

Cape May Court House, NJ  
August 2, 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, Committee member Norris, Business Administrator/Township Clerk Kimberly Krauss, Deputy Business Administrator Suzanne Schumann & Municipal Solicitor Marcus Karavan

1. **\*\*TABLED\*\* PRESENTATION BY MAYOR AND COMMITTEE – MIDDLE TOWNSHIP BASEBALL/SOFTBALL ASSOCIATION – SENIOR/MAJOR GIRLS SOFTBALL & 11U/11U TRAVEL BASEBALL**
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.)

*Stan Doniger, Rio Grande:*

- *Asked about item 18; asked for clarification that the fire bureau does their own permitting*

*Kimberly Krauss:*

- *Explained the Township always has fire subcodes; explains the fire subcodes stand alone separate from the Fire Bureau*

*Stan Doniger, Rio Grande:*

- *Asked if he sells his home who does he go to for fire inspections*

*Kimberly Krauss:*

- *Explained he would go to the Fire Bureau; further explained the subcode is for new construction*

*Mayor Donohue:*

- *Explained the difference between fire subcodes and fire inspections*

3. RESOLUTION 308-21 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:  
Current Acct. \$2,423,325.18
4. RESOLUTION 309-21 – 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: 07/19/2021 Work Session and Regular Meetings.
5. REPORTS: NONE
6. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1629-21 was adopted on motion by Committeeman Gandy seconded by and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.  
**No public comment.**  
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.

*Mayor Donohue:*

- *Explained the Township has different budgets; further explained there is the general budget and then utility budgets*

*Stan Doniger, Rio Grande:*

- *Asked what sewer tax money goes towards*

*Mayor Donohue;*

- *Explained that it is the same concept as when paying a municipal tax which has its own utility fund*

*Stan Doniger, Rio Grande:*

- *Asked if the sewer fee will go up due to this purchase*

*Mayor Donohue:*

- *Stated no; explained due to the cost previously going up and the Township ability to stabilize costs with the MUA they were able to purchase these items without having to go out to bond for them*

7. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1630-21 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.

***No public comment.***

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

<u>Description</u>	<u>Appropriation</u>	<u>Authorizati on</u>	<u>Down Payment</u>	<u>Useful Life</u>
(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
(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 expansive discussion in regards to the spending of these costs; discussed the various areas these costs will be utilized*

8. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1631-21 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.

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:*

- *Spoke of introduction of the ordinance; discussed deadline coming up on August 21<sup>st</sup> for the Township to take a stance on this type of business; explained reason for current stance is due to lack of information; further explained township is still awaiting on clarity of the Medical Marijuana License that was applied for within the Municipality; spoke of upcoming meeting on August 4<sup>th</sup> regarding the establishment of this law and the rules and regulations pertaining to the same*

*Ed Dillio, CMCH:*

- *Asked about prohibiting use of cannabis*

*Mayor Donohue:*

- *Clarified the ordinance is for prohibiting recreational use marijuana businesses; explained the Township can not ban the use of it; further clarified that people are able to have cannabis delivered to them*

*Ed Dillio, CMCH:*

- *Asked for clarification that driving under the influence is still illegal and that police can enforce that*

*Mayor Donohue:*

- *Stated yes to the extent that they are able to enforce it*

*Sandra Burns, CMCH:*

- *Stated she is against selling cannabis in Cape May Court House; spoke of new laws effecting police enforcement; stated she does support medical marijuana*

- 9. **\*\*TABLED\*\* ORDINANCE NO. 1633-21 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236-41 THEREOF, ENTITLED VEHICLES AND TRAFFIC SCHEDULE XIII "PARKING PROHIBITED AT ALL TIMES"** - On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, Ordinance No. 1633-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 09/08/2021 at 6:00 p.m.

BE IT ORDAINED, by the Township Committee of the Township of Middle in the County of Cape May and State of New Jersey as follows:

SECTION 1. Section 236-41 of the Code of the Township of Middle is hereby supplemented by the addition of the following:

NAME OF STREET	SIDE	LOCATION
N. Beach Drive	West	Entire Length
S. Beach Drive	West	Entire Length

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 phase 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.

- 10. **RESOLUTION 310-21 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT** – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following discontinuation of appointments listed below, are acknowledged.

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Adrian Rodriguez	Public Works	Laborer 1 F/T T/A (6 months)	07/19/2021

11. RESOLUTION 311-21 – 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
Dustin Gaskill	Public Safety Telecommunications Operator	08/05/2021

12. RESOLUTION 312-21 – PROMOTIONAL TITLE CHANGE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
David Scofield	Public Works	Carpenter	\$29,131.00	07/01/2021

13. RESOLUTION 313-21 – 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
Jayden Matthews	Public Safety – Telecommunications	Public Safety Telecommunicator Trainee P/T	*\$15.00 per hour	07/26/2021

\*Increase to \$18.00 per hour upon completion of training

14. RESOLUTION 314-21 – APPROVAL FOR PAYMENT TERMINAL LEAVE – CLINT STOCKER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Clint Stocker retired with an effective date of August 1, 2021; and  
 WHEREAS, it is the policy of Middle Township to compensate retiring employees for accumulated vacation, compensation, sick and personal time; and  
 WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and  
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the employee in the amount referenced below:

Clint Stocker  
 Comp/Time Owed: 422.25 Hours  
 Personal: 48.00 Hours  
 Sick: 579.00 Hours  
 Vacation: 480.00 Hours  
 \$68,712.48 (inclusive of payroll tax expense to the Township)

15. RESOLUTION 315-21 – APPROVE LEAVE OF ABSENCE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the partially unpaid Leave of Absence for Joe Hess, from July 19, 2021 through August 9, 2021 is hereby approved.

16. RESOLUTION 316-21 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Gandy seconded by Mayor Donohue 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
Smith, Vincent T	200 Gibbs Street	886//3	\$546.09

Singer, Shirley M	1 Lafayette Ave	428//1	\$468.02
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17. RESOLUTION 317-21– 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 1<sup>st</sup> 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 222-22 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
20	Louis Altobelli	Silver Birch Motel	1019 Route 47 South	10

18. RESOLUTION 318-21 – AWARD OF BID – AUTHORIZED ON-SITE INSPECTION AND PLAN REVIEW SERVICES FOR THE FOLLOWING SUB-CODES: BUILDING, ELECTRICAL, PLUMBING AND FIRE PROTECTION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it has been deemed necessary to request proposals for third party on-site inspection and plan review services for various construction department sub-codes; and

WHEREAS, bids were received on July 15, 2021; and

WHEREAS, Trinity Code Inspections, LLC. was the only proposal received; and

WHEREAS, the proposal submitted by Trinity Code Inspection, L.L.C. has been reviewed and has been deemed complete as it complies with the specifications and conditions of contract award; and

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

Trinity Code Inspections, LLC.

1.) Plan review and inspection service at the rate of: Seventy Percent (70%)

19. RESOLUTION 319-21 – AMENDING RESOLUTION 259-21 – AUTHORIZING RENEWAL OF SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND COUNTY OF CAPE MAY – ANIMAL SHELTER SERVICES CY2021 – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution 259-21 authorized the renewal of a Shared Services Agreement with the County of Cape May relative to Animal Shelter Services for CY2021; and

WHEREAS, there is a need to amend said Resolution to reflect an additional \$33,230.58 relative to billing for spay/neuter.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that Shared Service Agreement with the County of Cape May for Animal Shelter Services is hereby amended.

20. RESOLUTION 320-21 – RATIFY SHARED SERVICES AGREEMENT WITH THE MIDDLE TOWNSHIP BOARD OF EDUCATION – SOLID WASTE AND RECYCLABLES COLLECTION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Shared Agreement between the Board of Education and the Township of Middle for Solid Waste & Recyclables Collection effective January 1, 2020 through December 31, 2024, be and is hereby ratified.

