

Cape May Court House, NJ
April 19, 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.)

Edward Grimes:

- *Asked if cannabis was on the agenda*

Mayor Donohue:

- *Confirmed that it is not on the meeting agenda*

2. RESOLUTION 158-21 – 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. \$274,212.86

3. RESOLUTION 159-21 – 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: 04/05/2021 Work Session and Regular meetings.

4. REPORTS: Clerk for the month of March; Sterback Harbor for the month of March, Tax/Sewer Collection for the month of March; Treasurer for the month of March

5. RE-INTRODUCTION 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 for re-introduction. Second reading, public hearing and consideration for adoption will be held on 05/17/2021 at 6:00 p.m.

***Full list of salary ranges available in the Clerk's Office**

6. ORDINANCE NO. 1626-21 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 208 THEREOF TO REQUIRE ON-SITE SHOPPING CART CONTAINMENT SYSTEMS - On motion by _____ seconded by _____ and passed on roll call, Ordinance No. 1626-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 05/17/2021 at 6:00 p.m.

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that Chapter 208 of the Revised General Ordinances of the Township of Middle be and is hereby deleted in its entirety and replaced as follows:

PURPOSE

It is the purpose of this chapter to prevent or reduce the accumulation of shopping carts abandoned in neighborhoods and in public spaces. Abandoned shopping carts cause visual blight in neighborhoods, reduce property values in communities, obstruct pedestrian and vehicular traffic in the public rights-of-way, and constitute a hazard to the health, safety, and general welfare of the public throughout the Township of Middle.

INTENT AND DECLARATION OF NUISANCE

The Township of Middle has determined that the unauthorized removal of shopping carts, or parts thereof, on public and private property from retail establishments constitutes a nuisance, creates potential hazards to the health and safety of the public, and interferes with pedestrian and vehicular traffic. The accumulation of wrecked, dismantled, and abandoned shopping carts on public and/or private property creates conditions that reduce property values and promote blight and neighborhood deterioration within the Township.

The intent of this chapter is to ensure that shopping cart owners take measures to prevent the removal of shopping carts from business premises, to make the removal of shopping carts a violation of this code and to facilitate the retrieval and return of lost, stolen, or abandoned carts in a manner that complements and supplements provisions of state law.

This chapter is not intended to duplicate state law or regulate any matters pertaining to shopping carts which are the subject of state law.

To the extent any provision of this chapter is determined to be preempted by state law, it shall be deemed severed from all other provisions of this chapter and such other provisions shall remain in full force and effect.

DEFINITIONS

- A. "Abandoned cart" shall mean any shopping cart that has been removed without written permission of the cart owner or on-duty manager from the premises of the business establishment, regardless of whether it has been left on either private or public property.
- B. "Business premises" shall mean the entire area owned and utilized by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the cart owner for customer parking. The parking area of an establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center.
- C. "Cart owner" shall mean any person or entity, who, in connection with the conduct of a business, owns, leases, possesses, uses, or otherwise makes any cart available to customers or the public. For purposes of this chapter, "cart owner" shall also include the owner's on-site or designated agent that provides the carts for use by its customers that provides or maintains more than fifteen shopping carts for use by its patrons.
- D. "Enforcement official" shall mean the code enforcement official or any other official as designated by the Business Administrator or Chief of Police.
- E. "Shopping cart" shall mean a basket which is mounted on wheels or a similar device provided by a business establishment for use by a customer for the purpose of transporting goods of any kind, including, but not limited to, grocery store shopping carts.
- F. "Bollard" An upright post consisting of a piece of timber, concrete, metal or similar material fixed firmly in an upright position that creates a narrowed passageway restricting the removal of shopping carts from the premises.
- G. "Establishment" A commercial or retail enterprise that provides more than fifteen shopping carts for use by patrons or customers.
- H. "Major Remodel": A major remodel is either:
 - i. An addition in excess of 50 percent of the current floor area of a retail establishment that provides more than fifteen shopping carts for its patrons, or
 - ii. An alteration, repair, remodel, or addition with a total building permit valuation in excess of 50 percent of the replacement cost of a building, or portion of a building, occupied by a retail establishment that provides more than fifteen shopping carts for its patrons.
- I. "Effective Containment System" A system that results in no more than five shopping carts being removed without the owner's consent from the business premises or parking area.

APPLICATION AND IMPLEMENTATION. The containment methods set forth herein to contain shopping carts on premise shall apply to all retail establishments, whether new or existing or the major remodel of retail establishments, within 120 days after the effective date of this ordinance.

AFFIRMATIVE OBLIGATION OF SHOPPERS, PATRONS AND USERS

All shoppers, patrons and users of carts who remove a cart for their convenience or any other reason from the establishment or parking lot adjacent to where the cart belongs shall have the affirmative duty and obligation to return the cart forthwith. Any person who does not fulfill that duty and obligation, or who abandons the cart, has violated this chapter.

DUTIES OF OWNERS AND OPERATORS OF STORES SUPPLYING CARTS

All owners and operators of establishments owning and/or supplying carts for the convenience of shoppers, patrons or users shall:

A. Clearly label them, in a visible manner restrictive of removal of same, with the name, address and phone number of the store or facility owning or responsible for supplying the carts.

B. Be responsible for retrieval of any of their carts as soon as possible and not more than three business days from notification by the Township, or any official thereof, of a request to do so by fax, letter, e-mail, or verbal notification. Any that do not do so have violated this chapter.

C. Create procedures.

1. Create internal procedures to comply with this chapter, which procedures shall be written and in place within 30 days after the effective date of this chapter, and which shall be supplied to the Township Clerk, who shall provide copies to the Superintendent of Public Works, the Code Enforcement Officer and the Police Department. Additional copies shall be supplied if requested from time to time by the Township.
2. Such procedures shall identify the name of the establishment, the name of and contact information for the store manager and the person, title, address of the store or facility, phone number, fax number and e-mail address where and to whom the Township may send notices; and shall include an affirmative plan of action demonstrating how, by whom, and with what frequency the Township shall be searched for shopping carts which have been removed from the establishment; and which shall be at least weekly.
3. At their sole expense, create signage on their premises, to be prominently displayed in a conspicuous place at or near all entrances and exits, giving notice of the provisions of this chapter relating to the prohibition against removal of carts from the premises or the parking lot immediately adjacent to the establishment and not returning them, or abandoning them, and that violators are subject to fines and penalties.
4. Acknowledge receipt of a copy of this chapter to confirm that any cart found in a street or place will be impounded to prevent a safety hazard and that notification will be sent by the Township within 24 hours informing the designated establishment representative of the number of carts in possession of the City and where they may be redeemed.

ENFORCEMENT AUTHORITY

The Business Administrator, and his or her designees, including designated code enforcement officers, shall have the authority and powers necessary to determine whether a violation of this chapter exists and to take appropriate action to gain compliance with the provisions of this chapter and applicable state codes. These powers include the authority to impound the shopping carts, issue administrative citations, inspect public and private property, impose civil penalties for any violation of this chapter, or pursue criminal actions.

SHOPPING CART IDENTIFICATION SIGNS

- A. Each cart owner shall post and maintain a sign at each customer pedestrian exit at the owner's establishment which meet all of the following minimum specifications:
1. Meet or exceed eighteen inches in width and twenty-four inches in height.
 2. Using block lettering not less than one-half inch in width and two inches in height, contain a statement to the effect that unauthorized removal of a shopping cart from the business premises, or possession of a shopping cart in a location other than on the business premises, is a violation of state law and township ordinance.
 3. List a local or toll-free telephone number for shopping cart retrieval.
 4. The signs shall be conspicuously and prominently displayed on the interior walls of the building within two feet of each customer pedestrian exit.

B. Each cart owner shall include clearly legible information on each shopping cart readily identifying its owner.

SHOPPING CART CONTAINMENT PLAN REQUIRED

A. Each cart owner must contain all shopping carts on the business premises at all times, subject to the exceptions set forth in this Chapter.

B. Every cart owner shall operate and maintain a shopping cart containment program pursuant to this chapter that contains all of the following provisions:

1. Name of the Owner. The name of the business owner, the physical address of the owner's establishment, and the name, address and phone number(s) if different from the business owner.
2. Inventory of Carts. A complete inventory of carts maintained on or in the business premises.
3. Cart Identification. Shopping cart identification requirements pursuant to this Chapter.
4. Loss Prevention Measures. A description of the specific measures that the cart owner shall implement to prevent cart removal from the business premises. These measures may include, but are not limited to:
 - a. Placing signs directing customers not to remove the shopping carts from the business premises without express written consent of the cart owner;
 - b. Using courtesy clerks to accompany customers and return the carts to the owner's establishment;
 - c. Using security personnel to prevent shopping carts from being removed from the business premises or requiring a security deposit for use of a cart;
 - d. Installing on shopping carts electronic disabling devices, such as wheel locks, which disable the cart upon crossing a barrier at the perimeter of the business premises;
 - g. Installing barriers on carts or at the doors, near the loading areas, or at other defined perimeters of the business premises to prevent the passage of a cart beyond such barrier.

PHYSICAL CONTAINMENT SYSTEM

A cart owner shall be required to install a physical containment system to the satisfaction of the Township pursuant to this chapter and shall apply to all retail establishments, whether new or existing within 120 days after the effective date of this ordinance.

CONTAINMENT METHODS.

Containment Methods shall include at least one of the permitted methods to contain shopping carts on the premises. Effective Containment Systems are limited to:

- a. Bollards. Installation of bollards;
- b. Wheel Locking or Stopping Mechanisms. Equipping shopping carts with a wheel locking or stopping mechanism that is used in conjunction with an electronic magnetic barrier along the exterior perimeter of the retail establishment, inclusive of parking areas adjacent to said retail establishment. The wheel locking or stopping mechanism must activate when the shopping cart crossed the electronic or magnetic barrier;
- c. Protruding Arm or Similar Device. Equipping shopping carts with a protruding arm or similar device that prohibits the cart from being taken off-site from the subject business or establishment;
- d. Deposit System. A system, which may be mechanical in nature, requiring a deposit to use a shopping cart. The deposit should be of a reasonable amount that would not deter the use of the cart, but would encourage the return of the cart. This system may include the rental or sale of carts that can be temporarily or permanently used for transport of purchases off-site;
- e. Customer Service. Designation of certain employees to prevent the removal of shopping carts from the premises by assisting patrons with transporting groceries or merchandise to patrons' vehicles and then returning shopping carts to the location where the retail establishment keeps the shopping carts for its patrons. This method shall only be used in establishments with more than fifteen (15) shopping carts in use at all times.
- f. Other Methods. Other methods for onsite containment so long as the Township of Middle has approved the system or method which would effectively contain or control shopping carts within the exterior perimeter of the business premises, inclusive of parking areas adjacent to said business premises.

IMPOUNDMENT, NOTICE, AND RETRIEVAL OF SHOPPING CARTS

Any shopping cart(s) located outside the premises or parking area of an establishment may be impounded by the Township of Middle.

Within 24 hours of impounding a shopping cart, The Township of Middle shall provide notice to the owner, retailer or authorized user that the Township has impounded the shopping cart and provide information as to how the cart may be retrieved.

FINES AND PENALTIES

Upon taking possession of a shopping cart under this ordinance, the Township of Middle shall provide an initial notification to the owner of the cart to contact the Township in order to arrange for retrieval of said cart(s).

In the event that the cart(s) is not retrieved within 48 hours after the initial notification, then the Township shall collect a fine of \$250 per day, per shopping cart, until the cart(s) is retrieved by the owner. Failure to retrieve the cart(s) within the time period set forth below shall result in a disposal or sale as provided below. All accrued fines shall be due and owing despite such disposal or sale.

DISPOSAL OR SALE

If the owner, retailer or authorized user does not retrieve the shopping cart within 30 days of receiving notice, the Township of Middle may sell or dispose of the shopping cart as it sees fit.

Any 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 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.

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

Andrea Singley:

- *Reviewed revisions to the ordinance for the record*

Marc Karavan:

- *Further discussed delay period to be implemented for the fine*

7. RESOLUTION 160-21 – ACKNOWLEDGEMENT OF DISCONTINUATION OF APPOINTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following discontinuation of appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Michael Holden	Public Works	Laborer 1 P/T T/A (6 months)	04/17/2021
Jair Perez	Sewer	Laborer 1 F/T T/A (6 months)	04/17/2021
Nancy McDevitt	Memory Lane	Coordinator	04/19/2021

8. RESOLUTION 161-21 – 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/BOARD	TITLE	SALARY/STIPEND	EFFECTIVE
Joseph Dramis	Public Works	Laborer 1 F/T T/A (6 months)	\$12.00 per hour	04/19/2021
Lisa Schuck	Municipal Court	Clerk 1	\$25,489.80	05/03/2021
Raymond Brown III	Recreation	Recreation Aide P/T T/A (6 months)	\$12.00 per hour	04/14/2021
Varvara Keun	Memory Lane	Coordinator	\$2,000.00	04/19/2021
Alicia Woodrow	Construction	Clerk 1	\$32,000.00	05/03/2021

9. RESOLUTION 162-21 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	EFFECTIVE DATE
Gerald Greer	Public Works	Laborer 1 P/T T/A (6 months)	Laborer 1 P/T Permanent	04/19/2021

10. RESOLUTION 163-21 – PROMOTIONAL TITLE CHANGE – 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, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Rachel Shepherd	Construction/Zoning	Clerk 2 / Land Use Administrator* / Technical Assistant to Construction Official*	\$36,500.00	04/19/2021

*In-house title

11. RESOLUTION 164-21 – TABULATION COMMITTEE – BIKE PATH NORTH EXTENSION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on May 25, 2021 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

BIKE PATH NORTH EXTENSION

12. RESOLUTION 165-21 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – AFFORDABLE HOUSING PLANNING SERVICES – CONSULTING & MUNICIPAL ENGINEERS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has a need to enter into an agreement with Consulting & Municipal Engineers to provide affordable housing planning services 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 Consulting & Municipal Engineers where the total amount is \$26,750.00, which exceeds the non-fair and open limitation of \$17,500.00; and

WHEREAS, Consulting & Municipal Engineers 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 Consulting & Municipal Engineers 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.

13. RESOLUTION 166-221 THROUGH 167-21– AWARD OF BID (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A)WHEREAS, it has been deemed necessary and desirable to solicit bids for the Home Rehabilitation Program for Contracts #2019-10, #2019-11 and #2019-13, and

WHEREAS, bids were received on March 24, 2021, and

WHEREAS, it appears that the following bids submitted below represent a figure equal to the lowest bid received for each contract, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the following Home Rehabilitation Programs be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2019-10	Buggy Construction	\$15,800.00
2019-11	Buggy Construction	\$13,250.00
2019-13	Buggy Construction	\$29,800.00

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

(B)WHEREAS, the Township of Middle, following public advertisement, received bids for Phase 1 of Pump Station Improvements; and

WHEREAS, sealed bids were received on January 21, 2021; and

WHEREAS, Resolution 87-21 authorized the Township of Middle to exceed the 60-day bid limitation until April 30, 2021; and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest responsible bids received, which complies with specifications and requirements as set forth by the State of New Jersey.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the following contract for services shall be awarded as follows:

MBE Mark III Electric
 Pump Station Improvements – Phase 1
 Contract No. 2020-02
 Not to Exceed \$2,484,940.00

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

14. RESOLUTION 168-21– AUTHORIZING THE EXECUTION OF FINANCING DOCUMENTS AND CERTIFICATE OF AUTHORITY IN CONNECTION WITH DIRECT INSTALL PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, via Resolution 462-19, dated November 18, 2019, the Township of Middle entered an agreement with the New Jersey Office of Clean Energy Direct Install Program for energy efficient lighting upgrades at various Township Buildings; and

WHEREAS, the total cost is being financed through South Jersey Gas through the Commercial and Industrial Off-Bill Recovery Financing Program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute the financing documents and Certificate of Authority in connection with the financing program referenced above.

15. RESOLUTION 169-21 – AUTHORIZING THE EXECUTION OF AGREEMENT – On motion by Committeeman Gandy seconded by jnand passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute the separation agreement and general release, as reviewed and approved by counsel, between Brian Vergantino and the Township of Middle.
16. RESOLUTION 170-21 – INACTIVE SEWER STATUS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the following property has attained inactive sewer status in accordance with The Township of Middle Code 204-32 application, 204-33 documentation, 204-34 certificate of eligibility, 204-35 fee and; WHEREAS, the bills have been adjusted effective July 1, 2021.

ACCT	BLOCK	LOT	OWNER/LOCATION	adjustment amount
148 01	1509	3	Vasuba LLC Property location: 1413 Rte 47 S	\$332.00

The Municipal fee for this is \$308.00 per year.

17. RESOLUTION 171-21 – AUTHORIZING ACCEPTANCE OF CASH BOND – CARL J HOBER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, Carl J. Hober has received certain approvals for the property located at 1084 Route 47 South to include landscape buffering, and WHEREAS, the developer is about to or has commenced 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 \$5,000.00 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 172-21 – RELEASE OF PERFORMANCE BOND – STREET OPENING – TBL SERVICES, LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, \$5,000.00 is being held as a performance guarantee for TBL Services, LLC for a street opening located on Sixth Street (adjacent to 1708 Route 47 South), and WHEREAS, the Public Works Department has conducted his inspection and determined that all improvements have been completed, and WHEREAS, it has been recommended that the performance guarantee for the above stated project be released. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above referenced opening has been inspected and approved, and that the cash performance bond in the amount of \$5,000.00 be released.
19. RESOLUTION 173-21 – AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT – GOVERNOR’S COUNSEL ON ALCOHOLISM AND DRUG ABUSE, FISCAL GRANT YEAR JULY 1, 2021 THROUGH JUNE 30, 2022 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and WHEREAS, The Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and, WHEREAS, the Township Committee of the Township of Middle, County of Cape May, State of New Jersey recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and WHEREAS, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May; and NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey hereby recognizes the following:
1. The Township Committee does hereby authorize submission of a strategic plan for the Middle Township Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$13,511.00
Cash Match	\$3,377.75
In-Kind	\$10,133.25
 2. The Township Committee acknowledges the term and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

20. RESOLUTION 174-21 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – 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 and State of New Jersey that the mortgage loan for Helen Marie Lyon for the property located at 21 Lehigh Avenue, Del Haven, New Jersey 08251, is hereby authorized to be discharged.
FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
21. RESOLUTION 175-21 – CLOSED SESSION –CONTRACT NEGOTIATIONS (MUTUAL AID) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
Upon adoption of this resolution and conclusion of this meeting the governing body will convene on the above referenced topics in closed session.
This matter will be released to the public when the matter has been deemed resolved and the need to hear said item in closed session no longer exist.
The public will be invited back into open session at the conclusion of this meeting and formal action may be taken.
WHEREAS, the section of the Open Public Meetings Law, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and
WHEREAS, the Township Committee of the Township of Middle, the governing body thereof, is of the opinion that such circumstances presently exist, and
NOW, THEREFORE, BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey:
1.) The public shall be excluded from the discussion of an action upon the hereinafter specified matter:
CONTRACT 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.

22. RESOLUTION 176-21– PUBLIC SALE OF LAND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, the Local Lands and Buildings Law (N.J.S.40A-12-1 et seq) authorizes the sale of any real property, capital improvements or interest herein, not needed for public use, and
- WHEREAS, it appears to be in the best interest of the Township of Middle to dispose of certain real property which is not needed for public use, which property is more fully described as in Schedule "A" annexed hereto,
- NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, as follows:
1. It is hereby determined that the parcels of real property set forth in Schedule "A" annexed hereto are not needed for public use. Minimum bids are contained on Schedule "A".
 2. Said parcels of real property shall be sold pursuant to N.J.S.A. 40A:12-13(a) by open public sale at auction to the highest bidder, said open public sale at auction to be conducted by Susan Quinones, Chief Financial Officer, at the Middle Township Hall, Meeting Room, 33 Mechanic Street, Cape May Court House, New Jersey, or her designee, on June 9, 2021 at 10:00AM
 3. A notice of said open public sale at auction shall be advertised by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to the open public sale at auction, which advertisement shall include the entire contents of this Resolution. Said advertisement shall be published in the Herald Times.
 4. The Township reserves the right to reject all bids where the highest is not accepted.
 5. The terms and conditions of the sale shall be as stated in the General Rules of Land Sales and the attached Contract for Sale of Real Estate, which documents and terms are attached hereto and incorporated herein.

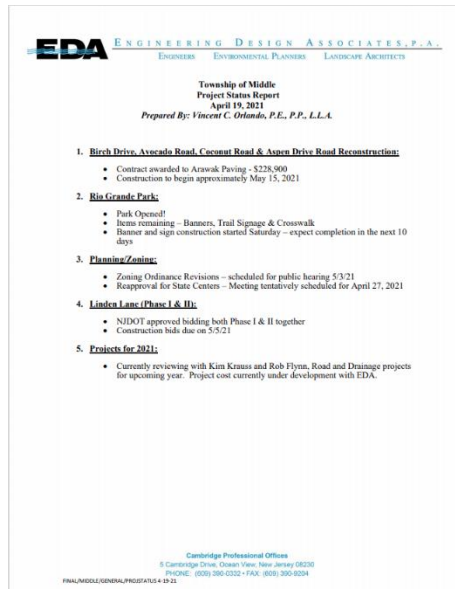
EXHIBIT A

LOCATION	BLOCK / LOT (LEAD LOT)	ADDIT. LOTS	ASSESSMENT	MINIMUM BID AMOUNT
271 Stagecoach Rd	165.01/127		\$77,800.00	\$77,800.00
15 Kentucky Ave	1082/9		\$42,300.00	\$42,300.00
20 Oakview Road	167.01 / 57		\$27,300.00	\$27,300.00
Fulton Street	702/6		\$37,300.00	\$37,300.00
206 Stagecoach Road, #512	167.01 / 75 C0106		\$32,500.00	\$32,500.00
302 Gibbs St	886/1.01		\$50,700.00	\$50,700.00
308 Gibbs St	886/1.02		\$35,700.00	\$35,700.00
Vick Ave / W. Anna Street	943/13		\$23,200.00	\$23,200.00
	ALSO INCLUDE LOT 14			
755 Goshen Road / Goshen Road	52/ 21		\$126,200.00	\$173,400.00
	ALSO INCLUDE LOTS 18, 22		\$22,700/ \$24,500.00 - COMBINED 173,400	

ENGINEER REPORT:

Vince Orlando:

- Reviewed report submitted to Governing Body



23. PUBLIC COMMENT:

Edward Grimes:

- Spoke of concerns regarding bans of smoking in regards to medical marijuana patients
- Asked where medical marijuana patients can smoke
- Spoke of concern for wheel chair access for the medical marijuana facilities

Mayor Donohue:

- Clarified the support given to INSA to submit an application to NJ for a license
- Discussed ban on marijuana in public places
- Explained ban is the same for tobacco and alcoholic products; further explained the ban is an extension of those laws
- Discussed tax implemented during the passing of the marijuana bill in relations to whole sale products
- Spoke of project done recently on Hand Avenue to provide access for wheel chairs
- Explained that businesses must comply to ADA regulations

Edward Grimes:

- Discussed tax on medicinal marijuana

Hugh Giordano:

- Spoke of support of how Mayor Donohue spoke with Mr. Grimes and the Township's support of INSA
- Recommended review of Ordinance from Bayonne laying out how a facility must comply with certain requirements
- Thanked the Township for taking leadership on the topic

Marina Rebmann:

- Thanked Township for being so open regarding medical marijuana
- Discussed personal experiences with medical marijuana use

Dawn Robinson:

- Asked who her daughter should go to regarding correcting her address
- Explained address was changed and 911 was unable to find her home by the new address

Mayor Donohue:

- Asked for clarification on the address change

Dawn Robinson:

- Clarified when the change happened

Mayor Donohue:

- Asked who advised her to change her address

Dawn Robinson:

- Explained a letter had come from the Township
- Continued to discuss the situation

Mayor Donohue:

- Stated he would discuss the situation with Chief Leusner to get the address into the 911 system

Dawn Robinson:

- Provided daughter's name

Kimberly Krauss:

- Clarified that the letter had come from the Tax Assessor's Office

Kimberly Krauss:

- Explained she would reach out to the Assessor's Office

COMMITTEE COMMENTS:

Committeeman Norris:

- Congratulated Raymond Brown on his hire
- Stated lacrosse season was ongoing with still no covid cases; spoke of great job done by Dustin Sturm, Kyle Morinelli, coaches and parents
- Commented on the track meet from the previous weekend
- Spoke of opening date for baseball season on Saturday April 24th at 10:00 am
- Stated sign ups for summer basketball would be beginning
- Discussed introduction of shopping cart ordinance; spoke of ongoing issue with shopping carts in the Rio Grande area

Committeeman Gandy:

- Stated the Sewer Department and Public Works were doing a great job
- Explained the construction office was under construction with new personnel: stated Christina Lillemon would be missed but Rachel Shepherd was stepping up
- Congratulated Mr. Grier
- Discussed the Memorial Day parade would be May 31st with a bike contest

Mayor Donohue:

- Stated he was happy to announce Memorial Day parade would be back this year
- Recognized retirement of Brian Vergantino
- Gave update on vaccine distribution and eligibility
- Spoke of hearing and final consideration for the Mater Plan on the May 3rd meeting
- Stated April 24, 2021 would be shred day from 9-12 or by the time the shred truck is full
- Discussed that the Drumfish Tournament was coming up on May 14, 15, and 16; thanked Suzanne Schumann for running the tournament
- Spoke of excitement for the beginning of the bis process for Bike Path North

Motion to enter closed session – 6:39PM

1st: Committeeman Gandy

2nd: Committeeman Norris

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

Motion to re-enter open session – 7:14PM

1st: Committeeman Norris

2nd: Mayor Donohue

Pass on Roll Call:

Motion to adjourn meeting – 7:15PM

1st: Committeeman Gandy

2nd: Committeeman Norris

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

Kimberly D. Krauss, Township Clerk

Minutes prepared by E.Bowman