

Cape May Court House, NJ
April 5, 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. 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 about hiring of Construction Official.*

Mayor Donohue

- *Discussed the resignation of Sal DeSimone as well as need for a full-time Construction Official.*
- *Also elaborated on salaries ranges relevant to the position.*

Committeeman Gandy

- *Added that the position is statutorily required.*
- *Agreed that there is a need for the position to be full-time.*

2. RESOLUTION 132-21 – 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. \$5,580,588.73

3. RESOLUTION 133-21 – APPROVING MINUTES FROM PREVIOUS MEETING – 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: 03/15/2021 Work Session, Regular and Closed Session meetings.

4. REPORTS: NONE

5. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1619-21 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

No public comment.

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.

6. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1620-21 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

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**

Mayor Donohue:

- *Explained revision of Ordinance to comply with State regulations.*

No public comment.

7. ORDINANCE NO. 1621-21 – AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWNSHIP OF MIDDLE AS FOUND IN SECTION 250-302 OF THE TOWNSHIP OF MIDDLE CODE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1621-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2021 at 6:00 p.m.

WHEREAS, the Township of Middle has developed a Master Plan to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare; and WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-89, the governing body of the municipality shall provide for a general reexamination of its master plan and development regulations by the planning board at least once every ten (10) years; and

WHEREAS, the Township generated a Master Plan Reexamination Report, in accordance with said statute, in November of 2020; and

WHEREAS, said Master Plan Reexamination Report, having acknowledged the changing character and needs of the Township, recommended that certain properties be re-zoned to more effectively achieve the purpose and intent of the Master Plan; and

WHEREAS, the governing body has reviewed said proposed zoning changes, as articulated in the Master Plan Reexamination Report, consulted with municipal engineers and planners and determined that said zoning changes are in the best interests of the health, safety and welfare of the community to support and encourage appropriate development within the Township; and

WHEREAS, the adoption of said proposed zoning changes are exempt from the personal notice requirement of N.J.S.A. 40:55D-62.1 and parallel provision of N.J.S.A. 40:55D-63 as the same were recommended in connection with a periodic general reexamination of the Master Plan;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle that the following properties be-rezoned and illustrated accordingly on the Zoning Map of the Township of Middle, as found in Section 250-302 of the Middle Township Code, as follows: SECTION 1: The contents of the Master Plan Reexamination Report, generated in November of 2020, are incorporated by reference as if set forth at length herein.

SECTION 2: The following properties shall be reclassified on the Zoning Map of the Township of Middle as follows:

1. Block 1414.01, Lot 14: Re-zoned from Town Residential (TR) to Town Business (TB).
2. Block 1436.01, Lots 6, 7, 11 and 13: Re-zoned from Suburban Residential (SR) to Town Center (TC).
3. Block 985, Lots 1, 2 and 8 -12; Block 986, Lots 1, 2 and 4; Block 989, Lots 2 and 3; Block 990, Lots 1-5; Block 991, Lots 1-3; Block 992, Lots 1 and 2: Re-zoned from Business (B) and Suburban Residential (SR) to Town Business (TB).
4. Block 355.01, Lot 6: Re-zoned from Residential (R) to Town Business (TB).
5. Block 132.01 Lots 9-11, 14, 15, 19 and 22 and Block 135.02, Lots 1, 2 and 7: Re-zoned from Rural Conservation (RC) to Coastal Development (CD).
6. Block 132.01, Lot 31: Re-zoned from Rural Conservation (RC) to Town Center (TC).
7. Block 127, Lots 12 through 22: Re-zoned from Town Center (TC) to Residential (R).
8. Block 99.02, Lots 115.01, 115.02, 115.03, 115.04 and 117: Re-zoned from Suburban Residential (SR) to Residential (R).
9. Block 55.01, Lot 8: Re-zoned from Business (B) to Rural Conservation (RC).

SECTION 3: The balance of Chapter 250 should remain in full force in effect; however, any other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4: Should any section, paragraph, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

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

8. ORDINANCE NO. 1622-21 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1622-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2021 at 6:00 p.m.

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

9. ORDINANCE NO. 1623-21 - REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE "TOWNSHIP") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING REFUNDING BONDS OF THE TOWNSHIP DATED APRIL 30, 2013, TO PROVIDE DEBT SERVICE SAVINGS FOR THE TOWNSHIP AND TAXPAYER RELIEF, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,800,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1623-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2021 at 6:00 p.m.

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), the Township of Middle, in the County of Cape May, State of New Jersey (the "Township"), had previously issued \$10,350,000 aggregate principal amount of Refunding Bonds, Series 2013 on February April 30, 2013 (the "Original Bonds"); and

WHEREAS, \$6,885,000 outstanding Original Bonds maturing in the years 2024 through 2042 (the "Refunded Bonds") are currently subject to redemption, either in whole or in part, prior to their stated maturity; and

WHEREAS, the Township Committee has determined that the current interest rate environment would enable it to realize debt service savings for the Township and taxpayer relief by refunding all or a portion of the aforesaid Refunded Bonds through the issuance of its General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$7,800,000 (the "Refunding Bonds"); and

WHEREAS, the Township Committee now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding \$7,800,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds. BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the Township is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed \$7,800,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 *et seq.*, and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Obligation Refunding Bonds" with such series designation as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings for the Township and taxpayer relief by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$170,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b) including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. A certified copy of this Refunding Bond Ordinance has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Township Clerk 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 and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. The Chief Financial Officer of the Township is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the Township bond counsel, municipal advisor and auditor, and the manual or facsimile signature of the Chief Financial Officer of the Township upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the Township, the Township Clerk and any other Township official, officer or professional including, but not limited to, the Township bond counsel, municipal advisor and auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with Township bond counsel, municipal advisor, and

auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

SECTION 8. This Refunding 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.

10. ORDINANCE NO. 1624-21 - REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE "TOWNSHIP") PROVIDING FOR (i) THE REFUNDING OF ALL OR A PORTION OF OUTSTANDING BONDS OF THE TOWNSHIP, INCLUDING THOSE BONDS ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$3,390,000 DATED JULY 15, 2010 (WHITESBORO PHASE I); ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$1,150,000 DATED JULY 15, 2010 (WHITESBORO PHASE II) AND ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$3,663,000 DATED DECEMBER 15, 2011 (SSGC I) ALL ISSUED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, IN ORDER TO PROVIDE DEBT SERVICE SAVINGS AND TAXPAYER RELIEF, (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,400,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1624-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2021 at 6:00 p.m.

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), the Township of Middle, in the County of Cape May, State of New Jersey (the "Township"), had previously issued \$3,390,000 aggregate principal amount of United States Department of Agriculture Rural Development Bonds on July 15, 2010 (the "2010-1 USDA Bonds"), \$1,150,000 aggregate principal amount of United States Department of Agriculture Rural Development Bonds on July 15, 2010 (the "2010-2 USDA Bonds") and \$3,663,000 aggregate principal amount of United States Department of Agriculture Rural Development Bonds on December 15, 2011 (the "2011 USDA Bonds" and together, with the 2010-1 USDA Bonds and 2010-2 USDA Bonds, the "Original Bonds"); and

WHEREAS, a combined \$6,839,605.60 outstanding Original Bonds maturing in the years 2021 through 2051 are currently subject to redemption, prepayment or defeasance, either in whole or in part, prior to their stated maturity (the "Refunded Bonds"); and

WHEREAS, the Township Committee has determined that the current tax-exempt interest rate environment would enable it to realize debt service savings for the Township taxpayers by refunding all or a portion of the aforesaid Refunded Bonds through the issuance of its General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$7,400,000 (the "Refunding Bonds"); and

WHEREAS, the Township Committee now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding \$7,400,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds. BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the Township is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed \$7,400,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 *et seq.*, and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Obligation Refunding Bonds" with such series designation as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings for the Township and taxpayer relief by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$170,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b) including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. A certified copy of this Refunding Bond Ordinance has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Township Clerk 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 and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. The Chief Financial Officer of the Township is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the Township bond counsel, municipal advisor and auditor, and the manual or facsimile signature of the Chief Financial Officer of the Township upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the Township, the Township Clerk and any other Township official, officer or professional including, but not limited to, the Township bond counsel, municipal advisor and auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with Township bond counsel, municipal advisor, and

auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

SECTION 8. This Refunding 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.

Mayor Donohue:

- *Discussed reason behind both refunding bond ordinance and savings that the same will provide to the Township.*

11. ORDINANCE NO. 1625-21 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO ESTABLISH AN ORDINANCE PROHIBITING SMOKING MARIJUANA IN PUBLIC AREAS - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1625-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/03/2021 at 6:00 p.m.
- WHEREAS, on February 22, 2021, the Governor of the State of New Jersey signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and marijuana decriminalization laws; and
- WHEREAS, the new law legalizes and regulates cannabis use and possession for adults who are 21 and older and two companion laws, A1897 and S3454, decriminalize marijuana and hashish possession and clarify marijuana and cannabis use and possession penalties for individuals younger than 21 years old; and
- WHEREAS, the new law does not preempt the Township's authority to regulate smoking or vaping these items in public; and
- WHEREAS, the Township retains authority pursuant to N.J.S.A. 40:48-2 to make, amend, repeal and enforce such ordinances, regulations, or rules not contrary to the laws of the State of New Jersey or the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and
- WHEREAS, the Township Committee of the Township of Middle having reviewed the matter deems it in the Township's best interests to regulate the use and smoking of marijuana in public areas.
- NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle in the County of Middle and State of New Jersey as follows:
- SECTION 1. The Code of the Township of Middle is hereby amended to include the following new chapter - Prohibition of Public Consumption of Cannabis, Marijuana, and Hashish
- (A) TOWNSHIP POLICY/PURPOSE
- The purpose of this Chapter is to regulate conduct in public areas affecting the public health, safety and general welfare by protecting residents of and visitors to the Township of Middle from the nuisance and health hazards of secondhand marijuana smoke, and to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of smoking marijuana around non-marijuana users; by protecting the public from nonconsensual exposure to secondhand marijuana smoke and marijuana-related litter and pollution; and, by affirming the family-friendly atmosphere of public areas in the Township of Middle.
- (B) DEFINITIONS
1. MARIJUANA
"Marijuana" means all parts of the Cannabis plant, whether growing or not; the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, resin, or oil. For purposes of this section, any reference to "Marijuana" shall also include and incorporate by reference regulated Cannabis, Medical Cannabis, unregulated Marijuana and Hashish.
2. OPEN SPACE
Means any nature areas, greenbelts, and wildlife and vegetation habitat areas open to the public.
3. OUTDOOR DINING AREAS
Means dining areas that are not enclosed and part of a restaurant, business, nonprofit entity, place of employment, and located in any public place.
4. PARKS
Means any public parks owned, leased, or utilized by the Township of Middle.
5. PUBLIC RIGHT OF WAY
Public Right of Way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the Township of Middle has an interest.
6. RECREATION AREA
Means any areas open to the general public for recreational purposes, regardless of any fee requirement, including, but not limited to public parks, beach and ocean beach areas, children's play areas, sports fields, playgrounds, tennis and basketball courts, and senior center outdoor areas.
7. BIKE PATH
Means the public pedestrian walkway / pathway constructed over the municipal right-of-way or within any jurisdiction that the municipal has entered into an agreement with a private entity for use of the public.
8. SCHEDULED PUBLIC EVENTS
Means any scheduled event within the Township of Middle where the public is invited some of which may require a permit, including but not limited to farmers markets, concerts, parades, or festivals.
9. SMOKING
Means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted marijuana cigarette, pipe, vape, or similar device, or other matter or substance which contains marijuana or any other matter that can be smoked, or the inhaling or exhaling of marijuana smoke or vapor from an electronic smoking device.
10. SMOKING DEVICE
Means any electronic or other device that can be used to deliver cannabis, marijuana, or hashish or other related substances to the person inhaling from the device, including, but not limited to, an electronic cigarette,

cigar, cigarillo, pipe, or other device used to consume these products. This definition includes “vaping” the above-described products.

(C). RESTRICTIONS ON PUBLIC CONSUMPTION OF CANNABIS, MARIJUANA AND HASHISH

It is unlawful for any person to smoke or otherwise use or consume marijuana in or on any public open space, outdoor dining area, parks, public right of way, recreation area, promenade, or the area of any scheduled public event.

(D) ENFORCEMENT

The Middle Township Police Department is hereby charged with the enforcement of this section. All members of the Police Department are hereby designated as enforcement officers for the purpose of enforcement of this section.

(E) PENALTIES

Any person who is found guilty of violating this section shall pay fines as follow:

- a. For a first offense, a fine of not less than \$100 nor more than \$250.
- b. For a second or subsequent offense, a fine of not less than \$500 nor more than \$1,000.

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 after final passage and publication, according to law.

12. **RESOLUTION 134-21 – 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
Christina Lillemon	Technical Aide to the Construction Official (TACO) Secretary – Rent Leveling Board	04/10/2021
Samantha O’Neal	Public Safety Telecommunicator Trainee P/T	03/24/2021
John Mihal	Special Class II Officer	04/05/2021
Kyle Lindholm	Substitute Animal Control Officer	03/26/2021
Salvatore DeSimone	Construction Official / Director of Inspections / Fire Subcode Official P/T	06/01/2021

13. **RESOLUTION 135-21 – 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
Suzanne Schumann	Administration	Clerk 1/*Deputy Business Administrator	\$65,000.00	05/10/2021
Brian Hacking	Construction	**Construction Official F/T	\$72,500.00	04/19/2021
Nikki Hober	Public Safety	Code Enforcement Officer Trainee F/T	\$30,000.00	04/01/2021

*In-house title

**Pending Open Competitive Certification

14. **RESOLUTION 136-21 – 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	SALARY	EFFECTIVE DATE
Lisa Cermanski	Recreation	Recreation Aide P/T	Recreation Aide F/T	\$25,489.80	03/22/2021
William Belles	Public Safety – Telecommunications	Public Safety Telecommunicator F/T	Public Safety Telecommunicator P/T	\$18.36 per hour	04/10/2021
Samantha Grassi	Public Safety – Telecommunications	Public Safety Telecommunicator P/T	Public Safety Telecommunicator F/T	\$29,651.00	04/11/2021

15. RESOLUTION 137-21 – DEPARTMENT CHANGE – 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 department changes listed below are hereby acknowledged:

NAME	PREV. DEPT.	NEW DEPT.	TITLE	SALARY	EFF. DATE
Maura Kelly	Municipal Court	Tax Collection	Clerk 1	\$24,990.00	03/29/2021
Lauren Cajigas	Public Safety	Public Safety – Telecommunications	Public Safety Telecommunicator F/T	\$32,252.00	04/11/2021

16. RESOLUTION 138-21 – APPROVAL FOR PAYMENT TERMINAL LEAVE – CHRISTOPHER CAMP – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Christopher Camp retired with an effective date of April 1, 2021; and
 WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and
 WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Christopher Camp
 Sick Hours: 1,440 *Capped at max (actual hours 2,095.88)
 Vacation Hours 240.00
 \$21,535.34 (inclusive of payroll tax expense to the Township)

17. RESOLUTION 139-21 THROUGH 140-21 – TABULATION COMMITTEE (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, 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 May 5, 2021 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

LINDEN LANE PHASE 1 & PHASE 2

(B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on May 5, 2021 at 10:30am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

ABANDONED PROPERTY REGISTRATION AND MANAGEMENT

18. RESOLUTION 141-21 – AWARD OF BID – SWAINTON ROAD PROJECT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle, following public advertisement, received bids for the Swainton Road Project; and
 WHEREAS, sealed bids were received on March 11, 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 Swainton Road Project.

Arawak Paving Co. Inc.
 Swainton Road Project
 (Aspen, Birch, Cedar, Dogwood Drive, Avocado & Coconut Road)
 Total Not to Exceed - \$278,900.00

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

19. RESOLUTION 142-21 THROUGH 143-21 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (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 Agreement between Mott MacDonald and the Township of Middle for Sewer Engineer be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Mott MacDonald – Sewer Engineer – Not to Exceed \$17,500.00

(B) WHEREAS, the Township of Middle has a need to enter into an agreement with Maley Givens, Counsellors at Law to provide redevelopment counsel service for review of an area in need of development 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 Maley Givens, Counsellors at Law where the total amount is \$25,000.00, which exceeds the non-fair and open limitation of \$17,500.00; and

WHEREAS, Maley Givens, Counsellors at Law 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 Maley Givens, Counsellors at Law 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.

20. RESOLUTION 144-21 THROUGH 146-21 – CANCELLATION OF TAXES (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, the below property was billed in error as sewer is not available at this location.

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 cancellation of sewer below is hereby acknowledged.

Account	Block	Lot	Property location	2021
13443	1289	1	Moores, James R & Deborah H	\$1,280.00
Property location: 2 Old N Wildwood Blvd E				

(B) WHEREAS, the below property location was billed for sewer in error and therefore is cancelled.

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 cancellation of sewer below is hereby acknowledged.

Account	Block	Lot	Property location	2021
12578	1055	9	Christ Gospel Church Whitesboro Inc	\$308.00
Property location: 10 James Sst				

(C) 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 taxes are hereby cancelled due to tax exemption.

Account	Block	Lot	Owner/location	2021
18636	1432	6 C0076	Cruz, Osvaldo & Violet Cajigas	\$1,274.57
Property location: 1907 Tidewater Ave				
100% Disabled Veteran Status as of March 22, 2021				

21. RESOLUTION 147-21 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a refund is due for overpayment made on tax exempt property.

ACCT	BLOCK	LOT	OWNER/LOCATION	2021
18636	1432	6 C0076	Cruz, Osvaldo & Violet Cajigas 1907 Tidewater Ave Rio Grande, NJ 08242	\$104.15
Property location: 1907 Tidewater Ave				

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2021 taxes.

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

22. RESOLUTION 148-21 – 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 #2017-9119 was mailed to the assessed owner, Todd, Robert for block 1027 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 March 31st, 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 149-21 – 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.
24. RESOLUTION 150-21 – AUTHORIZING WAIVER OF USAGE OF RECREATIONAL FACILITY FEE – MIDDLE TOWNSHIP PUBLIC SCHOOLS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Ordinance No. 1415-12 outlines the fees for the usage of various Recreational Facilities through the Township of Middle, and
WHEREAS, Middle Township Public Schools will be holding a Musical Concert on May 25, 2021 with a rain date of May 26, 2021; and
WHEREAS, the association directly benefits the youth of the Township of Middle; and
WHEREAS, said event will take place at the Ockie Wisting Complex Park Band Stand
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the fee for the Middle Township Public Schools for the usage of the Ockie Wisting Complex Park Band Stand be waived.
25. RESOLUTION 151-21 THROUGH 154-21 – AUTHORIZING THE EXECUTION OF AGREEMENT (ITEMS A THROUGH D) – 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, that the Mayor and Township Clerk are hereby authorized to execute the encroachment agreement between Blue Bee Properties, LLC and the Township of Middle.
(B) NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the completion and settlement agreement between Lexon Insurance Company and the Township of Middle.
(C) WHEREAS, the Township of Middle is a member of the New Jersey Recreation and Parks Association; and
WHEREAS, as such the Township is authorized to sell Morey’s Piers and Water Park tickets at a discounted rate to its residents and visitors
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the Middle Township Special Events Coordinator is hereby authorized to sell Morey’s Pier and Water Park tickets to the general public on behalf of said organization, and
BE IT FURTHER RESOLVED, that the terms and conditions of these sales are hereby outlined on the attached agreement.
(D) WHEREAS, Middle Township adopted Resolution 341-19 on August 5, 2019 consenting to the establishment of sewerage service to a project known as Stone Harbor Estates, located at 905 Route 9 North, in the Township of Middle, County of Cape May, and State of New Jersey, designated on the Middle Township Tax Map as Block 99.02, Lot 117, with a sewer force main and related improvements connecting to the Cape May County Municipal Utilities Authority (“CMCMUA”) pump station, with said improvements being constructed within the Route 9 right of way; and
WHEREAS, thereafter, the CMCMUA advised the Developer that it would no longer consent to the sewer improvements being installed within the Route 9 right of way and instead advised the Developer that the Developer would be required to alter the sewer route to the Dennisville pump station in the manner described in this Agreement; and
WHEREAS, as a result of the CMCMUA’s changed position the Developer again petitioned the Middle Township Governing Body to amend its prior sewer service authorization to alter the route from the

CMCMUA pump station to CH South Dennisville Road sewer system and the Dennisville pump station;
and

WHEREAS, the Middle Township Governing Body adopted Resolution 396-20 on November 2, 2020 authorizing the Mayor to execute a Treatment Works Application and related documents for filing with New Jersey Department of Environmental Protection, in order to permit the construction, establishment and maintenance of the sewer connections from the Project and to the Dennisville pump station; and

WHEREAS, the Developer has agreed to construct certain improvements shown on the preliminary and final major subdivision and site plan(s) (the "Plans"), including the sewer improvements, described and agreed to in this agreement, and

WHEREAS, in furtherance of the requirements of posting the performance guarantees for the required improvements as required by the Township Code, the Developer and the Township have agreed to enter into this Agreement.

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 Mayor and Township Clerk are hereby authorized to execute the Developers Agreement between the Township of Middle and Apache Development, LLC.

26. RESOLUTION 155-21 – OPPOSING CERTAIN SECTIONS OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PROPOSAL ENTITLED “PROTECTING AGAINST CLIMATE THREATS (PACT)” – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township Committee of the Township of Middle recognizes the challenges and threats that face every municipality in New Jersey due to climate change and rising sea levels; and

WHEREAS, the New Jersey Department of Environmental Protection is basing its “Protecting Against Climate Threats” proposal on a non-peer reviewed report entitled: “New Jersey’s Rising Seas and Changing Coastal Storms; Report of the 2019 Science and Technical Advisory Panel, which contained sea level rise through the year 2150; and

WHEREAS, the New Jersey Department of Environmental Protection selected the year 2100 with an anticipated sea level rise of 5.1 feet, which is a value that has a confidence level of 17%; and

WHEREAS, the New Jersey Department of Environmental Protection is proposing various regulatory changes that include requiring five feet of additional freeboard above the one foot that is currently required; and

WHEREAS, this additional requirement of five feet of freeboard will have a devastating effect on the construction industry and would require substantial changes to zoning regulations and infrastructure development; and

WHEREAS, the Township Committee of the Township of Middle supports the regulations implemented by FEMA through the NFIP and the flood mapping process; and

WHEREAS, the Township Committee of the Township of Middle requests that the proposed regulations be subject to a scientific peer review and modified and that an economic impact assessment be completed before legislation is proposed.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Township Committee of the Township of Middle, State of New Jersey, County of Cape May hereby opposes the New Jersey Department of Environmental Protection’s Proposal entitled “Protecting Against Climate Threats” (PACT) as it is currently written and we request Governor Philp Murphy to have the proposal, subject to scientific peer review and modified, and that an economic impact assessment be completed prior to the formal proposal of this legislation.

27. RESOLUTION 156-21 – AUTHORIZING AMENDED APPLICATION – CAPE MAY COUNTY OPEN SPACE PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle desires to apply for and obtain a grant from CAPE MAY COUNTY OPEN SPACE PROGRAM for approximately \$658,814.00 to construct the final segment of the Township Wide Bike path known as Bike Path North.

NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby authorize the amended application for such a grant, and

BE IT FURTHER RESOLVED, that the Township of Middle hereby recognizes and accepts that the organization may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from said organization, does further authorize the execution of any such grant agreement; and also, further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Middle and CAPE MAY COUNTY OPEN SPACE PROGRAM.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith.

28. RESOLUTION 157-21 – AUTHORIZING DRAINAGE EASEMENT – 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 of the Township of Middle, County of Cape May and State of New Jersey, that the Township of Middle does hereby approve the easement with Helena & Merrill Bradway, subject to the final approval and easement clarification by the Township Solicitor.
FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign all related documents.

29. PUBLIC COMMENT:

Peggy Blank, Facebook:

- *Asked about a pile of cedar limbs on Hoppy's Lane.*

Committeeman Gandy:

- *Stated that he would inform Public Works of the issue.*

MaryAnn Carter Alulis, Facebook:

- *Expressed displeasure with passing of first reading of the Ordinance pertaining to zoning map changes.*

Mayor Donohue:

- *Reiterated that the Ordinance has not yet been adopted.*
- *Discussed second reading and public hearing to be held at the meeting on May 3rd.*

ENGINEERING REPORT:



Township of Middle
Project Status Report
April 5, 2021
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

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

- Contract to be awarded to Arawak Paving - \$228,900

2. Rio Grande Park:

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

3. Planning/Zoning:

- Zoning Ordinance Revisions – scheduled for public hearing 5/3/21
- Reapproval for State Centers

4. Linden Lane (Phase I & II):

- NIDOT approved bidding both Phase I & II together
- Construction bids due on 5/5/21

5. Projects for 2021:

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

COMMITTEE COMMENTS:

Committeeman Norris:

- *Acknowledged Maura Kelly's department transfer; wished Ms. Kelly luck*
- *Congratulated Lisa Cermanski on promotion to full-time.*
- *Mentioned on-going lacrosse and track-and-field season with no positive COVID cases to date.*
- *Commended efforts on all involved in keeping athletes safe.*
- *Spoke of a potential street soccer league as well as a Township-sponsored disc golf tournament.*

Committeeman Gandy:

- *Welcomed Suzanne Schumann back to the Township.*
- *Discussed marijuana legalization and possible INSA facility.*
- *Also discussed role of Committee in marijuana legalization.*
- *Recognized Christina Lillemon's departure from the Township; wished her all the best.*
- *Discussed retirement of Sal DeSimone; also wished him the best.*
- *Welcomed new construction official, Brian Hacking.*
- *Recognized passing of John McGarr; will truly be missed.*

Mayor Donohue:

- *Also recognized Mr. Garr's passing.*
- *Gave update on COVID numbers as far as active cases and deaths are concerned.*
- *Discussed increase of vaccine availability as well as options for home-bound residents.*
- *Spoke of public hearing for Zoning changes and lack of raising number for indoor gatherings.*
- *Provided overview of various agenda items that were voted on during meeting.*

- *Discussed various reasons why budget has not yet been introduced.*
- *Also spoke of hiring of Suzanne Schumann; provided background on staffing and changes that have been made specifically with the Clerk/Administrator role.*

Motion to adjourn meeting – 6:40 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman