

Cape May Court House, NJ
March 1, 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, Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan - *Committee member Norris was absent*

1. PRESENTATION BY MAYOR AND COMMITTEE –EMPLOYEE OF THE MONTH - FEBRUARY – KYLE MORINELLI

Mayor Donohue:

- *Asked that Kyle be recognized at a future meeting when he is able to attend and hear Committee's comments.*

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 Donigar, Rio Grande:

- *Asked for clarification on item 8.*

Kimberly Krauss:

- *Clarified that the Ordinance incorporates \$500,000 for the award of the worst of the pump stations as well as engineering costs and also prepares the Township for the next round.*

Stan Donigar, Rio Grande:

- *Also questioned proposed Stormwater Control Ordinance and expressed concern over enforcement of the same.*

Mayor Donohue:

- *Explained that proposed changes are required by the State; every town must adopt new rules.*

Stan Donigar, Rio Grande:

- *Spoke of lack of communication from the State with regard to a stormwater basin near his home.*
- *Asked if the Township would need to hire employees to assist with enforcement.*

Mayor Donohue:

- *Responded that he did not believe that would be the case.*
- *Mentioned that the State would come out and do inspections.*

Stan Donigar, Rio Grande:

- *Questioned how he would obtain complete copies of Ordinances.*

Kimberly Krauss:

- *Informed Mr. Donigar that he can always e-mail the Clerk's office.*

Stan Donigar, Rio Grande:

- *Asked how base and alternate bids work.*

Kimberly Krauss:

- *Explained that the bids, in this particular case, were two separate projects.*

3. RESOLUTION 101-21 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy 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 payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$2,542,757.03

4. RESOLUTION 102-21– APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Gandy 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: 02/17/2021 Work Session, Regular and Closed Session meetings.

5. REPORTS: NONE

6. ORDINANCE NO. 1614-21 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE - Following second reading, hearing, and consideration for adoption, Ordinance 1614-21 was adopted on motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

***Full list of salary ranges on file in Clerk's Office**

NO PUBLIC COMMENT.

7. ORDINANCE NO. 1616-21 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 102 SECTION 2 ENTITLED BULKHEADS, PERMIT REQUIRED – Following second reading, hearing, and consideration for adoption, Ordinance 1616-21 was adopted on motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

NO PUBLIC COMMENT.

BE IT ORDAINED, by the Township Committee, the governing body of the Township of Middle that Chapter 102 Section 2 of the Code of the Township of Middle shall be deleted and replaced in its entirety as follows:

Chapter 102 Bulkheads

§ 102-2 Permits required; application; notice; fees; appeals

A. Permit required. No person or legal entity shall construct, reconstruct, renovate or repair any bulkhead within the Township of Middle without first obtaining and having in possession a valid permit to do such work that has been issued by the office of the Township Zoning Officer upon approval of the Township Engineer.

B. Permit Application.

(1) Applications for bulkhead permits shall be made on an application form obtained from the Township Zoning Officer. Completed applications shall be returned to the Township Zoning Officer with the required fee along with the following items in quadruplicate:

- a. Plans and specifications of the bulkhead that have been prepared, signed and sealed by a New Jersey licensed professional engineer.
- b. A property survey.
- c. Authorization for the New Jersey Department of Environmental Protection and any other state or federal agency having jurisdiction over the property affected by the proposed work.
- d. Proof of Notice of application to adjoining property owners.

(2) The Township Engineer may relax or waive any or all of the requirements that are set forth above within the application for a permit pertains to reconstruction, renovation or repair work for which the cost of completion is less than \$5,000; however, in relaxing or waiving any such requirements, the Township Engineer shall have the authority to require the submission of such plans, drawings and contract documents as the Engineer, in his sole and absolute discretion, determines will accurately depict the reconstruction, renovations or repair work to be performed.

C. Notice of application.

(1) Notice of application for a bulkhead permit, the form of which is to be obtained from the Township Zoning Officer, shall be given by the applicant to the owners of all real property, as shown on the current tax duplicate, within 100 feet and whose property is adjacent to the same or similar tidal waters as is the applicant’s property; provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it; or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by mailing a copy thereof by regular, first class mail and by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners’ association because of its ownership of common elements or areas located within 100 feet of the property which is the subject of the bulkhead application may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.

(2) Upon written request of an applicant, the Tax Assessor, within seven days, shall make and certify a list from said current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this section. A sum not to exceed \$.25 per name or \$10, whichever is greater, may be charged for preparation of such list. The Tax Assessor shall also verify the certified mailing costs.

D. Permit issuance. Upon receipt by the Township Zoning Officer of an application for a bulkhead permit, the Zoning Officer immediately shall transmit copies of the application and all accompanying documents to the Township Engineer for review. No permit shall be issued by the Township Zoning Officer unless the permit is approved for issuance by the Township Engineer. In the event that, upon review of the permit application, deficiencies are noted by the Township Engineer the Township Zoning Officer shall be informed of the nature of the deficiencies and the Township Zoning Officer shall provide written notice, by regular first-class mail, of the deficiencies to the applicant at the address set forth on the application and the applicant then shall be afforded the opportunity to correct any application deficiencies.

E. Permit fee. The permit fee shall be calculated in the following manner:

- (1) For new construction: \$300.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.
- (2) For renovation, reconstruction and repairs: \$300.00 for the first 50 feet of bulkhead to be constructed, and thereafter, \$15.00 per foot or any portion thereof.

F. Inspection fee Escrow. The inspection fee shall be \$2,000.00. However, said inspection fee escrow shall not be charged if the bulkhead project is part of a Zoning or Planning Board approval for which an escrow is already required.

G. Appeal of permit denial. Any applicant aggrieved by the denial of a bulkhead permit may appeal the permit denial to Township Committee by submitting to the Township Clerk written correspondence appealing the permit denial. Such written appeal correspondence briefly shall describe the reason for the appeal. Such written appeal correspondence shall be submitted to the Township Clerk within 20 days of the permit denial. Upon receipt of the appeal correspondence, the Township Clerk shall transmit to Township Committee copies of the permit application, all attachments thereto and any copies of any documents that have been generated by the Township Engineer in connection with

review of the permit application. Thereafter, the Township Clerk shall schedule a date for the hearing of the appeal, and notice of the hearing dated shall be provided to the permit applicant. In all instances the Township Clerk shall endeavor to schedule the appeal hearing date not later than 30 days after receipt of the appeal correspondence. The hearing of the appeal shall be conducted by the Township Committee at a public meeting. The applicant shall be permitted to produce evidence to Township Committee in support of the permit application. Township Committee may consider evidence presented to it by the Township Engineer or any other individual that Township Council deems to have relevant information. The decision of Township Committee to approve or deny the permit application shall be through adoption of a formal resolution.

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

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.

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

8. **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 \$2,700,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 2,565,000.00 BOND OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF** - On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, Ordinance No. 1619-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/05/2021 at 6:00 p.m.

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the “Township”) as general capital improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$2,700,000, including the sum of \$135,000 as the amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the “Local Bond Law”). The \$135,000 down payment is now available therefor from the capital improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,700,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,565,000 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 a principal amount not exceeding \$2,565,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, 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 said improvements or purposes is \$2,565,000.

(c) The estimated cost of said improvements or purposes is \$2,700,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes in the amount of \$135,000.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

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

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

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

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

(b) The 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 in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,565,000 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. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

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

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

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

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

9. ORDINANCE NO. 1620-21 – AN ORDINANCE TO REPEAL ORDINANCE NO. 1247-07, WHICH ENACTED SECTION 218-73.1 OF CHAPTER 218, ARTICLE VIII OF THE CODE OF THE TOWNSHIP OF MIDDLE AND TO REPLACE THE SAME WITH AMENDMENTS TO STORMWATER MANAGEMENT BEST PRACTICES AND STORMWATER CONTROL - On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, Ordinance No. 1620-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 04/05/2021 at 6:00 p.m.

WHEREAS, the Township of Middle, in 2007, adopted Ordinance No. 1247-07, which enacted Section 218-73.1 of Chapter 218, Section VIII of the Code of the Township of Middle regarding Stormwater best management practices and stormwater control; and

WHEREAS, Amendments to the Stormwater Management Rules were adopted pursuant to N.J.A.C. 7:8 and the Township of Middle must update said Ordinance to be consistent with the adopted rules.

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 Chapter 218, Article VIII, Section 218-73.1 read as follows:

***Complete Ordinance available for viewing in the Clerk's Office**

10. RESOLUTION 103-21 – TEMPORARY EMERGENCY SEWER APPROPRIATION – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, an emergent condition has arisen with respect to down payment on improvements in the Sewer Utility Fund and no adequate provision has been made in the Year 2021 temporary budget for the aforesaid purposes and;

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned and;

WHEREAS, the total temporary emergency resolutions adopted in the Year 2021 for the Township's Sewer Utility Fund pursuant to the provisions of Chapter 96, PL 1951 (NJS 40A:4-20) including this resolution total \$135,000.00 and;

NOW, THEREFORE, BE IT RESOLVED, (not less than two thirds of all members of the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

An Emergency Temporary Sewer Utility Fund Appropriation shall be made for the following purposes - Sewer Utility Capital Improvement Fund in the amount of \$135,000.00.

