

Cape May Court House, NJ
June 21, 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 – 27TH ANNUAL LOUIS BAY 2ND SCHOLARSHIP COMPETITION – STATE FINALIST – LENA DOUGHERTY

Mayor Donohue:

- *Explained what the scholarship is and that it is presented by the NJ League of Municipality*
- *Asked if she had made a decision on college*

Lena Dougherty:

- *Stated she had, Notre Dame*

Mayor Donohue:

- *Presented Lena Dougherty a certificate recognizing her as a finalist in the 27th annual Louis Bay 2nd Scholarship competition*

2. QUESTION/ANSWER PERIOD ON AGENDA (*This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)

John Lauricella, CMCH:

- *Asked about Items 20 & 21 on the agenda*

Peter Jespersonn, CMCH:

- *Asked why mobile home parks are not counted towards affordable housing credits*

Mayor Donohue:

- *Explained process of establishing affordable housing credits; further explained what developments count towards these credits*

Mike Jedziniak:

- *Further explained process and policies for obtaining credits; continued to explain deeds*

Pete Richie, Avalon Manor:

- *Asked if the block party in Avalon had been approved*

Mayor Donohue:

- *Explained nothing had been approved yet*

Dawn Robinson:

- *Stated her understanding was that builders had to set aside money for affordable housing*

Mayor Donohue:

- *Explained builders were given an option that they could build the set aside or pay money toward the Affordable Housing Trust Fund; explained most builders choose to put money into the trust fund*

Dawn Robinson:

- *Asked where the money in those trust fund go*

Mayor Donohue:

- *Spoke of trust funds and the usage of those funds*

Susan Quinones, Chief Financial Officer:

- *Clarified the current standing of that fund account*

Dawn Robinson:

- *Discussed difference in numbers*

Mayor Donohue:

- *Explained most of the money in the fund came from larger developments that choose not to build the set asides*

Mike Jedziniak:

- *Explained the use of the trust fund; spoke about the contractors and builders' financial responsibilities; explained the increase in density that benefits the contractors to help offset the costs for mandatory affordable housing*

Bob Noel:

- Spoke of increase in development recently; asked if funds have been collected from recent developments built

Mayor Donohue:

- Explained there is \$300,000 in the fund

Bob Noel:

- Asked if that's what has been collected or if the money is what is left over from the conifer project

Susan Quinones, Chief Financial Officer:

- Explained the funds are what have been collected

Quanette Vassner McNeal, Whitesboro:

- Asked about new hires salaries versus current employees' salaries; further asked about full time versus part time employee salaries

Mayor Donohue:

- Explained difference of part time hires pay verses full-time employees pay and benefits received; further explained process currently taken to increase starting salaries and increase current employee salaries to bring them up to at least that starting salary rate; discussed process of union contracts

Committeeman Gandy:

- Discussed difference between part time employees and full-time employees

Kimberly Krauss:

- Continued to discuss difference between employees

- RESOLUTION 246-21 – 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. \$837,676.29

- RESOLUTION 247-21– 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: 06/07/2021 Work Session and Regular Meetings.

- REPORTS: None

- RESOLUTION 248-21 – 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
Joseph Graham	Recreation Aide	06/19/2021

- RESOLUTION 249-21 – 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
Tyler Maikisch	Sewer	Laborer 1 T/A (6 months)	\$15.00 per hour	07/12/2021

- RESOLUTION 250-21 – AUTHORIZE CHANGE IN EMPLOYMENT STATUS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

NAME	DEPARTMENT	PREVIOUS STATUS	AMENDED STATUS	SALARY	EFFECTIVE DATE
Raymond Brown	Recreation	Recreation Aid P/T	Recreation Aid F/T	\$27,500.00	06/21/2021

9. RESOLUTION 251-21 – SELF-EXAMINATION OF BUDGET – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and
- WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and
- WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Middle has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.
- NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Middle that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:
1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.
- BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.
10. RESOLUTION 252-21 – AMEND 2021 BUDGET – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- WHEREAS, the local municipal budget for the year 2021 was approved on the 3rd day of May, 2021, and
- WHEREAS, the public hearing on said budget has been held as advertised, and
- WHEREAS, it is desired to amend said approved budget,

CURRENT FUND:				
		From	To	
ANTICIPATED REVENUES:				
1. Surplus Anticipated		1,600,000.00	1,120,000.00	(480,000.00)
Total Surplus Anticipated		1,600,000.00	1,120,000.00	(480,000.00)
				0.00
3. Miscellaneous Revenues				0.00
Section F: Special Items with Prior Written Consent of the Director of LGS - Public and Private Revenues Offset with Appropriations				0.00
				0.00
Total Section F: Special Items with Prior Written Consent of the Director of LGS - Public and Private Revenues Offset with Appropriations		105,893.35	105,893.35	0.00
Section G: Special Items of General Revenue Anticipated				0.00
American Rescue Plan Act of 2021 - Loss of Revenue		-	921,000.00	921,000.00
Total Section G: Special Items of General Revenue Anticipated		1,381,761.00	2,302,761.00	921,000.00
Total Miscellaneous Revenues		7,104,191.15	8,025,191.15	921,000.00
				0.00
5. Subtotal General Revenues (Items 1, 2, 3 and 4)		8,854,191.15	9,515,191.15	661,000.00
6. Amount to be Raised by Taxes for Support of Municipal Budget				0.00
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes		14,025,446.85	13,681,120.88	(344,325.97)
7. Total General Revenues		<u>22,879,638.00</u>	<u>22,976,312.03</u>	96,674.03
				0.00
ANTICIPATED APPROPRIATIONS:				
8. General Appropriations:				0.00
a) Operations - within "CAPS"				0.00
Collection Taxes				0.00
Salaries & Wages		189,837.00	192,237.00	2,400.00
Municipal Court				0.00
Salaries & Wages		229,200.00	232,700.00	3,500.00
Zoning Board				0.00
Salaries & Wages		107,000.00	109,000.00	2,000.00
Police				0.00
Salaries & Wages		5,184,100.00	5,197,100.00	13,000.00
Police Radio Communications				0.00
Salaries & Wages		450,000.00	454,700.00	4,700.00
Road Repairs				0.00
Salaries & Wages		990,000.00	1,016,000.00	26,000.00
Rescue Squad EMS				0.00
Salaries & Wages		513,000.00	523,000.00	10,000.00
Recreatin				0.00
Salaries & Wages		245,000.00	249,000.00	4,000.00
Senior Center				0.00
Salaries & Wages		55,000.00	56,500.00	1,500.00
				0.00
Total Operations within "CAPS"		18,148,185.00	18,215,285.00	67,100.00
Total Operations Including Contingent - within "CAPS"		18,148,185.00	18,215,285.00	67,100.00
Detail: Salaries & Wages		9,499,479.00	9,566,579.00	67,100.00
Detail: Other Expenses		8,648,706.00	8,648,706.00	0.00
				0.00
e) Deferred Charges and Statutory Expenditures within "CAPS"				0.00
Social Security		720,000.00	731,500.00	11,500.00
DCRP		20,000.00	22,500.00	2,500.00
Total Deferred Charges and Statutory Expenditures within "CAPS"		2,702,196.00	2,716,196.00	
H-1 Total General Appropriations for Municipal Purposes within "CAPS"		20,850,381.00	20,931,481.00	81,100.00
				0.00
a) Operations - excluded from "CAPS"				0.00
Public and Private Programs Offset by Revenues				0.00
Drunk Driving Enforcement Fund		0.00	7,836.31	7,836.31
Cape May County - Code Blue Grant		0.00	10,148.00	10,148.00
				0.00
Total Public and Private Programs Offset by Revenues		87,909.04	105,893.35	17,984.31
Total Other Operations - excluded from "CAPS"		404,799.04	422,783.35	17,984.31
Detail: Other Expenses		179,422.04	197,406.35	17,984.31
c) Capital Improvements - Excluded from "CAPS"				0.00
Capital Improvement Fund		80,000.00	80,000.00	0.00
				0.00
Total Capital Improvements - Excluded from "CAPS"		120,000.00	120,000.00	0.00
				0.00
H-2 Total General Appropriations for Municipal Purposes Excluded from "CAPS"		1,644,078.87	1,662,063.18	17,984.31
O) Total General Appropriations Excluded from "CAPS"		1,644,078.87	1,662,063.18	17,984.31
I) Subtotal General Appropriations (Items (H-1) and (O))		22,494,459.87	22,593,544.18	99,084.31
I) Subtotal General Appropriations (Items (H-1) and (O))		385,178.13	382,767.85	(2,410.28)
9. Total General Appropriations		<u>22,879,638.00</u>	<u>22,976,312.03</u>	96,674.03

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, that the following amendments to the approved budget of 2021 be made:

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of a local municipal budget so amended.

Mayor Donohue:

- *Discussed covid money received and its effects on the budget; continued to discuss budget amendment; spoke of minimal tax increase*

Leon Costello, Auditor:

- *Explained benefits of receipt of Covid-19 stimulus funds; further explained disbursement of those funds*

Mayor Donohue:

- *Thanked Leon Costello, Susan Quinones and Kim Krauss on all their work to establish the budget; discussed factors causing the tax increase; explained covid's stimulus fund assistance to help decrease the raise of taxes.*

11. RESOLUTION 253-21 – ADOPT 2021 MUNICIPAL BUDGET – 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 it is hereby declared that the Local Budget of the Township of Middle for the year 2021 was introduced and approved at a regular meeting of the Township Committee held on May 3, 2021 and was thereafter advertised in the Herald-Times in its issue on May 12, 2021, which advertisement contained a notice of the date, time and place of the public hearing, and that at least one week prior to public hearing a complete copy of the approved budget as advertised was posted in the Middle Township Hall and made available to each person requesting the same during said week, and that sufficient copies of same are available for each person requesting the same at the scheduled public hearing; and
 BE IT FURTHER RESOLVED, that the Local Budget of the Township for the year 2021 was hereby read by title only, and also had public hearing on June 7, 2021; and
 FURTHER RESOLVED, that the Summary of Appropriations be made part of this resolution for the adoption of the budget for the year 2021; and
 FURTHER RESOLVED, that the Local Budget of the Township of Middle for the year 2021 is hereby adopted.

12. RESOLUTION 254-21 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and
 WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and
 WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance;” and
 WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and
 WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and
 WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.
 FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Craig, Patricia H	5 Colgate Street	392//6	\$461.64
Sarina Apartments LLC	1025 Route 9 South	350//51	\$364.14
Osborne’s TV & Appliance Inc	308 Dias Creek Road	163.01//187	\$469.04
BLS Property Holdings LLC	7 Meadow View Lane	120//21	\$469.04
Lanczinger, Bert & Eva	1025 Route 47 South	1427//37	\$478.12
Ahasan Realty LLC	502 W Main Street	876//8	\$418.44

13. RESOLUTION 255-21 – RENEWAL OF ALCOHOLIC BEVERAGE LICENSES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, certain licensees have filed for renewal of their Alcoholic Beverage License for one (1) year; beginning July 1, 2021; and
 WHEREAS, the said applications are in due and proper form with the fee of \$720.00 for each Plenary Retail Consumption License and Retail Distribution License; \$188.00 for each Club License and with no objection filed with all \$200.00 State Filing Fees received; and,
 NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Consumption License to:
 Rio Station Inc. 0506-33-001-008
 Avalon Development & Golf, Inc. 0506-33-005-008
 Cape Hospitality Group LC dba Bellevue Tavern 0506-33-002-006
 9 South Bar & Restaurant, LLC 0506-33-009-008
 Salty Hands, Inc. 0506-33-014-001
 Menz Restaurant Inc. 0506-33-012-002
 BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Plenary Retail Distribution License to:
 Mattera’s Liquor trading as Joe Canals Discount Liquor 0506-44-003-007
 Acme Markets, Inc. T/A Acme 0506-44-013-005
 BE IT FURTHER RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, issue a Club License to:
 Cape May County Chapter 44 Disabled American Veterans 0506-31-010-002
 Royal Oaks Club Inc. 0506-31-011-001
 Wildwood Golf & Country Club 0506-31-006-004

BE IT FURTHER RESOLVED, that these licenses be signed, sealed and delivered by the Clerk of the Township of Middle in accordance with the rules and regulations of the State Department of Alcoholic Beverage Control and appropriate Ordinances of the Township of Middle.

