

Cape May Court House, NJ  
February 17, 2021  
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 virtually on Zoom Video Platform and through Facebook Live. 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

1. PRESENTATION BY MAYOR AND COMMITTEE –EMPLOYEE OF THE YEAR – VARVARA KEUN

*Mayor Donohue:*

- *Discussed various challenges that Varvara has faced and assisted with for the Township employees within the last year*
- *Thanked Varvara for all she has done to help throughout the pandemic*

*Committeeman Gandy:*

- *Thanked Varvara for stepping up and taking the extra steps to help employees during the covid pandemic*

*Committeeman Norris:*

- *Thanked Varvara for all she has done for the Township; stated the award was well deserved*

*Kimberly Krauss:*

- *Expressed appreciation for Varvara and all her hard work; thanked Varvara for all her hard work she has done for the Township and all the help she has provided to Kim*

*Chief Leusner:*

- *Also expressed appreciation for Varvara and thanked her for her hard work and help she has provided*

*Varvara Kuen:*

- *Thanked everyone and stated she loves her job*

2. 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.)

*Stan Doniger, Rio Grande:*

- *Asked about item 8 on the agenda*

*Kimberly Krauss:*

- *Explained the ordinance is going to be tabled and re introduced at a later date; further explained the bond if for additional funding for the sewer projects being done within the Township; gave reasoning for tabling the ordinance*

*Stan Doniger, Rio Grande:*

- *Asked about item 7 on the agenda*

*Mayor Donohue:*

- *Explained ordinance is done every year and further explained reason for the ordinance*

3. RESOLUTION 80-21 – 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. \$811,183.30

4. RESOLUTION 81-21 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Norris seconded by Mayor Donohue 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: 01/20/2021 Closed Session, 02/01/2021 Work Session and Regular Meetings.

5. REPORTS: Tax Collector for the year 2020; Sewer Collection for the year 2020; Sterback Harbor for the year 2020; Clerk for the Month of January; Tax Collection for the Month of January; Sewer Collection for the Month of January; Sterback Harbor for the Month of January

6. ORDINANCE NO. 1617-21 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 84, ARTICLE I, SECTION 5, ENTITLED ALCOHOLIC BEVERAGES, HOURS - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance

No. 1617-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/15/2021 at 6:00 p.m.

WHEREAS, Chapter 84, of the Middle Township Municipal Code establishes the code pertaining to Alcoholic Beverages;

WHEREAS, Article I, Section 5 speaks to the hours during which alcoholic beverages may be sold or offered for sale on certain licensed premises located within the Township.

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

SECTION 1. Chapter 84, Article I, Section 5 of the Code of the Township of Middle is hereby amended as follows (strikethroughs indicating deleted portions)

§ 84-5. Hours.

A. The hours during which alcoholic beverages may be sold or offered for sale on licensed premises by the holders of plenary retail consumption licenses or club licenses shall be between 7:00 a.m. and 2:00 a.m. the following day. ~~except that on Sundays no alcoholic beverages shall be sold or offered for sale between the hours of 2:00 a.m. and 11:00 a.m.~~

B. The hours during which alcoholic beverages may be sold or offered for sale on licensed premises by the holders of plenary retail distribution licenses shall be between 7:00 a.m. and 2:00 a.m. the following day. ~~except that on Sundays no alcoholic beverages shall be sold or offered for sale between the hours of 2:00 a.m. and 11:00 a.m.~~

C. All times mentioned herein shall be prevailing local time.

D. The hours during which alcoholic beverages may be sold or offered for sale in original containers for off-premises consumption by the holders of plenary retail distribution licenses shall be the same hours as those for the holders of plenary retail consumption licenses.

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

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

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

*Kimberly Krauss:*

*- Explained changes made for the hours of sale of alcohol*

7. ORDINANCE NO. 1618-21 - 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. 1618-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 03/15/2021 at 6:00 p.m.
- WHEREAS, the Local Government Cap Law, N.J.S. 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 2021 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 \$203,707.41 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 2021 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 \$712,975.94, and that the CY 2021 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.

8. **\*\* TABLED\*\*** ORDINANCE NO. 1619-21 – BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$2,200,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,200,000.00 BOND OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF. On motion by Committeeman Gandy seconded by Committeeman Norris, Ordinance No. 1619-21 was tabled.

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

Section 1. The improvement or purposes described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the “Township”) as general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,200,000.00 from the Sewer Utility of the Township, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Sewer Utility of the Township is self-liquidating.

Section 2. For the financing of said improvements or purposes described in section 3 hereof and to meet the said \$2,200,000.00 appropriation, negotiable bonds of the Sewer Utility of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$2,200,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,200,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purposes for the financing of which said obligations are to be issued are various sewer utility improvements including, but not limited to, pump station improvements including, but not limited to, mechanical improvements and acquisition and installation, as applicable, of flow tracking software and associated components, the repair and/or replacement of existing damaged sanitary sewer system lines,

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$2,200,000.

(c) The aggregate estimated cost of said improvements purposes is \$2,200,000.

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

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

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

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

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

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

- (b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.
- (c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bond or notes provided for in this bond ordinance by \$2,200,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

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

Section 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditure for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulation 1.15-0-2 or any successor provisions of federal income tax law.

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

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

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

9. RESOLUTION 82-21– ACKNOWLEDGEMENT OF TERMINATION – 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 termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Samantha Kelly-Jones	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	01/08/2021

10. RESOLUTION 83-21 – 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	POSITION	EFFECTIVE
Christian Demtshuk	Laborer 1 F/T Permanent	02/19/2021

11. RESOLUTION 84-21 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT - 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 discontinuation of temporary appointment listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Michael Hatcher	Public Works	Laborer 1 F/T T/A (6 months)	02/11/2021

12. RESOLUTION 85-21 – AUTHORIZE 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	EFFECTIVE DATE
Curtis Harvey	Public Works	Laborer 1 F/T T/A 6 Months	Laborer 1 P/T Permanent	02/08/2021

13. RESOLUTION 86-21 – APPOINTMENTS – NEW HIRES – 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 employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Markell Benson	Public Works	Laborer 1 P/T T/A – 6 months	\$12.00 per hour	TBD

14. RESOLUTION 87-21 – AUTHORIZING TOWNSHIP TO EXCEED 60-DAY BID LIMITATION – PUMP STATION IMPROVEMENTS – PHASE 1 – CONTRACT NO. 2020-02 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it was deemed necessary and desirable to solicit for proposals for Phase 1 of Pump Station Improvements; and

WHEREAS, the Township received said proposals on January 21, 2021 at 10:00 AM for said services; and

WHEREAS, NJSA 40A:11-24 delegates the time table for making awards and returning deposits, and WHEREAS, statute states that the contracting unit shall award or reject the contract in no case more than 60 days after receipt, except that the bidders who consent thereto at the request of the contracting unit, be held for consideration for such longer period as agreed, and

WHEREAS, all bid security, except the security of the three apparent lowest responsible bidders, shall be returned, unless otherwise requested by the bidder, and

WHEREAS, the Township of Middle does hereby wish to exceed said timeframe until April 30, 2021.

WHEREAS, the Township will request written consent from the three lowest bidders, if applicable, to retain all bid documents until April 30, 2021.

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle is hereby authorize to extend the award time for the above referenced project until April 30, 2021.

15. RESOLUTION 88-21 THROUGH 91-21 – TABULATION COMMITTEE (ITEMS A THROUGH D) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, following public advertisement, proposals were solicited for the Contract #2019-4 of the Middle Township home rehabilitation project, to be received by the Township of Middle on April 1, 2019 at Township Hall; and

WHEREAS, no bids were received.

