

Cape May Court House, NJ
September 20, 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, Business Administrator/Township Clerk Kimberly Osmundsen, Deputy Business Administrator Suzanne Schumann, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

**Committeeman Norris Absent*

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.*)

Alberta, Goshen:

- *Asked about letter received regarding the removal of her roosters from her property*

Mayor Donohue:

- *Explained he is unsure of the reason for the letter s the ordinance had not been approved yet*

Kimberly Osmundsen:

- *Explained that the letter is regarding a noise complaint under a different ordinance*

Josh Nemeth, Goshen:

- *Explained he had roosters on his property; further explained he was unsure they are to be prohibited; stated his roosters crowing were not louder than a dog barking*

Mayor Donohue:

- *Explained the cause is an increase in police calls regarding rooster noise; further explained this ordinance was brought to the Township Committee by the Police Department due to an increase in calls*

Kimberly Osmundsen:

- *Explained the calls for police had tripled from 2020 to 2021; continued to explain the roosters are not being banned the ordinance is just requiring a certain amount of acreage to possess roosters*

Mayor Donohue:

- *Expressed understanding of both sides of the issue*

Josh Nemeth, Goshen:

- *Stated he has a rooster to protect his flock of chickens; explained how the roosters helps to protect the flock*

Mr. Bartah:

- *Discussed noises made by chickens and roosters*
- *Compared noise made by roosters to that of dogs*
- *Continued to explain reasons behind having roosters*

Mayor Donohue:

- *Asked Mr. Nemeth how large his property is*

Josh Nemeth, Goshen:

- *Stated he owns 2 acres*

Mrs. Bartah:

- *Stated her property is 2 acres*
- *Spoke of concern that residents complaining calling the police instead of reaching out to the rooster and chicken owners*
- *Urged displeased neighbors to have an open conversation if they are upset with regards to noise from roosters*

Linda Folly, CMCH:

- *Explained she has several roosters and has just over 3 acres of land; further explained she brings her rooster and chickens to schools in the county to experience the animals; Stated her roosters fertilize eggs that she provides to schools for classes to hatch and raise chicks*
- *Asked what will the Township do if residents are required to get rid of their chickens; further asked if the township would open a shelter for the animals*

Mayor Donohue:

- *Stated he was unsure*

Linda Folly, CMCH:

- *Stated she hopes the Committee takes the matter into consideration*

Ed Dillio, CMCH:

- *Discussed experience with chickens he has owned on his own property; explained he had never had a rooster; discussed his concerns with rooster*

personalities; stated he does not feel it is necessary to have a rooster to raise his chickens

Tom Clark, Goshen:

- Explained experience of ordering hens and receiving roosters instead
- Spoke of the difficulty to find someone to take the roosters
- Continued to discuss concerns regarding noise complaints; explained the noise difference between roosters compared to ATVs

Marcey Staler, Goshen:

- Explained she has 2 acres with a large farm next to her; stated she feels it is unfair to require someone that lives in an open area to have to get rid of their roosters

Mr. Bartah:

- Thanked Tom Clark for his comments

Chief Leusner:

- Added that this was brought forward by Code Enforcement; receiving an increase in complaints
- Spoke of other municipalities with similar Ordinances

Tom Clark, Goshen:

- Asked if the Township passes the ordinance, will the current roosters be grandfathered in

Mayor Donohue:

- Stated they would not be

2. RESOLUTION 377-21 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Mayor Donohue 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. \$1,196,487.36
3. RESOLUTION 378-21 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
4. REPORTS: Zoning for the month of August; Tax/Sewer Collector for the month of August; Sterback Harbor for the month of August; Finance for the month of August; Clerk for the month of August
5. ****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 10/18/2021 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 Avenue	West	Entire Length
S. Beach Avenue	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.
6. ****TABLED**** 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1634-21 was adopted on motion by _____ seconded by _____ and passed on roll call. Complete Ordinance is on file in the Clerk’s Office.
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.

No Comments

Committeeman Gandy:

- *Stated he thinks the Township Committee needs to reconsider the 5-acre requirement*

Mayor Donohue:

- *Explained he believes the Township Committee needs to take the comments made by residents into consideration*

7. ORDINANCE NO. 1635-21 - AN ORDINANCE AMENDING ORDINANCE NO. 1631-21 GOVERNING THE OPERATION OF RECREATIONAL USE CANNABIS LICENSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE TOWNSHIP OF MIDDLE On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, Ordinance No. 1635-21 passed first reading. Second reading, public hearing and consideration for adoption will be held on 10/18/2021 at 6:00 p.m. WHEREAS, the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act” (the “Act”) was enacted on February 22, 2021 and established a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations; and WHEREAS, the Act established six (6) 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 packing 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 Distributor license, for business involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis sites 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 customers; 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 fulfilment by a retailer and then delivered to a consumer.

WHEREAS, section 31B of the Act authorizes municipalities to prohibit, by ordinance, the operation of any one or more of the above-referenced classes of recreational use licensed business; and

WHEREAS, the Township was required to adopt any municipal regulation or prohibition or recreational use licenses within 180 days of the effective date of the act, or by August 22, 2021; and

WHEREAS, on or about August 2, 2021, the Township Adopted Ordinance 1631-21, which prohibited all recreational use marijuana related land use and development within the geographic boundaries of Middle Township and specifically prohibited the utilization of above-referenced classes of recreational use licensed business in all zoning districts within the Township; and

WHEREAS, the Act does not preclude a municipality from relaxing those regulations adopted by the August 22, 2021 deadline regarding the permissibility of said classes of licenses within the municipality; and

WHEREAS, the Township, as part of its continuing obligation to determine the best interests of the Township, has determined that the Township would benefit from permitting Class 1 and Class 2 Licensees to operate within the jurisdictional boundaries of the Township;

BE IT ORDAINED by the TOWNSHIP COMMITTEE, the governing body of the Township of Middle that the ORDINANCE of the TOWNSHIP OF MIDDLE be and is hereby amended as follows:

SECTION 1: Paragraph 1 is hereby amended to permit Class 1 and Class 2 categories subject to applicant’s receipt of all applicable planning, zoning and other local and state regulatory permits and approvals.

SECTION 2: Any 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 or clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

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

8. RESOLUTION 379-21 THROUGH 380-21 – APPOINTMENTS (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

(A) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Paul Johnston	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/15/2021
Adam McGraw	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	09/20/2021
Ryan Gallagher	Recreation	Recreation Aide P/T	\$15.00 per hour	09/20/2021

(B) WHEREAS, it is the desire of the governing body to appoint Thomas Keywood as Municipal Court Judge of the Township of Middle for a statutory term of three (3) years pursuant to N.J.S.A.: 2A:8-5; and WHEREAS, the annual salary is \$40,000 with a stipend for the Borough of Woodbine Municipal Court service of \$7,000 for years 1 and 2; and

WHEREAS, the annual salary is \$40,800 with a stipend for the Borough of Woodbine Municipal Court service of \$7,000 for year 3.

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 Thomas Keywood is hereby Judge of the Municipal Court of the Township of Middle for a three-year term effective October 1, 2021.

9. RESOLUTION 381-21 – ACKNOWLEDGEMENT OF DISCONTINUATION OF TEMPORARY APPOINTMENT – On motion by Committeeman Gandy seconded by Mayor Donohue 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
Lee German	Public Works	Laborer 1 T/A	09/10/2021
Frank Rosselli	Public Works	Laborer 1 T/A	09/10/2021

10. RESOLUTION 382-21 – ACKNOWLEDGEMENT OF TERMINATION – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

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

EMPLOYEE	DEPARTMENT	POSITION	EFFECTIVE
Karen Heinze	Construction	Clerk 1	09/10/2021

11. RESOLUTION 383-21 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Mayor Donohue 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
Kerry Gassler	Laborer 1	09/22/2021
Robert Turner	Laborer 1 F/T T/A	09/17/2021

12. RESOLUTION 384-21 – AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the CMCMUA's System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, the Township of Middle has utilized and desires to continue to utilize the services of the CMCMUA's System; and

WHEREAS, there presently exists a contract between the Township of Middle and the Authority for the use of the CMCMUA's System for the disposal, transfer, and recycling of solid waste which will expire on December 31, 2021 entitled "Shared Services Agreement for Solid Waste Disposal" ("Agreement"); and,

WHEREAS, the Township of Middle and the Authority desire to enter into a new agreement and to fix the expiration date of said agreement to occur on December 31, 2022; and

WHEREAS, the Authority has offered the “shared Services Agreement for Solid Waste Disposal and Recycling Services” to the Township of Middle in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA’s Solid Waste System from January 1, 2022 through December 31, 2022; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all of Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2022; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorized a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Middle, County of Cape May and State of New Jersey, that the Township of Middle shall enter into a contract with the Authority entitled “Shared Services Agreement for Solid Waste Disposal and Recycling Services”, effective January 1, 2022, in the form to be maintained on file in the office of the Middle Township Clerk, and that the appropriate Middle Township officials are hereby authorized and directed to execute said agreement.

13. RESOLUTION 385-21 – SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY CHAMBER OF COMMERCE EDUCATION FOUNDATION INC. – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Cape May County Chamber of Commerce Education Foundation Inc. has applied for approval to sell alcoholic beverages at an event to be held at Kindle Auto Plaza, 525 Stone Harbor Boulevard, Cape May Court House, New Jersey 08210 on October 2, 2021 from 8:00am until 5:00pm; 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.

14. RESOLUTION 386-21 – CANCELLATION OF TAXES – On motion by Committeeman Gandy seconded by Mayor Donohue 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.

ACCT	BLOCK	LOT	OWNER/LOCATION	2017	2018
15112	168	33	Kallok, Mark T & Theresa R Property location: 73 West Johnstown Lane 100% Disabled Veteran Status as of 09/13/2021	\$1,417.85	\$2,436.97

15. RESOLUTION 387-21 – REFUND OF TAXES – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, a refund is due for overpayment made on a tax-exempt property.

ACCT	BLOCK	LOT	OWNER/LOCATION	2021
18181	1436.03	15	Hogan, Laurence D & Jacqueline 24 Lochalsh Lane Rio Grande, NJ 08242 Property location: 24 Lochalsh Lane	\$576.44
15112	168	33	Kallok, Mark T & Theresa R 73 West Johnstown Lane Cape May Court House, NJ 08210 Property location: 73 West Johnstown Lane	\$173.08

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 388-21 – GRANTING TAX DEDUCTIONS – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the following deductions/exemptions have been granted on the properties listed below.

Account	Block	Lot	Owner/location	2021	2022
1670	56.01	88	Tremarki, Catherine D Property location: 602 Hand Ave Deduction: disabled	\$250.00	

5085	310	7	Helwig, Frederick C Trustee Property location: Deduction: Veteran	\$250.00	
18181	1436.03	15	Hogan, Laurence D & Jacqueline Property location: 24 Lochalsh Lane Deduction: 100% disabled as of 8/24/2021	\$1,896.66	\$2,584.40

17. RESOLUTION 389-21 – AMEND RATIFIED AGREEMENT BETWEEN THE TOWNSHIP OF MIDDLE AND THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the agreement between the Lower Township Municipal Utilities Authority and the Township of Middle, is hereby amended.

BE IT FURTHER SOLVED, that the appropriate officials are hereby authorized to sign said agreement in connection therewith.

Mayor Donohue:

- *Gave background on the project and joint agreement with the Lower Township Municipal Utilities Authority*
- *Spoke of ongoing discussions about the project cost*
- *Discussed increased cost per quarter for the water being brought to Del Haven residents; expects Lower Township MUA to have the agreement on their October 6th meeting*
- *Thanked everyone involved in this project*

18. RESOLUTION 390-21 THROUGH 391-21 – TABULATION COMMITTEE (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

(A) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on October 27, 2021 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

2021 DRAINAGE PROJECT

(B) NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on October 20, 2021 at 10:00 AM in the Middle Township Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

SECLUDED LANE ROADWAY IMPROVEMENTS

19. RESOLUTION 392-21 – STATEMENT OF INTENT TO PURSUE PLAN ENDORSEMENT AND AUTHORIZATION TO SUBMIT THE MUNICIPAL SELF-ASSESSMENT REPORT TO THE OFFICE OF SMART GROWTH – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the State Planning Act recognizes that New Jersey requires sound and integrated land use planning and coordination of planning at all levels of government in order to conserve the state’s natural resources, revitalize the urban centers, protect the quality of the environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan (State Plan); and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans and guide where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and WHEREAS, the State Planning Rules and Plan Endorsement Guidelines require the preparation and submission of a Municipal Self-Assessment Report as the means by which a municipality assesses the consistency of its existing community vision and planning documents with the State Plan; and

