The Mayor, acting Mayor and/or Chief Financial Officer are each hereby authorized and directed on behalf of the Township to execute and deliver said Official Statement.

SECTION 14. Delivery of Refunding Bonds. The Refunding Bonds, in registered form shall, as soon as practicable, be prepared, executed and delivered in definitive form to the Underwriter at the expense of the Township, upon payment in full of the purchase price for the Refunding Bonds.

SECTION 15. Actions to be Taken on Behalf of the Township. The various officers of the Township are hereby authorized and directed to do all matters necessary, useful, convenient or desirable to accomplish the (a) sale, issuance and delivery of the Refunding Bonds to the Underwriter as promptly as possible, in accordance with the provisions hereof, and (b) execution of the closing documents necessary in connection with the sale, issuance and delivery of the Refunding Bonds.

The Underwriter, Stifel, Nicolaus & Company, Incorporated, Philadelphia, Pennsylvania; the Township’s current auditor, Ford-Scott & Associates LLC, Ocean City, New Jersey (the “Current Auditor”); the Township’s Municipal Advisor, Phoenix Advisors, Bordentown, New Jersey (the “Municipal Advisor”); and the Township’s bond counsel, Archer & Greiner P.C., Red Bank, New Jersey (“Bond Counsel”); and the Township’s prior auditor, Bowman & Company LLP, Voorhees, New Jersey (the “Prior Auditor” and together with the Current Auditor, the “Auditor”), are each hereby authorized to prepare and arrange for the printing or reproduction of the Preliminary Official Statement, the Official Statement and the Refunding Bonds, and any such actions heretofore taken by such Underwriter, Auditor, the Municipal Advisor and Bond Counsel are hereby ratified and confirmed, nunc pro tunc.

SECTION 16. Auditor. The Township hereby appoints and authorizes the Auditor to prepare the financial statements for inclusion in the Preliminary Official Statement and Official Statement to be used in conjunction with the marketing, sale and issuance of the Refunding Bonds.

SECTION 17. Authorizations. The Chief Financial Officer of the Township is hereby authorized and directed to determine all matters in connection with the Refunding Bonds not determined by this or a subsequent resolution, all in consultation with Bond Counsel and the Municipal Advisor, and the manual or facsimile signature of the Chief Financial Officer of the Township upon the Refunding Bonds and any other documents shall be conclusive as to all such determinations. The Chief Financial Officer of the Township shall report in writing to the governing body at the next meeting thereof as to the principal amounts, maturities and numbers of the Refunding Bonds so delivered, which report shall be entered in the minutes of the governing body, and a copy of such report shall be filed within five (5) days thereafter with the Director of the Local Finance Board. The Mayor, acting Mayor, the Chief Financial Officer, the Township Clerk and any other Township officer, official or professional are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including the Refunding Bonds and the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with Bond Counsel and the Municipal Advisor, and all such actions or inactions by the aforesaid Township officers, officials and professionals heretofore are hereby ratified and confirmed, nunc pro tunc.

SECTION 18. Pledge of Township. The full faith and credit of the Township are hereby pledged for the payment of the principal of and interest on the Refunding Bonds. The Refunding Bonds shall be direct 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 principal of and interest on the Refunding Bonds without limitation as to rate or amount.

SECTION 19. Tax Covenant. The Township hereby covenants with the holders from time to time of the Refunding Bonds that it will make no investment or other use of the proceeds of the Refunding Bonds or take any other action (or refrain from taking such action) which would cause the Refunding Bonds to be “arbitrage bonds” within the meaning of the Internal Revenue Code of 1986, as amended and supplemented, or under any similar statutory provision or any rule or regulation promulgated thereunder (the “Code”), or would cause interest on the Refunding Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of the Refunding Bonds.

The Chief Financial Officer of the Township is hereby further authorized and directed to establish an Investment Rebate Account (the “Rebate Account”) and provide for the deposit therein, for delivery to the United States Treasury of “excess investment earnings,” as may from time to time be required by Section 148 of the Code, all as may be set forth in a letter or letters of instruction to the Township submitted by Bond Counsel in connection with the Refunding Bonds.

SECTION 20. Ratings and Insurance. The Chief Financial Officer of the Township is hereby authorized and directed, upon consultation with Bond Counsel and the Municipal Advisor, the Underwriter and the Auditor, to submit information and financial data to ratings agencies and municipal bond insurance companies so long as the purchase of municipal bond insurance for the Refunding Bonds is cost effective in the marketing of the Refunding Bonds to reduce the interest costs to the Township and, if so, then to execute and deliver a commitment for municipal bond insurance (the “Commitment”) with a bond insurer to insure the payment of principal of and interest on the Refunding Bonds; and is further authorized and directed to carry out the terms and conditions contained in the Commitment and to execute and deliver all documents, agreements and conditions in connection with the issuance of the Refunding Bonds and the Commitment.

SECTION 21. Continuing Disclosure. The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of a Continuing Disclosure Certificate (the “Certificate”) which will set forth the obligation of the Township to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material in accordance with the provisions of Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended. The Chief Financial Officer of the Township is hereby authorized and directed to execute and deliver this Certificate to the purchaser of the Refunding Bonds evidencing the Township’s undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Township to comply with the Certificate shall not be considered a default on the Refunding Bonds; however, any Refunding Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Township to comply with its obligations hereunder and thereunder. The Chief Financial Officer of the Township or any other Township

officer, official or professional are each hereby authorized and directed to execute and deliver all certificates, documents and agreements in connection therewith and to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

SECTION 22. Verification of Escrow. The Chief Financial Officer is hereby authorized and directed, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, to (i) appoint a Verification Agent (the "Verification Agent"), if necessary, to serve as Verification Agent for the Refunded Bonds, and (ii) execute and deliver an agreement, if necessary, with such duly appointed Verification Agent to verify the sufficiency of the escrow created to refund the Refunded Bonds.

SECTION 23. Effective Date. This Resolution shall take effect immediately.

Full copy of Resolution available for viewing in the Clerk's office.

30. PUBLIC COMMENT:

*John Lauricella*

- *Commended the Committee on their job with the marijuana facility and the hotel zoning. Questioned if there were any zoning laws regarding the number of vaping places allowed in the Township*

*Marc Karavan*

- *He could address it to the Zoning Board as a procedure, then it would have to be recommended to the Planning Board for review. That recommendation would come back to the Governing Body.*

*Bill Colivito*

- *Commented on the comment regarding the hotel zoning.*

*Dan Lockwood*

- *Recognized George Seabrook on his hard work for the Township; spoke of various scenarios while he was Mayor.*

*Shirley Green*

- *Commented on the clearing of the land for the post office in Whitesboro; asked about timeline for the post office's completion*

*Kim Krauss*

- *No completion timeline given at this point*

*John Crowley*

- *Resident of 1 English Way – asked about being put on a list to have street paved; spoke of various issues with the street*

*Mayor Donohue*

- *Advised Mr. Crowley that there is a list, he will put his street on it; will send Engineer out to look at it.*

*Lillian Wing*

- *Inquired about hours contractors are able to perform construction; spoke of gentleman working on a home until 9:30 at night.*

*Mayor Donohue*

- *Stated time was usually until dusk...varies around time of the year. Believes hours are shortened on Sunday.*

*Lillian Wing*

- *Commented on the Housing Rehabilitation Program*

*Mayor Donohue*

- *Questioned if there was a legal pending issue.*

*Marc Karavan*

- *Yes, asked Ms. Wing to confirm...stated mediation pending relative to this issue.*

*Lillian Wing*

- *Was unsure and further discussed her issues*

*Kim Krauss*

- *Stated she believed Ms. Wing had spoken to Mrs. Sittineri in the Grants Department*

*Lillian Wing*

- *Said she did, but has not yet received an answer.*

*Kim Krauss*

- *She will have Nancy reach out to her directly*

*Ed Beddow*

- Gave his thoughts on a need for a bus stop on Rt 9 by Garden Lakes MHP; spoke of contacting the NJDOT regarding the bus stop; spoke about surveys done; spoke of areas that a bus could safely stop.

*Mayor Donohue*

- Explained the DOT's findings that they felt the location was an unsafe location; Committee can override the NJDOT regarding this bus stop but then the Township takes on the liability of the bus stop

*Ed Beddow*

- Further discussed the area being requested for the bus stop; said was originally inspected for a stop on the bend; other areas it could go.

*Mayor Donohue*

- Will go out and look at the area himself

*Mary Ann Aluylis*

- Spoke of the possible rezoning of the area proposed for the Hampton Inn

*Mayor Donohue*

- Explained that at this point and time no action will be taken by the Committee; recommendation by the Planning Board was flawed; sent back to the Planning Board for them to review; can then be sent back to the Committee for their recommendation; at this moment, there is no action for the rezoning at this time.

*Mary Ann Aluylus*

- Discussed the various items presented for the hotel and the proposed zoned area; asked for further clarification on proposed items for the zoned area; further discussed various articles and proposals presented for the proposed rezoned area; continued to discuss her concerns for the rezoning of the proposed area; spoke of taking into consideration natural habitats and environmental concern, our water supply; asked if option for the convenience store and gas station were still an option if the hotel gets shot down.

*Marc Karavan*

- Yes, it is still an option.

*Mayor Donohue*

- They are the pre-existing conditions; they would not require a zoning change.

*Vince Orlando*

- The use runs with the land

*Committeeman Clark*

- It has already been approved for that use at the property

*Bill Colivito*

- Questioned when that was approved

*Committeeman Clark*

- Explained approved years ago during the Master Plan review the Zoning Board had voted not to approve the use as a gas station/convenience store. That was overturned by the courts in 2016.

*Mayor Donohue*

- Explained court over turned; cannot get into the legalities of the situation

*Marc Karavan*

- It was dismissed and cannot be challenged or appealed.

*Mary Ann Aliylis*

- Continued to express her discontent with the rezoning of the area; presented a petition of over 150 signatures.

*Judy DeLollis*

- Commented on height of the hotel; discussed picture found of a separate Hampton Inn with lights along the top of the building ...a light that those in the neighborhood would be seeing every night.

*Judy Casler*

- Commended the Committee on their hard work for the Committee; stated her belief that the center of town is Mechanic St; further discussed traffic in the area of CMCH; stated does not believe property is the proper place for the proposed hotel; further discussed traffic concerns

*Lillian Wing*

- Apologized for comments regarding our Housing Rehab program; asked about possible light at the proposed new Post Office in Whitesboro with a left-hand turn signal; asked about being given water down her street.

*Mayor Donohue*

- *Water is not the decision of the Township...Township does not have its own city water, but is sourced by outside companies; can advocate for them but cannot force them to put in water*

*Susan Colavito*

- *Questioned if the hotel is not put in, then would the convenience store be built on that site*

*Deputy Mayor Gandy*

- *That is a possibility*

*Susan Colavito*

- *Does not understand how we can build these places with no traffic study.*

*Mayor Donohue*

- *Proposals come from the Zoning and Planning Boards; NJ Highway Authority controls the road; a lot of moving parts out of Township control,*

*Susan Colavito*

- *Commented on the progress of the project; wants to know where they, as residents, should start to show their disapproval.*

*Vince Orlando*

- *Explained the process for the approval of the convenience store plan; further explained the rezoning process for the hotel*

*Susan Colavito*

- *Questioned if Traffic Study still needed?*

*Vince Orlando*

- *If they come to the Planning Board, they will require a traffic study to rezone for the hotel. Discussed all the steps needed to be taken for approvals.*

*Susan Colavito*

- *Did not understand Vince's explanation.*

*Vince Orlando*

- *Court over turned the Planning Board Decision; already approved for the convenience store, no traffic study would be needed for gas station and convenience store.*

*Bill Colavito*

- *Commented on the proposed rezoning area and the rezoning process; spoke of a soft sign for the hotel.*

*Vince Orlando*

- *Discussion of another application for a restaurant in the area on Rt 9 proposed the soft sign, which was denied; no plans have been submitted to the Planning Board for the hotel*

*Bill Colavito*

- *Questioned how the idea for a Zoning change happened if we do not know what is going on the site*

*Vince Orlando*

- *Not site specific for the Planning Board; Zoning Board looks at the specific use for the proposed rezoned area; further explained the process taken.*

*Bill Colavito*

- *Questioned that Vince said site was zoned Commercial*

*Vince Orlando*

- *Corrected to Town Center*

*Bill Colavito*

- *Asked situation outside of meeting where attorneys went out into the hallway to speak, then a lawsuit came about.*

*Vince Orlando*

- *Unsure of what he is speaking of*

*Bill Colavito*

- *Said that is what happened*

*Vince Orlando*

- *Further discussed process for the approval of the convenience store and gas station; Board voted 4 to 3 to approve, which was ultimately a denial; it was the appealed and overturned by the Courts*

*Bill Colavito*

- *Stated they were not notified*

*Vince Orlando*

- *Cannot speak of notifications regarding appeals.*

*Marc Karavan*

- *Do not need to notify residents when taking items to court*

*John Lauricella*

- *Apologized to Bill*

*Mayor Donohue*

- *Spoke of heated discussion at previous meeting*

*Vince Orlando*

- *Clarified approval was for gas station, convenience store and office space*

*Bill Colavito*

- *Discussed previous owner stated an office building may be put there; even though property was sold are the approvals still in effect?*

*Marc Karavan*

- *Yes, approval stays for the convenience store, gas station and offices*

*Dan Lockwood*

- *Questioned if there was a time limit on the approvals.*

*Marc Karavan*

- *Stated he was unsure of that.*

*Vince Orlando*

- *Said typically no, there are no time limits*

*Judy Casler*

- *Wanted to know what the next step of action is for those making the decision*

*Mayor Donohue*

- *The next step is the choice of the applicant*

*Vince Orlando*

- *Whatever the applicant chooses to do-they can go to the Planning Board to make the determination or they can go to the Zoning Board for the Use Variance*

*Judy Casler*

- *Wanted to know how the residents would be informed.*

*Vince Orlando*

- *Explained Use Variance requires notification of people within 200 feet*

*Mayor Donohue*

- *Agendas can also be requested by mail; can send their name and info to Planning and/or Zoning to be put on list to receive agendas*

*Judy DeLollis*

- *Spoke of bypass road; discussed safety concerns for the road and danger on that road especially when making a turn off of the road; traffic study would definitely be needed if hotel put in that area*

*Tom Doyle*

- *Further commented on the bypass road and the safety concerns of that road and dangers of those making turns off of road.*

*Mary Ann Aluylis*

- *Commented on proposed bar in the hotel and the safety concerns regarding the same; spoke of possible trash if a convenience store is placed on the property*

*Mark Conti*

- *Thanked Committee for listening to the residents; life issue for the residents in the area; asked if the new zoning is declined, does that mean the hotel cannot be build there.*

*Vince Orlando*

- *Cannot be built without a use change or use variance*

*Marc Karavan*

- *Under the present zoning and the absence of a use variance, a hotel cannot go into that area.*

*Mark Conti*

- *Questioned if taken to Court before a Judge?*

*Marc Karavan*

- *Explained if there was an application and it was denied, the appealed to a court and it prevailed then yes.*

**COMMITTEE COMMENTS:**

*Deputy Mayor Gandy*

- *Thanked everyone for coming; spoke of county making moves on the Kmart Plaza; congratulated Fran Fiore on his retirement; believes Brian will do fantastic job; congratulated Jessica on being Employee of the Month; explained process doesn't end at the meeting but continues outside of the meetings; they have accomplished a lot during his time here*

*Committeeman Clark*

- *Thanked everyone for coming out and voicing concerns; congratulated George Seabrook on his retirement; congratulated Fran Fiore on his retirement; glad to see he will continue to assist with the toy drive and wish him well; congratulated Brian Murphy on his promotion; congratulated Jessica on her Employee of the Month award, well deserved.*

*Mayor Donohue*

- *Reminded everyone leaf pick up schedule is on the Township website, along with the bulk trash pickup schedule; work in progress on the Whitesboro Post Office; Rio Grande Park work has started.....lot has been cleared and looking to open in the spring; next Work Session presentation by James Maley on areas in need of rehabilitation; reminder 26<sup>th</sup> of October is the Township Harvest Festival...Halloween Parade will be held on Wednesday, October 30<sup>th</sup>; welcomed new employees in the Recreation Department Donna and Kyle; spoke of many changes happening in our rec department; thanked everyone for coming out....respects that the residents come out and care about what is happening in their community.*

Motion to enter adjourn meeting– 7:17 PM

1<sup>st</sup>: Committeeman Clark      2<sup>nd</sup>: Committeeman Gandy

Pass on Roll Call: Committeeman Clark, Committeeman Gandy, Mayor Donohue

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Kimberly D. Krauss, Twp. Clerk