

Cape May Court House, NJ
 May 16, 2022
 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 Osmundsen, Deputy Business Administrator Suzanne Schumann, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. RESOLUTION 240-22 – PROMOTION – POLICE DEPARTMENT – 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 employees in the Middle Township Police Department are hereby promoted to the titles opposite their name:

NAME	DEPARTMENT	TITLE	SALARY	EFF. DATE
*David Hagan	Public Safety – Police	Police Sergeant	\$122,695.96	05/16/2022

*Promoted from Certification List PL220452

Mayor Donohue

- *Mentioned that Officer Hagan was unable to attend meeting; will be sworn in at a later date*

2. RESOLUTION 241-22 THROUGH 242-22 – APPOINTMENTS (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, 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
Richard Herrmann	Public Safety – Police	Police Officer	\$52,490.86	05/16/2022

- (B) 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 individual is hereby appointed to the volunteer board opposite their name:

NAME	POSITION	BOARD	TERM EXPIRES
*Rev. Douglas Moore	Local Clergy	Law Enforcement Community Engagement Committee	12/31/2023

*Filling unexpired term

Mayor Donohue:

- *Welcomed new officer to the Middle Township family*
- *Spoke of high standard set for the department as one of the best in the State*

3. SWEARING IN OF POLICE OFFICER
4. 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.)

Dawn Robinson, Burleigh:

- *Asked about item 10*

Mayor Donohue:

- *Explained that redevelopment areas were established a few years ago and discussed certain circumstances that have taken place since*

Jim Maley, Redevelopment Counsel:

- *Also explained plan amendments and incorporating a settlement agreement within specific plans and specifying requirements in each area*

5. RESOLUTION 243-22 – 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. \$2,849,708.45

6. RESOLUTION 244-22 – 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: 03/07/2022 Closed Session and 05/02/2022 Regular Meeting.

7. REPORTS: Sterback Harbor for the month of April; Tax/Sewer Collection for the month of April; Zoning for the month of April; Clerk for the month of April

8. RESOLUTION 244-22 – CANCELING IMPROVEMENT AUTHORIZATION FUNDED FOR DEMOLITION OF UNSAFE STRUCTURES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
 WHEREAS, General Capital Improvement appropriation balances remain dedicated to a project; and
 WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be returned to Capital Improvement Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of Middle Township, New Jersey, that the following unexpended and dedicated balances for the General Capital Appropriations be cancelled:

Date	Project Description	Amount Funded
Auth.		Cancelled
10/21/2013	Demolition of Unsafe Structures - Ordinance 1461-13	\$25,491.65

9. ORDINANCE NO. 1645-22 – AN ORDINANCE AMENDING CHAPTER 204, ENTITLED “SEWERS”, OF THE CODE OF THE TOWNSHIP OF MIDDLE - Following second reading, hearing, and consideration for adoption, Ordinance 1645-22 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.

Mayor Donohue:

- *Explained reason for Ordinance to establish an appeal process.*

No public comment.

WHEREAS, to protect the public health, safety and welfare of the citizens of the Township of Middle, there is a need to upgrade lateral service to commercial properties to incorporate a 6-inch lateral sewer line; and
 WHEREAS the Township Committee also deems it appropriate to enact a procedure to allow commercial properties which will have less sewer flow usage to appeal the requirement of the enhanced lateral size and to establish a procedure for the appeal.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS

SECTION 1: The Averments set forth above shall be incorporated herein as if set forth at length.

SECTION 2: The following section shall be added to Chapter 204 as an amendment and shall be inserted in Section 204-22C(1) of that Chapter as subsection “(c)”:

204-22C(1)(c) LATERAL UPGRADES / FLOW METERS /APPEAL PROCEDURES

(i) All new commercial construction shall be required to install a 6-inch diameter lateral. For commercial developments containing multiple, separate units, each individual unit must be provided with its own, independent lateral connection. Each commercial lateral connection must be provided with separate clean out located at the building property line, accessible to the Township.

(ii) All new or existing commercial units shall be required to install an individual water flow meter if not serviced with Township water or the service recipient shall pay the default service rate set forth in the attached Schedule A-1, which is predicated upon DEP guidelines.

(iii) In the event that a new commercial property is serviced by a preexisting 4-inch lateral and the service recipient can demonstrate that the flow warrants the installation of a 4-inch line, then said service recipient may appeal to the Township for relief permitting the 4-inch lateral to remain.

(a) such appeal shall be initiated by providing the following:

(1) A detailed letter to the Administrator requesting the proposed relief;

(2) A written calculation by a licensed engineer or architect demonstrating the actual flow of the proposed commercial unit;

(3) Internal inspection by CCTV of the existing lateral or other evidence satisfactory to the Township establishing the existing condition of the preexisting lateral and acceptability for continued use;

(4) A detailed diagram of the building; and

(5) a \$500 escrow fee to cover the cost of the appeal review

(b) The appeal shall be decided by the Sewer Engineer, whose determination shall be binding.

(c) Further, in the event that the use of such a commercial premises changes, then the new service recipient must demonstrate the level of flow usage to justify the continued use of a 4-inch lateral, or the service must be upgraded to a 6-inch lateral.

