

Cape May Court House, NJ
July 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 / LEGISLATIVE DISTRICT 1 REPRESENTATIVES – MISS NEW JERSEY ALYSSA SULLIVAN & 2ND RUNNER UP AUGOSTINA MALLOUS

Mayor Donohue:

- *Introduced Assemblymen Simonsen*
- *Announced July 7th, 2021 as Alyssa Sullivan Day in Middle Township*
- *Spoke of Alyssa's journey towards becoming Miss New Jersey*
- *Discussed second runner up Augustina Mallous*
- *Explained that no other municipality had two successes like these two girls*

Assemblymen Simonsen:

- *Spoke of how proud the Legislative District 1 was of both girls*
- *Presented both girls with certificates for their accomplishments*

Committee:

- *Presented Augustina Mallous with a certificate of acknowledgement*

Committee:

- *Presented Alyssa Sullivan with her proclamation*

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, Cape May Court House:

- *Asked about item 8 on the agenda; purposed looking at various outlets and looking into purchasing used trucks versus new trucks*

3. RESOLUTION 273-21 – 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. \$4,473,449.60

4. RESOLUTION 274-21 – 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: 06/21/2021 Work Session, Regular and Closed Session Meetings.

5. REPORTS: Clerk for the month of June; Tax Collector for the month of June; Sewer Collection for the month of June; Sterback Harbor for the month of June

6. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1627-21 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED by the Township Committee 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.

Quanette Vassner McNeal:

- *Asked how to apply for this type of sale if you're a contiguous owner*

Kimberly Krauss:

- *Advised she had sent this information to Ms. Vassner McNeal; Briefly went over the process*

7. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1628-21 was adopted on motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call. Complete Ordinance is on file in the Clerk's Office.

BE IT ORDAINED by the Township Committee 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.

NO COMMENTS

8. ORDINANCE NO. 1629-21 – SEWER UTILITY CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A PICK-UP TRUCK AND 6” SEWER BYPASS PUMP AND RELATED EQUIPMENT, BY, IN AND FOR THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; AND APPROPRIATING \$95,250.00 FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUNDS TO PAY FOR THE COST THEREOF - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1629-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/02/2021 at 6:00 p.m.

WHEREAS, the Township of Middle, in the County of Cape May, State of New Jersey (the “Township”), wishes to purchase a pick-up truck and related equipment and a 6” sewer bypass pump and related equipment, as shall be more particularly described in documents on file in the Office of the Clerk and by this reference incorporated herein (the “Capital Improvement”), by, in and for the Township; and,

WHEREAS, the costs of said Capital Improvements is estimated to be \$95,250.00; and,

WHEREAS, the Township Committee of the Township of desires to authorize an appropriation from the Sewer Utility Capital Improvement Fund in the amount of \$95,250.00 to undertake the aforesaid Capital Improvement; and,

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Middle, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, as follows:

Section 1. The sewer utility capital improvement or purposed described in Section2 of this capital ordinance is hereby authorized as a sewer utility capital improvement to be undertaken by the Township. There is hereby appropriated the amount of \$95,250.00 from the Sewer Utility Capital Improvement Fund for said improvement or purposes stated in Section 2 hereof.

Section 2. The sewer utility capital improvement or purpose hereby authorized is the purchase of a pick-up truck and related equipment and 6” sewer bypass pump and related equipment, as shall be more particularly described in documents on file in the Office of the Clerk of the Township and by this reference incorporated herein and also including all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.

Section 3. The Mayor, Chief Financial Officer and any other official/officer of the Township are each hereby authorized and directed to execute, deliver, and perform any agreement necessary to undertake the improvement of purpose set forth herein and to effectuate any transaction contemplated hereby.

Section 4. The sewer utility capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Direction of the Division of Local Government Services, New Jersey

Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

Section 5. Capitalized terms used herein and not otherwise defined, shall have the meaning ascribed to such terms in the preamble to this capital ordinance.

Section 6. This ordinance shall take effect in accordance with applicable law.

9. ORDINANCE NO. 1630-21 - BOND ORDINANCE PROVIDING FOR VARIOUS 2021 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$2,775,482 THEREFOR AND AUTHORIZING THE ISSUE OF \$2,636,766 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1630-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/02/2021 at 6:00 p.m.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the "Township") as general capital improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$2,775,482, including the sum of \$138,716 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). The \$138,716 aggregate amount of down payments is now available therefor from the capital improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$2,775,482 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,636,766 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,636,766 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorizati on</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Police</u> - Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles For The Police Department Including, But Not Limited To, Body Cameras, Tasers, Four (4) Non-Passenger Police Vehicles And Associated Upfitting And/Or Other Equipment;	\$398,000	\$378,100	\$19,900	5 years
(ii) <u>Heating, Ventilation and Air-Conditioning ("HVAC")</u> – Township-Wide HVAC Improvements Including, But Not Limited To, The Firehouse, And Acquisition And Installation, As Applicable, Of Units And Associated Equipment;	\$13,000	\$12,350	\$650	7 years
(iii) <u>General Capital and/or Recreation Improvements</u> – Various General Capital and/or Recreation Improvements And/Or Acquisition and Installation, As Applicable, of Equipment Including, But Not Limited To, Flooring Improvements At The MLK Center; Fencing Improvements (Goshen); Acquisition Of A Field Drag And A Field Line Paint Machine; And Other General Capital Improvements Including, But Not Limited To, The Bike Path North Extension;	\$146,000	\$138,759	\$7,241	7.96 years
(iv) <u>Public Works</u> – Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles For The Public Works Department Including, But Not Limited To, Two (2) 4 X 4 GVWR Vehicles; A Peterbilt Sanitation Packer Truck; A Hook Lift; A Diesel Heated Asphalt Box Trailer; A Truck With Plow And Spreader; And A Kubota Front End Loader Tractor; And	\$718,482	\$682,557	\$35,925	8.78 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorizati on</u>	<u>Down Payment</u>	<u>Useful Life</u>
(v) <u>Roadway and Drainage Improvements</u> – Roadway And Drainage Improvements To Various Township Roads, To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Or Improvements To Curbs, Sidewalks And Driveway Aprons, Installation Of Curb Ramps, Resetting Utility Castings, Drainage Work, Roadway Painting, Landscaping, Street Lighting Improvements And Aesthetic Improvements.	\$1,500,000	\$1,425,000	\$75,000	15 years
TOTALS	<u>\$2,775,482</u>	<u>\$2,636,766</u>	<u>\$138,716</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,636,766.

(d) The aggregate estimated cost of said improvements or purposes is \$2,775,482, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the down payments available for said purposes in the aggregate amount of \$138,716.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May, and/or a private entity make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.98 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,636,766 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$550,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

Mayor Donohue:

- *Explained reason for Whitesboro basketball court and flooring was not in the ordinance; further explained how funds were acquired for this project*

Kimberly Krauss:

- *Explained other items that were not in the ordinance that funds were acquired for*

10. ORDINANCE NO. 1631-21 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF RECREATIONAL USE CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1631-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/02/2021 at 6:00 p.m.

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of recreational use licensed businesses, including:

- Class 1 - Recreation Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 - Recreation Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 - Recreation Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 - Recreation Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 - Recreation Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 - Recreation Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of recreational use cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of recreational use cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition of recreational use licenses must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

WHEREAS, the Township Committee of the Township of Middle (“Middle Township”) has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of recreational use cannabis business might have on New Jersey municipalities in general, and on Middle Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Middle Township residents and members of the public who visit, travel, or conduct business in Middle Township to prohibit all recreational use marijuana related land use and development within the geographic boundaries of Middle Township; and
NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Middle Township, in the County of Cape May, State of New Jersey, as follows:

Section One. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all recreational use cannabis establishments, recreational use cannabis distributors or recreational use cannabis delivery services are hereby prohibited from operating anywhere in Middle Township except for the delivery of cannabis items and related supplies by a delivery service.

Section Two. The code of the Township of Middle is hereby amended by adding to the list of prohibited uses as follows (additions are underlined; deletions are [bracketed]):

PART II GENERAL LEGISLATION

§ Recreational Adult Use Marijuana - Prohibited uses.

Ordinance No. 1625-21 prohibited the smoking of marijuana in public areas within the Township of Middle. The following restrictions are also hereby adopted with regards to the prohibition of operation of any class of Recreational Use Cannabis Business within the geographical boundaries of the Township.

1. The following classes of recreational use cannabis licenses, enumerated in P.L. 2021, c. 16, are prohibited in all zoning districts of Middle Township, except for the delivery of cannabis items and related supplies by a delivery service.
 - a. Class 1 – Recreational Use Cannabis Grower, for facilities involved in growing and cultivating cannabis;
 - b. Class 2 - Recreational Use Cannabis Processor, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
 - c. Class 3 – Recreational Use Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
 - d. d. Class 4 – Recreational Use Cannabis Distributor license, for businesses involved in transporting cannabis items in bulk intrastate, from one licensed cannabis establishment to another;
 - e. e. Class 5 – Recreational Use Cannabis Retailer license, for locations at which cannabis items and paraphernalia are sold to consumers;
 - f. Class 6 – Recreational Use Cannabis Delivery license, for business providing courier services for a licensed cannabis retailer in order to make deliveries of cannabis items and related supplies to a consumer.
2. The adoption of the above section does not prohibit the cultivation or distribution of medical marijuana within the Township nor does it negate the letter of support of INSA, Inc authorized in Resolution 343-19.

Section Three. Any article, section, paragraph, subsection, clause, or other provision of the Middle Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section Four. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section Five. This ordinance shall take effect immediately upon its passage and publication as provided by law

Mayor Donohue:

- *Explained the Ordinance was discussed during work session*
- *Spoke of deadline the Township is facing in regards to compliance with the new laws; further discussed reasons for delay in passing of the Ordinance for recreational cannabis sales*

Committeeman Gandy:

- *Further explained need of guidance from the State for the new laws; stated it was the Township Committee’s responsibility to take their time to understand the new laws and regulations*

Committeeman Norris:

- *Explained putting a hold on these sales does not mean the Township will lose out on money; continued to explained the laws and issuance of licenses will take time and possibly years to come to light*

Mayor Donohue:

- *Mentioned addition of language in the Ordinance to clarify that the Township is still in support of INSA’s license application*

11. ORDINANCE NO. 1632-21 - AN ORDINANCE OF THE TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY AMENDING CHAPTER 250 ARTICLE VIII OF THE TOWNSHIP CODE, ADDING LANGUAGE REGARDING A “MANDATORY AFFORDABLE HOUSING SET-ASIDE” TO THE CODE OF THE TOWNSHIP OF MIDDLE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1632-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 08/16/2021 at 6:00 p.m. NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Middle, Cape May County, New Jersey, that the Land Development Regulations set forth in Chapter 250 of the Code of the Township of Middle (the “Code”) are hereby amended and supplemented in order to establish a new section thereof, to be entitled “Mandatory Affordable Housing Set-Aside” as set forth below:

Section I. Mandatory Affordable Housing Set-Aside.

a. Background. The State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very-low-, low-, and moderate-income households.

The provision of “safe, decent and attractive housing that [lower-income households] can afford serves the community’s interest in achieving an integrated, just and free society and promotes the general welfare of all citizens.” De Simone v. Greater Englewood Hous. Corp., 56 N.J. 428, 441 (1970).

Notably, in the Mount Laurel decisions, the New Jersey Supreme Court held that the State’s Constitution makes it “plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation.” S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I).

The Court thus found that “each . . . municipality [must] affirmatively . . . plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, including, of course, low and moderate cost housing, to meet the needs, desires and resources of all categories of people who may desire to live within its boundaries.” Ibid.

The New Jersey Legislature itself affirmed this commitment when it enacted the Fair Housing Act of 1985, which established that it is in the State’s interest “to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State.” N.J.S.A. 52:27D-302.

Accordingly, the New Jersey Supreme Court has determined that “[a]ffordable housing is a goal that is no longer merely implicit in the notion of the general welfare. It has been expressly recognized as a governmental end and codified under the FHA.” Holmdel Builders Ass’n v. Holmdel, 121 N.J. 550, 567 (1990).

Since then, New Jersey’s courts have consistently recognized that “[t]he public policy of this State has long been that persons with low and moderate incomes are entitled to affordable housing,” and furthermore that those policies do not end when a municipality has satisfied its minimum obligation under the FHA because “[t]here cannot be the slightest doubt that shelter, along with food, are the most basic human needs.” Homes of Hope, Inc. v. Eastampton Tp. Land Use Planning Bd., 409 N.J. Super. 330, 337 (App. Div. 2009) (quoting Mount Laurel I, 67 N.J. at 178).

b. 20% Affordable Housing Set-Aside. A twenty percent (20%) mandatory affordable housing set-aside requirement shall apply beginning with the effective date of this ordinance to any residential development located in the TC “Town Center” zoning district, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units.

c. Additional Incentives for Affordable Housing. A developer subject to the mandatory affordable housing set-aside may request, and the appropriate approving authority may, at its discretion, grant additional incentives for affordable housing, including but not limited to a density bonus, a reduction in the off-street parking spaces otherwise required, and/or a reduction in the minimum setback requirements.

d. Other Applicable Terms. The following terms shall apply to any residential development subject to the mandatory affordable housing set-aside:

1. All subdivision and site plan approvals of qualifying developments shall be conditioned upon compliance with the provisions of the mandatory affordable housing set-aside.
2. No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory affordable housing set-aside. A developer may not, for example, subdivide a project into multiple lots and then plan each of them to produce a number of units below the threshold. The approving authority may impose any reasonable conditions to ensure such compliance.
3. In the event the number of affordable housing units to be provided includes a fraction, the number shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. The developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5. The payment in lieu shall be based on the amounts established in N.J.A.C. 5:97-6.4(c).
4. All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units shall be required to be restricted for very-low-income households earning thirty percent (30%) or less of the regional median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”).
5. At least fifty percent (50%) of the affordable units within each bedroom distribution shall be affordable to low-income households, inclusive of the at least thirteen percent (13%) of all units affordable to very-low-income households.
6. The very-low-income affordable units shall be proportionately distributed within each bedroom distribution.
7. Affordable developments that are not age-restricted shall be structured to conform to the following bedroom distribution requirements:

- i. The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total affordable units;
- ii. At least 30% of all affordable units shall be two-bedroom units;
- iii. At least 20% of all affordable units shall be three-bedroom units;
- iv. The remaining units may be allocated among two-and three bedroom units at the discretion of the developer.

8. Affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) from the market-rate units. In buildings with multiple dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units. The affordable units shall also be of the same type as the market-rate units (e.g., if the market-rate units are non-age-restricted family units, the affordable units shall be non-age-restricted family units as well). The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.

9. Affordable units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as otherwise provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain unless and until the municipality, in its sole discretion, takes action to extend or release the unit from such controls after at least thirty (30) years.

10. Construction of the affordable and market units shall be phased in compliance with N.J.A.C. 5:93-5.6(d), under the following schedule:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

11. Affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

12. The mandatory affordable housing set-aside shall not give any developer the right to any rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the municipality to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.

13. No developer may make a payment in lieu of constructing affordable units on site, except for fractional units as noted in Paragraph 3, above.

14. Nothing in this ordinance precludes the municipality from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this Ordinance.

e. Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

f. Inconsistencies. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the municipality, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

g. Referral to Planning Board. A copy of this Ordinance shall be referred to the Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

h. Effective Date and Scope. This Ordinance shall take effect upon its passage and publication, filing with the Cape May County Planning Board, and as otherwise provided for by law. The provisions of this Ordinance shall be applicable within the entire municipality upon final adoption and shall become a part of the Code once completed and adopted.

Mayor Donohue:

- *Explained reason for the ordinance; stated there was a meeting with Judge Porto that day to discuss the ongoing legal matters in relation to affordable housing*

Marc Karavan:

- *Continued to explain that Judge Porto had extended immunity until the end of September; spoke of upcoming mediation and hope to resolve the issue within the next few months*

12. RESOLUTION 275-21 – 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
Lorin Perednas	Public Safety Telecommunications Operator – P/T	06/18/2021

Demetrio Anderson	Laborer 1	07/09/2021
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13. RESOLUTION 276-21 – 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
Katrina Born	Tax Collection	Clerk 1	\$27,500.00	07/06/2021
Candice Paynter	Construction/Zoning	Clerk 1	\$27,500.00	07/12/2021
Adrian Rodriguez	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/01/2021
William Belles IV	Public Safety	Emergency Medical Technician P/T	\$15.00 per hour	TBD
Brittany Makowski	Public Safety	Emergency Medical Technician P/T	\$15.00 per hour	07/08/2021
Lee German	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/12/2021
Frank Rosselli	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/12/2021
Christian Rafter	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	07/12/2021
Eduardo Rodriguez	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	TBD
Dominic Caraballo	Recreation	Recreation Aide P/T T/A (6 months)	\$15.00 per hour	TBD

14. RESOLUTION 277-21 – 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
Liam Robinson	Public Works	Laborer 1 F/T T/A (6 months)	Laborer 1 P/T Permanent	\$15.00 per hour	07/01/2021

15. RESOLUTION 278-21 – REJECT BID – MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – CONTRACT #2019-12 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle, following public advertisement, received bids for the Middle Township Home Rehabilitation Project Contract #2019-12 on June 15, 2021, and WHEREAS, after legal review it has been deemed to be in the best interest of the Township to reject the bid received due to several inconsistencies in said bid. NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bid for the Middle Township Home Rehabilitation Project Contract #2019-12 received on June 15, 2021 shall be and is hereby rejected.
16. RESOLUTION 279-21 – RATIFY SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY FOR THE PROJECT KNOWN AS “MIDDLE TOWNSHIP BIKE PATH NORTHERN EXTENSION” – CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township has submitted an application under the County’s 2020 Special Funding Round 2016 Open Space Program with an addendum request for funding in the amount of \$615,314.00 for the project known as the Middle Township Bike Path Northern Extension; and WHEREAS, it is desired for the County and the Township to enter into this Shared Services Agreement in order for the County to support the implementation of said project. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the appropriate officials are hereby authorized and directed to sign said Shared Services Agreement with the County of Cape May for the term of July 13, 2021 through July 12, 2023.
17. RESOLUTION 280-21 THROUGH 281-21 – AUTHORIZING THE EXECUTION OF EASEMENT (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. (A) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, are hereby authorized to sign the Deed of Easement relative to Block 99.02 Lot 115.03, for use in connection with the Middle Township Bike Northern Extension Project. (B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, are hereby authorized to sign the Bike Path Easement relative to Block 96.02 Lots 24 and 29, for use in connection with the Middle Township Bike Northern Extension Project.

18. RESOLUTION 282-21 – APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION – HAND AVENUE PHASE 2 SIDEWALK EXTENSION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 NOW THEREFORE BE IT RESOLVED, by the Township Committee, 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 SST-2022- Hand Avenue Phase 2 Sidewalk Extension -00045 – 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.
19. RESOLUTION 283-21 THROUGH 286-21 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH D) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- (A) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
 WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2021 in the sum of:
 2021 Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund \$10,905.55
 BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
 2021 Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund \$10,905.55
- (B) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
 WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2021 in the sum of:
 Ockie Wisting Creative Placemaking Implementation, County of Cape May Open Space \$225,175.00
 BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
 Ockie Wisting Creative Placemaking Implementation, County of Cape May Open Space \$225,175.00
- (C) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
 WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2021 in the sum of:
 NJ DCA Small Cities CDBG Grant – Improve ADA Access at Norbury Landing \$400,000.00
 BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
 NJ DCA Small Cities CDBG Grant – Improve ADA Access at Norbury Landing \$400,000.00
- (D) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and
 WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.
 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, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2021 in the sum of:
 Avalon Manor Fishing Pier Creative Placemaking Implementation, County of Cape May Open Space \$24,600.00
 BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:
 Avalon Manor Fishing Pier Creative Placemaking Implementation, County of Cape May Open Space \$24,600.00
20. RESOLUTION 287-21 – CANCEL LIEN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the property listed below was included in the tax sale held on December 18, 2019 and WHEREAS, taxes were satisfied for 2019; however, the property did not come off of the tax sale list update prior to the tax sale.

NOW THEREFORE BE IT RESOLVED, that the tax title lien listed below is to become null and void and monies collected shall be refunded to the holder of the certificate.

ACCT	BLOCK	LOT	LIEN INVESTOR	LIEN	AMOUNT
18179	1436.03	13	US Bank Cust Tower DB IX 2019-1	2019-0264	\$1,376.23

BE IT FURTHER RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2019 taxes

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

21. RESOLUTION 288-21 – 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
Nichols, Mark A.	472 Shunpike	325//28	\$350.44
DG Strategic II LLC/Tax Department	6 Indian Trail	355.02//1.02	\$506.10
Mills, Shelly J.	665 Dias Creek Rd.	164.02//12	\$517.09
O’Malley, Kevin F	33 Lola Lane	469//2	\$583.04
Farrow and Darby Inc.	402 West Main Street	877//8	\$469.04

22. RESOLUTION 289-21 – AMENDING RESOLUTION 172-21- RELEASE OF PERFORMANCE BOND – STREET OPENING – TBL SERVICES LLC – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, on April 19, 2021 via Resolution 172-21, the Township of Middle released a performance guarantee for a Street Opening located on Sixth Street (adjacent to 1708 Route 47 South); and

WHEREAS, the applicant, TBL Services LLC, posted said performance guarantee via Rio Grande Equities LLC.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body therefor, that the performance guarantee in the amount of \$5,000.00 shall be released to Rio Grande Equities, LLC.

23. RESOLUTION 290-21 – 2021-2022 HOTEL/MOTEL LICENSE APPROVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has established a Hotel/Motel License in connection with Ordinance No. 1157-04; and

WHEREAS, a Hotel/Motel shall be defined for purposes in connection with this ordinance/license as a type of building or combination of buildings within the same complex having 4 or more rooms available for sleeping and lodging to the public for a fee; and

WHEREAS, prior to any person, operating a Hotel/Motel regulated by this ordinance, said person or entity must acquire an annual Hotel/Motel License from the Township Clerk by the 1st of July in each calendar year; and

WHEREAS, prior to the issuance or renewal of any annual Hotel/Motel License, the applicant for such license shall have made the payment of delinquent property and sewer tax. The Township of Middle retains the right of revocation or suspension for non-payment of property taxes when three (3) or more consecutive quarters are delinquent; and

WHEREAS, the annual license fee to operate a Hotel/Motel within the Township of Middle shall be \$1,000.00; and

WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and

regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 22-22 of the Code of the Township of Middle; and

WHEREAS, The Township of Middle shall have the right to inspect the licensed premises and the owner/applicant shall provide for the inspection of licensed facilities; and

NOW, THEREFORE, BE IT RESOLVED, that each of the following licenses be and are hereby authorized for the license year of 2021-2022:

LIC. #	APPLICANT	TRADENAME	LOCATION	SITES
1	Avani, LLC	Catalina Motel	1200 Georgia Avenue	11 + Manager Apt.
3	Om Rudra, Inc.	Flamingo Motel	1604 Route 47 South	28 + Manager Apt.
6	Economy Motel, LLC	Economy Motel	3172 Route 9 South	34 + Manager Apt.
7	Trisha Rio Grande, LLC	Prime Inn	1031 Route 47 South	16 + House
8	Shree Khodiar, LLC	Simpson Motel	1507 Route 47 South	19 + House
11	38 East Mechanic Street, LLC	Hyland Motor Inn	38 East Mechanic Street	34 + Manager Apt.
14	Robert & Ruth Worth T/A Marlee	Marlee Motel	1003 Route 47 South	13 + House
16	Isha Hospitality, LLC	Red Roof Inn	1801 Route 47 South	49
17	Nelson Rossi & Jamie Cherego	Sea Gull's Motel, LLC	11	
19	Tarak Patel	Shelton Motel	1410 Route 47 South	22
25	Avani, LLC	Wildwood Park Motel	405 North Wildwood Road	13

24. PUBLIC COMMENT:

Mary Ann Alulis:

- *Asked if Affordable Housing will delay the proposed zoning changes*

Marc Karavan:

- *Explained that the suit has been stayed*
- *Stated the zoning changes are continuing on course*

Sam Kelly:

- *Read prepare speech into the record regarding a political advertisement*

Mayor Donohue:

- *Explained that the Herald reprinted the article that day as the article was not paid for by himself and the Herald had to complete a retraction*

Bob Oliveri:

- *Thanked Committee for all the services they have provided*
- *Spoke of the increase in police presence in Rio Grande and the redevelopment in Rio Grande*
- *Asked for clarity if the end of his dead-end street at Third Avenue will be complete or if he would be able to vacate the street*

Vince Orlando:

- *Explained an application has been submitted to the NJDOT for the extension of Third Avenue into Walsh Avenue; discussed details of the application*

Mayor Donohue:

- *Asked for Vince Orlando to give background on the grant application process*

Vince Orlando:

- *Gave background on various grant applications submitted for various streets that the Township was approved for.*

Bob Oliveri:

- *Asked if the Township will know if they receive the grant this year*

Vince Orlando:

- *Stated yes and explained the process if the grant is received*

Bob Oliveri:

- *Asked about possibility of developing the land without the road being finished; discussed past efforts to develop the area*

Mayor Donohue:

- *Spoke of success of completing roads through this grant*

Bob Oliveri:

- *Cannot start any construction until this is finished*

Vince Orlando:

- *Asked if Mr. Oliveri can provide a letter supporting the application*

Ed Dillio, CMCH:

- Spoke of the official reopening of the Middle Township Senior Center; discussed various aspects of the event; Spoke of the great work done by Marilyn Miller; Stated he wanted to recognize her for the wonderful job she has done

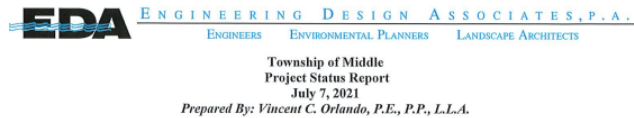
Mary Ann Alulis:

- Asked about West Lena Avenue section of the bike path and its need to be repatched; asked Vince Orlando if he had been able to look at it

Vince Orlando:

- Stated he had not yet but would be sure to go out to look into it

ENGINEER REPORT:



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

- Roadway Construction Complete
- Working on minor drainage issues w/contractor

2. Rio Grande Park:

- Items remaining –Crosswalk to begin construction the week of July 28th

3. Linden Lane (Phase I & II):

- Construction started on July 6th
- Curb and sidewalk to be completed within 10 days
- Roadway construction to be completed immediately after

4. State Recertification for Center Designation:

- Committee formed - Meeting on July 15th

5. Reexamination of Open Space & Recreation Plan:

- To be completed by September 2021

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

Vince Orlando, Engineer:

- Reviewed report submitted to committee

Kimberly Krauss:

- Discussed drainage project on Teal Road; explained savings from the East Wildwood and Central Avenue project helped fund the extended paving and drainage for Teal Road

COMMITTEE COMMENTS:

Committeeman Norris:

- Thanked everyone that came out for the 4th of July Event; thanked various entities that worked the event
- Spoke of first summer concert series the prior night; stated the next week would be the Best of the Eagles
- Discussed the new basketball summer league as well as football sign-ups
- Discussed Harvest Festival
- Welcomed all new employees

Committeeman Gandy:

- Commented on the great 4th of July event; thanked staff who helped put together the event
- Congratulated both Augustina and Alyssa; stated he was proud to say that they are both from Middle Township
- Welcomed new employees to Public Works; stated they are still looking for more employees for Public Works; discussed great job Public Works is doing, especially being under staffed
- Commented on the great work being done by the Construction Office

Mayor Donohue:

- Stated that the Middle Township girls' softball 12 and under team would be playing in the sectional that night versus Harrison Township; spoke of the success through the season
- Spoke of the great 4th of July event

Motion to adjourn meeting – 6:55 PM

1st: Committeeman Gandy 2nd: Committeeman Norris

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

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E.Bowman