WHEREAS, the Township Committee of the Township of Middle desires to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, The Township of Middle has prepared a Municipal Self-Assessment Report pursuant to the State Planning Rules and Plan Endorsement Guidelines; and

WHEREAS, the Municipal Plan Endorsement Advisory Committee has reviewed the Municipal Self-Assessment Report and recommends that the Mayor and Committee approve it for submission to the State Planning Commission and the Office of Smart Growth towards the Township of Middle’s pursuit of Plan Endorsement.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Middle hereby expressly state the intention of the Township of Middle to pursue Plan Endorsement by the State Planning Commission; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Township Committee of the Township of Middle approves the Municipal Self-Assessment Report and authorizes it be submitted to the Office of Smart Growth for consideration and review as part of the effort to pursue Plan Endorsement.

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of Township of Middle shall transmit a copy of this Resolution and the Notice as required by the State Planning Rules to the State Planning Commission and the Office of Smart Growth.

No Public Comment

20. RESOLUTION 393-21 – ORDER REMOVAL OF VEHICLES FROM MUNICIPAL PARKING LOT – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Mayor Donohue 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 an Order to Remove Vehicles from the Municipal Parking Lot from the close of business on Friday, October 23, 2021 with a rain date of October 24, 2021, as needed until the conclusion of Harvest Festival, is hereby approved.
21. RESOLUTION 394-21 – ALLOWING CONSUMPTION OF ALCOHOL IN OPEN CONTAINERS AT HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
WHEREAS, the Township of Middle is conducting a “Harvest Festival” between 10:00am and 5:00pm on October 23, 2021 (rain date October 24, 2021 12:00pm – 5:00pm); and
WHEREAS, certain purveyors have acquired one day licenses for the sale of alcoholic beverages at said Harvest Festival; and
WHEREAS, Section 84-10 of the Code of the Township of Middle prohibits the carrying or consumption of alcoholic beverages in open containers in public areas within the Township of Middle; and
WHEREAS, it has been deemed in the best interest of the Township of Middle to permit the carrying or consumption of alcoholic beverages in an open container at the Harvest Festival.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Section 84-10 of the Code of the Township of Middle be and hereby is suspended on October 23, 2021 (rain date October 24, 2021 12:00pm – 5:00pm) between the hours of 10:00am and 5:00pm (or as stated in event a “rain date” is utilized) in the Municipal Parking Lot behind the Township Hall at 33 Mechanic Street, Cape May Court House, New Jersey.
FURTHER RESOLVED that this lifting of the aforescribed prohibition shall apply only to the time and place described above.
22. RESOLUTION 395-21 – AUTHORIZATION TO CLOSE BOYD STREET – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization to close the section of Boyd Street from Hand Avenue to Church Road on October 23, 2021 (rain date October 24, 2021) from 6:00am until 7:00pm for the Harvest Festival is hereby approved.
23. RESOLUTION 396-21 – RATIFY PROMISE OF DEFENSE AND INDEMNIFICATION AGREEMENT WITH CAPE MAY COUNTY FOR USE OF COUNTY PARKING LOT & CLOSURE OF MECHANIC STREET – HARVEST FESTIVAL – On motion by Committeeman Gandy seconded by Mayor Donohue 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 Promise of Defense and Indemnification Agreement between the County of Cape and the Township of Middle for the use of the County Parking Lot on October 23, 2021 (rain date October 24, 2021) and for the closure of Mechanic Street from 5pm Friday, October 22, 2021 to 10pm Sunday October 24, 2021 for the Harvest Festival, be and is hereby ratified.
FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.
24. RESOLUTION 397-21 – AFFIDAVIT OF ASSIGNMENT POSTING – On motion by Committeeman Gandy seconded by Mayor Donohue 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, and State of New Jersey.
2. A notice of assignment for tax title lien #2009-5800 was mailed to the assessed owner, Brown, Geo Sr. & Wilma Etals for block 1182 lot 9 by certified and regular mail pre postage paid.
3. Notice of assignment was published in the Herald-Times, Rio Grande, New Jersey on September 15th, 2021.
4. A Copy of the Notice of Sale was set up in three of the public places in the Municipality, namely:
1. Middle Township Municipal Hall
33 Mechanic St
Cape May Court House, NJ 08210
2. Rio Grande Post Office
1087 Rte 47 S
Rio Grande, NJ 08242

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

25. RESOLUTION 398-21 – 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
Newkirk, Henry S Etals	454 Shunpike	325 // 22	\$382.04
Federal Home Loan Mortgage Corp	656 Goshen Road	51 // 88	\$407.34

26. RESOLUTION 399-21 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – EB FENCE, LLC– FIELD #1 FENCE REPLACEMENT AT GOSHEN COMPLEX – On motion by Committeeman Gandy seconded by Mayor Donohue and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle has a need to enter into an agreement with EB Fence, LLC to replace the fencing on Field #1 at the Goshen Complex as a non-fair and open contract pursuant to the provisions under the Pay to Play regulations; and

WHEREAS, the Township of Middle will be entering into an agreement with EB Fence, LLC where the total amount is \$21,300.00, which exceeds the non-fair and open limitation of \$17,500.00; and

WHEREAS, EB Fence, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that said entity has not made any reportable contributions to a political or candidate committee in the Township of Middle in the previous one year, and that the contract will prohibit EB Fencing, LLC from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that authorization is hereby granted to enter into an agreement with said contractor and that the appropriate officials are hereby authorized to sign any and all document in connection therewith.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

27. PUBLIC COMMENT:

Maryann Alulis, CMCH:

- *Spoke of family enjoyment of using the bike path*
- *Asked Vince Orlando to look into uneven pavement on the Bike Path*

Vince Orlando:

- *Explained that he and Kimberly Osmundsen had gone out to look at the bike path*
- *Stated that he did not see the issue she was referring to*

Maryann Alulis, CMCH:

- *Explained issue with the path and that she has seen track marks from people riding off the path to avoid the area*

Mayor Donohue:

- *Asked exactly what the issue is*

Vince Orlando:

- *Explained it is the grading of the path*

Mayor Donohue:

- *Stated that he would take a look at the area as well*

Maryann Alulis, CMCH:

- *Thanked the Township for maintaining the bike path*

Lillian Wing, Whitesboro:

- *Asked if Committeeman Gandy was able to come to her house to look at her windows*

Kimberly Osmundsen:

- *Asked Ms. Wing if she had spoken with Nancy Sittineri regarding the new issues with her windows*

Lillian Wing, Whitesboro:

- *Spoke of her previous interactions with Mrs. Sittineri*

Kimberly Osmundsen:

- *Stated she would discuss the issues with Mrs. Sittineri*

COMMITTEE COMMENTS:

Committeeman Gandy:

- *Thanked everyone for coming out to the meeting*
- *Stated he would like to take a moment to recognize the passing of Pete Balestriere who passed away the previous week*
- *Discussed ribbon cutting at Sunshine Dentistry*
- *Spoke about new hires for Public Works; stated they are still looking for more employees*

Mayor Donohue:

- *Recognized the passing of Dorothy Roberson, the previous Court Administrator in Middle Township for over 30 years*
- *Stated the Township would be renaming the MLK basketball court after John Roberson*
- *Discussed the kickoff of restaurant week as well as the new restaurant, Provence in Cape May Court House; explained the event runs throughout the week and listed all restaurants involved in the event*
- *Discussed assisted living week; Committeeman Norris represented Township Committee at Brookedale*
- *Spoke of discussion during work session for the sand replenishment of Kimble Beach for the horseshoe crabs*
- *Discussed passing of Pete Balestriere*
- *Commented on the ribbon cutting at Sunshine Dentistry*
- *Discussed work done at the MLK Center for the relining of the courts; explained next step would be to replace the vinyl flooring*

Motion to adjourn meeting – 6:45 p.m.

1st: Committeeman Gandy 2nd: Mayor Donohue

Pass on Roll Call: Committeeman Gandy, Mayor Donohue

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman