

Cape May Court House, NJ  
June 22, 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. PROCLAMATION – STURDY SAVINGS BANK DAY – JUNE 26, 2022

*Mayor Donohue:*

- *Read proclamation; presented proclamation to Sturdy Saving's Bank representatives*

*Sturdy Bank Representative:*

- *Thanked Township for recognizing the bank for their 100<sup>th</sup> anniversary; thanked Committee for their support*

2. QUESTION/ANSWER PERIOD ON AGENDA *(This question-and-answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.)*

*Stan Doniger, Rio Grande:*

- *Asked about item 23 on the agenda*

*Mayor Donohue:*

- *Discussed EMS*

*Kimberly Osmundsen:*

- *Clarified what MTAC is*

*Mayor Donohue:*

- *Further discussed MTAC and their relationship with Inspira*

*Stan Doniger, Rio Grande:*

- *Continued to ask questions about MTAC and billing*

*Stan Doniger, Rio Grande:*

- *Asked about item 31 on the agenda*

*Kimberly Osmundsen:*

- *Explained it is a bonded item and Chief Financial Officers Certification process*

*Stan Doniger, Rio Grande:*

- *Further asked about bond and various other bonds*

*Mayor Donohue:*

- *Explained sewer utilities are paid by users*

*Stan Doniger, Rio Grande:*

- *Discussed tax concerns and cost for pump stations*

*Mayor Donohue:*

- *Continued to discuss sewer costs and fund allocation*

*Stan Doniger, Rio Grande:*

- *Continued to speak about misunderstanding of sewer costs*

*Stan Doniger, Rio Grande:*

- *Questioned item 17 on the agenda*

*Kimberly Osmundsen:*

- *Explained it has to do with paving*

*Stan Doniger, Rio Grande:*

- *Asked about costs*

*Vince Orlando:*

- *Discussed costs*

*Stan Doniger, Rio Grande:*

- *Asked about item 13 on the agenda*

*Kimberly Osmundsen:*

- *Began to explained annual license*

*Mayor Donohue:*

- *Clarified*

*Kimberly Osmundsen:*

- *Discussed definition of a short-term rental*

*Mayor Donohue:*

- *Further discussed license*

*Kimberly Osmundsen:*

- *Explained short-term rental statute*

*Stan Doniger, Rio Grande:*

- *Asked about item 9 on the agenda*

*Mayor Donohue:*

- *Discussed recreational dispensaries and process in determining the law and restrictions*

*Stan Doniger, Rio Grande:*

- *Asked about ordinances effects on medical marijuana businesses*

*Mayor Donohue:*

- *Stated it does not affect them*

*Dan Lockwood, CMCH:*

- *Asked about item 13 on the agenda*

*Kimberly Osmundsen*

- *Explained license fee and tax; further discussed both costs*

*Mayor Donohue:*

- *Gave background on short-term rental tax fees when first introduced by the state; gave thoughts on regulations of rental properties*

*Dan Lockwood, CMCH:*

- *Asked how fee was determined*

*Kimberly Osmundsen:*

- *Explained*

*Mayor Donohue*

- *Further explained work done with Air BnB*

*Dan Lockwood, CMCH:*

- *Discussed online rental systems and concerns with the ordinance*

*Kimberly Osmundsen:*

- *Discussed occupancy restrictions and unit costs within the ordinance*

*Dan Lockwood, CMCH:*

- *Spoke of hotel issues*

*Kimberly Osmundsen;*

- *Explained similar complaints received regarding residential renters*

*Mayor Donohue:*

- *Discussed potential liability with renters*

*Dawn Robinson, Burleigh:*

- *Asked about hotel/motel inspections*

*Kimberly Osmundsen:*

- *Explained inspection process*

*Dawn Robinson, Burleigh:*

- *Discussed experience with hotel/motels conditions*

*Kimberly Osmundsen:*

- *Stated she would provide her with numbers of the various inspection agencies*

*Dawn Robinson, Burleigh:*

- *Continued to discuss concerns*

*Mayor Donohue:*

- *Encouraged her to reach out to the County*

*Dawn Robinson, Burleigh:*

- *Continued to discuss concerns*

*Mayor Donohue:*

- *Spoke of meeting with County to discuss various issues*

*Committeeman Norris:*

- *Suggested having the guests document issues to present to the County and Board of Health*

*John Lauricella, Cape May Court House:*

- *Gave thoughts on item 13; asked about short term rental enforcement*

*Mayor Donohue;*

- *Discussed goal of ordinance*

3. RESOLUTION 277-22 – 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. \$547,782.69
4. RESOLUTION 278-22 – 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: 06/06/2022 Regular Meeting.
5. REPORTS: NONE

6. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1648-22 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.
- 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 a 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

*Mayor Donohue:*

- *Explained purpose of redevelopment ordinances*

7. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1649-22 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.

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

8. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1650-22 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.

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.

9. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1651-22 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.

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 various types of marketplace classes/ category cannabis 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.

10. 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 – Following second reading, hearing, and consideration for adoption, Ordinance 1652-22 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.

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
(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



<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(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 ("HVAC")</u> - 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.

