

Cape May Court House, NJ
August 16, 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

A moment of silence was observed in honor of longtime member of the Rio Grande Fire Company, Henry Mattera

1. 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.)

Mayor Donohue:

- *Noted that item 5 on the agenda would be tabled and discussed the reasons behind the decision to table*

Stan Doniger, Rio Grande:

- *Asked about electric costs on the Bill List*

Mayor Donohue:

- *Clarified the area is the MLK Center*

Stan Doniger, Rio Grande:

- *Asked if the Township was okay with the cost*

Kimberly Krauss:

- *Explained the price could have been a cost for multiple months; further explained various reason for the cost*

Mayor Donohue:

- *Continued to discuss factors possibly related to costs*

2. RESOLUTION 327-21 THROUGH 328-21 – APPROVING PAYMENT FOR BILLS (ITEM 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, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$3,394,916.98

(B) 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. \$2,500.00

3. RESOLUTION 329-21 – 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 Board of Health Meeting and 08/02/2021 Work Session and Regular Meetings.

4. REPORTS: Clerk for the month of July; Tax/Sewer Collector for the month of July; Sterback Harbor for the month of July; Finance for the month of July

5. ****TABLED**** 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1632-21 was adopted on motion by seconded by and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.

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.

6. ORDINANCE NO. 1634-21 – AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 250, SECTION 610, REGULATING THE KEEPING OF DOMESTIC FARM ANIMALS - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1634-21 passed first reading for re-introduction. Second reading, public hearing and consideration for adoption will be held on 09/20/2021 at 6:00 p.m.

WHEREAS, Section 250-610 Middle Township Municipal Code, a part of the Township zoning ordinance, regulates the keeping of domestic farm animals; and

WHEREAS, having reviewed that article, the Middle Township Committee believes that it should be amended to clarify what is permitted and what is not.

NOW THEREFORE, be it ORDAINED by the Township Committee of the Township of Middle as follows:

Section 1. Chapter 250, Section 610 of the Middle Township Code is hereby amended as follows (additions underlined):

§ 250-610 Keeping of domestic farm animals.

A. Purpose. In order to support and encourage the rural and agricultural character of the community and to expand local food production and access to food, the keeping of domestic farm animals as pets and for food supply is permitted in accordance with the regulations below.

B. Small domestic farm animals. The keeping of the small domestic farm animals for recreational purposes, or used for eggs or meat or other food, is permitted in all residential districts. For purposes of this section, “small domestic farm animals” means only beekeeping and the keeping of fowl, such as chickens, ducks and geese. Roosters are prohibited on properties under five (5) acres.

C. The keeping of horses and ponies and other large farm animals for recreational purposes shall be permitted as an accessory use in the RC and SR Zoning Districts, provided that no more than two such animals are kept on any single lot or parcel and that any such animals are kept in a completely fenced area no less than 1/2 acre in size on a parcel of not less than five acres in size.

Section 2. Upon introduction, and before second reading and final adoption, this Ordinance shall be referred to the Middle Township Planning Board for review pursuant to N.J.S.A. 40:55D-26 and -64.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Section 4. 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 5. This Ordinance shall become effective immediately upon final passage and publication, according to law.

7. RESOLUTION 330-21 – 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 |
|------------------------|--------------|-------------------------------------|------------------|------------|
| Alfred Shaffer | Public Works | Laborer 1 F/T T/A (6 months) | \$15.00 per hour | 08/18/2021 |
| Edgar Hernandez-Campos | Public Works | Carpenter Helper F/T T/A (6 months) | \$15.00 per hour | 08/16/2021 |
| Robert Luzny | Public Works | Laborer 1 F/T T/A (6 months) | \$15.00 per hour | 08/23/2021 |

8. RESOLUTION 331-21 – APPROVAL FOR PAYMENT TERMINAL LEAVE – DON NELSON – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Don Nelson retired with an effective date of September 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:

Don Nelson

Personal: 48.00 Hours

Sick: 176.00 Hours

Vacation: 480.00 Hours

\$52,157.82 (inclusive of payroll tax expense to the Township)

9. RESOLUTION 332-21 – AUTHORIZING PARTICIPATION IN ALTERNATE ROUTE APPOINTMENTS FOR POLICE OFFICERS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle Department intends to utilize the Alternate Route Appointments Program through the Civil Service Commission to hire police officers; and WHEREAS, the Township of Middle certifies that the applicant has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training commission; and WHEREAS, the Township of Middle certifies that the appointments comply with all applicable State and Federal law governing Equal Employment Opportunity; and WHEREAS, the Township of Middle has adopted a conflict of interest and nepotism policy; and WHEREAS, the Civil Service Commission requires a Resolution utilizing the Alternate Route Appointments Program; and NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle Police Department is authorized to participate in the Alternate Route Appointment Program.

Mayor Donohue:

- *Asked chief to discuss and explain new alternate route appointments*

Chief Leusner:

- *Discussed purpose of hiring alternate route police officers; explained different processes of hiring officers; further explained alternate route process and the benefits of this new program*

10. RESOLUTION 333-21 THROUGH 334-21 – RATIFY LEASE AGREEMENT (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Cape May County Girl Scout Service Unit 400 and the Township of Middle for usage of the Middle Township Senior Citizen Center from September 8, 2021 through December 31, 2021, be and is hereby ratified pending approval of all required insurance documents by the Township's Insurance Carrier.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

(B) BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the agreement between the Marine Corps League and the Township of Middle for usage of the Middle Township Senior Citizen Center from September 1, 2021 through December 31, 2021, be and is hereby ratified pending approval of all required insurance documents by the Township's Insurance Carrier.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign any and all documentation necessary to carry out the purpose and intent of this resolution.

11. RESOLUTION 335-21 – CANCELLATION OF TAX TITLE LIENS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Middle Township Tax Collector has received final judgement for Foreclosure Group 198, and WHEREAS, it is hereby deemed necessary to cancel tax title liens and also the current taxes for said foreclosure group. NOW THEREFORE BE IT RESOLVED, that the following tax title liens and property taxes as listed below are hereby cancelled:

| Account # | Block | Lot | Owner | Property location | 2021 | 2022 |
|-----------|-------|-----|--------------------|-------------------|------------|------------|
| 1511 | 52 | 15 | Township of Middle | 803 Goshen Rd | \$1421.07 | \$710.54 |
| 1807 | 64 | 1 | Township of Middle | 35 Goshen Rd | \$ 251.43 | \$ 125.72 |
| 3632 | 175 | 2 | Township of Middle | Magnolia Ave | \$ 21.44 | \$ 10.72 |
| 3667 | 176 | 2 | Township of Middle | Magnolia Ave | \$ 21.44 | \$ 10.72 |
| 3947 | 191 | 2 | Township of Middle | Pine Ave | \$ 17.55 | \$ 8.78 |
| 11118 | 883 | 15 | Township of Middle | W Anna St | \$1,434.97 | \$ 717.49 |
| 11558 | 929 | 4 | Township of Middle | 207 Reading Ave | \$2,550.84 | \$1,275.42 |
| 11612 | 934 | 15 | Township of Middle | 222 W Main St | \$ 279.46 | \$ 139.73 |
| 11638 | 935 | 13 | Township of Middle | 114 W Main St | \$2,305.06 | \$1,152.53 |
| 11631 | 935 | 17 | Township of Middle | 2 N George St | \$2,152.45 | \$1,076.23 |
| 11677 | 938 | 3 | Township of Middle | 119 W Main St | \$ 81.26 | \$ 40.63 |
| 11675 | 938 | 18 | Township of Middle | W Wiley St | \$ 162.53 | \$ 81.27 |
| 11772 | 944 | 8 | Township of Middle | Sumner St | \$ 202.17 | \$ 101.09 |
| 11770 | 944 | 10 | Township of Middle | Sumner St | \$ 39.64 | \$ 19.82 |
| 11768 | 944 | 12 | Township of Middle | 208 S George St | \$ 75.31 | \$ 37.66 |
| 12376 | 1031 | 12 | Township of Middle | 14 E Wiley St | \$1,987.94 | \$ 993.97 |
| 12721 | 1066 | 12 | Township of Middle | Georgia Ave | \$ 194.23 | \$ 97.12 |
| 12707 | 1066 | 14 | Township of Middle | Wildwood Ave | \$ 156.58 | \$ 78.29 |

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

12. RESOLUTION 336-21 – ASSIGNMENT OF TAX TITLE LIEN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. WHEREAS, the Township of Middle is the holder of Tax Sale Certificate #2009-5800 acquired under N.J.S.A. 54:5-34; and, WHEREAS, it is deemed financially beneficial to, and in the best interests of, the Municipality to sell or assign that tax sale certificate; and WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and WHEREAS, notice of the assignment will be posted in three public places within the Township of Middle and published in the Herald Newspaper, within five days prior to the action as required by law. NOW, THEREFORE, BE IT RESOLVED by Township Committee of the Township of Middle, County of Cape May, State of New Jersey on this 16th day of August, 2021 that the Committee hereby authorizes the sale by assignment of the Tax Sale Certificate #2009-5800 in the amount of \$176.62 plus the cost of advertisement to:

Robert W & Laura Dettrey
64 North Wildwood Rd.
North Wildwood, NJ 08260

For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under N.J.S.A. 54:5-113, BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

13. RESOLUTION 337-21 – GRANTING 4TH QUARTER TAX DEDUCTIONS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, deductions have been granted on the properties; the 4th quarter of 2021 has been reduced by the amount listed below.

| Account | Block | Lot | Owner/location | 2021 |
|---------|--------|------------|--|----------|
| 17481 | 163.01 | 144 | Walker, Helga Property location: 82 Wynndemere Court Senior citizen deduction | \$250.00 |
| 6675 | 428 | 3 | Sherwood, Maria E Property location: 7 Lafayette Ave Senior citizen deduction | \$250.00 |
| 556 | 13.01 | 8 | Smith, Matthew J & Blood, Susan J Property location: 9 Lord Lane West 2 Veteran deductions | \$500.00 |
| 1366 | 49 | 3 | Stitt, Leon M Etals Property location: 310 Rte 47 N Veteran deduction | \$250.00 |
| 1551 | 55.01 | 44 | Campbell, Thomas C & Patricia A Property location: 6 Wahl Ave Veteran deduction | \$250.00 |
| 1726 | 56.01 | 73 | Ross, James C & Mary Lou Property location: 6 Rita Ave Veteran deduction | \$250.00 |
| 1744 | 56.05 | 7 | Ford, Samuel E III & Carrie M Property location: 14 Wayne Ave Veteran deduction | \$250.00 |
| 1764 | 56.06 | 10 | Dillio, Jonathan R & Swain, Jonathan Property location: 407 Goshen Rd Veteran deduction | \$250.00 |
| 15180 | 163.01 | 22 | Thomas, Eric V & Stephanie A Property location: 1 Stoney Court Veteran deduction | \$250.00 |
| 17475 | 163.01 | 150 | Borawski, Daniel F & Carol A Property location: 70 Wynndemere Court Veteran deduction | \$250.00 |
| 5332 | 322.01 | 28 | Moore, Jeffrey C & Anna M Property location: 447 Shunpike Veteran deduction | \$250.00 |
| 6878 | 467 | 15 | Sharp, Frederick Property location: 6 Linda Lane Veteran deduction | \$250.00 |
| 13993 | 1420 | 1 | Thompson, Michael A Property location: 1 Davis Rd Veteran deduction | \$250.00 |
| 15886 | 1427 | 4 | Pearson, Stephen C & Carol S Property location: 83 Mimosa Drive Veteran deduction | \$250.00 |
| 14453 | 1443 | 27 | Lapworth, John H & Hazella V Property location: 206 S Railroad Ave Veteran deduction | \$250.00 |
| 14669 | 1474 | 10 | Deloach, John R & Alma M Property location: 408 E Maryland Ave Veteran deduction | \$250.00 |
| 14846 | 1519 | 4 C0004 | Coco, Joseph & Reed, Erin G Property location: 215 Pennsylvania Ave #4 | \$250.00 |

| | | | | |
|--|--|--|-------------------|--|
| | | | Veteran deduction | |
|--|--|--|-------------------|--|

14. RESOLUTION 338-21 – CANCEL TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the following taxes are hereby cancelled due to tax exemption.

| Account | Block | Lot | Owner/location | 2021 | 2022 |
|---------|--------|-----|--|------------|------------|
| 13132 | 1136 | 1 | Bohn, Theodore A & Courtney A Property location: 1000 Edgewood Ave 100% Disabled Veteran Tax exempt as of 7/30/2021 | \$1,689.66 | \$2,027.59 |
| 4205 | 212.03 | 41 | Davenport, William N Jr & Linda M Property location: 1 Shadow Lane 100% Disabled Veteran Tax exempt as of 8/2/2021 | \$2,995.95 | \$3,518.66 |
| 4941 | 264 | 27 | Cirillo, Gregory L & Kori L Property location: 811 Steel Rd 100% Disabled Veteran Tax exempt as of 7/19/2021 | \$2,681.23 | \$2,872.56 |
| 6026 | 386 | 2 | State of NJ Dept of Environmental Protection Property Location: Golf Club Road | \$494.27 | \$484.33 |

15. RESOLUTION 339-21 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, A refund is due to the below property owners due to overpayment made towards 2021 taxes.

| ACCT | BLOCK | LOT | OWNER/LOCATION | 2021 |
|-------|---------|----------------|--|-----------|
| 3397 | 167.01 | 92.01 Qfarm | Stiles Farm & Nursery LLC 168 Rte 47 S Cape May Court House, NJ 08210 Property location: 172 Rte 47 S | \$338.007 |
| 13906 | 1414.01 | 48 Qfarm | Sudhop, L Stephen & Dolores C TRSTE 896 Palmers Mill Rd Media, PA 19063-1030 Property location: | \$102.01 |
| 17913 | 391 | 21 | Burke, Timothy X & Patricia A 10 N 6 th ST Del Haven, NJ 08251-3524 Property location: 10 N 6 th St | \$913.73 |
| 16131 | 322.01 | 42 | Wheeler, John F & Maureen T 24 Secluded Hollow Rd Cape May Court House, NJ 08210 | \$91.59 |
| 16067 | 473 | 65 | Sippel, Thomas & Melodie 21 Lomurno Lane Cape May Court House, NJ 08210 | \$491.01 |

BE IT RESOLVED by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2021 taxes.

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

16. RESOLUTION 340-21 THROUGH 341-21 – AUTHORIZING MAYOR TO EXECUTE DISCHARGE OF MORTGAGE (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 (A) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the mortgage loan for Eugene F Martin and Ethel M Martin for the property located at 40 Cochran Street, Cape May Court House, New Jersey 08210, in the amount of \$9,829.35 is hereby authorized to be discharged.
 FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
 (B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the mortgage loan for Eugene F Martin and Ethel M Martin for the property located at 40 Cochran Street, Cape May Court House, New Jersey 08210, in the amount of \$9,500.00 is hereby authorized to be discharged.
 FURTHER BE IT RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
17. RESOLUTION 342-21 – 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.
18. RESOLUTION 343-21 – AUTHORIZING THE RELEASE AND REFUND OF PERMIT FEES – BEN’S PRO SERVE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, the Construction Official of the Township of Middle has certified to the Township Committee that Ben’s Pro Serve, submitted and paid \$95.00 for permit fees.
 WHEREAS, the Construction Official of the Township of Middle has certified to the Township Committee that Ben’s Pro Serve, is entitled to have \$72.80 refunded to them, since the job has been cancelled.
 NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle that the appropriate Officials are authorized to refund the permit fees to Ben’s Pro Serve in the amount referenced above.
19. RESOLUTION 344-21 – 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 |
|----------------------------|--------------------|--------------|----------|
| King Estates LLC | 462 Route 47 North | 5//20 | \$363.12 |
| Stites Avenue Property LLC | 213 Stites Avenue | 345//8 | \$319.92 |
20. RESOLUTION 345-21 – APPROVE CHANGE ORDER NO. 1 – SWAINTON ROAD PROJECT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, a Contract was awarded, on April 5, 2021, via Resolution No. 141-21 to Arawak Paving Co., Inc. for the Swainton Road Project.
 NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the attached Change Order #1 for the project awarded to Arawak Paving Co., Inc. is hereby approved, and that the change order results in a decrease of \$21,081.01 for an amended contract amount of \$257,818.99.

21. RESOLUTION 346-21 – ANNUAL FREE YARD SALE – 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 Township Committee of the Township of Middle, County of Cape May, does hereby authorize the annual free yard sale to be held September 17, 18 and 19, 2021 in the Township of Middle.

22. PUBLIC COMMENT: *NONE*

Chief Leusner:

- *Explained that Middle Township is a Civil Service jurisdiction; explained alternate route appointment process*
- *Spoke of other appointment methods such as intergovernmental transfers and rice lists*
- *Described new legislation and benefits of it*

ENGINEER REPORT:



Township of Middle
Project Status Report
August 16, 2021
Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

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:
 - Asphalt work completed
 - Items remaining -- Color stamp walkway scheduled for August 19, 2021
3. Linden Lane (Phase I & II):
 - Curb and sidewalk completed
 - Roadway construction to begin the week of August 23rd.
4. State Recertification for Center Designation:
 - Third and Final meeting scheduled for August 18, 2021
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) 360-0332 • FAX: (609) 360-9254

Vince Orlando:

- *Discussed engineer report presented to committee*

COMMITTEE COMMENTS:

Committeeman Norris:

- *Spoke of the summer basketball program and the success of the program; thanked Jeff Tobias for commentating and all sponsors*
- *Discussed recent summer concert series*
- *Commented on successful National Night Out*
- *Thanked all the local non-profits organizations involved as well as Butch Hamer*
- *Gave a special thank you to Middle Township Police Department for working the National Night Out and for their work done at the police summer youth camp*

Committeeman Gandy:

- *Thanked Chief Leusner and all his staff for their part in National Night Out*
- *Spoke of hiring new public works employees; explained Public Works is still short staffed if anyone is looking for work*

Mayor Donohue:

- *Stated the next meeting would be September 8th*
- *Thanked all staff for everything they've done this year dealing with covid*
- *Discussed spike in covid cases in the county; discussed current standing of covid number; stated the Township Committee will continue to meet publicly as long as they are able to*
- *Commented on the success of National Night Out; stated there was a great turnout for the event; continued to discuss the event*
- *Discussed the Whitesboro reunion and painting of Whitesboro School in time for the event*
- *Explained the September 8th meeting would be held at the Middle Township PAC; further explained that September 8th would be Police Appreciation Day; stated there were blue ribbons available to help show support for the Police; explained there would be many promotions and new hires for the Police Department during the meeting; asked the community to come out that night and show support of the Middle Township Police Department*
- *Stated there would be a memorial service at 9:30 am at Ockie Wisting on September 11th; further explained they would be recognizing the anniversary and of 9/11 and 1st responders within the community; stated the Township would also be recognizing local 1st responders that volunteered during 9/11*

- *Commented on the upcoming Harvest Festival*
- *Discussed the beginning of construction of the final portion of the Bike Path to connect Dennis Township and Middle Township*
- *Spoke of new hires for Public Works*
- *Recognized the retirement of Captain Don Nelson*
- *Stated tax bills had been sent out; thanked the ladies in the tax department for their hard work*
- *Commented on the approval of the annual yard sale to take place in September*

Motion to adjourn meeting – 6:26 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