WHEREAS, following public advertisement, proposals for the Contract #2019-4 of the Middle Township home rehabilitation project, were received by the Township of Middle on June 5, 2019 at Township Hall; and

WHEREAS, said bids were rejected via Resolution 282-19 on July 1, 2019 due to the bids being higher than anticipated; and

WHEREAS, following public advertisement, proposals were solicited for the Contract #2019-4 of the Middle Township home rehabilitation project to be received on January 7, 2020 at Township Hall; and WHEREAS, no bids were received.

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 March 24, 2021 at 11:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACT #2019-4

MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

(B) WHEREAS, following public advertisement, proposals were solicited for Contracts #2019-9, #2019-10 and #2019-11 of the Middle Township home rehabilitation project, to be received by the Township of Middle on December 16, 2020 at Township Hall; and

WHEREAS, no bids were received.

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 March 24, 2021 at 11:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACTS #2019-9 THROUGH #2019-11

MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

(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 March 24, 2021 at 11:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

CONTRACTS #2019-12 THROUGH #2019-13

MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

(D) 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 March 11, 2021 at 10:00 AM in the Middle Township Municipal Building, 2<sup>nd</sup> Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

SWAINTON ROAD PROJECT

16. RESOLUTION 92-21 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – PUBLIC INFORMATION OFFICER – LAURA BISHOP COMMUNICATIONS, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has a need to enter into an agreement with Laura Bishop Communications, LLC to provide services relevant to Public Information Officer as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and

WHEREAS, the Township of Middle will be entering into an agreement with Laura Bishop Communications, LLC where the total amount is \$35,000.00, which exceeds the non-fair and open limitation of \$17,500.00; and

WHEREAS, Laura Bishop Communications, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit Laura Bishop Communications, LLC from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor for a term of 12-months, and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

*Mayor Donohue:*

- *Commented on the strong relationship created with the company through efforts to get the best information out to the community throughout the pandemic; thanked Laura for everything they did to assist the Township in getting information out to residents*

17. RESOLUTION 93-21 – APPROVE CHANGE ORDER NO. 1 – ATLANTIC PACIFIC DRAINAGE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Atlantic Pacific Drainage project was awarded on July 6, 2020, via Resolution No. 239-20 to Perna Finnigan, Inc.

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 Perna Finnigan, Inc. is hereby approved, and that the change order results in an increase of \$3,019.75 for an amended contract amount of \$177,819.05.

18. RESOLUTION 94-21– AUTHORIZING MAYOR TO SIGN THE RECERTIFICATION OF THE EMERGENCY MANAGEMENT OPERATIONS PLAN FOR THE TOWNSHIP OF MIDDLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, in 2016 the Township of Middle Operations Plan was submitted to the Cape May County Office of Emergency Management and the State of New Jersey Office of Emergency Management; and

WHEREAS, the Emergency Operations Plan is about to expire and it is necessary to update and adopt a revised Emergency Operations Plan.

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

1. The allegations of the preamble are incorporated herein by this reference.
2. The Mayor, Emergency Management Coordinator and other Township officers are authorized to execute the revised Emergency Operations Plan.
3. The Mayor’s Signature shall constitute acceptance and adoption of the revised Emergency Operations Plan on behalf of the Township of Middle.
4. All Township officials, officers and employees are empowered to take such action as it may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

19. RESOLUTION 95-21 – RENEWAL – TOWING LICENSES – 2021 – On motion by Committeeman Gandy seconded by Committeeman Norris 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 2021:

License #	Tradename	Truck #	License Plate Number	Truck Make/ Model	Fee	Sticker Fee Paid
1	Kindle Towing	1	XKFD73	2019 Ford F650 Flatbed	\$450.00	\$50.00
1	Kindle Towing	2	XEKJ46	2007 Ford F550 Wheel Lift 4x4	-	\$50.00
1	Kindle Towing	3	XGLJ86	2018 Ford F650 Flatbed	-	\$50.00

4	Blakeslee Towing & Recovery dba Court House Towing	1	XHWP20	2020 Freightliner M2 Flatbed w/ wheel lift	\$450.00	\$50.00
4	Blakeslee Towing & Recovery dba Court House Towing	2	XHWP74	2019 Ford F750 Flatbed w/ wheel lift	-	\$50.00
5	Gary's Automotive	1	XK805N	2007 Chevrolet 5500 Flatbed	\$450.00	\$50.00
7	Hi-Tech Towing	1	XHWP21	2020 Freightliner M2 Flatbed w/ wheel lift	\$450.00	\$50.00
9	South Jersey Towing	1	XEGD65	2010 Dodge Ram Wrecker w/ wheel lift	\$450.00	\$50.00
9	South Jersey Towing	1	XHWP95	2020 Freightliner M2 Flatbed w/ wheel lift	-	\$50.00
11	ANA Towing	1	XGGA46	2019 Ford F-550 Flatbed	\$450.00	\$50.00
11	ANA Towing	2	XGF216	2019 Ford F-550 Wrecker/Wheel lift	-	\$50.00
11	ANA Towing	3	XJYR29	2020 Ford F-550 Flatbed	-	\$50.00
11	ANA Towing	4	XJAW34	2020 Peterbilt 337 Med. Flatbed	-	\$50.00
11	ANA Towing	5	XGGA47	2019 Peterbilt 337 Med. Flatbed	-	\$50.00
11	ANA Towing	6	XHWN88	2018 Peterbilt 567 Heavy Duty Wrecker	-	\$50.00

20. RESOLUTION 96-21 – 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 97-21 – AUTHORIZING FORECLOSURE GROUP #199 – 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 #199 be foreclosed, pursuant to N.J.S.A. 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.
22. RESOLUTION 98-21 – AFFIDAVIT OF ASSIGNMENT POSTING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
State of New Jersey  
Ss  
County of Cape May  
I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:  
1. I am the Tax Collector of The Township of Middle, County of Cape May, and State of New Jersey.  
2. A notice of assignment for tax title lien #2014-8053 was mailed to the assessed owner, Donley, Albert for block 1109 lot 3 by certified and regular mail pre postage paid.  
3. Notice of assignment was published in the Herald-Times, Rio Grande, New Jersey, on February 10<sup>th</sup>, 2021  
4. A Copy of the Notice of Sale was set up in three of the public places in the Municipality, namely:  
1. Middle Township Municipal Hall  
33 Mechanic St  
Cape May Court House, NJ 08210  
2. Whitesboro Post Office  
6 E Main St.  
Whitesboro, NJ 08252  
3. Cape May Court House Post Office  
615 Rte 9 S  
Cape May Court House, NJ 08210
23. RESOLUTION 99-21 – 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 be 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.

24. RESOLUTION 100-21 – CLOSED SESSION – CONTRACT NEGOTIATIONS (MUTUAL AID), CONTRACT NEGOTIATIONS (LICENSING SOFTWARE), POTENTIAL LITIGATION (POTENTIAL LAND DEVELOPMENT) – 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 topics 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: CONTRACT NEGOTIATION (MUTUAL AID), CONTRACT NEGOTIATIONS (LICENSING SOFTWARE), POTENTIAL LITIGATION (POTENTIAL LAND DEVELOPMENT)

2.) The general nature of the subject matter to be discussed is as follows:

CONTRACT NEGOTIATION (MUTUAL AID), CONTRACT NEGOTIATIONS (LICENSING SOFTWARE), POTENTIAL LITIGATION (POTENTIAL LAND DEVELOPMENT)

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.

#### ENGINEER REPORT:

*Vince Orlando, Engineer:*

- *Discussed meeting regarding bike path north; stated project has been given the approval to move forward; gave briefing on outline for the construction of the path; commented on the resolution approve for the tabulation committee for the Swainton road project; gave timeline for project*

#### COMMITTEE COMMENTS:

*Committeeman Gandy:*

- *Thanked Varvara Keun; spoke of visit to railroad park*

*Committeeman Norris:*

- *Lacrosse registration is up on the recreation website for girls*
- *South shore travel basketball league has games coming up; discussed regulation changes allowing two parents to attend home games; discussed the streaming of basketball games*

*Mayor Donohue:*

- *Spoke of great job done by Recreation Department streaming the basketball games for parents and family unable to attend.*
- *Spoke of approval for emergency management plan*
- *Discussed stated of the Township address on February 25<sup>th</sup> at the Bellevue Tavern presented by the Middle Township Chamber of Commerce; stated address will be live streamed*
- *Discussed bike path north project; gave timeline for the project; explained various aspects stalling the project; thanked various persons who had assisted with the project so far; spoke of excitement to get the project moving*
- *Commented on the decline in Covid numbers; discussed issuance of Covid vaccines; continued to discuss distribution of covid vaccines and the Covid-19 pandemic; discussed vigil on March 16<sup>th</sup> for the one-year anniversary since the shut down and beginning of the pandemic; gave details on the event; invited all residents to attend*

#### 25. PUBLIC COMMENT:



*Ryan Schmid:*

- *Thanked the Governing Body for persevering through the Covid-19 pandemic*
- *Commented on the proposed zoning change for property Block 132.01 lot 31; stated he is opposed to the zoning change; discussed various reasons for him being opposed to the zoning change; discussed possible effect the development could have on the environment around the area to be changed*

*Mayor Donohue:*

- *Thanked Mr. Schmid for his comments; explained the Township Committee is taking all comments from residents into consideration when making decisions regarding the proposed zoning changes*

*Joseph Ravitz:*

- *Wished everyone a happy belated New Year*
- *Asked for update on the process for proposed zoning changes and recommended changes in the master plan reexamination, especially for the proposed changes on Indian Trail*

*Vince Orlando, Engineer:*

- *Briefly reviewed process if the Township Committee decided to move forward with the proposed changes*

*Joseph Ravitz:*

- *Discussed previous proposal for the use of land; gave background on the property*

*Peggy Mathis, Hoppy's Lane:*

- *Asked about road drainage issues across from 401 shunpike due to new construction which has caused flooding and a second property on Shellbay by Presidential Courts where new construction is also causing flood as well*

*Kimberly Krauss:*

- *Explained additional drainage would be installed for the property on Shunpike*

*Vince Orlando, Engineer:*

- *Stated he is familiar with the flooding; indicated it is a county road so it is a county issue; stated the County has been made aware of the problem.*

*Mayor Donohue:*

- *Asked for clarification where the drainage issue is on the county road*

*Vince Orlando, Engineer:*

- *Clarified the drainage issue is on shunpike*

*Mayor Donohue:*

- *Stated they are looking into the drainage issues*

*Mary Ann Carter Alulis:*

- *Stated she disagrees with the Mayor in regards to the considerations for come zoning changes and not others; spoke of various concerns regarding the possible new hotel; asked if Township Committee has seen the plans for the new hotel*

*Mayor Donohue:*

- *Explained the change of the zoning does not automatically permit the hotel: stated that the hotel must go through multiple levels before being permitted; explained process of approval for the hotel; stated he had not yet seen the plans for the hotel in full detail; discussed the roles the Township Committee is limited in addition to the Planning Board and Zoning Board*
- *Stated the Township has taken into consideration all factors relative to the zoning changes proposed in the Master Plan*
- *Continued to discuss background of discussion regarding the zoning change*

*Eric Glenz:*

- *Asked about condition of sidewalks and metal old utility boxes leaning onto the walkways throughout Whitesboro and Cape May Court House*

*Mayor Donohue:*

- *Stated sidewalks are the responsibility of the home owners*

*Vince Orlando, Engineer*

- *Stated he is unsure; if an exact location is provided, they can look into the issue*

*Mayor Donohue:*

- *Stated yes if Mr. Glenz will provide an exact location they will look into the problem.*

Motion to enter closed session – 6:57 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 – 7:56 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 adjourn meeting – 7:57 PM

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

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

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman