

Cape May Court House, NJ
May 17, 2021
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM virtually on Zoom Video Platform and through Facebook Live. Members present were Mayor Donohue, Deputy Mayor Gandy, Committeemember Norris, Business Administrator/Township Clerk Kimberly Krauss, Deputy Business Administrator Suzanne Schumann, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. RESOLUTION 191-21 – 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
Timothy Urquhart*	Public Safety – Police	Police Officer	\$35,000.00*	05/17/2021
Timothy M. Mason	Public Safety	Crossing Guard	\$1.00	05/03/2021
Molly VanTrieste	Public Safety – Police Records	Clerk 1	\$25,489.80	06/01/2021

*Promoted from Certification List OL210200

**Salary increase to \$40,000.00 upon completion of academy

2. RESOLUTION 192-21 – 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
Christopher Baczek*	Public Safety – Police	Police Officer	\$35,000.00**	05/17/2021

*Promoted from Certification List OL210200

**Salary increase to \$40,000.00 upon completion of Academy

3. SWEARING IN OF POLICE OFFICERS

Mayor Donohue:

- Swore in Timothy Urquhart as a Middle Township Police Officer
- Swore in Christopher Baczek as a Middle Township Police Officer

4. RESOLUTION 193-21 – RECOGNIZING NATIONAL POLICE WEEK – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the United States Congress and President of the United States have designated May 15, 2021 as National Peace Officers’ Memorial Day and the week in which it falls as Police Week; and WHEREAS, the members of the Middle Township Police Department play an essential role in safeguarding the rights and freedoms of its citizens; and WHEREAS, it is important that all citizens know and understand the problems, duties, and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and WHEREAS, the Middle Township Police Department has grown to be a modern and progressive law enforcement agency which unceasingly provides a vital public service; and WHEREAS, the Township of Middle asks all citizens to join in honoring the police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May. State of New Jersey, does hereby proclaim the week of May 9-15, 2021, as Police Week and urge all citizens of the Township of Middle to observe Saturday, May 15, 2021 as Peace Officers’ Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Mayor Donohue:

- Read full resolution
- Spoke of conversations with the officers’ families about their roles as first responder families; stated this resolution is to honor the families of the officers as well as the officers themselves

Mayor Donohue:

5. 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.)
6. RESOLUTION 194-21 – 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. \$2,144,387.18
7. RESOLUTION 195-21 – 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: 05/03/2021 Work Session and Regular meetings.
8. REPORTS: Sewer/Tax Collection for the month of April; Sterback Harbor for the month of April; Clerk for the month of April; Treasurer for the month of April
9. ORDINANCE NO. 1622-21 – AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MIDDLE - Following second reading, hearing, and consideration for adoption, Ordinance 1622-21 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.
**Full list of salary ranges available in the Clerk’s Office*
10. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1626-21 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.
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.

Mayor Donohue:

- *Discussed initial introduction of this ordinance in prior years*
- *Further discussed reason for the implementation of the ordinance*

11. RESOLUTION 196-21– 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
Katherine Keating	Assistant Zoning Officer	05/28/2021

12. RESOLUTION 197-21 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Markell Benson	Public Works	Laborer 1 P/T T/A (6 months)	06/01/2021

13. RESOLUTION 198-21 – APPROVE LEAVE OF ABSENCE – 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 Leave of Absence without pay for Paul Mahan, from June 1, 2021 through July 1, 2021 is hereby approved.

14. RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF NOT TO EXCEED \$7,400,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS (THE “REFUNDING BONDS”) OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE “TOWNSHIP”), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE DULY ADOPTED BY THE TOWNSHIP COMMITTEE ON MAY 3, 2021, TO REFUND 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 1) ALL ISSUED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT, AND PROVIDING FOR THE FORM AND CERTAIN MATTERS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS – On motion by seconded by and passed on roll call, the following resolution was adopted.

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 any 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 has adopted a Refunding Bond Ordinance on May 3, 2021 (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; and

WHEREAS, in its efforts to achieve debt service savings for the Township’s taxpayers, the Township Committee now desires and finds it necessary to issue the Refunding Bonds pursuant to the Refunding Bond Ordinance, in the aggregate principal amount not to exceed \$7,400,000, and it is deemed advisable and in the best interests of the Township to provide for the form, sale, maturity dates and other matters in connection with such authorization, sale, issuance and delivery of the Refunding Bonds.

NOW THEREFORE, BE IT RESOLVED 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. Authority for Resolution. Pursuant to the provisions of the Local Bond Law, the Township Committee has heretofore adopted the Refunding Bond Ordinance that authorizes the issuance of the Refunding Bonds in the aggregate principal amount not to exceed \$7,400,000, and the Township Committee hereby determines to issue, pursuant to the Refunding Bond Ordinance, the Refunding Bonds

of the Township in an aggregate principal amount not to exceed \$7,400,000 as described below in Section

SECTION 2. Authorization of the Refunding Bonds. In accordance with the Local Bond Law, and for the purpose of providing funds to (i) achieve debt service savings by refunding all or a portion of the Refunded Bonds, and (ii) pay the allocable portion of the costs of issuance relating to the Refunding Bonds, including printing, advertising, underwriting, accounting, fiduciary, financial and legal services and rating agency and credit enhancement fees, as applicable, and as more fully set forth in the Refunding Bond Ordinance, there shall be issued Refunding Bonds of the Township in an aggregate principal amount not to exceed \$7,400,000, which may be issued in more than one series, on different dates and consist of the General Obligation Refunding Bonds, pursuant to the Refunding Bond Ordinance. Said

Refunding Bonds shall be designated "General Obligation Refunding Bonds" (or such other designation as shall be applicable at the time of issuance thereof).

SECTION 3. Details of the Refunding Bonds. The Refunding Bonds shall be payable with respect to principal and interest in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, shall be issued in fully registered book-entry only form, without coupons, payable to a Securities Depository (as defined herein) or its registered assigns, and in denominations of \$5,000 each or any integral multiple of \$1,000 in excess thereof and shall be issued substantially in the form provided in Section 8 of this Resolution, with such omissions, insertions and variations as are properly required. The Refunding Bonds shall be dated, shall mature in each of the years, shall bear interest from their date of issuance and shall contain such other terms, including but not limited to redemption provisions, as shall be determined by the Chief Financial Officer, in consultation with Bond Counsel (as defined herein) and the Municipal Advisor (as defined herein) to the Township. The Refunding Bonds shall be numbered consecutively from "GRB-1" upwards.

The Refunding Bonds shall mature in each of the years and shall bear interest at the respective rates of interest per annum from their date of issuance, until such Refunding Bonds shall be paid or discharged as shall be set forth in the Bond Purchase Contract to be dated the date of the sale and award of the Refunding Bonds by and between the Township and RBC Capital Markets, LLC, W. Conshohocken, Pennsylvania, as the underwriter named therein (the "Bond Purchase Contract").

Interest on the Refunding Bonds shall be payable as shall be determined by the Chief Financial Officer, in consultation with Bond Counsel and the Municipal Advisor to the Township, and as shall be set forth in the Bond Purchase Contract (each an "Interest Payment Date") in each year until maturity or prior redemption, as applicable, by wire transfer of the Paying Agent (as defined herein) to the registered owners thereof whose names appear on the registration books of the Paying Agent fifteen (15) days preceding each Interest Payment Date (the "Record Date"), at their respective addresses as shown in the registration books of the Paying Agent.

SECTION 4. Redemption. The Bonds shall be subject to redemption prior to their stated maturities in accordance with the terms of the Bond Purchase Agreement.

SECTION 5. Payment of the Refunding Bonds. The principal of the Refunding Bonds, when due, shall be payable upon presentation and surrender thereof at the Township Offices, 33 Mechanic Street, Cape May Court House, New Jersey 08210 acting in the capacity of Paying Agent or the principal corporate trust office of any paying agent duly appointed by the Township (collectively, the "Paying Agent").

SECTION 6. Execution of the Refunding Bonds. The Refunding Bonds shall be executed in the name of the Township by the manual or facsimile signatures of the Mayor and/or acting Mayor and the Chief

Financial Officer of the Township and the seal of the Township shall be affixed, imprinted or reproduced thereon and attested to by the manual signature of the Township Clerk. If any officer whose signature appears on the Refunding Bonds ceases to hold office before the delivery of the Refunding Bonds, his or her signature shall nevertheless be valid and sufficient for all purposes. In addition, any Refunding Bond may bear the signature of, or may be signed by, such persons as at the actual time of the signing of such Refunding Bond shall be the proper officers to sign such Refunding Bond although at the date of such Refunding Bond such persons may not have been officers.

SECTION 7. Registration of the Refunding Bonds. The Paying Agent shall also maintain and keep books for the registration and transfer of the Refunding Bonds. The Paying Agent shall also act as agent for the Township with respect to the transfer or exchange of any of the Refunding Bonds.

SECTION 8. Form of the Refunding Bonds. Subject to the provisions of this Resolution, the Refunding Bonds shall be in substantially the form set forth in Exhibit A attached hereto, with such additions, deletions, omissions, endorsements and variations as may be required or permitted by this Resolution or the Refunding Bond Ordinance or as may be consistent with this Resolution and the Refunding Bond Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto or as may be necessary for the Township to market the Refunding Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel and the Municipal Advisor to the Township.

SECTION 9. Book-Entry Only System. The Refunding Bonds shall be initially issued in book-entry only form in the form of one certificate for the aggregate principal amount of the Refunding Bonds maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"), which is hereby appointed as securities depository (the "Securities Depository") for the Refunding Bonds. All of the outstanding Refunding Bonds shall be registered in the name of and held by Cede & Co., as registered owner and nominee for DTC.

SECTION 10. Application of Proceeds of the Refunding Bonds. (a) From the proceeds of the sale of the Refunding Bonds, the following amounts, if stated herein, shall simultaneously with the issuance of such Refunding Bonds (or as soon as practicable thereafter) be paid by the Township as follows:

- (i) To the payees designated by the Mayor and/or acting Mayor and/or Chief Financial Officer of the Township, amounts representing the costs of issuance for the Refunding Bonds, which shall be in an amount not to exceed \$170,000, including underwriter's discount;
- (ii) To the Township, an amount representing accrued interest, if any, on the Refunding Bonds from the Issue Date to the date of delivery thereof and payment therefor, such amount to be used for the payment of interest on the Refunding Bonds as the same shall become due and payable on the first Interest Payment Date; and
- (iii) To the Escrow Agent (as defined herein) appointed pursuant to Section 10(b) hereof, an amount to be held in trust to accomplish the redemption and/or payment at maturity of all or a portion of the Refunded Bonds.

(b) The Chief Financial Officer of the Township is hereby authorized and directed, in consultation with Bond Counsel, the Municipal Advisor and the Auditor (as defined herein), to negotiate and approve, if necessary, an Escrow Deposit Agreement by and between the Township and the Escrow Agent (the "Escrow Deposit Agreement") to be selected by the Chief Financial Officer, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, providing for the portion of the proceeds of the sale of the Refunding Bonds described

in Section 10(a)(iii) hereof (the "Refunding Proceeds") to be deposited in an escrow fund to be held by the Escrow Agent in trust to, among other things, (i) currently refund all or a portion of the Refunded Bonds (as defined herein), (ii) pay interest on all or a portion of the Refunded Bonds until the dates fixed for redemption, (iii) pay the redemption premium, if any, on the principal amount of the Refunded Bonds on the dates fixed for redemption. The Mayor, acting Mayor and/or the Chief Financial Officer of the Township are each hereby authorized and directed to execute and deliver the Escrow Deposit Agreement on behalf of the Township. Any moneys in such fund may be invested as provided in the Local Bond Law and other applicable law and any moneys in excess of the amounts required for such purpose may be used for any lawful purpose of the Township. (c) Pending disbursement for the purposes thereof, the portion of the proceeds of the sale of the Refunding Bonds not constituting Refunding Proceeds may be invested to the extent permitted by law.

SECTION 11. Award of Refunding Bonds. RBC Capital Markets, LLC, W. Conshohocken, Pennsylvania, is hereby appointed underwriter (the "Underwriter") for the Refunding Bonds. The Mayor, acting Mayor and the Chief Financial Officer are each hereby authorized and directed, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, to negotiate and approve the terms of the Bond Purchase Contract with the Underwriter for the purchase of the Refunding Bonds, including the compensation to the Underwriter for the marketing and purchase of the Refunding Bonds, which fee shall be \$5.00 per \$1,000 of Refunding Bonds (with a maximum fee of \$37,000.00), inclusive of Underwriter's counsel fee. The Refunding Bonds are hereby authorized to be sold to the Underwriter in accordance with the terms of the Bond Purchase Contract. The Mayor, acting Mayor and/or Chief Financial Officer of the Township are each hereby authorized and directed to execute and deliver the Bond Purchase Contract on behalf of the Township.

SECTION 12. Prior Action. All actions taken to date by the officers, employees, professionals and agents of the Township with respect to the authorization, sale and issuance of the Refunding Bonds, including, but not limited to, submissions and applications to rating agencies and the execution and delivery of subscription forms for the purchase of United States Time Deposit Securities – State and Local Government Series, be and the same hereby are approved, ratified, adopted and confirmed, *nunc pro tunc*, and the Mayor, acting Mayor and/or Chief Financial Officer are hereby authorized and directed to execute and deliver any such agreements, documents or submissions, and the Township Clerk is hereby authorized and directed to attest to the signatures of the Mayor, acting Mayor and the Chief Financial Officer, as applicable, and to affix the seal of the Township on such agreements, documents or submissions.

