

Cape May Court House, NJ  
February 19, 2020  
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 Norris, Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

Let the records show that Kyle Weinberg is present in place of Municipal Solicitor Marcus Karavan.

1. PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE MATTERS AWARD – ELIZABETH VANTRIESTE

*Mayor Donohue*

- *Award was created to recognize people in our Township whom we believe should be emulated and whose actions we should all strive for. Nominations can be made by anyone in the Community that they feel should be recognized as going above and beyond in helping others. This particular nomination was made by Mr. Dillio, one of our regular attendees at the meetings. Asked Ed to stand up and speak about the nomination he made.*

*Ed Dillio*

- *Explained when his Grandson came to live with them in July of the many problems due to abuse. He credited Ms. Vantrieste for all of the hard work and positive influence she had on his grandson's turn around and his demeanor.*

*Mayor Donohue*

- *Spoke of his and Eds many conversations, knowing how important his Grandson is to him, and he is happy to see Ed at peace with the positive changes in his grandson. Ed had explained to him some of the tactics that were used in the classroom, which were very impressive. It shows that someone does not just have a job, but they have a calling. Recognized Dave Salvo from the school and Dennis Roberts from the School Board as being in the audience, as well as Jim Norris, former School Board Member and Kim Krauss, present School Board Member. Complimented the great staff at the school and the great work they do. Township is happy to be able to recognize some of that good work. Presented Certificate to Elizabeth and thanked her for all of her hard work.*

2. PRESENTATION BY MAYOR AND COMMITTEE – JANUARY EMPLOYEE OF THE MONTH – DAVE MAAHS

*Mayor Donohue*

- *Started this award about 6 years ago to recognize the work of our employees. Can be recommended by another employee, a department head, or even a resident. Spoke of the new fencing at the Goshen Complex and Dave's expertise in installing the fence. Saved the Township a lot of money by doing the installation in house, so much so, that what they thought would be a 2 phased project ended up being completed in one phase. We saved enough money to buy the additional fencing and complete the project within the year. Rob Flynn has praised him and Varvara, from our Personnel Department, is the one that submitted the recommendation. Read Varvara's letter to the public. Congratulated Dave and presented Certificate.*

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.)

*John Lauricella*

- *Asked about working with various banks, referring to Item #15, and possibly getting interest on the money. Better than having the money just sit there not earning any interest.*

*Mayor Donohue*

- *Feels this is something our CFO would have to answer. Being a taxing authority, our levy is about \$13,000,000, but if you collect total levies such as school tax, county tax, fire tax and municipal tax and, this all moves through our bank account. Sturdy has been our bank for a long time and do a great job, but feels we should do our due diligence and to go out and see what else is out there.*

*Stan Doniger*

- *Asked for quick explanation of Contractual Services for All Data LLC for \$1500 and the other is for \$5093 to Power DMS, Inc.*

*Mayor Donohue.*

- *Explained Power DMS is a police law enforcement software program. Believes All Data, LLC is a subscription that is used by either the sewer department or public works.*

*Mary Ann Alulis*

- *Questioned about Item #11, appointment to the Environmental Commission, wants to know what the role of the Environmental Commission is in the. Master Plan Reexamination.*

Mayor Donohue

- Clarified it is mandated by the Township that a member of the Planning Board serves on the Environmental Commission and that person is Rachel Shepherd. Questioned what her exact question is?

Mary Ann Alulis

- Questioned how frequently or how much advising the Environmental Board will have in the Master Plan....what is their role?

Mayor Donohue

- They are more of a liaison between the 2 boards, they have communications. The people on the board are regular citizens, they are not Environmental experts.

Mary Ann Alulis

- She read on the Environmental webpage that they are empowered to make recommendations regarding Environmental policy.

Mayor Donohue

- The Environmental Board is empowered to make recommendations to the Committee, as the governing body.

Mary Ann Alulis

- Just trying to figure out their involvement in everything.

Mayor Donohue

- Their involvement in the Planning Board is with one member. Their role within the town, in order for the town to be eligible for certain state grants, environmental grants, Green Team, NJ Environmental Commission, etc., we are statutorily required to have an Environmental Commission that reviews and develops those kinds of plans and they would make recommendations to us as a Governing Body.

Mary Ann Alulis

- Just because they make a recommendation does not mean that everyone has to agree to that.

Mayor Donohue

- Correct. Some boards are statutory, the Planning and Zoning Board are Independent Boards. They basically have jurisdictional authority over certain things. Most of our other boards are advisory boards and have board members that care about particular topics, depending on what board they are on. They meet, discuss and make recommendations on programs in the town.

Mary Ann Alulis

- Questioned if it is the Committee that recommends or approves people to be on those committees?

Mayor Donohue

- Yes, explained the different time lengths of the different terms, so generally in November/December we check with the Board Secretaries and we look at the attendance, we look at the minutes, and we look at the openings. We will then contact people to make sure they still want to continue to serve. Some boards are more active, some boards the Chair is the driving force and if you lose the Chair the Board can dissipate.

4. RESOLUTION 96-20 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris 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. \$1,021,914.30
5. RESOLUTION 97-20 – APPROVING MINUTES FROM PREVIOUS MEETINGS – On motion by Committeeman Gandy seconded by Committeeman Norris 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: 02/03/2020 Regular Meeting.
6. REPORTS: Clerk for the month of January; Finance for the month of January; Tax Collector for the month of January; Sterback Harbor for the month of January; Sewer for the month of January
7. RE-INTRODUCTION – ORDINANCE NO.1606-20 – AN ORDINANCE PROHIBITING MOTOR VEHICLE ACCESS AT THE COOK’S BEACH, NORBURY’S LANDING, PIERCE’S POINT, REED’S BEACH AND SUNSET BEACH PUBLIC ACCESS POINTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No.1606-20 was reintroduced, with amendments, and passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/16/2020 at 6:00 p.m.  
WHEREAS, the Township of Middle is home to a number of public access points, which afford residents and visitors opportunity to enjoy the coastal waters and beaches on the western boundary of the Township along the Delaware Bay.  
WHEREAS, said public access points were designed to encourage pedestrian travel to the shoreline along the Delaware Bay and are not equipped to support the passage of motor vehicles.

WHEREAS, the operation of motor vehicles along the shoreline of the Delaware Bay poses significant risks to the health and safety of the operator as well as to the environment and ecosystem.

WHEREAS, the Township Committee has determined that it is in the interest of the health, safety and welfare of Township residents and visitors alike to prohibit the use of motor vehicles, via access points within the Township, on the shorelines and beaches of the Delaware Bay.

WHEREAS, this prohibition is consistent with the Township's Municipal Public Access Plan, in that it still permits public access to the municipality's shorelines along the Delaware Bay, but reduces potential damage to the environment that may result from motor vehicle access.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and the State of New Jersey that the code of the Township of Middle is hereby amended to reflect the creation of the following chapter as follows:

Section 1. Prohibition on Motor Vehicle Access on Delaware Bay Shoreline

No person shall access, via motor vehicle, the shoreline and beaches along the Delaware Bay through the Township access points located at Cook's Beach, Norbury's Landing, Pierce's Point, Reed's Beach and Sunset Beach.

Section 2. Definitions

Motor vehicle, as used in this section, means any vehicle which is self-propelled, including golf carts and all-terrain vehicles, but not including bicycles.

Section 3. Exceptions

This section shall not apply to any municipal employee, acting in his capacity as a Township employee, any agent of the New Jersey Department of Environmental Protection, the United States Army Corps of Engineers or any such state or federal agency, or any aqua-culturist engaged in legal aquaculture activities as authorized by the New Jersey Department of Environmental Protection.

Section 4. Prior Written Approval

The prohibitions of this section shall not apply to any individual, organization, entity or otherwise who obtains prior written approval from the Township of Middle to utilize said access points for environmental, humanitarian or other such purposes.

Section 5. Penalties

Any individual, organization, or other such entity that shall be convicted of a violation of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be subject to a fine of up to \$500.00 for a first offense and a fine of up to \$1,000.00 for each subsequent violation(s).

Section 6.

A copy of this Ordinance shall be placed on file with the Township Clerk.

Section 7.

Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in the Township of Middle and a newspaper of general circulation in Cape May County.

Section 8.

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

Section 9.

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 10.

This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

*Kim Krauss*

- *Explained Ordinance was introduced in January. Since the introduction, some concerns had been expressed over the exceptions. The ordinance basically prohibits vehicle access on various beaches in Middle Township. In an attempt to work with various State and Federal Agencies, the Agriculture Industry in Middle, we created an amendment to the exceptions. The Reintroduction tonight includes one further stipulation which states that it shall not apply to certain agencies in the municipality, state or federal levels.*

*Mayor Donohue*

- *This is to prevent everyday citizens from driving on the beach, getting stuck in the sand, then having to send someone out to rescue them. This endangers the citizen, the responder and also costs taxpayers money. Recognized Larry Niles, who had helped with input on the ordinance; the American Littoral Society who is invested in protecting our beaches and shore birds along the Delaware Bay. Needed to strike a balance with those that do need access and this ordinance does that.*

*Kim Krauss*

- *Spoke of numerous lengthy conversations with representative from the Division of NJ Fish & Wildlife and other representatives from the local oyster industry, as well as Larry and his group, to try and find a balance to achieve the Township's goals, but also protected their interests.*

8. ORDINANCE NO. 1607-20 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14) - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1607-20 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/16/2020 at 6:00 p.m.

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,  
 WHEREAS, the Township Committee of the Township of Middle in the County of Cape May finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,  
 WHEREAS, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$197,798.82 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,  
 WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Middle shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$692,295.87, and that the CY 2020 municipal budget for the Township of Middle be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

*Mayor Donohue*

- *Explained what exceeding the 2% Cap is. If you stay under the 2 % Cap, you have the ability to "bank" the amount that you are under. That money can be held for 3 years, a reserve we can access, should the Township ever need it for an emergency. What should not be done is to raise taxes 6% one year, take the money from the cap bank to do it, take credit for not raising taxes, then 2 years later go back and take that money and use it to raise taxes beyond the cap. It is best to put that money in a cap bank in case an unforeseen circumstance arises and that is what we are doing here.*

9. RESOLUTION 98-20 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris 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
Jessica Gibson	Tax Collection	Keyboarding Clerk 3	02/15/2020
Jonathan Spriggs	Public Safety	Emergency Medical Technician P/T	02/03/2020

10. RESOLUTION 99-20 – AUTHORIZING CHANGE IN EMPLOYMENT STATUS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the following employee is hereby designated to the employment status listed below:

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Chris Witalec	Sewer	Laborer 1 F/T T/A	Laborer 1 F/T Permanent	\$24,990.00	03/01/2020

11. RESOLUTION 100-20 – APPOINTMENT – VOLUNTEER BOARD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
Betsi Kohler	Alt. Member #2	Environmental Commission	12/31/2020

12. RESOLUTION 101-20 – ESTABLISHING A MUNICIPAL ALLIANCE COMMITTEE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the New Jersey Governor's Council on Alcoholism and Drug Abuse offers grants to municipalities to form a Municipal Alliance Committee, and

WHEREAS, the mission of the Municipal Alliance Committee is to develop substance abuse prevention programs at the local level, and

WHEREAS, the designation of a Municipal Alliance Committee is required to plan and develop local programs, and

WHEREAS, the following individuals have expressed an interest in serving on the Municipal Alliance Committee

Timothy Donohue  
Lt. James Loftus  
Butch Hamer  
Heather McKeown  
Tracey Nagle  
Tammy Tomlin  
Nancy Simmerman  
Francine Springer  
Dustin Sturm  
Nancy Sittineri  
Anne Garrison  
Gary Nagle  
Alyssa Sittineri  
Jenna Sittineri  
Victoria Sittineri

NOW, THEREFORE, BE IT RESOLVED that the following be and are hereby appointed as members of the Township of Middle Municipal Alliance for a term of 1 Year, term to expire on 12/31/2020.

13. RESOLUTION 102-20 – AWARD OF BID – LANDSCAPING SERVICES AT VARIOUS TOWNSHIP LOCATIONS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for Landscaping Services at various township locations; and

WHEREAS, sealed bids were received on January 14, 2020; and

WHEREAS, it appears that the following bid submitted 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 Landscaping Services be and hereby is awarded to:

Douglass Landscaping Services, LLC. - \$263,980.00

FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.

14. RESOLUTION 103-20 – APPROVE CHANGE ORDER NO. 1 – 2018 ROAD PROGRAM PHASE II – SOUTH STATE, INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, South State, Inc. was awarded the 2018 Road Program Phase II on January 23, 2019 via Resolution 70-19; and

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 South State, Inc., and is hereby approved, and that the change order results in an decrease of \$31,154.93 to the original contract amount of \$758,885.00 for an amended contract amount of \$727,730.07.

15. RESOLUTION 104-20 – AUTHORIZING REQUEST FOR PROPOSALS – BANKING SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris 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 Chief Finance Officer Susan A. Quinones, and Business Administrator/Township Clerk Kimberly Krauss are hereby appointed to receive proposals, on March 26, 2020 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:

BANKING SERVICES

16. RESOLUTION 105-20 – AMENDING RESOLUTION 63-20 – AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE TO SALTY HANDS, INC. FOR USE AT THE PREMISES KNOWN AS: 4401 NORTH WILDWOOD BOULEVARD, MIDDLE TOWNSHIP, NEW JERSEY (B 1298 L2) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on January 22, 2020 Township Committee authorized the issuance of a plenary retail consumption license to Salty Hands, Inc. via Resolution 63-20 and;

WHEREAS, said license number has been assigned by the NJABC and;

WHEREAS, said resolution shall be amended to reflect license number 0506-33-014-001.

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. 63-20 shall be hereby amended.

*Kim Krauss*

- *Clarified that the license was issued, but the state has asked that the Resolution be revised to Include the actual license number.*

17. RESOLUTION 106-20 – AUTHORIZING RIO GRANDE VOLUNTEER FIRE COMPANY TO SOLICIT FUNDS IN THE ROADWAYS OF THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Ordinance 1009-98 permits application to made to the Township of Middle by charitable organizations to solicit funds in the roadway of the Township of Middle; and  
WHEREAS, Rio Grande Volunteer Fire Company has submitted an application to the Municipal Clerk as required per said ordinance; and  
WHEREAS, the dates and times of the charitable solicitation are listed within the written application submitted by the Rio Grande Volunteer Fire Company and attached to this Resolution; and  
WHEREAS, the Chief of Police of the Township of Middle has reviewed the application of the Rio Grande Volunteer Fire Company and has determined that there is no public safety reason for the Township of Middle to deny this application; and  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May, State of New Jersey, hereby grants permission for the Rio Grande Volunteer Fire Company to solicit funds on the roadways of Middle Township on the dates as set forth on the attached application form.
18. RESOLUTION 107-20 – SOCIAL AFFAIRS PERMIT – FWS FAMILY FOUNDATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the FWS Family Foundation has applied for approval to sell alcoholic beverages at an event to be held at Avalon Golf Club, 1510 Route 9, Cape May Court House, New Jersey 08210 on April 24, 2020 from 5:30pm until 9:30pm; 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.
19. RESOLUTION 108-20 – AMENDING RESOLUTION 311-19 – INSERTION OF A SPECIAL ITEM OF REVENUE – NEW JERSEY GOVERNOR’S JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMITTEE, MIDDLE TOWNSHIP POLICE DEPARTMENT 2019 SUMMER EXPANSION PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, Middle Township Police Department has been awarded Office of Juvenile Justice & Delinquency Prevention (OJJDP) Grant Program, Award #2016-JF-FX-0039 from the New Jersey State Department of Law and Public Safety; and  
WHEREAS, the grant, consisting of a total amount of \$12,897.23, awarded on 03/28/2019, is to provide positive youth development activities to at-risk youth during the summer months when they are not in school.  
WHEREAS, the Township of Middle approved Resolution No. 184-19 authorizing the acceptance of said grant, and  
WHEREAS, Resolution 203-19 was approved May 6, 2019 to outline additional grant requirements, and  
WHEREAS, Resolution 311-19 was approved July 15, 2019 to further outline more grant requirements; and  
WHEREAS, it is necessary to further amend said resolution to modify the award number referenced above as well as the subaward number.  
NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.  
Subaward No: J-J:6-18-16  
Subaward Period: 06/01/2019 – 09/30/2019  
Match amount: \$35,650.23
20. RESOLUTION 109-20 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris 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.
21. RESOLUTION 110-20 – RELEASE OF PERFORMANCE BOND – LOUIS ALTOBELLI – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, \$65,553.42, is being held as a performance guarantee for Louis Altobelli for site improvements at Block 1113, Lot 1, otherwise known as 2702 Route 9 South; and  
WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$65,553.42 is hereby released.

22. RESOLUTION 111-20 – AUTHORIZING FORECLOSURE GROUP #198 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it appears to be in the best interest of this Township that the attached list of Tax Sale Certificates, designated as foreclosure Group #198, be foreclosed, pursuant to N.J.S. 54:5-104, 29-75 as amended, known as the In-Rem Foreclosure Act.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of certificates to Attorney Keith Bonchi to proceed to Foreclose In-Rem, the lands and premises covered by said certificates.

23. RESOLUTION 112-20 THROUGH 113-20 – AUTHORIZING MAYOR TO SIGN TREATMENT WORKS APPLICATION (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 1523 Lot 2.

(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Mayor is hereby authorized to sign the Treatment Works Approval Permit Application, Statement of Consent, and any and all permit applications in connection therewith for Block 335.01 Lots 5.02 and 5.03.

24. RESOLUTION 114-20 – AUTHORIZING EXTENSION – MEMORANDUM OF UNDERSTANDING – CAPE COMMUNITY CHURCH/BIBLE FELLOWSHIP CHURCH – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on January 23, 2019, the Township of Middle and Cape Community Church/Bible Fellowship Church entered a Memorandum of Understanding designating the church as a “Code Blue” warming center via Resolution 76-19 and;

WHEREAS, the Township and Cape Community Church/Bible Fellowship Church wish to further extend said memorandum of understanding effective January 1, 2020 through March 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the memorandum of understanding between Cape Community Church/Bible Fellowship Church and the Township of Middle is hereby extended with a final expiration date of March 31, 2020.

25. RESOLUTION 115-20 – CLOSED SESSION – POTENTIAL LITIGATION (SEWER CONNECTION), CONTRACT NEGOTIATIONS (AREA IN NEED OF REDEVELOPMENT), POTENTIAL LITIGATION (VIOLATION OF MUNICIPAL CODE), POTENTIAL LITIGATION (HOST COMMUNITY BENEFIT AGREEMENT) On motion By Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

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

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

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

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

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

1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter: POTENTIAL LITIGATION (SEWER CONNECTION), CONTRACT NEGOTIATION (AREA IN NEED OF REDEVELOPMENT), POTENTIAL LITIGATION (VIOLATION OF MUNICIPAL CODE), POTENTIAL LITIGATION (HOST COMMUNITY BENEFIT AGREEMENT)

2.) The general nature of the subject matter to be discussed is as follows: POTENTIAL LITIGATION (SEWER CONNECTION), CONTRACT NEGOTIATION (AREA IN NEED OF REDEVELOPMENT), POTENTIAL LITIGATION (VIOLATION OF MUNICIPAL CODE), POTENTIAL LITIGATION (HOST COMMUNITY BENEFIT AGREEMENT)

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.

*Mayor Donohue*

- *To have 4 items on a Closed Session is a lot and Committee does not go into Closed Sessions lightly. Committee wants to be open and transparent and do things in public, but to discuss potential litigation or negotiations in public would be disadvantageous to the public or tax payers. Spoke of how restrictive our form of government is where if 2 of them are together, it is considered a quorum of the governing. Going into Closed Session with the Township’s professionals is one way, with our form of government where we all can actually have a discussion,*

26. PUBLIC COMMENT:

*Larry Niles*

- *Thanked Committee for Re-Introduction of Ordinance 1606-20.*

*Mayor Donohue*

- *Asked Larry if he would speak about the Kimbles Beach Project.*

*Larry Niles*

- *They have a grant to do Bay Cove Beach and a bit of Kimbles. Not sure what is going to happen yet as they are waiting to hear from one of the homeowners before they can start project, which Kim has been helping with.*

*Kim Krauss*

- *We are getting closer. We have heard from the American Littoral Society and we are hopeful this will come to fruition and we can get that sand on the beach.*

*Larry Niles*

- *If it doesn't happen, will probably do the other side of Kimbles and Cooks.*

*Mayor Donohue*

- *Are the plans to get that done before the horseshoe crab season?*

*Larry Niles*

- *Desperate to get it done by that time. Need the letter from the homeowner to get the State permit, already have the Corp permit.*

*Stanley Doniger*

- *Asked for update on the progress of changing the form of government, are we any closer to getting that on the ballot?*

*Mayor Donohue*

- *Asked how many signatures he has gotten?*

*Stanley Doniger*

- *Inquired as to what the next step would be.*

*Mayor Donohue*

- *Discussion started over 2 years ago. His contention was there is a better way to proceed with this. There are some benefits to a 3-person committee, but there is no town our size that has a 3-person governing body. This is the governing body we have had since 1798. There was a brief time after the Civil War that we had a 5-man committee. The town had 700 residents and we now have 19,000 residents.*

*We have, under this form of government, an election every year, and we do not elect our own Mayor. He feels people would like that opportunity to elect their own Mayor. His idea was to start the conversation and set up the Citizens Advisory Board Committee. The Board worked very hard, but in the end, they did not come to a clear-cut consensus. The recommendation was that they believed the size of the governing body should grow, but they did not give clear cut direction on a form of government.*

*His contention is it should not be the place of the governing body to drive that conversation. It is something that should be done by the voters of the town. This could be done by a petition drive where a number of signatures have to be gotten and certified by a certain date to get it on the ballot. The initial ballot question should be "Should a Charter Study Commission be created?". People actually run to be on that Charter Study. This board of elected people will study the issue and make a ruling of what they think should be the form of government and how it should be set up. Then that question would go on the ballot. This is basically a 2-year process. The people are the ones with the power to make it happen, which takes the Committee out of the equation, which is the proper way it should be done.*

*Brett Ewol (Villas)*

- *He is the Director of the Cape May Bird Observatory in the center located in the Goshen area. Read a letter into the record from the NJ Audubon Society in support of Ord. 1606-20.*

*Mayor Donohue*

- *Asked where the Red Knots are coming from when they come here?*

*Brett Ewol*

- *They are coming here from South America*

*Mayor Donohue*

- *We had talked about doing a festival to raise awareness for the horseshoe crab and the Red Knots in the spring. When he googled it on line to see who else might be doing a festival, he found a small town in Mexico that had a Red Knot Festival. Makes you realize the global significance of it all.*

Motion to enter closed session – 6:40 pm

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

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

Motion to re-enter open session – 8:57 pm

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

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

Motion to adjourn meeting – 8:58 pm

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

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

---

Kimberly D. Krauss, Township Clerk