- 14. RESOLUTION 256-21 – TABULATION COMMITTEE – THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW SERVICES FOR BUILDING, ELECTRICAL, PLUMBING AND FIRE SUB-CODE – 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 July 15, 2021 at 10:00am in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

THIRD PARTY ON-SITE INSPECTION AND PLAN REVIEW
SERVICES FOR BUILDING, ELECTRICAL, PLUMBING AND FIRE SUB-CODE

- 15. RESOLUTION 257-21 THROUGH 259-21 – RATIFY SHARED SERVICES AGREEMENT (ITEMS A THROUGH C) - 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, the governing body thereof, that the attached Shared Services Agreement for a School Resource Officer with the Cape May County Vocational Technical School District and the Township of Middle, be and is hereby ratified. BE IT FURTHER RESOLVED, that said agreement shall be for three years from August 15, 2021 through August 15, 2024.

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

(B) BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Shared Services Agreement for a School Resource Officer with the Middle Township School District and the Township of Middle, be and is hereby ratified.

BE IT FURTHER RESOLVED, that said agreement shall be valid from September 1, 2021 through June 30, 2023.

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

(C) WHEREAS, N.J.S.A. 40A:65-1 et seq authorizes counties and municipalities to enter into an agreement for the exchange of shared services pursuant to the provisions of that statute known as the “Uniform Shared Services and Consolidation Act”, 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 attached Shared Services Agreement for Animal Shelter Services between the Township of Middle and the County of Cape May, be and is hereby ratified for the term of one (1) year.

BE IT FURTHER RESOLVED, that the cost associated with said agreement is as follows:

Year 1 CY2021 \$199,384.00 (inclusive of Spay/Neuter)

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

- 16. RESOLUTION 260-21 THROUGH 261-21 – AUTHORIZING EXECUTION OF ADVERTISING AGREEMENT (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, that the Township of Middle’s Special Events Coordinator is hereby authorized to execute the advertisement agreement between Cape May County Herald and the Township of Middle relative to advertising for the Township of Middle’s Summer Concert Series.

(B) NOW THEREFORE BE IT RESOLVED, that the Township of Middle’s Special Events Coordinator is hereby authorized to execute the advertisement agreement between Coastal Broadcasting and the Township of Middle relative to advertising for the Township of Middle’s Summer Concert Series.

- 17. RESOLUTION 262-21 THROUGH 266-21 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH E) – 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 Adoleo, Inc and the Township of Middle for The Don’t Call Me Francis Band 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.

Adoleo, Inc
The Don’t Call Me Francis Band – Summer Concert Series
August 24, 2021
Not to exceed \$3,800.00

(B) 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 Soul Cruiser 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

Soul Cruisers – Summer Concert Series

July 6, 2021

Not to exceed \$4,250.00

(C) 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 Independence Day Celebration, 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 – Independence Day Celebration

July 4, 2021

Not to exceed \$2,500.00

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.

(D) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Anderson Entertainment Management, Inc and the Township of Middle for the Shot of Southern 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.

Anderson Entertainment Management, Inc

Shot of Southern – Summer Concert Series

July 27, 2021

Not to exceed \$3,000.00

(E) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Anderson Entertainment Management, Inc and the Township of Middle for the Big House Band 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.

Anderson Entertainment Management, Inc

The Big House Band – Summer Concert Series

August 17, 2021

Not to exceed \$2,000.00

Mayor Donohue:

- Spoke of summer concert series; recognized the many businesses that donated towards the summer concert series

18. RESOLUTION 267-21 – AUTHORIZATION TO CLOSE SEAGULL LANE FOR A NEIGHBORHOOD BLOCK PARTY – 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 authorization is hereby given to close Seagull Lane on Saturday, June 26, 2021, starting 3:00pm-9:00pm, for a neighborhood block party.

BE IT FURTHER RESOLVED, that the request for an extension on the Middle Township Noise Ordinance is hereby granted until 9:00 pm.

19. RESOLUTION 268-21 THROUGH 269-21 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (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 and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Walsh/3rd Avenues-00451 to the New Jersey Department of Transportation on behalf of the Township of Middle.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Church Road- ID # TBD to the New Jersey Department of Transportation on behalf of the Township of Middle to the New Jersey Department of Transportation on behalf of the Township of Middle.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

20. RESOLUTION 270-21 – OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, DECLARING ITS CONTINUED INTENT TO COMPLY WITH ITS CURRENT AND FUTURE MOUNT LAUREL OBLIGATIONS VOLUNTARILY AND TO RENDER ANY MOUNT LAUREL LAWSUITS AS UNNECESSARY LITIGATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, through the Mount Laurel line of cases, our courts declared that the New Jersey Constitution requires every municipality to use its zoning power in a manner that creates a "realistic opportunity for the construction of its fair share" of the region's low- and moderate-income housing; and

WHEREAS, over the years, municipalities have been strongly encouraged to achieve compliance voluntarily either (1) through the substantive certification process formerly utilized by the now-defunct New Jersey Council on Affordable Housing or (2) the Declaratory Judgment Action ("DJ Action") process in the Courts; and

WHEREAS, municipalities that took good faith actions to achieve compliance voluntarily were granted "temporary immunity" which barred all exclusionary zoning lawsuits during the compliance process; and

WHEREAS, on March 8, 2015, the New Jersey Supreme Court issued In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV") which, in relevant part, (1) declared COAH to be a defunct state agency; (2) provided a judicial replacement for COAH's administrative forum for municipalities to achieve compliance; and (3) created an avenue for municipalities to obtain immunity from challenges to their fair share plans.

WHEREAS, Mount Laurel IV also included guidance to the designated judges who would be evaluating municipal fair share plans; and

WHEREAS, with regard to temporary immunity, the Court in Mount Laurel IV directed trial judges to "endeavor to secure, whenever possible, prompt voluntary compliance from municipalities in view of the lengthy delay in achieving satisfaction of towns' Third Round obligations" (221 N.J. at 33)(emphasis added); and

WHEREAS, by stating "whenever possible," it is clear that the Court recognized that circumstances could arise that would hinder a municipality's ability to achieve "prompt voluntary compliance;" and

WHEREAS, the Court also created a legal standard to be applied by trial judges when revocation of immunity is at issue; and

WHEREAS, specifically, the trial judge must first make a finding that the goal of prompt voluntary compliance cannot be accomplished (Ibid.); and

WHEREAS, if the trial judge reaches that conclusion, it must also find that the municipality "is determined to be constitutionally noncompliant." (Ibid.)(emphasis added); and

WHEREAS, under those circumstances, the trial court may revoke immunity and "may authorize exclusionary zoning actions seeking a builder's remedy to proceed against the town...." Ibid. (emphasis added); and

WHEREAS, even in cases where a town is "determined to be constitutionally noncompliant," a trial judge has the power to adjudicate a Mount Laurel matter without involvement of a developer seeking a builder's remedy by invalidating the municipality's zoning ordinance and ordering it to rezone in a manner that achieves compliance; and

WHEREAS, this is especially so in cases where the interests of low- and moderate-income households are being protected by statewide affordable housing advocate Fair Share Housing Center ("FSHC"); and

WHEREAS, in 2019, the Township filed its DJ Action and secured temporary immunity thereby demonstrating its bona fide commitment to achieve compliance voluntarily and without the need to be forced into compliance via exclusionary zoning and builder's remedy lawsuits; and

WHEREAS, unlike many municipal DJ Actions, no builder, developer, or property owner in the Township sought to intervene or asked to have its property to be included in the Township's Fair Share Plan; and

WHEREAS, as is true with every Mount Laurel DJ Action, FSHC participated in the Township's DJ Action as an interested party, thereby protecting the interests of the region's low- and moderate income households without the need for exclusionary zoning and builder's remedy lawsuits; and

WHEREAS, the Township's legal and planning professionals engaged in negotiations with FSHC for purposes of establishing (1) Middle's "fair share" obligations; and (2) a detailed framework regarding the manner in which Middle would satisfy its fair share, i.e. its Fair Share Plan; and

WHEREAS, the negotiation process was hampered for a number of reasons, but significant delays occurred due to the worldwide Covid-19 pandemic; and

WHEREAS, indeed, the Township's Special Mount Laurel Counsel suffered from the Covid infection both in late 2020 and early 2021; and

WHEREAS, in addition, members of the Township's administrative staff also became infected, which forced the closing of Township Hall for a significant period in 2020; and

WHEREAS, under those clear extenuating circumstances, the Township's immunity remained in full force and effect; and

WHEREAS, in addition, FSHC never asked the trial judge to revoke immunity not only due to the extenuating circumstances, but because it was clear that the Township took no action or inaction demonstrating that it was "determined to be constitutionally noncompliant;" and

WHEREAS, in fact, in March of 2021, FSHC filed correspondence with the trial judge expressly consenting to an extension of the Township's immunity; and

WHEREAS, to date, the trial judge has not issued any order revoking the Township's immunity; and

WHEREAS, it is the Township's position, therefore, that its immunity from exclusionary zoning and builder's remedy lawsuits remains in full force and effect; and

WHEREAS, as proof of the Township's steadfast commitment to voluntary compliance, in April of 2021, the Township Committee appointed and retained professional planners from CME Associates with particularized expertise in assisting municipalities like Middle to achieve Mount Laurel compliance; and

WHEREAS, on May 3, 2021, the Township rezoned several parcels of property, which was the culmination of over a year of effort between the Township Committee, the Middle Township Planning Board, formal committees, and members of the public; and

WHEREAS, the zoning changes were consistent with the Township's Master Plan and Reexamination Report adopted by the Middle Planning Board November 2020; and

WHEREAS, an analysis conducted by the CME planners reveals that the recent zoning changes could increase the number of residential units in Middle by roughly 1,400; and
WHEREAS, the recent zoning changes did not include provisions mandating the construction of affordable housing; and
WHEREAS, however, that omission was clearly not based upon an intent to exclude low- and moderate-income households, nor did the Committee seek to demonstrate that it is “determined to be constitutionally noncompliant;” and
WHEREAS, rather, inasmuch as the Township and FSHC have yet to reach common ground on their negotiations, the Township Committee envisioned sequential actions, where the overarching Master Plan-based zoning changes would be accomplished first, followed by targeted rezonings on parcels that will require affordable housing based upon the Settlement Agreement ultimately reached with FSHC; and
WHEREAS, those additional zoning amendments will be the key components to the Township’s Fair Share Plan and will permit Middle to achieve compliance voluntarily, which has been its primary goal since the day it filed its DJ Action in 2019; and
WHEREAS, as an additional demonstration of its commitment to voluntary compliance, the Township is currently considering adopting zoning amendments that require affordable housing prior to the execution and court approval of a Settlement Agreement between Middle and FSHC; and
WHEREAS, to be clear, therefore, regardless of the terms ultimately agreed upon by FSHC and the court, the Township remains committed to comply voluntarily with its affordable housing obligations; and
WHEREAS, this commitment to comply extinguishes any possible claim that Middle Township is “determined to be constitutionally noncompliant” and therefore must be forced to comply via exclusionary zoning and builder’s remedy lawsuits.

21. RESOLUTION 271-21 – CLOSED SESSION –LITIGATION (FSHC) – 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:
LITIGATION (FSHC)
2.) The general nature of the subject matter to be discussed is as follows:
LITIGATION (FSHC)
3.) It is anticipated at this time the above subject matter will be made public as follows:
WHEN THE MATTER IS RESOLVED
4.) This Resolution shall take effect immediately.
22. RESOLUTION 272-21 – CREATING THE PLAN ENDORSEMENT CITIZENS’ ADVISORY COMMITTEE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the Township Committee of the Township of Middle desires to obtain Plan Endorsement from the State Planning Commission; and
WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and
WHEREAS, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey’s economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas; and
WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and
WHEREAS, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and
WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and
WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and
WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens’ advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and
WHEREAS, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and
WHEREAS, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one

representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality. NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Middle does hereby approve and adopts the following:

Middle Township establishes a Plan Endorsement Citizens' Advisory Committee consisting of between 5 and 10 members as follows:

1. Timothy Donohue, Member of the Governing Body
2. Susan Copson, Class IV Member of the Planning Board
3. Mark Saioni, Representative of local board, commission or committee (Zoning Board)
4. Rachel Shepherd, Representative of local board, commission or committee (Environmental Commission)
5. John Menz, Jr., Representative of local board, commission or committee (Rio Grande Fire Commission)
6. Gary Farrow, Member of the Public
7. Tracey Cardwell, Member of the Public

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

The Citizens' Advisory Committee shall also report to the Governing Body at least once on the status of plan endorsement; and

The Citizen Advisory Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of:

Guiding the plan endorsement process for the municipality;

Increasing public awareness of, and participation in, the plan endorsement process for the community;

Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

Assisting the municipality in meeting the deadlines of plan endorsement;

Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and

Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

THEREFORE, BE IT FURTHER RESOLVED that the Clerk of the Township of Middle shall transmit a copy of this resolution and the notice as required in the State Planning Rules to the State Planning Commission.

23. PUBLIC COMMENT:

Peter Richie, Avalon Manor:

- *Asked about who to reach out to regarding street light outages*

Kimberly Krauss:

- *Stated to get the pole number and reach out to Dawn Stimmel in Middle Township's Administrative office*

Stan Doniger, Rio Grande:

- *Asked about Lower Township disbandment of their Ambulance Corp; further asked for a status of Middle Township's volunteer Ambulance corporations.*

Mayor Donohue:

- *Explained the causes in Lower Township which cause them to out source their EMS services is not uncommon throughout the state; spoke of difficulties in the EMS industry at the moment and how Covid has affect the industry as well; discussed current arrangement with the Middle Township Volunteer EMS squads; continued to discuss difficulties and spoke of various town's EMS services*

Kimberly Krauss:

- *Discussed the Middle Township Volunteer Facilities and employed EMS; explained Covid's effect on part-time EMS employees; explained the Township is currently in negotiations with part-time EMTs*
- *Spoke of shared costs associated with current volunteer agreements including monetary compensation; also discussed mutual aid procedure*
- *Discussed increase in pay rates for part-time and full-time employees*
- *Further explained various certifications required for EMTs and relocation of EMS to Town Hall*

Anita Shelton, Whitesboro:

- Asked how many Code Enforcement Officers there are in the Township

Kimberly Krauss:

- Stated there are two officers under the umbrella of the Police Department

Anita Shelton, Whitesboro:

- Spoke of concern for bulk items being left out in various parts of the Township

Kimberly Krauss:

- Explained bulk pick-up scheduled and process
- Spoke of new regulations set forth by contractor due to Covid

Anita Shelton, Whitesboro:

- Asked about grass cutting for vacant properties

Kimberly Krauss:

- Urged Ms. Shelton to contact the Township with property locations
- Spoke of property maintenance liens and process of the same

Anita Shelton, Whitesboro:

- Asked about sidewalk maintenance

Kimberly Krauss:

- Explained sidewalks are the responsibility of the home owners; explained if the home owners refuse to maintain the sidewalk, it can end up in municipal court

Mayor Donohue:

- Explained the difficulty at this time of issuing bench warrants due to Covid

Anita Shelton, Whitesboro:

- Expressed concern regarding the appearance of the area to tourists

Kimberly Krauss:

- Spoke of contractor's processes

Dawn Robinson, Burleigh:

- Discussed neighbor dispute regarding grass cutting

Kimberly Krauss:

- Asked if it was in the right-of-way

Dawn Robinson, Burleigh:

- Stated yes

Kimberly Krauss:

- Explained the state will go out and cut right of ways

Dawn Robinson, Burleigh:

- Spoke of called received that her neighbor was cutting her grass

Quanette Vassner McNeal:

- Asked about Township cutting back a right-of-way; further asked if the Township will be doing the same again this year

Kimberly Krauss:

- Explained process

Quanette Vassner McNeal:

- Asked if there is a schedule for cut backs and if there is a bulk trash pick-up scheduled; further asked where there is information on what item can be pick-up

Kimberly Krauss:

- Stated bulk trash pick-up is the last trash day of the month and that there is a description on the website of what items are able to be picked up

Quanette Vassner McNeal:

- Asked about schedule for cut backs

Kimberly Krauss:

- Stated that there is a schedule

Committeeman Gandy:

- Explained Public Works is trying to keep to their schedule; explained difficulty with the decrease in Public Works Employees

Mayor Donohue:

- Further discussed levels of service in various towns and effects of covid on staffing

Anita Shelton, Whitesboro:

- Asked if it would be possible to organize volunteers to help clean areas up

Kimberly Krauss:

- Spoke of grants available to pay volunteer organizations for community clean-up under specific criteria

Committeeman Gandy:

- Explained they are trying to stick to the same schedule with half the number of employees

Kimberly Krauss:

- Continued to explain staffing shortages

Jeff Wilde, MT Public Works:

- Stated that Public Works is currently at its lowest staffing level since he became employed by the Township

Kimberly Krauss:

- Spoke of need to prioritize what needs to be done

Quanette Vassner McNeal:

- Asked about donation of \$500.00 to special events and how those funds were allocated

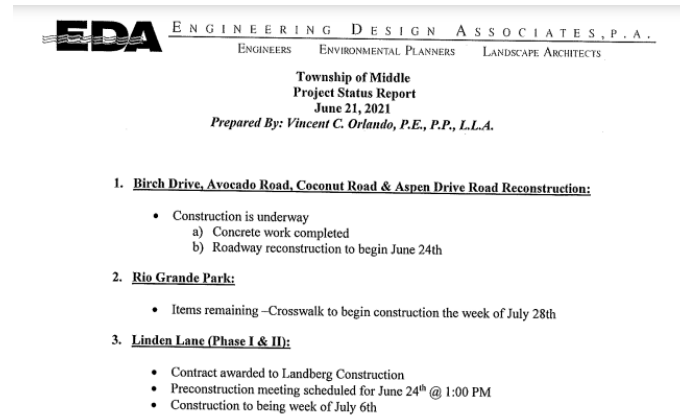
Mayor Donohue:

- Explained the funds were allocated for the fire permits for the Juneteenth event and any funds left over were placed in the Special Events funds; further explained the funds were donated to the Township's special events department

ENGINEER REPORTS:

Vince Orlando:

- Discussed report submitted to Committee



Cambridge Professional Offices
5 Cambridge Drive, Ocean View, New Jersey 08230
PHONE: (609) 390-0332 • FAX: (609) 390-9204

COMMITTEE COMMENTS:

Committeeman Norris:

- Spoke of the many events upcoming within recreation
- Discussed softball ...
- Commented on the summer basketball league; discussed the AAU basketball team; explained their first game was the upcoming weekend
- Spoke of app associated with pickleball; discussed the vast use of the new Township pickleball courts
- Discussed the upcoming 4th of July event at Ockie Wisting; stated fireworks would be starting at 9pm with Animal House playing during the event;
- Stated the first summer concert would be held at Ockie Wisting on July 6th with the Sensational Soul Cruisers playing; thanked the business community for all their donations
- Discussed the reopening of the Senior Center
- Wished Joseph Graham of the Recreation Department well wished and thanked him for his services
- Congratulated Raymond Brown on becoming a full-time employee with the Recreation Department

Committeeman Gandy:

- Stated that Public Works was hiring
- Thanked everyone that came out for the Work Session regarding medical and recreational marijuana dispensaries
- Wished everyone a Happy 4th of July

Mayor Donohue:

- *Wished everyone a Happy Belated Father's Day*
- *Stated he was happy to have the 4th of July Celebration back on and the Senior Center reopen*
- *Spoke of the crowning of Alyssa Sullivan as Ms. New Jersey; commented on the second runner up Augustina Mallous who is also from Middle Township; discussed drive by parade to honor Alyssa Sullivan on June 22nd*
- *Recognized the NAACP and their successful Juneteenth event*

Motion to enter closed session – 7:00 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to re-enter open session – 8:16 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Motion to adjourn meeting – 8:17 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