SECTION 13. Official Statement. All action taken to date by the officers, employees, professionals and agents of the Township with respect to the authorizations, sale and issuance of the Refunding Bonds, and all actions taken by Bond Counsel, the Municipal Advisor and the Auditor (as defined herein) on behalf of the Township with respect to the preparation of the Official Statement (the "Official Statement") and the preliminary form thereof (the "Preliminary Official Statement") to be used in connection with the marketing of the Refunding Bonds are hereby approved, ratified and confirmed, *nunc pro tunc*. The distribution by the Underwriter of such Preliminary Official Statement on behalf of the Township to be used in connection with the marketing of such Refunding Bonds by the Underwriter is hereby approved. The Mayor, acting Mayor and/or Chief Financial Officer of the Township are each hereby authorized and directed to execute and deliver a certificate that "deems final" the Official Statement in accordance with the Rule.

Upon the sale of the Refunding Bonds to the Underwriter, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel and the Municipal Advisor, to reflect the effect of the Bond Purchase Contract and any other revisions not inconsistent with the substance thereof deemed necessary or advisable by Bond Counsel and the Municipal Advisor, and said Preliminary Official Statement ("deemed final" by the Township in accordance with the Rule) as so modified shall constitute the final Official Statement. The Mayor, acting Mayor and/or Chief Financial Officer are each hereby authorized and directed on behalf of the Township to execute and deliver said Official Statement.

SECTION 14. Delivery of Refunding Bonds. The Refunding Bonds, in registered form shall, as soon as practicable, be prepared, executed and delivered in definitive form to the Underwriter at the expense of the Township, upon payment in full of the purchase price for the Refunding Bonds.

SECTION 15. Actions to be Taken on Behalf of the Township. The various officers of the Township are hereby authorized and directed to do all matters necessary, useful, convenient or desirable to accomplish the (a) sale, issuance and delivery of the Refunding Bonds to the Underwriter as promptly as possible, in accordance with the provisions hereof, and (b) execution of the closing documents necessary in connection with the sale, issuance and delivery of the Refunding Bonds.

The Underwriter, RBC Capital Markets, LLC, W. Conshohocken, Pennsylvania; the Township's auditor ("Auditor"), Ford-Scott & Associates LLC, Ocean City, New Jersey (the "Auditor"); the Township's Municipal Advisor, Phoenix Advisors, Bordentown, New Jersey (the "Municipal Advisor"); and the Township's bond counsel, Archer & Greiner P.C., Red Bank, New Jersey ("Bond Counsel"), are each hereby authorized to prepare and arrange for the printing or reproduction of the Preliminary Official Statement, the Official Statement and the Refunding Bonds, and any such actions heretofore taken by such Underwriter, Auditor, the Municipal Advisor and Bond Counsel are hereby ratified and confirmed, *nunc pro tunc*.

SECTION 16. Auditor. The Township hereby appoints and authorizes the Auditor to prepare the financial statements for inclusion in the Preliminary Official Statement and Official Statement to be used in conjunction with the marketing, sale and issuance of the Refunding Bonds.

SECTION 17. Authorizations. The Chief Financial Officer of the Township is hereby authorized and directed to determine all matters in connection with the Refunding Bonds not determined by this or a subsequent resolution, all in consultation with Bond Counsel and the Municipal Advisor, and the manual or facsimile signature of the Chief Financial Officer of the Township upon the Refunding Bonds and any other documents shall be conclusive as to all such determinations. The Chief Financial Officer of the Township shall report in writing to the governing body at the next meeting thereof as to the principal amounts, maturities and numbers of the Refunding Bonds so delivered, which report shall be entered in the minutes of the governing body, and a copy of such report shall be filed within five (5) days thereafter with the Director of the Local Finance Board. The Mayor, acting Mayor, the Chief Financial Officer, the Township Clerk and any other Township officer, official or professional 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 Bonds and 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 Bond

Counsel and the Municipal Advisor, and all such actions or inactions by the aforesaid Township officers, officials and professionals heretofore are hereby ratified and confirmed, *nunc pro tunc*.

SECTION 18. Pledge of Township. The full faith and credit of the Township are hereby pledged for the payment of the principal of and interest on the Refunding Bonds. The Refunding Bonds shall be direct 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 principal of and interest on the Refunding Bonds without limitation as to rate or amount.

SECTION 19. Tax Covenant. The Township hereby covenants with the holders from time to time of the Refunding Bonds that it will make no investment or other use of the proceeds of the Refunding Bonds or take any other action (or refrain from taking such action) which would cause the Refunding Bonds to be “arbitrage bonds” within the meaning of the Internal Revenue Code of 1986, as amended and supplemented, or under any similar statutory provision or any rule or regulation promulgated thereunder (the “Code”), or would cause interest on the Refunding Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of the Refunding Bonds. The Chief Financial Officer of the Township is hereby further authorized and directed to establish an Investment Rebate Account (the “Rebate Account”) and provide for the deposit therein, for delivery to the United States Treasury of “excess investment earnings,” as may from time to time be required by Section 148 of the Code, all as may be set forth in a letter or letters of instruction to the Township submitted by Bond Counsel in connection with the Refunding Bonds.

SECTION 20. Ratings and Insurance. The Chief Financial Officer of the Township is hereby authorized and directed, upon consultation with Bond Counsel and the Municipal Advisor, the Underwriter and the Auditor, to submit information and financial data to ratings agencies and municipal bond insurance companies so long as the purchase of municipal bond insurance for the Refunding Bonds is cost effective in the marketing of the Refunding Bonds to reduce the interest costs to the Township and, if so, then to execute and deliver a commitment for municipal bond insurance (the “Commitment”) with a bond insurer to insure the payment of principal of and interest on the Refunding Bonds; and is further authorized and directed to carry out the terms and conditions contained in the Commitment and to execute and deliver all documents, agreements and conditions in connection with the issuance of the Refunding Bonds and the Commitment.

SECTION 21. Continuing Disclosure. The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of a Continuing Disclosure Certificate (the “Certificate”) which will set forth the obligation of the Township to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events deemed material in accordance with the provisions of Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended. The Chief Financial Officer of the Township is hereby authorized and directed to execute and deliver this Certificate to the purchaser of the Refunding Bonds evidencing the Township’s undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Township to comply with the Certificate shall not be considered a default on the Refunding Bonds; however, any Refunding Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Township to comply with its obligations hereunder and thereunder. The Chief Financial Officer of the Township or any other Township officer, official or professional are each hereby authorized and directed to execute and deliver all certificates, documents and agreements in connection therewith and to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

SECTION 22. Verification of Escrow. The Chief Financial Officer is hereby authorized and directed, in consultation with Bond Counsel, the Municipal Advisor and the Auditor, to (i) appoint a Verification Agent (the “Verification Agent”), if necessary, to serve as Verification Agent for the Refunded Bonds, and (ii) execute and deliver an agreement, if necessary, with such duly appointed Verification Agent to verify the sufficiency of the escrow created to refund the Refunded Bonds.

SECTION 23. Effective Date. This Resolution shall take effect upon the effective date of Bond Ordinance 1624-21.

15. RESOLUTION 200-21 – AMENDING RESOLUTION 166-21 – AWARD OF BID – CONTRACT #2019-11 – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, Resolution 166-21 dated April 19, 2021, awarded the bid for various contracts of the Middle Township Home Rehabilitation Project; WHEREAS, the award amount indicated on said Resolution inadvertently indicated the incorrect award amount for Contract #2019-11; and WHEREAS, as a result, the Township of Middle has deemed it necessary to amend the Award of Bid for said contract to reflect the actual bid amount of \$39,250.00. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the contract for Middle Township Home Rehabilitation Project Contract #2019-11 be and hereby amended to the following:

Middle Township Home Rehabilitation Project
Contract #2019-11
Buggy Construction
Not to Exceed \$39,250.00

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

16. RESOLUTION 201-21 – TABULATION COMMITTEE – VARIOUS CONTRACTS – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – 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 June 15, 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:

CONTRACTS #2019-4, 2019-9, 2019-12 AND 2019-14
MIDDLE TOWNSHIP HOME REHABILITATION PROJECT

17. RESOLUTION 202-21– AWARD OF BID – LINDEN LANE PHASE 1 & PHASE 2 - 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 phases 1 and 2 of the Linden Lane Road Reconstruction project; 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:
Landberg Construction, LLC
Linden Lane Road Reconstruction
Phases 1 & 2
Not to Exceed \$252,127.89
FURTHER BE IT RESOLVED, that this award is conditioned upon certification of availability of funds.
18. RESOLUTION 203-21 – AWARD CONTRACT UNDER STATE CONTRACT – VENDING MACHINE PRODUCT SALES AND RELATED SERVICES – UNIVERSAL VENDING MANAGEMENT LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, Resolution No. 17-21 authorized the Township of Middle to purchase with vendors with State contracts for CY 2021, and
WHEREAS, the Township of Middle currently utilizes Universal Vending Management LLC for vending machine product sales and related services, and
WHEREAS, said services are available under State Contract No. 18-GNSV2-00440.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between Universal Vending Management LLC and the Township of Middle for vending machine product sales and related services be and is hereby ratified, and said contract is hereby awarded under State Contract No. 18-GNSV2-00440.
BE IT FURTHER RESOLVED, that the contract is for a coverage period from 09/01/2018 through 09/01/2022, with funds certified yearly by the Chief Financial Officer or designee.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
19. RESOLUTION 204-21 – AUTHORIZING WAIVER OF USAGE OF RECREATIONAL FACILITY FEE – CAPE MAY COUNTY COUNCIL FOR YOUNG CHILDREN – 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, the Cape May County Council for Young Children will be hosting a Mental Health Awareness Day on May 22, 2021; and
WHEREAS, said event will take place at the Ockie Wisting Complex; and
WHEREAS, the association directly benefits the youth of the Township of Middle; and
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 Cape May County Council for Young Children for the usage of the Ockie Wisting Complex shall be waived.
20. RESOLUTION 205-21 – ASSIGNMENT OF TAX TITLE LIEN (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, the Township of Middle is the holder of Tax Sale Certificate #2019-0014 acquired under N.J.S.A. 54:5-34; and,
WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and
WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and
WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Herald Newspaper, within five days prior to the action as required by law.
NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Middle, County of Cape May, State of New Jersey on this 17th day of May 2021 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2019-0014 in the amount of \$1,721.80 plus the cost of advertisement in the amount of \$12.07, as shown on the schedule annexed to hereto, to:
Hideaway Beach Condominium Association
For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under N.J.S.A. 54:5-113,
BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.
(B) WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2020-0017 acquired under N.J.S.A. 54:5-34; and,
WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and
WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and

WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Herald Newspaper, within five days prior to the action as required by law.
NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Middle, County of Cape May, State of New Jersey on this 17th day of May 2021 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2020-0017 for block 42 lot 1 CMB23 in the amount of \$1,366.00 plus the cost of advertisement in the amount of \$12.07, as shown on the schedule annexed to hereto, to:

Hideaway Beach Condominium Association

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

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

21. RESOLUTION 207-21 – CANCEL TAXES – 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 taxes are hereby cancelled due to tax exemption.

Account	Block	Lot	Owner/location	2021
16131	322.01	42	Wheeler, John F & Maureen T Property location: 24 Secluded Hollow Rd 100% Disabled Veteran – Exempt as of 5/6/2021	\$1043.89

22. RESOLUTION 208-21 – 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
16131	322.01	42	Wheeler, John F & Maureen T 24 Secluded Hollow Rd Cape May Court House, NJ 08210 Property location: 24 Secluded Hollow Rd	\$1,043.89

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.

23. RESOLUTION 209-21 – AUTHORIZING ACCELERATED TAX SALE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, N.J.S.A. 54:5-19 requires that any unpaid taxes and/or other municipal charges that remain in arrears on the eleventh day of the eleventh month be sold at a tax sale; and
WHEREAS, Chapter 99, Public Laws allows accelerated tax lien sale as of the eleventh day of the eleventh month of the fiscal year upon passage of a resolution of the governing body; and
WHEREAS, the annual accelerated tax sale for the Township of Middle is scheduled to be held on December 15, 2021; and
WHEREAS, the tax sale process is lengthy and costly and places a large financial burden on the general tax base; and
WHEREAS, it is the desire of the Township of Middle to hold taxpayers who cause the tax sale procedure to be held accountable for the fees associated with the said sale; and
WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the tax sale notices in-lieu of up to two (2) legal advertisements, the costs of which shall be added to the cost of the sale, not to exceed \$25.00 for each set of notices; the first notice will be mailed November 17, 2021; the second notice will be mailed November 24, 2021; the first advertisement will be published in the Herald Newspaper on December 1, 2021 the second advertisement will be published in the Herald Newspaper on December 8, 2021; and
WHEREAS, ordinance number 1354.10 of the Township of Middle states the same, and
WHEREAS, N.J.S.A. 54-5-38 provides for fees in connection with holding a tax sale, of two (2%) percent of the total of municipal charges, including all interest and penalties, to the date of sale. The two (2%) percent shall not be less that fifteen (\$15.00) dollars nor more than One Hundred (\$100.00) dollars for each parcel sold; and all payments accepted will be by cashier’s checks, certified checks or money orders and
WHEREAS, N.J.S.A. 54:5-29 provides for payment prior to the tax sale to include all interest, costs and penalties;
NOW THEREFORE, BE IT RESOLVED, by the Municipal Governing Body of the Township of Middle in the County of Cape May the Tax Collector is hereby authorized to conduct an accelerated tax lien sale for the calendar year 2021 and any prior year delinquencies.

BE IT FURTHER RESOLVED, by the Municipal Governing Body of the Township of Middle, that in accordance with N.J.S.A. 54:5-26 the Tax Collector's office is hereby authorized to send two (2) direct mailings, in lieu of 2 advertisements, and collect a mailing fee of Twenty-Five dollars (\$25.00) for each notice mailed; and

BE IT FURTHER RESOLVED, that costs of preparation, administration and advertisement, prior to the sale are hereby determined to be two (2%) percent of the total municipal charges, including all penalties and interest, but not less than Fifteen (\$15.00) dollars and not more than One Hundred (\$100.00) dollars for each parcel.

24. RESOLUTION 210-21 – FINANCING ARRANGEMENT WITH TAX-EXEMPT LEASING CORP FOR ACQUISITION OF A POLICE VEHICLE AND RELATED EQUIPMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Police departments has determined that the need exists for a replacement vehicle to be used in connection with the operation of their respective department as listed on Schedule A; and

WHEREAS, the Township Committee has reviewed these requests and has determined that the need for such vehicles does, in fact, exist; and

WHEREAS, these vehicles are available under a state contract and, therefore, competitive bidding for the acquisition of these vehicle is not required; and

WHEREAS, the Chief Financial Officer has recommended the lease financing of these vehicles in order to reduce the initial outlay of Municipal Funds, limit debt, and take advantage of fixed interest rates over the length of the financing; and

WHEREAS, the Chief Financial Officer of the Township of Middle has determined that sufficient funds exist for this purpose in the attached certification.

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

1. The Governing Body of the Township of Middle has determined that entering into a financing arrangement with Tax-Exempt Leasing Corp. is in the best interest of the Township of Middle for the acquisition of vehicle and related equipment, and the Governing Body hereby approves the entering into the appropriate agreement by the Township of Middle and hereby designated and authorized the following person(s) to execute and deliver any required documentation on the Township's behalf with such changes thereto as such person(s) deem(s) appropriate, and any related documents, including any Escrow Agreement, necessary to the consummation of the transaction contemplated by the parties.
 - a. Authorized Individual(s): Mayor Timothy Donohue; Kimberly Krauss, Township Clerk/Administrator; Susan A. Quinones, Chief Financial Officer
 - b. In addition to the Authorized Individual(s) above, the Governing Body of the Township of Middle further authorized the following individual to sign any Payment Request and Partial Acceptance Certificate form and/or Final Acceptance Certificate: Mayor Timothy Donohue; Kimberly Krauss, Township Clerk/Administrator; Susan A. Quinones, Chief Financial Officer
2. These vehicles shall be in accordance with State Contract T-2776, Contract No. 88728. Lease agreement interest rate, payment terms, and additional equipment and vendors as per Schedule A.
3. The award of this Contract is contingent upon certification by the Chief Financial Officer of the Township of Middle that sufficient funds exist for this purpose.

25. RESOLUTION 211-21 THROUGH 212-21 – AUTHORIZING EASEMENT (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) 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 Imre P. Szigetti. FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign all related documents.

(B) 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 M. Bradway and Merrill E. Bradway.

FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign all related documents.

26. RESOLUTION 213-21 – AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND CITY OF NORTH WILDWOOD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Agreement between the Township of Middle and the City of North Wildwood for as-needed office coverage by a Construction Official.

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

27. RESOLUTION 214-21 – URGING ORSTED, PSEG AND THE STATE OF NEW JERSEY TO COMPREHENSIVELY AND THOUGHTFULLY ENGAGE COMMUNITY STAKEHOLDERS TO

ADDRESS CONCERNS OF THE POTENTIAL DETRIMENTAL IMPACTS THAT THE OCEAN WIND PROJECT MAY CAUSE TO THE ENVIRONMENT, FISHING INDUSTRY, BUSINESS COMMUNITY AND RESIDENTS OF CAPE MAY COUNTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the State of New Jersey through contractual relationships with Orsted & PSEG (Project Participants) are proposing the construction of a wind farm fifteen (15) to twenty-seven (27) miles off the coast of Cape May County, which is referred to as the “Ocean Wind Project”; and

WHEREAS, the Ocean Wind Project would be one of the largest planned offshore wind farms in the United States, comprising of approximately 98 turbines spanning 1nm x. 0.8nm, with each turbine reaching an elevation of over 900 feet and therefore within sight of the Cape May County shoreline; and

WHEREAS, Ocean Wind Project would require the excavation of miles of seabed floor to bury export offshore cables, and have an even greater impact to our communities as miles of onshore cables will be buried in rights of way; and

WHEREAS, on March 29, 2021, the Bureau of Ocean Energy Management (BOEM) issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement for the construction of the Ocean Wind Project, and this NOI opened a 30-day public comment period during which the BOEM will hold three virtual public scoping meetings to accept comment on the Ocean Wind Project; and

WHEREAS, the Project Participants have, to date, failed to adequately engage and provide information to residents, business owners and commercial fisheries about the details and supportive science of the Project, the process leading up to the construction of the wind farm, or the potential impacts that the Ocean Wind Project may have on Cape May County and this lack of engagement has led to our residents, business owners and commercial fisheries being disenfranchised through the process; and

WHEREAS, the Program Participants have, likewise, inadequately engaged the Cape May County Board of County Commissioners (Board) and surrounding municipalities about the details and supportive science of the Project, the process leading up to construction of the wind farm, or the potential impacts that the Ocean Wind Project may have on Cape May County; and

WHEREAS, Cape May County boasts a \$6.9 Billion tourism industry and a commercial fishing industry ranking the second largest on the East Coast with an economic contribution of \$270 Million; and

WHEREAS, concerns continue to be raised by residents, business owners and fishermen about the potential detrimental impacts that the Ocean Wind Project may have on Cape May County; and

WHEREAS, the Township Committee of the Township of Middle strongly urges the Program Participants to better engage community stakeholders to address concerns of the detrimental impacts that the Ocean Wind Project may cause to the environment, fishing industry, business community and residents of Cape May County; and

WHEREAS, the governing body finds that time is of the essence for the Program Participants to better engage the residents and community stakeholders, and its failure to actively engage our community with complete and accurate information so as to address economic, environmental, industry and aesthetic concerns will force the governing body of the Township of Middle to resolutely oppose and work diligently to defeat the commencement of the Ocean Wind Project.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the Township Committee urges and requests Orsted, PSEG and the State of New Jersey to immediately engage the residents and community stakeholders to address the impacts that may be caused by the Ocean Wind Project and work in earnest to resolve these issues.

28. RESOLUTION 215-21 – 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.

29. PUBLIC COMMENT: NONE

COMMITTEE COMMENTS:

Committeeman Norris:

- *Spoke of successful Drum Fish Tournament; Thanked Suzanne Schumann and volunteers for all they did for the tournament; stated they raised over \$3,000 for the Recreation Department; also thanked Joe Graham for volunteering and helping filet and weigh all fish; explained filets were donated to the Branches in Rio Grande*
- *Discussed ribbon cutting for South 9 Restaurant*
- *Congratulated new officers that were sworn in*
- *Stated PBI was having a cook out for mother and children that lost their home on Friday May 21st and encourage all the come out for the good cause*

Committeeman Gandy:

- *Spoke of ribbon cutting at South 9; commented on long wait for its grand opening; stated the restaurant would make a great addition to the Township*
- *Stated Happy Belated Mother's Day*

Mayor Donohue:

- *Discussed the Drum Fish Tournament: spoke of success of the tournament; thanked Suzanne Schumann for handling the event*
- *Commented on discussion during the work session regarding proposed zoning upgrades*
- *Discussed the beginning of the Linden Lane project*
- *Spoke of drainage project on Teal and Davis Roads; stated pavement of those streets will be completed with the paving of Wildwood and Central Avenues*
- *Discussed paving of Swainton Road Project*
- *Spoke of development of new road program to continue to upgrade various streets*
- *Discussed resolution passed regarding the Orsted Wind Project; explained resolution was not opposing the project but encourage more engagement between the company and the community so that the community is taken into consideration*
- *Stated there would be a Cops and Coffee event on Tuesday May 18th*
- *Thanked all the Fire Company's on their efforts for the food drive*
- *Thanked Kaytie Keating who is moving on from the Township after years of service for the Township*

Motion to enter closed session – 6:42 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 7:22 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 7:23 PM

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