

Cape May Court House, NJ  
July 18, 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, Committee member Norris, Township Clerk/Business Administrator Kimberly Osmundsen, Deputy Township Clerk Emily Bartleson, Deputy Business Administrator Suzanne Schumann, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. PRESENTATION BY MAYOR AND COMMITTEE – JULY EMPLOYEE OF THE MONTH – DOMINIC CARABALLO

*Mayor Donohue:*

- *Discussed hard work done by the Recreation Team*

*Committeeman Norris:*

- *Spoke of Dominic's outgoing demeanor and personal encounters with him; discussed hard work done by Dominic; thanked him for everything he has done*

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.*)

NONE

3. RESOLUTION 314-22 – 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. \$899,407.26

4. RESOLUTION 315-22 – 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: 07/06/2022 Regular Meetings.

5. REPORTS: Clerk for the month of June; Zoning for the month of June

6. ORDINANCE NO. 1654-22 – AN ORDINANCE REPEALING ORDINANCE NO. 1032-99 AND DISSOLVING THE MUNICIPAL ETHICS BOARD – Following second reading, hearing, and consideration for adoption, Ordinance 1654-22 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, 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.

*Mayor Donohue:*

*- Gave reasoning for dissolution of the board*

7. ORDINANCE NO. 1655-22 – AN ORDINANCE TO AMEND TO THE CODE OF THE TOWNSHIP OF MIDDLE, CHAPTER 222, ESTABLISHING REGISTRATION REQUIREMENTS FOR SHORT-TERM RENTALS – Following second reading, hearing, and consideration for adoption, Ordinance 1654-22 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 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 proper 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. No 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 owners 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 perform 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:
  1. Owner name; is an entity, the name of a principal in the entity, and phone number for the owner (individual);
  2. The names and phone numbers for the Responsible Party and the Short-term Rental Agent (as those terms are defined in this Section);
  3. The phone numbers for the Middle Township Police Department, and the applicable Fire Department.
  4. Copy of the short-term rental license/ license.
  5. 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.
  6. 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 in 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 a 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 \$1,250.00 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)

*Dan Lockwood, CMCH:*

- *Discussed personal Air BnBs; asked Marc Karavan how dwelling is defined*

*Marc Karavan:*

- *Gave definition of a dwelling as it pertains to the ordinance*

*Dan Lockwood:*

- *Discussed Planning Board portion of the establishment of this ordinance*

*Mayor Donohue:*

- *Further discussed area in the ordinance regarding dwellings*

*Dan Lockwood, CMCH:*

- *Asked about hotels using Air BnBs*

*Kimberly Osmundsen:*

- *Explained hotels are already being licensed and taxed*

*Mayor Donohue:*

- *Explained rental clarification other towns have run into explained the ordinance is to begin the process*

*Debbie Mooerss, Grassy Sounds:*

- Spoke of support of the air BnB Registrations; asked about mercantile licensing
- Mayor Donohue:
- Discussed history of the Township not having mercantile licensing; stated he was in favor of mercantile licensing; continued to comment on past discussions to establish mercantile licensing

Debbie Moores, Grassy Sounds:

- Continued to discuss support of mercantile licensing

Mary Ann Alulis, CMCH:

- Asked about inspections

Kimberly Osmundsen:

- Discussed inspection process

8. 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” – Following second reading, hearing, and consideration for adoption, Ordinance 1656-22 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, 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 (East Side)	Between 11 N 6 <sup>th</sup> Street & 15 N 6 <sup>th</sup> Street (East Side)

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.

9. RESOLUTION 316-22 – APPOINTMENTS – NEW HIRES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Joseph Clark	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/11/2022
Timothy Kincade	Public Works	Laborer 1 F/T T/A (6 months)	\$15.00 per hour	07/13/2022
John McCann	Public Works	Laborer 1 F/T Permanent	\$35,000.00	07/18/2022

10. RESOLUTION 317-22 – APPROVE LEAVE OF ABSENCE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the Leave of Absence without pay for Ashley Vitelli, from July 18, 2022 through August 1, 2022 is hereby approved.

11. RESOLUTION 318-22 – DISCONTINUATION OF APPOINTMENT – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following appointments as volunteers on the Rent Leveling Board are hereby discontinued due to lack of attendance:

EMPLOYEE	DEPARTMENT/BOARD	POSITION	EFFECTIVE
Heather Davis	Rent Leveling Board	Member at Large	07/18/2022
Scott Davis	Rent Leveling Board	Sr. Alt. Member at Large	07/18/2022

12. RESOLUTION 319-22 – AUTHORIZING CREATION OF LIEN OF 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
Crawford, Mildred J Trustee	201 Pershing Ave	980 // 1	\$583.04

13. RESOLUTION 320-22 – SOCIAL AFFAIRS PERMIT – CAPE MAY COUNTY CHAMBER OF COMMERCE EDUCATION FOUNDATION INC. – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Cape May County Chamber of Commerce Education Foundation Inc. has applied for approval to sell alcoholic beverages at an event to be held at Kindle Auto Plaza, 525 Stone Harbor Boulevard, Cape May Court House, New Jersey 08210 on October 1, 2022 from 11:00am until 6:00pm; and

WHEREAS, they have provided proper documentation to the Township of Middle.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby approve the Social Affairs Permit.

14. RESOLUTION 321-22 – REFUND OF SEWER – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Sewer Payment was made via ACH for the below referenced property; and

WHEREAS, said property has since been sold resulting in a need to refund the former owner;

ACCT	BLOCK	LOT	OWNER/LOCATION	2022
13773	1410.01	20	Mc Devitt, Sean 906 Blake Drive Mays Landing, NJ 08330	\$160.00
			Property location: 710 Rte 47 S	

BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, that the Chief Financial Officer be instructed to draw check in the above noted amounts payable to the above-mentioned party, as a refund of 2022 sewer.

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

15. RESOLUTION 322-22 – DENY APPLICATION FOR STREET VACATION – JENKINS AVENUE – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Edwin F. Stites and Sandra L. Stites have requested, by application, a street vacation of Jenkins Avenue as described on Block 309 Lots 3.01, 3.02, and Lot 3.03, and

WHEREAS, after review by Township officials said vacation has been deemed unfeasible for reasons set forth that if pursued would prevent access of sewer to the various lots located within the referenced right-of-way.

NOW THEREFORE BE IT RESOLVED, that the request for street vacation for Jenkins Avenue by Edwin F. Stites and Sandra L. Stites has hereby been denied.

16. RESOLUTION 323-22 – ENDORSING THE TOWNSHIP OF MIDDLE’S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center on January 19, 2022, intended to establish the Township’s affordable housing obligations and identify the mechanisms through which the Township will provide for its regional fair share of housing for low- and moderate-income households in an action captioned: In the Matter of the Township of Middle, Cape May County Docket No. CPM-L-27-19; and



WHEREAS, the Settlement Agreement was approved by the Court on March 25, 2022; and  
 WHEREAS, on May 10, 2022, at its regular public meeting, the Middle Township Planning Board held a public hearing and then adopted a Third Round Housing Plan Element and Fair Share Plan as an element of the municipal Master Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. and the New Jersey Fair Housing Act of 1985; and  
 WHEREAS, the Housing Plan Element and Fair Share Plan addresses the Township’s present need (rehabilitation), prior rounds, and third round fair share obligations in accordance with the terms and conditions of the Court approved Settlement Agreement; and  
 WHEREAS, Middle Township remains committed to complying with its constitutional Mount Laurel obligations by voluntarily providing its fair share of affordable housing; and  
 WHEREAS, the Township Committee has reviewed the Housing Plan Element and Fair Share Plan as adopted by the Planning Board; and  
 NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Middle, the governing body thereof, hereby endorses the Housing Plan Element and Fair Share Plan as adopted by the Planning Board on May 10, 2022; and  
 BE IT FURTHER RESOLVED, that the Township Committee of the Township of Middle hereby authorizes its professionals and staff to take any an all-reasonable action necessary to secure approval of the Township’s Housing Plan Element and Fair Share Plan and to maintain the Township’s immunity from any affordable housing builder’s remedy lawsuits.

17. RESOLUTION 324-22 THROUGH 325-22 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH B) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2022 in the sum of:

FY2022 Clean Communities Grant	\$57,508.57
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BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

FY2022 Clean Communities Grant	\$57,508.57
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(B) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2022 in the sum of:

FY2022 Magnolia Drive Roadway Preservation	\$300,000.00
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BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

FY2022 Magnolia Drive Roadway Preservation	\$300,000.00
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18. RESOLUTION 326-22 – AMENDING RESOLUTION 310-22 – PUBLIC SALE OF LAND – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, Resolution No 310-22 approved July 6, 2022 listed certain real property not needed for public use, listed in Schedule “A” for the land sale scheduled for September 14, 2022 at 10:00 a.m.; and

WHEREAS, it has been deemed necessary to amend the original “Schedule A” annexed hereto as follows; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Resolution 310-22 is hereby amended.

LOCATION	BLOCK / LOT (LEAD LOT)	ADDIT. LOTS	MINIMUM BID AMOUNT
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755 Goshen Road (28.62)	52/21	Lot 22,18	\$80,000
3 Leslie Ave	64/3		\$16,300
21 Oak View Rd	167.04/1		\$18,700
202 E Atlantic Ave	264/1		\$13,100
800 Spaulding St	553/1	552/1	\$26,900
1306 Fulton Street	702/6	Lots 7,8	\$37,300
302 & 308 Gibbs St	886/1.01	Lot 1.02	\$35,100
515 Langston St	908/1.01		\$3,400
W Lena St	931/1		\$12,300
W Lena St	931/3		\$6,100
W Dunbar St	934/3	Lots 4,5,7,8	\$7,100
114 W Main Street	935/13	Lot 14	\$117,300
210 S George St	944/10	Lots 11,12	\$80,400
Sulloway St	955/12		\$5,600
Reeves St	965/2		\$7,500
Washington St	968/4	Lots 3,5	\$24,700
14 E Wiley St	1031/12	Lot 11	\$100,300
21 E Wiley St	1041/7		\$10,100
E Anna St	1042/6		\$4,000
104 E Anna St	1042/9		\$10,100
5 W Anna St	1047/1		\$12,000
<b>57 Cochran St</b>	<b>1058/20</b>	<b>Lot 21</b>	<b>\$10,200</b>
Virginia Avenue	1071/6	5	\$14,500
Wildwood Ave	1086/3	Lots 1,2	\$13,900

19. RESOLUTION 327-22 – AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEE – ALLAN ROBSON – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.  
WHEREAS, the Zoning Board of Adjustment of the Township of Middle approved Application No. 211105 submitted by Allan Robson with respect to property located at Block, 1414.01, Lot 14, otherwise known as 1062 Route 47, Rio Grande on the tax map of the Township of Middle; and  
WHEREAS, by letter dated May 26, 2022 the Township Engineer provided an estimate of the necessary performance guarantees and other fees required for the proposed development of the project in accordance with Chapter 218 Article 56 of the Code of the Township of Middle; and  
WHEREAS, the Developer has posted the performance bond #66285363 as recommended by the Township Engineer in the amount of \$40,000, issued by Western Surety Company.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee, in the Township of Middle, does hereby authorize and direct the Township's Zoning Department to accept the aforementioned performance guarantee posted by the developer.

20. ENGINEERING REPORT:

*Vince Orlando:*

- *Reviewed report presented to Committee*



**2021 Drainage Projects**

- Construction started on December 6, 2021
- All work completed with exception of the following.
  - Pamela Rd. – Re-construct asphalt gutter line to improve drainage of gutter at Second Ave. (Completed but not accepted. Holding water)

**Norbury Landing Project**

- Survey work completed
- Cape May County open space board approved additional funding of \$230,256.00 for creative place making amenities
- CAFRA plan approved by NJDEP
- NJDEP permit requires no construction from April 1<sup>st</sup> through August 31<sup>st</sup>
- Construction drawings completed except for railing detail
- Submission to DCA required
- Project to be bid in August
- Construction to begin October 2022

**3<sup>rd</sup> Ave & Walsh- Reconstruction & Construction of New Roadway**

- NJDOT grant received October 2021
- Survey work completed by DeBlasio Associates
- Construction plans and specifications (100% Complete)
- NJDOT approval pending
- Construction to begin August/September 2022

**Hand Avenue Sidewalk (Phase II) North Side between Hamman Avenue and Boyd Street**

- NJDOT grant received for \$150,000
- Survey work order completed
- Construction plans and specifications (100% completed)
- NJDOT Approval pending
- Construction to begin by October 1, 2022

Cambridge Professional Offices  
5 Cambridge Drive, Ocean View, New Jersey 08230

Project Status Report  
July 18, 2022

Page 2 of 2

**Magnolia Avenue**

- NJDOT Grant received 04/25/2022 for \$300,000.00
- Project consists of repaving from Magnolia Avenue to entrance drive into Acme Shopping Center
- Construction drawing and specifications currently being developed
- Anticipated construction start – October 2022

**Municipal DCA Grant to Reconstruct Existing Restrooms at Municipal Building**

- Grant received for \$144,000.00
- Contracted with William McLees, RA to complete drawings
- Current schedule:
  - Site investigation – completed
  - Concept plan to be provided by July 22, 2022
  - Construction drawings and specifications – August 15, 2022
  - Submission to DCA August 15, 2022
  - Bid project – September 2022
  - Construction – October 2022

**2022 Road Improvement Project**

- Survey work completed
- Construction drawings and specifications by July 25<sup>th</sup>
- Tentative schedule:
  - Receive bids August 10, 2022
  - Start construction September 10, 2022

FINAL/MIDDLE/GENERAL/PROJSTATUS 07-18-22

*Mayor Donohue:*

- *Discussed beginning of county road projects; suggested inviting County to August work session for a project update*

21. PUBLIC COMMENT:

*Mary Ann Alulis, CMCH:*

- *Thanked the Township of the trimming of the Bike Path*

*Sam Kelly, Swainton:*

- *Read prepared speech regarding meeting with Vince Orlando about Stone Harbor Golf Course Development*

*Mayor Donohue:*

- *Asked about municipal code regarding neighborhood*

*Vince Orlando:*

- *Explained thoughts on the development; further discussed drainage plans; commented on Mr. Kelly's concerns with the drainage and septic*

**COMMITTEE COMMENTS:**

*Committeeman Norris:*

- *Discussed excitement of Del Haven residents for Norbury Landing*
- *Spoke of baseball tryouts beginning*
- *Commented on Phoenix program*
- *Discussed beginning of wrestling program to teach children the sport*
- *Gave updates on the next few bands for the summer concert series*
- *Explained Harvest Festival planning had begun*

*Committeeman Gandy:*

- *Stated he was looking forward to the Summer Concert Series*
- *Spoke of new hires for public works*
- *Discussed Zoning Office*

*Mayor Donohue:*

- *Spoke of ribbon cutting for Piece of Cake; encourage residents to go try it out*
- *Reminded everyone of National Night Out on August 2<sup>nd</sup> at the Goshen Sports Complex*
- *Discussed beginning of various county road projects*
- *Spoke of previous ordinance Allowing one recreational cannabis business*

Motion to adjourn meeting – 6:36 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

Minutes prepared by E. Bartleson