*Mayor Donohue:*

- *Explained what costs from the Bond will go towards*

*Stan Doniger, Rio Grande:*

- *Asked about costs associated with Public Works*

*Kimberly Osmundsen:*

- *Explained the costs are for underground piping*

*Stan Doniger, Rio Grande:*

- *Asked what process was taken prior to this equipment*

*Kimberly Osmundsen:*

- *Explained previous processes used*

*Stan Doniger, Rio Grande:*

- *Asked about e-ticket software*

*Kimberly Osmundsen:*

- *Explained the software is for the Police Department*

*Leutenant Tracy Super:*

- Explained what the software is used for  
Stan Doniger, Rio Grande:  
- Asked about the Police Department's proposed drone

Mayor Donohue:

- Explained reason for determining need for a drone

Stan Doniger, Rio Grande:

- Asked if other municipalities have them

Mayor Donohue:

- Stated yes

Kimberly Osmundsen:

- Explained difficult areas in the Township for officers to trek through

Stan Doniger, Rio Grande:

- Asked who has the authority to use the drone

Kimberly Osmundsen:

- Explained Chief Leusner would determine that

11. 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 - Following second reading, hearing, and consideration for adoption, Ordinance 1653-22 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.

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.

*Mayor Donohue:*

- *Explained current cannabis license allowance and purpose of the ordinance*

12. ORDINANCE NO. 1654-22 AN ORDINANCE REPEALING ORDINANCE NO.1032-99 AND DISSOLVING THE MUNICIPAL ETHICS BOARD - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1654-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/18/2022 at 6:00 p.m.

WHEREAS, the Township of Middle, in February of 1999, adopted Ordinance No.: 1032-99, which established a Municipal Ethics Board in accordance with the provisions of N.J.S.A. 40A:9-22.19.

WHEREAS, the Township Committee, having considered the utility of said Board since its date of inception, has determined the State of New Jersey State Ethics Commission fulfills the same function and affords the same resources to Township residents.

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

SECTION 1.

Ordinance No.: 1032-99, which established the Township's Municipal Ethics Board, is hereby repealed.

SECTION 2. Preservation of Records

Pursuant to N.J.S.A. 40A:9-22.25, all statements, complaints, requests or other written materials and any rulings, opinions, judgments, transcripts or other official papers prepared by the Municipal Ethics Board shall be preserved for a period of at least five (5) years from the date of filing or preparation, as the case may be. The Township Clerk shall identify and preserve such records, if any, for a term consistent with the statute even after the dissolution of the Board.

SECTION 3.

A copy of this Ordinance shall be placed on file with the Township Clerk.

SECTION 4.

Notice of the adoption of this Ordinance shall be published in a newspaper of general circulation in the Township of Middle and a newspaper of general circulation in Cape May County.

SECTION 5.

All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 6.

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 7.

This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

13. ORDINANCE NO. 1655-22 – AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 222, ESTABLISHING REGISTRATION REQUIREMENTS FOR SHORT-TERM RENTALS - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1655-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/18/2022 at 6:00 p.m.

WHEREAS, the Township Committee of the Township of Middle seeks to regulate short term rental use of certain legally permitted dwelling units through the Township in order to promote tourism and economic vitality in the Township, and

WHEREAS, short term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy, promoting travel and tourism and supporting the local tourism industry and business community, and

WHEREAS, short term rental of homes can provide homeowners an opportunity to maintain ownership of property in difficult economic circumstances, and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals, and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the following Code be amended as described below:

SECTION 1. Chapter 222, Taxation, be amended and supplemented in order to establish a new section to be known as "Short Term Rental/ Rental of Transient Accommodations," (Section V) as follows:

ARTICLE V, Short Term Rental / Rental of Transient Accommodations

**A. Purpose.**

The Township Committee of the Township of Middle finds and declares that the short-term rental of limited residential dwelling units within the Township benefits the local community by affording owners of such units the ability to garner additional income from their real property (also referenced as "property") in order to diminish the financial burden of carrying costs and maintenance expenses related to the property, as well as providing travelers with an alternative option for accommodations in the Township. Notwithstanding those benefits, the Township Committee also finds and declares that certain transitory uses of residential property

tend to affect the residential character of the community and, if unregulated, can be injurious to the health, safety, and welfare of the community.

The intended purposes of this Section are to a) balance the rights of the owners of residential dwelling units proposed for short-term rental use and the Township's business community affected by the allowance and existence of short-term rentals; b) protect the public health, safety and general welfare of individuals and the community at large; c) provide for an organized and reasonable process for the short-term rental of certain defined classifications of residential dwelling units in the Municipality; d) monitor and provide a reasonable means for mitigation of impacts created by such transitory uses of residential properties within the Municipality of Middle; e) preserve and protect the long-term housing market stock in the Township; f) implement rationally based and reasonably tailored regulations to protect the integrity of the Townships residential neighborhoods, and g) ensure that the short-term rental property inventory in the Township satisfies basic property maintenance standards, in order to protect the safety of occupants and the citizens of the Municipality.

The Middle Township Committee has therefore determined that it shall be unlawful for any owner of any property within the geographic bounds of the Township of Middle, New Jersey, to rent or operate a short-term rental contrary to the procedures and regulations established in this Section, or applicable State statute.

Therefore, all residential housing units, dwelling units, rooms or other spaces which are occupied on a transient rental basis shall obtain a short-term rental license prior to the first occupancy of the year for that unit.

#### **B. Authority.**

In accordance with New Jersey law, a municipality may make and enforce within its limits all ordinances and regulations not in conflict with general laws, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and it inhabits. The Township of Middle hereby adopts the within Ordinance in accordance with said authority.

#### **C. Definitions.**

As used in this Section, the following terms shall have meanings indicated below:

Application Fee shall mean the fee charged by the Township for the initial application and renewal fee for the Short-Term Rental License.

Nuisance Property shall mean any property that has been determined as violating the Middle Township Code or this through excessive qualifying calls for services, substantiated complaints, or for violations of the Chapter.

Occupancy Load shall mean the numbers of persons permitted in a short-term rental property, based upon an inspection completed in compliance with the International Property Maintenance Code, IPMC, and shall be capped at 16 occupants, regardless of the number of bedrooms.

Owner shall mean an individual or entity holding title to a property proposed for short-term rental, by way of a legally recorded Deed

Professionally Managed Unit shall mean a professionally managed unit that is a room, group of rooms, or other living or sleeping space for the lodging of occupants in New Jersey, that is offered for rent as a rental unit that does not share any living or sleeping space with any other rental unit, and that is directly or indirectly owned or controlled by a person offering three or more units for rent during the calendar year. An owner who offers three or more units for rent in New Jersey and who directly rents (such as through classified ads in newspapers or websites, personal referrals, signage, etc.) continues to be required to collect Sales Tax, the State Occupancy Fee, and other applicable taxes and fees because the transient accommodation is a professionally managed unit.

Property shall mean a parcel of real property located within the boundaries of the Township of Middle, New Jersey.

Real Estate Broker shall mean rentals transactions that are executed by a licensed New Jersey real estate broker are not subject to any of the applicable taxes and fees imposed on transient accommodations. "Executed by a real estate broker" means that the real estate broker performs all the services necessary to carry out the rental. For example, a real estate broker advertises the rental listing, solicits renters, assists in referrals, negotiates and executes rental agreements, collects rent, etc. See N.J.S.A. 45:15-3. The rental is excluded from the definition of "transient accommodation" and is not subject to Sales Tax, the State Occupancy Fee, or any other occupancy tax, assessment, or fee when the following four criteria are satisfied:

- The rental is executed by a real estate broker licensed by the New Jersey Real Estate Commission; and
- The keys or other means of physical entrance to the property are provided to the renter at the location of the offsite real estate broker; and
- The rental property is private residential property; and
- No common hotel services such as maid service, room service, or linen-changing service are provided.

Responsible Party shall mean both the short-term rental property owner and a person (Property Manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of the occupants of the short-term rental property, and, in the case of the property manager, to accept services of legal process on behalf of the owner of the short-term rental property.

Short-Term Rental (also referenced as "STR") shall mean the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of less than ninety (90) consecutive days. The dwelling unit can be rented to short-term renters throughout the licensed period (one year).

Short-Term Rental Property (also referenced as “STRP”) shall mean a residential dwelling unit as defined in the Code of the Municipality, that is used/or advertised for rent as a short-term rental by transient occupants as guests, as those terms are defined in this Section.

Short-Term Rental Property Agent shall mean any New Jersey Licensed real estate agent or other person designated and charged by the owner of s short-term rental property, with the STR application to the Township on behalf of the owner, and fulfilling all of the obligations in connection with completion of the short-term rental property license application process on behalf of the owner. Such person shall be available for, responsive to contact on behalf of, the owner, at all times.

Transient Occupant shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, (2) satisfies the definition of a short-term rental property, as such term is defined in this Section.

Transient Space Marketplace shall mean when a rental is “obtained through a transient space marketplace” where the agreement for the rental is made through the marketplace or travel agency and where payment for the accommodation is made through a means provided by the marketplace or travel agency, regardless of who receives the payment. Transient space marketplaces will continue to collect Sales Tax, the State Occupancy Fee, and other applicable taxes and fees imposed on a transient accommodation when the rental is “obtained through a transient space marketplace.”

**D. Process for application and license issuance.**

Upon receipt of an application fee, a thorough review of documents will occur to ensure the required documents are provided, current and accurate. Additionally, a thorough physical inspection within accordance with the International Property Maintenance Code (hereinafter, “IPMC”) will be conducted for the completed (and approved) the annual license fee must be submitted. When payment is received, the short-term rental license shall be issued.

The fee schedule for short-term rentals shall be as follows:

Annual License Fee \$250.00 per unit/rental

**E. Regulations Pertaining to Short-Term Rentals.**

- a. It shall be unlawful for any owner of any property within the geographic bounds of the Township of Middle, New Jersey, to rent or operate a short-term rental contrary to the procedures and regulations established in this Section or applicable State statute.
- b. Short-term rentals shall be permitted to be conducted in the following classifications of property in the Municipality of Middle Township:
  1. Condominium units, where the Condominium Association By- Laws or Master Deed permit a short-term rental;
  2. Single-family residences;
  3. Multi-family residential dwelling;
- c. Notwithstanding the provisions of sub-paragraph (b) above, short-term rentals shall not be permitted in boarding or rooming houses, dormitories, foster homes, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes. Further, short-term rental of the following properties is prohibited:
  1. Condominiums or townhomes, where the Condominium Association By- Laws or Master Deed, or Condominium Rules and Regulations, do not permit such short-term rental of condominium units in the development;

**F. Short-Term Rental License, Application, and Certificate of Occupancy.**

- a. In addition to any land use requirement(s) set forth by the Township of Middle Land Use Regulations, the owner/operator of a short-term rental property shall obtain a short-term rental license from the Township of Middle and register with each applicable Bureau of Fire Prevention before renting or advertising for rent any short-term rental.
- b. The failure to obtain a valid STR license prior to operating or advertising the short-term rental property in any print, digital, or internet advertisement or web-based platform, and/or in the MLS or any realtor’s property listing shall be a violation of this Ordinance.
- c. o STR license issued under this Section may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued.
- d. An owner of property intended to serve as a short-term rental property, as defined herein, or any agent acting on behalf of the owner, shall submit to the Township of Middle a short-term rental license application provided by the Township of Middle, along with an application and registration fee. Said fee shall be non-refundable, including in the event that the application is denied.
- e. The short-term rental license, if granted shall be valid for the year for which the applicant has applied, without proration.
- f. A short-term rental license and any required rental Certificate of Occupancy shall be renewed on an annual basis, by submitting a renewal application to the Municipal Clerk’s Office.
- g. The short-term rental license shall expire automatically when the short-term rental property changes ownership, and a new application will be required in the event that the new owner intends to use the property as a short-term rental property. A new application shall also be required for any-short-term rental that had its short-term rental license revoked or suspended. Fees charged to the owner shall not be prorated.

**G. Application Process for Short-Term Rental License and Inspections**

- a. Applicants for a short-term rental license shall submit, on an annual basis, an application for a short-term rental license to the Township of Middle. The application shall be furnished, under oath, on a form specified by the Township, accompanied by the non-refundable application fee as set forth in Subsection above. Such application shall include:
  1. The name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a license is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including address and telephone numbers for each of them.
  2. The address of the unit to be used as a short-term rental;
  3. If the owner is an LLC, Corporation or Partnership, the following information must be included: individual names of all members of the LLC, principals of corporation or partners in partnership; and
  4. A copy of the driver's license or State Identification Card of the owner of the short-term rental property;
  5. The name, address telephone number and email address of the short-term rental property responsible party/agent, which shall constitute his or her 7 day a week, 24 hour a day contact information;
  6. The owner's acknowledgement that he or she has received a copy of the Ordinance, has reviewed it, understands its requirements and certifies, under oath as to the accuracy of all information provided in the license application.
  7. The owner's acknowledgement that there is only one (1) on street parking space available to the premises. No other parking will be permitted, unless as designated by the Township. The owner shall certify that every effort will be made to avoid and/ or mitigate issues with on-street parking in the neighborhood in which the short-term rental is located, resulting from excessive vehicles generated by the short-term rental property, in order to avoid a shortage of parking for residents in surrounding neighborhoods; and
  8. The owner's agreement shall state that all renters of the short-term rental property will not be authorized to park vehicles on street neighborhood, parking spaces.
  9. The owner's agree to use his or her best efforts to assure that use of the premises by all transient occupants will not disrupt the neighborhood, and will not interfere with the rights of the neighboring property owners to the quiet enjoyment of their properties; and
  10. Any other information that this Chapter requires a property owner to provide to the Township in connection with an application for rental certificate of occupancy. The Construction Official or his designee shall have the authority to obtain additional information from the STRP owner/applicant or amend the license application to require additional information, as necessary, to achieve the objectives of this Chapter.
  11. Every application for a short-term rental license shall require annual inspections for the STRP's compliance with the Townships fire safety regulations and property maintenance code. In addition, each application is subject to review to verify the STRP's eligibility for use as a short-term rental and compliance with the regulation in this Section.
  12. For a condominium short-term rental license application, a letter of approval by the condominium association must be submitted with application.
  13. Every owner must comply with the Townships Land Use Regulations and Zoning Ordinance.
  14. A sworn statement shall be required that there have been no prior revocations or suspensions of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.
  15. Attached to and concurrent with submission of the license application described in this Section, the owner shall provide:
    1. Proof of the owner's Current ownership of the short-term rental unit;
    2. Proof of general liability insurance in a minimum amount of \$500,000.00 including coverage specific to short-term rental activity; and
    3. Written certificates from the short-term rental property agent and responsible party that they agree to preform all of the respective duties specified in this Section.

There shall be no conditional licenses. Upon review of documents according to the IPMC, the unit will receive either a pass or a fail for license. If unit receives a "fail" the owner must make all necessary improvements and call for a new inspection. Each additional inspection will be a charge of \$50 to the owner.

In no event shall a short-term rental property be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all short-term rentals executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the property during the term of the short-term rental. The primary occupant may have guests under the age of twenty-one (21) who will share occupy the property with them. Both the primary occupant executing the short-term rental agreement and the property owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the property is not occupied by at least one adult over the age of twenty-one, during the term of the short-term rental;

The owner of the short-term rental must maintain three years of records concerning rental occupancy, including the identity of all transient occupants who have occupied the property, which shall consist of names, ages, addresses and dates of occupancy, which shall be made available upon request of the Township.

#### **H. Issuance of License and Appeal Procedure**

- a. An application is submitted, complete with all required information and documentation and fees, the Municipal Clerk's Office, following any necessary investigation for compliance with this Section, shall either issue the short-term rental license, or issue a written denial of the license application (with the reasons for such denial being stated therein), with ten (10) business days.
- b. If denied, the applicant shall have ten (10) business days to appeal in writing to the Municipal Clerk.
- c. Within thirty (30) days thereafter, the Municipal Clerk or their designee shall hear and decide the appeal.

#### **I. Short-Term Rental Operational Requirements.**

- a. All short-term rentals must comply with all applicable rules, regulations and ordinances of the Township of Middle and all applicable rules, regulations and statutes of the State of New Jersey, including regulations governing such lodging uses as applicable. The STRP owner shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.
- b. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term rental property.
- c. Transient occupants of the STRP shall comply with all ordinances of the Township of Middle, including, but not limited to those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the Responsible Party and the Short-Term Rental Agent listed in the short-term rental license application, to the insurance of fines and/or penalties, and the possibility of the revocation or suspension of STRP license.
- d. If a property been determined to be a nuisance property, as defined in the Township Code, the Chief of Police may suspend the ability of the owner to rent the property. The owner will have ten (10) business days to appeal this determination in writing, by filing appeal with the Governing Body. Within thirty (30) days thereafter, the Chief of Police or his designee shall hear and decide on the appeal.
- e. The owner of a STRP shall post the following information in a prominent location within the short-term rental:
  - Owner name; is an entity, the name of a principal in the entity, and phone number for the owner (individual);
  1. The names and phone numbers for the Responsible Party and the Short-term Rental Agent (as those terms are defined in this Section;
  2. The phone numbers for the Middle Township Police Department, and the applicable Fire Department.
  3. Copy of the short-term rental license/ license.
  4. Trash and recycling pick-up day(s) and all applicable rules and regulations regarding trash disposal and recycling must be posted in a prominent location. The number of trash receptacles required for the STR unit will be based upon occupancy load of the property, and this will be determined prior to issuance of the STR license / license. Should the solid waste and recycle amounts be excessive (exceed normal levels) the owner may be required to retain a private waste hauler, if so a copy of the agreement will be required.
  5. Notification that a guest, Transient Occupant, the Short-Term Rental Property Agent, the Responsible Party or Owner may be cited or fined by the Township of Middle's Police Department or the Township Code Enforcement Department, and any applicable fire district for violations of, and in accordance with any applicable Ordinance(s) of the Township of Middle;
- f. In the event any complaints are received by the Middle Township Police Department or any other governing department regarding the short-term rental and/or the Transient Occupants in the STRP, and the owner of the STRP is unreachable or unresponsive, both the Responsible Party and the Short-Term Rental Agent listed in the short-term rental license application shall have the responsibility to take any action required to properly resolve such complaints, and shall be authorized by the STRP owner to do so.
- g. While a STRP is rented, the owner, the Short-Term Rental Agent, or the Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within one (1) hour of complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the Middle Township Police Department or neighbors, arising by virtue of the short-term rental of the property.
- h. Failure to make application for, and to obtain the issuance of, a short-term rental license prior to advertising the rental in print publications or newspapers, on any internet-based booking platforms, or online and/or in the MLS or-other real estate listing of a real estate agent licensed by the NJ Real Estate Commission, shall be equivalent to operation of the rental without a license, and shall constitute a violation of this Code, and will result in enforcement action and the issuance of a Summons, and may subject the rental owner, the Rental Agent, and the Responsible Party to issuance of fines and/ or penalties.
- i. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of the property may not apply for a short-term rental license, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STRP by the tenant. This short-term rental regulation shall supersede any conflicting provision in a private lease agreement pertaining sub-leasing of property, or any portion of the property. Violation of this Section will result in enforcement action against the tenant, the owner, the Rental Agent, and the Responsible Party, and will subject all such parties to the issuance of a Summons and levying of fines and/or penalties.
- j. The STRP owner must be current with all taxes assessed to the property prior to the issuance of a short-term rental license. In the event that any code violations have been issued by the Township relating to the STRP, a short-term rental license shall not be issued until such time as all violations are remedied.
- k. All fines or penalties issued by the Municipal Court of Middle Township for any past code violations relating to the STRP, including penalties for failure to appear in Court, must be satisfied in full prior to the issuance of a short-term rental license.
- l. Nothing in this Ordinance shall be read to prohibit or regulate in any way room sharing within a dwelling between related and otherwise consenting parties.

**J. Tax Established**



On and after August 9, 2019, rentals of transient accommodations are no longer subject to the Sales Tax, the State Occupancy Fee, and other applicable taxes and fees on occupancies, unless the rental is either obtained through a transient space marketplace (Air BnB, VRBO, Facebook Marketplace or similar online platform), which includes travel agency, or is considered to be a professionally managed unit, as defined in the new law.

The Township of Middle shall impose a tax upon any short-term rental of a qualified dwelling in the Township of Middle equal to 3% of the total rental fee, excluding any deposit or tax.

The short term rental occupancy tax shall be subject to collection by the listing agenda or online platform, if such property is listed in that manner, or by the individual/operator in conjunction with the submission of the Occupancy Tax Collection Report.

**K. Violations and Penalties.**

A violation of any provision of the within Section may subject the STRP owner, Transient Occupants(s), the Short-Term Property Rental Agent, and Responsible Party or their agents to fines assessed by the Court up to \$2,000.00 per violation, per day that the violation exists. These fines are in addition to violations of any other section of applicable chapters on the Township Code of the Township of Middle.

**ARTICLE VI, Section 222-25 Short Term Rental / Rental of Transient Accommodations**

Section 2. Any Ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

Section 3. If any part of this Ordinance is declared unconstitutional or illegal by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181 (b)

14. **ORDINANCE NO. 1656-22 AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 236 SECTION 49 SCHEDULE XXI, SECTION A, THEREOF, ENTITLED VEHICLES AND TRAFFIC "HANDICAPPED PARKING"** - On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, Ordinance No. 1656-22 passed first reading. Second reading, public hearing and consideration for adoption will be held on 07/18/2022 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 236-49 of the Code of the Township of Middle is hereby supplemented by the addition of the following:

NAME OF STREET	LOCATION
Between 11 N 6 <sup>th</sup> Street & 15 N 6 <sup>th</sup> Street (West Side of Street)	Between 11 N 6 <sup>th</sup> Street & 15 N 6 <sup>th</sup> Street (West Side of Street)

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.

15. **RESOLUTION 279-22 – APPROVAL FOR PAYMENT TERMINAL LEAVE – VARIOUS EMPLOYEES-** On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle entered into an agreement with the Inspira Medical Centers, Inc. for EMS services via Resolution 204-22; and

WHEREAS, the Township of Middle policy manual, the below Middle Township Emergency Medical Technicians are to be compensated for accumulated vacation, holiday and personal time;

WHEREAS, the Human Resources Department has provided sufficient documentation verifying the amount of time accumulated and the Finance Officer has certified that time; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May, State of New Jersey that payment be issued to the below employees in the amounts referenced:

EMPLOYEE NAME	PERSONAL HOURS	EMS HOLIDAY HOURS	VACATION HOURS	TOTAL
Kristen Davis	12.00	120.00	275.00	\$6,065.87
Walter Belles	12.00	66.00	208.00	\$4,262.50
Linda Brannon	12.00	60.00	124.50	\$2,928.61

16. RESOLUTION 280-22 – AUTHORIZING CREATION OF LIEN ON PROPERTY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, N.J.S.A. 40:48-2.13 authorizes the governing body of every municipality the power to make, enforce, amend and repeal ordinances requiring the owner or tenant of a dwelling or of lands lying within the municipality to provide for the removal or destruction of brush, weeds, debris, etc. constituting fire hazard or injurious to public health or safety and to provide for the imposition of penalties for the violation of any such ordinance; and

WHEREAS, N.J.S.A. 40:48-2.14 authorizes the municipality the right to place a lien against such dwelling or lands to provide for the cost of removing brush, weeds, debris, etc.; and

WHEREAS, the Township of Middle has adopted Ordinance No. 316-76 known as Article I of Chapter 193 of the Code of the Township of Middle “Property Maintenance;” and

WHEREAS, the Township of Middle has noticed the following property owners as indicated below and furthermore these violations had not been remedied; and

WHEREAS, in absence of compliance by said owners, the Township of Middle commenced and completed abatement of these violations; and

WHEREAS, the Code Enforcement Officer of the Township of Middle has certified the following cost as listed.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that it hereby imposes a lien on the properties listed below as indicated.

FURTHER RESOLVED, that a copy of this lien shall be filed in the Office of the Tax Collector of the Township of Middle.

OWNER	PROPERTY LOCATION	BLOCK // LOT	AMOUNT
Tobin, John F IV/J Tobin	53 Honeysuckle Lane	168 // 28	\$583.04
Gulf, Armace USA LLC	253 Indian Trail	472 // 99	\$547.64

17. RESOLUTION 281-22 THROUGH 283-22– APPROVAL TO SUBMIT A GRANT APPLICATION (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH

THE NEW JERSEY DEPARTMENT OF TRANSPORTATION– CHURCH ROAD

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-00261 to the New Jersey Department of Transportation on behalf of the Township of Middle to the New Jersey Department of Transportation on behalf of the Township of Middle.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(B) APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION– LINDEN LANE PHASE III

NOW THEREFORE BE IT RESOLVED, by the Township Committee, of the Township of Middle, County of Cape May and State of New Jersey, that the Governing Body of the Township of Middle formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-00285 to the New Jersey Department of Transportation on behalf of the Township of Middle to the New Jersey Department of Transportation on behalf of the Township of Middle.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant application on behalf of the Township of Middle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(c) AUTHORIZING THE TOWNSHIP OF MIDDLE TO APPLY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM THE STATE OF NEW JERSEY, DIVISION OF STATE POLICE, OFFICE OF EMERGENCY MANAGEMENT FY22 EMERGENCY MANAGEMENT AGENCY ASSISTANCE SUB-AWARD PROGRAM

WHEREAS, the Township of Middle, Office of Emergency Management, has been authorized to file an application for an Emergency Management Performance Grant from the New Jersey State Police Office of Emergency Management; and

WHEREAS, the EMAA (Emergency Management Agency Assistance) sub-award, consisting of a total amount of \$20,000.00, including \$10,000.00 Federal Award and \$10,000 Local Matching Funds, is for the purpose of enhancing Middle Township’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the EMAA sub-award application incorporates all conditions and representations contained or made in application, and

WHEREAS, the Township of Middle Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for the sub-award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for the sub-award calls for a match in the amount of \$10,000.00, which the Township of Middle, Office of Emergency Management will satisfy through the 2022 Township of Middle approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle hereby authorizes the application for the award of the FY 2022 Emergency Management Performance Grant in the amount of \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$10,000.00, once approved, from the New Jersey State Police, Office of Emergency Management in the like amount of \$10,000.00 from the aforementioned grant; and

BE IT FURTHER RESOLVED that the like sum of \$10,000.00 is hereby appropriated under the caption FY 2022 Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED that the Mayor, Chief Financial Officer and the Township Emergency Management Coordinator are authorized to sign the appropriate sub-award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; Cape May County Office of Emergency Management; the New Jersey Director of the Division of Local Government Services.

18. RESOLUTION 284-22 – AUTHORIZE MAYOR TO EXECUTE DISCHARGE OF MORTGAGE – On motion by Committeeman Norris seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May and State of New Jersey that the mortgage loan for Walter J. Olewnik and Gail Olewnik (Estate of Olewnik) for the property located at 109 Sunray Road, Del Haven, New Jersey in the amount of \$5,300.00 is hereby authorized to be discharged.

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

19. RESOLUTION 285-22 – AMENDING RESOLUTION 538-15 – AUTHORIZING THE SALE OF A HARLEY DAVIDSON POLICE MOTORCYCLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No. 538-15, dated December 7, 2015, authorized the sale of a Harley Davidson Police Motorcycle to the City of Wildwood; and

WHEREAS, it has been determined that the vehicle identification number referenced in said Resolution was incorrect.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution 538-15 is hereby amended to reflect the VIN # 1HD1FMW161Y353165.

20. RESOLUTION 286-22 – REJECT BIDS – OCKIE WISTING SITE IMPROVEMENTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, following public advertisement, proposals for Ockie Wisting Site Improvements were received by the Township of Middle on June 15, 2022 in the Middle Township Municipal Building, and

WHEREAS, the bids received exceed the budgeted amount for said project; and

WHEREAS, it appears to be in the best interest of the Township to reject all bids received.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle that the bids received on June 15, 2022 for proposals for Ockie Wisting Site Improvements are hereby rejected.

*Mayor Donohue:*

*- Explained process following the rejection of the bids*

21. RESOLUTION 287-22 THROUGH 292-22 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS (ITEMS A THROUGH F) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Ultra Artists LLC and the Township of Middle for the Coast 2 Coast Performance for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Ultra Artists LLC  
Coast 2 Coast – Summer Concert Series  
August 23, 2022

Not to exceed \$3,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

BE IT FURTHER RESOLVED, that this approval is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Municipal Joint Insurance Fund.

(B) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Ultra Artists LLC and the Township of Middle for the Legacy Performance for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Ultra Artists LLC  
Legacy – Summer Concert Series  
August 9, 2022  
Not to exceed \$3,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

BE IT FURTHER RESOLVED, that this approval is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Municipal Joint Insurance Fund.

(C) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Ultra Artists LLC and the Township of Middle for the Soul Cruiser Performance for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Ultra Artists LLC  
Soul Cruisers – Summer Concert Series  
July 26, 2022  
Not to exceed \$4,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

BE IT FURTHER RESOLVED, that this approval is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Municipal Joint Insurance Fund.

(D) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Big House Band Philly, LLC and the Township of Middle for their Performances for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes. FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Big House Band Philly, LLC – Summer Concert Series  
August 30, 2022  
Not to exceed \$2,500.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

(E) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Animal House and the Township of Middle for their Performances for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Animal House – Summer Concert Series  
August 16, 2022  
Not to exceed \$2,000.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

BE IT FURTHER RESOLVED, that this approval is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Municipal Joint Insurance Fund.

(F) NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Independence Day and the Township of Middle for their Performances for the Summer Concert Series, be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

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

Independence Day – Summer Concert Series  
July 19, 2022  
Not to exceed \$1,200.00

BE IT FURTHER RESOLVED, that in the event of a cancellation due to rain, inclement weather or conditions out of the control of the Township, both parties may agree on an alternate date for the performance.

BE IT FURTHER RESOLVED, that this approval is contingent upon obtaining any and all requirements and approvals as set forth by the Atlantic County Municipal Joint Insurance Fund.

22. RESOLUTION 293-22 – AUTHORIZING PURCHASE UNDER STATE CONTRACT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, there is a need to purchase four (4) 2022 Ford Utility Police Interceptors for use by the Township of Middle Police Department; and  
WHEREAS, through the State Contract Purchasing System, Contract #20-FLEET-01189 and Contract #17-FLEET-00748, these items are available; and  
WHEREAS, the total amount of the purchase for four (4) 2022 Ford Utility Police Interceptors is \$196,262.24 (\$49,065.56 each), and funds are available as evidenced by the Chief Financial Officer's Certification; and  
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Middle, State of New Jersey, County of Cape May that the appropriate officials are hereby authorized to purchase four (4) 2022 Ford Utility Police Interceptors as indicated above.  
FURTHER RESOLVED, that the Chief Finance Officer is hereby authorized and directed to approve and forward a Purchase Order to:  
Winner Ford – \$126,524.00  
Emergency Accessories and Installation – \$69,738.24

23. RESOLUTION 294-22 – AUTHORIZING DONATION OF SURPLUS VEHICLE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township of Middle wishes to donate the following vehicle to the Middle Township Ambulance Corp., and

WHEREAS, N.J.S.A 40A:12-21 permits the Township of Middle to donate the vehicles to the Ambulance Corp.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Middle that the donation of the following vehicle to the Middle Township Ambulance Corp. be and is hereby approved.

2005 Ford Expedition

VIN # 1FMPU16555LB01807

24. RESOLUTION 295-22 – RESCINDING RESOLUTION 233-22 – AWARD OF BID – CONTRACT #2021-01 – 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, Resolution No. 233-22 awarded housing rehabilitation contract #2021-01 to D D & S Construction LLC; and

WHEREAS, it has been determined by the contractor and homeowner that is in their best interest to terminate said contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that Resolution No. 233-22 is hereby rescinded and the award of contract connected therewith is cancelled.

25. RESOLUTION 296-22 – ACKNOWLEDGING ROAD CLOSURE – 19<sup>TH</sup> ANNUAL TRI THE WILDWOODS – On motion by \_\_\_\_\_ seconded by \_\_\_\_\_ and passed on roll call, the following resolution was adopted.

WHEREAS, DelMo Sports, Inc. is orchestrating a 1K/5K / Athletic / Bike Race / Marathon on August 27, 2022, and

WHEREAS, the applicant has completed the required Special Events Application, Hold Harmless Agreement and Insurance certifications for this event.

WHEREAS, said applicant has requested, which has been approved by the NJDOT, the use of the entire right lane for athletes (NORTH side of median) on Westbound State Highway 147 from the North Wildwood Border to the South Carolina jug handle. Cars will utilize the Eastbound lane of State Highway 147 (SOUTH side of Median). Cars coming South on US 147 will use the shoulder of the Eastbound lane and cars heading North on 147 will use the far-right hand lane. These vehicles heading North will get back onto 147 at the traffic light near Harbor Furniture. There will be cones dividing the opposing traffic.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, County of Cape May, State of New Jersey does hereby support the 19<sup>th</sup> Annual Tri the Wildwoods sponsored by DelMo Sports, Inc., and that the governing body does hereby understand and acknowledge the road closure as indicated above.

BE IT FURTHER RESOLVED, that the Middle Township Police Department has been notified of said event and has endorsed the closure.

26. RESOLUTION 297-22 – 2022-2023 HOTEL/MOTEL LICENSE APPROVAL – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

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

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

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

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

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

WHEREAS, said approval is contingent upon all applicable building, housing, health and safety codes and regulations as set forth by all appropriate local, county and state agencies, and as outlined in Chapter 222-22 of the Code of the Township of Middle; and

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

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

LIC. #	APPLICANT	TRADENAME	LOCATION	SITES
1	Avani, LLC	Catalina Motel	1200 Georgia Avenue	11 + Manager Apt.
8	Shree Khodiar, LLC	Simpson Motel	1507 Route 47 South	19 + House
25	Avani, LLC	Wildwood Park Motel	405 North Wildwood Road	13

27. RESOLUTION 298-22 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	DEPARTMENT	POSITION	EFFECTIVE
Joseph Dramis	Public Works	Laborer 1	06/24/2022
Andrea Singley	Clerk / Admin	Deputy Township Clerk	07/08/2022

28. RESOLUTION 299-22 – PROMOTIONAL TITLE CHANGE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following employee is hereby promoted to the civil service title opposite their name:

NAME	DEPARTMENT	TITLE	EFFECTIVE
Suzanne Schumann	Administration / Clerk	Clerk 2*	05/10/2022

\*CS Title

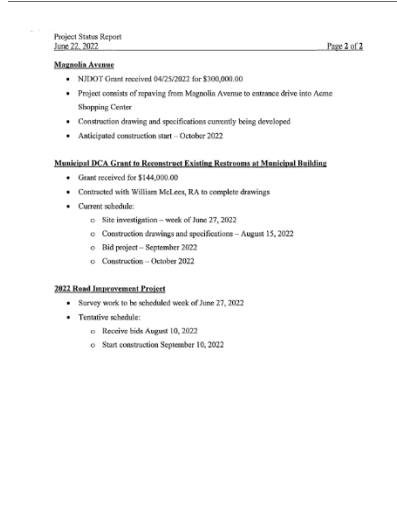
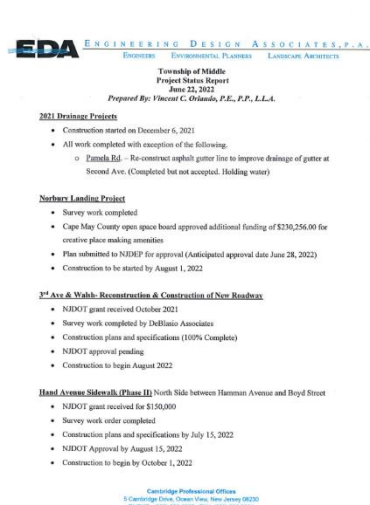
29. RESOLUTION 300-22 – APPOINTMENTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that the following persons be and are hereby appointed to the positions for the term of office opposite their names:

NAME	OFFICE	POSITION	EFFECTIVE	STIPEND / SALARY
Emily Bartleson	Clerk / Administration	Deputy Township Clerk / Deputy Registrar of Vital Statistics	07/08/2022	\$50,000.00
Emily Bartleson	Clerk / Administration	Secretary – Board of Health	07/08/2022	\$850.00
Suzanne Schumann	Clerk/ Administration	Registrar of Vital Statistics	07/08/2022	\$74,000.00

30. ENGINEERING REPORT:

*Vince Orlando:*

- Reviewed report presented to Committee:



31. PUBLIC COMMENT:

*Dawn Robinson, Burleigh:*

- *Asked about promotional title change*

*Kimberly Osmundsen:*

- *Discussed purpose of title change*

*Dawn Robinson, Burleigh:*

- *Spoke of concern of over grown trees on her street*

*Kimberly Osmundsen:*

- *Discussed areas*

*Dawn Robinson, Burleigh:*

- *Spoke of tree cutting*

*Kimberly Osmundsen:*

- *Continued to explain restrictions of cutting trees*

*Dawn Robinson, Burleigh:*

- *Continued to discuss concerns*

*Stan Doniger, Rio Grande:*

- *Asked about paving of Railroad Avenue*

*Kimberly Osmundsen:*

- *Spoke of County Road project*

*Stan Doniger, Rio Grande:*

- *Discussed School Board approval of onsite officers*

*Mayor Donohue:*

- *Explained discussions with chief and commitment to being prepared*

*Lieutenant Super:*

- *Explained increased security measures being put in place; further discussed department training*

COMMITTEE COMMENTS:

*Committeeman Norris:*

- *Discussed upcoming lacrosse camp; spoke of beginning of flag football league; thanked all parents that volunteer*
- *Discussed July 4<sup>th</sup> celebration at Goshen Complex*
- *Commented on the beginning of the Summer Concert Series;*
- *Discussed baseball and softball tournament*
- *Spoke of opening and completion of final section of the bike path; thanked all involved in the project over the years*
- *Commented on the re-asphalting of the Basketball at the MLK Center*

*Committeeman Gandy*

- *Stated the construction and zoning office had been extremely busy; explained Public Works Department is always hiring*

*Mayor Donohue:*

- *Apologized for no making it to the high school graduation; congratulated all graduates*
- *Discussed large impact agenda that took years and months of work;*
- *Spoke of work session discussion about center designations; gave brief update on the designations; thanked all involved in the project*
- *Reminded everyone about the 4<sup>th</sup> of July celebration at Goshen Complex*

Motion to adjourn meeting – 7:28 PM

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

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

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Kimberly D. Osmundsen, Township Clerk