That said Emergency Temporary Sewer Utility Fund Appropriation will be provided for in the 2021 budget under the title of: Sewer Utility Capital Improvement Fund.

That one certified copy of this resolution will be filed with the Director of Local Government Services

11. RESOLUTION 104-21 – AMENDING RESOLUTION 86-21 – APPOINTMENTS – NEW HIRES – On motion by Committeeman Gandy 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, County of Cape May, State of New Jersey, that Resolution No. 86-21 shall hereby be amended and corrected to reflect the following employee effective date indicated below:

NAME	DEPARTMENT	TITLE	SALARY/RATE	EFFECTIVE
Markell Benson	Public Works	Laborer 1 P/T T/A – 6 months	\$12.00 per hour	02/22/2021

12. RESOLUTION 105-21 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Mayor Donohue 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
Matthew Maxey	Laborer 1 F/T Permanent	03/06/2021

13. RESOLUTION 106-21 THROUGH 108-21– APPROVE TRANSIENT MERCHANT VENDOR LICENSE (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

(A) WHEREAS, A&T Ice has applied for a Vendor's License to operate an ice cream truck in Middle Township,

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from March 1, 2021 through December 31, 2021.

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate a food truck in Middle Township from March 1, 2021 through December 31, 2021.

BE IT FURTHER RESOLVED, that this approval is contingent upon the review and approval of all insurance related documents by the Township's insurance carrier.

(C) WHEREAS, James R. Brown dba Jim's Mister Softee of Cape May County, LLC has applied for a Vendor's License to operate an ice cream truck in Middle Township, and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the vendor applicant is hereby licensed by the Township of Middle to operate an ice cream truck in Middle Township from March 01, 2021 through December 31, 2021.

BE IT FURTHER RESOLVED, that this approval is contingent upon the review and approval of all insurance related documents by the Township's insurance carrier.

14. RESOLUTION 109-21 THROUGH 110-21– APPROVE CHANGE ORDER (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

(A) WHEREAS, an Emergency Contract was awarded, on August 17, 2020, via Resolution No. 292-20 to Perna Finnigan, Inc. For Emergency Sewer Repairs.

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 \$17,980.98 for an amended contract amount of \$157,727.98.

(B) WHEREAS, Housing Rehabilitation Contract No. 2019-7 was awarded September 9, 2020, via Resolution No. 321-20 to Buggy Construction, 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 Buggy Construction Inc, be and is hereby approved a Change Order in the amount of \$ \$1,150.00 for additional work.

15. RESOLUTION 111-21 – AWARD OF BID – 2020 ROAD IMPROVEMENT PROGRAM – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, following public advertisement, received bids for the 2020 Road Improvement Program; and

WHEREAS, bids received for the project were higher than anticipated, and

WHEREAS, pursuant to Resolution 458-20 all bids received on December 1, 2020 were rejected and a tabulation committee was re-established via Resolution 79-21;

WHEREAS, sealed bids were received on February 26, 2021; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest complete bid received, which complies with specifications; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the 2020 Road Improvement Program project.

South State Inc.

2020 Road Improvement Program

Base Bid - \$188,300.00

Alt. Bid - \$83,735.00

Total Not to Exceed - \$272,035.00

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

16. RESOLUTION 112-21 THROUGH 113-21– RELEASE OF PERFORMANCE BOND (ITEMS A THROUGH B)– On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

(A) WHEREAS, \$35,111.52, is being held as a performance guarantee for United Uniforms LLCS for site improvements at Block 1414.01, Lots 8 and 9, otherwise known as 1050 and 1052 Route 47 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 \$35,111.52 is hereby released.

(B) WHEREAS, \$1,068,756.47 is being held as a Performance Guarantee for ERM Limited Liability Company, for site improvements at Block 12.01 Lots 61-64; and

WHEREAS, the Zoning Officer for the Township of Middle has recommended that the performance bond under the name of ERM Limited Liability Company be released and replaced with another performance bond (Performance Surety Bond) in the name of Union League National Golf Club.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the performance bond as indicated above has been replaced with a performance bond (Performance Surety Bond) for Union League National Golf Club, in the amount of \$1,068,756.47.

17. RESOLUTION 114-21 – AUTHORIZING ACCEPTANCE OF CASH BOND – CELTIC ENTERPRISES LLC – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, Celtic Enterprises, LLC has received certain approvals for the property located at 10 Indian Trail Road to include landscape buffering, and

WHEREAS, the developer is about to or has commended development of the project together with the related improvement and has chosen to post a cash bond for the same.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the cash bond in the amount of \$4,755.00 is hereby accepted.

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

18. RESOLUTION 115-21 – ASSIGNMENT OF TAX TITLE LIEN – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2017-9119 acquired under N.J.S.A. 54:5-34; and,

WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and

WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and

WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Herald Newspaper, within five days prior to the action as required by law.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Middle, County of Cape May, State of New Jersey on this 1st day of March, 2021 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2017-9119 in the amount of \$506.67 plus the cost of advertisement to:

Gheorghe Lazar

100 Lafayette Ave.

Del Haven, NJ 08251

For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under N.J.S.A. 54:5-113,

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

19. RESOLUTION 116-21 - AUTHORIZE MAYOR TO EXECUTE PEDESTRIAN BIKE PATH LICENSE AGREEMENT WITH ATLANTIC CITY ELECTRIC COMPANY – BIKE PATH NORTH EXTENSION – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute the Pedestrian Bike Path License Agreement as required by Atlantic City Electric Company in connection with the Bike Path North Extension.

20. RESOLUTION 117-21 – CLOSED SESSION – CONTRACT NEGOTIATIONS (MUTUAL AID) – On motion by Committeeman Gandy seconded by Mayor Donohue 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 NEGOTIATIONS (MUTUAL AID)
- 2.) The general nature of the subject matter to be discussed is as follows:
CONTRACT NEGOTIATIONS (MUTUAL AID)
- 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.

21. PUBLIC COMMENT:

Stan Donigar, Rio Grande:

- *Praised Chief Leusner on his prepared report.*
- *Stated that the Township is lucky to have him.*

Gu Nar (Facebook):

- *Asked if there are any plans to extend city water/sewer from Shellbay down to Golf Club Road south towards North Wildwood Boulevard.*

Mayor Donohue:

- *Responded that there are no plans at this time.*

ENGINEERING REPORT:

Vincent Orlando:

- *Reviewed attached report.*



Township of Middle
Project Status Report
March 1, 2021

Prepared By: *Vincent C. Orlando, P.E., P.P., L.L.A.*

1. Birch Drive, Avocado Road, Coconut Road & Aspen Drive Road Reconstruction:

- Scheduled to received bids March 11, 2021
- Award Contract April

2. Rio Grande Park:

- Park Opened!
- Items remaining – Banners, Trail Signage & Crosswalk

3. Planning/Zoning:

- Zoning Updates
- Reapproval for State Centers

4. Linden Lane (Phase I & II):

- Currently under design for Phase II
- NJDOT approved bidding both Phase I & II together
- Construction bids to be completed by April 2021.

5. Projects for 2021:

- Currently reviewing with Kim Krauss and Rob Flynn, Road and Drainage projects for upcoming year.

Cambridge Professional Offices
5 Cambridge Drive, Ocean View, New Jersey 08230
PHONE: (800) 300-0332 • FAX: (800) 300-0204

FINAL/MIDDLE/GENERAL/PRO/STATUS 5-3-2021

COMMITTEE COMMENTS:

Committeeman Gandy:

- *Spoke of discussions with Kim Krauss and Vince Orlando with regard to flooding on Ridge Road.*
- *Mentioned State of the Township address,*
- *Thanked Chief Leusner for all of the work he does.*
- *Spoke of Zoom webinar hosted by Cape Assist with regard to Marijuana Legalization.*

Mayor Donohue:

- *Also spoke of State of the Township address; presentation available on Facebook.*
- *Discussed the approach of 1-year mark since COVID arrived as well as event being held to honor those lost and local heroes.*
- *Spoke of road and drainage programs as well as recent rainfall.*
- *Explained how drains throughout the Township were designed to work.*
- *Acknowledged approval of agreement with Atlantic City Electric for the northern extension of the Bike Path.*
- *Welcomed Lydia, the new Zebra to the Cape May County Zoo.*
- *Discussed enforcement of marijuana legalization, specifically when it comes to minors; further explained.*
- *Also spoke of proposed Insa medical marijuana facility and a Resolution passed in 2019 supporting the same.*
- *Explained that Insa is still in the process of applying for their license.*
- *Provided update on COVID cases as well as vaccines.*

Motion to enter closed session – 6:46PM

1st: Committeeman Gandy 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Gandy, Mayor Donohue

Motion to re-enter open session – 7:17PM

1st: Committeeman Gandy 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Gandy, Mayor Donohue

Motion to adjourn meeting – 7:18PM

1st: Committeeman Gandy 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Gandy, Mayor Donohue

Kimberly D. Krauss, Township Clerk

Minutes prepared by A. Singley