SECTION 3: Any 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 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 5: This Ordinance shall become effective immediately upon final passage and publication, according to law.

***Schedule A-1 available for viewing in the Clerk’s Office.**

10. ORDINANCE NO. 1648-22 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE RIO GRANDE REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1648-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/22/2022 at 6:00 p.m.
- WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution 148-18, adopted on March 19, 2018, the Township Committee of the Township of Middle (“Township Committee”) declared Block 1434, Lots 2, 3, 4, 8 and 9 as an Non-Condensation Redevelopment Area (“Rio Grande Redevelopment Area”); and WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and
- WHEREAS, on April 16, 2018, by way of Ordinance 1562-18, the Township Committee adopted a redevelopment plan for the Rio Grande Redevelopment Area (“Original Redevelopment Plan”), which set forth a plan for the development and redevelopment of the Rio Grande Redevelopment Area; and WHEREAS, on January 26, 2022, the Township of Middle entered into a Settlement Agreement with Fair Share Housing Center to resolve the affordable housing litigation under the caption, In the Matter of the Township of Middle, Cape May County, Docket No.: CPM-L-27-19 (“Affordable Housing Settlement Agreement”), which sets forth the Township’s affordable housing obligations for the Third Round; and WHEREAS, as part of the Affordable Housing Settlement Agreement, the Township agreed to amend the Original Redevelopment Plan to create a realistic opportunity for the construction of affordable housing within the Rio Grande Redevelopment Area to satisfy a portion of the Township’s Third Round affordable housing obligations; and
- WHEREAS, in order to comply with its obligations under the Affordable Housing Settlement, the Township prepared an Amended Redevelopment Plan for the Rio Grande Redevelopment Area, Middle Township, Cape May County, New Jersey, 2022 (“Amended Redevelopment Plan”); and
- WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the Township Committee referred the Amended Redevelopment Plan to the Township of Middle Planning Board (“Planning Board”) for its review; and WHEREAS, following a public hearing, the Planning Board recommended to the Township Committee that the Amended Redevelopment Plan, which is on file with the Township Clerk’s office, be adopted, as it provides for the planning, development, redevelopment, and rehabilitation of the Rio Grande Redevelopment Area, is consistent with the Township’s Master Plan and is designed to effectuate the Housing Element and Fair Share Plan of the Master Plan; and
- WHEREAS, the Committee has determined that it is in the best interest of the Township to adopt the Amended Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Township; and
- NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey, as follows:
- Section 1. The Township hereby adopts the “Amended Redevelopment Plan For the Rio Grande Redevelopment Area, Township of Middle, Cape May County, New Jersey, 2022” to facilitate the rehabilitation and redevelopment of the Rio Grande Redevelopment Area within the Township of Middle, and to comply with the Township’s affordable housing obligation as set forth in the Settlement Agreement, dated January 26, 2022, between the Township of Middle and Fair Share Housing Center to resolve the affordable housing litigation under the caption, In the Matter of the Township of Middle, Cape May County, Docket No.: CPM-L-27-19. The Amended Redevelopment Plan supersedes and replaces in its entirety the “Redevelopment Plan For the Rio Grande Redevelopment Area, Township of Middle, Cape May County, New Jersey, 2018” adopted on April 16, 2018 by way of Ordinance 1562-18.
- Section 2. The Committee declares and determines that said Amended Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Rio Grande Redevelopment Area within the Township and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.
- Section 3. The Committee shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.
- Section 4. The Amended Redevelopment Plan shall supersede other local development regulations, to the extent specific requirements are set forth in the Amended Redevelopment Plan, and the Township Zoning Map is hereby amended to conform with the provisions of the Amended Redevelopment Plan.
- Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
- Section 6. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.
- Section 7. This Ordinance shall take effect after final adoption and publication according to law.
- *Complete plan available for viewing in the Clerk’s Office
11. ORDINANCE NO. 1649-22 – AN ORDINANCE OF THE TOWNSHIP OF MIDDLE ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE INDIAN TRAIL REDEVELOPMENT AREA WITHIN THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, NEW JERSEY - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1649-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/22/2022 at 6:00 p.m.
- WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., Resolution No. 167-18, adopted on April 2, 2018, the Township Committee of the Township of Middle (“Township Committee”) declared Blocks 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, Block 210 and Block 211 within the Township, a Condemnation Area in Need of Redevelopment (“Original Redevelopment Area”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, on May 7, 2018, by way of Ordinance 1564-18, the Township Committee adopted a redevelopment plan for the Original Redevelopment Area (“Original Redevelopment Plan”), which set forth a plan for the development and redevelopment of the Original Redevelopment Area; and

WHEREAS, on or about May 23, 2018, certain property owners within the Original Redevelopment Area filed a Complaint in Lieu of Prerogative Writs, captioned Jewell Cheeks, et al. v. Middle Township, et al., Docket No. ATL-L-001446-18, in the Superior Court of New Jersey challenging the actions of the Township, Planning Board, and the Township Committee in designating the Original Redevelopment Area as a Condemnation Redevelopment Area (the “Redevelopment Lawsuit”); and

WHEREAS, in order to resolve the Redevelopment Lawsuit, the Township entered into a Settlement Agreement (the “Redevelopment Settlement Agreement”) in which the Township agreed to re-designate Block 173, Lot 5; Block 200, Lot(s) 5, 6, 7, 8, and 9; Block 201, Lot(s) 1 and 3; Block 204, Lot(s) 3, 4, 6, 7, and 8; Block 205, Lot(s) 1, 3, 4, 5, 6, 7, and 9; Block 206, Lot(s) 4, 5, and 7; Block 208, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, and 21; Block 210, Lot(s) 1, 2, 3, 4, 6, 7, and 8 in the Original Redevelopment Area as a Non-Condemnation Redevelopment Area and amend the Original Redevelopment Plan to reflect the new designation; and

WHEREAS, on October 15, 2018, the Township Committee adopted Resolution 413-18 which confirmed the designation of Block 169, Lot(s) 2, 3, 4, 5, 6, 7, 8, and 9; Block 170, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 171, Lot(s) 1 and 2; Block 172, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 173, Lot(s) 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11; Block 175, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; Block 176, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Block 177, Lot 1; Block 178, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 179, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 180, Lot(s) 1 and 2; Block 181, Lot(s) 1, 2, 3, 4, 5, 6, and 7; Block 182, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 183, Lot(s) 1 and 2; Block 184, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 185, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 186, Lot(s) 1 and 2; Block 187, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Block 188, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; Block 189, Lot(s) 1 and 2; Block 190, Lot(s) 1 and 2; Block 191, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; Block 192, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 193, Lot(s) 1, 2, and 3; Block 194, Lot(s) 1, 2, and 3; Block 195, Lot(s) 1, 2, 3, 4, 5, 6, 7, and 8; Block 196, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Block 197, Lot(s) 1, 2, 3, and 4; Block 198, Lot(s) 1, 2, and 3; Block 199, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; Block 200, Lot(s) 1, 2, 3, and 4; Block 202, Lot(s) 1, 2, 3, 4, and 5; Block 203, Lot(s) 1, 2, 3, 4, and 5; Block 204, Lot(s) 1, 2, 5, 9, 10, 11, 12, 13, and 14; Block 205, Lot(s) 2 and 8; Block 206, Lot(s) 1, 2, 3, and 6; Block 207, Lot 1; Block 208, Lot 12; Block 210, Lot(s) 5, 9, 10, and 11; Block 211, Lot 1 as a Condemnation Redevelopment Area (“Condemnation Redevelopment Area”) and re-designated Block 173, Lot 5; Block 200, Lot(s) 5, 6, 7, 8, and 9; Block 201, Lot(s) 1 and 3; Block 204, Lot(s) 3, 4, 6, 7, and 8; Block 205, Lot(s) 1, 3, 4, 5, 6, 7, and 9; Block 206, Lot(s) 4, 5, and 7; Block 208, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, and 21; Block 210, Lot(s) 1, 2, 3, 4, 6, 7, and 8 within Original Redevelopment Area as a Non-Condemnation Redevelopment Area (“Non-Condemnation Redevelopment Area”) (the Condemnation Redevelopment Area and Non-Condemnation Redevelopment Area are collectively referred to as the “Indian Trail Redevelopment Area”); and

WHEREAS, after discovery that Resolution 413-18 contained a clerical error, Resolution 456-18 was adopted on November 19, 2018, to rescind and replace Resolution 413-18 in order to correct the clerical error; and

WHEREAS, the Original Redevelopment Plan was thereafter amended by way of Ordinance 1578-18, adopted on December 17, 2018, which amended the Original Plan to reflect that certain properties had been re-designated as a Non-Condemnation Redevelopment Area (“First Amendment”); and

WHEREAS, on January 26, 2022, the Township of Middle entered into a Settlement Agreement with Fair Share Housing Center to resolve the affordable housing litigation under the caption, In the Matter of the Township of Middle, Cape May County, Docket No.: CPM-L-27-19 (“Affordable Housing Settlement”), which sets forth the Township’s affordable housing obligations for the Third Round; and

WHEREAS, as part of the Affordable Housing Settlement Agreement, the Township agreed to amend the Original Redevelopment Plan and First Amendment to create a realistic opportunity for the construction of affordable housing within the Indian Trail Redevelopment Area, to satisfy a portion of the Township’s Third Round affordable housing obligations; and

WHEREAS, in order to comply with its obligations under the Affordable Housing Settlement, the Township prepared an Amended Redevelopment Plan for the Indian Trail Redevelopment Area, Middle Township, Cape May County, New Jersey, 2022 (“Amended Redevelopment Plan”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), the Township Committee referred the Amended Redevelopment Plan to the Township of Middle Planning Board (“Planning Board”) for its review; and

WHEREAS, following a public hearing, the Planning Board recommended to the Township Committee that the Amended Redevelopment Plan, which is on file with the Township Clerk’s office, be adopted, as it provides for the planning, development, redevelopment, and rehabilitation of the Indian Trail Redevelopment Area, is consistent with the Township’s Master Plan and is designed to effectuate the Housing Element and Fair Share Plan of the Master Plan; and

WHEREAS, the Committee has determined that it is in the best interest of the Township to adopt the Amended Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Township; and

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

Section 1. The Township hereby adopts the “Amended Redevelopment Plan For the Indian Trail Redevelopment Area, Township of Middle, Cape May County, New Jersey, 2022” to facilitate the rehabilitation and redevelopment of the Indian Trail Redevelopment Area within the Township of Middle, and to comply with the Township’s affordable housing obligation as set forth in the Settlement Agreement, dated January 26, 2022, between the Township of Middle and Fair Share Housing Center to resolve the affordable housing litigation under the caption, In the Matter of the Township of Middle, Cape May County,

Docket No.: CPM-L-27-19. The Amended Redevelopment Plan supersedes and replaces in its entirety both the “Redevelopment Plan For the Indian Trail Redevelopment Area, Township of Middle, Cape May County, New Jersey, 2018” adopted on November 19, 2018 by Resolution 456-18 and the First Amendment adopted on December 17, 2018 by Ordinance 1578-18.

Section 2. The Committee declares and determines that said Amended Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Indian Trail Redevelopment Area within the Township and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Committee shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

Section 4. The Amended Redevelopment Plan shall supersede other local development regulations, to the extent specific requirements are set forth in the Amended Redevelopment Plan, and the Township Zoning Map is hereby amended to conform with the provisions of the Amended Redevelopment Plan.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

*Complete plan available for viewing in the Clerk’s Office

12. ORDINANCE NO. 1650-22 – AN ORDINANCE REPEALING AND REPLACING THE AFFORDABLE HOUSING ORDINANCES OF THE TOWNSHIP OF MIDDLE, CAPE MAY COUNTY, STATE OF NEW JERSEY - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1650-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/22/2022 at 6:00 p.m.

WHEREAS, the Township of Middle (the “Township”) has an affirmative statutory and constitutional obligation to provide its fair share of affordable housing for low- and moderate-income households within the Township; and

WHEREAS, to satisfy the Township’s affordable housing obligations, on January 26, 2022, the Township of Middle entered into a Settlement Agreement with Fair Share Housing Center to resolve the affordable housing litigation under the caption, In the Matter of the Township of Middle, Cape May County, Docket No.: CPM-L-27-19 (“Affordable Housing Settlement Agreement”), which sets forth the Township’s affordable housing obligations for the Third Round; and

WHEREAS, part of the Township’s affordable housing obligation is to ensure that a municipality’s ordinances are designed to effectuate the provision of affordable housing in a manner that will enable the municipality to provide its fair share of affordable housing; and

WHEREAS, upon review of its Ordinances, the Mayor and Township Committee of the Township (the “Township Committee”) have determined that the Ordinances governing affordable housing obligations within the Township are in need of amendments to reflect the current legal standards applicable to affordable housing developments, including the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”) and the Affordable Housing Settlement Agreement; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to revise and update its affordable housing Ordinances to ensure that the Township can continue to satisfy its affordable housing obligations in the future and ensure compliance with the Settlement Agreement; and

WHEREAS, the Township Committee has determined it is in the best interest of the Township to repeal Chapter 250, Article VIII of the Code of the Township of Middle and replace it with the language set forth in Exhibit A and to repeal and replace Section 116-3 of the Code of the Township of Middle to be consistent with the definitions set forth in Exhibit A; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element and Housing Element; and

WHEREAS, a copy of this Ordinance has been referred to the Planning Board in accordance with N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-27 and the Planning Board has determined that it is consistent with the adopted Land Use Plan Element and Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Middle as follows:

Section 1. Purpose. The purpose of this Ordinance is to revise and update the affordable housing Ordinances of the Township of Middle to reflect the current legal standards applicable to affordable housing developments, to comply with the Township’s obligations under the Affordable Housing Settlement Agreement and to enable the Township of Middle to continue to satisfy its affordable housing obligations in the future.

Section 2. Amendment to Chapter 250, Article VIII. Chapter 250, Article VIII, of the Code of the Township of Middle is hereby repealed in its entirety and replaced with Exhibit A attached hereto.

Section 3. Amendment to Section 116-3. Section 116-3 of the Code of the Township of Middle is hereby repealed in its entirety and replaced with the following:

§116-3. Definitions

All terms used in Chapter 116 shall have the meanings set forth in Section 250-802 of the Township Code.

Section 4. Continuation. In all other respects, the general zoning standards of Chapter 250 of the Township of Middle shall remain unchanged.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Middle, then the provisions of this Ordinance shall govern.

Section 7. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 8. Notice. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Cape May County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required). The Township Clerk is also directed to give notice of the introduction and adoption of this Ordinance in accordance with N.J.S.A. 40:49-2.1.

Section 9. Referral to Planning Board. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Middle for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

BE IT FURTHER ORDAINED, the Township Committee that this Ordinance shall take effect immediately upon (1) final passage and adoption; (2) publication in accordance with the law of the State of New Jersey; and (3) filing of the final form of the adopted ordinance by the Clerk with (a) the Cape May County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

13. ORDINANCE NO. 1651-22 - AN ORDINANCE TO AMEND CHAPTER 106, ENTITLED CANNABIS OF THE CODE OF THE TOWNSHIP OF MIDDLE TO REGULATE THE PROCESS FOR OBTAINING LOCAL SUPPORT FOR SUITABILITY OF CANNABIS BUSINESS - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1651-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/22/2022 at 6:00 p.m.

WHEREAS, on October 18, 2021, pursuant to the provisions of N.J.S.A. 24:6I-45, the Mayor and Township Committee ("Township Committee") of the Township of Middle ("Township") adopted Ordinance No. 1635-21 authorizing certain marketplace classes of licensed cannabis businesses within the Township of Middle, subject to the applicant's receipt of all applicable planning, zoning and other local and state regulatory permits and approvals; and

WHEREAS, the Township Committee has determined that Class 1 and Class 2 category licenses should be permitted in appropriate locations and regulated to protect the health, safety and welfare of its citizens; and WHEREAS, an Applicant that seeks to own and operated a proposed cannabis business is required to demonstrate local support from a municipality as to the suitability and appropriateness of its business location pursuant to N.J.A.C. 17:30-5.1(g) and/or N.J.S.A. 24:6I-7.2(d)(4)(c); and

WHEREAS, Township officials are required to inform the Cannabis Regulatory Commission ("Commission") whether a request of an Applicant to conduct a cannabis business at a specific location complies with the Township's Ordinances or regulations, as it may be applicable, pursuant to N.J.A.C. 17:30-5.1(d); and

WHEREAS, the Township may provide input to the Commission as to the Municipality's preferences for licensure pursuant to N.J.A.C. 17:30-6.3; and

WHEREAS, the Township has determined that an administrative process must be established to review requests to determine whether the proposed location is suitable and appropriate for the proposed activities that are related to the operations of the proposed cannabis business.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Middle as follows:

BE IT ORDAINED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey that the code of the Township of Middle, Chapter 106, entitled "Cannabis" shall be amended as follows:

1. The Township hereby amends Chapter 106 of the code of the Township of Middle to establish fees by the establishment and insertion of a new sub-chapter, 106-7, entitled "Application Fee for Cannabis Suitability Review" as set forth below:

§ 106-7 Resolution of Local Support

No person, firm or corporation may be permitted to own or operate a recreational cannabis business without first having acquired a properly adopted Resolution of Local Support in accordance with the provisions of this Chapter.

A. Application. All applicants requesting local support pursuant to N.J.A.C. 17:30-5.1(g) shall submit a completed application form and supply all items requested by local officials in a manner prescribed by the Township. Said application must include a non-refundable fee of \$2,500.00 for the administrative review of the applicant's concept plan, and any other information deemed necessary to determine the suitability of the specific cannabis business and activities related to its business operations for the proposed location.

B. Administrative Review. Said request shall be subject to review by Township Officials and by the Township Redevelopment Committee, if deemed necessary. Township Official and/or the Redevelopment Committee shall issue its recommendations to the Township Committee who shall adopt a Resolution to either approve or deny the request of support, which may include conditions for approval. C. Land-Use Compliance Required. The adoption of a Resolution of support does not constitute a zoning permit or land use approval and no lot hereafter may be used and no building or part thereof hereafter may be demolished, erected, constructed, reconstructed, moved, extended, converted, altered, maintained or used except in conformity with the provisions of this Chapter, Township Ordinances and all other applicable government requirements, conditions and approvals.

D. Appeal. In the event of the denial of local support, the applicant may appeal to the Township Committee for a hearing. The appeal shall be filed, in writing, with the Township Clerk within fourteen (14) calendar days after notification of the denial. The Township Committee shall hold its hearing within fourteen (14) calendar days thereafter and its decision shall be final.

2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.
3. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of Township Committee that the balance of this Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.
4. This Ordinance shall take effect after final adoption and publication according to law.

14. ORDINANCE NO. 1652-22 - BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MIDDLE, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$2,673,025 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,545,735 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1652-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/22/2022 at 6:00 p.m.

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Middle, in the County of Cape May, State of New Jersey (the “Township”) as general capital improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$2,673,025, including the sum of \$127,290 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 \$127,290 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 \$2,673,025 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 \$2,545,735 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 \$2,545,735 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>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Road and Drainage Improvements</u> – Road 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, And Aesthetic Improvements;	\$1,500,000	\$1,428,571	\$71,429	20.00 years
(ii) <u>Public Works</u> –Improvements Including, But Not Limited To, Milling And Paving The Public Works Facility Parking Lot; And Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles Including, But Not Limited To, A Utility Detection Radar System, A Front-End Loader, Pick-Up Trucks w/ Plows And/Or Spreaders, As And If Applicable;	\$443,041	\$421,943	\$21,098	6.69 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(iii) <u>Recreation</u> –Improvements To Various Recreational Facilities Including, But Not Limited To, Conversion Of Skate Park To Outdoor Basketball Court, Roof Improvements And/Or Replacement For Main Building And Snack Stand (Goshen); Resurface Outdoor Basketball Courts And Roof Improvements And/Or Replacement (MLK); And Roof Improvements And/Or Replacement At The Senior Center (Devico); And/Or Any Other Facility Improvements As Deemed Necessary By The Township;	\$295,484	\$281,413	\$14,071	17.50 years
(iv) <u>Police</u> - Acquisition And Installation, As Applicable, Of Various Equipment For The Police Department Including, But Not Limited To, E-Ticket Software And Hardware And A Drone; Various Video System Improvements; Access Control Door Improvements; And Record Management Improvements Including, But Not Limited To, Electronic Digitization of Records And The Acquisition And Installation, As Applicable, Of Scanning Devices And/Or Other Computer Hardware And Software;	\$289,500	\$275,714	\$13,786	7.91 years
(v) <u>Administration</u> – Acquisition And Installation, As Applicable, Of Computer Hardware And Software For Administration, Clerk And Registrar; Acquisition Of Two (2) Non-Passenger Vehicles; And	\$75,000	\$71,428	\$3,572	5.00 years
(vi) <u>Heating, Ventilation and Air-Conditioning</u> (“HVAC”) – Township-Wide HVAC Improvements Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Handlers And Associated Equipment.	\$70,000	\$66,666	\$3,334	10.00 years
TOTALS	<u>\$2,673,025</u>	<u>\$2,545,735</u>	<u>\$127,290</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 \$2,545,735.

(d) The aggregate estimated cost of said improvements or purposes is \$2,673,025, 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 \$127,290.

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 unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 15.53 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 \$2,545,735 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 \$534,605 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.

15. ORDINANCE NO. 1653-22 – AN ORDINANCE AMENDING ORDINANCE NOS. 1631-21 AND 1635-21 GOVERNING THE OPERATION OF RECREATIONAL USE CANNABIS LICENSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE TOWNSHIP OF MIDDLE - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1653-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 06/22/2022 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 fulfillment 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, pursuant to Ordinance 1635-21 adopted in October of 2021, the Township permitted Class 1 and Class 2 License(s) under certain circumstances; and

WHEREAS, the Township Committee, as part of its continuing obligation to determine the best interests of the Township, has determined that the Township would benefit from permitting a single Class 5 License to operate within the Township.

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

SECTION 1: Ordinances 1631-21 and 1635-21 are hereby further amended to permit: One (1) Class 5 License, 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.

16. RESOLUTION 246-22 – ACKNOWLEDGMENT 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	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Brian Milburn	Public Works	Laborer 1 F/T Permanent	05/13/2022
Don Nelson	Zoning Board of Adjustment	Alternate Member #2	05/10/2022

17. RESOLUTION 247-22 – 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 appointed to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Nikki Hober	Public Safety	Code Enforcement Officer	04/02/2022

18. RESOLUTION 248-22 – APPROVE CHANGE ORDER NO. 1 (FINAL) – 2020 ROAD IMPROVEMENT PROGRAM – 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 March 1, 2021, via Resolution No. 111-21 to South State, Inc. for the 2020 Road Improvement Program 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 South State, Inc. for Secluded Lane Roadway Improvements is hereby approved, and that the change order results in a decrease of \$6,062.05 for a total contract amount of \$265,972.95.

19. RESOLUTION 249-22 – AWARD OF BID – CONTRACT #2021-02 - MIDDLE TOWNSHIP HOME REHABILITATION PROJECT – 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 and desirable to solicit bids for the Home Rehabilitation Program for Contract No 2021-02, and

WHEREAS, the Township received bids on April 13, 2022; and

WHEREAS, it appears that the following bid submitted below represents a figure equal to the lowest bid received, which complies with specifications.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the contract for the following Home Rehabilitation Programs be and hereby is awarded as described:

Contract No.	Awarded to:	Total Bid Amount
2021-02	D D & S Construction LLC	\$37,400.00

FURTHER BE IT RESOLVED, that these awards are conditioned upon certification of availability of funds.

20. RESOLUTION 250-22 – EXTEND LEASE AGREEMENT – QUALITY CARE RESOURCE CENTER & REFERRAL SERVICES, INC. – WHITESBORO SCHOOL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, in March 2021 retroactive to February 2020, the Township and Quality Care entered into a lease agreement in which the Township lease to Quality Care Resource Center & Referral Services Inc. a portion of the commercial offices located in the property commonly known as the Whitesboro School; and WHEREAS, the Township and Quality Care wish to extend that lease agreement, subject to the modified terms set forth below,

NOW, THEREFORE, the Township and Quality Care Resource Center & Referral Services Inc. agree as follows:

1. The averments of the preamble are incorporated herein
2. The current lease Agreement between the Township and Quality Care Resource Center & Referral Services Inc. is hereby extended from July 1, 2022 until December 31, 2023,
3. Quality Care Resource Center & Referral Services Inc. is to pay the monthly rent for occupancy of the leased premises of \$700.
4. Any claims or disputes arising from this lease agreement shall be venued in the Superior Court of New Jersey in the County of Cape May or in the Middle Township Municipal Court.
5. All other terms of the Lease Agreement between the Township and Quality Care Resource Center & Referral Services Inc., as extended from July 1, 2022 through December 31, 2023, shall remain in full force and effect, and are incorporated into this Lease Extension Agreement.

21. RESOLUTION 251-22 – REQUESTING STUDY OF BUS STOP DESIGNATION – EAST LENA STREET – 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 received a request for the placement of a NJ Transit Bus Stop along US Route 9, in the area of East Lena Street & Garden Lake Mobile Home Park, in the Burleigh section of Middle Township.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, requests that New Jersey Transit review and ensure that this resident request for an additional NJ Transit Bus Stop along US Rte 9 meets all of their requirements and is located in a safe and convenient area along an established bus route.

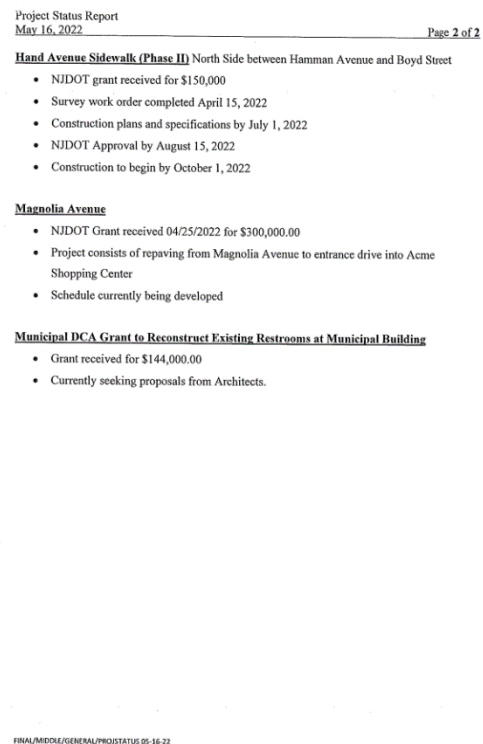
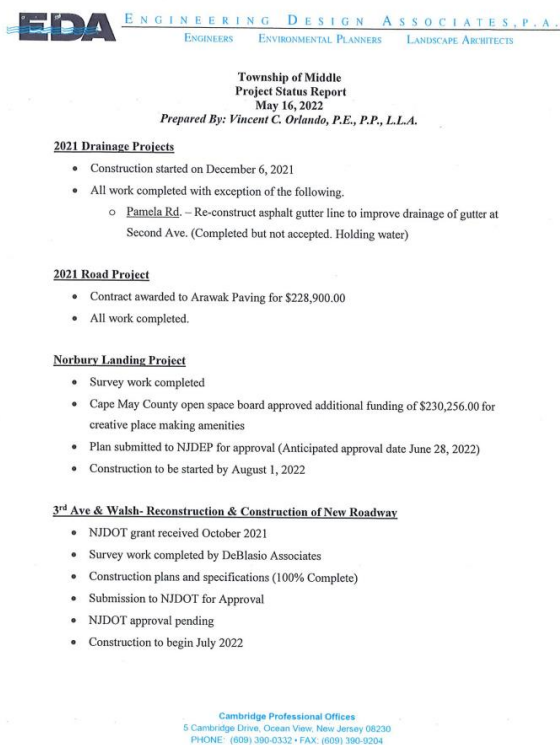
22. RESOLUTION 252-22 – AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT – COUNTY OF CAPE MAY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby authorize the execution of the Memorandum of Agreement with the County of Cape May relative to sewer fees for Block 95.06 Lot 30, otherwise known as 355 Court House South Dennis Road.
BE IT FURTHER RESOLVED, that the appropriate officials are hereby authorized to sign any and all documents in connection therewith.
23. RESOLUTION 253-22 – SUPPORT COUNTY STUDY TO EVALUATE SPEED REDUCTION – DIAS CREEK ROAD – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the County of Cape May Engineering Department has proposed speed reduction to 35mph on Dias Creek Road (CR612); and
WHEREAS, the County of Cape May requires a resolution of support from the municipality in order to promulgate a traffic study.
NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, does hereby support a traffic study along Dias Creek Road with regards to a Speed Reduction.
24. RESOLUTION 254-22 - MUNICIPAL SUPPORT FOR RESPONSIBLE PET OWNERSHIP PROGRAMS IN THE COMMUNITY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
RECOGNIZING that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets, and
UNDERSTANDING that municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners.
WHEREAS legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s);
WHEREAS there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey;
WHEREAS New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries;
WHEREAS State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services;
WHEREAS The New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws;
WHEREAS New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators;
WHEREAS New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities;
WHEREAS approximately 37% of the animals that enter New Jersey’s impoundment facilities are euthanized, at a rate of around 3000 every month;
WHEREAS free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces;
WHEREAS stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and
WHEREAS it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats; and
WHEREAS all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats. (Current vaccination against rabies is a pre-requisite to licensure);
WHEREAS all municipalities are required to canvass their residents to locate unlicensed dogs;
NOW THEREFORE, we the municipality of Middle Township, resolve to take the following steps with regard to our municipal responsibilities with the intent of making a truly sustainable community.
It is our intent to do our utmost, within the bounds of our jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:
Authority of municipalities:
Pursuant to New Jersey Statutes, all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and coverage outside of normal working hours;
The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate;
The NJ Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed;
The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.
The Municipality pledges to:

- Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.
- Work to improve the enforcement of animal cruelty statutes.
- Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep.
- Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.
- Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.
- Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
- Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

25. ENGINEERING REPORT:

Vince Orlando:

- Reviewed report presented to Committee:



26. PUBLIC COMMENT:

Dawn Robinson, Burleigh:

- *Asked about item 14 and if streets are picked out*

Kim Osmundsen:

- *Asked Mr. Robinson where she was speaking of specifically*

Dawn Robinson, Burleigh:

- *Provided Ms. Osmundsen with the street she resides on and indicated it is included in the Indian Trail Redevelopment plan*

Mayor Donohue:

- *Discussed non- condemnation*

Dawn Robinson, Burleigh:

- *Continued to discuss her street*

Kimberly Osmundsen:

- *Continued to explain street reconstruction and road maintenance*

Rosie Jefferson, Whitesboro:

- *Discussed vending machines at the MLK center*
- *Provided thoughts regarding proposed Roberson dedication*

Ron Jost:

- *Asked various questions regarding cannabis businesses*

Mayor Donohue:

- *Asked for clarification of questions*

Ron Jost:

- Clarified questions

Mayor Donohue:

- Provided updated on pending medical cannabis applications

Rosie Jefferson:

- Asked about upgrades to various items at the MLK Center

Kimberly Osmundsen:

- Discussed the various items

Quanette Vassner McNeal, Whitesboro:

- Asked about affordable housing

James Maley:

- Discussed ongoing affordable housing actions

Dawn Robinson, Burleigh:

- Continued to ask questions regarding affordable housing

James Maley:

- Provided updates for each question regarding affordable housing

Denise, Rio Grande:

- Asked about obtaining copies of the ordinance; asked various questions about the ordinance

Kimberly Osmundsen:

- Discussed obtaining copies of the ordinance

Quanette Vassner McNeal, Whitesboro:

- Asked about term 'unit' in the ordinance

James Maley:

- Clarified the term

Ron Jost:

- Asked about accessibility requirements

James Maley:

- Clarified state requirements

Quanette Vassner McNeal, Whitesboro:

- Asked about item 20 on the agenda

Kimberly Osmundsen:

- Discussed leasing

Quanette Vassner McNeal, Whitesboro:

- Asked various questions about leasing

Kimberly Osmundsen:

- Outlined leasing of municipal facilities

Quanette Vassner McNeal, Whitesboro:

- Asked about speed reduction on Dias Creek Road
- Spoke of concerns for speeding on Shunpike

Mayor Donohue:

- Discussed traffic studies completed and their results; spoke of addition of signage and traffic calming measures

Rosie Jefferson:

- Discussed concerns regarding the recycling materials at the MLK Center

Kimberly Osmundsen:

- Discussed disposal of the materials; suggested Rosie call Public Works regarding the issue

Quanette Vassner-McNeal, Whitesboro:

- Asked about item 11

James Maley:

- Explained redevelopment ordinances

Committeeman Gandy:

- Spoke of scenario for an entire affordable housing project

Quanette Vassner McNeal, Whitesboro:

- Continued to ask various questions about the redevelopment area

James Maley:

- Answered questions regarding the area and the development process in relation to affordable housing

Dawn Robinson, Burleigh:

- Asked about development on Oyster Road and Shunpike

Vince Orlando:

- Discussed development

Denise, Rio Grande:

- *Asked who the developer would come to*

Committeeman Gandy:

- *Explained developers must go in front of the Zoning and Planning Boards; further discussed process*

Quanette Vassner-McNeal, Whitesboro:

- *Discussed history of affordable housing*

Mayor Donohue:

- *Spoke of affordable housing complexes; continued to discuss the complexes*

Angie Cooper, Whitesboro:

- *Asked about asked about rent caps and vouchers*

Mayor Donohue:

- *Explained complexes are not rent controlled*

James Maley:

- *Explained subsidies in construction; explained intent to generate different rents for a percentage of the housing*
- *Spoke of zoning ordinance requirements for deed restrictions and requirement for New Jersey authorized affordable units; explained the affordable housing rental guide*

Dawn Robinson, Burleigh:

- *Spoke of Mayor Donohue's commented regarding orders from the state*

Mayor Donohue:

- *Explained character of Middle Township*
- *Discussed type of properties that make up the Township*
- *Further discussed obligation to spend affordable housing trust fund monies in 2012 and 2013*

Dawn Robinson, Burleigh:

- *Asked what was considered a development*

Vince Orlando:

- *Explained*

Quanette Vassner-McNeal:

- *Asked about other areas in the Township for redevelopment*

Mayor Donohue:

- *Explained redevelopment areas*

Kimberly Osmundsen:

- *Further explained determination process for redevelopment areas*

Vince Orlando:

- *Continued to explained requirements*

Motion to adjourn meeting – 7:07PM

1st: Committeeman Gandy

2nd: Committeeman Norris

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

Kimberly D. Osmundsen, Township Clerk

Minutes prepared by E. Bowman