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



21. RESOLUTION 321-21 – AFFIDAVIT OF TAX SALE POSTING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
- State of New Jersey  
Ss  
County of Cape May  
I Sandra B. Beasley, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:
1. I am the Tax Collector of The Township of Middle, County of Cape May, State of New Jersey.
  2. A tax sale in-lieu of notice was mailed to each parcel listed in the tax sale pre postage paid. The first was mailed on November 18, 2020 and the second was mailed on November 25, 2020
  3. Notice of The Tax Sale that was held on December 16, 2020 was published in the Herald-Times, Rio Grande, New Jersey, on December 2, 2020 and December 9, 2020
  4. A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:
    1. Middle Township Municipal Hall
    2. Green Creek Post Office
    3. Cape May Court House Post Office
    4. Whitesboro Post Office
    5. Rio Grande Post Office
  5. A Notice Of Tax Sale was mailed to the owner of record, whose name appears in the List at the last known address, postage prepaid.
22. RESOLUTION 322-21 – APPROVAL TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY – OFFICE OF THE ATTORNEY GENERAL – BOLSTERING POLICE-YOUTH TRUST PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle formally approve the grant application for the above stated program.  
BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary on connection therewith.
23. RESOLUTION 323-21 – APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL – SFY2021 BODY-WORN CAMERA GRANT PROGRAM – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the Township of Middle wishes to apply for funding of approximately \$130,432.00 for the SFY2021 Body-Worn Camera Grant Program administered by the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General; and  
WHEREAS, the Township Committee of the Township of Middle has reviewed the application and has approved said request; and  
WHEREAS, the project is a joint effort between the Department of Law and Public Safety, Office of the Attorney General and the Township of Middle for the purpose described in the application.  
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that:
1. As a matter of public policy, the Township of Middle wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Office of the Attorney General;
  2. The Attorney General of New Jersey will receive funds on behalf of the applicant;
  3. The Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds; and
  4. The Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to the applicant as authorized by law.
  5. The Township of Middle accepts the specific grant funds to purchase body-worn cameras as well as ancillary accessories and storage.
- BE IT FURTHER RESOLVED, that the award number for said project is 21-BWC-265 for an award period of 01/01/2021 through 12/31/2025.
24. RESOLUTION 324-21 – SOCIAL AFFAIRS PERMIT – WILDWOOD GOLF & COUNTRY CLUB INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the Wildwood Golf and Country Club Inc. has applied for approval to sell alcoholic beverages at an event to be held at The Shore Club, 1170 Golf Club Road, Cape May Court House, New Jersey 08210 on September 21, 2021 from 11:00am until 8:00pm with a rain date of October 5, 2021 from 11:00am until 8:00pm; and  
WHEREAS, they have provided proper documentation to the Township of Middle.  
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

25. RESOLUTION 325-21 – AUTHORIZING APPLICATION FOR GYPSY MOTH EGG MASS SURVEY – 2021 – 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 governing body thereof, that authorization is hereby granted to submit the 2021 application for a gypsy moth egg mass survey, and

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

26. RESOLUTION 326-21 – RELEASE OF TRUST ACCOUNTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, certain monies held in Trust Accounts from time to time may have balances remaining after all fees have been paid; and

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

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

27. PUBLIC COMMENT:

*Dawn Robinson:*

- *Asked about location of hotel renewal on the agenda*

*Kimberly Krauss:*

- *Clarified the hotel is in Rio Grande*

*Stan Doniger, Rio Grande:*

- *Asked about status on the Hampton Inn Hotel*

*Mayor Donohue:*

- *Explained changes in the Master Plan; gave brief status update on the Hampton Inn proposal*

*Ed Dillio, CMCH:*

- *Asked about clarification on the Silver Birch Motel location*

*Mayor Donohue:*

- *Clarified it was located on Route 47*

COMMITTEE COMMENTS:

*Committeeman Norris:*

- *Discussed the success of the summer concert series; thanked various employees that work the events; stated there would be no concert series the following night due to National Night Out*
- *Spoke of baseball signups*
- *Stated National Night Out would be the following night at the Goshen Complex*
- *Spoke of the successfulness of the Police Youth Summer Camp; thanked the police department for all they do with the camp*

*Committeeman Gandy:*

- *Explained Public Works is still looking for employees*
- *Spoke about attending the previous Summer Concert Series concert and the success of the series*

*Mayor Donohue:*

- *Stated he was glad to see John Lauricella helping with the Police Youth Summer Camp; explained all events like the camp and national night out would not be able to happen without the support of residents and local businesses*
- *Discussed the graduation of the kids from the youth camp during National Night Out*
- *Stated the first meeting in September would be held at the Middle Township PAC; explained reason was due to the multiple promotions within the police department*
- *Spoke of event for the 20<sup>th</sup> anniversary for 9/11 and first responder recognition day*

Motion to adjourn meeting – 6:25pm

1<sup>st</sup>: Committeeman Gandy                      2<sup>nd</sup>: Committeeman Norris

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

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Andrea N. Singley, Deputy Township Clerk