Cape May Court House, NJ June 7, 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 at the Middle Township Municipal Building. 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. PRESENTATION BY MAYOR AND COMMITTEE – JUNE EMPLOYEE OF THE MONTH – SANDRA WILSON

Mayor Donohue:

- Explained Sandra's role for the Police Department
- Presented the Employee of the Month Award to Sandra Wilson
- 2. PRESENTATION BY MAYOR AND COMMITTEE MIDDLE TOWNSHIP DRUM FISH TOURNAMENT AWARDS

Mayor Donohue:

- Discussed Drum Fish Tournament; Thanked Suzanne Schumann for her hard work putting the tournament together; explained the fish that were caught were fileted and given to the branches
- Presented checks to the tournament winners
- 3. 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.)

NONE

- 4. RESOLUTION 216-21 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. \$2,643,328.88
- 5. RESOLUTION 217-21 APPROVING MINUTES FROM PREVIOUS MEETING On motion by Committeeman Gandy seconded by Committeeman Gandy 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: 05/17/2021 Work Session, Regular and Closed Session meetings.
- 6. REPORTS: Clerk for the month of May; Tax Collector for the month of May; Sewer Collection for the month of May; Sterback Harbor for the month of May; Finance for the month of May
- 7. ORDINANCE NO. 1627-21 AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 397, LOT 23 On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1627-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/07/2021 at 6:00 p.m.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 397, Lot 23 in the Del Haven Section of the Township; and

WHEREAS, there are three owners who are contiguous to this said portion of the lot, specifically listed as follows:

Block 397 Lot 22 - Brandon Obermeier & Victoria E. Gotwols

7 N. 11th Street Del Haven, NJ 08251

Block 397, Lot 24 - Brian J & Bernadette R Lusch

719 Willitts Avenue Audubon, NJ 08106

Block 397, Lot 4 - William B & Olga G Toben

623 3rd Street Carlstadt, NJ 07072

WHEREAS, the three owners shall be noticed and given an opportunity to participate in an open (private) auction limited to just the three of them participating to purchase the parcel but at a price which is no less than the fair market value of the parcel; and

WHEREAS, the assessment of the entire Lot 23 is \$2,500.00, and the Township Tax Assessor has stated in writing that the fair market value of the land is \$2,500.00, which the Township therefore makes the minimum bid; and

WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the Ordinance;

NOW, THEREFORE, BE IT ORDAINED,

- 1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 397, Lot 23 to the highest bidder of an open (private) auction to be held on July 27, 2021 at 10:00 a.m. in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those three owners of property contiguous to that portion of Block 397, Lot 23 which is offered for sale shall participate; and
- 2. The minimum bid shall be \$2,500.00; and
- 3. The auction shall be conducted by the Township Chief Financial Officer, Susan Quinones; and
- 4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and
- 5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit B; and
- 6. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
- 7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
- 8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.
- SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.
- SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.
- SECTION 4. This ordinance shall become effective immediately upon final passage and publication, according to law.
- 8. ORDINANCE NO. 1628-21 AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY TO SELL TOWNSHIP OWNED LAND BY A PRIVATE AUCTION TO BE HELD AMONG CONTIGUOUS OWNERS OF BLOCK 703, LOT 4 On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1628-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/07/2021 at 6:00 p.m.

BE IT ORDAINED by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that it is necessary that Township owned land be sold by a private auction among contiguous owners.

SECTION 1.

WHEREAS, New Jersey Statute 40A:12-13 provides the procedure for the sale of Township owned land, and allows for a private sale of land by ordinance when the sale is to the owner of the real property contiguous to the Township owned parcel, provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners; and also provided that any such sale shall be for not less than the fair market value of the real property; and

WHEREAS, the Township owns a parcel of land identified as Block 703, Lot 4 in the Cape May Court House section of the Township; and

WHEREAS, the Township desires to sell the lot, which lot is less than the minimum size required for development under the zoning ordinance and which does not have any capital improvement upon it; and WHEREAS, there is one (1) owner of whose lot is contiguous to Block 703, Lot 4; Township of Middle, owners of Block 703 Lot 9.

WHEREAS, the one (1) owner shall be noticed and given an opportunity to participate in an open (public) auction limited to just the two (2) of them participating to purchase the parcel but at a price which is no less

than the \$2,000.00 which has been offered by one of the contiguous owners, and which is the assessed value, and which Township Committee believes to be the fair market value of the lot; and WHEREAS, the statute also requires that the municipality file with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of advertisements for the ordinance;

NOW, THEREFORE, BE IT ORDAINED.

- 1. The Township Committee of the Township of Middle shall sell a portion of real property identified as Block 703, Lot 4 to the highest bidder at an open (public) auction to be held on July 27, 2021 at 11:00 a.m. in the meeting room of the Township Hall, 33 Mechanic Street, Cape May Court House, New Jersey, at which time only those two (2) owners of property contiguous to Block 703, Lot 4 which is offered for sale shall participate; and
- 2. The minimum bid shall be \$2,000.00; and
- 3. The auction shall be conducted by the Township Chief Financial Officer or her designee; and
- 4. The winning bidder shall sign a contract of sale which is attached hereto as Exhibit A and the terms of which are incorporated herein in full; and
- 5. The winning bidder shall be provided a deed in the form attached hereto as Exhibit B; and
- 6. That the Clerk or the Clerk's representative is to file the necessary affidavits with the Director of the Division of Local Government Services, and
- 7. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign those documents necessary to effectuate this transaction; and
- 8. Any and all costs associated with this transaction, including advertising and postage, are to be paid by the winning bidder.

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

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

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

9. RESOLUTION 218-21 – ESTABLISHING RATE OF PAY FOR PART-TIME EMPLOYEES AND ESTABLISHING MINIMUM ANNUAL RATE OF PAY FOR FULL-TIME EMPLOYEES – TO BE EFFECTIVE AS OF JUNE 1, 2021 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, a part-time employee is one that works 34 hours or less per week per Civil Service Commission Title 4A:6-2.2, New Jersey Administrative Title Code Book, and

WHEREAS, a full-time employee is one that works the standard scheduled hours, over 34 per week, as per the work schedule for their appointed job title and department.

WHEREAS, it is necessary to establish the rate of pay for part-time employees, and establish a minimum annual salary for full time employees, within the Township of Middle and for same to be outlined within the Personnel Policy Handbook as adopted by the Township Committee of the Township of Middle, and WHEREAS, the following schedule shall be utilized when establishing rate of pay for the following part-time and full-time employees for payroll purposes and be effective as of June 1, 2021:

- All new part-time employees shall start at \$15.00 per hour and \$15.00 per hour will be the new minimum hourly rate for all existing Township part-time employees.
- The new minimum starting annual salary for all full-time Township employees will be \$27,500.00, and \$27,500 will be the new minimum annual salary for all existing full-time Township employees.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the above referenced schedule shall be adopted and utilized as established above.

BE IT FURTHER RESOLVED, that authorization is hereby given to the appropriate officials to execute and make said changes as necessary to the personnel policy handbook.

10. RESOLUTION 219-21 THROUGH 220-21 – ACKNOWLEDGEMENT OF RESIGNATION (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, 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
Theodore Farina	Public Safety Telecommunications Operator P/T	02/05/2021
Samantha Kelly	Public Safety Telecommunications Operator P/T	05/25/2021
David Tomkinson	Public Safety – Records Support Technician	06/02/2021

(B) 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 resignation/discontinuation of unclassified appointment listed below, is acknowledged.

NAME	BOARD/DEPARTMENT	POSITION	EFFECTIVE
George Eskander	Public Safety	Special Class II Police Officer	05/29/2021

11. RESOLUTION 221-21 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Michael DiCave	Public Works	Laborer 1 P/T T/A (6 months)	05/28/2021
Adrian Rodriguez	Public Works	Laborer 1 F/T T/A (6 months)	05/17/2021

12. RESOLUTION 222-21 THROUGH 223-21 – APPOINTMENTS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, 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
Karen Heinze	Construction	Clerk 1	\$27,500.00	06/21/2021

(B) 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	Construction/Zoning	Clerk 2 / Land Use Administrator / Technical	\$42,500.00	06/01/2021
Shepherd		Assistant to Construction Official / Assistant		
		Zoning Officer*		

^{*}In-house title

13. RESOLUTION 224-21 – PROMOTIONAL TITLE CHANGE / SALARY ADJUSTMENT – 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
			STIPEND	
Jimmy Charles	Public Works	Mechanic	\$31,131.00	06/01/2021
Dave Schofield	Public Works	Carpenters Helper	\$27,500.00	04/01/2021
Rex Garrison	Public Works	Mechanic	\$39,833.00	06/01/2021
Ashley Vitelli	Municipal Court	Clerk 2	\$29,500.00	06/01/2021
Elizabeth	Administration / Tax	Confidential Assistant /	\$6,800.00	06/01/2021
Simpkins	Assessor	ACMJIF Claims		
		Coordinator		

14. RESOLUTION 225-21 – ACKNOWLEDGEMENT OF TERMINATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following termination listed below, is acknowledged.

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Maura Kelly	Tax Collection	Clerk 1	05/29/2021

15. 2021 BUDGET PRESENTATION – LEON COSTELLO, FORD SCOTT & ASSOCIATES AND SUSAN QUINONES, CFO

Mayor Donohue:

- Discussed difficultly with processing and determining a budget in the current year; explained various factors that must be taken into consideration for the 2021 budget with regards to federal funding received; discussed federal funding grants received and guidance provided

Susan Quinones, Chief Financial Officer:

- Explained increase currently as it stands is at 2 cents but are hoping to decrease that cost by using the federal funding received
- Reviewed various budget revenue items that decrease during the 2020 budget year
- Explained the lost revenues impact on the current year's budget
- Continued to discuss project funding on the budget
- Spoke of surplus' effect on the budget
- Continued to discuss revenue received during the previous year
- Commented on new revenue being received by Cape Regional Hospital and how the money will be beneficial to the current year's budget
- Continued to discussed cost increases and decreases
- Discussed overall taxes; explained local taxes are about 27% of the intake of taxes
- Reviewed fund balance and revenue balances
- Spoke of usage of surplus balance
- Review summary of major appropriation usage

- Discussed state pension contributions
- Explained capital improvement fund for various project and items; further explained use of this fund; discussed plan to put \$200,000 from the 2020 budget into this account
- Discussed storm trust reserve which used to be the snow storm reserve; explained purpose of this account in relation to storm clean ups
- Spoke of the unemployment trust; explained reason for the account
- Stated utility budget is self-liquidating and has been increasing in the previous few years; stated they are not looking to use any surplus towards this portion of the budget
- Explained decreases in the utility fun

Mayor Donohue:

- Thanked Susan Quinones for her presentation
- Stated the Township of in good fiscal shape but still have areas that need to be worked on
- Explained reason for waiting on the guidance from the state regarding the spending of the federal funds received

16. PUBLIC HEARING – 2021 BUDGET

Rosie Jefferson, CMCH:

Asked about broad band updates; further asked if the revenue will be used for the MLK center

Susan Quinones, Chief Financial Officer:

- Explained how the funds could be used; further explained the usage of the spending of those funds

Rosie Jefferson, CMCH:

- Explained the difficulties when the phones go down at the MLK Center

Mayor Donohue:

- Discussed need for increasing broad band at the MLK Center; stated that during the Covid-19 pandemic showed the issues of not having broad band access

Rosie Jefferson:

- Asked about the major appropriations and whey there were nothing for recreation; discussed concern of not having enough staffing at the recreation center to keep it open all the time

Susan Quinones, Chief Financial Officer:

- Explained major appropriation section of the budget; thanked Ms. Jefferson for her input

Rosie Jefferson:

Continued to discuss concerns regarding limited staffing in the Recreation Department

Mayor Donohue:

- Explained difficultly acquiring staffing; explained various ways the township is trying to improve to help attract more employees

Committeeman Norris:

- Clarified the Recreation Department currently has 6 full time staff members; spoke of discussions with Dustin Sturm to have rotating schedules to ensure the recreation centers are open and more available to the community

Rosie Jefferson:

- Suggested the Township needs more full-time staff in the Recreation Department Mayor Donohue:
 - Explained many of the part time workers have other jobs; her suggestions will be taken into consideration.

Anita Shelton, Whitesboro:

- Asked about replacing floors at the MLK Center

Kimberly Krauss:

- Explained there was a discussion during the Work Session regarding recreation upgrades; stated they are currently acquiring quotes to have the floors replaced

Quanette Vassner McNeal:

Asked about the capital approvement fund summary; asked if asked if part of the appropriation will go towards the MLK basketball courts

Kimberly Krauss:

- Explained items proposed for the capital budget such as to have the indoor basketball court replaced and upgrades to improve the outdoor basketball courts as well

Quanette Vassner McNeal:

- Asked about pavilion at the MLK Center

Mayor Donohue:

- Spoke of previous discussion and future discussion to improve recreation areas

17. RESOLUTION 226-21 – APPROVAL OF LIMOUSINE/TAXI CAB LICENSE – DAY SIPPER TOURS LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the following company has applied to the Township of Middle for a license to operate a Limousine within the confines of the Township, under Chapter 226 of the Code of the Township of Middle, and

WHEREAS, after review by the Township Solicitor and other appropriate Township Officials, the following application has been found to be in proper order and the fee paid in connection with the licensing process, and

NOW, THEREFORE BE IT RESOLVED, that each of the following licenses be, and are hereby authorized, for the calendar year of 2021:

License#	Vehicle	Tradename	VIN Number	Taxi Make/ Model	Fee
	#				
L01-21	1-21	Day Sipper Tours	1FBSS3BL2EDA47658	2014 Ford Econoline	License Fee
		LLC		E350 SD Wagon	\$50.00
				_	Vehicle Fee:
					\$10.00

FURTHER RESOLVED, that any license issued pursuant to the terms in accordance with the Code of the Township of Middle shall expire midnight of the 31st day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

18. RESOLUTION 227-21 – APPROVAL OF ADDITIONAL VEHICLE – TOWING LICENSE NO. 10 – D.A.D.'S TOWING SERVICE LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the following Company has applied to the Township of Middle for a license to operate a Towing Vehicle within the confines of the Township of Middle; and

WHEREAS, said license was approved via Resolution 77-21 dated February 1, 2021; and

WHEREAS, the company now wishes to add an additional vehicle under said license, and

WHEREAS, this company is in good standing with the Township of Middle and has followed all of the rules and regulations as set forth.

NOW, THEREFORE BE IT RESOLVED, that each of the following vehicles is hereby approved to be added as follows:

License#	Truck	Tradename	VIN Number	Make/ Model	Fee
	#				
10	2	D.A.D.'s	1FDUF5HT2GEA75254	2016 Ford F550	\$50.00
		Towing Service		Super Duty Flatbed	
		LLC		w/ Wheel lift	

FURTHER RESOLVED, that any license issued pursuant to the terms in accordance with the Code of the Township of Middle shall expire midnight of the 31st day of December of the year in which is issued unless sooner surrendered, suspended or revoked.

19. RESOLUTION 228-21 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and

WHEREAS, the applicants are entitled to a refund of this money.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that upon request of the Zoning Officer the following balances in the Trust Accounts, as listed on the attached sheets, shall be released.

20. RESOLUTION 229-21 THROUGH 230-21 – RELEASE OF PERFORMANCE BOND (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, \$7,500, is being held as a performance guarantee for 425 Route 9 North LLC for site improvements at Block 99.02, Lot 135, otherwise known as 1008 Route 9 South; and

WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$7,500 is hereby released.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$7,500 is hereby released.

(B) WHEREAS, \$1,880,916.53, is being held as a performance guarantee for Wal-Mart Real Estate Business Trust dba Store 3337 for site improvements at Block 1464, Lot 15, otherwise known as 3159 Route 9 South; and

WHEREAS, the Township Engineer and Zoning Official have recommended the release of said bond, as outlined in P.L. 2017, Chapter 312 amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the bond in the amount of \$1,880,916.53 is hereby released.

21. RESOLUTION 231-21 – DENY APPLICATION FOR STREET VACATION – POPLAR AVENUE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Steven Santiago and Yenitza Nieves have requested, by application, a street vacation of a portion of Poplar Avenue as described on Block 1117 Lot 4; and

WHEREAS, after review by Township officials said vacation has been deemed unfeasible for reasons set forth that if pursued would have an impact on access to adjacent property owners; and

WHEREAS, while the adjacent parcels may contain wetland or wetland buffers, without a determination from the New Jersey Department of Environmental Protection, the Township cannot conclude if these parcels can be developed.

NOW THEREFORE BE IT RESOLVED, that the request for street vacation for Poplar Avenue by Steven Santiago and Yenitza Nieves has hereby been denied.

22. RESOLUTION 232-21 – AMENDING RESOLUTION 97-21 – AUTHORIZING FORECLOSURE GROUP #199 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution 97-21 dated February 17, 2021, authorized Foreclosure Group #199, and; WHEREAS, it appears to be in the best interest of this Township to add Block 1434 Lot 2 located at 1110 Route 47 South to said foreclosure Group #199, pursuant to N.J.S.A. 54:5-104, 29-75 as amended known as the In Rem Foreclosure Act.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the governing body of the Township of Middle, a Municipal Corporation of the State of New Jersey, that the Collector is hereby directed to forward the list of amended Certificates to Attorney Keith Bonchi to proceed to Foreclose in Rem, the lands and premises covered by said certificates.

23. RESOLUTION 233-21 – 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 to overrowment made by a Title Company.

WHEREAS, a refund is due to overpayment made by a Title Company.

ACCT	BLOCK	LOT	OWNER/LOCATION	2021
13121	1131	2	Russell, John C & Mary M	\$968.07
			•	
			Property location: 18 S 6 th Ave	

Make check payable and mail to:

Shore Title

4210 Landis Ave

Sea Isle City, NJ 08243

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 abovementioned 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.

24. RESOLUTION 234-21 – AFFIDAVIT OF ASSIGNMENT POSTING (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) State of New Jersey

Ss

County of Cape May

I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

- 1. I am the Tax Collector of The Township of Middle, County of Cape May, and State of New Jersey.
- 2. A notice of assignment for tax title lien #2019-0014 was mailed to the assessed owner, Cuthbertson, Thomas J for block 42 lot 1 CME07 by certified and regular mail pre postage paid.
- 3. Notice of assignment was published in the Herald-Times, Rio Grande, New Jersey on June 2, 2021
- 4. A Copy of the Notice of Sale was set up in three of the public places in the Municipality, namely:
 - 1. Middle Township Municipal Hall

33 Mechanic St

Cape May Court House, NJ 08210

2. Rio Grande Post Office

1087 Rte 47 S

Rio Grande, NJ 08242

3. Cape May Court House Post Office 615 Rte 9 S

Cape May Court House, NJ 08210

(B) State of New Jersey

Ss

County of Cape May

I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

- 5. I am the Tax Collector of The Township of Middle, County of Cape May, and State of New Jersey.
- 6. A notice of assignment for tax title lien #2020-0017 was mailed to the assessed owner, Zionkofski, James & Patricia A for block 42 lot 1 CMB23 by certified and regular mail pre postage paid.
- 7. Notice of assignment was published in the Herald-Times, Rio Grande, New Jersey on June 2, 2021
- 8. A Copy of the Notice of Sale was set up in three of the public places in the Municipality, namely:
 - 4. Middle Township Municipal Hall

33 Mechanic St

Cape May Court House, NJ 08210

5. Rio Grande Post Office 1087 Rte 47 S

Rio Grande, NJ 08242

 Cape May Court House Post Office 615 Rte 9 S Cape May Court House, NJ 08210

25. RESOLUTION 236-21 – AWARD OF BID – ABANDONED PROPERTY REGISTRATION AND MANAGEMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed

on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary and desirable to solicit bids for Abandoned Property Registration and Management, and

WHEREAS, sealed bids were received on May 5, 2021, and

WHEREAS, it appears that the following bid submitted represents a figure equal to the lowest bid received, 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 Abandoned Property Registration and Management be awarded to Preferred Neighborhood Solutions, LLC. as follows:

Township – Receipt of Sixty-Five Percent (65%) of fees collected

Preferred Neighborhood Solutions, LLC. – Receipt of Thirty-Five Percent (35%) of fees collected BE IT FURTHER RESOLVED, that this award is for a one (1) year term from the date of award, with two (2) renewable one (1) year terms at the Township's sole discretion.

FURTHER RESOLVED, that this award is conditioned upon submission of Treasurer's Certification of availability of funds.

26. RESOLUTION 237-21 THROUGH 242-21 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH F) – On motion by

Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Schaefer Pyrotechnics, Inc. and the Township of Middle for the fireworks display at the July 4, 2021, Middle Township Fourth of July Celebration, with a rain date of July 5, 2021, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

FURTHER RESOLVED, that this contract is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Joint Insurance Fund.

Schaefer Pyrotechnics, Inc. 4th of July Celebration \$7,844.00

(B) WHEREAS, the Township of Middle has a need to enter into an agreement with Channel Marine Construction relevant to a bulkhead repair on Acton Drive 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 Channel Marine Construction where the total amount is \$20,300.00, which exceeds the non-fair and open limitation of \$17,500.00; and WHEREAS, Channel Marine Construction 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 Channel Marine Construction 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.

(C) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Ultra Artists and the Township of Middle for the Best of the Eagles Performance for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Ultra Artists

Best of the Eagles – Summer Concert Series July 13, 2021 Not to exceed \$5,000.00

(D) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Animal House and the Township of Middle for their Performances for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Animal House – Summer Concert Series

July 20, 2021 Not to exceed \$2,000.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

(E) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Rocktologists and the Township of Middle for their Performances for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Rocktologists – Summer Concert Series August 31, 2021 Not to exceed \$134.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance

(F) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Independence Day and the Township of Middle for their Performances for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Independence Day – Summer Concert Series August 10, 2021 Not to exceed \$1,000.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

Mayor Donohue:

- Explained efforts to solicit donations for the summer concert series and fireworks; explained how overwhelmed they were with the response for donations; encouraged everyone to support the small businesses in the community; explained these donations were what made it possible to have the summer concert series and fire works
- 27. RESOLUTION 243-21 AMENDING SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY FOR USE OF THE MARTIN LUTHER KING CENTER AS A MASS CARE SHELTER IN THE EVENT OF A MANDATORY EVACUATION OF THE 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, On November 19, 2018, the Township of Middle and the County of Cape May entered into a Shared Services Agreement for use of the Martin Luther King Center in the event of a mandatory evacuation of the residents of Cape May County; and WHEREAS, there is a need to amend said shared services agreement to include language pertaining to the installation of a permanent standby generator at the MLK Center. NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that said shared services agreement is hereby amended. BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
- 28. RESOLUTION 244-21- AUTHORIZING ASSEMBLY/SENATE BILL A4800/S3718, REQUIRING THE NEW JERSEY MOTOR VEHICLE COMMISSION TO OPERATE A VEHICLE AGENCY AND LICENSING AGENCY OR A COMMISSION AGENCY THAT PROVIDES BOTH VEHICLE AND LICENSING SERVICES IN EACH COUNTY IN THE STATE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the COVID 19 pandemic continues to hinder businesses and government bodies worldwide including the various Departments, Commissions and Agencies of the State of New Jersey; and WHEREAS, in response to the pandemic the New Jersey Motor Vehicle Commission (NJMVC) has significantly reduced their services and service areas statewide, including Cape May County; and WHEREAS, the reduction in service areas and services being provided within certain areas, including Cape May County, continue to create inconveniences to the residents of Middle Township; and WHEREAS, Middle Township Committee recognizes that the State of New Jersey, and more specifically the New Jersey Motor Vehicle Commission (NJMVC), has a fiduciary responsibility to provide both vehicle and licensing services to every County in the State of New Jersey, including Cape May County; and WHEREAS, the NJMVC's current operations create an inexcusable inconvenience, for the residents of Middle Township and Cape May County, that leaves residents having to drive upwards of two (2) hours to complete routine vehicle and licensing services; and

WHEREAS, Assembly Bill No. 4800, sponsored by Legislative District 1 Assemblymen Antwan McClellan and Erik Simonsen, requires NJMVC to reinstate vehicle and licensing services in each county in the State; so

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Middle, County of Cape May, State of New Jersey, that Middle Township hereby expresses our formal support of Assembly

Bill No. 4800 as it is currently written and requests that Governor Phillip Murphy sign the same into law, following approval by the Assembly and Senate of the State of New Jersey,

29. RESOLUTION 245-21 – EXTENDING TEMPORARY EMERGENCY RECOVERY PLAN FOR RESTAURANTS AND RETAIL BUSINESSES AS OUTLINED IN RESOLUTION 210-20 OF THE TOWNSHIP COMMITTEE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, On or about June 15, 2020, the Middle Township Committee, the Governing Body of the Township of Middle, adopted resolution number 210- 20 entitled "A Resolution Creating A Temporary Emergency Recovery Plan For Restaurants And Retail Businesses -TERP- Within The Township Of Middle, Cape May County New Jersey; And

WHEREAS, It is the intent of the governing body to extend the relief provided in said resolution through the summer of 2021 in order to aid in the recovery of restaurants and retail businesses within the Township; NOW, THEREFORE, BE RESOLVED by the Township of Committee, the governing body of the Township of Middle as follows:

- 1. The averments above are incorporated herein is a set forth at length.
- 2. The relief provided in Resolution 210-20 shall be and is hereby extended through December 31, 2021 for all restaurants and retail businesses described therein, subject to the terms and conditions provided in the aforesaid resolution;

Mayor Donohue:

- Gave explanation on reason for extending the temporary emergency recovery plan for restaurants and businesses

ENGINEERING REPORT:

Vince Orlando, Engineer:

- Reviewed engineer report presented to Committee:

Mayor Donohue:

- Discussed drainage project completed in the Teal Davis neighborhood in Rio Grande; continued to discuss paving completed in conjunction to the drainage project on Wildwood and Central Avenues of the west side of the parkway
- Explained Kim, Vince and Rob Flynn were currently working on coming up with roads to put towards the next road project

Kimberly Krauss:

- Explained funds saved were able to help fix the bulkhead at Acton Drive from the 2020 road program contract

Vince Orlando, Engineer:

- Gave time line on the bulkhead construction in Avalon Manor

Kimberly Krauss:

- Explained they have also been working to come up with options for safe routes to transits to submit for grant money

Mayor Donohue:

- Explained the safe routes to transit grants; discussed pending project which had received funding

30. PUBLIC COMMENT:

Anita Shelton, Whitesboro:

- Asked about getting a street light on Route 9

Kimberly Krauss:

- Explained they reached out to Atlantic City Electric regarding the request and further explained that Atlantic City Electric denied the request

Anita Shelton, Whitesboro:

- Asked how to put pressure on them to obtain lighting

Kimberly Krauss:

- Stated ultimately it is Atlantic City Electric's decision

Mayor Donohue:

- Explained the process of how street lights are established with Atlantic City Electric Anita Shelton, Whitesboro:
- Explained area is right near Garden Lake Park where many seniors live Kimberly Krauss:

- Stated that this was explained to Atlantic City Electric

Anita Shelton, Whitesboro:
- Spoke of location of where the light is needed

Kimberly Krauss:

- Stated Atlantic City Electric did not feel the light was warranted

Ed Dillio, CMCH:

Discussed animal encounter on corner of Johnstown and Shunpike; asked about the cleaning up of the property located there

Mayor Donohue:

- Discussed there is a limited ability of what the Township can do regarding private properties

Kimberly Krauss:

- Explained the situation is an ongoing project they are still exploring to rectify; further discussed process of attempting to have the owner clean the property up

Marc Karavan:

- Explained the law protecting the owner

Mayor Donohue:

Continued to discuss court's role in the process

Miles Trousedale:

Thanked the Mayor and Committee for their help regarding the bulkhead replacement

Dawn Robinson, Burleigh:

- Asked which department she can call regarding overgrown trees on her street,
Chestnut

Cheryl Spaulding:

- Discussed bus stop on Main Street

Mayor Donohue:

- Explained efforts to correct the problem with NJ Transit as well as the bus stop issue by Garden Lakes Mobile Home Park; further explained attempts to have New Jersey Department of Transportation assist with the problem; continued to discuss efforts to correct the problem

Kimberly Krauss:

Spoke of difficulty of reaching people due to so many state departments still working from home

Shawn Mack:

Stated he was attending the meeting on behalf of his client's Tom and Nicole to begin communication on opening a marijuana dispensary; spoke of possible problems if the Township chooses to opt out of allowing cannabis facilities; continued to provide factors associated with allowing cannabis

Mayor Donohue:

- Explained Township has not yet determined their stance; stated they are currently researching and reviewing all factors; further explained complications for determining if or if not to allow sales of marijuana in relation to the Township support of INSA; explained they must wait to see what happens with INSA's medical marijuana license application that was submitted to the State

Shawn Mack:

Stated they understand the Township Committee is not ready to take a stance but wanted to start a dialog regarding the potential business

Hugh Giordano:

- Explained he is a representative from the UFCW union: stated the union supports the propose recreational marijuana facility; thanked the mayor for hearing out the representative of the owners of the proposed facility and for the Township's support of a larger medical marijuana facility; spoke of need for these possible jobs in South Jersey
- Thanked Committee for providing raises for the minimal wages

Mayor Donohue:

- Asked about thoughts for timelines for rules regarding the applications process Hugh Giordano:

Stated he believes that state is still far from establishing rules; discussed Bayonne's stance on marijuana usage and facilities

Mayor Donohue:

- Continued to discuss timeline and process for establishing marijuana facility licenses

Hugh Giordano:

- Spoke of medical marijuana facility priority over recreational use facilities

Quanette Vassner McNeal:

Asked about how one can apply for a land sale

Kimberly Krauss:

- Explained applications can be received from the Clerk's Office; explained process for private land sales; continued to discuss contiguous owners' ability to bid on properties

Quanette Vassner McNeal:

Spoke of need to improve the sidewalks in front of Klenswhite Pools; asked about using safe to street transit

Kimberly Krauss:

- Explained requirements for safe to street transit applications; further explained once sidewalks are complete it is then the owner's responsibility to maintain

Mayor Donohue:

- Explained connectivity is what is looked for when considering areas for these grant projects

Kimberly Krauss:

- Discussed what the state looks for when these applications are submitted; further discussed past areas submitted for grant money to place sidewalks

Bob Noel:

Asked about update on affordable housing

Mayor Donohue:

 Explained the Township is currently in litigation and are unable to speak openly regarding the topic; spoke of negotiation with State regarding affordable housing; gave brief explanation of where the Township currently stands in the affordable housing situation

Marc Karavan:

- Briefly discussed the Township's current standing in the affordable housing process Bob Noel:

Asked if residents can see current uncomplete plan

Marc Karavan:

Stated once the plan is completed it will be produced

Kimberly Krauss:

- Explained planner was recently hired

Mayor Donohue:

Discussed process gone through to establish current strides of compliance with affordable housing requirements; briefly discuss cost to tax payers for current litigations brought on by reports of non-compliance.

Rosie Jefferson:

- Thanked Dustin, Brian and Nancy for all their help with getting the summer camp up and going
- Suggested repaying West Main Street in Whitesboro
- Spoke of discussion with Township Committee regarding sidewalk issues right after the were construction on West Main Street across from the basketball courts

Kimberly Krauss:

 Explained they can revisit the issue; spoke of a separate issue similar to the sidewalks

Rosie Jefferson:

Spoke of upcoming inspection at MLK center; stated the basketball nets will not pass the inspection

Mayor Donohue:

- Asked if we have a contract in hand to fix the issue will the inspector except that Rosie Jefferson:

- Stated yes, she believes that will be acceptable

Mayor Donohue:

- Stated that Ms. Jefferson can direct the inspectors to the Township

Rosie Jefferson:

- Asked Kimberly Krauss about the dumpster at MLK

Kimberly Krauss:

- Stated the dumpster is going to be pick-up and a fence will be put up around the dumpster as well

Rosie Jefferson:

- Asked that the gym equipment be removed from the back recreation room

Kimberly Krauss:

- Asked what the room will be used for

Rosie Jefferson:

- Stated the room is to be used as a first aid room

Kimberly Krauss:

- Asked if the gym equipment works

Rosie Jefferson:

- Stated the thread mill works
- Asked about requiring people to not be allowed to remove decorations from the MLK Center when renting the facility

Mayor Donohue:

- Stated they could stipulate the requirement in the lease contracts

Rosie Jefferson:

- Stated she believes it is currently in the contract but the rule is not being enforced Mayor Donohue:

- Suggested taking a security deposit

Kimberly Krauss:

- Clarified the wall hangings are all from the kids in the camp

Rosie Jefferson:

- Explained where the decoration come from
- Asked about fencing on George Street side of the MLK Center to deter people from pulling U-turns in that area
- Commented on drug and alcohol usage in area of MLK Center after certain events; asked who enforces the ban of these substances

Mayor Donohue:

- Discussed the preliminary actions the township has taken against these matters
- Stated more signage had been ordered to all recreation centers

Rosie Jefferson:

- Continued to discussed problems caused by the events held in Whitesboro

Mayor Donohue:

Explained the following night would be the Police Engagement Committee and this would be a matter that needs to be discussed

Rosie Jefferson:

Continued to discussed disappointment in actions taken against the illegal activities at the MLK Center

Mayor Donohue:

- Explained efforts put forth the previous summer to end the illicit activities held after hours

Rosie Jefferson:

Spoke of negative impact the issues have had on the community

Mayor Donohue:

- Thanked Rosie for coming to speak up regarding the situation; stated the committee need the support of the Community to help

Anita Shelton, Whitesboro:

Stated the substance abuse is putting a blemish on all the work Concerned Citizens of Whitesboro have done; asked if there is an ability to put a fence up to not allow access to the facility or grounds when not open

Mayor Donohue:

- Explained the hours of the recreational facilities; discussed reluctance to place fence around facility

Anita Shelton, Whitesboro:

- Spoke of efforts to clean up the area

Mayor Donohue:

Thanked her for her efforts and her input

Anita Shelton:

- Further stated the kids in the area need help and do not need to be exposed to this illegal activity

Mayor Donohue:

- Suggested coming to the open public meeting for the Police Community Engagement Committee

Rosie Jefferson:

- Stated unfortunately the older members of the community are now inviting kids to join them with the illicit activities

Mayor Donohue:

- Thanked both Rosie and Anita for them input

COMMITTEE COMMENTS:

Committeeman Norris:

Thanked everyone that came out to the Memorial Day Parade and participated in the parade

Committeeman Gandy:

- Spoke of Memorial Day Parade
- Stated it was great to see everyone at the meeting in person again
- Stated the painting of Whitesboro School has begun
- Discussed the many changes in the Construction Department and the great job the department has been doing
- Discussed the work being done by Public Works; asked for patience with Public Works as they are short staff

Mayor Donohue:

- Thanked everyone for coming out for the in-person meeting; explained the Township is continuing to try to improve things
- Spoke of Covid-19's effects on the everyday functions in the Township as a whole

Motion to adjourn meeting – 7:44PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman